

American Federation of Labor and Congress of Industrial Organizations



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Responding to AFL-CIO, UFCW Lawsuit, Bush Administration Agrees to Issue Safety Equipment Rule for Employees

AFL-CIO, UFCW lawsuit ends eight year wait for OSHA safety rule

(Washington, March 16) ---In response to a lawsuit filed by the AFL-CIO and the United Food and Commercial Workers International Union (UFCW), the Bush Administration has agreed to issue a final rule on employer payment for personal protective equipment (PPE) for employees. In 1999, the Occupational Safety and Health Administration (OSHA) first proposed a PPE rule that would require employers to pay the costs of protective clothing, lifelines, face shields, gloves and other equipment used by an estimated 20 million workers to protect them from job hazards.

“We applaud the decision to finally issue a final rule on employer payment for their employees’ protective equipment,” said AFL-CIO President John Sweeney. “This rulemaking has taken far too long. We will be monitoring the Department of Labor’s actions to make sure they honor this commitment and issue a strong, protective rule.”

On January 3, 2007, the AFL-CIO and UFCW filed a lawsuit against the Bush Administration over its failure to finalize the payment for PPE rule. The court ordered the Bush Administration to respond to the lawsuit by March 19. On March 14, the Secretary of Labor filed papers with the court committing to issue a final rule in November 2007.

“This is a victory for workers who have suffered needlessly while awaiting action by the Bush Administration,” said Joe Hansen, UFCW International President. “According to OSHA’s own estimates, 400,000 workers have been injured and 50 have died while the rule has been in limbo. We expect a strong final rule this November.”

Workers in the meatpacking, poultry and construction industries, and low-wage and immigrant workers are most vulnerable to injury.

The rule was first announced in 1997 and proposed in 1999 by OSHA after a ruling by the Occupational Safety and Health Review Commission that OSHA’s existing PPE

standard could not be interpreted to require employers to pay for protective equipment. The rule proposed in 1999 did not impose any new obligations on employers to provide safety equipment; it simply codified OSHA's policy that employers, not employees, have the responsibility to pay for it.

In 1999, OSHA promised to issue the final PPE rule in July 2000. But it missed that deadline and has missed every self-imposed deadline since. The agency has failed to act in response to a 2003 petition by the AFL-CIO and UFCW and numerous requests by the Hispanic Congressional Caucus.

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