

NEW SECTION

WAC 296-155-249 Voluntary use of personal protective equipment (PPE). (1) Every employer that does not require employees or contractors to wear a specific type of personal protective equipment must allow its employee's or contractor's voluntary use of that specific protective device or equipment, including gloves, goggles, face shields, and face masks, as the employee or contractor deems necessary. This section only applies when:

(a) The voluntary use of protective devices and equipment does not introduce hazards to the work environment and is consistent with applicable rules established by the department;

(b) The use of facial coverings does not interfere with an employer's security requirements; and

(c) The voluntary use of these protective devices and equipment does not conflict with standards for that specific type of equipment established by DOSH.

(2) An employer may verify that voluntary use of personal protective equipment meets all regulatory requirements for workplace health and safety.

(3) During a public health emergency, employers may not apply for a variance to this section under RCW 49.17.080. For the purposes of this section, "public health emergency" means a declaration or order relating to controlling and preventing the spread of any infectious or contagious disease that covers the jurisdiction where the individual or business performs work, and is issued as follows:

(a) The president of the United States has declared a national or regional emergency;

(b) The governor has declared a state of emergency under RCW 43.06.010(12); or

(c) An order has been issued by a local health officer under RCW 70.05.070.