

NEW SECTION

AMENDED 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 as determined under the PPE hazard assessment, employer policy, or where otherwise required to comply with safety and health standard rules, must allow its employee's or contractor's voluntary use of that specific protective device or equipment, including gloves, goggles, face shields, hearing protection, and face masks, as the employee or contractor deems necessary ~~to protect against a hazard or potential hazard, such as noise, dust, or infectious or contagious diseases.~~

This only applies when:

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

(b) The voluntary use of personal protective devices and equipment 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 the department of health or DOSH.

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

(3) Employers do not have to purchase, store, maintain, or otherwise provide protective devices or equipment for voluntary use by employees under this section.

(4) RCW 49.17.485 precludes DOSH from issuing variances under RCW 49.17.080 related to voluntary personal protective devices and equipment during a public health emergency as defined in RCW 49.17.485.

(5) The requirements in this section do not apply to the voluntary use of respirators other than filtering facepiece respirators, such as N95, unless a state of emergency has been declared.

[]