

OSHA FOR LAW ENFORCEMENT

SUMMARY

The Occupational Safety and Health Administration (OSHA) is part of the U.S. Department of Labor. It develops law (by regulation) with a goal to assuring safe and healthy working conditions for employee. Under OSHA, states are permitted to adopt federal OSHA regulations within their own regulatory framework, which must be at least as strict as federal OSHA. In addition, unlike federal OSHA, state plans must protect public section employees (local and state). Kentucky is one of the states that have done so.

For the purposes of this memo, references will be made to the federal OSHA standard which has been adopted in Kentucky regulation. In reading Kentucky regulations on OSHA, is almost always necessary to go back to the underlying federal OSHA regulation, as the regulation simply “adopts” the federal law. Kentucky OSHA law is found in KRS 338 and Title 803 of the KAR (Chapter 2) and effectively mirrors the federal OSHA law. In a few cases, there does not appear to be a matching Kentucky regulation, in which case the federal standard would apply.

The law enforcement working environment can be divided into three areas: the station, the vehicle and the rest of the world. OSHA law, with few exceptions, is based on activity or function, not the name of the employer. There are no “law enforcement” standards as such, instead, it is necessary to examine each activity that a law enforcement officer might do, individually, and apply the appropriate standard.

Many of the standards listed also have either an implicit or explicit training requirement for employees. It is the employer’s responsibility to provide appropriate training when required. Training requirements will be noted in each section.

GENERAL WORKPLACE

The station, the area where the agency is based, falls under the same general workplace rules as any other workplace. Rules that apply to general workplaces include the following:

General Workplace Clause ([29 U.S.C. §654](#))

The catch-all provision for all workplaces is the General Duty Clause which requires the employer to furnish a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees and to comply with OSHA standards appropriate to the specific workplace. In other words, simply because OSHA/Kentucky does not have a specific standard in place does not

exempt the employer from providing a safe workplace, proper equipment and appropriate training for a specific task.

A law enforcement workplace is subject to the same risks as other workplaces for workplace violence and domestic violence, focused on a specific employee. In addition, due to the possibility of becoming the focus of disgruntled citizens, a law enforcement or dispatch related workplace has a heightened responsibility to ensure, to the extent possible, that employees will be protected by appropriate means. (For example, in some communities, the location may become a place where child custody transfers take place, even when armed law enforcement officers are not specifically present at a given time.) OSHA [directives](#) suggest that an employer may be cited under this clause if they fail to reduce or eliminate serious recognized hazards. See also [Workplace Violence](#).

Hazard Communication Standard ([29 CFR 1910.1200](#))

This standard is intended to ensure that employers/employees are aware of hazardous chemicals and substances that might be found in their particular workplace. Any workplace that might expose employees to hazardous chemicals might be required to implement a written Hazard Communication Program for the employees. Examples for law enforcement might include cleaning materials, automobile maintenance fluids and hazardous substances brought in as evidence, or on the person of a suspect, although for the most part, users of small quantities of such hazardous substances may be exempt from some otherwise required standards, such as this one. The employer would still be expected to have appropriate emergency plans for spills and releases, however.

Emergency Action Plan Standard (29 CFR 1910.38) / Fire Safety Standard (29 CFR 1910.39) / Exit Routes (29 CFR 1910.34, .35, .36 and .37) - see [Subpart E](#) and [Subpart L](#).

This standard is intended that all employers have and communicate an emergency action plan for their workplace, including but not limited to weather and fire emergencies. Part of this process includes the development of exit routes from the building. The facility may have portable fire extinguishers, fixed extinguishing systems, and/or fire detection systems, all of which must be maintained to industry standard.

Training requirements include the need to designate and train a sufficient number of personnel as to the emergency / evacuation procedures and fire safety plans. If the employer has more than 11 employees, the plan must be written and made available for employee review, if 10 or less, it may be done orally. If the location includes portable fire extinguishers, employees should be trained in how to use them in incipient state firefighting.

Related Kentucky regulations, [803 KAR 2:304](#) Exit routes and emergency planning, and [803 KAR 2:311](#) Fire protection, discuss the matter in more detail.

Eye / Face Protection ([29 CFR 1910.133](#))

Employees who may be exposed to the hazard of flying particles, etc. must be provided with appropriate face and eye protection. An example for law enforcement will be while officers are at the range involved in scheduled shooting activities.

Walking / Working Surfaces ([29 CFR 1910 Subpart D](#))

This standard covers the multitude of floors, ladders, stairs and the like that exist in every workplace. It would also cover an awareness of encountering hazardous walking/working surfaces and fall issues in the field.

Related Kentucky regulations, [803 KAR 2:303](#). Walking-working surfaces and [803 KAR 2:412](#) Fall protection discuss the matter in more detail.

Medical / First Aid (See [29 CFR Subpart K](#))

This standard requires employers to provide medical and first-aid personnel and appropriate supplies that reflect the identified hazards of the particular workplace. It is also necessary that the supplies be monitored and replenished as needed.

Training would include insuring that a sufficient number of personnel are trained in first aid, at a minimum. CPR/AED is not specifically listed, but would be advisable, as well. In situations where the medical risk is higher, such as during a clan lab incident, higher level

A related Kentucky regulation, [803 KAR 2:310](#) Medical services and first aid discusses the matter in more detail. **NOTE:** the Kentucky standard is slight more specific, particularly in the number of employees required to be trained and available to provide care, than the federal OSHA standard in this area.

SPECIFIC STANDARDS

Once the General requirements have been met, it is necessary to look at other specific standards that might apply. Many would be unlikely to exist within a normal law enforcement office, such as heavy powered machinery, machinery that might unexpectedly release hazardous energy and respiratory protection. The following, however, might apply and should be considered

Electrical hazards ([29 CFR 1910 Subpart S](#))

This standard covers all electrical usage and wiring in the facility. This would include, for example, the use of extension cords and electrical equipment.

A related Kentucky regulation [803 KAR 2:318 Electrical](#) discusses the matter in more detail.

Personal Protective Equipment (PPE) ([29 CFR §1910 Subpart I](#)) / Bloodborne Pathogens ([29 CFR §1910.1030](#))

This standard covers the need for the employer to assess the need for PPE for employees, based upon the types of risk the employee might face during their workday and to provide it. In a law enforcement context, within a station, officers might be subject to blood and other body substances as the result of an injury, for example and need gloves and appropriate cleaning supplies. Another form of PPE that some agencies may be called upon to provide is a personal flotation device (PFD), should an officer be required to work in the vicinity of a waterway. OSHA has not, at this point, ruled upon the issue of bullet-resistant vests. This standard also discusses the process to be following in case of a known or possible exposure to bloodborne pathogens.

Training in this area requires that employees identify the types of PPE they might need and how to properly use it. (Often this training is combined with First Aid.)

(See Recordkeeping, below.)

A related Kentucky regulation, [803 KAR 2:308](#) Personal protective equipment discusses the matter in more detail. Another Kentucky standard, [803 KAR 2:320](#) Toxic and hazardous substances, is also important should employees be involved in situations involved listed toxic and hazardous substances.

Hearing Conservation ([29 CFR §1910.95](#))

This standard covers employees exposed to excessive noise – regularly or intermittently. For example, this would include gunfire during law enforcement training.

A specific training program would likely not be needed, as the standard generally discusses the need for training when the noise is about a certain decibel for an extended period of time. However, agencies that have personnel who are exposed to such noise over a number of hours should consider an appropriate training consistent with the standard. All employees, however, should be provided appropriate hearing protection and informed of the need to use it when appropriate.

Hazardous Waste Operations and Emergency Response ([29 CFR §1910.120](#))

This standard and training requirements are listed under Rest of the World, below. However, it is possible that a response under this provision might be required inside the actual workplace, so appropriate training, at least at the Awareness level, is advisable for all employees.

Lead Exposure ([29 CFR §1910.1025](#))

This standard involves employee exposure to lead. An agency that has a range in which officers might be exposed to lead is required to provide appropriate protections. (In practice, most, if not all, indoor ranges have converted to no-lead ammunition, which illustrates the preference under OSHA to simply avoid exposure to the hazard altogether.)

NOTE: *Although not currently part of a specific standard, OSHA is also a source of information on Distracted Driving and work-related Heat Exposure.*

VEHICLE / TRAFFIC

Many of the risks at the regular worksite (above) are present inside an officer's portable worksite, their vehicle, as well. The General Duty Clause would also apply to the overall safe maintenance of vehicles.

One specific standard directly related to activities in the vicinity of the vehicles includes the following, however:

Reflective vest – [29 CFR §1926.201\(a\)](#)

OSHA requires that all workers, which includes emergency response personnel, must wear a high visibility and retro reflective vests, when working in an area where exposed to public traffic. (See Manual on Uniform Traffic Control Devices (MUTCD))

REST OF THE WORLD

Many of the hazards present in the law enforcement workplace are also issues to be considered when officers are working out in the field.

Hazardous Waste Operations and Emergency Response ([29 CFR §1910.120](#)) (also known as the HAZWOPER standard)

Although agencies could certainly have a situation involving a response that falls under this standard at the station, it is more likely officers will encounter hazardous chemicals/materials out in the field. In most cases, it is not the direct responsibility of officers to handle the hazard, but it is critical that officers recognize the hazard and

understand how to respond. This standard also requires the use of the Incident Command System (ICS) in responses under this standard. Officers who are involved in a hazardous materials situation must be equipped with the appropriate PPE to the degree they are expected to respond, including but not limited to, in some instances, full level A clothing and SCBA, if appropriate. (See also Respiratory Protection, below.)

Training under this standard will depend upon the officer's specific job responsibility. All officers (and even non-sworn personnel, if they might be so exposed) should receive training at the Awareness level. Officers who might be expected to respond in a defensive fashion to the release or spill, to contain it, keep it from spreading and prevent exposure, should receive training at the Operations level. Officers who are expected to actually approach the point of release to stop it should receive training at the Technician or even Specialist level. In law enforcement, the latter will include officers who do bomb or clandestine lab response, for example. (See also Respiratory Protection, below) In addition, officers must be trained in the ICS, as well, in order to use it properly during HAZWOPER responses, although in many, even most, incidents, law enforcement will not serve as the Incident Commander (IC) for the response. An example of a response in which officers (rather than other emergency response personnel) will serve in a hands-on manner to a hazardous materials incident would include a response to a clandestine lab or bomb situation.

A related Kentucky regulation, [803 KAR 2:307](#). Hazardous materials. discusses the matter in more detail.

Confined Space ([29 CFR §1910.146](#))

This standard covers permit required confined spaces, defined as an area with limited ingress/egress where toxic gasses/fumes might collect. Although officers would not routinely work in this area, they do fall under the provisions for rescue and emergency services. If a member of a rescue service might be required to enter a covered space, they are required to have the appropriate PPE and equipment necessary for the entry. Although it would be rare for officers to be expected, as part of their normal work duties, to make such rescues, but officers might enter such areas as a first responder and be unaware of the risk of doing so.

Training in this area for law enforcement would be expected, primarily, at the awareness level, to cover the ability to recognize such spaces and the risk involved in entering such spaces without the proper training and equipment.

A related Kentucky regulation, [803 KAR 2:200](#) Confined space entry, discusses the matter in more detail.

Respiratory Protection ([29 CFR §1910.134](#))

This standard covers the use of respirators for employees involved in a response. For law enforcement, it would cover, at the least, officers who do some form of hazardous materials response, especially at the Technician/Specialist level. The standard requires that officers be properly fitted and provided with appropriate respiratory equipment, and that the equipment be properly maintained and stored. Responders who might be required to use respirators must be provided appropriate medical evaluations to ensure that they are suited for using SCBA, as well.

Training under this standard requires that employees understand the need for the respirator, when to use it and how to use it properly.

Diving ([29 CFR Subpart T](#))

Employees involved in diving shall comply with appropriate diving standards, including equipment and training. (Note, this standard is classified as commercial, but failure to comply with appropriate standards would, at the least, invoke the General Duty Clause.)

A related Kentucky regulation, [803 KAR 2:319](#) Commercial diving operations, discusses the matter in more detail.

RECORDKEEPING

Medical Records ([29 CFR 1904.39](#); [29 CFR §1910.1020](#))

Employers are required to maintain certain records and report work-related injuries and illnesses. In particular, records regarding exposure to toxic or harmful substances must be maintained. These records must be held for the duration of the individual's employment and thirty years beyond. These records are often maintained in conjunction with Worker's Compensation documentation, as medical evaluation/treatment may also be required.

A related Kentucky regulation, [803 KAR 2:180](#) Recordkeeping; reporting; statistics, discussed the type of workplace injury/illness reporting required in Kentucky.

REFERENCES

OSHA Quick Start Guide

http://www.osha.gov/dcsp/compliance_assistance/quickstarts/index.html.

Training Requirements in OSHA Standards and Training Guidelines

<http://www.osha.gov/Publications/osha2254.pdf>.

Access to Medical and Exposure Records

<http://www.osha.gov/Publications/osha3110.pdf>

OSHA Injury and Illness Recordkeeping and Reporting

<http://www.osha.gov/recordkeeping/index.html>