

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
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*Juliann Sum, Acting Chief*

October 31, 2014

Sgt. Kirk D. Smith  
Modern Tactical Services  
Los Angeles Police Department  
[REDACTED]

Re: Helmet and Face Shield Use by Law Enforcement Officers

Dear Sgt. Smith;

This letter is provided in response to your inquiry to the Occupational Safety and Health Standards Board (OSHSB) on October 27, 2014 regarding the use of helmets and face shields by law enforcement officers during crowd control. Your inquiry was forwarded to the Division of Occupational Safety and Health (Cal/OSHA) by Marley Hart, Executive Officer of the OSHSB.

In your inquiry you stated that you had contacted Cal/OSHA in 2008 for an opinion on police helmet and face shield use during crowd control with the following questions:

1. Is the helmet and face shield considered mandatory safety equipment for an officer who is being deployed in front of a crowd?
2. If an incident commander decides that he will not allow officers to wear their helmets while standing in front of a crowd for public perceptions, is he violating the officer's right to wearing of safety equipment?

You stated that Cal/OSHA answered the above questions in 2008 with the following:

1. A police helmet is considered a piece of mandatory safety equipment for police officers.
2. Cal/OSHA does not set the standards on when departments must allow officers to don their helmets.

In your current inquiry, you ask if the information you had received in 2008 is still applicable or if anything has changed.

California Code of Regulations, Title 8, sections 3381 (Head Protection) and 3382 (Eye and Face Protection) require employees working in locations where there is a risk of receiving head and/or eye and face injuries to wear appropriate personal protective equipment. There are no changes to sections 3381 and 3382 since 2008 relevant to protecting law enforcement officers during crowd control operations.

In 2011, a new subsection (f) was added to Title 8 section 3380 (Personal Protective Devices) that requires the employer to make written hazard assessment to determine the necessity of personal protective equipment in the workplace. Section 3380(f) in part states:

Hazard assessment and equipment selection.

- (1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:
  - (A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
  - (B) Communicate selection decisions to each affected employee; and,
  - (C) Select PPE that properly fits each affected employee.
- (2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment

If there is a reasonable risk of receiving head and/or facial injuries during crowd control operations, then employees must be provided with proper personal protective equipment unless such hazard can be removed by engineering or administrative controls. It is the employer's responsibility to evaluate the hazards of specific situations and activities to which their employees are exposed to and decide whether personal protective equipment is needed.

If the employer is aware of an existing hazard to employees and employees are not provided with adequate personal protective equipment, such a practice is inconsistent with a policy of promoting workplace safety and is a violation of Title 8 section 3380(f). It is the employer's responsibility to ensure that a personal protective equipment policy is effectively implemented and enforced in the workplace.

We hope this provides you with the information you need. If you have further questions regarding this or related safety concerns, please contact me at (510) 286-7010.

Sincerely,



Eric Berg  
Acting Principal Safety Engineer