

Memo

To: OSH Leadership Team
From: Kevin O' Barr, Safety Standards Officer
CC: Jack Forshey
Date: April 7, 2005
Re: Cut Resistant Boots

I researched the question of whether or not typical work boots were citable as deficient PPE for employees using a chain saw. This document provides a summary of the reasoning for the PPE requirements for employees not covered by the scope of the logging standard who use a chain saw. References to the logging standard will be made to compare and contrast the requirements. Subsequently, OPN 88E will be updated to reflect this clarification.

OSHA published the logging final rule in 1994 and then stayed 12 provisions for further consideration. On September 8, 1995 the final rule was published in the *Federal Register*. Pages 47022 – 47023 discuss OSHA's intention for appropriate footwear. "OSHA intended that foot protection prevent the chain saw from cutting the employee before the employee is able to react or before the protective material jams the chain saw. The language in the final rule was not intended to require that the protective material itself must be totally impervious to penetration by a chain saw. Rather, the available protective clothing and footwear is equipped with multiple layers of protective material, such as but not limited to ballistic nylon, Kevlar, or the layered material in heavy-duty logging boots; which provide cut resistance as follows: the protective material must either provide enough resistance to the saw chain to give the operator time to react and pull the saw away from the foot before the saw chain penetrates through all the layers, or jam the flywheel and chain, thereby stopping the saw."

Two years after this publication ASTM published a standard test method (ASTM F1818-1997) for a shoe that could be labeled cut-resistant. This method was not developed when OSHA wrote the logging standard and OSHA did not intend to require chain saw users to have footwear which meets that standard. As explained above, any multi-layer heavy-duty work boot will meet the intent of the logging standard.

In 2004, the OSHNC Logger Safety Checklist Booklet included the interpretation that footwear worn must meet certain criteria including the manufacturer deem the footwear cut-resistant. This appears to be an unnamed reference to ASTM F1818. To date, OSHNC has not taken enough cases to court to determine whether the agency's position, especially to the extent it relies on ASTM F1818, is defensible.

Therefore, since any multi-layer heavy duty work boot is acceptable for the logging industry, I recommend it also be considered sufficient PPE for all chain saw users outside the scope of the logging standard.