HO-CHUNK NATION CODE (HCC)
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE
SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH PROGRAM ACT OF 2002
SUBSECTION 7 – PERSONAL PROTECTIVE EQUIPMENT

ENACTED BY LEGISLATURE: MAY 20, 2002

CITE AS: 6 HCC § 8-7

This subsection supersedes the Ho-Chunk Nation Personal Protective Equipment Ordinance enacted September 8, 1998 by Ho-Chunk Nation Legislative Resolution 09/08/98A.

1. **Authority**. See basic document (Occupational Safety and Health Program Act).

2. **Purpose**. This subsection of the Occupational Safety and Health Program Act provides safety rules and procedures to be followed by all Nation employees to protect the safety, health and welfare of employees by establishing minimum standards for personal protective equipment (PPE).

3. **Policies and Requirements**.

a. Personal protective equipment will be provided wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

b. All employees requiring PPE shall be fitted with and shall properly utilize the required PPE to minimize/eliminate exposure to safety hazards and health risks.

c. Safety and health risks will be eliminated through engineering controls and/or work practices whenever possible. PPE will be issued in situations when engineering controls and/or work practices are not possible or fail to reduce the hazard or risk to acceptable levels.

d. All visitors will comply with the PPE requirements of each work area.

4. **Definitions**. See basic document (Occupational Safety and Health Program Act). In addition, the following definitions apply to this subsection.

a. "Approved Respirator" means the whole unit with specific components was jointly approved by the National Institute of Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

b. "Audiogram" means a pure tone, air conduction, hearing threshold examination.

c. "Audiologist" means a person trained and licensed in the specialized problems of hearing and deafness.

d. "Ceiling Value" means the upper limit of exposure of chemicals in the ambient air allowed for any period of time.

e. "Dangerous Atmospheres" means any atmosphere whereby an employee could be overcome by a toxic or oxygen deficient atmosphere.

f. "Decibel (dB)" means a non-dimensional unit used to express sound levels. It is a logarithmic expression of the ratio of a measured quantity to a reference quantity.

g. "Enterprise" means any business entity or enterprise owned or operated by the Nation, including gaming facilities.

h. "Immediately Dangerous to Life or Health (IDLH)" means an atmospheric concentration of any toxic, corrosive, or asphyxiant substances that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

i. "Otolaryngologist" means a physician or surgeon specializing in the practice of Otology (ear disease), Rhinology (nose disease), and Laryngology (throat and larynx disease).

j. "Oxygen Deficient Atmosphere" means any atmosphere containing less than 19.5% oxygen.

k. "Permissible Exposure Limits (PEL)" means the level of chemicals in the ambient air that most workers can be exposed to on a daily basis without harmful effects.

l. "Personal Protective Equipment (PPE)" means all clothing and accessories designed to create a barrier against workplace hazards.

m. "Time-Weighted Average (TWA)" means the exposure level averaged over an 8-hour time frame.

5. **Hazard Assessment**. A representative from the OSHD will determine where hazards are present requiring the use of PPE. The OSHD will determine the proper PPE required and will communicate this to the Department of Personnel and the affected department or enterprise of the Nation. The department/enterprise will ensure each affected employee receives this information and is provided with the proper PPE.

6. **Training**. Training will be provided to all personnel required to use PPE. Minimum training will include when PPE is necessary, what PPE is necessary, how to wear PPE, limitations of PPE, and proper care and maintenance of PPE. If a change in the workplace, PPE required, or knowledge of employee occurs, retraining will be provided. Training will be documented as follows: sign-in roster, training outline, and a copy of any overheads used.

7. **Eye and Face Protection**.

a. Protective eye and face equipment will be provided and required where there is a reasonable probability of injury that can be prevented by such equipment. Eye and face protection used must meet the requirements of American National Standards Institute (ANSI) Standard Z87.1-1989, "Eye and Face Protection." All employees are required to wear the prescribed eye and face protection to protect them from a hazardous environment.

b. Employees shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

c. Employees shall use eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g. clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.

d. Eye and face protection must meet the following requirements.

(1) Provide adequate protection.

(2) Be reasonably comfortable.

(3) Fit snugly, yet not unduly interferes with movements.

(4) Be durable; be capable of being disinfected.

(5) Be easily cleanable.

(6) Be kept clean and in good repair.

e. Employees who wear prescription lenses while engaged in operations that involve eye hazards shall wear eye protection that incorporates the prescription in its design, or wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

f. Every eye and face protector must be distinctly marked to facilitate identification of the manufacturer in accordance with ANSI Z87.1. When protector limitations and

precautions are provided by the manufacturer, they will be transmitted to the users and compliance enforced.

8. **Head Protection**.

a. Employees shall wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects. Employees shall wear a protective helmet designed to reduce electrical shock hazard when near exposed electrical conductors, which could contact the head.

b. Protective helmets shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection--Protective Headwear for Industrial Workers-Requirements."

9. **Foot Protection**.

a. Employees shall use protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

b. Protective footwear shall comply with ANSI Z41-1991, "American National Standard for Personal Protection--Protective Footwear."

10. **Hand Protection**.

a. Employees shall use appropriate hand protection when their hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

b. The selection of the appropriate hand protection shall be based on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.

c. The Nation shall provide an alternative glove to any employee who has an allergy to latex at no cost to the employee.

11. **Hearing Protection**.

a. Protection against the effects of noise exposure shall be provided when the sound levels exceed the following when measured on the A scale of a standard sound level meter at slow response:

Duration Per Day (hours)	Sound Level
8	90
6	92
4	95
3	97
2	100
1 2	102
1	105
2	110
1/4 or less	115

b. When employees are subjected to sound exceeding those listed above, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within those levels, PPE shall be provided and used to reduce sound levels within those levels.

c. When any employee's exposure equals or exceeds an 8-hour time-weighted average of 85 decibels, the employee shall be notified of such and shall be included in an audiometric monitoring program.

d. Audiometric testing shall be made available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels. The testing shall be provided at no cost to employees. The tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or physician.

e. Audiometric Testing Program.

(1) Within 6 months of an employee's first exposure at or above 85 decibels, a valid baseline audiogram shall be established against which subsequent audiograms can be compared. Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to workplace noise. Hearing protectors may be used as a substitute for the requirement that baseline audiograms be preceded by 14 hours without exposure to workplace noise. The employee shall be notified of the need to avoid high levels of non-occupational noise exposure during the 14-hour period immediately

preceding the audiometric examination.

(2) At least annually after obtaining the baseline audiogram, a new audiogram shall be obtained for each employee exposed at or above an 8-hour time-weighted average of 85 decibels.

(3) Audiometric tests shall be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

(4) Audiometric tests shall be conducted with audiometers that meet the specifications of, and are maintained and used in accordance with, American National Standard Specification for Audiometers, S3.6-1969.

f. Hearing protectors shall be made available to all employees exposed to an 8-hour time-weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary. Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors. Supervisors shall ensure the correct use of all hearing protectors.

g. A training program shall be instituted for all employees who are exposed to noise at or above an 8-hour time-weighted average of 85 decibels, and supervisors shall ensure employee participation in such program. The training program shall be repeated annually for each employee included in the hearing conservation program. The training shall include the following.

(1) The effects of noise on hearing.

(2) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use and care.

(3) The purpose of audiometric testing, and an explanation of the test procedures.

h. Recordkeeping.

(1) The OSHD shall maintain an accurate record of all employee exposure measurements.

(2) The OSHD shall retain all employee audiometric test records obtained. This record shall include the name and job classification of the employee; the date of the audiogram; the examiner's name; the date of the last calibration of the audiometer; and the employee's most recent noise exposure assessment.

(3) The OSHD shall retain these records for at least the following time periods:

(a) Noise exposure measurement records shall be retained for two years.

(b) Audiometric test records shall be retained for the duration of the affected employee's employment.

12. **Protection From Exposure to Blood and Other Infectious Materials**. The following is extracted from Subsection 2 (Exposure Control) to the Occupation Safety and Health Program Act (6 HCC § 8-2).

a. When there is occupational exposure (as defined in paragraph 5a of Subsection 2), the Nation shall provide, at no cost to the employee, appropriate PPE such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. PPE will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

b. Supervisors shall ensure that the employee uses appropriate PPE unless the supervisor shows that the employee temporarily and briefly declined to use PPE when, under rare and extraordinary circumstances, it was the employee's professional judgement that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgement, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

c. The supervisor shall ensure that appropriate PPE in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normal provided.

d. The Nation shall clean, launder, and dispose of PPE required at no cost to the employee.

e. The Nation shall repair or replace PPE as needed to maintain its effectiveness, at no cost to the employee.

f. If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

g. All PPE shall be removed prior to leaving the work area. When PPE is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

h. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; when performing vascular access procedures; and when handling or touching contaminated items or surfaces.

(1) Disposable (single use) gloves such as examination gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(2) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(3) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

i. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

j. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

13. **Administration and Enforcement**. See paragraph 12 of basic document (Occupational Safety and Health Program Act).

a. In addition, the OSHD will:

(1) Inspect work areas to determine any safety hazards and health risks that may exist.

(2) Designate work areas which require PPE and the type of PPE required. These requirements will be reported to the Department of Personnel for inclusion in job descriptions as a condition of employment.

(3) Establish procedures to train personnel in the requirements for selection, use and care of PPE.

(4) Maintain records of inspections for at least 30 years.

b. Supervisors of employees will:

(1) Acquire and maintain PPE in accordance with the procedures specified herein.

(2) Ensure that affected personnel under their supervision are issued PPE.

(3) Ensure compliance with and initiate appropriate personnel action in situations of misuse and/or noncompliance of PPE requirements in accordance with the disciplinary procedures outlined in the Nation's personnel and employment law.

(4) Ensure employees receive training on all PPE they are required to wear.

c. All employees authorized and required to wear PPE will:

(1) Inspect the PPE prior to use and immediately report deficiencies to their supervisor.

(2) Use PPE in accordance with guidance provided by their supervisor or OSHD personnel and as specified herein.

(3) Properly store and maintain PPE to ensure serviceability.

Legislative History:

4/24/97 Education, . . . Committee approved Personal Protective Equipment Ordinance and referred the Cost Analysis to Finance, Audits, . . . Committee.
4/29/97 Tabled by Full Legislature.
5/6/97 Legislature recommended Rep. T. Thundercloud confer with Jill Suhr, Dept of Labor regarding his questions on the Ordinance.
6/19/97 Finance, Audits, . . . Committee recommended employees pay for required safety shoes and the Nation to pay all other safety equipment costs.
9/1/98 Third draft adopted by Legislative Resolution 9/08/98A.
6/13/00 Revision reviewed by Administration Committee.
12/6/01 Reviewed by Administration Committee.
1/7/02 Legislature posts for 45-day Public Review.
5/20/02 Enacted as 6 HCC § 8-7 (Personnel Protective Equipment) of the (Occupational Safety and Health Program Act) by Legislative Resolution 5/20/02E.