

U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210



Reply to the Attention of:

FEB 26 1996

Scott D. Dailard, Esquire  
Dow, Lohnes & Albertson  
1255 Twenty-Third Street  
Washington, D.C. 20037-1194

Dear Mr. Dailard:

This is a response to your letter of March 7, 1995, on behalf of one of your clients, Mr. John D. Wilson, President of the Wilkuro Company. Mr. Wilson requested an interpretation of the Occupational Safety and Health Administration (OSHA) Standard, 29 CFR 1910.136 regarding foot protection. Specifically, Mr. Wilson is seeking OSHA's opinion as to whether a "safety overshoe" of the type manufactured by the Wilkuro Company complies with the OSHA Standard for protective footwear.

As you already know, OSHA policy prohibits any form of endorsement or approval of private sector developed material. However, with respect to your inquiry about protective footwear, 29 CFR 1910.136(b)(1), Criteria for Protective Footwear, states: "Protective footwear purchased after July 5, 1994, shall comply with ANSI Z-41 1991, American National Standard for Personal Protection - Protective Footwear, which is incorporated by reference, or shall be demonstrated by the employer to be equally effective."

According to the information you have provided, the Wilkuro safety-toe footwear--a slip-on rubber overshoe with an integrated steel toe box meets the footwear requirements for toe protection per ANSI Z-41 1991, and the Agency standard 1910.136(b)(1). However, the overshoe does not meet the full range of the ANSI Z-41 1991 requirements for all types of protective footwear such as; metatarsal, conductive, electrical, sole puncture resistant, and static dissipative footwear protection. Thus, while the overshoe in question may be useful in providing toe protection, it is not a substitute for other protective footwear where such footwear is required because of other hazards.

We appreciate your interest in employee safety and health. If you have any further questions regarding this issue, please contact Russelle McCollough at 202-219-8031.

Sincerely,

  
Raymond E. Donnelly, Director  
Office of General Industry Compliance