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The choice and use of Personal Protective Equipment (PPE)

The Personal Protective Equipment, subject of the new Regulation (EU) 2016/425 which replaces the Directive 89/686/EEC, must be made available to the workers, by the employer, when the risks cannot be avoided or sufficiently reduced through technical measures of prevention, through collective protection means or with measures, methods or procedures of reorganization of work.

MTM Consulting s.r.l. is able to follow the employers in the drafting of the risk assessment document and therefore in the research and adoption of PPE suitable to reduce those residual risks emerging from the same risk assessment. The choice of PPE must always meet the criteria of necessity and suitability also in light of the new Regulation (EU) 2016/425.

Legislative Decree no. 81/2008 and s.m.i. analyzes the obligations and responsibilities of the employer and of the workers with regard to the selection and use of personal protective equipment in Title III. The definition of PPE, reported in art. 74, is the following "any equipment intended to be worn and held by the worker in order to protect him against one or more risks likely to threaten his safety or health at work, as well as any complement or accessory intended for that purpose".

Reading the definition emerges a clear concept: the PPE is designed and manufactured to be worn or held by a single person to protect it from one or more risks to its health or safety.

The primary obligation of the employer (Article 17) is to carry out an assessment of all the possible risks present in the company; this assessment must be formalized in the risk assessment document (Article 28). This document should highlight all the possible risks present in the company and the consequent prevention and protection measures necessary to reduce these risks. However, where the risk assessed in a specific activity can not be adequately reduced through technical prevention measures, through collective protection measures or from measures, methods and procedures for the reorganization of work, it is necessary to use specific PPE (Article 75 of the D.Lgs. 81/2008 and s.m.i.).

The employer has the obligation (Article 18) to provide workers with the necessary and appropriate personal protective equipment, after hearing the person responsible for the prevention and protection service and the competent doctor, if any.

Let's see in detail what are the requirements that must comply with the PPE in order to ensure effective protection against the operator:

- They must be CE marked according to Regulation (EU) 2016/425.
- They must be adequate for the risk to prevent, without in itself entailing an additional risk for the operator.
- They must be adapted to the conditions existing in the workplace.
- They must take into account the ergonomic or health needs of the operator.
- They must be able to be adapted to the user according to his needs.

In choosing the PPE to be provided to their workers, the employer is therefore obliged to follow the following points:

- The choice is related to the result of the risk assessment carried out in the company: the PPE are to be used where the risks cannot be avoided by other means.
- The choice depends on the type of risk and the characteristics of the device itself, which can be found on the documentation attached to the device, in order to ensure that it is effective and, at the same time, does not cause additional risks to the operator.
- The choice must be updated whenever there is a significant change in the elements of the previously performed risk assessment.

The new Regulation (EU) 2016/425 on PPE

On 21 April 2018 the new Regulation (EU) 2016/425 on personal protective equipment enters into force and repealing Directive 89/686 / EEC. The general objectives of this regulatory update in the legal form of "Regulation" and not more than "Directive" are, essentially, to better protect the health and safety of PPE users avoiding inconsistencies in product coverage and evaluation procedures of the conformity that were present in the various national transpositions, to define specific obligations and responsibilities for all the subjects involved (therefore, manufacturers, agents, importers and distributors) and to simplify the European regulatory framework on PPE.

The scope of the Regulation is indicated in art. 3:

a) "devices designed and manufactured to be worn or held by a person to protect themselves against one or more risks to their health or safety;

b) interchangeable components of the devices referred to in point a), essential for their protective function;

c) connection systems for the devices referred to in point a) which are not held or worn by a person, which are designed to connect such devices to an external device or to a secure anchor point, which are not designed to be connected in fixed way and that do not require fixing before use ".

The Regulation establishes the responsibilities for the various economic operators which intervene in the PPE supply and distribution chain on the territory of the EU. For this reason they must take measures to ensure that only PPE compliant with the Regulation is made available on the market according to their obligations as indicated in the arts. from 8 to 11 of the Regulations. Specifically, the Manufacturer is required to draw up the technical documentation referred to in attached III of the Regulations and to carry out the conformity assessment procedure pursuant to art. 19; procedure that changes according to the risk category to which the PPE belongs as indicated in attached I. The conformity assessment procedure is an obligation that concerns only the manufacturer.

Specific obligations are also defined for the figure of the importer which puts on the EU market protective devices from third countries. The first obligation, in particular, shows the need to import only PPE compliant with the Regulation. In fact, the importer is required to

verify the effective conformity of the product before placing it in the territories of the Union. Likewise, the importer is required to verify that the Manufacturer has carried out the conformity assessment procedure appropriate to the category of protection of the PPE and that he has prepared the technical documentation. An importer who considers or has reason to believe that an PPE does not comply with the essential health and safety requirements applicable in the attached II, do not place it on the market until it has been brought into conformity.

The Regulation applies from **April 21, 2018** with some exceptions:

- Articles 20 to 36 and Article 44 apply already from 21 October 2016;
- Article 45, paragraph 1, apply from 21 March 2018.

Important to underline the transitional provisions highlighted in art. 47: Member States shall not impede the making available on the market of products contemplated by Directive 89/686/EEC which comply with this Directive and placed on the market before 21 April 2019. In addition, EC certification certificates and approvals issued by notified bodies, pursuant to Directive 89/686/EEC, they remain valid until 21st April 2023, unless they expire before that date.