

Legal Update

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OSHA Revises PPE Standard for Construction Industry

On Dec. 11, 2024, the U.S. Department of Labor (DOL) [announced](#) that OSHA finalized a [revision](#) to the personal protective equipment (PPE) standard for construction. The final rule explicitly requires the PPE to properly fit any construction worker who needs it to improve protection from hazardous conditions.

The rule will go into effect Jan. 13, 2025.

PPE Overview

OSHA has specific standards that address PPE in general industry, shipyard employment, marine terminals, longshoring and construction. These standards require employers to provide PPE when it is necessary to protect employees from job-related injuries, illnesses and fatalities. With few exceptions, OSHA requires employers to pay for PPE when it is used to comply with an OSHA standard.

In addition, the PPE standards for general industry and shipyard employment include a specific requirement that employers select PPE that properly fits each affected employee.

OSHA's standard at 29 CFR 1926.95 sets out the requirements for PPE in construction. This section requires that all types of PPE be provided, used and maintained in a sanitary and reliable condition whenever the PPE is necessary due to workplace hazards. The standard further requires that, even when employees provide their own PPE, the employer must ensure its adequacy, including proper maintenance and sanitation.

The standard also provides that all PPE must be of safe design and construction for the work to be performed. However, unlike the general industry and shipyard PPE standards, the current construction standard does not include an explicit requirement that PPE properly fit each affected employee.

Final Rule Revision

This final rule amends the criteria for PPE (29 CFR 1926.95) to explicitly require properly fitting PPE for construction workers who need it. This revision aligns the language in the PPE standard for construction with the corresponding language in OSHA's PPE standards for general industry and shipyards. Specifically, OSHA revised § 1926.95(c) to state that employers must ensure all PPE is:

- Safely designed and constructed; and
- Selected to ensure it properly fits each affected employee.

Properly fitting PPE is a critical element of an effective occupational safety and health program. PPE must fit properly to provide appropriate protection to employees from workplace hazards. Improperly fitting PPE may:

- Fail to provide any protection to an employee;



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HIGHLIGHTS

OSHA revised § 1926.95(c) to state that employers must ensure all PPE:

- Is safely designed and constructed; and
- Is selected to ensure it properly fits each affected employee.

This revision aligns the language in the PPE standard for construction with the corresponding language in OSHA's PPE standards for general industry and shipyards and affirms OSHA's interpretation of its PPE standard for construction as requiring properly fitting PPE.

- Reduce the effectiveness of protection;
- Present additional hazards; and
- Discourage employees from using such equipment in the workplace.

The issue of improperly fitting PPE is particularly important for smaller construction workers, including some women, who may not be able to use currently existing standard-size PPE. Fit problems can also affect larger workers, and standard-size PPE does not always accommodate varying body shapes. This revision helps remedy these issues.

Next Steps

Employers in the construction industry should review the requirements of the revisions and make sure they have implemented them into their safety programs. In addition, they must ensure they provide different sizes of PPE for their employees and monitor if their employees are wearing the correct PPE in the correct size.

Provided by Winters-Oliver Insurance Agency

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