

What Construction Employers Need to Know About OSHA's Final Personal Protective Equipment Standard

Labor & Employment Law Update

By Madison Renard on December 18, 2024

On December 12, 2024, the Occupational Safety and Health Administration (OSHA) issued its revision to the personal protective equipment (PPE) standard for construction to ensure properly fitting PPE for all construction workers.

OSHA's final rule explicitly states that protective equipment must properly fit any construction worker who needs such equipment, including "smaller construction workers," particularly women.

OSHA claims this change has the potential to improve the effectiveness of PPE, reduce employee exposure to work-related injuries, and encourage use of PPE in the workplace.

Effect of OSHA's Final Rule on Employers

Initially, it should be noted that the incoming Trump Administration will have the authority to alter or rescind this new standard. However, employers in the construction industry should still prepare as if it will be the standard going forward, beginning January 13, 2025.

Employers in the construction industry should take the proper steps to ensure that all of their workers are equipped with properly fitting PPE. Construction employers should consider implementing the following best practices:

1. **Evaluate current inventory.** Employers should take note of their current inventory of PPE and assess whether new equipment should be ordered to ensure the PPE can fit all body types.
2. **Assess the fit of each worker's PPE.** In order to comply with OSHA's final rule, employers should assess the fit of PPE for each worker individually. This includes evaluating the fit of all types of PPE including gloves, helmets, harnesses, vests, and boots. Employers must move away from the one-size-fits-all mindset by offering proper fitting protective equipment for bodies of

all shapes and sizes. This is particularly important since the number of women working in construction is on the rise. As a result, employers should offer gender-specific PPE where necessary.

3. **Understand comfort versus proper fit.** It is important to know and understand the difference between discomfort and improper fit. Just because PPE is uncomfortable does not mean it is improperly fitted to a worker. Employers should work with their employees to understand whether the discomfort stems from the nature of the PPE or actual fit issues that could affect safety. Employers should check manufacturer's instructions to help determine the proper fit of the PPE.
4. **Conduct regular equipment inspections.** Employers should regularly inspect PPE for fit and functionality. This includes replacing damaged and ensuring that employees who have experienced bodily changes are given new PPE.
5. **Educate workers on PPE.** Employers should educate their workforce by providing employees with the proper PPE training. This includes teaching workers why their protective equipment is important and how to properly wear and care for it. In addition, employers should provide training on how to spot equipment that no longer fits and outline the steps needed to request new PPE.
6. **Document efforts.** Employers should take the time to document all PPE compliance efforts. This includes keeping record of all PPE-related trainings, inspections, sessions, employee requests for new PPE, and instances where PPE was replaced or adjusted for fit. These documentation efforts will help prepare employers for potential OSHA inspections.

Moving Forward With OSHA's Final Rule

Despite the rule going into effect in January 2025, OSHA provided no guidance on which factors employers or OSHA's investigators should consider when evaluating whether PPE properly fits a construction worker to be in compliance with the rule.

With OSHA's final rule, many employers may see an increased cost associated with supplying various sizes and styles of PPE to fit the "proper fit" standard. Even without proper guidance, employers should still take the aforementioned steps to help ensure compliance with OSHA's final rule.

Employers unsure about whether they are taking the necessary steps to comply with OSHA's new final rule should consult with knowledgeable legal counsel to avoid the penalties that follow non-compliance.

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