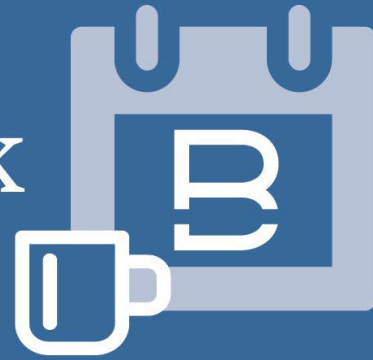


# The Work Week

Bassford Remele Employment Practice Group



**December 23, 2024**

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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## **OSHA Updates Personal Protective Equipment Standard for Construction Workers**

[Michael J. Pfau](#)

The Occupational Safety and Health Administration (OSHA) has updated its regulations regarding personal protective equipment (PPE) in the construction industry. [Published](#) on December 12, 2024, the new rule takes effect on January 13, 2025. The new rule amends 29 C.F.R. § 1926.95(c) to explicitly require that PPE must “properly fit” each affected employee to ensure adequate protection and workplace safety.

### **Key Changes in the Rule**

Previously, OSHA’s PPE standard for construction only required that equipment be of “safe design and construction” but did not specifically address whether the equipment fit the individual using it. This lack of specificity sometimes left workers with PPE that was ill-fitting, reducing its effectiveness and potentially introducing additional hazards. This was especially prevalent for women in the industry who were often left to use equipment designed for men.

The updated rule aligns the construction standard with similar provisions in OSHA’s general industry and shipyard employment standards. These already emphasize that PPE must fit properly to provide the intended protection.

### **Why Proper Fit Matters**

Properly fitting PPE is critical to worker safety. Ill-fitting equipment can:

- Compromise protection, leaving workers vulnerable to hazards.
- Be uncomfortable, reducing compliance with PPE usage requirements.

- Create secondary hazards, such as loose equipment getting caught in machinery.

By mandating a proper fit, the updated rule ensures that all construction workers have access to PPE that performs effectively and does not hinder their ability to work safely. The new rule also reflects the evolving workforce in the construction industry.

### **Compliance and Economic Impact**

OSHA has stated that this amendment will not impose significant new costs on employers or have a disproportionate impact on small businesses. OSHA maintains that the rule clarifies employers' existing responsibility to ensure their employees are adequately protected, rather than introducing entirely new obligations.

The new rule, however, does leave some gaps as it does not explicitly define "properly fit." The rule, as it does in the industry and shipyards standards defines "properly fits" as the PPE being appropriate size to provide an employee with the necessary protection from hazards and does not create additional safety and health hazards arising from being either too small or too large. While OSHA received numerous comments during the rule-making process to provide more guidance as to what constitutes "properly fits," OSHA declined and stated in the rule's preamble that after it reviewed the comments, it believed that the proposed language accomplishes the goal of having clear and explicit language.

### **Next Steps for Employers**

To ensure compliance with the updated rule, employers should conduct a review of your PPE inventory to identify whether it fits all employees appropriately, or where gaps exist. Employers should also train supervisors and workers on the importance of properly fitting PPE and how to assess that the fit is indeed proper. Finally, employers should look into updating their procurement processes to include fit considerations for all new PPE.

Employers should act promptly to align with the updated requirements and ensuring a safer working environment for construction employees. The Bassford Remele Employment Group can guide employers in understanding and implementing compliance measures to protect their workforce and avoid penalties. Please reach out with any questions.

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