



Understanding OSHA's PPE Standard: What Construction Professionals Need to Know

On January 13, 2025, OSHA issued its final rule regarding Personal Protective Equipment (PPE) in the construction industry, marking a significant shift in employer responsibilities. For years, the construction industry had been excluded from the requirement that employers provide properly fitting PPE. That exemption is now over, and construction contractors of all sizes must understand their new obligations under 29 CFR § 1926.28 and 29 CFR § 1926.95(c).

Core Requirements of the Standard

The revised regulation aligns the construction industry's PPE standards with those already in place for general industry. Under the rule, employers are responsible for requiring employees to wear appropriate personal protective equipment in all operations where there is exposure to hazardous conditions, and where the nature of the work indicates the need for such equipment to reduce hazards. This includes hard hats, gloves, goggles, safety shoes, safety glasses, welding helmets, hearing protection, respirators, coveralls, vests, harnesses, and full body suits, all of which must now be made available in proper sizes.

Despite industry concerns about smaller contractors, the rule as implemented does not exempt small or new businesses from providing properly fitting PPE. The employer must pay for PPE required by OSHA standards, with limited exceptions including non-specialty safety-toe footwear, non-specialty prescription safety eyewear that employees are allowed to wear off-site, logging boots, everyday work clothing, and ordinary clothing or skin creams used solely for weather protection.

Employee-Owned PPE and Employer Verification

The final rule addresses the use of employee-owned PPE, acknowledging that employees who wish to use their own equipment may do so if allowed by their employer. If an employee provides their own PPE, the company is not required to reimburse them. The employer, however, remains obligated to verify that employee-provided PPE fits properly and is suitable for its intended purpose. This verification responsibility cannot be delegated.

Defining Proper Fit

While there is no universal definition of what "overall proper fitting" means, OSHA has provided guidance for specific equipment types. For example, eye and face protection must be "reasonably comfortable when worn under the designated conditions" and "must

fit snugly and shall not unduly interfere with the movements of the wearer". Employers should also consult existing standards for foot protection (29 CFR § 1926.96), head protection (29 CFR § 1926.100), and hearing protection (29 CFR § 1926.101) for additional guidance.

Enforcement and Penalties

OSHA has full authority to enforce the new rule and impose penalties for violations. Penalties for serious or other-than-serious violations range from \$0 to \$16,131. Willful or repeated violations carry significantly steeper penalties, ranging from \$11,524 to \$161,323 per violation.

For further information on these developments, please contact [Tony Stergio](#).