



# TECHNICAL BULLETIN

## OSHA Letter of Interpretation Regarding Hi-Vis for Road Construction Workers

### HI-VIS APPAREL IS REQUIRED FOR CONSTRUCTION WORKERS IN HIGHWAY WORK ZONES

Recently the Occupational Safety and Health Administration (OSHA) addressed the following question:

*“Construction employees working on highway/road construction work zones often risk being struck by traffic. Do the OSHA standards require high-visibility apparel for these construction workers?”*

The answer was published in Letter #20080829-8611 and signed by Acting Director David Fairfax. The complete text of the letter is available on-line at [osha.gov](http://osha.gov).

### OSHA and FHWA RULE 23 CFR PART 634

The Federal Highway Administration (FHWA) published Rule 23 CFR Part 634 in November 2008. This rule requires all road construction workers in the right of way of a federally funded highway to wear an ANSI Class 2 garment. In its recent interpretation letter, OSHA states that “struck-by hazards in highway/road construction work zones are well recognized by the construction industry” and that Rule 23 CFR indicates wearing high-visibility apparel is a feasible means of addressing that hazard.

### THE GENERAL DUTY CLAUSE REQUIREMENT

The most well-known OSHA rule is section 5(a)(1) of the Occupational Safety and Health Act. Perhaps better known as the General Duty Clause, it outlines best practices for worker safety and is often invoked in OSHA employer enforcement.

**With this letter of interpretation, OSHA is now viewing hi-vis apparel as “required under the General Duty Clause to protect employees exposed to the danger of being struck by public and construction traffic while working in highway/road construction work zones.” This means that employers can be cited for not providing hi-vis apparel in these situations—up to thousands of dollars.**

### GLOWEAR® HI-VIS APPAREL SOLUTIONS

Ergodyne has the solution to help keep workers safe and employers compliant under the OSHA General Duty Clause. From Class 2 vests to Class E pants, Foul Weather Gear to Headwear, our GloWear® line of Hi-Visibility Apparel offers solutions for every application and every season.

For more details on this recent OSHA interpretation or for more information regarding GloWear® Hi-Visibility Apparel, please contact Andy Olson at 651.642.5858 or [andrew.olson@ergodyne.com](mailto:andrew.olson@ergodyne.com).