

Bell, Tammi [DOT]

From: Bell, Tammi [DOT]
Sent: Thursday, November 05, 2009 6:47 AM
To: Bell, Tammi [DOT]
Subject: New OSHA ruling on High-visibility Clothing

TO: County Engineers, City Representatives, and Consultants
tammi.bell@dot.iowa.gov

CC: District Local Systems Engineers, Service Bureau
and Office of Local Systems

FROM: Office of Local Systems

SUBJECT: New OSHA ruling on High-visibility Clothing

DATE: November 5, 2009

If you have any questions, **please do not reply to this note**. Instead, you may contact the person shown below.

The Occupational Safety and Health Administration (OSHA) has issued a new letter stating that all highway and road construction workers must wear high-visibility apparel regardless of whether the MUTCD requires their use or not. This is a link to the new letter of interpretation recently released by OSHA

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27155.

OSHA considers road and construction traffic a well-recognized hazard to highway/road construction workers. Bureau of Labor Statistics reinforced the need for using safety apparel when data from 2003 to 2007 showed that there were 425 road construction work zone related fatalities. Jordan Barab, acting Assistant Secretary of Labor for OSHA recently issued the following statement. "Highway construction workers should not suffer serious or fatal injuries simply because they could not be seen. Requiring the use of reflective vests is essential to help prevent workers from being injured or killed."

This new letter is an update to the 2004 OSHA interpretation on the use of high-visibility apparel in highway construction. That letter emphasized that section 5(a)(1) of the OSH Act which requires workers in highway work zones to wear high-visibility apparel. However, the Occupational Safety and Health Review Commission ruled that OSHA's 2004 letter indicated a more limited position, that high-visibility garments are only required where the Federal Highway

Administration's Manual on Uniform Traffic Control Devices (MUTCD) mandates their use.

Although the Iowa DOT does not oversee the use of high-visibility apparel by local agencies, we felt it important to pass along this information so you know what the current OSHA rules are for work within all public right-of-way.

Thanks,

Brenda L. Boell

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