January 14, 2025

The Honorable Doug Parker
Assistant Secretary
U.S. Department of Labor
Occupational Safety and Health Administration
Room: S2315
200 Constitution Ave., NW
Washington, DC 20210

**Re: Construction Industry Safety Coalition Comments to NPRM on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings: Docket No. OSHA-2021-0009**

Dear Assistant Secretary Parker,

The Associated General Contractors of America (AGC) welcomes the opportunity to submit comments in response to the Occupational Safety and Health Administration's (OSHA) Notice of Proposed Rulemaking (NPRM) concerning Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. In this comment, AGC will identify significant concerns with the proposed rule in its current form, and strongly encourage the agency to meaningfully consider the arguments put forth and to explain its thinking on key issues.

AGC is the nation's leading construction trade association. It dates to 1918 and represents more than 28,000 member firms. This includes construction contractor firms (both union and open-shop), suppliers, and service providers. Through a nationwide network of 89 chapters, AGC contractors are engaged in the construction of the nation's highways, bridges, utilities, airports, transit systems, public and private buildings, water works facilities and multi-family housing units. Nearly all these firms would be greatly burdened by the proposed rule.

The health and safety of the men and women in the construction industry is an absolute priority for AGC and its members. This includes risks related to excessive heat. However, OSHA should recognize, and has recognized in the past, that the construction industry faces unique challenges compared to those in other industries. . If they persist with this proposed rule, OSHA must provide the necessary flexibility to ensure compliance, while also affording employee protection from excessive heat.

**AGC's Engagement on the Proposed Rule.**

In October 2021, OSHA announced that it was initiating rulemaking to protect indoor and outdoor workers from hazardous heat. AGC, along with its association partners from the Construction Industry Safety Coalition (CISC), provided comments in response to the advanced notice of proposed rulemaking (ANPRM)[1]. There, we raised our initial concerns with OSHA's overly broad and prescriptive standard that did not adequately consider the unique challenges small employers would face, as well as the different geographic differences faced by employers across the country. Specifically, in response to OSHA's question asking about how geographic regions contribute to occupational heat hazards and the outcomes workers experience, the coalition recommended that any regulatory approach addressing heat injury and illness account for the unique climatic conditions of each geographic region because heat risks will vary based on the location of the work performed.

In August 2023, OSHA convened a Small Business Advocacy Review ("SBAR") Panel to provide comments on OSHA's potential standard for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. AGC put forth three Small Entity Representatives to participate on the Panel, providing comments and testimony. These contractors represented various sectors of the construction industry – a specialty contractor who performs concrete sawing and drilling, a general contractor, and a highway and utility contractor – each with varying exposures to heat and experience mitigating the associated hazards. AGC then supported the comments submitted by CISC following its joint review of the SBAR Panel materials and the Panel's final report.

During the SBREFA process, OSHA had discussed providing flexibility with respect to compliance. Although the proposed rule seems to allow that to a certain degree, the reality is that the prescriptive requirements, such as those related to heat trigger levels, mandatory breaks, and amount of available drinking water, do not allow the flexibility needed for the construction industry. This is especially true for small businesses.

While OSHA presents the NPRM as a performance-based standard, the prescriptive nature of several of the provisions suggest otherwise. AGC and its members strongly believe that a regulatory approach must provide more flexibility. The construction environment is inherently fluid and any regulatory approach that imposes prescriptive, complicated requirements on construction industry employers must be avoided.

AGC appreciates the opportunity to provide the following constructive feedback on key areas of the NPRM:

## I. <u>The Scope of the Proposed Rule Does Not Account for Dynamic Nature of the Construction Industry.</u>

[1] Construction Industry Safety Coalition comments to OSHA's ANPRM, Docket No. OSHA-2021-009 (available at https://www.regulations.gov/comment/OSHA-2021-0009-0748) (hereinafter "AGC ANPRM Comments").

There are significant differences in the types of work, the type of job site, and even the environmental conditions in which construction industry employees work. The construction environment is inherently dynamic. AGC has significant concerns with the proposed rule as it fails to take this into account and instead imposes prescriptive, complicated requirements on construction industry employers.

To lump all employers conducting outdoor and indoor work in general industry, construction, maritime, and agriculture sectors into one regulatory approach is misguided and not well thought out. AGC urges OSHA to reconsider a one-size fits all approach, which is not appropriate for such a broad swathe of the American economy. Because there is existing precedent for the development of a separate standard for the construction industry, this rulemaking presents the opportunity for OSHA to exercise its authority and develop a construction industry focused standard.[2] AGC urges OSHA to explain why it believes the construction industry doesn't warrant an industry specific standard in this case. We have asked this question at the ANPRM stage, at the SBAR Panel, and we ask it again here.[3] Failure to consider such a reasonable and less burdensome alternative to the proposed rule is arbitrary and capricious,[4] not to mention an unexplained departure from the agency practice applied in the rules cited above.

## II. OSHA Must Provide a More Flexible, Performance-Based Standard

One theme that AGC and the majority of the SER panelists consistently discussed in the lead up to this NPRM is that any potential standard addressing heat injury and illness must be flexible and performance based. The construction industry, like many industries who will be impacted by this proposed rule, is comprised of employers of all sizes spread across the country with access to varying economic resources and administrative support. It is imperative that OSHA afford these employers flexibility when developing a programmatic approach that can be tailored to a specific worksite to effectively address heat-related injuries and illnesses. Accordingly, the SBAR Panel recommended that OSHA "allow employers to tailor their heat injury and illness prevention program to their setting and situations." AGC fully supported this approach. Unfortunately, OSHA's proposed rule does not afford smaller employers with the flexibility requested during the ANPRM as well as during testimony from AGC members participating as Small Entity Representatives in the SBREFA panels.

During the ANPRM process, AGC explained that regulations tailored to the issues shared by the scores of construction employers impacted by the proposed rule must be simple and straightforward to succeed. Safety programs are only effective if they are implemented correctly. The more complicated a standard is, and the more complicated the compliance obligations are, the greater the

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[2] *See, e.g.,* Respirable crystalline silica, 29 C.F.R. § 1926.1153, Confined Spaces in Construction, 29 C.F.R. § 1926 Subpart AA, Cranes and Derricks in Construction, 29 C.F.R. § 1926 Subpart CC. and Fall Protection for Construction Workers, 29 C.F.R. § 1926.500; 29 C.F.R. § 1926.500(a)(1).

[3] *Motor Vehicle Mfrs. Assn. of the United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983) (agencies must engage in reasoned decision making, including addressing alternatives and material comments).

[4] "It is 'arbitrary or capricious' for an agency not to take into account all relevant factors in making its determination." *United States v. Nova Scotia Food Products Corp*. 568 F.2d 240, 250 (2d Cir. 1977).

chance it will cause confusion or inconsistent implementation across employers. OSHA has imposed prescriptive requirements in this NPRM that do not allow for the appropriate flexibility for employers in the construction, their employees, and trade subcontractors. Not every construction site is the same. Indeed, the very nature of construction means that the worksite will change constantly, demonstrating that one size simply cannot fit all.

## III. The Scope of the Proposed Standard Must Expand on Exemptions

The NPRM describes the proposed exemptions for the standard based on various work activities and environments. The exemptions would exclude work activities for which there is no reasonable expectation of exposure at or above the initial heat trigger, short duration employee exposures at or above the initial heat trigger of 15 minutes or less in any 60-minute period, organizations whose primary function is the performance of firefighting (emergency response and emergency medical services would also be exempt in many instances), work activities performed in indoor work areas or vehicles where air-conditioning consistently keeps the ambient temperature below the initial heat trigger, and telework (i.e., work done from home or another remote location of the employee's choosing).

In general, AGC supports the proposed exemptions that OSHA has identified. However, there are concerns with the restrictions applied and we strongly recommend further exemptions for other work activities and environments. For instance, the preamble suggests that even for an employee whose work activities are primarily sedentary, the exemption would not apply if the employee were required to retrieve mail for more than 15 minutes in any 60-minute period. According to guidance issued by OSHA, sitting, standing, light arm/hand work, and occasional walking would fall under the light work category. For this reason, we believe that OSHA should not restrict this exemption simply due to outdoor exposure where either heat triggers have been exceeded.

Similarly, the above-mentioned restrictions apply to employees whose work activities are primarily performed in air-conditioned vehicles but may be exposed to temperatures above the initial heat trigger. In general, AGC understands these restrictions applying to employees who are performing tasks that may be considered heavy or very heavy, such as heavy material handling. However, AGC does not believe that it should be applied to employees whose primary job functions are related to the inspection, oversight, and coordination of work tasks. AGC recommends that OSHA reconsiders this approach, while also extending the exemption to heavy equipment operators whose only or primary task is maneuvering the equipment on or about a construction site.

One significant area of concern related to the exemptions is for the lack of an exemption for the emergency restoration of critical utilities and infrastructure. While it may not be firefighting or emergency medical services, this type of work is oftentimes considered lifesaving in the affected areas, especially for the extremely young and elderly. Without the proposed exemption being extended to these activities, the restoration of water, electrical, rebuilding of roads and bridges, and other critical services will undoubtedly be delayed. A perfect example is the recent devastation experienced in the southeast region of the United States. These types of events are forecasted to become more frequent and devasting in the years to come. AGC strongly recommends that OSHA

adopts the language included in the recent heat standard promulgated by the Maryland Occupational Safety and Health Administration (MOSH), which provides for such an exemption.

## IV. The Prescriptive Requirements for Drinking Water and Location of Break Areas Creates a Challenge for the Construction Industry

The NPRM requires employers to provide drinking water for all employees in a location that is readily accessible and is suitably cool. In addition, there must be a sufficient quantity of "suitably cool" water to provide access to 1 quart of drinking water per employee per hour for the entire shift. AGC requests further guidance on how "suitably cool" will be enforced in practical terms. OSHA attempts to provide such guidance in the preamble. The preamble states that the requirement for drinking water be "suitably cool" is consistent with existing OSHA standards and is consistent with California's heat standard for outdoor work setting. OSHA further explains that to be "suitably cool," the temperature of the water "must be low enough to encourage employees to drink it and to cool the core body temperature."

AGC is concerned this phrase is too subjective and will lead to inconsistent enforcement. Unless OSHA provides better clarification as to this term and how it will be enforced, CSHO's will be permitted to decide based on their own interpretation and perspective that the available water is not "suitably cool" and issue a citation to the employer. Such clarification must not include a specific temperature of the water provided to employees as this, too, could lead to inconsistent enforcement if the goal is to encourage employee consumption. What one person considers "suitably cool" may be too warm, or even too cold for others.

In addition, AGC is concerned with the phrase "readily accessible" and its practical application. In the preamble, OSHA suggests, "that break areas requiring more than a few minutes to reach would increase the heat stress on employees as they walk to the area and thus not be considered reasonably accessible." This is the location that drinking water is typically maintained and made available to employees. By taking such a position, OSHA is demonstrating a severe lack of understanding regarding the nature of construction work. Providing a sufficient quantity of drinking water within a short walk from where the work is being performed is infeasible and, in some instances, can create a greater hazard at the jobsite. Many construction projects evolve at a rapid pace. This is true for building, highway, or utility infrastructure projects. The location of the break area and access to drinking water may be in one area of the project on Monday, and completely different by week's end.

For employees who may be working at heights, such as roofing operations or on utility poles, storing water where the employees are working is infeasible, and could create a greater struck-by hazard for those employees working below. Further, if these employees have portable water bottles as part of their equipment or hooked to their person, having an object moving around their waist could once again create a hazard, even though the water is "readily accessible." The risk is particularly great if they are tied off using personal fall arrest systems that would not allow for additional items that could catch or interfere with that equipment. In those circumstances, available water would need to be located on the ground. Although this would require the worker climb down from a roof, utility

pole, transmission tower, etc., having the water on the ground would be the safest option available. Given the concerns raised, AGC strongly suggests that OSHA avoid the use of the term "reasonably accessible" as it applies to not only access to drinking water, but also the location of break areas and access to shade, which are to be specifically identified the employer's Heat Injury and Illness Prevention Plan (HIIPP), for the construction industry.

As noted above, the NPRM also contains a prescriptive formula for the quantity of water that must be made available throughout the shift. OSHA is proposing that employers provide 1 quart of water per employee per hour of the entire shift. This proposed requirement is far too prescriptive and completely lacks the flexibility that stakeholders encouraged OSHA to adopt. Including such a provision would subject employers to citations even when there is a good faith effort to ensure sufficient quantities of water is available. According to the proposed requirement, an employer with 20 employees on a construction project, would need to have 11 cases of water readily available for a 10-hour work shift. Not only will employees not consume this amount of water in one work shift, but it will be extremely costly and burdensome to have that amount of water "readily accessible" and "suitably cool." Again, AGC strongly recommends that OSHA adopts the language contained within the MOSH standard specific to making drinking water available to employees. While the standard does include the exact language, it provides flexibility for employers to comply by stating that, "an employer is not required to provide the entire drinking water supply at the beginning of an employee's shift but shall make drinking water available at all times while work is being performed."

## V. The Heat Triggers Should Account for Geographical Differences

The initial heat trigger proposed in the NPRM is too low and should be revised upward. In the proposed definitions, OSHA defines the initial heat trigger as a heat index of 80 degrees Fahrenheit (80°F) or a wet blub globe temperature ("WBGT") equal to the NIOSH Recommended Alert Limit (RAL). Based on this definition, when the initial heat trigger is reached, OSHA will require employers to implement a number of controls, that will include drinking water, break area(s) for indoor and outdoor work sites, indoor work area controls, acclimatization of new and returning employees, rest breaks if needed to prevent overheating, effective communication, and maintenance of PPE cooling properties if employers provide PPE.

The high heat trigger means a heat index of 90°F or a WBGT equal to the NIOSH Recommended Exposure Limit. Once the high heat trigger occurs, the proposal would require employers to not only implement the controls applicable for the initial heat trigger, but additional controls that include mandatory rest breaks, having a supervisor observe employees for signs and symptoms of heat illness or establishing a "buddy system" among employees, hazard alerts, placing warning signs for excessively high heat areas, and establishing a hazard alert, among others.

AGC's concern is that the initial and high heat triggers fail to consider the regional differences throughout the United States. What some may consider hot in the northern states may be very pleasant and ideal building weather in the southwest. OSHA appears to completely discount geographic differences and does not appear to have fully addressed these in the NPRM. AGC urges OSHA to explain the reasoning behind a one-size-fits-all standard.

Additionally, while the heat metrics recommended by OSHA in the proposed rule attempt to account for different ways to measure ambient temperatures, humidity, radiant heat, etc., the agency fails to properly account for climatic differences among the various regions in the United States. For instance, a humid 80°F in Louisiana feels vastly different from 80°F in an arid climate like New Mexico, and even 80°F in Alaska. Instead, OSHA relies merely on a basic temperature applicable to everyone, regardless of geographic region.

In some regions of the country, the initial heat trigger will apply most of the year even though the population working outdoors may be well acclimated to the temperatures. Furthermore, the types of tasks employees are performing will also impact how they may be affected by the heat. Employees performing outdoor tasks that are relatively free of exertion, or more sedentary such as operating equipment will be less affected than someone who is framing walls or spreading asphalt material for a roadway. Accordingly, AGC requests that OSHA reevaluate these circumstances to determine options available to employers facing these scenarios. We have requested feedback on this issue at every stage of the administrative process and have yet to receive an answer.

## VI. Prescriptive Requirements for Rest Breaks at High Heat Trigger are Problematic

The NPRM proposes minimum requirements for rest breaks that would be required – 15 minutes every two hours – when the high heat trigger is met or exceeded. OSHA explains that the mandated breaks are intended to require employees to take breaks versus allowing them to take breaks as needed as allowed under the initial heat trigger requirements. The preamble acknowledges the uncertainties in determining a precise rest break frequency and duration, but OSHA preliminarily concludes that the proposed requirement would be highly protective in many circumstances at or above the high heat trigger, while offering employers administrative convenience.

The example given (a 15-minute break every two hours) is administratively convenient to implement because, as explained below, a standard meal break could qualify as a rest break, and therefore, assuming an 8- hour workday with a meal break in the middle of the day, paragraph (f)(2) would only require two other breaks, one break in the morning and a second break in the afternoon, assuming the high heat trigger is met or exceeded the entire day.

However, AGC disagrees with OSHA's assessment that employers will be able to easily comply and that the administrative burden will be minimal. In reality, this will create an administrative challenge for tracking breaks that are taken "as needed" under the initial heat trigger when combined with the rest break requirement under the high heat trigger. The prescriptive requirements for these breaks do not allow the needed flexibility the construction industry is seeking. During critical construction operations, this strict break schedule may not be practical. Some examples are critical lifts with cranes, concrete pours, paving work, and the bringing online of critical electrical equipment, among others. AGC is not seeking a full exemption for these types of critical operations; however, the agency must incorporate the needed flexibility in any final rule and its subsequent enforcement guidance that takes this into account.

## VII. The Requirements for a Heat Safety Coordinator are Unnecessary

OSHA proposes requiring employers to designate one or more workplace heat safety coordinators (HSCs) to monitor and implement the HIIPP. OSHA further states that any employee(s) capable of performing the role who receives the required training can be designated heat safety coordinator(s). The designated employee(s) does not need to be someone with specialized training, could also be a supervisor or an employee that the employer designates, and must have the authority to ensure compliance with all aspects of the HIIPP.

If employers choose this option, no more than 20 employees can be observed per supervisor or HSC. There is no industry standard for limiting the number of employees that one supervisor can observe to only 20 employees. While it is common on larger construction worksites to have contractual provisions requiring one safety person be responsible for up to 40 employees on a job site. This proposal cuts that ratio in half and limits the supervisor's responsibility strictly to heat-related issues.

As previously noted, and acknowledged by OSHA, each individual responds differently to heat exposure and are better positioned to recognize when exposure to high heat conditions is adversely affecting their health. Workers are already empowered to report work-related injuries and illnesses. Employees are also empowered to report unsafe working conditions, which includes the lack of water, appropriate rest breaks, and access to shade, which would essentially be the only function of the HSC.

Such requirements are unnecessarily restrictive. There is no other OSHA regulation or standard the requires the establishment of an HSC. There is also no existing standard for the limiting the number of employees that can be under the supervision of a single supervisor. AGC believes that the best approach is effective training on heat-related topics so that every employee can promptly identify and report symptoms of heat illness. For this reason and the concerns highlighted above, OSHA should avoid taking this approach under this rulemaking.

## VIII. The Proposed Rule Fails to Address Personal Risk Factors in a Meaningful Way

In Section IV.O., Factors that Affect Risk for Heat-Related Health Effects, of the preamble, OSHA discusses individual risk factors for heat-related injury and illness. OSHA states that the purpose of this discussion is to summarize the factors that may exacerbate the risk of workplace heat related hazards and to provide information to better inform workers and employers about those hazards. Section IV.O., provides several factors that can impact an individual's response to heat stress and lead to variation in heat stress response between individuals. The personal risk factors cited in the discussion include healthy aging processes, current health status (i.e. cardiovascular disease, diabetes, hypertension, and obesity), medications prescribed to treat common medical issues, and caffeine and alcohol use.

As highlighted in the "Report of the Small Business Advocacy Review Panel on OSHA's Potential Standard for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings[5]," many small entity representatives (SERs) told the Panel that individual physiological differences between workers contribute to how well a person tolerates heat. Some SERs were concerned that it would be difficult to consider those personal risk factors when developing a heat program in response to a potential heat standard. Some SERs opined that most heat illness accidents are caused by underlying health factors, hydration preferences, or behavior outside of work hours (e.g., alcohol use) and wondered if OSHA could do anything to address those factors. A few SERs stated they were concerned about their liability when heat-related incidents are aggravated by underlying health conditions or medication.

AGC agrees with the concerns raised by the SERs as it relates to the challenges with creating an effective Heat Injury and Illness Prevention Program (HIIPP) that would adequately address the impacts of personal risk factors, and the increased susceptibility associated with both pre-existing medical conditions and personal lifestyle choices of employees. Employers are oftentimes unaware of, and have limited control over, either of these issues. We further agree with the SERs that OSHA must carefully consider the concerns raised and address the employee's role in protecting themselves from the hazards associated with exposure to heat. While OSHA attempts to do so in the proposed training requirements, AGC believes that the agency has a responsibility to better ensure that employees and employers fully understand their roles with respect to the prevention of injuries and illnesses related to personal risk factors. Doing so would further protect employees and at the same time limit the employer's liability.

The success of any safety and health program or policy relies on management commitment and employee involvement. This is particularly true as it relates to injuries and illnesses that result from exposure to heat. While AGC does not have the solution to this issue, OSHA must fully consider the concerns raised in its approach to a regulatory scheme and its enforcement policies with personal risk factors in mind.

## IX. OSHA's Final Heat Standard Should Not Include any Requirements for Physiological Monitoring or Calculating Metabolic Load

The NPRM does not mention any proposed requirements suggesting that employers would be required to conduct physiological monitoring or calculating metabolic loads; however, AGC anticipates that some commenters will put these concepts forward for OSHA's consideration.

AGC's concern is justified. In the April 2022 National Emphasis Program – Outdoor and Indoor Heat-Related Hazards[6] (NEP), OSHA identified such practices as "General Controls" under personal protective equipment (PPE) in their sample Hazard Alert Letter (HAL). In response, AGC

[5] OCCUPATIONAL HEALTH & SAFETY ADMIN., REPORT OF THE SMALL BUSINESS ADVOCACY REVIEW PANEL ON OSHA'S POTENTIAL HEAT INJURY AND ILLNESS PREVENTION IN OUTDOOR AND INDOOR WORK SETTINGS (Dec. 3, 2023), https://www.osha.gov/sites/default/files/Heat-SBREFA-Panel-Report-Full.pdf.
[6] https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf

sought clarification requesting that OSHA create a series of frequently asked questions (FAQs)[7]. One of the nine questions, presented for response, was one related to physiological monitoring and calculating metabolic load. We raised the concern that this type of monitoring goes beyond the expertise of construction field supervision and that of most safety and health professionals.

In the response, OSHA acknowledged that many employers lack the expertise in this area to accurately take such physiological measurements. The response further states that some employers employ a medical specialist at their facility to provide monitoring and to determine if medical attention is needed beyond first aid, and/or if workloads need to be adjusted. The vast majority of the construction industry is comprised of small businesses who neither have the requisite expertise nor the resources to employ a medical specialist at their jobsites. AGC's position has not changed regarding inclusion of such provisions and strongly recommends that OSHA avoids doing so.

## X. OSHA should not define "employee representative" because it has no authority to do so

OSHA should not define "employee representative" because it has no authority to do so and AGC strongly objects to any attempts by OSHA to further define this term. Congress did not grant OSHA authority under the Occupational Safety and Health Act ("OSH Act") to dictate to employers who they must include when developing internal company policies and procedures, nor does OSHA have the authority to direct employers that non-employees are able to engage in such functions. This is not a question of ambiguous language in the OSH Act upon which OSHA is attempting to bootstrap its effort to define this term. Rather, the OSH Act is completely silent with respect to developing safety plans, which is the context in which OSHA is asking this question – the development of the Agency's proposed HIIPP.

Moreover, the term "employee representative" has traditionally been understood to mean an employee representative for a unionized workplace when that representative has been selected or authorized by an employer's employees. However, for non-union workplaces, it is up to the employer and employees to designate who the employee representative will be, and OSHA has no legal authority to interject itself into that interaction.

OSHA has no authority to tell employers whom to use in managing their day-to-day business operations that include workplace safety, policies and procedures, and other business operations. For OSHA to suggest that is can define an "employee representative" outside the context of a workplace inspection is exceedingly troubling.

AGC maintains OSHA lacks any authority to define "employee representative" in the context of this proposed heat standard, and its attempts to do so in this proposed rulemaking run afoul of the OSH Act and must be rejected. The CISC strongly objects to any further efforts by OSHA to define that term here. Furthermore, any attempt by Congress to delegate such authority outside the workplace is unconstitutional under the nondelegation doctrine.

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[7] https://www.osha.gov/sites/default/files/agc-heat-questions-2023.pdf

**Conclusion**

AGC requests OSHA hold in-person informal public hearings to ensure meaningful public engagement in this rulemaking. If this rule becomes final, AGC also requests a phased-in compliance period that will ensure employers have the best opportunity to implement effective procedures to meet their obligations.

In addition to the comments submitted by AGC, we would like to also incorporate by reference the comments submitted by the Construction Industry Safety Coalition (CISC) and the Coalition for Workplace Safety (CWS). We appreciate the opportunity to comment on this proposal and look forward to continued engagement with OSHA on this important issue in the future.

Sincerely,

Kevin Cannon, CSP, ARM
Sr. Director, Safety, Health, and Risk Management