

# CONSTRUCTION INDUSTRY SAFETY COALITION

November 8, 2021

The Honorable Doug Parker  
Assistant Secretary of Labor  
Occupational Safety and Health  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Re: Docket No. OSHA-2021-0009  
Request for Extension of Comment Period for Heat Injury and Illness Prevention ANPRM

Dear Assistant Secretary Parker:

On behalf of the Construction Industry Safety Coalition (“CISC”), we write to request a 60-day extension of the public comment period for the Occupational Safety and Health Administration’s (“OSHA”) Advance Notice of Proposed Rulemaking (“ANPRM”) on “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.” 86 Fed. Reg. 59309 (October 27, 2021). This rulemaking is of critical importance to the construction industry. Providing stakeholders only 60 days to gather information and draft meaningful comments on the health, risk, and other issues relevant to the rulemaking is insufficient and does not provide the construction industry adequate time to gather, analyze, and provide the types of information OSHA is seeking. Extending the comment period by 60 days will help ensure that OSHA has the best information available to it to make an informed judgment as to how to proceed to regulate potentially hazardous heat in outdoor and indoor work settings in the construction industry.

The CISC is made up of 30 trade associations, representing associations from all sectors of the construction industry, including commercial building, heavy industrial production, home building, road repair, specialty trade contractors, material suppliers, and construction equipment manufacturers. Workplace safety and health is a priority for all members of the coalition, and each is committed to helping create safer construction jobsites for workers. CISC was formed in 2013 to provide data and information to OSHA on regulatory, interpretive and policy initiatives. The CISC speaks for small, medium, and large contractors; general contractors; subcontractors; and both union and non-union contractors. The CISC has been actively engaged in OSHA rulemaking initiatives and has submitted comments on a variety of proposed rules including silica, hazard communication, beryllium, powered industrial trucks, chemical management and PELs update, and the standards improvement project (SIP-IV).

The CISC and its member associations are in the process of mobilizing quickly to gather the information requested by the Agency in the ANPRM. Issues surrounding heat exposure and the means to address it on the variety of construction worksites in different geographic regions across the country are extremely complex. On a daily basis, construction contractors throughout the country work indoors and outdoors and are subject to a wide range of environmental conditions. The environmental conditions can involve temperature, wind, sun, and humidity. As OSHA recognizes, this is one of the largest data gathering efforts ever undertaken by the Agency. The ANPRM has one-hundred fourteen (114) questions that are intended to solicit information on the topics related to assessing the nature and magnitude of occupational illness, injuries, and fatalities

occurring due to hazardous heat; how hazardous heat exposure and risk varies across industries, occupations, and job tasks; how business size may influence the practices and interventions implemented to prevent heat-related injuries and illnesses and the challenges experienced by businesses of varying sizes, including small businesses, when implementing these prevention strategies; and existing efforts at the state level to prevent occupational heat-related illness, injuries, and fatalities. The CISC intends to review the questions, collect as much information as possible, along with other information from contractors in the field regarding their existing heat injury and illness prevention efforts and submit it for the Agency's consideration. Given the volume and wide range of data and information OSHA is looking for, providing only 60 days to submit this critical information to the Agency is insufficient.

This is an important opportunity for OSHA to gather as much information as possible to make an informed judgment about how to protect construction workers from potentially hazardous heat. Allowing an additional 60 days for comment will result in the Agency receiving a more robust set of data, which would help shape a future regulatory approach. Furthermore, such an extension should not significantly delay the Agency's schedule because this is an ANPRM. We understand that the Agency has been actively gathering data and information, as well, and can continue to do so while the public has additional time to finalize the data gathering process, and the drafting of comments. This short extension will only result in better information submitted to the Agency without negatively impacting OSHA's regulatory agenda.

The CISC appreciates your consideration of this request. This is a very important initiative to the construction industry. The CISC firmly believes that this extension will result in a more robust record for OSHA's consideration.

Sincerely,

*The Construction Industry Safety Coalition*

American Road and Transportation Builders Association  
American Society of Concrete Contractors  
American Subcontractors Association  
Associated Builders and Contractors  
Associated General Contractors  
Association of Equipment Manufacturers  
Association of the Wall and Ceiling Industry  
Concrete Sawing & Drilling Association  
Construction & Demolition Recycling Association  
Distribution Contractors Association  
Independent Electrical Contractors Association  
Interlocking Concrete Pavement Institute  
International Council of Employers of Bricklayers and Allied Craftworkers  
Leading Builders of America  
Mason Contractors Association of America  
Mechanical Contractors Association of America  
National Asphalt Pavement Association  
National Association of Home Builders  
National Association of the Remodeling Industry

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National Demolition Association  
National Electrical Contractors Association  
National Framers Council  
National Roofing Contractors Association  
National Utility Contractors Association  
Natural Stone Council  
Natural Stone Institute  
Sheet Metal and Air Conditioning Contractors' National Association  
Specialized Carriers & Rigging Association  
The Association of Union Constructors  
Tile Roofing Industry Alliance

cc: OSHA Docket Office; Docket No. OSHA-2021-0009