



Public Comment on OSHA Proposed Rule: Heat Injury and Illness Prevention Standard Docket No. OSHA-2021-0009

Dear OSHA Rulemaking Committee,

As professionals in the lumber and building materials industry, we appreciate OSHA's commitment to enhancing worker safety. Our industry encompasses fixed worksites such as brick-and-mortar retail stores, outdoor lumber yards, and non-climate-controlled warehouses. While we recognize the importance of addressing heat-related risks, we believe the proposed standard does not fully reflect the realities of our operations or historical safety data.

Key Concerns

Lack of Historical Claims:

According to our insurance provider for the Northeast, which covers hundreds of locations, there have been zero heat-related injury claims in our insured group over the past four years. This suggests that current safety measures are effective in mitigating heat-related risks.

Overly Prescriptive Requirements:

The proposed rule is overly prescriptive, requiring specific measures that fail to account for the effectiveness of existing heat safety plans. Many businesses have already implemented proven protocols tailored to their operations.

Economic Burdens:

Compliance costs, particularly for small and medium-sized businesses, could be significant. Requirements such as engineering controls, acclimatization protocols, and extensive recordkeeping may force businesses to divert resources from other essential safety and operational priorities.

Lack of Consideration for Regional Climate and Work Type:

The proposed rule does not adequately consider the impact of regional climate variations or the nature of the work being performed. Different types of heat—such as dry versus humid conditions—affect people differently and require tailored approaches to heat management. Additionally, tasks involving lower physical exertion present a much lower risk of heat-related illness compared to physically demanding activities.

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Recommendations

Recognize Existing Protocols:

Allow employers with proven safety records and effective heat management practices to certify compliance under existing protocols, reducing administrative burdens.

Flexible Standards for Fixed Locations:

Develop guidelines that focus on outcomes rather than prescriptive measures, providing businesses with the flexibility to implement practical solutions.

Adjust Heat Triggers:

Incorporate additional factors, such as the type of work being performed, to better align with the realities of operations. Tasks with lower physical exertion levels, like customer service in outdoor retail areas, pose less heat-related risk compared to physically demanding activities, such as loading and unloading materials.

Streamlined Recordkeeping:

Focus recordkeeping requirements on significant incidents and corrective actions rather than exhaustive daily logs.

Incentives for Small Businesses:

Provide financial assistance, such as grants or tax incentives, to support small businesses in implementing additional heat safety measures.

Conclusion

The lumber and building materials industry has a strong track record of maintaining safe work environments, as demonstrated by the absence of heat-related claims in our insured group in the Northeast. OSHA's goals of reducing heat-related risks can be achieved more effectively through flexible, data-driven approaches that recognize existing safety efforts and minimize unnecessary burdens on businesses.

Thank you for considering these comments.

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