

# CONSTRUCTION INDUSTRY SAFETY COALITION

December 22, 2023

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

Dear Mr. Parker:

The Construction Industry Safety Coalition (“CISC” or the “Coalition”) respectfully submits these additional comments<sup>1</sup> in response to the Occupational Safety and Health Administration’s (“OSHA” or the “Agency”) potential standard for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. See 86 Fed. Reg. 59309 (October 27, 2021) following its review of the Small Business Advocacy Review (“SBAR”) Panel materials and the SBAR Panel’s final report. The CISC appreciates OSHA’s consideration of these comments.

The CISC is comprised of numerous trade associations representing virtually every aspect of the construction industry. Workplace safety and health is a top priority for all members of the Coalition, and each is committed to helping create safer construction jobsites for workers. Coalition members have remained at the forefront of industry efforts to protect construction workers from the effects of extreme heat. Amongst other efforts, the trade associations that make up the CISC and their members regularly conduct effective safety training on heat stress to provide workers with critical information about heat-related hazards on the job. Likewise, CISC members have developed a variety of heat-related toolkits and other materials to help construction employers target their efforts to prevent heat illness on the jobsite by adopting methods that make the most sense for the type of work they do.

While the CISC appreciates OSHA’s rulemaking in this area and the hazards associated with working in extreme heat, CISC members, like many of the Small Entity Representatives (“SERs”) who made up the SBAR Panel, strongly believe that a regulatory approach – if adopted – must be a flexible performance-based standard. The construction environment is inherently fluid and the CISC has significant concerns with any regulatory approach that imposes prescriptive, complicated requirements on construction industry employers. Most employers in the construction industry are small employers and OSHA’s estimates from the SER Background Document for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings (“SER Background

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<sup>1</sup> The CISC previously submitted comments in response to the Agency’s Advance Notice of Proposed Rulemaking on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. 86 Fed. Reg. 59309 (Oct. 27, 2021). See <https://www.buildingsafely.org/wp-content/uploads/2022/01/CISC-Comments-OSHA-2021-0009-Heat-Injury-and-Illness-Prevention-ANPRM-1.26.2022.pdf>.

Document”)<sup>2</sup> grossly underestimate the true amount of time it will take for many employers to comply with this regulation. If OSHA proceeds with this rulemaking, the final rule could undermine the very purpose of the Occupational Safety and Health Act of 1970 (the “Act”) as employers overburdened with the requirements of a prescriptive regulation would no longer be able to devote the appropriate resources to worker safety and health. Accordingly, the CISC urges OSHA to focus their regulatory approach on the key concepts of “Water, Rest, and Shade” and provide construction employers the necessary flexibility to make such a standard effective. For the same reasons, the CISC reiterates their invitation for OSHA to consider a separate regulatory approach for the construction industry, as OSHA has done in other rulemakings.

In this comment, the CISC addresses four key areas discussed in the SBAR Panel materials and the SBAR Panel’s final report.

**I. If OSHA Moves Forward with Their Efforts to Regulate Heat Injury and Illness, its Standard Should Be Flexible, Performance-Based, and Emphasize Training.**

One theme reiterated repeatedly by nearly every SER who participated in the SBAR Panel 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 Panel recommended that OSHA “allow employers to tailor their heat injury and illness prevention program to their setting and situations.” The CISC fully supports this approach.

**A. The Construction Industry Has Shown that a Flexible Approach to Addressing Heat Injury and Illness is Effective.**

The CISC members, like much of the construction industry, had been actively working to protect their workers from the effects of extreme heat long before OSHA initiated this current rule making attempt. These efforts have proven effective because they are simple, easy to understand, and most importantly, provide the necessary tools and information to determine how to best combat the effects of extreme heat at each worksite. An effective rule will utilize existing safety structures already in place at construction sites—e.g., pre-work hazard assessments, safety tailgate meetings—to protect workers from the hazards attendant to outdoor work. If OSHA moves forward with this rulemaking, it should not turn the construction industry on its head by requiring new unworkable methods to address extreme heat. Instead, OSHA must allow construction industry employers to implement controls that are effective for their particular job at that particular worksite.

The imposition of prescriptive regulatory standards could work to the detriment of workplace safety. A prescriptive, one-size-fits-all approach to addressing extreme heat in the workplace will not work in the construction industry, or any other industry for that matter. The number of industries that OSHA is attempting to regulate with this rulemaking are simply too vast and too

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<sup>2</sup> [https://www.osha.gov/sites/default/files/Heat\\_SER\\_Background\\_Document\\_8-21-2023.pdf](https://www.osha.gov/sites/default/files/Heat_SER_Background_Document_8-21-2023.pdf).

diverse to fit them all within the confines of an all-encompassing rule. Within the construction industry alone, extreme heat will affect each worksite, and the workers on the site, differently based on a combination of factors that are too nuanced to effectively address with a prescriptive set of requirements. Therefore, a standard addressing heat injury and illness must be a flexible, performance-based standard.

## **B. Prescriptive Administrative Controls Are Ineffective and Unworkable.**

The CISC's primary concerns with the proposed rule center around the rigid administrative controls that OSHA is considering. Many of these controls lack sufficient evidentiary support and are not workable for construction industry employers.

### **1. OSHA's Proposed Temperature Triggers Are Impractical and Lack Scientific Support.**

One of the Coalition's key concerns relates to the proposed heat triggers at which the mandates in the proposed rule would become effective. OSHA has proposed an initial ambient temperature heat trigger of 82°F and an initial heat index trigger of 80°F, and high-heat ambient and heat index triggers of 90°F and 87°F, respectively. Not only do these heat triggers fail to account for the unique climatic conditions across the United States, but they also lack any scientific backing or support.

OSHA based these heat triggers on two sources: (1) State-OSHA Plans that currently regulate heat or have proposed heat regulation and (2) the temperature thresholds used by the American Conference of Governmental Industrial Hygienists (ACGIH) and the National Institute for Occupational Safety & Health (NIOSH). Drawing heat triggers from either of these sources is problematic. There are only seven states that currently regulate heat or have proposed heat regulation. One of these states, Minnesota, only regulates indoor heat. Construction is primarily performed outdoors so an indoor heat trigger has little, if any, applicability to addressing heat injury and illness on a construction worksite. Furthermore, five of these states are in the western half of the United States (California, Washington, Oregon, Nevada, and Colorado) and the last state is located on the east coast (Maryland). These states, and the heat triggers they have adopted, are simply not representative of the United States as a whole. In addition, as the CISC explained in its prior comments, CISC members have found the existing state heat standards to be cumbersome, confusing, and ineffective.

OSHA has also proposed tying its initial heat trigger to figures set forth by ACGIH and NIOSH. The Agency's decision to look to the heat triggers used by ACGIH and NIOSH is likewise concerning. OSHA readily admits that the heat exposure and action limits used by ACGIH and NIOSH "may not have been intended by NIOSH and ACGIH to be used as triggers in the way that the agency is currently considering." See SER Background Document, FN 1. It is inappropriate for the Agency to include these figures as an OSHA requirement—and thus a requirement placed upon employers—when these figures were not intended for such a purpose. Simply put, a regulatory heat trigger cannot account for all factors that must be considered in a heat injury and illness regulation, especially in the construction industry.

## **2. Any Acclimatization Requirements Must be Flexible, Science-Based, and Allow for Self-Managed Acclimatization Periods.**

OSHA has proposed regulatory acclimatization schedules for two groups of workers: new workers and those workers returning to the worksite after having been away from the job for some period (the “returning worker”). While the CISC does not dispute that acclimatization is critical to employee safety when combating the effects of extreme heat, the CISC supports the Panel’s recommendation that any acclimatization requirements included in the Standard must allow for flexibility.

Construction workers, unlike workers in other industries, are far more likely to be naturally acclimated to the work environment before starting a job, either because they are from the area and used to the weather or they recently came from a job where they performed similar tasks in similar conditions. For example, it is common for a construction industry employer to hire new workers after the workers have wrapped up a job at a nearby site. Requiring these workers to then undergo a strict acclimatization schedule provides no safety benefit to the worker. Instead, it can result in significant financial ramifications for the worker and the employer. The worker may be forced to forego needed wages because the worker is only permitted to work for a fraction of a day until they are properly acclimatized.<sup>3</sup> Likewise, if the employer is located in a jurisdiction that mandates reporting-time pay or has a unionized workforce with a Collective Bargaining Agreement requiring this type of pay, the employer may be required to pay the worker a set minimum amount of wages despite the fact that the worker only worked for a fraction of a day.

Likewise, the proposed acclimatization schedule for new workers could prohibit construction industry employers from hiring temporary workers for short-term assignments. OSHA’s proposed acclimatization schedule will take a full week for a worker to complete before he or she is properly acclimatized and permitted to work a full day. By the time the worker has gone through the scheduled acclimatization process, the short-term assignment may have already been completed.

An acclimatization schedule for a returning worker is also concerning for Coalition members. OSHA has proposed that a worker who has been away from the worksite for as little as seven (7) days will need to go through another acclimatization ramp-up period before they can fully return to work. OSHA is not considering any exceptions to the returning worker acclimatization schedule, even if the worker traveled to a comparable climate during their time away from work (e.g., a weeklong beach vacation). An acclimatization schedule for returning workers will be particularly onerous for construction industry employers. As already mentioned, construction employers will not be able to hire temporary workers to cover the work for an employee who has left the worksite unless these temporary workers are hired weeks in advance and properly acclimatized in time to cover the necessary work. This is not feasible in the construction industry. The construction industry is not immune from the labor shortage that is affecting much of the country. Moreover,

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<sup>3</sup> The CISC disputes OSHA’s assumption that there will be other tasks available for a worker to perform during the acclimatization process. See SER Background Document at p. 34. Construction workers are often highly specialized but have few other transferable skills and are typically hired to perform a specific task. If they are unable to perform that task because of an acclimatization schedule, it is unlikely there will be other work available for the worker to perform within their skillset.

many construction employers are small employers who do not have the financial means to hire a roster of temporary workers ready and able to fill in when needed.

Instead, the Coalition supports the Agency's acclimatization proposals that focus on heat hazard awareness training and allow employers to develop acclimatization protocols tailored to their worksite. These options will allow employers, who are spread throughout the United States, to develop training and protocols that best address the unique climatic conditions of various geographic regions. These options will also allow construction industry employers to account for the distinct nature of certain indoor and outdoor construction worksites that may affect the amount of heat in the environment, such as working in an indoor confined space or outdoors near heat-generating machinery. However, the Agency should avoid adopting language that employers implement policies "at least as effective," as the proposed prescriptive language—that is an illusory flexibility that provides no meaningful regulatory guidance and leads to confusion when it comes to compliance.

### **3. Any Rest or Break Requirements Must be Flexible.**

Coalition members have concerns with any prescriptive rest or break requirements that OSHA is contemplating as part of their heat regulation. OSHA has proposed requiring 10- or 15-minute breaks every two hours, depending on the heat triggers. The CISC finds such mandatory rest breaks to be problematic as they do not account for the actual work being performed and could undermine the safety of the worksite.

By way of example, one SER who participated in the Panel was a concrete paver. This SER explained how mandatory rest breaks are infeasible for their industry. Once a concrete pour begins, there must always be a worker managing the pour and the drying process to prevent cracking or other damage to the concrete. It is not possible to pull workers away once the pour has begun without jeopardizing the task.

Mandatory rest breaks can also jeopardize employee safety. If employees are required to take breaks every 10 to 15 minutes, this could result in not having enough employees available to safely perform a task while others are on break. Moreover, the process of taking a mandatory break itself can expose workers to unnecessary hazards. Certain sectors of the construction industry constantly work at heights (e.g., roofers). OSHA has recognized that fatalities caused by falls continue to be a leading cause of death for all workers.<sup>4</sup> By imposing mandatory rest breaks, the workers will be required to descend and ascend ladders every two hours to take their required breaks. This could expose these workers to a greater hazard (falls) than the hazard that the breaks intend to prevent (heat injury and illness).

This is not to say that workers should not be provided rest breaks. The CISC agrees that rest breaks can be an effective means to mitigate heat injury or illness. Instead of mandatory breaks at set intervals, which may undermine worker safety, the CISC urges OSHA to adopt the option that allows employers to encourage their employees to take rest breaks as needed to prevent overheating.

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<sup>4</sup> See National Emphasis Program – Falls, [https://www.osha.gov/sites/default/files/enforcement/directives/CPL\\_03-00-025.pdf](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-025.pdf), at p. 4.

#### **4. Additional Administrative Controls Must Be Flexible.**

OSHA has proposed further administrative controls that it may include in its heat regulation, including adjusting work schedules. While a few CISC members have been able to change worker schedules to avoid work during the hottest times of the day, this is often not possible. Work on a construction site typically begins early in the morning and continues throughout the day. If this work had to be shifted to avoid working in the afternoon heat, it would require work to begin in the predawn hours or continue until late in the evening. Many local noise ordinances or HOAs prohibit loud construction work at such a time. Furthermore, construction work in the predawn hours or into the evening could expose workers to additional hazards presented from working in dark, damp environments without sufficient light. As such, this additional administrative control that OSHA has proposed is infeasible for many construction industry employers.

#### **5. Any PPE Requirements Should be Adaptable to the Work Environment.**

In addition to the administrative controls discussed above, OSHA is considering an option that would require employers to evaluate the use of cooling PPE, such as cooling vests and wetted garments. OSHA has set forth this as a potential option in its heat standard without any evidence showing that these types of cooling PPE are effective at preventing heat injury and illness. OSHA cannot and should not rely on a manufacturer's declaration alone when deciding whether to include cooling PPE in its regulation. Although CISC members have found that certain types of PPE can be effective prevention tools against heat-related illness, such as hard hats with wide brims and/or neck flaps to maximize sun protection, Coalition members have found other types of cooling PPE to be ineffective on the worksite. Members have reported that their workers complain that cooling vests quickly lose their cooling properties and become heavy and uncomfortable to wear. The same can be said of other types of wetted garments. While some of these workers can quickly discard cooling PPE once it is no longer effective, other workers may not be able to do so without exposing themselves or others to a greater hazard. For instance, a roofer cannot discard a cooling vest when working on a roof as doing so would expose other workers to a potential struck-by hazard from a falling cooling vest. Likewise, if the roofer needs to remove his fall protection to take off the cooling vest, it could expose the roofer to fall-related hazards as well. Accordingly, the CISC believes OSHA should refrain from mandating that employers evaluate the use of specific types of cooling PPE and instead allow employers to select the PPE that is most suitable to their specific work environment.

#### **C. Any Regulatory Approach Must be Simple, Emphasize Training, and Incorporate the Concepts of "Water, Rest, Shade."**

A heat injury and illness standard should focus on robust, yet simple, training methods. The construction industry has already shown that thoroughly training employees is an effective way to address extreme heat at the workplace. Given that heat illness can progress quickly when unrecognized and untreated, educating employees on how to recognize the signs and symptoms of heat illness to stop the progression of heat illness is the most effective way for employers to protect their employees against the hazard. For this reason, training is essential. To effectively combat the challenges arising from the broad and varied nature of construction sites (e.g., temporary, remote, etc.), a successful standard must incorporate the concepts of "Water, Rest, Shade." Teaching

employees how to recognize the signs and symptoms of heat illness via self-assessment and observation of co-workers, and how to halt the progression of same, will be the most effective way to address the hazard of heat illness confronting employers of all sizes. Accordingly, the CISC urges OSHA to focus any training required by the Standard on hazard recognition as well as prevention and mitigation, including the key concepts of “water, rest, and shade.”

## **II. The Proposed Recordkeeping and Written Plan Requirements Are Unnecessary and Impose Burdensome Compliance Obligations on Construction Employers.**

Another area where many SERs expressed concern relates to the proposed new recordkeeping requirements that create obligations beyond what is already required by existing recordkeeping standards. Specifically, the requirement to record temperature and rest breaks, and create a log of heat-related injuries and illnesses that only required first aid raise grave concern. Accordingly, the Panel recommended that OSHA reconsider many of these new recordkeeping requirements and specifically stated that the Agency should not require documentation of rest breaks or first-aid heat-related treatments unless it can further explain how such a requirement protects workers.

The CISC supports the Panel’s recommendations. These new recordkeeping requirements have little, if any, intrinsic value and instead, will only serve to create additional compliance obligations on already overloaded employees. Requiring construction employers, who perform a sizable portion of their work outdoors, to document the daily temperature is unnecessary. This information is already publicly available and archived on several online weather sources, including the National Weather Service<sup>5</sup> and Weather Underground.<sup>6</sup> Furthermore, documenting rest breaks for construction employers will become an administrative nightmare. Field supervision will be forced to spend more time creating volumes of new records and less time focusing on employee safety. A rest break log also fails to capture employers who build in employee rest breaks as part of their schedule. It is likewise unclear how OSHA anticipates employers to document as-needed rest breaks. To the extent OSHA anticipates that employees will self-report their as-needed breaks, it would require employees to track down their supervisors on already hot days simply to inform them they have taken or will be taking a break, which undermines the very purpose of the break and may discourage employees from taking breaks when needed.

The creation of a log documenting all heat-related injury or illness is problematic as well. OSHA’s Recordkeeping Standard, 29 CFR 1904.4, already mandates that employers record heat-related injuries and illnesses that are work-related and meet OSHA’s recording criteria. As such, any heat-related injury or illness that meets this criteria will already be documented. Unlike OSHA’s Recordkeeping Standard, which provides clear recording criteria so employers can easily determine whether an injury or illness should be recorded, OSHA does not define what it means by “first aid” that would require a log entry. This leaves employers to guess whether simple acts such as providing an employee with water on a hot day or instructing an employee to take a break constitute “first aid” requiring documentation. Furthermore, the proposed first aid log does not require that the heat-related injury or illness be work-related to be recordable. This will create

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<sup>5</sup> See <https://www.weather.gov/wrh/climate>.

<sup>6</sup> See <https://www.wunderground.com/history>.

further confusion as employers will now need to maintain two separate logs with different sets of recording criteria.

As employers are already obligated to record heat-related injuries or illnesses that meet OSHA's recording criteria and are work related, OSHA's proposal is of questionable utility. The Agency provides no explanation how this log will benefit worker safety, nor does it cite to an existing State-OSHA plan that requires such a log as part of their heat regulation. Coalition members are concerned then how OSHA will utilize these logs during the inspection process. It is simply not the case that every heat illness, particularly mild instances which are quickly identified and addressed, are evidence of an ineffective heat program. In fact, how OSHA intends to utilize this proposed log could deter reporting to the extent it is considered evidence of ineffectiveness. Conversely, if an employer is overinclusive on their first aid log, there could be instances where a CSHO could subjectively determine that a record made on the first aid log should have been elevated to a Form 300 log entry and issue a citation accordingly. The proposed first aid log is an improper effort to expand an employer's recordkeeping obligations beyond those defined in the Recordkeeping Standard. If OSHA wishes to expand an employer's recordkeeping obligations, it should do so through a rulemaking effort focused on expanding the Recordkeeping Standard, not creating new recordkeeping requirements via this proposed standard.

The CISC's concerns are further amplified when the Agency's Multi-Employer Worksite Doctrine is considered, which allows OSHA to cite more than one employer at a worksite when a condition violates an OSHA standard. Multi-employer worksites are particularly common in the construction industry. The doctrine places the onus of supervision on the general contractor, based on the assumption that the general contractor is in a better position to enforce safety hazards for all employees on the job site. As the CISC articulated in its previous comments, this is a false assumption and it would not be appropriate to put a general contractor in charge of heat safety for the subcontractors on site, as these subcontractors are skilled tradesmen who have a better understanding of the heat-related hazards they may face. Likewise, it would not be appropriate to hold a general contractor responsible when a subcontractor fails to comply with these proposed burdensome, complicated, and unnecessary recordkeeping requirements. To do so creates further burdens on the general contractor, which are oftentimes small businesses themselves, as they will need to ensure that all subcontractors are compliant with the new proposed recordkeeping requirements so that they will not receive a citation. This approach is overly burdensome and economically infeasible.

An area where SERs expressed further concern related to OSHA's proposed requirement that a majority of employers must create a written Heat Injury and Illness Prevention Program (HIIPP), with only a limited exception for very small employers (e.g., those with 10 or fewer employees). The construction industry is dominated by small businesses who may not have a written heat prevention program. Yet, the construction industry has shown that workers can be protected from the effects of extreme heat without a written program. By utilizing tools such as pre-work hazard assessments and safety tool gate meetings, workers can be protected from the heat-related hazards.

OSHA estimates that it will only take employers 40 hours to develop a written HIIPP if they do not already have a heat prevention program. See SER Background Document, at p. 28. This estimate is far too low, particularly for small employers who do not have resources to develop a written HIIPP from scratch. There are many more steps involved in creating such a program from



the ground up. For instance, one SER indicated they do dry run rollouts of their new programs to evaluate its effectiveness. It will be burdensome for small employers with already limited resources to develop a written HIIPP. If OSHA proceeds with this proposal, the CISC urges OSHA to adopt an exception for small and very small employers alike.

### **III. Personal Risk Factors Are Outside of an Employer’s Control but Significantly Impact How an Employee Will be Affected by Extreme Heat, and Construction Employers Should Not Be Required to Collect Information About Such Risk Factors.**

It goes without saying that no two workers are alike, and heat will affect each worker differently.<sup>7</sup> An employee’s personal risk factors, such as their pre-existing health conditions, the medications they are taking, their lifestyle choices outside of work, and their physical characteristics all have a significant impact on how that employee will respond to heat. All these conditions are outside of the employer’s control. Employers should not be held responsible when one of these personal risk factors, such as an employee’s preference for caffeinated beverages or the employee’s use of illicit drugs outside of the workplace, predisposes them to a heat-related illness or injury.

Construction employers and their foremen and supervisors are not clairvoyant, and employers should not be held responsible for information they cannot readily know. To do otherwise would place an inappropriate onus on employers to collect information about an employee’s personal risk factors. Analyzing personal health conditions to determine whether an employee is predisposed to the effects of excessive heat would place an incredibly difficult burden on employers. It would also potentially infringe upon employee privacy rights under the Americans with Disabilities Act, and it could lead to additional discrimination claims against employers or allegations that information has been mismanaged (e.g., data breaches). The CISC is genuinely concerned that OSHA’s proposed regulation could push employers in this very direction.

The CISC also notes that two State-OSHA Plans that have implemented specific outdoor heat standards or heat illness prevention standards place the responsibility on employees, not employers, to assess personal conditions. See California, Cal. Code Regs., tit. 8 § 3395(h)(1)(A) (addressing personal risk factors for heat illness only in the context of training employees so that employees are aware of the potential personal factors that may impact their risk); Washington, WAC 296-62-09560(1)(b) (equally addressing personal factors as part of training to provide general awareness of these factors to employees and specifically stating that such information is for the employee’s personal use).

Therefore, instead of pushing employers to collect information about employee personal risk factors, OSHA’s proposal should address personal risk factors through robust training. Through this training, employees will have the knowledge to recognize the signs and symptoms of heat-related illness and understand their obligation to report these symptoms to their employer. In addition, this training should encourage employees to consult with their health care provider and inform them that they will be working in warm or hot conditions, before taking any prescription, “over-the-counter” medications, or other drugs that will impact their response to heat, and then only take medications or other drugs under the advice of their doctor.

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<sup>7</sup> See Personal Risk Factors and Heat Exposure, [https://www.osha.gov/sites/default/files/FactSheet\\_PersonalRiskFactorsAndHeat.pdf](https://www.osha.gov/sites/default/files/FactSheet_PersonalRiskFactorsAndHeat.pdf).

#### **IV. A Construction Worksite Is Not Purely An “Indoor” or “Outdoor” Work Environment.**

In its proposal, OSHA is attempting to regulate both indoor and outdoor work environments via heat-specific standards. However, a construction worksite cannot be defined as simply an “indoor” or “outdoor” worksite. A construction worksite will go through distinct phases over the course of the project. While the worksite may initially be a purely outdoor work environment, the worksite will evolve as buildings are framed out, drywall and insulation are installed, and doors, windows, and other infrastructure is put in. During the evolution, the worksite will slowly transition from an outdoor work environment to an indoor work environment. This dynamic that is unique to the construction industry further highlights the need for a simple but effective approach when attempting to regulate both indoor and outdoor work environments, or a separate rulemaking for the construction industry altogether.

#### **V. Conclusion.**

The CISC appreciates OSHA’s consideration of these comments and looks forward to continued engagement with OSHA on this important issue in the future.

Sincerely,

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  
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  
National Demolition Association  
National Electrical Contractors Association  
National Framers Council  
National Roofing Contractors Association  
National Utility Contractors Association  
Natural Stone Institute  
Specialized Carriers & Rigging Association  
The Association of Union Constructors  
Tile Roofing Industry Alliance