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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: Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings Proposed Rule
Docket (OSHA-2021-0009)**

Dear Mr. Parker:

The Distribution Contractors Association (DCA) represents contractors, suppliers and manufacturers who provide distribution construction services including installation, replacement and rehabilitation of natural gas distribution systems as well as gas transmission pipelines in communities across the country. DCA members work in virtually all climates subject to cold, warm and hot weather, and we believe existing “water/rest/shade” resources provide adequate protection from heat exposure. The association is concerned with the harmful impacts on the construction industry that would likely come with enactment of its proposed rule as currently written.

OSHA’s one-size-fits-all approach to a far-reaching heat illness and injury prevention standard illustrates why the proposed standard does not fit all the industries that will be subject to its requirements. What works in general industry, agricultural, maritime, or construction does not translate equally across each of these industries. Jobsites are different, work tasks are immensely different, and obviously geographic differences factor in significantly.

DCA is an active member of both the Construction Industry Safety Coalition (CISC) and the Coalition for Workplace Safety (CWS), both of which encourage the establishment of reasonable and responsible workplace safety standards across the country. Both coalitions have expressed concerns with OSHA’s efforts to regulate the hazards of excessive heat at various points throughout the rulemaking process.

The main concern shared by industry is that OSHA proposed an overly broad and prescriptive standard that does not adequately consider the unique challenges employers would face, as well as the different geographic differences faced by employers across the country. This is especially true for construction employers.

DCA is concerned with several issues and provisions surrounding the proposed rule, including the following:

- The scope of the proposed rule does not account for the complexity of issues associated with the construction industry.

- The proposed standard must be flexible, performance-based, and emphasize training.
- The proposed recordkeeping and written plan requirements are unnecessary and impose burdensome compliance obligations on construction employers.
- A construction worksite is not purely an “indoor” or “outdoor” work environment.
- OSHA fails to address how the multi-employer citation policy will apply once enforcement begins.
- OSHA’s existing “Water.Rest.Shade” resources provide excellent guidance, while the proposed rule creates more burdens than it solves.
- The proposed rule creates substantial confusion and burdens for employers in several areas, without proof of commensurate benefit to employees.

DCA fully supports the comments submitted by both the CISC and CWS, and we encourage OSHA to reconsider the need to move forward to a final rule. The association opposes the creation of a prescriptive “one-size-fits all” approach to heat illness. Without the flexibility to tailor heat illness programs based on an employer’s unique work environment, including geography and employee tolerances, the rigid approach taken by OSHA carries the risk of being unduly burdensome and cost prohibitive, while failing to effectively protect workers from the specific hazards that would be identified through a site specific and tailored risk assessment.

We thank you for your consideration of these comments.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rob Darden', with a long, sweeping underline that extends to the right.

Rob Darden
Executive Vice President