March 20, 2026

Mr. Jose Hererra
Directorate of Construction
Occupational Health and Safety Administration
200 Constitution Avenue NW
Washington D.C. 20210

Re: Advisory Committee on Construction Safety and Health (ACCSH or Committee): Notice of Meetings and Member Appointments, Docket No. OSHA-2025-0001.

Attached:

(1) Joint Comment Re: Construction Illumination, Docket No. OSHA-2025-0040.

(2) Joint Comment Re: Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators, Docket No. OSHA-2025-0006.

(3) Joint Comment RE: Interpretation of the General Duty Clause: Limitation for Hazards Inherent to the Profession, Docket No. OSHA-2025-0041.

Dear Mr. Herrera,

Thank you for the opportunity to submit comments regarding the upcoming meeting of the Advisory Committee on Construction Safety and Health (ACCSH) on March 31 and April 1, 2026. We understand that one of the primary goals of the meeting is to obtain recommendations on several proposed rulemakings that do not currently have active public comment periods.

On behalf of the undersigned trade associations, we write to respectfully request that OSHA honor its commitment to publish ACCSH's recommendations in the *Federal Register* and make them available for public comment.[1] Given that these discussions are occurring outside the public comment period (*ex parte*), allowing the public to review and respond to the Committee's recommendations, especially if OSHA adopts any of them, will preserve the integrity and transparency of the rulemaking process,. Re-opening the comment period for each proposed rule discussed would also help to ensure the legal sufficiency of any final action if these rulemakings are later challenged in court.

[1] "The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations." 90 FR 28366.

As part of this request, we also incorporate the attached public comments that were originally filed on the proposed rules currently slated for discussion by the Committee.

We appreciate OSHA's prompt attention to this request and encourage the agency to provide an opportunity for public comment on the Committee's recommendations. Thank you again for the opportunity to comment. Should you have any questions or require additional information, please contact kevin.cannon@agc.org.

Very Respectfully,

American Road & Transportation Builders Association
Associated General Contractors of America
National Asphalt Pavement Association

National Roofing Contractors Association.

November 1, 2026

Honorable David Keeling
Assistant Secretary of Labor
Occupational Health and Safety Administration
200 Constitution Avenue NW
Washington D.C. 20210

Re: Construction Illumination, Docket No. OSHA-2025-0040

Dear Mr. Keeling,

The Associated General Contractors of America (AGC), American Road & Transportation Builders Association (ARTBA), National Asphalt Paving Association, and National Roofing Contractors Association (NRCA) welcome the opportunity to submit comments in response to the Occupational Safety and Health Administration's (OSHA) Notice of Proposed Rulemaking (NPRM) concerning Construction Illumination, which proposes the rescission of 29 CFR 1926.26 and 29 CFR 1926.56.

The Associated General Contractors (AGC) is the nation's leading construction trade association. It dates to 1918 and today represents more than 28,000 member firms including construction contractor firms both union and open-shop, suppliers, and service providers. Through a nationwide network of 87 chapters in all 50 states, D.C., and Puerto Rico, 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, among other projects critical to the economy.

The American Road & Transportation Builders Association (ARTBA) represents all facets of the transportation construction industry including public and private sector members, that plan, design, build and maintain the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. ARTBA's members are comprised of contractors, planning and design firms, materials suppliers, state and local agencies, and safety equipment manufacturers. ARTBA's nearly 8,000 members generate more than $650 billion annually in U.S. economic activity, sustaining more than 4.4 million American jobs.

The National Asphalt Pavement Association (NAPA) is the only trade association nationally representing over 1,000 companies associated with the production and (road paving) application of over 400 million tons of asphalt pavement mixtures annually. NAPA members operate pavement mix plants in virtually every Congressional district, coast to coast, border to border. More than 94 percent of America's roadways and over 80 percent of airfields are surfaced with asphalt.

The National Roofing Contractors Association (NRCA) is one of the nation's oldest trade associations and the voice of roofing professionals worldwide. NRCA's over 4,000 member companies represent all segments of the industry, including contractors, manufacturers, distributors, consultants and other employers in all 50 states and internationally. NRCA members are typically small, privately held companies, with the average member employing 45 people and generating $4.5 million in annual sales.

We appreciate the administration's efforts to reduce the regulatory burdens faced by contractors. However, in this instance, we believe the industry is best served by preserving the existing standard.

Our answers to OSHA's questions are as follows:

1. **How much do employers expect to save as a consequence of the rescission of requirements in the current standard?**

We don't expect our members to see cost savings from this rule. Costs may go up if the proposed rule is finalized.

As the rule explains, sufficient illumination on the job site would remain an enforceable requirement under the general duty clause. In the absence of ***codified*** OSHA regulations, the construction industry will continue to rely on American National Standard (ANSI) A11.1-1965, R1970, Practice for Industrial Lighting to mitigate risk. This standard is a nationally recognized status quo, and that will not change as a result of this proposed rule. The standard costs $120 to purchase, a new cost imposed by this proposed rule.[1]

2. **How much familiarization time would employers who are new entrants to the market be expected to save based on the revisions?**

Because illumination would remain required under the general duty clause, employers who are new to the market would need to spend a substantially similar amount of time familiarizing themselves with the requirements. They may even be required to seek out and purchase a copy of the ANSI standard, which can take longer than referring to the Code of Federal Regulations.

3. **Are there any benefits for worker protection that can be anticipated from this proposed change?**

While we know contractors will continue to rely upon consensus industry standards, the proposal creates uncertainty regarding which standards OSHA inspectors will use for enforcement under the general duty clause. The proposed rule says that sufficient illumination "is obvious." We believe that, unfortunately, without guidance, the standard is ambiguous and leaves the door open for variability in the approval of job sites based on subjectivity. Without well-defined regulations, inspectors may enforce disparate ideas of what looks like sufficient illumination. An objective standard is a much safer and consistent solution.

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[1] The current revision of the aforementioned standard is American National Standards Institute and Illuminating Engineering Society standard, **ANSI/IES RP-7-21+E1 (2021 edition),** which is copyrighted by IESNA. It may be purchased online https://store.ies.org/product/rp-7-21-recommended-practice-lighting-industrial-facilities/?v=eb65bcceaa5f.

Slips, trips, and falls are by far the most common hazard on a worksite. They account for the greatest number of fatalities in the construction industry, especially among small businesses. Over the past 10 years, at least, an average of 371 workers were killed from falls, slips, and trips. We oppose any policy that may, even incidentally, raise the risk of this type of injury.[2]

Fall protection violations continue to be among the most cited standards in the construction industry, consistently topping the list of OSHA's most frequently cited violations. Due to the number of violations, the seriousness of injuries caused by lack of/or improper fall protection, and the number of fatalities caused by falls, it is imperative that additional emphasis be placed on fall protection training in the construction industry. Sufficient illumination is part of the solution and should be continually emphasized.

4. **Are there any costs for employers that would result from this change that OSHA has not considered?**

As mentioned above, contractors will continue to rely on American National Standard A11.1-1965, R1970, Practice for Industrial Lighting to mitigate risk. The purchase of the standard is a new cost, valued at $120.

We also believe this proposal increases the risk that certain job sites will be insufficiently lit, leading to a greater incidence of workplace accidents, including slips, trips, and falls. An employer may think a workspace is sufficiently lit, but an employee with weaker eyesight might have trouble spotting certain hazards. This disconnect can lead to accidents in the workplace which may in turn result in increased costs.

The 2025 Liberty Mutual Workplace Safety Index,[3] which estimates the top ten causes of the most serious workplace injuries and ranks them by their direct costs of medical and lost-wage payments, estimated that slips, trips, falls, and struck by injuries cost U.S. businesses nearly 25 billion dollars. This proposed rule could contribute to a higher number in 2026.

I. The Proposed Rule Creates Legal Risk for both OSHA and Employers

To-date there is no body of legal challenges based on the sufficiency of illuminated worksites. We believe this is because the existing ***codified*** OSHA regulations are clear, removing the need for such disputes.

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[2] In construction, insurance companies assign every firm an Experience Modification Rate (EMR) based on its workplace injury record. An EMR of 1.0 means a company's safety record is average for its industry. A lower EMR (e.g., 0.80) signals fewer injuries than average and lowers workers' compensation insurance costs. A higher EMR (e.g., 1.25) means more injuries and raises premiums. Because EMR is widely used as a prequalification factor in bidding, even small increases can knock contractors out of competition for public and private projects. Owners may not hire a firm if its EMR is above 1.0, regardless of price or qualifications. That means workplace injuries caused by hazards like poor lighting don't just drive up insurance costs—they directly impact a contractor's ability to win work and stay competitive. With slips, trips, and falls already among the top sources of injuries in construction, removing OSHA's clear illumination standard may risk worsening injury rates and raising EMRs across the industry.

[3] https://business.libertymutual.com/workplace-safety-index/

The proposed rule, due to the increased lack of clarity, may invite negligence claims if an employee is injured on the job site and sues OSHA and the employer for negligence. In this situation, a judge would have to determine if either party breached their duty to the employee by authorizing work on an unsafe and poorly lit job site. Lacking objective standards, the judge would likely make the judgment based on his or her personal judgment, which may or may not include a physical visit to the job site.

Creating the type of ambiguity that allows judges to create their own standard is an unnecessary risk and one that is completely avoided by preserving the existing standard.

II. The Proposed Rule Makes Enforcement More Difficult and Expensive

The Government Accountability Office concedes that "using the general duty clause requires significant agency resources, and that officials say it is not always a viable option."[4] The report explains that "violations of the general duty clause [are] challenging to cite, since a large amount of documentation is necessary to demonstrate that all elements required to use the clause are present."[5]

Efforts to protect employees under the general duty clause can be met with significant legal challenges, leaving many workers vulnerable. It can be difficult for the agency to prove the existence of a recognized hazard, even in cases where a fatality occurs. Third-Party standards are also difficult to rely on. OSHA has been largely unsuccessful in relying on third-party scientific documents.[6] Moreover, under the general duty clause OSHA must largely rely on expert witness testimony to prove both the existence of a hazard and the availability of feasible abatement measures that will materially reduce or eliminate the hazard in each individual case.[7]

Continued reliance on the existing ***codified*** OSHA regulations is in the best interest of industry and OSHA alike.

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[4] GAO report on Workplace Safety and Health, May 25, 2022. Last accessed September 5, 2025.

[5] A general duty clause citation "requires that all four of the following elements are identified: (1) the employer failed to keep the workplace free of a hazard to which employees of that employer were exposed; (2) the hazard was recognized; (3) the hazard was causing or was likely to cause death or serious physical harm; and, (4) there was a feasible and useful method to correct the hazard." *Id.*

[6] See *Aldridge Elec., Inc.*, 2016 WL 8581709 at *14 (noting that "none of these documents is a mandatory document that [employers] must follow akin to an OSHA regulation.")

[7] See, *e.g., Industrial Glass*, 1992 WL 88787 at *4-7).

III. Conclusion

Thank you again for your efforts to improve the regulatory environment for contractors. Our collective associations take the safety of our members very seriously. However, we strongly believe that in this instance, deregulation creates new costs and risks for contractors, with zero benefits. If you have any questions or require further information, please contact kevin.cannon@agc.org.

Very Respectfully,

Associated General Contractors of America (AGC)
American Road & Transportation Builders Association (ARTBA)
National Asphalt Paving Association (NAPA)
National Roofing Contractors Association (NRCA)

November 1, 2025

Honorable David Keeling
Assistant Secretary of Labor
Occupational Health and Safety Administration
200 Constitution Avenue NW
Washington D.C. 20210

Re: Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators, Docket No. OSHA-2025-0006

Dear Mr. Keeling,

The Associated General Contractors of America (AGC), American Road & Transportation Builders Association (ARTBA, Mason Contractors Association of American (MCAA), National Paving Association of America (NAPA), and National Roofing Contractors Association (NRCA) welcome the opportunity to submit comments in response to the Occupational Safety and Health Administration's (OSHA) Notice of Proposed Rulemaking (NPRM) concerning the Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators.

The Associated General Contractors (AGC) is the nation's leading construction trade association. It dates to 1918 and today represents more than 28,000 member firms including construction contractor firms both union and open-shop, suppliers, and service providers. Through a nationwide network of 87 chapters in all 50 states, D.C., and Puerto Rico, 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, among other projects critical to the economy.

The American Road & Transportation Builders Association (ARTBA) represents all facets of the transportation construction industry including public and private sector members, that plan, design, build and maintain the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. ARTBA's members are comprised of contractors, planning and design firms, materials suppliers, state and local agencies, and safety equipment manufacturers. ARTBA's nearly 8,000 members generate more than $650 billion annually in U.S. economic activity, sustaining more than 4.4 million American jobs.

The Mason Contractors Association of America (MCAA) is the national trade association representing mason contractors. The MCAA is committed to preserving and promoting the masonry industry by providing continuing education, advocating fair codes and standards, fostering a safe work environment, recruiting future manpower, and marketing the benefits of masonry materials.

The National Asphalt Pavement Association (NAPA) is the only trade association nationally representing over 1,000 companies associated with the production and (road paving) application of over 400 million tons of asphalt pavement mixtures annually. NAPA members operate pavement mix plants in virtually every Congressional district, coast to coast, border to border. More than 94 percent of America's roadways and over 80 percent of airfields are surfaced with asphalt.

The National Roofing Contractors Association (NRCA) is one of the nation's oldest trade associations and the voice of roofing professionals worldwide. NRCA's over 4,000 member companies represent all segments of the industry, including contractors, manufacturers, distributors, consultants and other employers in all 50 states and internationally. NRCA members are typically small, privately held companies, with the average member employing 45 people and generating $4.5 million in annual sales.

We are writing today in measured support of the proposed rule. While safety is a top priority for our associations and our members, not every best practice on the job site needs to be required by regulation. To be clear, we do consider the use of medical questionnaires and evaluations for filtering facepiece respirators (FFR) and loose-fitting powered air-purifying respirators (PAPR) to be a best practice. However, based on feedback from our members, we think this best practice can be included as a newly adopted Nonmandatory Appendix E within 1910.134. This strategy would provide our members with guidance on whether a medical evaluation might be beneficial, while providing flexibility in situations where the process may be unnecessary.

We appreciate OSHA's commitment to provide that flexibility, but we respectfully recommend that such practices be noted deliberately in both the preamble of the rule and in the new *Appendix E*, as a best practice.

I. Justification and Suggested Language for a Nonmandatory Appendix E to Subpart I §1910.134

In some instances, the use of respiratory protection may cause a physiological burden on the employee. The existing medical questionnaire and a follow-up medical evaluation are best practices used to identify underlying medical conditions that could result in adverse effects while wearing certain types of respiratory protection. This may include filtering facepiece respirators (FFR) and loose-fitting powered air-purifying respirators (PAPR)."

We suggest that OSHA create and adopt a Nonmandatory Appendix E to § 1910.134, *Guidance on OSHA Respirator Medical Evaluation for Filtering Facepiece Respirators (FFR) and Loose-Fitting Powered Air-Purifying Respirators (PAPR).* This newly created nonmandatory appendix could include the following language:

"Respirator medical evaluations are designed to ensure employees required to wear respirators to protect against airborne contaminants are able to do so safely. The results of the respirator medical evaluation also help employers make informed decisions about which employees can use respirators under specific environmental conditions and physical demands. Some medical conditions may make it difficult for an employee to wear a respirator at work. A respirator medical evaluation can help detect if wearing a respirator will aggravate or exacerbate any of these conditions.

Employers who choose to administer respirator medical evaluations and facilitate consultation with a healthcare professional, may continue to follow the Appendix C to § 1910.134: OSHA Respirator Medical Evaluation Questionnaire (Mandatory)."

II. Conclusion

Our collective associations take the safety of our members very seriously. As such, we evaluate any deregulatory proposal from OSHA with caution. In this instance, we support the proposed rule as it gives employers flexibility in cases where a medical evaluation is clearly not necessary. However, we do consider such evaluations to be a best practice and respectfully request that OSHA designate it as such both in the preamble of the Final Rule, and Appendix E to Subpart I of Part 1910. Thank you for the opportunity to comment. If you have any questions or require further information, please contact kevin.cannon@agc.org.

Very Respectfully,

Associated General Contractors of America (AGC)
American Road & Transportation Builders Association (ARTBA)
Mason Contractors Association of America (MCAA)
National Asphalt Paving Association (NAPA)
National Roofing Contractors Association (NRCA)

November 1, 2025

VIA ELECTRONIC SUBMISSION

Honorable David Keeling
Acting Administrator
U.S. Occupational Safety and Health Administration
200 Constitution Ave. NW
Washington, D.C. 20010

RE: Interpretation of the General Duty Clause: Limitation for Hazards Inherent to the Profession (Docket No. OSHA-2025-0041)

Dear Mr. Keeling,

On behalf of the American Road & Transportation Builders Association (ARTBA), the Associated General Contractors of America (AGC), and the National Asphalt Pavement Association (NAPA) we respectfully submit these comments on the Occupational Safety and Health Administration's (OSHA) proposed rule to modify the interpretation of the General Duty Clause, 29 U.S.C. § 654(a)(1).[1] Our collective associations represents a broad cross-section of the transportation construction industry. Our members are engaged in every aspect of building and maintaining transportation infrastructure nationwide.

ARTBA's membership includes public and private sector members, that plan, design, build and maintain the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. ARTBA's members are comprised of contractors, planning and design firms, materials suppliers, state and local agencies, and safety equipment manufacturers. ARTBA's nearly 8,000 members generate more than $650 billion annually in U.S. economic activity, sustaining more than 4.4 million American jobs.

AGC is the nation's leading construction trade association. It dates to 1918 and today represents more than 28,000 member firms including construction contractor firms both union and open-shop, suppliers, and service providers. Through a nationwide network of 87 chapters in all 50 states, D.C., and Puerto Rico, 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, among other projects critical to the economy.

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[1] Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities, 90 Fed. Reg. 28,370 (July 1, 2025).

NAPA is the only trade association nationally representing over 1,000 companies associated with the production and (road paving) application of over 400 million tons of asphalt pavement mixtures annually. NAPA members operate pavement mix plants in virtually every Congressional district, coast to coast, border to border. More than 94 percent of America's roadways and over 80 percent of airfields are surfaced with asphalt.

Safety and health are foundational to our members' operations, and we share OSHA's commitment to advancing effective, practical approaches to worker protection. We appreciate OSHA's effort to clarify that the General Duty Clause should not be applied to hazards that are "integral to the essential function" of certain professions, and for which there is no existing OSHA codified standard. This clarification will help reduce regulatory uncertainty, promote consistent enforcement, and strengthen collaboration between OSHA and the transportation construction industry to focus on hazards that employers can meaningfully control. Our associations offer the following comments to support and refine the agency's proposal.

Background

On August 20, 2025, OSHA published a proposed rule revising the interpretation of the General Duty Clause[2] to clarify that the clause does not apply to hazards that are inherent and inseparable from the core nature of certain professional activities. The proposal seeks to provide clearer limits on employer obligations where hazards cannot reasonably be eliminated through abatement efforts, particularly when doing so would fundamentally alter or prohibit the activity itself.

Our associations appreciate OSHA's focus on fair and consistent enforcement of the General Duty Clause. Our member organizations—representing contractors, suppliers, engineers, and public agencies across the full spectrum of the construction industry—are directly affected by this interpretation. Given the nature of construction work in active roadway environments, our members routinely face hazards that cannot be fully controlled despite full compliance with federal and state safety protocols. Accordingly, our associations submit these comments to ensure OSHA's final interpretation accurately reflects the realities of construction work and the practical limits of employer control.

Comments on the Proposed Rule

OSHA's proposed interpretation appropriately limits the application of the General Duty Clause to hazards employers can feasibly control. The transportation construction sector's inclusion would be consistent with OSHA's stated goal of excluding from enforcement "hazards that are known, recognized, and inherent in the core activity of a profession."[3] In highway construction, exposure to moving traffic is an inherent hazard that cannot be fully eliminated without closing down large portions of critical roadways.

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[2] 29 U.S.C. § 654(a)(1).

[3] 89 Fed. Reg. at 64364.

Within this proposed rulemaking, OSHA has requested input on whether additional industry sectors or occupations should be considered under this provision. We respectfully submit that the North American Industry Classification System (NAICS) Code 237310, covering Highway, Street, and Bridge Construction—should be included. NAICS 237310 encompasses our members engaged in the construction, reconstruction, rehabilitation, and repair of highways, streets, roads, airport runways, public sidewalks, and bridges.[4] Much of this work occurs on active transportation infrastructure sites that remain open to motorized traffic, including passenger vehicles, motorcycles, and large commercial trucks.

I. <u>Construction work zones exemplify hazards inherent to the profession.</u>

Workers in this sector face unavoidable exposure to moving traffic, often operating at high speeds and under varied conditions. Despite adherence to robust safety protocols—including those prescribed by OSHA and the Federal Highway Administration (FHWA)—protective barriers, traffic control devices, and buffer zones cannot fully eliminate the risk of errant vehicles entering a work zone.

According to the Bureau of Labor Statistics' *Census of Fatal Occupational Injuries (CFOI)*, transportation incidents remain the leading cause of fatal occupational injuries in construction work zones, accounting for more than 60 percent of such fatalities annually.[5] The overwhelming majority of these incidents involve impaired, distracted, or reckless drivers—behaviors entirely outside the employer's control.

II. <u>Adding transportation construction to the proposed rule would increase consistency with OSHA's enforcement principles.</u>

OSHA's proposed rule states that the agency intends to apply this interpretation to hazards that are inseparable from the nature of a professional activity. Highway, street, and bridge construction work squarely fits this definition. Contractors performing work on active roadways must operate within the confines of public transportation systems. They cannot close roads or regulate driver behavior without explicit direction and approval from government authorities.

Employers in this sector do not have the authority to control public roadways, enforce traffic laws, or prevent motorists from operating under the influence, while fatigued, or while distracted. These conditions are inherently external to the construction employer's control. OSHA's recognition of this limitation is essential to fair and consistent enforcement of the General Duty Clause.

III. <u>Current data shows that certain hazards remain unavoidable despite industry best efforts.</u>

FHWA's *Manual on Uniform Traffic Control Devices (MUTCD)*[6], coupled with OSHA's own work zone safety guidelines, provides an integrated framework for mitigating traffic exposure. Employers who

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[4] U.S. Census Bureau, *North American Industry Classification System (NAICS) 237310* (2022), https://www.census.gov/naics/.

[5] Bureau of Labor Statistics, *Census of Fatal Occupational Injuries (CFOI)* (2022), https://www.bls.gov/iif/oshcfoi1.htm.

[6] Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways* (11th ed. 2023), https://mutcd.fhwa.dot.gov/.

fully comply with these standards have implemented all feasible protective measures recognized by both agencies.

Despite these efforts, BLS data show that struck-by vehicle incidents continue to be the primary source of work zone fatalities, underscoring that some hazards remain unavoidable despite best practices. These are precisely the circumstances OSHA's proposed rulemaking seeks to acknowledge—where hazards are inherent to the nature of the work and not reasonably abatable through employer action.

IV. OSHA should clarify the rule's applicability to the transportation construction industry.

To align with OSHA's stated intent, we urge the agency to explicitly include "Highway, Street, and Bridge Construction (NAICS 237310)" among the examples of professional activities where exposure to uncontrolled third-party hazards—such as public traffic—constitutes an inherent hazard. Alternatively, OSHA could clarify in the final interpretation that industries in which workers must perform duties in proximity to uncontrolled public environments (e.g., roadways or rights-of-way) fall within the scope of this exclusion.

Conclusion

Until broader systemic changes are implemented — such as shifts in public policy, infrastructure design, or driver behavior — it is not feasible to eliminate this hazard. We strongly urge OSHA to include Highway, Street, and Bridge Construction under NAICS 237310 within the scope of its proposed interpretation of the General Duty Clause. This inclusion would acknowledge the limits of employer control and support fair and appropriate enforcement. If you have any questions or require further information, please contact psharma@artba.org.

Sincerely,

American Road & Transportation Builders Association (ARTBA)
Associated General Contractors of America (AGC)
National Asphalt Pavement Association (NAPA)