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Director  
Infrastructure Policy

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Occupational Safety and Health Administration  
US Department of Labor  
200 Constitution Ave, NW  
Washington, DC 20210

**RE: Docket No. OSHA-2021-0009, Advance Notice of Proposed Rulemaking, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings**

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing 14,000 manufacturers in every industrial sector and in all 50 states, respectfully submits these comments in support of the Occupational Safety and Health Administration (OSHA) Advance Notice of Proposed Rulemaking (ANPRM), Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. The NAM appreciates the opportunity to comment on this ANPRM.

The NAM's diverse membership represents a broad spectrum of businesses that operate in both outdoor and indoor settings and in all geographic climates across the country. Manufacturers in the U.S. are committed to maintaining safe factories and workplaces and have dedicated significant time and resources towards creating work environments that provide employees with appropriate heat-related alleviation measures and operational policies. Further, in order to remain competitive in today's highly volatile labor market, manufacturers in America have prioritized operational steps that offer employees a high standard of comfort and applicable training to address individual circumstances dictated by specialized industrial equipment and facility needs. As outlined in the federal register notice, a component of OSHA's intended objective during the initial stage of this regulatory process is to obtain relevant information related to existing employer-implemented safety standards and mitigation strategies to address heat-illness and heat-related injuries. The NAM can provide a distinct perspective on the issues related to any potential rulemaking that would impact industrial operations to address climatization and safety in the workplace.

As OSHA considers the merits of advancing a formal rule on these issues, and reviews relevant technical aspects and data related to workplace safeguards, the NAM encourages the agency to consider the following recommendations:

**Differentiate Between Outdoor and Indoor Work Settings**

There is no all-inclusive location or climate in which each and every manufacturing process can best succeed. America's diverse manufacturing base has been embedded in the country's largest cities and across our most rural communities through decades of bold entrepreneurial leadership and in response to community, commercial and national needs. The millions of Americans that design and build every facet of the modern world are not siloed in one region nor is the equipment they operate adaptable to every potential climate, season or structural location. A woodshop in Greenwood, SC may maintain comfortable temperatures during autumn months just as a factory floor in Stoughton, WI might not require industrial air

conditioning when summer arrives. The innovative processes and factories built in order to manufacture products are each uniquely constructed to fit the means and location of production. Accordingly, these geographic differences have led to innumerable configurations for manufacturing facilities, including the broad utilization of both outdoor and indoor workspace or regularly a combination of both.

While OSHA's statutory mission rightly provides the authority to mandate safe working conditions in manufacturing facilities, developing an overarching regulatory framework comprised of temperature metrics and operational mandates without accounting for naturally occurring climatic differences based on geographic and situational circumstances would create imprudent burdens and negate safety benefits. By combining both outdoor and indoor work settings under one rulemaking, OSHA is positioned to encounter incongruous data and application standards which would create significant contradictions. Many manufacturing facilities include multiple workspaces, each uniquely built and equipped for a specific purpose. Should the agency seek to create one standard that broadly applies to the needs of both outdoor and indoor settings the resulting impact would unduly burden operational quality and effectiveness for the alternative safety benefit.

The NAM encourages OSHA to consider differentiating physical work environments for the purposes of any regulatory efforts related to heat-illness prevention. By separating the innately divergent climatic impact of indoor and outdoor settings, OSHA will not only simplify internal processes but ensure that the overall focus and prudent benefits for workers can be appropriately targeted based on real-world workplace environments.

### **Provide Flexibility for Circumstantial Response**

In considering development of a rule to address heat-injury and illness prevention in the workplace, OSHA should allow for flexibility in responding to the acclimatization challenges encountered by businesses that operate high heat equipment or otherwise require intense industrial processes that produce radiant temperature impacts. Pressurization, sterilization, kilning, chemical processing and industrial distillation are just a few of the processes utilized daily by numerous manufacturing facilities across the country. Each process produces unique external temperatures through different means and requires unique remediation strategies. Through a relentless focus on the prioritization of employee health and wellness, manufacturers have developed a multitude of mechanisms to safely operate the machinery and facilities that use similarly impactful but different operational processes and equipment.

Flexibility to create appropriate safeguards in order to prevent injury, depending on equipment output, would allow for the continued safe and effective operation of varied factory functions. Further, any federal rule focused on heat-illness prevention that was crafted with functional variability in mind would still provide consistency and continuity for employers that operate in multiple locations, provided appropriate flexibilities are built in for temperature, humidity and related climate measurements. Additionally, indoor-specific rules, structured with the variability to accommodate acclimatization challenges in indoor settings, would equally serve the goal of benefiting worker safety.

### **Utilize and Promote Existing Policies**

Manufacturers are firmly committed to safe workers in safe workspaces and in providing OSHA with appropriate and collaborative input in pursuit of that goal. While employees in different industries may face varied levels of risk in their day-to-day employment, workers on

factory floors and in industrial buildings require additional training to ensure physical safety. Specialized training focused on worker safety is an ever-present component of a successful manufacturing operation. NAM members devote considerable effort to maintaining a highly skilled and specialized workforce fully instructed with appropriate educational measures and operational awareness.

Based on the unique needs of their equipment, operations and workforce, manufacturers have long ago adopted heat-mitigation strategies and policies to keep workers safe and maintain operational continuity. Many factories provide air-conditioned environments while others do not. Some equipment requires the use of heavy-duty protective outerwear, eyewear or gloves. For every different manufacturing facility, specific safety protocols guide the facility operations and training is a key piece of that effort in order for workers to safely operate machinery and keep those around them safe.

The NAM strongly encourages the agency to utilize the existing strategic knowledge and data gained by manufacturers in America who have successfully and safely produced the essential products needed for our national commercial competitiveness and livelihood. Manufacturers require a safe and healthy workforce on the job and are constantly evolving methods and developing equipment to lessen the threat or impact of any employment-related injury. The NAM stands ready to assist the agency in identifying effective measures and requirements to attain and expand those safe operations.

As OSHA considers pursuing regulations addressing strategic heat mitigation efforts, the NAM looks forward to a productive partnership as a member of the NACOSH Heat Injury and Illness Prevention Working Group. We commend OSHA for its inclusion of the manufacturing sector to offer technical expertise and input on industrial strategies and practices already in place across the nation's factory floors and industrial building facilities. Manufacturers request that OSHA consider the recommendations in this comment as baseline suggestions to support the development of any heat-illness and injury rulemaking to ensure that manufacturing workers remain safe and can continue leading our national economic revival.

*Comments submitted electronically by:*

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