



# Occupational Safety and Health State Plan Association

August 29, 2025

Chair

Barton G. Pickelman  
Michigan Department of Labor  
and Economic Opportunity  
Occupational Safety and Health  
Administration

Honorable Amanda Wood Laihow  
Acting Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health Administration  
United States Department of Labor

Vice Chair

Renée Stapleton  
Oregon Department of  
Consumer and Business  
Services  
Occupational Safety and Health

Comments Regarding Department of Labor, Occupational Safety and Health  
Administration (“OSHA”) July 1, 2025, Federal Register Notice for Proposed  
Rulemaking

Construction Illumination, Docket No. OSHA-2025-0040

Open Fires in Marine Terminals, Docket No. OSHA-2025-0007

House Falls in Marine Terminals, Docket No. OSHA-2025-0008

Past Chair

Chuck Stribling  
Kentucky Education and Labor  
Cabinet  
Department of Workplace  
Standards

Dear Acting Assistant Secretary Laihow:

Treasurer

James Krueger  
Minnesota Department of Labor  
and Industry  
Occupational Safety and Health

The Occupational Safety and Health State Plan Association (“OSHSPA”) is the organization of twenty-nine (29) State Plans and U.S. Territories that have federal OSHA approved State Plans. OSHSPA members work together with federal OSHA and many others to advance occupational safety and health in their respective States and Territories. The collaboration between OSHSPA and federal OSHA is essential to helping ensure workers are protected across this nation.

Directors

Larry Hunt  
Tennessee Department of Labor  
and Workforce Development

The proposed rulemaking regarding Construction Illumination, Open Fires in Marine Terminals, and House Falls in Marine Terminals raises comments and concerns from the OSHSPA membership. This correspondence expresses those comments and concerns.

Bob Genoway  
New Mexico Environment  
Department  
Occupational Health and Safety  
Bureau

Steve Greeley  
Maine Department of Labor  
Workplace Safety and Health  
Division

In the proposed rulemaking for Construction Illumination it states, “In OSHA’s judgment, the Construction Illumination Standard is not reasonably necessary or appropriate under section 3(8) of the OSH Act because it does not substantially reduce a significant risk to workers. The OSHA standard does not provide significant protection beyond what would exist without the standard because the hazard-lack of illumination-is obvious to employers and employees, as is the means to address it.” OSHSPA believes the Construction Illumination Standard does provide significant protection to workers and is necessary in situations when it is not obvious to the employer that they are providing inadequate illumination for their employees to perform their work safely.

Mischelle Vanreusel  
Maryland Department of Labor  
Division of Labor and Industry

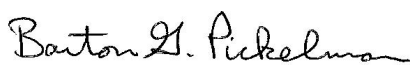
In the proposed rulemaking for Open Fires in Marine Terminals and House Falls in Marine Terminals it states OSHA is proposing to remove these standards as they are "...no longer necessary to protect employees working in the marine terminals from occupational safety and health hazards." In the Open Fires proposed rulemaking it states, "It is OSHA's understanding that this is no longer a typical practice. Because of containerization and technology improvements in the marine terminals industry, employees today are not exposed to the elements as they once were." In the House Falls proposed rulemaking it states, "It is OSHA's understanding that the marine terminals industry does not currently employ house falls because most cargo has been containerized and is moved by cranes." OSHSPA believes the Open Fires in Marine Terminals and the House Falls in Marine Terminals standards do protect employees who continue to be exposed to open fires, and house falls in the marine terminal industry, although they may not be typical practice, they are still in use.

Finally, the Occupational Safety and Health Act of 1970 requires State Plans to be "at least as effective" as OSHA and allows State Plans to be more stringent than OSHA in protecting the safety and health of workers in their respective jurisdictions. With this proposed rulemaking, OSHSPA membership is greatly concerned that OSHA may compel State Plans to adopt rules that are less stringent or less protective than rules the state plans have in place or may promulgate in the future. If that is OSHA's intent, OSHSPA is in firm opposition as it runs contrary to the missions of the State Plans. This comment is regarding the language in the State Plan sections of the proposed rulemakings where it states, "OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal." If OSHA is not contemplating compelling State Plans to adopt rules that are less stringent or less protective, then why seek comments on that part of the rulemaking as it is misleading.

The OSHSPA Board brought this concern to the attention of the OSHA Core Executive Committee during a meeting on July 18, 2025. In response, the OSHSPA Board received an email from OSHA on July 29, 2025, stating that they consulted with their solicitors and the "OSHA seeks comment on this assessment of its proposal" language included in this rulemaking is boilerplate and is not meant to imply that they are thinking of changing their decision on not requiring State Plan adoption. OSHSPA hopes that is the case, otherwise as stated earlier, OSHSPA would be in firm opposition to OSHA compelling State Plans to adopt rules that are less stringent or less protective.

Thank you for the opportunity to provide comment on the proposed rulemaking and for your dedication to the safety and health of America's workers.

Sincerely,



Barton G. Pickelman, CIH  
Chair  
Occupational Safety and Health State Plan Association

cc: OSHSPA Membership