



Robert Matuga
Assistant Vice President
Labor, Safety, and Health Policy
rmatuga@nahb.org

October 27, 2021

James Frederick
Acting Assistant Secretary of Labor
Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

RE: Docket No. OSHA-2021-0009, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings - Advance notice of proposed rulemaking (ANPRM): Request for Extension of Comment Period

Dear Acting Assistant Secretary Frederick:

On behalf of the National Association of Home Builders (NAHB), I respectfully request a sixty (60) day extension of the current deadline for submitting written comments in response to the Occupational Safety and Health Administration's (OSHA) advance notice of proposed rulemaking on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings that was published in the Federal Register on October 27, 2021 (86 Fed. Reg. 59309). NAHB believes that providing only 60 days to submit comments to the ANPRM does not provide the residential construction industry adequate time to gather, analyze, and provide the types of information OSHA is seeking. Extending the comment period by 60 days will help ensure that OSHA has the best data available as OSHA considers developing a standard, including the scope of the standard and the types of controls that might be required.

NAHB is a Washington, D.C.-based trade association whose members are involved in home building, remodeling, multifamily construction, property management, subcontracting, design, housing finance, building product manufacturing and other aspects of residential and light commercial construction. NAHB's builder members construct about 80 percent of the new housing units each year, making housing a large engine of economic growth nationally.

As an interested stakeholder in this regulatory activity, NAHB is willing and eager to provide data and information that will assist OSHA in determining how to best protect construction workers from potentially hazardous heat and the nature and effectiveness of interventions and controls used to prevent heat-related injury and illness. NAHB believes that additional time is necessary to respond to this ANPRM for the following reasons:

- OSHA has asked one-hundred fourteen (114) separate detailed questions, which requires careful review and discussion by home builders and specialty trade contractors in order to understand the possible ramifications and their application, and to identify, prepare and submit the requested data and information.
- The ANPRM requires thoughtful analysis on wide-ranging topics from employers existing heat injury and illness prevention efforts to varying impacts of heat on geographic regions to engineering and administrative controls and personal protective equipment, to worker training to detailed economic impacts, particularly on small businesses. Each of these topics must be considered and


input obtained from NAHB's diverse membership, which cannot be completed in a short, 60-day comment period.

- Historically, OSHA's ANPRM is primarily used to gather information to help the Agency decide on what steps to take next in the rulemaking process. An extension of the comment period does not create a hardship for the Agency as there is no apparent, compelling reason for the current short 60-day deadline for submitting comments.
- The current comment period ends on December 27, 2021. Given where the comment period falls on the calendar between two major federal government holidays—Thanksgiving and Christmas—it will be extremely difficult to obtain important feedback from home builders as this is a particularly busy time for builders who are wrapping up projects for year-end home closings and accounting purposes.

For these reasons, we believe an extension of time of 60 additional days for submitting comments is necessary and appropriate. Offering meaningful comments on this ANPRM is extremely important to NAHB's members. Accordingly, NAHB urges OSHA to grant all interested stakeholders this extension.

Thank you, in advance, for your consideration in this request. Please call me at (202) 266-8590 if you have any questions or require any additional information.

Regards,

A handwritten signature in blue ink, appearing to read 'Robert Matuga', with a long horizontal stroke extending to the right.

Robert Matuga