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January 14, 2024

Occupational Safety and Health Administration
US Department of Labor

RE: Docket ID OSHA-2021-0009, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings

The Solid Waste Association of North America (SWANA) appreciates the opportunity to submit comments on OSHA-2021-0009, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.

SWANA is an organization of 10,000 public and private sector professionals committed to advancing from solid waste management to resource management through a shared emphasis on education, advocacy, and research. For more than 60 years, SWANA has been the leading association in the solid waste management field. SWANA serves industry professionals through technical conferences, advocacy, publications and resources, certifications, and a large offering of technical training courses.

“Sanitation and Waste Removal” is listed by OSHA as a “core industry” that may be impacted by the proposed Heat Injury and Illness Prevention standards. SWANA members include the professionals and leaders in this industry who have a vested interest in the development of these proposed standards on heat injury and illness prevention.

SWANA commends OSHA for taking the action to propose this new standard. Heat is a serious concern and a priority for SWANA. The SWANA strategic plan states that SWANA should “encourage and participate in the development of temperature standards for employees working in the industry” as a strategy to improve industry safety.

SWANA’s comments focus on how to implement heat safety in a feasible, effective, and affordable manner.

Operational Considerations

The waste and resource management industry has unique operational considerations that may require flexibility in implementing the requirements.

For example, the employees collecting waste, recycling, and organic materials are on a collections route that may cover long distances throughout the day and may be on the route for the entire workday. Some collections vehicles do not have air-conditioning; therefore, the rest requirement would require the employees to find a shaded or air-conditioned location that meets the proposed OSHA standards while they are on their collections route. These locations will vary depending on the route and may vary depending on the time of year or day of week. It would be very lengthy and complicated to list all the break locations for all of the routes in the Heat Injury and Illness Prevention Plan (HIIPP). SWANA requests that OSHA allow for the HIIPP to include examples of rest locations in the plan rather than each possible individual location.

SWANA also recommends that OSHA’s guidance on developing the HIIPP allow the HIIPP to be a concise and easily understood document in order for it to be constantly referred to and used in the day-to-day work.

Heat standards by region

Some areas experience temperatures above the initial heat threshold of 80 degrees for over one third of the year or even the majority of the year. Workers in those regions would be more acclimated than workers in other parts of

the country, which is a major factor in preventing heat illness. SWANA recommends that the heat index thresholds vary by region rather than using the same threshold levels across the country.

Applicability

Under proposed paragraph (c)(4), employers with under 10 employees are not required to develop and implement a written HIIPP and may communicate the HIIPP verbally to employees. SWANA encourages employers of any size to have a written plan. Written documentation supports clear communication, prevents ambiguity and misunderstandings, and provides continuity in cases of turnover.

Funding

OSHA's cost estimates of equipment and required operational changes to comply with the proposed standards are a resource for employers to plan for future cost requirements. However, many businesses and government agencies may struggle to afford these changes. The equipment, staff time, potential upgrades to install air conditioning, and other factors, may provide a disproportionate cost burden to public and private sector employers with budget constraints.

SWANA requests that OSHA provide grants and/or low-interest loans to support employers with the cost burden of implementing the required measures. Local governments in particular are burdened with unfunded mandates every year and have many competing funding priorities.

In addition, SWANA recommends that Susan Harwood Training Grant Program targeted topics for FY2025 include heat safety training.

Conclusion

SWANA appreciates the opportunity to comment on the proposed standards Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.

As OSHA moves forward with finalizing and implementing the regulations, SWANA requests to be part of the conversation on behalf of our 10,000 members. Should you have any questions about this letter, please contact the undersigned at koldendorf@swana.org.

Sincerely,



Kristyn Oldendorf
Senior Director of Public Policy and Communications