



January 26, 2022

Submitted via <http://www.regulations.gov>

Douglas L. Parker
Assistant Secretary of Labor for Occupational Safety and Health
200 Constitution Ave NW
Washington, DC 20210

Re: Comments on the Occupational Safety and Health Administration's Advance Notice of Proposed Rulemaking, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, Docket ID # OSHA-2021-0009

Dear Mr. Parker:

The Petroleum Alliance of Oklahoma (The Alliance) appreciates the opportunity to provide comments to the Occupational Safety and Health Administration (OSHA) regarding Docket ID # OSHA-2021-0009, Advance Notice of Proposed Rulemaking (ANPRM), Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.

The Alliance is the only trade association in Oklahoma to represent all sectors of the state's oil and natural gas industry. Representing more than 1,300 individuals and companies and their tens of thousands of employees, the Alliance's membership includes oil and natural gas producers, service providers to the oil and natural gas industry, midstream companies, refiners, and other associated businesses, and our members include companies of all sizes, ranging from small, family-owned companies to large, publicly traded corporations. The Alliance addresses industry issues of concern and works toward the advancement and improvement of the domestic oil and gas industry. We support and advocate for legislative and regulatory measures designed to promote the well-being and best interests of the citizens of Oklahoma and a strong and vital petroleum industry within the state and throughout the United States.

Our members are committed to extracting, producing, transporting, and refining crude oil and natural gas in a safe and environmentally-sound manner. A safe and healthy workplace is of prime concern to our membership and is integral to successful operations. Our members use a variety of tools to safeguard their employees and nearby neighbors. As OSHA proceeds in the development of its ANPRM to address heat injury and illness prevention in outdoor and indoor work settings, we encourage OSHA to avoid a "one-size-fits-all rule, focus its efforts on improving current processes and programs in place, develop additional non-regulatory efforts and prioritize efforts to work with states experiencing the most significant issues to enhance worker safety as it relates to heat injury and illness.

The ANPRM may have a significant and direct impact on our members' business operations, and may increase operational costs on all our members, especially our small oil and gas members. However, until we are able to review specific proposed rule language, we provide the following general comments.

1. Proposed Rule Should be Reasonable, Practical and Economical to Implement

We encourage OSHA to develop a Proposed Rule in a fair and balanced approach, which is reasonable, practical, and economical to implement by all sizes of companies. OSHA should develop its ANPRM



that provides companies flexibility, is easy to understand by all size operators, provides simplified compliance processes, and reduces recordkeeping and reporting burdens and costs on the regulated community. More complicated, burdensome, and costly regulations do not necessarily drive progress, and it may lead to a non-compliance and negative consequences for human health and safety. We request OSHA consider how it can improve on the current processes and programs in place or develop additional non-regulatory processes to enhance worker safety as it relates to heat injury and illness before it moves forward with the ANPRM.

2. **Complexity of a “One-Size-Fits-All” Standard** - We agree with OSHA that determining when heat becomes hazardous is a complex issue, e.g.:
 - Contributions to heat stress include several factors e.g., air temperature, humidity, wind, direct sunlight, physical exertion, personal protection equipment like Fire Retardant Clothing, etc.,
 - Other factors e.g., age, lifestyle choices, pre-existing conditions, medication uses, drug and alcohol use, etc.,
 - Geographic variations and regional weather conditions,
 - Lack of universally accepted thresholds for ambient temperature, heat index or a wet bulb globe temperature at which heat is considered hazardous, and
 - Varying standards and requirements by states, the military, and standard setting organizations.

As such, a one-size-fits-all rule is not appropriate or reasonable and it may unnecessarily negatively impact certain areas of the country or industry sectors (small businesses) more than others. We encourage OSHA to avoid a single standard, and as previously stated, focus its efforts on improving existing programs and increase its outreach, inspections, enforcement, regional emphasis programs on the highest priority industrial sectors and areas of the country that are experiencing the most issues instead of developing a new one-size-fits-all rule. In addition, we encourage OSHA to work with states that are experiencing the highest incidents of heat injury and illness to enhance their programs.

3. **OSHA Region VI Regional Emphasis Program** – OSHA references Region VI’s Regional Emphasis Program that directs field staff to conduct heat illness inspections of outdoor work activities on days when the high temperature is forecast to be above 80 degrees Fahrenheit. This threshold may be appropriate in certain regions of the country or work scenarios; however, it seems low for many areas, including Oklahoma. We request more details as to the rationale and basis for this threshold.
4. **Business Size** – We are concerned with the impact the ANPRM would have on small oil and gas operators. Small [businesses](#) in the Mining, Quarrying, and Oil and Gas Extraction industry in Oklahoma employ over 20,000 people, or over 50.5% of the private workforce employed in that sector in 2017. The ongoing pandemic, and worker and supply shortages have significantly impacted small businesses. We are concerned with the additional challenges a new rule would have on these entities that have limited resources. If OSHA moves forward with the ANPRM and includes requirements for small businesses, it should provide a rule that is easy-to-understand and implement that does not require hiring consultants, consider phased implementation, reduce reporting and recordkeeping requirements, provide exemptions for certain size of companies, incorporate regulatory flexibility, enhance education, and outreach tailored to small businesses, and other similar efforts that reduce burdens and costs on small businesses.



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5. **NIOSH Criteria Document** - OSHA references NIOSH's 2016 recommendations for a federal heat standard that includes provisions for medical screening and physiological monitoring, and acclimatization plans. These are unique requirements as compared to the requirements currently in place and may potentially provide an implementation challenge for our members. We would need specific details as to what this would include and the associated costs before we can provide informed comments. In addition, the 2016 NIOSH documents recommends lower exposure limits for unacclimatized workers, workers who are wearing work clothing that minimizes heat dissipation from the body, and those who have underlying personal risk factors. Our industry is required to wear Fire Retardant Clothing in field operations. This may provide challenges for our members that employ shift or mobile workers that are coming to work in Oklahoma. OSHA should consider the potential impacts that lower exposure limits may have on companies that employ mobile workers.
6. **Question #34** - OSHA request feedback on the elements of the state standards that would not be feasible to include at the Federal level. The requirement for proactive medical monitoring above 95 degrees Fahrenheit raises a concern; however, before we can make informed comments, we would need OSHA to provide more details as to what this would include, associated costs and how this could be conducted in remote areas or lone worker settings.
7. **Question #57** – OSHA request feedback on the limitations associated with implementing a heat injury and illness prevention program across indoor or outdoor work settings or across businesses of various sizes. There may be industry sectors that have employees that work alone and/or in remote areas. Implementing a heat injury and illness prevention program would be challenging depending on the requirements.
8. **Acclimatization (see Federal Register page 59321)** - OSHA references a “Rule of 20 Percent” for acclimatizing workers. This may be appropriate for certain industries and scenarios (e.g., where workers live in the area in which they work); however, it may present challenges for those industries that employ mobile workers for short term projects that are coming to work in Oklahoma from other areas of the country.
9. **Monitoring (see Federal Register page 59321)** – We are familiar with many of the common practices identified in the ANPRM e.g., physiological, medical, and exposure monitoring, hydration charts, and self-monitoring urine color, but we have not seen the use individual biomonitoring technologies referenced or have information on the associated limitations of this technology e.g., ease of use, reliability, accuracy, and cost. OSHA would need to provide significant information on these technologies, and we would need to conduct tests before we would be able to provide fully informed comments on its use in our industry.

Thank you for the opportunity to provide comments.

Sincerely,

Angie Burckhalter
Senior V.P. of Regulatory & Environmental Affairs