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Maryland-Delaware Solid Waste Association
a chapter of the
National Waste & Recycling Association℠
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August 22, 2022

Submitted via email: dli.regulations@maryland.gov

Matthew S. Helminiak, Commissioner of Labor and Industry
Division of Labor and Industry
Maryland Department of Labor
10946 Golden W Drive Suite160
Hunt Valley, MD 21031

Dear Commissioner Helminiak,

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. On behalf of MDSWA, this letter is being submitted to provide industry input to the Department and the MOSH Advisory Board on the development of regulations that address Heat Stress Standards, as required by Title 5, Subtitle 12 of the Labor and Employment Article, Annotated Code of Maryland, Chapter 308, Laws of 2020 (House Bill 722) – Heat Stress Standards.

The industry, which has long recognized the hazards associated with heat and cold, strongly supports the State's efforts to adopt regulations that will protect employees from heat-related stress in the workplace. To that end, MDSWA would like to share comments which NWRA submitted to the U.S. Department of Labor, Assistant Secretary of the Occupational Safety and Health Administration (OSHA), regarding their Advanced Notice of Proposed Rulemaking concerning Heat Injury and Illness Prevention in Outdoor and Indoor Settings. MDSWA believes the comments reflected in the NWRA letter (attached) provides substantive and useful information to the Department as it develops its regulations.

MDSWA welcomes the opportunity to work with the Department as they develop the State's regulatory structure. Please let us know if you have any questions and/or can be of further assistance.

Sincerely,

Brandon P. Wright

Brandon Wright, Chapter Manager

cc: Lisa Kardell, MDSWA, Chapter President
Pamela Metz Kasemeyer, Schwartz, Metz, Wise & Kauffman, P.A., Counsel

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January 25, 2020

The Honorable Doug Parker
Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

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

Dear Assistant Secretary Parker;

The National Waste & Recycling Association (NWRA) appreciates the opportunity to provide comments on the Occupational Safety and Health Administration (OSHA) Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings Advanced Notice of Proposed Rule Making (ANPRM) (RIN 1218-AD39). NWRA is a trade association that represents private-sector waste and recycling companies in the United States, and manufacturers and service providers who do business with those companies. NWRA's members operate in all fifty states and the District of Columbia. NWRA provides safety, education, research, leadership and advocacy expertise to promote the North American waste and recycling industries, and create a climate where members prosper and provide safe, economically sustainable, and environmentally sound services.

The waste and recycling industry operates in all weather, both outdoors for our collection operations as well as at indoor facilities for post collection processing. Our member companies have recognized the hazards associated with heat and cold and have moved to institute programs to protect our front-line workers. We submit the following comments:

(1) What are the occupational health or safety impacts of hazardous heat exposure?

Maintaining a well-regulated body temperature enables a worker to accomplish their tasks in the most efficient way possible Hazardous exposure to an increase or decrease in heat results in barriers to safe and efficient operations in outdoor work

environments on waste and recycling route pickups and in post collection facilities. An increase in heat results in a need for clothing that not only protects the workers, but also enables efficient cooling. The wearing of excessively loose-fitting clothing might result in the hazard of being caught in machinery or conveyors. During times of decreased heat, bulky clothing could result in overheating during exertion while the lack of protection could lead to frostbite.

(8) Are there industries, occupations, or job tasks that should be considered when evaluating the health and safety impacts of hazardous heat exposure in indoor and outdoor work environments? Please provide examples and data.

A factor to be considered for indoor heat stressors is heat and/or humidity as a by-product of certain industrial processes (commercial washers, incineration, steam sterilization, boilers, etc.). Identifying these sources and applying administrative controls, including the use of temperature/humidity gauges and other heat monitors in areas where employees would be working in proximity to radiant heat sources should be in place. Outdoor activities are typically monitored via the OSHA/NIOSH Heat Index App, weather apps or via local media weather forecasts.

(*11) What are current and best practices for protecting workers in various types of work arrangements, including temporary and multi-employer work arrangements, from hazardous heat exposure?*

Our member companies use several strategies from acclimation for worker to having dispatchers check in on drivers and crews on high heat hazard days.

Our member companies have summer specific programs that launch when the region is starting to experience higher temperatures. Many of them are titled "XXX Days of Summer" to highlight and focus our employees on the issues related to heat stress and working in hot temperatures. The members make sure that their employees are educated on the risks and symptoms related to exposure to prolonged high temperatures. It's important to note each employee needs to take an active role in the program offered. The members stress to employees that they should:

- Stay hydrated by drinking plenty of water the night before and the day of work
- Avoid caffeine (can dehydrate)
- Consume electrolyte containing products
- Apply (and reapply!) sunscreen
- Wear light, loose high-visibility T-Shirts and clothing
- Get into shade or a cool location if you are experiencing any of the symptoms of heat stress or illness
- Take frequent breaks as needed.

The members stock ice in coolers and/or ice machines for their employees to access. The members provide open access to bottled water and make sure the workers have sports drinks and other electrolyte-containing products on hand. The members provide and encourage their employees to have coolers with them in the trucks that can contain cold water for throughout the workday. The members provide supervisors that go out on the routes to have coolers in their vehicles to bring additional cold drinks and snacks to employees who are on collection routes during the day.

(15) How does geographic region contribute to occupational heat hazards and the outcomes experienced by workers? Please provide examples and data.

As mentioned previously, our members various "XXX Days of Summer" programs do not start uniformly across the country. As the temperatures rise in various regions, the area management has the operational authority to initiate the program. This is the same for the winter weather preparedness programs.

(30) What are the most effective aspects of existing state standards aimed at preventing occupational heat-related illness?

Only MN addresses indoor heat stress and uses the WBGT and different levels of activity (based on kcal/hr of work performed) to quantify temperature limits. CA and WA both mention humidity, but do not use to factor in heat exposure. They use straight air temperatures. Use of the heat index or heat stress monitors should be recommended as part of any consensus standard.

(38) What efforts are employers currently taking to prevent occupational heat-related illness in their workplace? Please provide examples and data.

One member has a Heat Stress Prevention Guide as part of their Heat Stress Program, that quantifies risk levels (Low, Moderate, High, Very High) and what activities are allowed under each. Employees are empowered to take rest breaks as needed and to exercise a "Stop Work" authority if they feel there is a hazard of serious heat stresses or injuries. Additionally, employee acclimatization to work in high heat areas is an important factor as every employee, regardless of temporary/FTE status, will react differently to heat. Monitoring employees during their initial work activities in high heat would be best managed through a Heat Stress Policy that is strictly enforced.

(51) What factors are the most important contributors to heat-related illness risk?

Geographic climate zones such as the southern tier of the US that have high heat and high humidity and uninsulated radiant heat sources. The most difficult factor to control for is a team member's physical condition, as different physical

characteristics, habits (smoking/drinking), and pre-existing conditions can make a person more susceptible to heat-related illness.

(68) What are current and best practices for implementing acclimatization in various industries and across businesses of various sizes?

One of the ways our members manage acclimation to hot working environments (indoor specifically) is to ensure new team members are assigned tasks away from heat sources, rotate frequently, and are allowed rest and water breaks as needed.

(69) What are the challenges with acclimatizing workers, including workers in non-traditional/multi-employer work arrangements (e.g., temporary workers)?

Our members have voiced concerns that previous acclimatizing is not known for the temporary worker or how they prepared for the position related to heat, ie they are dehydrated when they show up to work.

(84) How do organizations in both indoor and outdoor work environments currently deal with heat-illness emergencies if they arise?

Program development and training is key to ensuring that there is an adequate response when these situations arise.

(87) What should be included in an employer's heat emergency response plan?

A member uses the heat index hazard level chart for determination of the risk to employees in their program and these are posted in the facility at specific employee access points. Temperature gauges and temperature/humidity gauges would be required for indoor heat monitoring, as any radiant heat sources can increase either the ambient temperature, the humidity, or both. For outside workers, there are smartphone apps (such as the OSHA-NIOSH Heat Safety Tool) that their managers are encouraged to download onto their work phones. Lastly, there should be a minimum number of First Aid trained employees (with training in managing heat stress) per shift to ensure that there is always coverage.

(93) What are best practices in worker training and engagement in heat injury and illness prevention?

A member has developed a heat stress training strategy that is deployed in early spring (listed on the April training calendar) that includes the signs and symptoms of heat related illnesses. As the weather warms up, weekly reminders (EHS Spotlights) of heat related dangers, including illness signs and symptoms as well as remedies (increased rest breaks/engineering controls such as fans). When extreme heat patterns are forecast, daily reminders and increased rest break allowances are communicated by management until the extreme weather subsides.

NWRA appreciates the opportunity to comment on the Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings ANPRM and we look forward to continuing to work with OSHA on this matter. Should you have any questions, please contact Kirk Sander at ksander@wasterecycling.org or 202-364-3750.

Very truly yours,

Darrell K. Smith, PhD
President & CEO