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I am writing in opposition to the proposed NMED Heat Injury & Illness Prevention Standard/Directive. I am the Safety Director for a construction company here in Albuquerque. I have 25 years working construction, maintaining equipment and managing materials deliveries, and for the last 6 years as a safety director. In those 25 years I have never seen an employee have a heat related injury. And now that I oversee the safety for over 200 employees, Workplace safety, Employee Education and Motivation which include protection from cold and hot working environments are part of my overall mission.

I have an obligation to my employees to give them the Information, Training and Equipment needed to help them protect themselves from any hazardous work environments they may encounter while performing their construction projects. This includes Confined Space Safety, Trenching & Excavating, Slip & Fall Safety and of course First Aid & CPR certifications. Protection from weather conditions is right up there with these other concerns and is reemphasized as the seasons change.

OSHA has regulations and mandates for all sorts of working environments. Health Care workers and Restaurants have regulations that pertain to their environments but do not pertain to construction workers, and vice versa. The proposed Heat Injury and Illness Prevention Standard would set a mandate for all industries regardless of their particular working environments. As the proposed ruling reads, The heat index calculations and required work stoppage would greatly effect the construction industries the most. The stop and go work aspects of this ruling would in my opinion, Hurt workers more than prevent any injuries or related heat illnesses.

If you are part of a crew or any team, you know that you start out slowly and build up momentum as the work progresses. The team or crew actually build up a rhythm with each member doing their part. And, If necessary they can even switch positions without missing a beat. The team can also speed up or slow down depending on the working environment. If there is a stoppage because of lack of material or mechanical breakdown, If short lived, The crew can back off until repairs are made or materials arrive and jump back into the work with the momentum they had. It is impressive what a good crew can accomplish when all are working together. Working men and Women take some pride in the work they accomplish and do so not trying to impress anybody but themselves. Being part of a crew working on a large construction project is a matter of pride.

The proposed Heat Injury & Illness prevention standard as written would interfere with working crews efforts to accomplish their tasks. The mandated breaks required for heat induce environments would break any momentum the crews would have and distract from safety procedures. The effort to get something done would take priority. "Get er done" isn't just a saying, It's an attitude. Constant delays would frustrate that attitude and result in unsafe actions or a lackadaisical emphasis towards the project.

Scheduling around such restrictions would not be impossible, But would require extended time

allotments and/or additional crews driving up the costs for construction. Federal, State, County, City and Tribal governments want construction accomplished within a particular time period. Some projects that could be accomplished in one season, may take several to complete. Taxpayers would see a prolonged interruption of services and overrunning costs.

Summertime construction schedules would have to be moved to nights which would put additional stress on workers along with additional safety concerns. Even then, The written Heat and Humidity index and required adjustments for protective clothing concerns would make night work subject to mandatory work stoppages as well.

Materials such as concrete and asphalt are time sensitive and they both produce heat. Many state and local construction projects require that concrete must be poured no later than 90 minutes after batching. Large pours such as bridge pillar or warehouse floors may take anywhere from three to five hours of constant pouring. Asphalt is produced at 300 F degrees and must be placed at 200 F degrees. Is the heat coming off this material part of the environmental heat index. Has it been considered that you just cant let trucks sit there spinning time away or materials cooling down.

In reading this proposed Heat & Illness Prevention Standard, I am left with the impression that the people who wrote it have never been part of a construction crew. The requirement to have such a mandate from OSHA driven by the Environmental Department demonstrated a lack of respect for the construction industry.

To think that construction companies don't take in mind the health and safety of their employees is insulting. And even further insulting is the ideal that construction workers are some kind of pack animals that would allow themselves to be worked to death. We don't need Big Brother!

I and other industry safety personnel have the responsibility to identify and inform both management and employees of any safety concerns related to their working environments. To provide education and equipment to mitigate any employee safety problems or concerns. Having never seen a heat related injury in my 25 years in construction, I question the need for a OSHA Heat Injury & Illness Prevention Standard. I think the reason I have never seen this type of injury is that, People are not stupid. Particularly construction workers who work in the open outside environment. They will slow down or stop if the heat or cold gets too be to much for them.

So why would we train and educate our crew chiefs and employees of the dangers of heat exhaustion. Because sometimes workers who are not accustomed to working construction may cross the line of their ability to preform tasks assigned to them. They may not knowingly put themselves into a hazardous situation. That's why we have crew chiefs and senior employees who work with and watch these employees. All employees received training on how to identify and prevent hazardous situation. And how to identify employees who are experiencing health problems and stop them before they become injured.

The writers of this proposal may think and want to portray to the public that construction company owners and industries leaders are as Simon Legree. Whipping and beating their employees to produce more. It is clear that the writers of this proposed standard don't have an understanding of the cooperation between construction workers and management. Yes there are some companies that will push their employees past the threshold of good or safe practices. And there already exists OSHA regulations to protect workers from such companies. And Unions are there where they are

needed. But I don't believe that the overall purpose of this proposed standard is to protect employees.

Insted, I believe that the writers want to initiate a narrative. One that pits the industries against the workers. One that inserts global warming directives into the American Workforce. One that makes the writers and their supporters look as if they care more about the American working class than the capitalistic owners of American industries.

The writers of this proposal are not elected officials. They don't need state approval to implement this directive. The Governor may stop them, but I think it will take a judges order to stop this and I strongly suggest that be done. These government bureaucrats didn't bother to consult industry leaders or any workplace supervisors. Most likely because they already knew what the responses would be.

THIS CRAP WON'T WORK.

There are already 26 NM State representatives, (At this time) who are opposing this proposal. Most of the commentary I have read supporting this proposal are feel good commentary and don't address the drawbacks of the standards proposed. The statistics being used to justify the need for this proposal are not based in actual incidents but in accidents where as Heat Stress may have been a contributing factor. The assumption that the accident was caused because the individual was in a hot environment betrays the realistic evaluation of the incident.

We have seen this before. During the Covid-19 pandemic. The Government Statisticians would portray that any death that occurred where as the subject had Covid would be listed as a Covid related death. If during an auto accident, a person who flew through the windshield and body slammed a telephone pole, If Covid was present, then it can be assumed that it was a Covid related death. Same thing is happening here.

We do have heat stress working environment here in New Mexico. Most New Mexicans live in a Heat Stress environment. But they also know how to handle the heat. I have heard of children get burnt badly from hot metal in the play ground. And elderly people falling down from the heat dehydration. But I have never seen or heard of a construction worker dying or even being hospitalized from working to long in the New Mexico Sun.

This proposal is a solution looking for a problem. And we don't have a worker heat related problem. There may be good people who are trying to do good by the working class. But it's more likely it's politicians looking to put a feather in their hats. The cost of that feather is loss production, Higher prices and a waste of tax payer monies. We don't need this directive and it should be stopped.