



June 8, 2021

Virginia Department of Labor & Industry
Safety & Health Codes Board
Main Street Centre
600 East Main Street, Suite 207
Richmond, VA 23219

Dear Safety and Health Codes Board,

On behalf of the Associated General Contractors of Virginia (AGCVA), Virginia's largest and most influential construction trade organization, **we submit the following comments on NOIRA on Heat Illness Prevention Standard [16 VAC 25 - 210]**, which will make Virginia an outlier state with regards to a standard above and beyond current federal Occupational Safety and Health Administration (OSHA) regulations.

The construction industry takes the safety and health of its workers seriously. These businesses use guidance from OSHA to develop safety protocols and procedures with regards to the prevention of heat related illnesses (<https://www.osha.gov/heat/heat-index>). Currently, employers can use this federal guidance to create protocols that address the specific threats given location, job type, season, and other unique factors to protect employees. AGCVA has concerns that a one-size-fits-all approach will harm employer's ability to specifically develop regulations to protect employees from heat related illnesses.

Further, AGCVA has concerns about how this standard aligns with current OSHA enforcement of employee safety. Through its general duty clause, OSHA can cite employers for not protecting workers from extreme heat. As evidenced by the tens of thousands of annual inspections and millions paid in penalties, OSHA uses this authority to protect workers. Will employers in Virginia be subjected to a double standard of federal and state enforcement? Will the regulations be consistent, or will businesses be required to interpret and comply with potentially conflicting regulations?

AGCVA and the members we represent are an industry with a concerted effort focused on the safety and health of its workforce. From owners to those swinging a hammer on a jobsite, we are a community focused on contributing to building Virginia, making a good living, and protecting our family and community. We appreciate the opportunity to submit these comments and would welcome any follow-up questions.

Sincerely,

The Associated General Contractors of Virginia (AGCVA)
11950 Nuckols Road
Glen Allen, VA 23059