

CONSTRUCTION INDUSTRY SAFETY COALITION

February 23, 2021

Dominic Mancini
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue NW
Washington, DC 20503

Re: EO 12866 “Regulatory Planning and Review” Meeting Request
DOL/OSHA Emergency Temporary Standard (ETS) on COVID-19

Dear Acting Administrator Mancini:

On behalf of the Construction Industry Safety Coalition (“CISC”), we would like to request a meeting with the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) to discuss any Department of Labor (“DOL”)/Occupational Safety and Health Administration (“OSHA”) Emergency Temporary Standard (“ETS”) on coronavirus disease 2019 (“COVID-19”) prepared by OSHA pursuant to the January 21, 2021 Executive Order 13999 “Protecting Worker Health and Safety”. The CISC requests this urgent meeting as soon as practicable given the potential significant economic impact of such a rule on the construction industry, particularly small businesses. In the event OIRA is not able to accept our request for a meeting until such time as OSHA issues the ETS, then please accept this letter as our request to meet with OIRA as soon as practicable after the ETS is submitted to OIRA for EO 12866 review. We also believe it is critical for staff from OSHA and Small Business Administration Office of Advocacy be invited to participate as well.

EO 13999 requires DOL/OSHA to determine whether emergency temporary standards on COVID-19 in the workplace are necessary, and if so, to issue them by March 15, 2021. OSHA has acknowledged that this process is now underway, and the agency has sought limited feedback from stakeholders through a series of DOL/OSHA “Listening Sessions” in the last two weeks. Several members of the CISC participated in a listening session on Friday, February 12, 2021 and while we appreciate OSHA holding these sessions, we believe it did not provide enough time for our organizations to offer useful and detailed information to the agency regarding the successful efforts and challenges in mitigating the spread of COVID-19 on construction jobsites. DOL/OSHA stated at the outset of the February 12th session (at 10 a.m.) that due to the number of participants on the call, each party speaking would be limited to three minutes, and further it was not accepting written comments from stakeholders.

The CISC is comprised of 30 trade associations representing virtually every aspect of the construction industry. The CISC was formed several years ago to provide data and information to OSHA on regulatory, interpretive, and policy initiatives. The CISC speaks for small, medium, and large contractors; general contractors; subcontractors; and union contractors alike and represents

all sectors of the construction industry, including commercial building, heavy industrial production, home building, road repair, specialty trade contractors and material suppliers. Workplace safety and health is a priority for all members of the coalition, and each is committed to helping create safer construction jobsites for workers. Members of the CISC are interested stakeholders in the development of a COVID-19 safety and health standard, which does not have to follow the Administrative Procedure Act (“APA”) that provides an opportunity for the public to comment on any proposed rules.

Robert Matuga of the National Association of Home Builders of the United States (“NAHB”) will be coordinating this meeting on behalf of the CISC. Please have your scheduling coordinator contact him at their earliest convenience to confirm the meeting date and arrange the logistics. He can be reached at rmatuga@nahb.org or 202-266-8507. Thank you, in advance, for the consideration of this vitally important meeting.

Sincerely,



Robert Matuga, Assistant Vice President, Labor, Safety & Health
National Association of Home Builders



Karen Livingston, Senior Director of Policy, Government Affairs
Associated Builders and Contractors



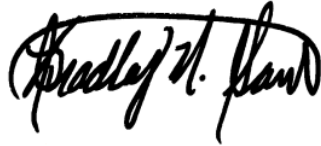
Kevin Cannon, Senior Director, Safety & Health Services
Associated General Contractors of America



Ken Gear, Chief Executive Officer
Leading Builders of America



Jeff Buczkiewicz, President/Chief Executive Officer
Mason Contractors Association of America



Bradley Sant, Senior Vice President, Safety and Education
American Road & Transportation Builders Association



Howard Marks, Vice President, Environment, Health & Safety
National Asphalt Pavement Association



Thomas Shanahan, Vice President, Enterprise Risk Management
and Executive Education
National Roofing Contractors Association

cc: James Frederick, Principal Deputy Assistant Secretary of Labor for Occupational Safety
and Health, U.S. Department of Labor
Major L. Clark, III, Acting Chief Counsel for Advocacy, U.S. Small Business
Administration