



January 14, 2022

The Honorable Douglas Parker
Assistant Secretary of Labor
Occupational Health & Safety Administration
200 Constitution Ave., NW
Washington, D.C. 20210

Re: Docket No. OSHA-2021-0009 submitted electronically via www.regulations.gov.

Dear Assistant Secretary Parker:

NATE: The Communications Infrastructure Contractors Association appreciated the opportunity to meet with you recently and discuss our industry in great detail. You have demonstrated an abiding commitment to working with industries over which the Occupational Health and Safety Administration has jurisdiction, and we thank you for your public service and dedication to workplace safety.

As we noted in our meeting, NATE represents more than 1,030 member companies that construct and maintain broadband and communications facilities throughout the United States. Since NATE's founding, NATE member companies have played a key role in bringing vital communications services to communities in every state.

NATE was founded more than quarter of a century ago in large measure to improve safety in our industry. And since its creation, NATE has worked extensively with OSHA on a variety of issues. We collaborated on safety directives and guidance documents, coordinated official visits to tower facilities and supported Safe + Sound Weeks and the National Safety Stand-Down Campaigns, in addition to extensive meetings and discussions on other workplace safety matters. As you know, NATE also finalized a partnership agreement with OSHA and the Federal Communications Commission that will ensure we are addressing contractors' concerns while prioritizing the safety of tower technicians.

Safety is NATE's and our members' highest priority. While we naturally share your agency's interest in protecting the health and safety of workers during excessive weather events, we have some concerns with OSHA's proposed "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings" rule and submit the following comments for your consideration.

NATE respectfully suggests that establishing an arbitrary enforcement temperature would be unreasonable in the broadcast and communication tower industry. Tower technicians and

construction crews frequently work at elevation, on towers ranging from 100 to 2,000 feet above the ground. OSHA may determine that an arbitrary temperature is cause for safety mitigation measures; however, while working at elevation, a tower technician or tower crew could be experiencing temperatures 10-20 degrees cooler than the temperature on the ground. For instance, a tower technician may be subject to 80-degree temperatures at the base of a tower, but while repairing a communications antenna at 250 feet above the ground, the technician could be experiencing 70-degree temperatures and wind speeds that might make the air feel even cooler.

NATE believes that some of the proposed enhanced safety measures, which could include mandatory breaks in shaded area or work-stoppages, will not be feasible for tower crews who are responsible for climbing and fixing communications facilities at height. Communications towers do not have sheltered or shaded facilities built onto the towers. Accordingly, mandated work-stoppages could require tower technicians to climb down a tower and into a sheltered area. In these scenarios, safety may actually be compromised because it would require more frequent climbing and contribute to fatigue as well as repetitive stress injuries.

NATE does not believe that a heat standard based on an arbitrary ground temperature properly addresses the conditions encountered by tower technicians and fails to provide appropriate workplace safety benefits to tower crews who work at height. Rather, NATE believes that tower technicians should be vigilant about their personal health history, physical conditions and their ability to acclimate to any new environments. Tower technicians should also follow the heat-related illness guidelines that the Association has developed based on NATE members' input.

The Association recognizes the importance of heat safety in our industry, and developed the *NATE Safety & Health Manual* which includes a chapter on heat-related illnesses. NATE provides these resources to member companies to aid in the development of in-house training programs that address excessive heat and heat illnesses. The Association's members contributed to the development of NATE's heat-related illness safety materials and most member companies actively train their workers to follow these safety protocols.

Factors that tower technicians must consider every day include one's physical condition, the weather (including such heat-related variables as temperature and humidity), clothing worn, quickness of movement and how much physical demand is being placed on the body (lifting, heavy work), if there is air circulation over the body, whether the person is in direct sunlight and whether they are taking medication.

NATE also recommends protective and preventative measures to avoid heat stress. For tower crews who are responsible for climbing, NATE recommends wearing light-colored cotton clothing, climbing slower and instituting more frequent climbing breaks and climbing with partners to ensure climbers can monitor each other for signs of heat stress. NATE also recommends drinking 5-7 ounces of water every 15 minutes regardless of whether one feels thirsty. If possible, NATE also recommends that tower technicians complete more strenuous climbs and tower work during cooler times of the day. The most challenging jobs should be spread out over longer times that allow tower crews to set a safe work pace.

NATE opposes the development of a heat standard based on an arbitrary ground temperature for the reasons listed above. Such a heat standard will create confusion for tower climbers who experience considerable temperature differences between the ground and at height. Moreover, we must point out that worker exposure to heat is not merely a reflection of air temperature; workers who are exposed to equipment that itself generates considerable heat may encounter risks and challenges not faced by tower technicians working on towers.

The Association urges tower companies and their workers to utilize NATE's heat-related illness protocols detailed in our *Safety & Health Manual*. NATE's protocols are based on input from companies that helped develop the numerous safety measures that tower technicians must follow every day. NATE members understand the tower construction and maintenance industry and work tirelessly to create a safe working environment for their crews.

Thanks again for your leadership at OSHA and decades of public service focused on workplace safety. We are excited to continue to work with you.

Sincerely,



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NATE President & CEO



Jim Goldwater
NATE Legislative Affairs



Todd Washam
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