



1521 New Hampshire Avenue, N.W.
Washington, DC 20036
(202) 745-7805 • FAX (202) 483-4040
www.cotton.org

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January 26, 2022

Occupational Safety and Health Administration
Via: www.regulations.gov

RE: Docket ID Number OSHA-2021-0009. Advance Notice of Proposed Rulemaking on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings

Dear Sir or Madam:

The NCC is the central organization of the United States cotton industry. Its members include producers, ginner, cottonseed processors and merchandizers, merchants, cooperatives, warehousemen, and textile manufacturers. A majority of the industry is concentrated in 17 cotton-producing states stretching from California to Virginia. U.S. cotton producers cultivate between 10 and 14 million acres of cotton with production averaging 12 to 20 million 480-lb bales annually. The downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. Farms and businesses directly involved in the production, distribution and processing of cotton employ more than 115,000 workers and produce direct business revenue of more than \$22 billion. Annual cotton production is valued at more than \$5.5 billion at the farm gate, the point at which the producer markets the crop. Accounting for the ripple effect of cotton through the broader economy, direct and indirect employment surpasses 265,000 workers with economic activity of almost \$75 billion. In addition to the cotton fiber, cottonseed products are used for livestock feed and cottonseed oil is used as an ingredient in food products as well as being a premium cooking oil. NCC appreciates the opportunity to comment.

Outdoor, year-round, seasonally-intensive work is inherent in agriculture. "Agriculture" is also a tremendously diverse industry that provides food, fiber and fuel for the world. If OSHA moves forward with a proposal for a heat illness standard, the agency will need to move carefully to not inhibit an industry that works differently based on commodities produced, regions, geography, climate, and cultural history and practices.

OSHA must also understand that many heat-related issues are not the result of agricultural work or employer mismanagement, but instead result from the modern employee lifestyle in an advanced 21st century global economy. Present-day luxuries such as air-conditioning is present in most all American households and public facilities making it more difficult to face the severe change in temperatures to move from a cool dwelling or vehicle to the heat of a field. While age certainly plays a part, you can find many farmers that have discovered that younger workers,

who are used to a more sedentary lifestyle, cannot last a day working outside. This exacerbates the labor shortage issue for agriculture.

Agricultural employers have a significant interest in the health of their employees and have already taken steps to protect their workers. In addition, most modern, larger equipment have cabs that are filtered with air conditioning due to the enclosures. Employers also have other means of mitigating heat stress for their farm workers.

Agriculture is not an industry that can be successfully regimented as some other industries have been. Certain crops must be harvested in certain local climatic conditions such as temperature and humidity with timeliness of harvest critical to maintain the necessary crop quality the marketplace desires. The same can be said for planting and other time-sensitive activities. Setting required breaks by time or temperature will not work for the same reasons, with growers often under pressure to complete tasks based on weather forecasts or the availability of daylight.

Lastly, OSHA should also consider that the Environmental Protection Agency often mandates full PPE for some actions regardless of temperature. If the agency moves forward, it should review any potential actions for conflicts with other agencies.

OSHA already has standards that cover heat related illness. Specifically, the Medical and First Aid Standard (29 CFR 1910.151), the OSHA Sanitation Standard (29 CFR 1910.141) and the OSHA Standard for Agriculture (29 CFR 1928.110(c)(1)(i)), cover such things as heat illness and employer-provided drinking water. NCC urges OSHA not to create a duplicative rule. Instead, NCC believes that OSHA providing comprehensive training materials for employers and employees would be a better solution to mitigate heat-related incidences.

Regards,

A handwritten signature in black ink that reads "Steve Hensley". The signature is written in a cursive, flowing style.

Steve Hensley
Senior Scientist, Regulatory and Environmental Issues
National Cotton Council