



July 22, 2024

The Honorable Douglas L. Parker
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: Notice of Proposed Rulemaking, “Emergency Response Standard” (Docket No. OSHA-2007-0073, RIN 1218-AC91)

Dear Assistant Secretary Parker:

The National Demolition Association (NDA) represents nearly 500 U.S. and Canadian companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters and keeps regulators informed about issues in our industry. NDA also increases public awareness of the economic and societal benefits of demolition.

NDA writes today regarding the Occupational Safety and Health Administration’s (OSHA) proposal to issue a new safety and health standard, titled *Emergency Response*, to replace the existing Fire Brigades Standard. The new standard would address a broader scope of emergency responders and would include programmatic elements to protect emergency responders from a variety of occupational hazards.¹

Demolition contractors are skilled professionals who are trained in clean-up efforts after hurricanes, tornados, and floods as well as providing assistance at local fire scenes. Demolition contractors also provide environmental remediation services for local, state, and federal agencies and are called on to perform in emergency situations, such as hazardous materials spills. NDA members are firmly committed to assisting communities in the wake of devastating man-made and natural disasters and recovering in the most effective and efficient manner possible.

In the proposed standard, OSHA states they are seeking input from stakeholders on whether the agency should consider developing a separate rule for protecting workers involved in the clean-up of disaster sites, and associated recovery efforts.² Given the demolition industry’s integral role in disaster response operations, any such regulation by OSHA would have a direct impact on demolition contractors and their workers.

The demolition industry is strongly committed to the safety and protection of workers at all times and takes this responsibility seriously. To this end, demolition contractors take critical steps to ensure they comply with OSHA’s Hazardous Waste Operations and Emergency Response (HAZWOPER) standard³ which protect workers from anticipated hazards associated with participation in response and recovery operations. In addition, during disaster response efforts, demolition contractors ensure compliance with several other relevant OSHA regulations such as the Cranes and Derricks in Construction⁴ and Personal Protective Equipment (PPE) standards.⁵

¹ 89 FR 7774

² 89 FR 7799

³ 29 CFR 1926.65

⁴ 29 CFR Part 1926 Subpart CC

⁵ 29 CFR 1926



Given that HAZWOPER and other industry regulations are already in place to protect workers during emergency response efforts, NDA believes a separate rule by OSHA that would apply to workers that clean-up disaster sites would be duplicitous and unnecessary. Any such rule would potentially conflict with existing OSHA standards and cause confusion for employers and workers who participate in disaster recovery and clean-up operations. In addition to opposing a separate rule, NDA would not support the inclusion of any significant changes to the HAZWOPER standard or other relevant emergency response regulations in OSHA's Emergency Response standard.

Thank you for the opportunity to provide comment on this issue. For any questions, please contact NDA's Director of Government Affairs Alex McIntyre at amcintyre@demolitionassociation.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert", is written over a light gray rectangular background.

Jeff Lambert
Chief Executive Officer
National Demolition Association (NDA)