



2 March 2018

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Division of Occupational Safety and Health
California Department of Industrial Relations
1515 Clay Street
Oakland, CA 94612

RE: Heat Illness Prevention in Indoor Places of Employment

Dear Ms. Neidhardt:

The Phylmar Regulatory Roundtable (PRR) appreciates this opportunity to provide comments on DOSH's draft proposal for Heat Illness Prevention in Indoor Places of Employment. PRR is a group of 35 companies and utilities; 15 of the member companies rank among the Fortune 500. Combined, the PRR members employ more than 687,600 individuals in the U.S. and have annual revenues of more than \$843 billion. PRR member companies are committed to improving workplace safety and health. Toward that end, PRR provides informal benchmarking and networking opportunities to share best practices for protecting employees. In addition, participating entities work together in the rulemaking process to develop recommendations to federal and state occupational safety and health agencies for effective workplace regulatory requirements.

PRR recognizes that this is a complex area, and appreciates Division of Occupational Safety and Health (DOSH) staff for its efforts on a collaborative process and its considering the recommendations from our two previous sets of comments filed in 2017.

Some PRR members have had procedures in place for years to protect employees from radiant heat sources, and some members have implemented programs for employees at risk of heat illness when working outdoors. These comments were developed from PRR members who contributed their expertise, guidance and recommendations. Nevertheless, the opinions expressed below are those of the PRR, and may differ from beliefs and comments of some individual PRR companies.

General Comments

1. We concur with Chief Sum's statement, made on 8 February at the Advisory Committee meeting, of the need for a rule to cover employers at various levels of sophistication that is flexible to address all types of work environments. PRR agrees that working conditions vary from industry to industry and workplace to workplace, and recommends a performance oriented approach to developing a plan for protecting employees from the

hazards of indoor heat similar to the language included in the requirements for the Injury Illness Prevention Program (Title 8 §3203).

2. **Number of Employers** – According to the most recent data we could find from the U.S. Small Business Administration (SBA), employers in California with more than 500 employees (falling within SBA’s definition of a “large employer”) represent 50% of industry employment in the state (we did not see a specific number of large employers in the SBA report). The SBA identified 696,239 smaller firms employing 1-499 employees, with over three million “total small firms.” Although we need much more time to review and filter the available data, a significant number of employers are likely to have indoor places of employment. A simpler approach is likely to result in a higher level of employee protection than a complex rule that the majority of small employers do not understand.

3. **The Draft Proposal Does Not Reflect the Level of Risk for the Majority of Employers** – Considering that the risk of outdoor heat is greater than that presented by heat in indoor environments, it is illogical to have more stringent requirements for indoor environments. We recognize the argument by other stakeholders that more stringent requirements are appropriate because indoor environments are more easily controlled than outdoor environments, but we believe that risk should be the primary consideration, rather than ease of control. We recommend that DOSH continue to revise the draft regulation to take into consideration the average employer’s level of risk and of expertise and the need for clarity.

We believe that DOSH shares our interest in safety and health resources being invested where there will be benefits to worker safety and health. The investment of substantial resources to develop and implement a heat illness prevention program when there will be zero improvement to worker health and safety would be a waste.

We therefore support limiting the scope of the regulation by removing professional or administrative office settings where the temperature does not equal or exceed 85 degrees. We believe that DOSH properly uses its discretion in removing from the draft rule’s scope those employers providing a temperate environment and leaving them to address other safety and health needs at their workplaces.

There are, however, other types of work environments that we believe should be excluded. For example, the biotechnology, pharmaceutical, and medical diagnostic manufacturing industries must comply with strict building automation system (BAS) standards for temperature, humidity and other parameters and records are audited by regulators to validate sterility and stability. These cover operations such as laboratories, manufacturing, clean rooms, machine shops, and even drug product warehouses that must comply with worldwide regulatory good practice (GxP) quality standards and good automated manufacturing practices (GAMP). The resources required for the requirements in earlier drafts of the rule were out of line with any risk.

One PRR member in medical diagnostic manufacturing provided the following information:

The machine shop, tune test room, the clean room, and receiving inspection are maintained at $68\text{ }^{\circ}\text{F} \pm 2\text{ }^{\circ}\text{F}$ ($20\text{ }^{\circ}\text{C} \pm 1.1\text{ }^{\circ}\text{C}$). Alarms go off in the latter two areas if the temperature goes outside those parameters. The amount of humidity is kept at a comfortable level due to the minimal amount of outside air allowed in make-up stream due to the tight temperature control. Humidity's effect on dimensional stability and *Rf* measurement values is negligible compared to temperature so is not as tightly monitored.

When employers need to closely monitor the temperature for quality and production reasons, an additional regulation regarding heat illness prevention in an environment is not an effective use of safety and health resources. In the case of the medical diagnostic equipment manufacturer mentioned above, there has been no experience of heat illness since the facility began operations in 1960; no increase in worker safety would have resulted from imposition of indoor heat illness prevention requirements when temperatures are required to be well below the trigger. Again, we support the current proposal's scope.

4. **PRR Recommends a Different Approach** – PRR member believe the most effective approach is for DOSH to identify industries or types of indoor workplaces at risk for heat illness and conduct outreach to those industries advising specific actions to mitigate the risk. Perhaps the industries identified during Advisory Committee meetings would be an excellent start, for example: glass manufacturing, warehouses, commercial laundries, foundries, and commercial kitchens and canning operations. Further, we recommend that DOSH craft a rule that applies to those workplaces at risk for indoor heat illness and begin a Special Emphasis Program to inspect covered industries to understand whether the requirements are improving workplace conditions. Only then do we believe it would be appropriate for DOSH to expand the scope of the regulation to other industries, if deemed necessary.

Cal/OSHA and PRR members have the goal of safer workplaces for every worker, and requiring ALL employers to prioritize indoor heat illness prevention trivializes the serious risk of heat illness in those environments where there is a hazard.

We recognize that DOSH does not believe it needs to provide data to justify its rule because it has a legislative mandate in SB 1167; this is a legislative mandate which allows DOSH considerable leeway in determining which industries to cover. We believe that it will be essential to provide data demonstrating that indoor heat hazards to educate employers that have not been aware that the risk of heat illness needs to be addressed in those environments where the hazard is present.

PRR believes that heat illness risks already should have been addressed by employers beginning in 1991 with the adoption of the requirements for an Injury and Illness Prevention Program (IIPP), Section 3203. Without education, employers with employees at risk of heat illness in indoor work environments will likely still fail to take action if they had not identified indoor heat as a hazard to be addressed in the IIPP.

5. **Establish the Norm for Protection from Heat Illness** – During the 8 February 2018 Advisory Committee meeting, we heard heartbreaking stories of working conditions in some industries. The brave individuals who took off time to attend the meeting and speak from their experience provided information to support the necessity for this regulation. Frankly, PRR members were surprised that existing enforcement mechanisms and use of section 3395 and section 3203 were insufficient to address the working conditions described. Obviously, there is a need for a regulation. We believe that DOSH needs to design the regulation to establish the norm, rather than design a regulation to address the conduct of “outliers” (for whom strict enforcement, unfortunately, is often the only recourse).

6. **Outreach** - PRR recommends that DOSH **begin now** to develop educational materials for employer use, both now and after the regulation is adopted. Most employers in general industry have no experience with indoor heat, as they are addressing and correcting other hazards they experience (e.g., arc flash, confined space, chemical exposures, ergonomics, lockout/tagout). Certainly, PRR members with high radiant heat sources are aware and have taken steps to mitigate the risk. Developing guidance material will be useful as the rulemaking process continues to familiarize other employers with the issues, concerns, and solutions. Typically, resources are not developed until after a regulation becomes effective, preventing employer long-term planning to address the risk of heat illness if present in indoor work environments.

Specific Comments

- I. **Option A v. Option B** - The vast majority of stakeholders at the 8 February 2018 Advisory Committee meeting seemed to favor Option A, and PRR member companies agree that a standalone regulation will be more effective. We support careful delineation of which employees are “outdoor” and which are “indoor” to help both DOSH compliance personnel and employers understand the requirements.

- II. **Subsection (a) Scope and Application** - PRR member companies recommend that 85° F be the temperature that triggers compliance requirements, rather than 80° F. We understand that DOSH would like consistency with the outdoor standard, section 3395 but in this case we believe that it is inappropriate.

Current Draft Language:

(a) Scope and Application

- (1) This standard applies to all work areas where the temperature equals or exceeds 80 degrees Fahrenheit when employees are present.

EXCEPTION: This section does not apply to professional and administrative office settings where the employer can demonstrate that the temperature does not equal or exceed 85 degrees Fahrenheit.

- (2) This section applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including but not necessarily limited to, sections 1512, 1524, 3203, 3363, 3395, 3400, 3499, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e)

NOTE No. 1: The measures required here may be integrated into the employer's written Injury and Illness Prevention Program required by section 3203, the employer's written Heat Illness Prevention program required by section 3395, or maintained in a separate document.

NOTE No. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

Recommended Language:

- (1) This standard applies to all indoor places of employment where the temperature equals or exceeds 80-85 degrees Fahrenheit when employees are present.

Rationale for PRR Recommendation: Specific reasons for the 85 degree trigger include the following:

- (a) Flex Alerts are periodically issued by the California Independent System Operator (ISO), a nonprofit, public benefit corporation that operates the high voltage grid in California and in parts of eight western states. The ISO does not own transmission lines or power plants, but does tell power plants when to generate electricity, how much to generate and where the electricity will be delivered. The ISO is regulated by the Federal Energy Regulatory Commission. The Flex Alert recommendation, to set thermostats to 78°F or higher, is unreasonably close to being in violation of the proposed regulation if the threshold remains at only 80°F. This would result in only two degrees making the difference between compliance with the Flex Alert and non-compliance with the Heat Illness Regulation. For more information, please see: <https://www.sdge.com/business/demand-response-overview>.
- (b) CDC/NIOSH, in the Topics page for indoor environments, the operative temperatures recommended range from 75°-80.5°F in the summer; see

<https://www.cdc.gov/niosh/topics/indoorenv/temperature.html>. Since 80.5 degrees is in the recommended temperature range, it is inappropriate to establish 80 degrees as the trigger for the regulation to address heat illness.

(c) The **ASHRAE Standard 55-2013**, Thermal Environmental Conditions for Human Occupancy, notes that for thermal comfort purposes, **temperature** could range from between approximately 67 and 82 °F. Again, if the range includes 82 degrees, having a trigger less than the ASHRAE standard is improper and does not reflect the risk.

(d) Federal OSHA issued a letter of interpretation in 2003 which states the following:

As a general rule, office temperature and humidity are matters of human comfort... [and] OSHA recommends temperature control in the range of 68-76 degrees F and humidity control in the range of 20% - 60%.

Many employers have used this guideline for years. If 76 degrees is within the recommended range of temperatures, 85 degrees would be more appropriate as a regulatory threshold.

(e) The Department of Energy guidance for setting a home thermostat in the summer is 78° F <https://energy.gov/energysaver/thermostats>. Although this is for homes, the guidance provides a level of comparison.

(f) DOSH seems to be overlooking the issue of heat load, or body burden of heat. The threshold for outdoor requirements in 3395 is set at 80 degrees, and the high heat procedures become effective at 95 degrees. One of the reasons for the 80 degree threshold was because research shows that the heat load of sunlight adds 15 degrees to the body burden from heat. For PRR companies, typically there is little sunlight indoors to add to the body burden from heat, so 85 degrees is a more appropriate number to trigger requirements.

(g) One example raised during the 8 February 2018 meeting to support no exemption for climate controlled office environments was the experience of a former compliance officer finding office workers who suffer from heat illness in a basement next to a laundry. This is not the typical office environment, and we support limiting the scope to exclude professional and administrative office settings where the employer can demonstrate that the temperature does not equal or exceed 85 degrees.

(h) There is zero improvement to employee health or safety with the imposition of the requirements of this proposal in workplaces that are controlled already and where there is virtually no chance that heat illness will occur. We urge DOSH to encourage the expenditure of limited resources on health and safety risks that are present in workplaces.

- (i) We recommend that throughout the rule, DOSH use either “heat index” or “globe temperature.” It is confusing to employers when two different terms are used. PRR suggests globe temperature because of the number of employers who will be covered by the rule and their various levels of sophistication.

NOTE No. 2: This note states that it is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees. PRR agrees with Chief Sum’s point, made at the 8 February 2018 Advisory Committee meeting, that since the Labor Code already prohibits discrimination or retaliation in any form, adding a provision so stating to individual regulations may lead some to believe that there is no prohibition on discrimination or retaliation in regulations where it is not specifically stated. We therefore question inclusion of this note. PRR members believe that employees should not only be protected against retaliation, but employers would be smart to offer incentives to employees for reporting hazards, as many PRR members do, so hazards may be acted upon before an injury occurs. We are concerned that the language implies that unless this Note is included in a regulation, employees are not protected from discrimination or retaliation for exercising their rights.

III. Subsection (b) Definitions - PRR member companies support the definitions of: acclimatization, cool down area, environmental risk factors for heat illness, heat illness, heat index, high radiant heat work area, personal risk factors for heat illness, preventative cool-down rest, and relative humidity. We have the following comments on other definitions.

- (1) **“Indoor”**- This is a key element of the regulation, as it triggers all requirements. As stated before, employees who have been covered under 3395 for outdoor heat should not be included in the scope of this regulation because it will be confusing for employers and employees to have both “indoor” and “outdoor” heat illness prevention training. Employers should not risk potential penalties under the indoor heat rule because an employee “outdoors” goes inside. As we heard during the 8 February 2018 Advisory Committee meeting, some employees are inside and outside repeatedly throughout the day. It is important for employers and employees to have clarity on what work areas are “indoor” vs. “outdoor”.

PRR supports the current draft definition of “indoor” with one clarifying change; we believe the intention of the exception was to address professional **or** administrative office environments, while the language says “professional **and** administrative.” (Emphasis added.) We recommend that DOSH clarify its intent that either professional **OR** administrative office environments are excepted.

PRR supports the remainder of the definition because we believe that it clarifies what an “indoor” space is, and takes into consideration the different types of work environments. For example, some employers rely on the inside of a vehicle, when air-conditioned, to provide shade required in Section 3395; this should not then be regulated as an “indoor space.” Another example is where employers with employees

going in and outside of a garage continuously have been included in the employer's Outdoor Heat Illness Prevention Plan (HIPP) under section 3395. We were concerned about the previous draft definition because it appeared that employees who have been trained and protected under the 3395 HIPP who also go inside, are now considered to be "indoor" employees requiring development of additional procedures, training, and control measures. We believe that employers who erected structures for compliance with 3395 should not be penalized for taking protective measures. We believe the current definition provides clarity.

- (2) **Globe Temperature** – We recommend that DOSH state that employers are to follow the manufacturer's recommendations on any temperature measuring implements.
- (3) **Radiant Heat** - PRR member companies recommend that DOSH incorporate the definition of radiant heat from the American Institute of Chemical Engineers (AIChE) which is well-recognized: the heat transferred from one body to another not in contact with it but by means of wave motion through space.
<https://www.aiche.org/ccps/resources/glossary/process-safety-glossary/radiant-heat>
- (4) **Temperature** - PRR members believe that since the temperature is the trigger for the regulation, it is important to assure the accuracy and reproducibility of results. We recommend that DOSH require employers to follow manufacturers' recommendations on any temperature measuring implements to increase the likelihood that the employer and DOSH have similarly calibrated equipment, to provide some assurance that bulb thermometers are not tampered with, and to assure that electronic systems are accurate.

The language requires a temperature reading to be taken in the immediate area where employees are located. A more technically valid approach would be: "where the average of three temperatures taken within five minutes at four feet above the work area floor in the immediate area where employees are located." This addresses the variability of temperatures in a work area, and allows the measurement to be taken approximately at chest height.

- (5) **"Shielding"** PRR member companies recommend that DOSH include in the regulation a definition for "shielding" because "shielding" is required in subsection (f)(3). In order for employers to understand what they are required to provide, we believe that a definition is needed. We believe that language such as "barrier materials that prevent or reduce high temperature radiant heat gain," would be a good start.

IV. Other Sections: PRR member companies support sections (c) provision of water and (h) training.

- (1) Subsection (d) access to cool down areas – we are concerned that existing language may have the unintended consequence of intimidating employees and suggest a change.

Current Draft Language:

(2) Employees shall be allowed and encouraged to take a preventative cool-down rest in a cool-down area when they feel the need to do so to protect themselves from overheating. Such access to cool-down areas shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the cool-down area; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the cool-down area.

Recommended Language:

(2) Employees shall be allowed and encouraged to take a preventative cool-down rest in a cool-down area when they feel the need to do so to protect themselves from overheating. Such access to cool-down areas shall be permitted at all times. An individual employee who takes a preventative cool-down rest ~~(A) shall be monitored and asked if he or she is experiencing symptoms of heat illness;~~ (A) shall be encouraged to remain in the cool-down area; and (B) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the cool-down area.

Rational for PRR Recommendation:

The primary purpose of a preventative cool down rest period is to prevent heat related illnesses by removing the worker from the heat source and reducing the internal heat generated by physical labor. Employees should be encouraged to take frequent preventative cool down breaks to prevent heat related illnesses. This is an administrative control to prevent employees from experiencing signs and symptoms of heat illness, which would then need to be abated. We believe it sends the wrong message to ask an employee every time they are taking a preventative cool-down rest, if they are having symptoms of heat illness. Asking an employee whether they are having symptoms of heat related illness every time they take a cool down break may give them the impression that they should only be taking a cool-down rest when they are experiencing heat related signs and/or symptoms, instead of preventing them before they occur.

(2) **Subsection (e) Control Measures** – We believe that (e)(1) and (e)(2) are confusing and recommend that DOSH either use “temperature” or “heat index” but not both. In addition, some PRR members have pointed out that installing air conditioning or ventilation systems in some California locations will create challenges with the Air Quality Management Districts, adding potential costs for employers. We have been unable to determine specifics and will provide anything we learn that might be of interest to DOSH.

(3) **Subsection (e)(1) NOTE:** California Labor Code Section 6314(d) states as follows:

d) In the course of any investigation or inspection of an employer or place of employment by an authorized representative of the division, a representative of the employer and a **representative authorized by his or her employees** shall have an opportunity to accompany him or her on the tour of inspection. Any employee or employer, or their authorized representatives, shall have the right to discuss safety and health violations or safety and health problems with the inspector privately during the course of an investigation or inspection. Where there is no authorized employee representative, the chief or his or her authorized representatives shall consult with a reasonable number of employees concerning matters of health and safety of the place of employment. (Emphasis added.)

There has been much discussion of who is an employee representative during this proceeding, as well as during other Cal/OSHA Advisory Committee meetings. We suggest that DOSH use the above reference to the Labor Code which requires that a representative be authorized by employees, not a single employee. We believe that employees and authorized representatives have the right to observe and obtain the results of employer monitoring of employee exposure to temperature or heat index monitoring. Any single employee should not be able to designate someone on their own as a representative, or employers are put in a position of potentially having to provide to provide information to as many different representatives as they have employees. Employers do not object to transparency, only to the transaction costs of providing the information with no benefit to worker safety and health. Should DOSH continue to use the current language, PRR members request that DOSH provide a form for employer and employee use for designating representatives so that this can be better managed, particularly for large employers.

(4) Subsection (e)1(D) Written assessment of indoor heat as exposure record. We support Cal/OSHA's deletion of the requirement to maintain written assessments of indoor heat as employee exposure records, and require availability as required in Title 8 Section 3204. A written assessment of indoor heat is not an exposure record. The assessment is not an indication of a specific employee's exposure to heat; it is an employer's assessment of heat in a particular workplace or work area. Also, heat exposure is not the same as exposure to asbestos, vinyl chloride, benzene, or other materials and should not be treated as such. To require employers to keep these assessments for the duration of employment plus 30 years will not provide any benefit to worker safety and health but would have been a significant administrative burden.

(5) Subsection (g)(i) -Close Observation during Acclimatization - There remains confusion in general industry about what exactly is meant by "Close Observation during Acclimatization." We recommend that DOSH include examples and guidance materials. We understand that this concept appears in the current 3395 regulation, but significant numbers of employers in a variety of industries are not covered by that rule and have no frame of reference for this requirement.

Also, the clause “where the work area is outdoor or affected by outdoor temperatures” is surprising, as almost all indoor temperature may be affected by outdoor temperature to some extent, unless there is an internal localized radiant source such as a boiler. In addition, we do not understand why an outdoor “heat wave” is relevant. One example of confusion is as follows: under the current draft language, if it is 70 degrees outside for five days, and the predicted high temperature is 82 degrees on the sixth day, this temperature change may not affect the indoor work environment at all. It does not make sense for employers to spend resources “closely” observing employees when the indoor temperature remains the same or nearly the same. We recommend that DOSH clarify the requirement to state that when the **indoor** temperature of the work area increases by ten degrees over the previous five days, then close observation would be necessary. Outside temperature differentials are irrelevant for indoor environments; it is the temperature in the work area that the employee is experiencing.

Specific Recommended Language:

~~Where the work area is affected by outdoor temperatures, a~~[A]ll employees shall be closely observed by a supervisor or designee when the temperature in the work area is during a heat wave. For proposes of this section only, heat wave means any day in which the predicted high temperature for the day will be at least 80 degrees fahrenheit ~~and~~ at least 10 degrees fahrenheit higher than the average high daily temperature in the work area in the preceding five days.

Rationale for PRR Recommendation: The relevant temperature for heat illness prevention risk is the temperature in the work environment, not the outside temperature. We recommend this language to eliminate the confusion generated from the insertion of the outdoor temperature into a requirement regarding the indoor heat illness prevention.

Costs: Finally, DOSH has requested cost data. This data has traditionally been very difficult to quantify, and most companies are reluctant to provide expected cost information when they do not know what specific changes will need to be made to their workplace safety and health programs, practices and control measures. However, recognizing that the Agency is seeking the information, we are providing the following **exceedingly rough** estimates. One member company has 80,000 employees in California, at multiple locations. Some of these employees are already covered by Section 3395, but if the employees are covered by both the outdoor and indoor regulations, additional training will be needed. A conservative estimate of \$100 per hour salary (fully loaded) for a one hour training for these employees will total \$8 million for one company for training alone. A smaller PRR member company, with 1500 employees, estimates a fully loaded salary of about \$90 per hour; training costs for a one-hour training would be about \$135,000. For the 696,000 small employers (1-499 employees) that SBA estimates exist in California, one hour of training for employer (at an average of \$50.00, loaded), would be \$34,800,000 just for the training piece (if they had only one employee).

The heat index instrument available for \$40 mentioned during the February 8 Advisory Committee meeting, multiplied by, conservatively speaking, two million employers (this is not taking into consideration that many employers will need more than one instrument, particularly if

they operate more than one location), is \$80 million dollars. We expect that DOSH will have better access to the data on the number of employees in the state to better refine these costs. We believe that expenditure of such resources is appropriate to address a significant safety and/or health issue, but that heat illness in the majority of indoor places of employment is not. This is not to minimize the risk of indoor heat in those industries which where it is present.

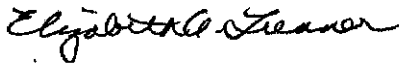
There are also costs for reviewing the final rule to develop a compliance program, as well as developing the training program, assessing all workplaces, developing and creating and implementing the Heat Illness Prevention Plan, and, if necessary, installing ventilation systems and other control measures. Regarding the training element, one member offered the following perspective regarding a mandatory training requirement for all employees:

One manager's employees already spend a significant amount of time on safety, ISO, Quality System Regulation (QSR- FDA), Ethical, Harassment, emergency evacuations, etc. One manager pays overtime for employees to train in those weeks where the training time burden is so high they cannot meet their production output numbers. To add one more hour of training in a factory where the likelihood of using the subject matter of the training is nil, would be just another impediment to advancing the safety culture of the company.

We will continue to seek additional information on costs.

Thank you for the opportunity to submit these comments; please let me know if you have any questions. We look forward to continuing to participate in this important rulemaking.

Sincerely,



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