

ILMA Testimony Before the Occupational Safety and Health Administration on Proposed Heat Stress Standard

June 23, 2025

Introductory Remarks from CEO Holly Alfano

Good morning — my name is Holly Alfano. I’m the CEO of the Independent Lubricant Manufacturers Association, or ILMA. ILMA was founded in 1948, and is headquartered in Alexandria, Virginia.

ILMA has more than 300 lubricant manufacturers, suppliers, and distributors as members. Our Manufacturing Members are predominantly “small” businesses based on SBA size standards. They operate manufacturing facilities across the United States, supporting thousands of skilled and high-paying jobs in local communities. Our members’ products—many of them highly specialized—are critical to transportation, energy production, food processing, and countless other industries.

Our Manufacturing Members’ plants are primarily indoor facilities that operate under controlled conditions, with automated or semi-automated blending processes, along with packaging lines and warehousing for finished products. While some store base oils and raw materials in indoor aboveground storage tanks, most have outdoor tank farms and transfer racks from rail-based tank cars and trucks. We believe that these facilities are not—and should not be—the primary focus of OSHA’s proposed rule.

We believe that OSHA should withdraw the proposed rule. OSHA failed to adequately consider the extensive concerns provided during the SBREFA process regarding the inflexibility of the proposed requirements. While OSHA did address some of the small entity recordkeeping issues, it fails to provide a performance-based approach that would allow employers to tailor heat stress prevention programs beyond what they currently have in place based on their unique work environments, employee needs, and geographic differences.

My colleague, Jorge Roman, will highlight some of our additional concerns. We will be happy to answer any questions from the OSHA panel members and other hearing participants.

Policy and Legal Remarks from Counsel Jorge Roman

Thank you, Holly, and good morning. My name is Jorge Roman, and I serve as Regulatory Counsel for ILMA.

From a policy perspective, OSHA's proposed "one-size-fits-all" standard is overly broad and fails to account for the operational diversity and unique conditions of industrial workplaces—particularly indoor facilities like lubricant manufacturing plants. ILMA is not the first witness to point out the inflexibility of the proposed standard. Geographical and other variables have already been highlighted as problematic in this hearing, and they will likely continue to come up in the testimony of witnesses following Holly and me.

Allow me to share an illustration. Unlike certain outdoor worksites or high-heat industrial operations, lubricant manufacturing facilities involve controlled, enclosed processes with minimal direct exposure to heat sources. Workers operate in well-ventilated environments, have regular access to hydration, and experience natural work intermittency as they oversee automated or mechanical blending processes. These pauses—largely driven by batch production and packaging schedules—inherently reduce continuous physical exertion and the risk of heat stress.

Imposing a uniform heat standard across all workplaces—without distinction for industry-specific or performance-based conditions—risks creating unnecessary compliance burdens, diverting attention from more pertinent safety priorities, and generating costs without a corresponding health benefit.

That's why employers and employees need flexibility to account for differences among work sites, geographical locations, workers' unique risk factors and tolerances, job responsibilities, and available technology. After all, OSHA cannot regulate a risk that occurs in many workplaces, but it is not an occupational hazard in most.

This brings me to the data OSHA is using to justify the programmatic standard.

From a legal perspective, OSHA has not met the statutory burden necessary to impose this regulation on indoor facilities in the lubricants industry.

To justify a standard under the Occupational Safety and Health Act, the Agency must first demonstrate with "substantial evidence" a "significant risk of material impairment." Yet here, OSHA has not provided the necessary substantial evidence that heat-related injuries, illnesses, or fatalities occur in indoor facilities across the board—including in the lubricants industry.

OSHA's own data show that there is no pattern of systemic heat-related harm across industries, especially in manufacturing, including the lubricants industry. Indeed, the Agency's data show that the risk is particularly concentrated in a few sectors and settings. Without such evidence, there is no factual basis for OSHA to conclude that workers in a majority, if not all, indoor workplaces face significant heat risks that necessitate federal regulation.

Critically, the OSH Act does not require that workplaces be risk free—only that significant, measurable risks be addressed. Relying on generalized assumptions about medical diagnoses, potential underreporting, or other type of speculative data to make a "significant risk" threshold determination undermines that principle and can be considered regulatory overreach.

The Association agrees with many commenters that whether any given employee is susceptible to heat illness, and at what point, is largely tied to that individual worker's health and fitness factors, which are outside the employer's control. Yet OSHA seems to significantly discount an employee's personal risk factors, as well as geographical differences, all the while remaining rigidly tied to environmental temperature and humidity.

To be clear, we do not dispute the body of literature linking heat exposure to adverse health outcomes based on various factors. However, ILMA observes that OSHA is relying on "uncaptured" incidence data to justify its broad proposed regulation, which effectively redefines the meaning of safety as "risk-free."

Therefore, because OSHA does not have the substantial data necessary to legally support the rule as broadly proposed—even if the Agency were to move from a specification-based rule to a performance-based one—the proposal should be withdrawn so that a granular risk assessment may take place if regulatory efforts continue.

Ms. Alfano will conclude ILMA's remarks and highlight the Association and its members' serious commitment to health and safety education and training in the workplace.

Conclusory Remarks from CEO Holly Alfano

We believe employers need more flexibility to tailor heat illness prevention programs to their unique environments. Our members often mention their use of OSHA's heat illness prevention guide titled "Water. Rest. Shade." However, OSHA's prior efforts in creating these useful materials are being sacrificed in the pursuit of every last detail in its specification-based proposed rule.

Without the flexibility to tailor heat illness programs based on an employer's unique use environments—including geography and employee tolerances—the proposal risks being overly burdensome and costly, while failing to protect workers from the hazards that would be identified through a site-specific and tailored risk assessment.

We have a long-standing history of meaningful collaboration with OSHA. While our formal Alliance concluded in 2011, that partnership produced several important tools that continue to benefit our industry and improve workplace safety. Some examples include:

- *A Lubricant Fact Sheet* that explains classification, hazards, and safe handling of lubricants for small businesses, and
- *A Dermal Assessment Guide* to help facilities understand and address dermatitis risks linked to metal removal fluids.

We are ready to work with OSHA to develop targeted educational materials and best practices focused on heat illness prevention—tailored to the actual working conditions in our industry.

Thank you again for the opportunity to speak today. We look forward to working with you.