

DEPARTMENT OF LABOR OCCUPATIONAL HEALTH
AND SAFETY ADMINISTRATION

DOCKET NO. OSHA–2021-0009:
HEAT INJURY AND ILLNESS PREVENTION IN OUTDOOR AND INDOOR
WORK SETTINGS

SUPPLEMENTAL COMMENTS OF
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

The American Short Line and Regional Railroad Association (“ASLRRA”), on behalf of itself and its member railroads, submits a comment to the Occupational Safety and Health Administration (“OSHA”) Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings proceeding to supplement its participation in the informal hearing concluded on July 2, 2025.¹ The proposed rule would apply to all employers conducting outdoor and indoor work in all general industry, construction, maritime, and agricultural sectors where OSHA has jurisdiction. It would be a programmatic standard that would require employers to create a plan to evaluate and control heat hazards in their workplaces, setting forth employer obligations and the measures necessary to effectively protect employees from hazardous heat.²

ASLRRA is a small non-profit trade association representing the interests of the Nation’s 600 Class II and III railroads, commonly referred to as short line and regional railroads. Short lines operate nearly 50,000 route miles in the United States, or approximately 30% of the national freight network, touching in origin or destination one out of every five cars moving on the national railroad system, serving customers who otherwise would be cut off from the national

¹ 90 Fed. Reg. 46,110 (Sept. 25, 2025).

² 89 Fed. Reg. 70,698 (Aug. 30, 2024).

railroad network. Both in legislative matters before Congress and in regulatory matters before state and federal agencies, ASLRRA advocates for enlightened public policies which promote a strong regional and short line rail component for the national transportation infrastructure. Most short line railroads are considered small businesses.³

ASLRRA actively participates in this rulemaking, filing public comments in 2023 and 2024, and joint comments with the Association of American Railroad and the American Public Transportation Association in 2022 and 2025.⁴ In the written comments, ASLRRA consistently states that the railroad industry’s primary safety regulator, the Federal Railroad Administration (“FRA”), regulates heat-related safety considerations of railroad operations in a number of different contexts.⁵ Also, FRA’s regulations comprehensively address various hot and cold-weather related infrastructure and equipment concerns that relate to the safety of railroad operations.⁶ Additionally, railroads report accidents, injuries, and illnesses to FRA under that agency’s extensive accident and casualty reporting regulations.⁷ Finally, railroad industry best practices comprehensively address heat illness prevention, including, among other things, acclimatization, supplying water, distributing information about proper hydration, heightening awareness of heat stress risks, appropriate first aid for heat-related illnesses, and ensuring that all locations and work teams are performing heat stress awareness training. Given the existing

³ See 13 C.F.R. § 121.201 and North American Industry Classification System code 482112, “Short Line Railroad.”

⁴ See documents OSHA-2021-0009-0690, OSHA-2021-0009-22558, OSHA-2021-0009-1087, and OSHA-2021-0009-18829.

⁵ See, e.g., 49 C.F.R. § 219.119, 49 C.F.R. § 228.313, and 49 C.F.R. § 214.505.

⁶ See, e.g., 49 C.F.R. § 213.119 and 49 C.F.R. § 232.107.

⁷ See 49 C.F.R. Part 225.

federal regulatory oversight, and the existing industry standards to address risks associated with heat, OSHA should exclude railroads from the proposed heat injury and illness standards.

ASLRRA provided oral comments during OSHA’s informal rulemaking hearing, which took place from June 16 – July 2, 2025. During the hearing, ASLRRA stated that FRA data shows that the heat-related injury rate for the nation’s nearly 200,000 railroad employees was less than 0.015 injuries reported per 200,000 railroad employee hours worked.⁸ Additionally, a review of FRA’s safety data also indicates that over the last 30 years, only a single railroad employee fatality report cites heat as a potential cause.⁹

A representative from the International Association of Sheet Metal, Air, Rail and Transportation Works, Transportation Division (“SMART-TD”) also provided oral testimony at the informal rulemaking hearing. SMART-TD alleged that heat-related injuries are not reported accurately or appropriately. The representative did not provide any data or proof to support this statement, which would be completely contrary to the existing robust reporting requirements managed by FRA pursuant to the federal regulations.

FRA’s regulations at 49 C.F.R. Part 225 mandate that railroads provide FRA with accurate information concerning the hazards and risks that exist on the Nation’s railroads. Transparency is also prioritized, as the regulations require that accident/incident reports by railroads in compliance with the rules of Part 225 be made available to the public for inspection.¹⁰ Further, railroads are mandated to adopt and comply with a written Internal Control

⁸ See <https://railroads.dot.gov/elibrary/fra-guide-preparing-accidentincident-reports-0> and <https://safetydata.fra.dot.gov/OfficeofSafety/Default.aspx>.

⁹ Data derived from a review of incident data reported under FRA cause codes 1144 (Heat exhaustion–heat-related condition of moderate degree which, if not treated, may lead to heat stroke) and 1141 (Heat stroke/sun stroke– serious heat-related condition in which the patient often stops sweating and experiences a marked rise in core temperature).

¹⁰ 49 C.F.R. § 225.7.

Plan, including 11 components designed to maintain absolute accuracy of the information to be provided to the federal government.¹¹ FRA collects and analyzes the data collected from the Nation's railroads and converts the information into meaningful statistical tables, charts, and reports that are made available to the public.¹² If a person violates any of the requirements of FRA's regulations at 49 C.F.R. Part 225, that person is subject to a civil penalty, and there is an additional penalty option for a person who submits a willful false statement to FRA.¹³

ASLRRA appreciates the opportunity provided by OSHA to engage in this important matter. For the reasons stated above, and in the oral testimony and extensive written comments provided on behalf of the railroad industry, ASLRRA urges OSHA to exclude railroads from the proposed heat injury and illness standards.

Respectfully submitted,



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¹¹ 49 C.F.R. § 225.33.

¹² See <https://railroads.dot.gov/safety-data>.

¹³ 49 C.F.R. §§ 225.29 and 225.12.