

August 21, 2026

David Keeling,

Assistant Secretary of Labor for Occupational Safety and Health

Occupational Safety and Health Administration

200 Constitution Ave, N.W.

Washington, D.C. 20210

Re: Proposed Rule: Arsenic - ID **OSHA-2025-0016-0023**

Dear Mr. Keeling;

On behalf of the National Steel Painting Contractors Association ("NSPCA") we are submitting this comment to the above referenced rule changes on Arsenic (29 CFR 1926.1118, which is identical to 1910.1018). NSPCA represents industrial painting contractors across the United States who value excellence, and their skilled workforce. NSPCA contractors pride themselves on their commitment to environmental health & safety practices that protect our workers who labor every day on structural steel painting and industrial coatings projects

NSPCA opposes the proposed changes that would eliminate existing minimum respiratory protection requirements for arsenic in paragraphs h(1), h(3)(i)C-D and (o)(1)(ii)C, including the use of a half-mask respirator with HEPA/P100 filtration during specified conditions noted below. Under the proposed changes, an employer could instead determine through its respiratory protection program that respiratory protection is not required.

29 CFR 1910.1018 h(1)(i)-(iv) establishes conditions when respirators must be provided and used. Most of the conditions are directly related to the work

inherently performed by industrial painting contractors, including but not limited to:

- Periods necessary to install or implement feasible engineering or work-practice controls.
- Work operations, such as maintenance and repair activities, for which the employer establishes that engineering and work-practice controls are not feasible.
- Work operations for which engineering and work-practice controls are not yet sufficient to reduce employee exposures to or below the permissible exposure limit.
- Emergencies.

NSPCA is concerned that eliminating the minimum respiratory protection under paragraph h(1)i-iv and elimination of requirements for HEPA/P100 under paragraph h(3)(i)C-d could result in inconsistent levels of worker protection across the industry,and could expose workers to unnecessary inhalation, hazards from arsenic and other hazardous metals. Arsenic is dangerous substances with known health risks from inhalation, ingestion and skin contact. Trace arsenic is present in many abrasives used in the industry during abrasive blast cleaning. Clear minimum requirements establish an important baseline for the industry and help ensure that contractors competing for the same work are held to consistent worker-protection standards.

OSHA's own website (Arsenic - Overview | Occupational Safety and Health Administration) indicates the following:

"Arsenic exposure in the workplace occurs through inhalation, ingestion, dermal or eye contact. Chronic exposure to arsenic leads to to distinct skin diseases, such as arsenical keratinosis, which is characterized by excessive formation of scaly skin on the palms and soles; darkened patches of skin; wart formation; skin lesions; acne; and increased risk of skin cancers. Chronic arsenic poisoning can also cause sudden constriction in arteries or veins, reducing blood flow; decreased nerve function; lung, liver, kidney and bladder, and other cancers. Acute exposures can cause lung distress and death. "

Weakening these protections also has broader economic consequences. By removing this minimum level of respiratory protection, OSHA will be increasing worker airborne and dermal exposures to arsenic and may require contractors to pay for expensive and detailed medical monitoring requirements for arsenic under 29 CFR 1910.1018 including medical exams if an employee is exposed 30 days

National Steel Painting Contractors Association
Working to preserve and expand opportunities for our IUPAT signatory contractors across North America
www.NSPCAssociation.org

above the Action Level. It can also require chest x-rays and ongoing physical exams to monitor exposures. Occupational exposures that result in worker illness or injury can increase workers' compensation and insurance costs for the industry and impose additional costs on the healthcare system. Contractors that invest in appropriate respiratory protection should not be placed at a competitive disadvantage relative to contractors that reduce costs by providing a lower level of protection.

NSPCA therefore urges OSHA to retain the existing minimum respiratory protection requirements and not adopt the proposed changes that would eliminate these protections for workers in the industrial painting and coatings industry.

Sincerely,



Joye Blanscett

NSPCA, Executive Director