



RE: Request for Interpretation: Application of Water Controls Under 29 CFR 1926.1153 During Freezing Conditions

National Demolition Association
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Erin Gilmore
Acting Director
Directorate of Enforcement Programs
U.S. Dept. of Labor, OSHA
200 Constitution Avenue, NW, Room N-3119
Washington, DC 20210

RE: Request for Interpretation: Application of Water Controls Under 29 CFR 1926.1153 During Freezing Conditions

Dear Acting Director Gilmore:

The National Demolition Association (NDA) represents nearly 500 U.S. and Canadian family-owned 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, environmental, and societal benefits of the demolition industry.

The Occupational Safety and Health Administration (OSHA) Respirable Crystalline Silica Standard for Construction, codified at 29 CFR 1926.1153, requires the implementation of engineering controls, including the use of water, as specified under Section 1926.1153(c)(1). Water is further recognized as an acceptable exposure control measure for tasks not identified in Table 1, consistent with the requirements of Section 1926.1153(d)(3).

Demolition activities are frequently conducted during seasonal periods in which ambient temperatures fall below freezing. Under these conditions, the application of water as a dust suppression control introduces additional occupational safety risks. Water overspray and runoff can freeze on roadways, work surfaces, equipment, and structural components, resulting in hazardous icy conditions that increase the risk of slips, falls, and vehicle incidents within and around the active work site.

Conventional freeze-prevention measures—such as heated or heat-traced water delivery systems or the use of antifreeze additives—are often impractical in demolition settings due to logistical constraints, operational complexity, and considerable costs. Additionally, the use of antifreeze additives may introduce



environmental concerns and potential regulatory impacts, making such measures unsuitable as a long-term control strategy.

In light of these challenges, NDA respectfully requests OSHA's consideration of an interpretation or alternative compliance approach comparable to the exemption provided under the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP), specifically Appendix A to Subpart M of 40 CFR Part 61, Section III(B)(3)(B.3). That provision recognizes that wetting requirements may be suspended when the use of water is not feasible due to freezing temperatures.

A similar approach under 29 CFR §1926.1153 would allow demolition activities to proceed safely during cold-weather conditions while ensuring that appropriate alternative dust control measures are implemented to protect workers from respirable crystalline silica exposure.

Accordingly, NDA respectfully requests OSHA's interpretation and guidance regarding the following questions:

Question 1:

May OSHA permit a wetting exemption, similar to that provided under Appendix A to Subpart M of 40 CFR Part 61 (Section III(B)(3)(B.3)), when ambient temperatures are below freezing, for tasks addressed under 29 CFR §1926.1153(d)(3)?

Question 2:

May OSHA permit a wetting exemption, similar to that provided under Appendix A to Subpart M of 40 CFR Part 61 (Section III(B)(3)(B.3)), when ambient temperatures are below freezing, for tasks addressed under 29 CFR §1926.1153(c)(1) that are part of, or in support of, demolition activities?

To conclude, the mandatory application of water as a primary dust suppression method during demolition activities conducted in freezing temperatures presents substantial safety, operational, and environmental challenges that could undermine overall worker and environmental protection. A narrowly tailored wetting exemption or alternative compliance interpretation under 29 CFR §1926.1153—consistent with existing federal regulatory precedent—would provide necessary flexibility while preserving the intent of the silica standard. Such an approach would allow employers to implement effective alternative dust control measures when water use is infeasible, without introducing additional hazards associated with cold-weather operations.

NDA respectfully requests a formal written response addressing the questions presented herein. We also welcome the opportunity to meet with OSHA to further discuss this issue and to provide any additional information that may assist the Agency in its evaluation.

Thank you for your consideration and NDA appreciates OSHA's continued engagement with the demolition industry on matters affecting regulatory compliance.

Please direct any correspondence regarding this request to 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 positioned below the word "Sincerely,". The signature is written in a cursive, flowing style.

Jeff Lambert
Chief Executive Officer
National Demolition Association (NDA)