U.S. DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

INFORMAL PUBLIC HEARING

Safety Color Code for Marking Physical Hazards; Textiles; Sawmills; and Safety Color Code for Marking Physical Hazards for Shipyard Employment	:

Wednesday,
August 26, 2026

Videoconference

The above-entitled matter came on for hearing, pursuant to notice, at 9:30 a.m. EDT

BEFORE: THE HONORABLE JOHN HERKE,
Administrative Law Judge

DEPARTMENT OF LABOR PANEL MEMBERS:

PAMELA BARCLAY, Director, Office of Technological Feasibility, Directorate of Standards and Guidance
ADRIANA LOPEZ-MENENDEZ, Economist
INANJE MINTZ, Public Health Educator
VARUN PATEL, Industrial Hygienist

DEPARTMENT OF LABOR OFFICE OF THE SOLICITOR:

DANIEL MOCZULA, ESQ.

ALSO PRESENT:

ALEX DUNCAN, Department of Labor
RICHARD EWELL, Department of Labor
KECIL JOHN, Eastern Research Group
JULIA KEANE, Eastern Research Group
JESSICA STONE, Department of Labor
RYAN TREMAIN, Department of Labor

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P-R-O-C-E-E-D-I-N-G-S

9:33 a.m.

JUDGE HERKE: Good morning, thank you Ms. John. We are on the record now. I'm going to mention in just a few moments that the court reporter is transcribing everything that everyone says today. So there will be a few procedural aspects that most folks don't use in everyday conversation. Please do try to follow those procedural aspects when it is your turn to speak.

But the hearing has come to order. This is an informal public hearing on, as Ms. John said, the Occupational Safety and Health Administration's Proposed Rule for OSHA's Safety Color Code for Marking Physical Hazards Standard, and other related standards.

The Notice of Proposed Rulemaking was published to the Federal Register on July 1, 2025. It can be found in volume 90 of the Federal Register, beginning at page 28,282.

As Ms. John mentioned, I'm John Herke,

I'm the Administrative -- an Administrative Law Judge for the U.S. Department of Labor. I'll be presiding over the hearing today.

The purpose of the hearing is to receive oral testimony from interested parties, as well as other information pertinent to the proposed rule. After this hearing and the post-hearing comment period have closed, OSHA will review the entire record in determining the content of the final rule.

Please be aware that I am not making any decisions or recommendations on the proposed rule. My role as presiding judge today, will be limited to conducting the hearing to ensure that we get a complete and accurate record, and that all interested parties receive a fair hearing, and have an opportunity to submit their information.

The hearing schedule and OSHA's procedures governing this hearing are available on the regulatory rulemaking page of OSHA's website. These documents were sent to people

and organizations who filed a timely notice of intention to appear at this hearing.

Let me mention a few things about the nature of the hearing. It is, as I said, an informal hearing, but it is still governed by certain rules, both OSHA's rules governing hearings, those rules being available at 29 CFR Part 1911, as well as the hearing procedures that were issued specific to this rulemaking.

The rules are meant to ensure that everyone has a fair opportunity to speak, and to express an opinion about the proposed rule. And to that end, they do allow me to hold the witnesses to their allotted times, although I don't think that's going to be an issue today because we don't have a large number of speakers.

I can also limit undue repetition or excessive argument, but again, with the smaller number of speakers, that shouldn't be an issue. And we will generally do our best to keep the hearing on schedule as well.

Any written comments you have submitted to the docket are already part of the record of this rulemaking. So your oral testimony should concentrate on presenting the highlights of your written comments or clarifying or expanding on your written submission.

In the rare case where witnesses wish to provide any other documents that have not already been entered into the docket, they should provide them by email to OSHAEVENTS_DSG@dol.gov. Again, that's capital O, capital S, capital H, capital A, capital E, EVENTS, underscore, capital D capital S capital G, @dol.gov.

Hearing participants may also submit additional evidence or statements for a period following the end of the hearing, and will have an additional period of time after that to submit any briefs based on the record as a whole. At the end of the hearing, I will set the deadlines for those two periods, and at that point, the record for this hearing will close.

Today after each speaker or panel completes their oral testimony, OSHA representatives will have an opportunity to ask questions of the speaker or the panel. When OSHA has finished asking questions, there will be an opportunity for persons who filed a timely notice of intention to appear to question the witness or the panel.

Please note that participants may only direct questions to witnesses with whom they have no organizational affiliation. This requirement is intended to prevent the use of the question period to extend testimony.

The process I intend to follow for this morning's hearing is, after OSHA has finished asking questions of a witness or panel, I will ask participants who wish to ask questions of the witness or panel to identify themselves as Ms. John said earlier, by using the raised hand button in Zoom or by pressing *9 on the phone if that's how you joined the hearing is by phone.

Based on the hearing schedule and the

number of participants who wish to ask questions, I will determine the order in which participants will question the particular witness or panel, and if necessary, any time restrictions on that questioning.

If there do happen to be more questions than we have time for during the scheduled period for questioning, it may be possible to ask additional questions after the conclusion of the final witness's testimony today.

Also, if witnesses are unable to answer a question during today's hearing or would like to expand on the answers provided, they are welcome to use the post-hearing comment period to submit such information.

Please also remember that as I said, this proceeding is being recorded and these are the procedural aspects that I mentioned earlier.

Since the court reporter needs to provide an accurate record of all the testimony, questions, and responses, please try to first remember to provide a verbal response to all

questions. If you just nod your head or shake your head in response to a question, that's very difficult for the court reporter to record, and she may not see it if you do that.

In addition, please remember to identify yourself before beginning your testimony or before asking a question. Don't worry, I know most of us don't do that in regular everyday conversation, so I'll try to remind you if you forget to introduce yourself first.

The transcript of the hearing will be uploaded to the hearing docket on regulations.gov approximately two weeks following the hearing.

Those are all the introductory comments that I have, and so now I would ask if the OSHA panel would please introduce themselves.

MS. BARCLAY: Thank you, Your Honor. Good morning, my name is Pamela Barclay, and I'm from OSHA's Directorate of Standards and Guidance. Thank you all for being here today.

We look forward to hearing your testimony.

I'd like to take a moment to introduce the OSHA panel. Also from OSHA's Directorate of Standards and Guidance, we have Inanje Mintz, Varun Patel, and Adriana Lopez-Menendez.

Thank you again.

JUDGE HERKE: Thank you, ma'am. It's my understanding that there are no exhibits for today's hearing. But if there are exhibits that I was not made aware of or that come up during the hearing, I'm going to reserve Exhibit 1 for the master index of hearings, and Exhibit 2 for the complete list of hearing exhibits.

If there are any hearing exhibits offered during this informal hearing, we'll take care of that, that aspect of the hearing at the close of all the testimony and the questioning.

Are there any further announcements either from the panel or from Ms. John?

MR. MOCZULA: This is Daniel Moczula, for the Solicitor's Office also introducing myself.

JUDGE HERKE: Yes, sir, I apologize. Thank you for doing that.

All right, hearing nothing as to further housekeeping, I believe we can proceed with the public testimony. The expected speaking order, there we go, for United Steelworkers, is now displayed on the screen.

If Ms. John will introduce each speaker in turn and promote them to be panelists, then when you're called to testify, please state your name and your affiliation for the record.

Speak slowly and clearly so again, the court reporter can record these proceedings accurately.

MS. JOHN: Yes, George Hall, Juan Zuniga, and Steve Sallman, you should all have been promoted to panelists and can turn on your microphone and camera to give testimony.

MR. SALLMAN: Good morning, can you hear me?

MS. JOHN: Yes.

MR. SALLMAN: Wonderful, and George is

on? Juan is on?

MR. HALL: Yes, George Hall is here.

MR. ZUNIGA: Juan is here, can you hear me?

MR. SALLMAN: Yes, thank you. Let us know when you're ready.

JUDGE HERKE: Please proceed.

MR. SALLMAN: All right. Hello, I'm Steve Sallman, Director of Health Safety and Environment for the United Steelworkers. I want to thank you, Your Honor, OSHA, and Office of the Solicitor, for the opportunity to testify today.

The United Steelworkers Union is the largest union in North America, representing workers in steel, aluminum, and other metals, paper, oil, rubber, plastics, glass, cement, mining, energy, chemicals, refining, utilities, health care, atomic, education, manufacturing, service, sawmills, textiles, shipbuilding, and other sectors. We strongly urge OSHA to maintain the Safety Color Code for Marking

Physical Hazard Standard.

Our members have worked for decades, throughout various industries where standardized color codes have identified hazards, prevented fatalities, injuries, and achieved OSHA compliance. In many of our workplaces, we have building columns that are painted red to quickly identify where workers can access fire protection equipment, and apparatus in the form of extinguishers and hoses, for emergency purposes.

We also have red-painted portable rolling hot batch emergency response gang boxes. These red mobile gang boxes store fire equipment, and firefighting foam used for fire suppression that are part of the workplaces' monthly fire audits and inspections.

Across our industries, flammable liquids are stored in red danger safety containers, with some additional clearly visible identification in the form of a yellow band around the container or the name of the contents

is conspicuously labeled in yellow.

We also have workplaces who use cloths, wipes, and cleaning rags with flammable liquids to swab materials or clean parts as part of their processes. These workplaces are equipped with red color-coded wash tank solvent plunger cans, dispensing containers, and hazardous waste containers for flammable waste disposable of soaked cloths, wipes, and cleaning rags, to prevent improper disposal.

Additionally, red-colored safety plunger and dispenser cans are utilized with a smart pump, to safely dispense flammable liquids in a safe, convenient way to release small amounts of liquid directly onto a work surface or into a lab beaker.

I'll now turn it over to George Hall.

MR. HALL: Hello, my name is George Hall, Health and Safety Specialist with the United Steelworkers Health Safety and Environment Department. Thank you, Your Honor, OSHA, and Office of the Solicitor, for the

opportunity to testify today.

In our rubber manufacturing facilities, the rubber mills are equipped with accessible safety trip controls in front and behind each mill, that operate readily on contact with pressure sensitive body bars, or what we call belly bars, that are painted red to identify them as an emergency stops.

Red color safety trip rods are also used with rubber mills as well as red emergency stop wire sensor cables, to stop conveyors. When the red colored safety ropes or wired center cables are discolored, they are replaced to maintain the bright red colors so they can be quickly identified, and utilized for emergency purposes.

The red lights and strobe beacons are provided on machines for failures and emergency stops, as well as fire alarms and evacuation alerts. These beacons can also be found on robotic equipment, overhead cranes, powered industrial trucks in high-risk areas that are in

operation, warning workers to stay away from the equipment and dangerous work areas.

Emergency red mushroom head buttons with the yellow background can be found on all kinds of industrial machinery in our members' workplaces. This color coding makes it easily recognizable for new and experienced workers in an event of an emergency for stopping machinery, and preventing a bad outcome or minimizing an injury.

At one of our sawmills, the operator control panel labeling was worn off and impossible to read. A relief worker, who was not familiar with the board bundling machine and was asked to assist in operating this machine during a upset condition -- a worker was trying to troubleshoot the machine to have the plastic strap feed better.

The relief worker was asked to press the feed button, and he mistakenly activated the wrong button due to poor labeling. It caused a fatal injury to his coworker. A red painted

emergency stop had the paint worn off, and it was not easily identifiable. That could have lessened the severity of the fatal injury.

Additionally, our members receive training on how to utilize the red danger signage and tape, as a warning device for physical and health hazards. Too often, we see machinery run to failure because periodic, preventative, and predictive maintenance is lacking or is not properly scheduled.

Many workplaces have aging and crumbling infrastructure, so red danger signs and tapes must be used to keep workers out of dangerous areas when entry is forbidden, unless they have authorization to enter as defined by the employer's procedures and trainings. In one of our paper mills, red danger tape and a 6x6 inch red stop sign is used where stop work authority is being utilized.

Now, I will turn it over to Juan Zuniga. Thank you.

MR. ZUNIGA: Thank you, George. Good

morning, Your Honor Judge Herke, members of the OSHA panel, and Office of the Solicitors. Thank you for the opportunity to testify here today.

I am Juan Antonio Zuniga Ayala, a proud member of the United Steelworkers Union Local 3657. I am a technician in the Health Safety and Environment Department, here at the headquarters.

Yellow color coding has served as a basic color throughout our members' workplaces for designating caution, and for marking physical hazards such as striking against, stumbling, falling, tripping, and caught in between. Many of the machine guarding devices our members build and use are painted yellow in our workplaces.

Yellow is also used for marking tripping and falling hazards on walking or working surfaces that cannot be eliminated or controlled. Additionally, yellow is painted on our floors to identify areas where workers can be caught in between hazardous machinery, as

well as designating walkways to prevent being struck by mobile equipment. Excuse me.

These uniformly across general industry by OSHA's mandated color code, ensures consistency for employees, workers, contractors, and inspectors. This uniformity is not accidental. It is the result of OSHA's mandated color code, which ensures that every worker walks into our workplaces with the same shared understanding of what yellow means.

It is a language that does not require a translator. And that brings me to a critical point about our members, and the workforce in general. Our workplaces are incredibly diverse. We have members who speak dozens of different languages. We have members who are new to this country; members who are learning English; and members who, for a variety of reasons, might have difficulty reading written warnings or safety placards. For these workers, color coding is not a convenience, it is a lifeline. It breaks through literacy, language, and

education barriers.

OSHA's current standard has demonstrated to be cost effective by implementing and maintaining color coding. And signage, which represents a minimal capital investment compared to the cost of fatalities, injuries, property damage, and litigation.

No other OSHA standard addresses color coding. Although OSHA rarely issues citations for color coding, the consistency found in OSHA's standard is nearly to maintain safe workplaces; identify and control hazards.

Removing this standard will upset established color coding, effective training and safety procedures. OSHA must give the current safety color code for making physical hazard standard to protect workers, and maintain safe workplaces.

In the union, we have heard many times how OSHA standards are written in the blood of workers, and we cannot afford to have more fatalities and injuries by losing a standard we

already have, that has made workplaces safer.

We strongly urge OSHA to withdraw its proposal to remove 29 CFR 1910.144 to maintain safe workplaces. Thank you for the opportunity to provide these comments, and this concludes the USW's testimony. Thank you very much.

JUDGE HERKE: Thank you all. Are there questions for the panel?

MS. BARCLAY: Yes, Your Honor. This is Pamela Barclay, with OSHA. Gentlemen, thank you for your testimony.

The first questions from OSHA come from Inanje Mintz.

MS. MINTZ: Thank you, Pamela, and thank you all for your testimony.

My first question is, OSHA's stated basis for this proposal is that the hazards these standards address are sufficiently covered by other federal, state, and local requirements. For example, local building and fire codes, and OSHA's specifications for accident prevention, signs, and tag standard, 29 CFR 1910.145.

Do you think these signs are unclear, or are you suggesting that OSHA needs to make any amendments to 1910.145, to make those required communications clearer?

MR. SALLMAN: Steve Sallman. I don't feel that people, workplaces, look for the .145 standard. And I also don't believe that people are looking for building codes.

It's a resource issue. It seems like those that are listed in .145 would certainly need to be updated. If OSHA was going to remove this current color coding standard, it would only make sense maybe they should be blended together, but should not lose the current color coding standard.

And I would just add that if you have to refer to other building codes, regulations that's not printed in an OSHA standard, that becomes a barrier or an obstacle to getting information.

Some of those standards and publications, one has to pay for them. And that

creates another barrier for people having the proper information in front of them.

MS. MINTZ: Thank you for sharing that. Again, it's Inanje Mintz from OSHA's Standards and Guidance.

My next question is, in your written comments, USW discusses how the association of danger with certain colors is, quote, deeply ingrained in our nation-society, end quote. Where there has been a tradition of using colors that are useful, do you expect employers to stop using the color if OSHA finalizes this rule?

MR. SALLMAN: We do have concerns that there will be drift -- or, sorry, Steve Sallman. Sorry, we do have concerns that there will be drift or normalization of deviation.

Even though you might recognize that red is on a stop sign, a fire extinguisher might be red. But there is also extinguishers that are different colors, as in yellow.

And it's important for everyone to understand through workplace training, as well

as education, both in a classroom and hands-on, about what the color coding means. If we were to lose that, there could very well be a loss of that knowledge and education.

And what happens out in the public might be helpful. But just because you're able to drive an automobile, doesn't necessarily mean that you can operate a powered industrial truck.

It doesn't mean that just because someone had a fire extinguisher training in an outside setting, doesn't mean that they could operate a fire extinguisher that deals with for example, a flammable liquid that maybe they wouldn't have in their residential fire extinguisher training.

So there is a huge issue when it comes to education training, and as Brother Juan pointed out, there is also language barriers and learning abilities that we should not assume is common sense.

And I have been on fatality investigations where someone said to me, it's

common sense. And I ask them when they tell me that, how do you get common sense? And the only way that you get common sense is through training, education, and experience.

And if we were to lose this standard, we have real concerns that we will not have as safe a workplace as we do today.

MS. MINTZ: Thank you. This is Inanje Mintz again, OSHA Standards and Guidance. The next question I have is, do you know of any data, research, or analysis you think would be useful for OSHA to consider as it evaluates the evidence base for this proposal, including the potential effect of removing these requirements?

For example, this could include injury or incident data linked to hazard marking confusion or information on how widely employers have already adopted the voluntary ANSI Z535 standard, in place of OSHA's current color code.

MR. SALLMAN: Steve Sallman. I am not aware of anything else other than what you have just quoted there. I would add that I don't

know what studies are out there. But I would also ask that OSHA think about human factors that enter into all of this.

Human factors engineering is a huge issue that we see in our workplaces. And I'll give you an example. Just looking at our automobiles. We've told people to never lock your keys in the car, but people will lock their keys in the car.

And how we design things such as key fobs, so that when people are not at 100 percent, we can't expect humans to always be 100 percent, 100 percent of the time.

And that just goes to even like capless gas tanks. It used to be that there was a tether on it, and somebody would still forget to put a gas cap on because they're late to go pick up a kid from daycare. Otherwise, they'll pay a penalty.

And now we've designed it with capless gas tank. So I think that the color coding is really vitally important to not only the things

that's been listed in the current standard, as well as the one that you had previously mentioned under the .145 standard.

We need to make sure that all things are there to set not only employers up for success, but also workers up for success, that in the event that a mistake is made due to lack of training or poor training and education, that color coding is there to help support workers to be successful. And if there is a failure, there's a successful outcome like, oh, I forgot to close the fuel door, but fortunately I didn't lose my cap.

MS. MINTZ: Thank you for that comment. My last comment is, your written comments describe having witnessed first-hand across shipyards, sawmills, textile mills, and manufacturing sites, how standardized color codes can prevent injuries and improve compliance.

You provide an example in your testimony of this, but can you share some

additional specific examples from your members' experience of how a color-coded system made a difference, and what impact do you think rescinding the standard could have in those same situations? Either now or in your post-hearing comment.

JUDGE HERKE: And just for the record, that was Ms. Inanje Mintz.

MS. MINTZ: Yes.

JUDGE HERKE: Asking the question. Thank you.

MR. SALLMAN: Steve Sallman. Yes, I'll add a couple additional items here. We have been negotiating into our collective bargaining agreements, about training being provided in a language and at a literacy level that employees can understand and have interactions with the trainer, to be able to ask questions and get answers in real time.

We've done that because we've seen how workplaces have changed. And here's part of the issues why we need this color coding, and why

it's been so important.

We have seen deficiencies in training where it's what we call green on green, meaning new training, new employees. And if they don't have that experience, knowledge, training, and education, you're relying upon tribal knowledge. And new people training new people, is where a big gap can exist.

And we've also been pushing around, we've seen that workplaces are understaffed. And if you don't have an experienced person educating that new person on why things are done, or some of that intuition, or that institutional knowledge, we're fearful if we lose this standard, we'll see some of those things go away, regardless of trying to negotiate it into our collective bargaining agreements.

I would also even add an incident that occurred in one of our workplaces. There was a bucket of material that was next to a press. And a press ended up having a small fire due to

hot work that a contractor was doing. The contractor thought that what was in that gray colored metal 5-gallon pail was water.

It turned out to be that it was a flammable liquid, and when they threw that on the fire it only caused the fire to grow. This is the importance of color coding labeling and so on. That container was never properly labeled.

It was institutional knowledge of what that was in the pail, but when you bring in contractors, that also adds some complexity and lack of training and education, and knowledge. They thought it was water. It was a clear, flammable liquid. Actually, it was isopropyl alcohol, and they threw it on there thinking it was water.

So even if that would have been painted red as in like water for fires or something of that nature, this goes to show the importance of color coding, as well as labeling, including the hazard communication standard under 1910.1200.

So we really cannot afford to see a drift or loss of any kind of color coding in OSHA standards.

MS. MINTZ: Thank you, those are all my questions.

MS. BARCLAY: This is Pamela Barclay again from OSHA. Next with questions is Varun Patel.

MR. PATEL: Thank you. Thank you for your testimony. So I have one question specific to vision deficiency so in your written comments and in your testimony, you said that this standard helping employees with literacy challenges, as well as language barriers.

So can you, do you have any experience or have you heard from your, any members who has vision deficiency, that is one of the factor OSHA has mentioned in their proposal that, for rescinding that.

Do you have any anecdotal or any data about vision deficiency and their having any difficulty to see the colors or identify the

hazard based on the colors?

So if you have any data or any stories about that, that you can provide any examples on that.

MR. SALLMAN: Steve Sallman. I don't believe that we would have anything in our possession about that. But I will share this with you.

I was on the fatality of one of our union brothers, who did not read or speak English, and it was a fatality related to a ball furnace. And, there was a miscommunication about what needed to be done with that press or, excuse me, with that furnace.

And that worker ended up starting the actual furnace not knowing that it was full of gas, and it exploded, and the inspection door came back and struck him in the side of the head, killing him instantly.

And even just color coding of green, it's safe to start; red, do not start, that this ball furnace had filled up with gas things.

Those are real life experiences that I have been personally involved in, that our union has experienced.

And I think OSHA needs to take a very hard look at the importance of this standard, and we just simply can't be losing the things that we, has got us where we are today.

MR. PATEL: Okay, thank you. And this is Varun again. And another question is, that the USW as you said present workers --

(Simultaneous speaking.)

MR. ZUNIGA: Hello? Excuse me. Sorry, I was mute. I wanted to add to your question as --

(Simultaneous speaking.)

MR. SALLMAN: Juan, Juan, say your name.

MR. ZUNIGA: Juan Antonio Zuniga Ayala, from the United Steelworkers. I just wanted to add, I was on mute, I apologize.

I can tell you from my first person experience, English is my second language. And

when I first started working before I even received any safety training, I knew that red in a button meant stop. Before anything.

Yellow meant like wait, watch out, something is going on. And I can tell you for first person experience, I cannot find any better examples than my personal experience.

So I would like to put that on the record. Thank you.

MR. PATEL: This is Varun again. So my question was more of related to vision deficiency. So if it has color blindness or that. And I was wondering if you have any members who identify that they cannot see the color differences, and that was -- I was trying to get more information on that. Because OSHA has mentioned that, one of the factors in the proposal.

MR. SALLMAN: Yes, and -- Steve Sallman. Thank you for pointing that out. And if you look at the NFPA requirements under the electrical, that's why it's so important that an

emergency stop has that big mushroom head.

It is quickly identifiable, distinct and separate from other what might be a red stop button, but not an emergency stop button, it's a process stop button versus an emergency stop.

I would also add that we've had places where workers have come forward and said they have issues with color blindness, and accommodations have been made to incorporate those things into the workplace for those workers who deal with those issues. And it's not been anything that we haven't been able to overcome.

MR. PATEL: Thank you. And this is Varun Patel again, from OSHA. And this is a slightly different question about, and I think you mentioned about fire codes.

So AFL-CIO, in their comments, they stated that local and state building codes are widely different, in different region, different states. And it is also different in scope specificity and enforcement.

So I was just trying to understand that do you also have, or did you find that challenge as that, those codes are universally across the board that is as accepted as the, this standard is accepted, or how it has seemed?

MR. SALLMAN: Steve Sallman. When you have everything in one place like this color code marking that's standard, that's currently there in place, it's very easy to find. It's concise. It's straightforward.

Trying to gather information from this publication, that publication, and suddenly you're spending lots of time doing research, comparing and contrasting the different guidelines, rules, regulations, state, local, it becomes very difficult. And then you also have employers who are global employers, trying to deal with all of the various international color codes, and so on.

So we believe it's important that OSHA maintains this standard to eliminate that confusion, and then they have to comply with

this standard in the United States. Including state plans.

MR. PATEL: Okay, thank you. This is Varun Patel again, from OSHA. I do not have any further questions.

JUDGE HERKE: Any further questions from OSHA?

MS. BARCLAY: Yes, this is Pamela Barclay again from OSHA. Next with questions is Adriana Lopez-Menendez.

MS. LOPEZ-MENENDEZ: Good morning, this is Adriana Lopez, OSHA Directorate of Standards and Guidance. Thank you so much for your testimony, gentlemen.

So my first question, in your comments submitted to the comment -- to the docket, you mentioned that the absence of a standardized color code could increase the likelihood of preventable accidents, and associated human and financial losses.

Would you be able to clarify the types of scenarios where this would occur, even if

there are warning signs or tags required?

For example, would it be that someone sees a warning sign required by 1910.145 but doesn't understand it, or that they don't see the sign because it is less noticeable?

MR. SALLMAN: Steve Sallman. Signs become part of the woodwork. They get lost; they, they are no longer seen. And they are important, but what we've seen is -- I'll give you an example.

There are yellow signs stating caution. In our comments, we talk about dangerous equipment, getting caught in. In a lot of industries in manufacturing, you will see yellow stickers and signs on equipment that says caution, ingoing nip point.

And that sign does nothing to protect people, other than warn. If you understand what it is, if it's written in your language that you understand, we've seen pictograms to try to help where it shows like a hand getting caught in like two inward turning rolls.

But that's a warning device. And you're hoping that someone will see it, but in due time, those things get damaged, they're dirty, they don't get cleaned. They might be subject to an environment that they don't stay pretty and clean. They might get warped from the heat that's involved with the equipment, and so on.

We've seen them hanging from chains and eventually the chains will fail, and a sign will fall off, and it gets thrown away. Or it's intended to be put back up, it's not put back up. And then the next thing you know is, we will have an injury where someone's hand gets caught in an ingoing nip point because it's not properly guarded.

They relied upon signs or warnings and then substitute, that becomes a substitute for doing the .212 standard of proper machine guarding. Or the .147 standard of doing lockout/tagout.

So we do have real concerns about the

color of the signage, the signage where it's located. And then after a while, it just becomes part of the woodwork. You don't even see it anymore.

MS. LOPEZ-MENENDEZ: I see. Thank you so much for that. Again, Adriana Lopez, OSHA Directorate of Standards and Guidance.

I wanted to go back to Inanje's previous question. OSHA would be interested in data or any surveys that you would be willing to share with us, as to changes in the number of accidents, injuries, or fatalities that would occur in workplaces if OSHA removes the color coding requirement.

And you could do that, feel very free to answer now of course, or as well as post-hearing comments, please.

MR. SALLMAN: Steve Sallman. I don't believe we have any studies or data. I can anecdotally just say that based upon all the comments that we've already provided in our written comments, and what's been verbally

offered here today as some examples of what we've experienced in our union.

I think you would see a trend towards more of what we've already provided. And we don't want to see that, and we know that the career staff and even appointed staff at OSHA, would hopefully want to maintain that as well.

MS. LOPEZ-MENENDEZ: Okay, thank you so much. I have one final question, and then I think Varun would like to ask you a follow up question.

JUDGE HERKE: Please announce your name again, please, ma'am.

MS. LOPEZ-MENENDEZ: Sorry about that. Adriana Lopez, OSHA Directorate of Standards and Guidance.

So my final question. In the NPRM, OSHA included a preliminary economic analysis that references the familiarization time. This time would be the amount of time necessary for new establishments, and newly hired occupational health and safety specialists at existing

establishments, to familiarize themselves with the requirement of the proposed rule.

OSHA calculated the new establishments and newly hired occupational health and safety specialists at existing establishments, will spend 20 minutes less time on regulatory familiarization.

Would you be able to provide comments from your organization or from your members, as to your actual familiarization times?

MR. SALLMAN: Steve Sallman. I can't speak to what our actual times would be. The employers are the one who provides the training to their employees.

But I, my synopsis of what it would be is, it's a pretty small amount of time. And that time that is spent invested doing that to prevent what we've talked about, is a pretty good return on the investment that if you can prevent fatalities and injuries with proper color coding, due to all of the barriers and obstacles that we've talked about today and in

our written comments, that is time well spent.

And it's very a small amount of time compared to the overall things that are covered in health and safety. So it's a pretty small investment with a big return.

MS. LOPEZ-MENENDEZ: Thank you very much for that.

JUDGE HERKE: Thank you, ma'am. Are there further questions from OSHA?

MS. LOPEZ-MENENDEZ: No more questions from me.

JUDGE HERKE: There is nothing? Okay. Does the solicitor have questions?

MR. MOCZULA: Yes, this is Daniel Moczula of the Solicitor's Office. I have a question for the witnesses.

So my first question is about whether there are situations where it is infeasible to use a danger sign or tag under 1910.145 where color coding under 1910.144 is feasible?

We also would welcome an answer in the post-hearing comment, if nothing immediately

comes to mind.

MR. SALLMAN: I'm sorry, I'm trying to understand the question. You're saying --

(Simultaneous speaking.)

MR. ZUNIGA: Your name. Your name.

MR. SALLMAN: Sorry, Steve Sallman, thank you, Juan. Are you saying that you would use a danger sign instead of like color coding something? I'm not sure that I fully understand what you're saying.

MR. MOCZULA: Yes, let me, this is Daniel Moczula, from the Solicitor's Office. Part of OSHA's rationale for this rulemaking is that we have a standard that relates to accident prevention signs and tags, 1910.145, and that this covers the hazards that is addressed by the safety color coding standard, 1910.144.

So I was asking whether there was a situation where it is infeasible to comply with the specifications we have for accident prevention signs and tags, where one could still comply with the safety color code for marking

visible hazard standards that we are proposing to deregulate.

MR. SALLMAN: Steve Sallman. I don't see where feasibility enters into this. Signs, color coding, is not an expensive item for an employer to be able to purchase.

Paint, install, we don't see any feasibility issues, nor have we ever heard an employer say to us that they can't do something because it's not feasibility -- feasible.

So I don't believe feasibility has any bearing on this because it is feasible to utilize both signs or color coding, where one is not available or can't be done.

MR. MOCZULA: This is Daniel Moczula from the Solicitor's Office. Asking in plainer English, are there situations where you can't put signs on something, where you can still do color coding?

I'm not asking about the financial feasibility, but an operational feasibility.

MR. SALLMAN: Steve Sallman. Thank you

for clarifying that. We would probably need to think about that. There's none that I can think of offhand, unless George or Juan has a thought or an idea.

MR. HALL: I can't think of anything right now. This is George.

MR. MOCZULA: And if you can't think of anything, this is Dan Moczula again, this can be added in the post-hearing comments.

I have a question, I have another question. How is a safety can with flammable liquid normally marked to comply with 1910.145?

What types of accident prevention signs and tags are normally used to comply?

MR. SALLMAN: Steve Sallman. A lot as I mentioned in my oral comments, they're red and they will have labeling on the side of the container.

We've also seen where some of the materials are very dirty like it's a black liquid, almost like a tar used as an adhesive. That can get very dirty on the side of a can;

can cover up some of the labels.

But what we've seen is there will be like a tag that also hangs on it that can be color coded with a wire that attaches it, or they'll use like a nylon tie and sometimes the tags will be color coded and be clearly labeled. So we've seen other ways that additional color coding labeling can supplement what I've already talked about.

MR. MOCZULA: And this is Daniel Moczula with a follow up-question. Given that 1910.145 requires that employees have to be instructed in what the symbols on accident prevention signs and tags say, how will employee safety be impacted if the can has markings under 1910.145, but is no longer required to be painted red by 1910.144, the safety color coding standard?

MR. SALLMAN: Steve Sallman. I believe you're going to run into issues where if someone doesn't read English, doesn't understand what is there if they're not color coded, they may think

they might have, I'll give you an example.

When you see, you go to a hardware store and you see a blue colored jug. You see a red colored jug, and you see a yellow colored jug. You know when you go to the aisle to pick out which are you going to purchase for gasoline, which container you're going to use.

This would be the same as in the workplace, if you go there and there's no color coding, you're going to be relying upon a simple sign or tag, that could set someone up for failure if it's not maintained, it's not in place, it's fallen off.

It becomes very concerning if you were to eliminate those, and you're simply relying upon some kind of sign that either is going to get damaged, become illegible, or not even be in the proper language understood by the employee.

So it's very concerning.

MR. MOCZULA: This is Daniel Moczula asking a question about the training requirement under 1910.145, about accident prevention signs

and tags. We welcome comment about you and your members' experience with training under this standard, and the training's adequacy.

MR. SALLMAN: Steve Sallman. We don't see a lot of training. In fact, when you, when we've asked for employee training records, I would say that you hardly even see that even mentioned. If it is mentioned in an employee training, it's probably something that's so minute that it's, it's usually not even covered.

But when I've seen, when we've had like fatality investigations, accident investigations, or if we're looking at just an audit and inspection, I typically don't see that referenced in employee training.

MR. MOCZULA: Thank you very much. And this is Daniel Moczula asking another question.

You've talked about how signs can fall off or get dirty. If they are there and clear, is the color coding still important, or is the color coding more of a backup in case the employer does not properly maintain the signage?

MR. SALLMAN: Steve Sallman. They go hand-in-glove. One supports the other. To have one without the other, is like having a bare hand working without a protective glove.

MR. MOCZULA: Thank you. Again, this is Daniel Moczula with my final question. You mentioned earlier accommodations for color-blind workers. Either now or in post-hearing comments, can you provide any examples of this, as it relates to the safety color coding?

MR. SALLMAN: I'm sorry, can you say that again? I think my internet said it was unstable, and I think you cut out on me. I apologize. Sorry, Steve Sallman.

MR. MOCZULA: This is Daniel Moczula, hoping for a stable internet. My last question is that you mentioned earlier accommodation for color-blind workers.

In either now or in your post-hearing comment, can you provide any examples of this, particularly in regards to safety color coding?

MR. SALLMAN: Steve Sallman. We'll be

happy to look at that and get back with you on that.

MR. MOCZULA: And I have a final, final question. Thank you very much for your time, Mr. Sallman.

In your hand-in-glove analogy, would you mind unpacking this a little bit more to just better develop the record about how the accident prevention signs and tags work with the safety color coding, to ensure employee safety in the facilities that your members work in?

MR. SALLMAN: Steve Sallman. Great question, and thank you for clarifying that. One of my best examples that I could give you is in an accident prevention sign, it might have, caution ingoing nip points, that I talked about earlier.

And George in his comments talked about rubber mills. And we had a workplace where one of our members' hand got caught in the ingoing nip of a rubber mill. There was yellow signs about caution, ingoing nip points. There was

other signage in the area about safety in general.

And that ended up becoming a single hand amputation. And so that is why it's so important to maintain the color coding of the safety ropes, the belly bars, and so on, on that piece of equipment.

And then six days later in our union, we had the report of what became a double hand amputation involving a rubber mill. And when the worker got pulled into the machine, he was visually able to see the safety rope that ran, that went around the perimeter of the mills, and he was, because both of his hands were caught in the bite and the rubber, he was able to visually see the red safety rope, and he kicked it with his foot to trip out the mill and probably saved his life.

And that's the importance of how these all go together. You can have signs; they might be secured to the wall with fasteners, hanging from a chain. But the importance of that red

safety rope and visually being able to see it, saved his own life. Unfortunately, he lost both of his hands.

MR. MOCZULA: This is Daniel Moczula. That is all I have. Thank you very much for your patience with all my questions.

I believe that OSHA has a follow-up question. That's all for me. Again, I thank the witnesses very much.

MR. PATEL: This is Varun Patel from OSHA. So question is for Mr. Sallman that, and I think Dan also asked a slightly related question. And in previous answer, you mentioned that if OSHA were to rescind this standard for color coding, and you said something about consulting with other standard, with like for example .144 and .145.

Can you expand little bit more on that how you envisioning that now, or maybe you can cover it in your written comments that what do you mean by that?

MR. SALLMAN: Steve Sallman. Sure, I'd

be happy to expand upon that. If it would make it simpler for the reader, you could combine the title of both of those standards, to basically combine the two standards so that you don't have to look in two different places in the regulations.

Perhaps it would be wise for OSHA to look at combining keeping and maintaining both of the current standards, but putting them in one place so then that way the reader can find it all in one location. That might improve the efficiency and the effectiveness of the regulations to combine them, but we should not lose them.

MR. PATEL: Okay, thank you. This is Varun again. I do not have any other questions.

MS. BARCLAY: This is Pamela Barclay from OSHA. That's all the questions that we have for this panel. Thank you, Your Honor.

JUDGE HERKE: Thank you, ma'am. Are there, since there are no further questions from OSHA or the Solicitor, are there questions from

the public participants and if so, please use the raised hand button on Zoom or *9 on your phone.

MS. JOHN: There are no public questions, Your Honor.

JUDGE HERKE: All right, thank you. It sounds then like we have reached the end of the public hearing part.

There are no more scheduled witnesses appearing waiting to speak, are there, Ms. John?

MS. JOHN: There is. I do not see Zeke McKinney in the attendee waiting room, however, if you are here, please raise your hand or click *9 on your cell phone if you are calling.

All right, I do not see Zeke McKinney present, Your Honor.

JUDGE HERKE: All right, very good. And we had no exhibits presented, so Exhibit 1 as the master index will be empty, and so will Exhibit 2 as the list of exhibits.

We're now at the end of all scheduled witnesses for today. As I mentioned, following

this hearing there will be two separate hearings for submitting additional information.

Hearing participants may submit additional evidence or data, relevant to the proceedings. They should do so within 30 days of the end of the hearing. Participants will then have until 45 days after the end of the hearing, to file any briefs based on the record as a whole.

The purpose of having these two periods is to allow for the submission of new data, evidence and to include additional responses to the questions posed in the hearing, and then have a period that allows participants to respond to that new evidence, if any.

So new data, studies, or similar evidence may not be added during the second period, and commentors should reference the docket ID number for any evidence they rely on in their briefs. Excuse me.

Today is August 26, 2026, and the deadline for submitting additional evidence or

data is September 25, 2026. And the deadline for submitting briefs is October 10, 2026.

At that point, the record for this hearing will close and this public hearing on the Proposed Rule on OSHA's Safety Color Code for Marking Physical Hazard Standard and other related standards, is concluded.

Let the record please show that all persons and organizations who filed a timely notice of intention to appear, have been extended the opportunity to appear and give testimony or ask questions.

Let the record also show that following the presentation of all comments and testimony, the opportunity was extended for questioning of the witnesses by any filers of notices of intention to appear, and by members of OSHA's panel, and by the Solicitor's Office.

Everyone on behalf of the Department of Labor, I wish to publicly thank you for giving of your time and testimony, and contributing to this hearing today.

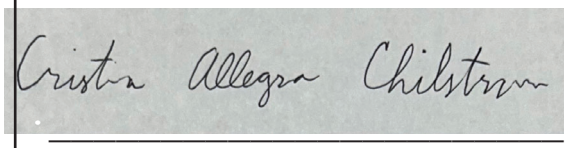
Thank you for this, for the presentations, for the responses, for the questions. This is an important matter, and we appreciate your contributing.

This hearing is hereby adjourned.

(Whereupon, the above-entitled matter went off the record at 10:34 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.



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