

OSHA's Heat Injury and Illness Prevention Rulemaking

OSHA Directorate of Standards and Guidance

Occupational Heat Exposure

- Heat is the leading cause of death among all weather-related phenomena in the U.S.
- Heat has long been recognized as an occupational hazard
- Excessive heat can cause a number of adverse health effects, including heat stroke and even death, if not treated properly
- Workers in both outdoor and indoor work settings are at risk

Occupational Heat Injuries, Illnesses, & Fatalities

- According to the Bureau of Labor Statistics (BLS):
 - Exposure to environmental heat resulted in 479 fatalities of U.S. workers from 2011-2022, an average of 40 fatalities per year in that time period
 - There have been 33,890 estimated work-related heat injuries and illnesses involving days away from work from 2011-2020, an average of 3,389 per year in that time period
- Statistics for occupational heat-related illnesses, injuries, and fatalities are likely vast underestimates for several reasons, including:
 - The varying nature of heat-related symptoms, including their impact on decision-making abilities
 - The definition of heat-related illnesses often varies by jurisdiction, leading to inconsistent reporting by medical professionals
 - Datasets heavily rely on self-reported outcomes from employers and employees

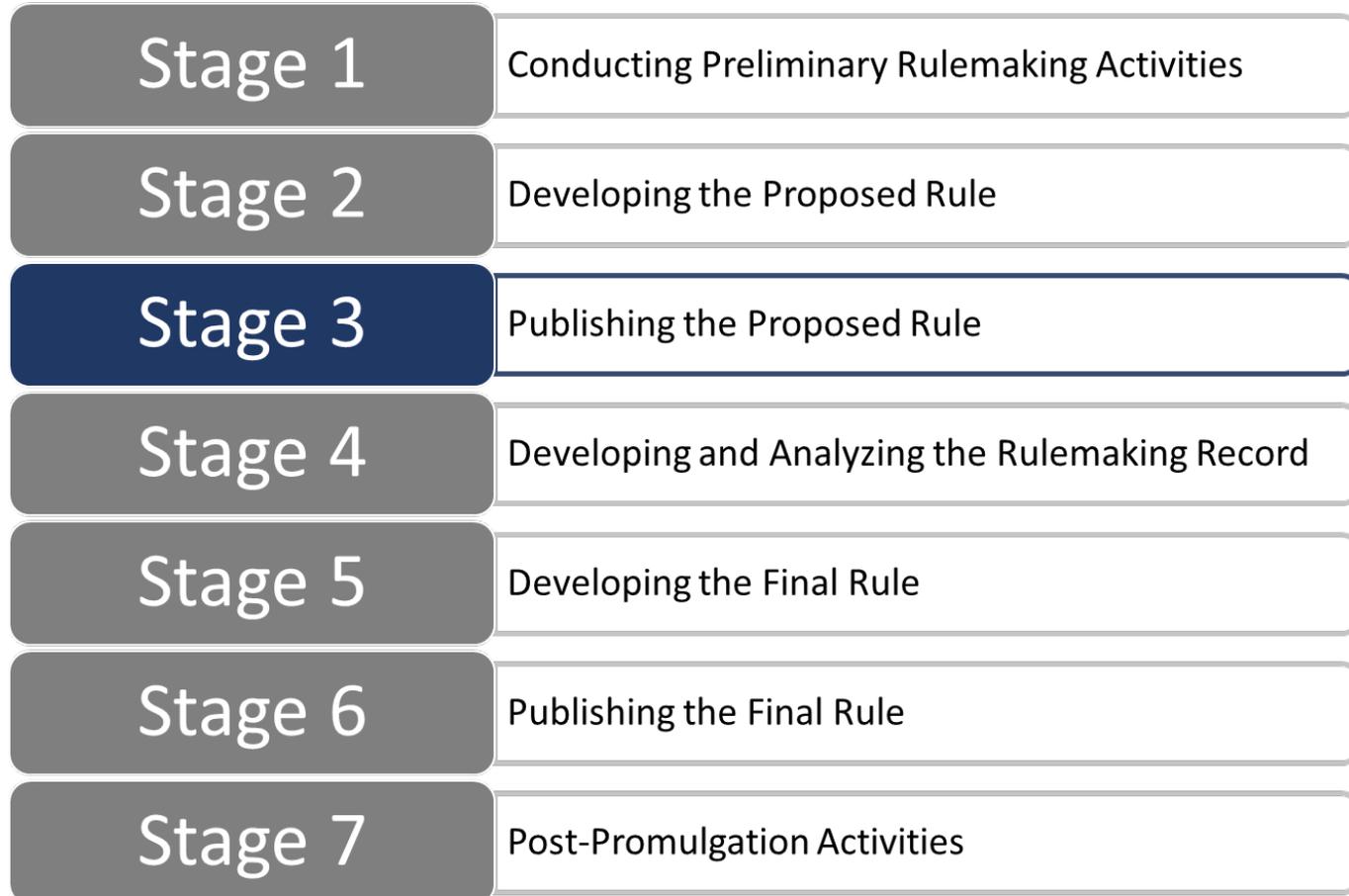
Heat Rulemaking Background

- **On October 27th, 2021**, OSHA published an ***Advance Notice of Proposed Rulemaking (ANPRM)*** for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings
 - OSHA received 965 unique comments (www.regulations.gov, Docket No. [OSHA-2021-0009](https://www.regulations.gov/document/OSHA-2021-0009)).
- **On May 3, 2022**, OSHA held a ***virtual public stakeholder meeting*** on the Agency's Initiatives to Protect Workers from Heat-Related Hazards
- OSHA established a **Heat Injury and Illness Prevention Work Group** of the National Advisory Committee on Occupational Safety and Health (NACOSH)
 - **On May 31, 2023**, the **Work Group presented its recommendations** on potential elements of a heat injury and illness prevention standard to the full NACOSH committee. After deliberations, NACOSH submitted its recommendations to OSHA (www.regulations.gov, Document No. [OSHA-2023-0003-0012](https://www.regulations.gov/document/OSHA-2023-0003-0012)).

SBREFA

- **In August 2023**, OSHA convened a *Small Business Advocacy Review (SBAR) Panel*, in accordance with the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA), to hear comments from small entity representatives (SERs) on the impacts of a heat-specific standard
- OSHA hosted six 3-hour small-group SBAR Panel videoconferences with SERs in September 2023
- After hearing oral comments and reviewing written comments from the SERs, the SBAR Panel issued a Final Report to OSHA on November 3, 2023, thereby concluding SBREFA. The Final Report is available for viewing at www.osha.gov/heat/sbrefa.

Heat Rulemaking Stages



- OSHA is currently in Stage 3 of the rulemaking process, Publishing the Proposed Rule.

Basic Structure of a Heat Injury and Illness Proposed Rule

- Programmatic standard that would require employers to create a plan to evaluate and control heat hazards in their workplace
- Proposed elements of a heat standard:
 - Scope and application
 - Definitions
 - Heat Injury and Illness Prevention Plan (HIIPP)
 - Identifying heat hazards
 - Requirements at or above initial heat trigger
 - Requirements at or above high heat trigger
 - Heat illness and emergency response and planning
 - Training
 - Recordkeeping
 - No cost to workers

Scope and Application

- The standard would cover outdoor and indoor work in any/all General Industry, Construction, Maritime, and Agriculture sectors where OSHA has jurisdiction
- Proposed exclusions for:
 - Work activities with no expectation of exposure at or above heat index of 80°F
 - Short duration exposures
 - Emergency response
 - Indoor sites kept below 80°F
 - Telework
 - Indoor sedentary activities

Heat Injury and Illness Prevention Plan (HIIPP)

- All policies and procedures necessary to comply with the standard
- Designated heat safety coordinator to implement and monitor the HIIPP
- Employee input during development and review of the HIIPP
- Review and evaluation, at least annually
- Readily available to all employees performing work at the work site
- Written if an employer has more than 10 employees

Proposed Requirements for Identifying Heat Hazards

- Outdoor work
 - Monitoring heat conditions by:
 - Tracking local heat index (i.e., temperature and humidity) forecasts, or
 - Measuring heat index or wet bulb globe temperature (WBGT)
- Indoor work
 - Identifying work areas with hazardous heat exposure
 - Developing and implementing a monitoring plan for these work areas by measuring heat index or WBGT
 - Seeking employee input in developing and updating the monitoring plan

Initial Heat Trigger and High Heat Trigger

- Proposed Heat Triggers:
 - **Initial heat trigger** - a heat index of 80°F or a WBGT equal to the NIOSH Recommended Alert Limit (RAL)
 - **High heat trigger** - a heat index of 90°F or a WBGT equal to the NIOSH Recommended Exposure Limit (REL)

Proposed Requirements at or above the Initial Heat Trigger

- Drinking water that is suitably cool, with at least 1 quart per employee per hour
- Outdoor break areas with shade OR air-conditioning, if an enclosed space
- Indoor break areas with air-conditioning OR increased air movement, and, if appropriate, de-humidification
- Indoor work area controls such as fans or comparable natural ventilation, and, if appropriate, de-humidification OR air-conditioning OR controls for radiant heat sources
- Acclimatization plan for the first week of work for new and returning employees
- Rest breaks if needed (paid)
- Regular effective, two-way communication between employer and employees

Proposed Additional Requirements at or above the High Heat Trigger

- Rest breaks (minimum 15 minutes every 2 hours) (paid)
 - Unpaid meal break may also serve as a rest break
- Observation for signs/symptoms of heat-related illnesses
 - Buddy system, or each supervisor/heat safety coordinator can observe up to 20 employees
- Effective, two-way communication with employees who are alone at a work site at least every 2 hours
- Hazard alert with information on drinking water, rest breaks, and emergency response procedures

Heat Illness and Emergency Response and Planning

- Procedures for responding to an employee experiencing signs and symptoms of a heat-related illness
- Procedures for responding to an employee experiencing a heat emergency, including immediate actions that employer must take

Proposed Training and Recordkeeping Requirements

- Initial and annual refresher training for supervisors, heat safety coordinators, and employees
- Supplemental training after:
 - Changes in exposure to heat hazards
 - Policy and procedure changes
 - Occurrence of heat injury or illness at the work site
- Recordkeeping for on-site measurements at indoor work areas, with retention of written or electronic records for 6 months

Summary

Provision	All Covered Employers (See Scope)	At or Above Initial Heat Trigger	At or Above High Heat Trigger
Identifying heat hazards	●	●	●
Heat illness and emergency response procedures	●	●	●
Training for employees and supervisors	●	●	●
Heat injury and illness prevention plan(HIIPP)	●	●	●
Recordkeeping	●	●	●
Drinking water		●	●
Break area		●	●
Indoor work area controls		●	●
Acclimatization plan for new or returning workers		●	●
Rest breaks (if needed)		●	●
Effective communication means with employees		●	●
Rest breaks (minimum 15 min every 2 hours)			●
Supervisor or buddy system to observe for signs and symptoms			●
Hazard alert			●

Opportunities for Public Comment

- July 2, 2024 - Unofficial public release of NPRM
- Official publication in the *Federal Register* soon
 - Following publication in the *Federal Register*, there will be a 120-day public comment period
 - To submit comments, visit www.regulations.gov, Docket No. [OSHA-2021-0009](https://www.regulations.gov/docket/OSHA-2021-0009)
- Public hearing presided by an Administrative Law Judge
 - Post-hearing written comments
 - Post-hearing legal briefs

Submitting Written Comments

- OSHA is open to public comments and will consider revisions to the regulatory requirements based on the evidence.
- A consolidated questions document will be available on the Heat Injury and Illness Prevention in Indoor and Outdoor Work Settings Rulemaking web page, available at: <https://www.osha.gov/heat-exposure/rulemaking>
- Tips for submitting an effective comment:
 - Tell us your story. In your comment, tell us how the issue impacts you, other workers, or your industry.
 - Provide as much detail as possible.
 - Include any ideas or suggestions you have for addressing the issue.
 - Where possible, include data, research, and supporting evidence.

THANK YOU!