

## OSHA Proposed Heat Injury and Illness Prevention Standard ([RIN # 1218-AD39](#))

The Occupational Safety and Health Administration (OSHA) is proposing a new standard titled "[Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#)," applicable to all sectors under OSHA's jurisdiction. This initiative addresses a significant occupational hazard, particularly affecting workers in agriculture, construction, and other high-exposure industries and would require employers to create a plan to evaluate and control heat hazards in their workplace. Here's what you need to know about this proposal, its status, and the next steps.

**Rule Summary:** A major weather-related health concern, heat aggravates health problems like renal failure, heart disease, and asthma, and causes diseases such as heat stroke. It affects everybody exposed to it—including those working indoors without air conditioning. Heat stress killed 815 U.S. workers, and seriously injured over 70,000 between 1992 and 2017. OSHA believes that underreporting and misclassification understate these figures. Currently, OSHA uses a general rule to protect workers, but a specific standard would clarify necessary measures for employers to protect workers from heat. More details on the requirements laid out in this proposal may be found on page two.

**Background and Development:** Public Citizen petitioned OSHA for a heat stress standard in 2011 and 2019, with senators and state Attorneys General requesting an emergency standard. OSHA has been discussing the issue with stakeholders, holding public meetings, and forming a workgroup. In August 2023, OSHA gathered input from small businesses and presented the proposed rule framework to a construction safety advisory committee which recommended moving forward with the rule in April of 2024. A summary of comments collected during this time may be found on page three.

**Next Steps:** OSHA has announced that a Notice of Proposed Rulemaking (NPRM) for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings has been issued. Once the rule is officially published in the Federal Register, the following steps will take place:

1. There will be a public comment period of 120 days where stakeholders, including businesses, workers, and the public, can provide feedback on the proposed rule.
2. OSHA will review the comments and may revise the proposed rule based on the feedback received.
3. After considering the comments and making necessary revisions, OSHA will publish the final rule.
4. Once the final rule is published, employers will be required to comply with the new heat illness prevention standards.
5. OSHA will enforce the new standards, ensuring employers are protecting their workers from heat-related hazards.

***ABMA is closely monitoring this proposed rule and will be prepared to submit comments as necessary once the rule is published. We will keep our members updated on any developments. Sign up for our weekly newsletter, [The Advocate](#) to stay informed. For more information, visit [OSHA's Heat Injury Rule-making page](#).***

## Key Requirements of the Proposed OSHA Heat Illness and Injury Prevention Program (HIIPP)

The proposed OSHA Heat Illness and Injury Prevention Standard will require developing a comprehensive Heat Injury and Illness Prevention Program (HIIPP). A written HIIPP is mandatory for employers with over 10 employees, unless they meet specific exclusion criteria. Below is a summary of key components outlined in a [presentation by Bill Wahoff of Steptoe & Johnson, PLLC](#) during the Small Business Labor Safety (OSHA/MSHA) Roundtable held on Friday, July 12, 2024. A full [roundtable recap](#) may be found on ABMA's website under "Regulatory".

### 1. Trigger Points for Action:

- Nominal Trigger Point: 80°F
- Nominal High Heat Trigger: 90°F
- Employers have the flexibility to designate other values as appropriate.

### 2. Site-Specific and Work Area-Specific Plans:

- For outdoor and mobile work, the HIIPP must be site-specific.
- For indoor work, the plan must be specific to each work area, including a monitoring plan tailored to the conditions of each area.

### 3. Monitoring Requirements:

- Outdoor employers are required to monitor heat conditions or utilize the National Weather Service data closest to the worksite.
- Monitoring records must be maintained for at least 6 months.

### 4. Acclimatization Protocol:

- New or returning employees must be gradually acclimatized over 5 days, starting from 20% of their usual workload up to 100%.
- Employers must compensate employees for this acclimatization time based on an 8-hour workday.

### 5. Employers must pay employees for all break times.

- Break times cannot include the time spent donning or doffing personal protective equipment (PPE) or walking to and from the break area.

### 6. Training Requirements:

- Input from non-management employees is required in the development, implementation, and updates of the HIIPP.
- Non-management employees must be trained *at their literacy level*, with opportunities for questions and answers.
- Supervisors must receive training on heat illness intervention and emergency response.

### 7. Ongoing and Triggered Training:

- Training must occur at hiring, whenever conditions change, after any recordable heat-related incident, and annually

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### Summary of Stakeholder Comments as of July 1, 2024:

- 1. Medical Society Consortium on Climate and Health:**
  - Supports the rule, highlighting benefits for 36 million workers.
  - Emphasizes essential protections like rest breaks, shade, water, and acclimatization programs.
  - [View all Comments](#)
- 2. American Road & Transportation Builders Association (ARTBA):**
  - Calls for industry-specific data and transparency.
  - Highlights risks from personal health factors and regional variations.
  - [View all Comments](#)
- 3. Coalition for Workplace Safety (CWS):**
  - Advocates for a flexible, performance-based standard.
  - Notes existing effective programs and concerns about prescriptive requirements.
  - [View all Comments](#)
- 4. Construction Industry Safety Coalition (CISC):**
  - Supports a flexible standard adaptable to the construction industry's fluid nature.
  - Developed training and resources for heat-related hazards.
  - [View all Comments](#)
- 5. California Retailers Association (CRA) and National Retail Federation (NRF):**
  - Argue against one-size-fits-all thresholds and call for scientifically supported regulations.
  - Advocate for objective physiological monitoring and collaboration with the retail industry.
  - [View all Comments](#)

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