

Federal OSHA's *Proposed* Heat Injury & Illness Prevention Standard

U.S. Small Business Administration Safety Roundtable

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U.S. OSHA's Proposed Heat Injury & Illness Prevention Std. Summary

Employers with over 10 employees must have a written Heat Injury and Illness Prevention Program (HIIPP)

1. Only employers who meet all exclusion requirements below trigger point are exempt
2. Nominal Trigger Point is 80°F; nominal High Heat Trigger is 90°F; employer can designate other values
3. HIIPP must list type of work activities and be Site-Specific for Outdoor and Mobile work, and Work-Area Specific for Indoor - monitoring plan for each work area and monitor each work area
4. Outdoor employers must monitor heat or use the National Weather Service closest to the worksite
5. Monitoring records must be kept for 6 months
6. Acclimatization over 5 days, 20%-40%-60%-80%-100% and the employer must pay based on 8 hr. Day.
7. Must pay for all breaks; break time cannot include donning, doffing PPE and walking to and from
8. Non-management employees' input required on development, implementation and updates of HIIPP
9. Training of non-management employees required in their language and at their literacy level with Q&A
10. Heat safety coordinator(s) (HSCs) must be named in the Plan; supervisors must be trained on heat illness intervention and response in heat emergencies
11. Training at hire, when any conditions change, when there is a recordable heat-related incident, and annually
12. HIIPP must include an Emergency Heat Response Plan

NOT YET PUBLISHED IN THE FEDERAL REGISTER AS OF 7-12-2024 at 10 a.m.

U.S. OSHA's Proposed Heat Injury & Illness Prevention Std.

- Subpart J – General Environmental Controls – designated at § 1910.148 – Does not apply to the following (a)(2)(i)-(vi):
 - Employment in which the work activities have no reasonable expectation of exposure at or above 80° F
 - Work in which the duration at or above 80° F is less than 15 minutes in a 60-minute period
 - Firefighting, EMS, Emergency Response Teams internal and external already covered by several standards
 - Work indoor or in vehicles in which air conditioning keeps the temperature below 80° F, Telework, and sedentary work with occasional lifting of less than 10 lbs.
- (a)(3): If all employees are engaged in excluded work activity, then the employer is exempt.
- Definitions include: Ambient temp., cooling PPE, Heat Index, High Heat Trigger (90°F), Indoor(s), Initial Heat Trigger (80° F), Outdoor(s), Radiant Heat, Recommended Alert Limit, Recommended Exposure Limit, Shade, Signs and Symptoms of Heat Emergency, and, Heat Illness, Vapor impermeable clothing, Vehicle, Wet bulb globe temperature (WBGT), Work area, and Work Site
- Employers must have a Heat Injury and Illness Prevention Plan (HIIPP) with SITE-SPECIFIC information – WRITTEN if more than 10 employees
- Must include a comprehensive list of the type of work activities covered, policies, and the heat metric to be used

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- Employer's HIIPP must include a comprehensive list of the type of work activities covered, all policies and programs to implement the Plan, and identification of heat metric employer will use to monitor: either WGBT or Heat Index
 - Vapor impermeable clothing requires special evaluation and procedures
 - Must identify one or more heat safety compliance coordinators, with their names documented in the Plan, the HSCs must have authority to ensure compliance with the Plan
 - Must seek the input of the non-managerial employees and their representatives, if any, in development and implementation of the Plan
 - Must review and evaluate the effectiveness of the Plan whenever there is a heat-related recordable injury or illness, and at least annually. Then must make necessary changes after the review and after receiving input. Must be available and in languages of employees.
- Monitoring Heat Conditions: Outdoor: National Weather Service or measure the Heat Index or WGBT, as frequently as necessary to determine with reasonable accuracy, employees' exposure to heat
 - Indoor: 1) Identify each work area likely to be at or above heat triggers identified by employer; 2) Implement a monitoring plan for each such work area using heat index or WBGT; 3) Any change in production, etc., requires re-evaluation, update of the Plan, after input by non-management workers.
- Employer can forego monitoring if implements all of the measures in the Std.

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- Controls include timing, break areas outdoor (artificial shade not from equipment, air conditioned trailers or other structures), or indoor (air conditioned, de-humidified, or increased air movement in break rooms large enough to accommodate employees; otherwise, air conditioning or air movement)
 - Evaluate Fan use because above a certain temperature, fans do more harm than good.
 - The Plan must require gradual acclimatization for new employees when it is above the initial heat trigger set by the employer.
 - Over 5 days: 20%, 40%, 60%, 80%, then full duty. OSHA expects employers to find other work for the other hours or will need to pay the employees based on an 8 hour day anyway.
 - Returning employees who have been away from the level of heat for 14 days: 50% first day, 60% second day, 80% third day if above the initial heat trigger set by the employer.
 - Exception if the employer can demonstrate the employee worked in same or similar conditions in the preceding 14 days.
- Other indoor measures: 1) Rest breaks if needed; 2) Cooling PPE must operate consistently
- Employer can forego monitoring if it implements all of the measures in the Std.

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National Emphasis Programs

- Combustible dust
- Coronavirus (COVID-19)
- Fall Prevention/Protection
- Hazardous Machinery
- Heat
- Hexavalent Chromium
- Process Safety Management
- Primary Metal Industries
- Lead
- Shipbreaking
- Silica, Crystalline
- Trenching and Excavation
- Warehousing

Heat Illness Prevention



WATER. REST. SHADE.

OSHA's Campaign to Keep Workers Safe in the Heat

- Heat illness **sickens** thousands and results in the **deaths** of dozens of workers each year
- Campaign educates employers and workers on danger of working in heat
- Resources include OSHA-NIOSH heat safety app
- New Guidance & Notice of Proposed Rulemaking
<https://www.govinfo.gov/content/pkg/FR-2021-10-27/pdf/2021-23250.pdf>

Heat Standard Process

Presenter

National Federal OSHA Practice representing employers

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ABA OSHA Law Committee Active Member for 29 years

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