

Overview of the United States OSHA’s Proposed Rule on Heat Injury and Illness Prevention

FROM THE OSHA PROPOSED RULE FACT SHEET

“Why a Standard is Needed:

Heat is the leading cause of weather-related deaths in the United States. Excessive heat in the workplace can cause a number of adverse health effects, including heat stroke and even death, if not treated properly. While heat hazards impact workers in many industries, workers of color have a higher likelihood of working in jobs with hazardous heat exposure. OSHA is issuing a Notice of Proposed Rulemaking (NPRM) titled Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, a significant step toward a federal heat standard, which proposes protective measures that the agency has preliminarily determined would significantly reduce heat-related injuries, illnesses, and fatalities in the workplace. An unofficial version is now available for viewing at www.osha.gov/heat-exposure/rulemaking. The official version will be published in the Federal Register soon and there will be a public comment period for stakeholders to submit comments to OSHA on the proposed standard.”

The Path to Implementation

Publishing the proposed rule in the Federal Register begins the next step in the long process to create a new U.S. Occupational Safety and Health Administration (OSHA) Standard. The posting of the heat proposal initiates a 120-day public comment period. Then, after OSHA has reviewed the comments, the agency will conduct public hearings. Those three activities: the public comment period on the proposed heat rule, OSHA’s review of the comments, and public hearings will take us into 2025.

After the public hearings, there will be another 60 to 120-day period for comments and briefs. Then OSHA must consider all comments and modify the proposal to develop a final proposed standard. That revised heat rule will be sent to the White House’s Office of Management and Budget for review. Once the White House approves the rule, it can be finalized. If the White House is occupied by a president who wants to use OSHA rules to protect workers, there could be a new OSHA heat standard in place by the summer of 2026.

These requirements of the proposed standard are summarized in the table below:

| 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 minutes every 2 hours) | | | ▲ |
| Supervisor or buddy system to observe for signs and symptoms | | | ▲ |
| Hazard alert | | | ▲ |

Heat Injury and Illness Prevention in Outdoor and Indoor Work Setting, from OSHA, 2024.

HEAT INJURY AND ILLNESS PREVENTION PLAN

If workers are at risk of heat stress, the employer must develop and implement a site-specific prevention plan. If the employer has more than 10 employees, the plan must be written, must be readily available at the work site, and be in languages every employee can understand. All plans must include:

- The work activities that are covered;
- The type of heat metric that is being used (heat index or wet bulb) to trigger heat stress prevention;
- An evaluation of the impact of heat on workers wearing vapor-impermeable clothing;
- The identification of heat safety coordinators;
- The involvement in planning and implementation of non-managerial employees and their representatives, if any;
- A process of annual review and review and evaluation after any serious heat-related illness or injury; and
- An emergency response plan.

IDENTIFYING HEAT HAZARDS

For outdoor work, the employer must monitor and keep records of heat conditions with sufficient frequency to be protective. For indoor work, the employer must identify every work area where there is a “reasonable expectation” that employees may be exposed to high heat and develop a monitoring plan. In lieu of indoor or outdoor monitoring, the employee may just assume that employees are being exposed to high heat.

EMPLOYER REQUIREMENTS WHEN EMPLOYEES ARE EXPOSED TO INITIAL HEAT TRIGGER

The initial heat trigger is 80 degrees or above or the equivalent wet bulb globe temperature. Employer requirements include:

- One quart of accessible, reasonably cool drinking water per employee per hour;
- Break areas that are shaded or air-conditioned;
- An acclimation protocol for new or returning employees;
- Paid rest breaks if needed to prevent overheating;
- A means of effective, regular two-way communication with all employees; and
- If cooling PPE are provided, ensuring their proper functioning at all times.

ADDITIONAL EMPLOYER REQUIREMENTS WHEN EMPLOYEES ARE EXPOSED TO HIGH HEAT TRIGGER

The high heat trigger is 90 degrees or above or the equivalent wet bulb globe temperature. Employer requirements include:

- Minimum 15-minute rest breaks in shaded or air-conditioned break areas every two hours;
- A method of observing employees for signs and symptoms of heat-related illness; and
- Notification of all employees of their need and their right to drinking water, rest breaks, and how to get help.

EMPLOYER REQUIREMENTS WHEN A WORKER IS EXHIBITING HEAT-RELATED ILLNESS SIGNS AND SYMPTOMS

Heat-related illness signs and symptoms are headache, nausea, weakness, dizziness, elevated body temperature, muscle cramps, and muscle pain or spasms. Employer requirements include:

- Relieve them from duty;
- Monitor them;
- Ensure they are not left alone;
- Offer them on-site first aid or medical services before ending monitoring; and
- Provide them with the means to reduce their body temperature.

EMPLOYER REQUIREMENTS WHEN A WORKER IS EXHIBITING HEAT EMERGENCY

Heat emergency signs are fainting, collapse, convulsions, elevated heart rate after resting, and any of the symptoms of heat-related illness. These requirements listed above include immediate actions to reduce the employee’s body temperature before emergency medical services arrive and to contact emergency medical services immediately.

EMPLOYER EXCLUSIONS

Employers will be responsible for determining which work activities are covered by the standard. Activities that are not covered include:

- Work activities for which there is no reasonable expectation of exposure at or above 80 degrees;
- Sedentary indoor work (sitting, standing, occasional walking, occasional lifting of objects that weigh less than 10 pounds);
- Telework;
- When exposures are for 15 minutes or less in 60 minutes; and
- Firefighters or emergency response personnel.

If the entire workforce of an employer is not covered by the proposed standard, the employer is exempt. “Employers whose employees all exclusively perform activities described in(a)(2)(i) through (a)(2)(vi) are exempt from this standard.”

TRAINING

The employer must provide training and ensure that the information is understood by every worker before they are exposed to heat. The training must include:

- Heat stress hazards and heat-related injuries and illnesses;
- Risk factors for heat-related injury or illness;
- Signs and symptoms of heat-related illness and which ones require immediate emergency action;
- The importance of taking rest breaks to prevent heat-related illness or injury, and that rest breaks are paid;
- The importance of drinking water to prevent heat-related illness or injury and of removing PPE during rest breaks;
- The location of break areas and employer-provided water;
- The importance of employees reporting any signs and symptoms of heat-related illness they may experience, and those they observe in co-workers;
- The identity of the heat safety coordinator(s);
- The requirements of this standard; and
- How an employee can access the work site's Heat Injury and Illness Prevention Program (HIIPP) and the right to the protections required by this standard.

The training must be provided in a language and at a literacy level each employee, supervisor, and heat safety coordinator understands. The employer must provide employees with an opportunity for questions and answers about the training materials. Additional training must be provided annually, or when there is any change in procedure or after any serious heat-related injury or illness.

