

The Proposed OSHA Heat Standard: Key Changes and Responsibilities for Employers



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Recently, the Occupational Safety and Health Administration (OSHA) officially published its long-awaited [rule proposal](#) to establish a workplace heat standard to address a leading cause of weather-related deaths in the U.S. The proposal is designed to be a programmatic standard with requirements to identify heat hazards in both indoor and outdoor work settings and to put in place protective measures to reduce heat-related injuries, illnesses, and fatalities. If finalized, employers, especially small businesses, should be mindful of their expected responsibilities under this proposal. However, as the proposal is now open for comment, employers have an opportunity to offer input or comment before December 30, 2024. Once finalized and published, employers will have 150 days to comply with the new requirements.

Applicability:

- The rule proposal would apply to all employers conducting outdoor or indoor work in all general industry, construction, maritime, and agriculture sectors subject to OSHA's jurisdiction.
- There are exclusions from the proposed requirements for emergency response activities/professions; work limited to short duration heat exposures; telework; indoor work sites kept at temperatures below 80°F (the

“initial heat trigger” temperature); and indoor sedentary work activities.

Proposed Programmatic Requirements:

Heat Injury and Illness Prevention Plan (HIIPP)

Employers must develop and implement a work site heat injury and illness prevention plan (HIIPP); and if there are more than 10 employees, the HIIPP must be in writing. A HIIPP must include:

- a list of covered work activities;
- policies and procedures necessary to comply with the rule;
- the metric to be monitored to identify heat hazards (either the heat index or wet bulb globe temperature);
- identification of safety coordinator(s) to implement, monitor, and enforce the HIIPP;
- a heat emergency response plan – for employees experiencing heat-related illness; and
- if applicable, additional information to address employees required to wear vapor-impermeable clothing.

When the employer is developing the HIIPP it must seek input from its employees and their representatives, and once completed the HIIPP must be made available at every worksite in a language all employees can understand. The HIIPP also must be reviewed at least annually for effectiveness, and whenever there is a serious heat-related incident.

Identification of Heat Hazard and Protective Measures

The rule proposal also sets out specific requirements for employers to monitor heat conditions at both indoor and outdoor work sites (records are required to be kept on indoor monitoring), and employers are required to provide specific accommodations when heat exposure is at or above the “initial heat trigger” (80°F or wet bulb globe temperature equal to a recommended level from the National Institute for Occupational Safety and Health (NIOSH)) along with additional accommodations for when heat exposure is at or above the “high heat trigger” (90°F or wet bulb globe temperature), as follows:

Initial Heat Trigger (80°F or wet bulb globe) – Protective Accommodations:

- sufficient cool drinking water, readily accessible to all affected employees;
- readily accessible shaded or air-conditioned break area for outdoor employees, and air-conditioned or air-circulated break area for indoor employees; and
- for indoor sites identified as high heat exposure, employers must also provide additional accommodations such as fans or air-conditioning.

High Heat Trigger (90°F or wet bulb globe) - Additional Accommodations:

- minimum 15-minute paid rest breaks every two hours in the break area (meal breaks may count);
- observation of affected employees for signs of heat-related illness;
- reminders to affected employees of importance of drinking water, right to take breaks, and how to seek help; and
- if excessive heat (+120°F) at indoor work site, the employer must post warning signs.

Training

Employers must also provide both initial and annual refresher training to employees exposed to high heat conditions, and supervisors and safety coordinators must also receive specific training for their positions annually.

- Training must be provided in a language and at a literacy level appropriate to each employee, supervisor, and safety coordinator.

Finally, it is important to note, if rule proposal is finalized, employees must bear no cost of the employer's implementation, and, again, employers will need to comply with the requirements within 150 days of the final rule's publication.

If you have any questions about the OSHA heat standard proposed rule or need assistance in preparing comments to submit to OSHA, please contact Suzanne M. Rohde (srohde@lippes.com), Amy Habib Rittling (ahabibrittling@lippes.com), or any of our **Employment Practice Team** members.

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