

ENVIRONMENT, CLIMATE AND HEALTH  
**Issue Brief**

## OSHA Proposed Rule Protecting Workers from Extreme Heat

On August 30, 2024, OSHA published a request for comments on its proposed rule “[Heat Injury Prevention in Outdoor and Indoor Work Settings](#),” which is being developed as part of a typical multi-year federal rulemaking process. This phase of the rulemaking process provides an opportunity for anyone to submit comments on the draft rule until December 30, 2024.

The substance of the proposed rule establishes voluntary and required measures for employers to protect workers from the health impacts of extreme heat, including development and implementation of a heat injury and illness prevention plan; protective measures required when heat reaches initial or high heat thresholds; initial and yearly training for employees and supervisors; and heat illness and emergency planning and response. If the proposed rule is adopted without changes, covered employers will be required to implement these measures at no cost to employees, and to pay the usual rate of pay when compliance requires employee time.

Legal protections from extreme heat exposure for workers are essential to protecting health, and public support for these types of legal protections can help ensure they become reality. OSHA estimates that the proposed standard will reduce heat related injuries and deaths by 65-95%. Workplace exposure to heat inequitably impacts workers of color, and the proposed legal protections can help remedy existing inequities in heat related illness and death for the U.S. workforce. At all income levels Hispanic workers are more likely to be exposed to [heat hazards in the workplace](#) and it is anticipated that OSHA’s proposed rule will provide the greatest protections to low-income and Hispanic workers.

OSHA has also provided key information supporting the need for a rule and further explanation of the key terms and provisions of the proposed rule. Additional information about the proposed rule, including data and evidence supporting the need for a rule and further explanation of the requirements of the proposed rule can be found [here](#). The key provisions of the proposed rule are summarized below.

# OSHA Proposed Worker Heat Protection Rule Summary

REQUIREMENT	MORE DETAILS
<b>Heat Injury and Illness Prevention Plan</b>	<p>Employers must seek the input of non-managerial employees and their representatives, as they develop and implement a site-specific heat injury and illness prevention plan (HIIPP). The HIIPP must be available in languages employees understand and be implemented and monitored by a designated heat safety coordinator.</p> <p>The HIIPP must include:</p> <ul style="list-style-type: none"> <li>• the types of work activities covered;</li> <li>• policies and procedures to comply with requirements,</li> <li>• the heat metric used to monitor compliance;</li> <li>• policies and procedures to protect employees who wear vapor-impermeable clothing;</li> <li>• an emergency response plan with:               <ul style="list-style-type: none"> <li>▪ emergency phone numbers;</li> <li>▪ an individual designated to ensure the heat emergency procedures are invoked;</li> <li>▪ ways to contact and transport employees to emergency medical services;</li> <li>▪ directions to the worksite;</li> <li>▪ procedures for responding to employees who experience signs of heat related illness; and</li> </ul> </li> <li>• a monitoring plan for indoor work areas where employees may be exposed to heat above thresholds.</li> </ul>
<b>Heat Triggers and Required Protective Measures</b>	<p>Employers must monitor heat conditions in outdoor and indoor work areas to determine whether the initial or high heat requirements are triggered.</p> <p>Heat conditions may be monitored using:</p> <ul style="list-style-type: none"> <li>• the heat index which combines ambient temperature and humidity, or</li> <li>• the wet bulb globe temperature (WBGT), which is a heat metric that accounts for temperature, humidity, radiant heat, and air movement.</li> </ul> <p>Or employers may assume temperatures above high heat triggers and implement initial and high heat measures.</p>
<p><b>Initial Heat Trigger Measures</b> For employees exposed to:</p> <ul style="list-style-type: none"> <li>• Heat Index of at least 80°F, or</li> <li>• WBGT equal to the National Institute of Occupational Safety and Health (NIOSH) recommended heat stress alert limits for unacclimatized workers.</li> </ul>	<p>Employers must:</p> <ul style="list-style-type: none"> <li>• provide radiant heat reduction measures, air conditioning, or air movement, in indoor work areas;</li> <li>• provide break area(s) with air conditioning or increased air movement for indoor workers;</li> <li>• provide accessible break area(s) with shade or air conditioning for outdoor workers;</li> <li>• provide enough cool water for all employees to easily access 1 quart of drinking water per hour;</li> <li>• allow and encourage paid rest breaks to prevent overheating; and</li> <li>• maintain, and regularly utilize, a means of two-way communication with employees.</li> </ul>
<p><b>High Heat Trigger Measures</b> In addition to the Initial Heat Trigger Measures, for employees exposed to:</p> <ul style="list-style-type: none"> <li>• Heat Index of at least 90°F, or</li> <li>• WBGT equal to the NIOSH recommended heat stress</li> </ul>	<p>Employers must:</p> <ul style="list-style-type: none"> <li>• provide a 15-minute paid rest break (exclusive of time needed to take off and put on PPE and walk to and from break area).               <ul style="list-style-type: none"> <li>○ a meal may count as a rest break, even if not otherwise required by law to be paid.</li> </ul> </li> <li>• use a buddy system or supervisor or heat safety coordinator to observe for signs and symptoms of heat-related illness</li> <li>• provide notification of:</li> </ul>



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**REQUIREMENT****MORE DETAILS**

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exposure limits for acclimatized workers.

- the importance of drinking water,
- employee rights to take needed rest breaks,
- how to seek help, and
- emergency procedures; and
- post warnings in indoor work areas that regularly exceed 120°F.

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**Acclimatization**

Employers must implement acclimatization protocols that allow employees to adapt to heat exposure at work during their first week at/returning to work.

These procedures are not required if the employee consistently worked under the same or similar conditions within the prior 14 days.

The protocol must either include a plan that incorporates all measures required when high heat triggers are met (including initial heat measures) during that first week, or gradual acclimatization.

Gradual acclimatization restricts:

- new employees to heat exposure duration not more than 20% of normal work shift duration on the first day of work, 40% on the second day of work, 60% on the third day of work, and 80% on the fourth day of work;
- employees returning to work after at least 14 days away to heat exposure duration not more than 50% of normal work shift duration on the first day of work, 60% on the second day of work, and 80% on the third day of work.

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**Heat Illness and Emergency Response Planning**

An employee experiencing signs and symptoms of **heat-related illness** must be relieved from duty, offered on-site first aid or medical services, monitored, and provided a means to reduce their body temperature.

If an employee experiences signs and symptoms of a **heat emergency** the employer must take immediate action to reduce their body temp, offer on-site first aid or medical services, contact emergency medical services, monitor, and relieve them from duty.

Signs and symptoms of heat-related illness means the physiological manifestations of heat-related illness and include headache, nausea, weakness, dizziness, elevated body temperature, muscle cramps, and muscle pain or spasms.

Signs and symptoms of a heat emergency mean the physiological manifestations of a heat-related illness that requires emergency response and include as loss of consciousness with high body temperature, staggering, vomiting, acting irrationally or disoriented, having convulsions or a raised heart rate after resting

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**Training**

Training is required for employees and supervisors.

**Initial Training:** Must be provided by employers before requiring

All training must be provided “in a language and at a literacy level each employee, supervisor, and heat safety coordinator understands” and employees must provide opportunities for questions and answers about the training.

Training must include, and ensure the employee understands:

- heat risks and hazards,
- heat related illnesses and their signs and symptoms,



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**REQUIREMENT****MORE DETAILS**

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employees to do any work at or above the initial heat trigger.

- the importance of protective measures,
- the details and importance of HIIPP policies and procedures,
- the identity of the heat safety coordinator(s);
- protective measures and how to access them;
- how to access the work site's HIIPP, and
- employees' rights to protective measures.

**Supervisor Training:** Employers must also provide the initial training to supervisors, plus some additional training.

Additional training on:

- policies and procedures developed to comply with the requirements of the standard, and
- procedures to follow when an employee shows signs and symptoms of heat-related illness.

**Annual Refresher Training** for employees and supervisors.

For employees that work outdoors, the annual refresher training must be conducted before or at the start of the heat season.

**Supplemental Training**

Required when

- changes occur that affect employee exposure to heat at work,
  - the employer changes policies or procedures indicated in the HIIPP that are applicable to the employee's duties
  - there is a heat-related injury or illness that requires medical treatment or time away from work, or
  - there is any indication that the employee has not retained the necessary understanding of materials presented during training.
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## Which Workers Are Protected

The Federal Occupational Safety and Health Act covers federal employees and private sector employees in all 50 states – either directly through OSHA or via an [OSHA approved state plan](#) - which is a state/territory operated workplace safety and health program which is at least as effective as OSHA and can apply to both private and public employees. States and territories that do not operate an OSHA approved state plan may not enforce OSHA standards.

While state and local government employees are not covered directly by OSHA, OSHA approved state plans can provide workplace protections for state and local employees. However, there are 23 states, plus the District of Columbia and 3 U.S. territories, that do not operate an OSHA approved state plan – in those states and territories the proposed rule will not apply to protect state and local workers.

The proposed rule would apply to most private employers and employees and some state and local employees, with some exceptions. Employers and employees not subject to the protections in the proposed rule are summarized in the table below.

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**NOT COVERED BY REQUIREMENTS OF PROPOSED RULE****SOURCE**

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Employees for which the proposed rule does not apply:

Proposed Rule at § 1910.148 (a)

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## NOT COVERED BY REQUIREMENTS OF PROPOSED RULE

## SOURCE

- Emergency response, including: firefighters, emergency response teams, emergency medical services, technical search and rescue,
- teleworkers,
- employees exposed to heat less than 15 minutes an hour, and
- sedentary indoor workers who only occasionally stand, walk, or lift objects less than 10 pounds.

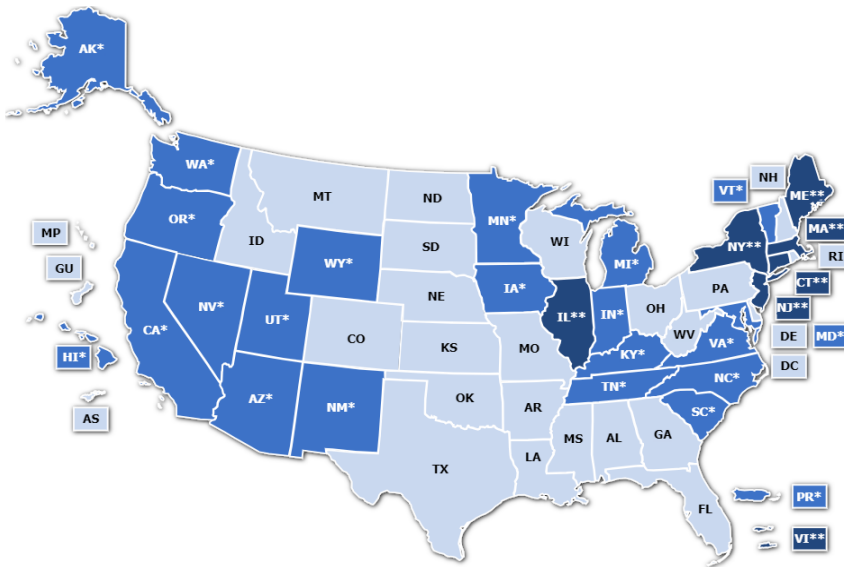
Employee not subject to OSHA requirements, including:

- self-employed workers,
- immediate family members of farm employers, or
- workplace hazards regulated by another federal agency – such as the Mine Safety and Health Administration, the Department of Energy, or the Coast Guard.

[Not covered under the Occupational Safety and Health Act](#)

State and Local Government employees in states identified in light blue below:

[States and Territories without OSHA Approved State Plan Covering State and Local Employers and Workers](#)



■ This state's OSHA-approved State Plan covers private and state/local government workplaces.

■ This state's OSHA-approved State Plan covers state/local government workers only.


■ This state (with no asterisk \*) is a federal OSHA state.

## What Happens Next?

There are several [steps](#) that OSHA must complete before a worker heat rule would be implemented. Public comments must reference Docket ID OSHA-2021-0009 and can be submitted electronically [at the Federal Register page containing details of the proposed rule](#) or [this comment page on the federal government's regulations.gov website](#). Public comments can be submitted anonymously or identify the commenter(s) and can be reviewed [here](#). If requested to do so during the public comment period, OSHA will also hold a public hearing to collect verbal comments.

[Once the public comment period has closed](#), and any requested public hearings have been held, the agency must review the record, including public comments, and finalize the rule. The final rule, along with supporting documentation and





OSHA's response to significant public comments, must then be published. The proposed rule provides employers 150 days after publication of the final rule to comply with all requirements. States with OSHA approved plans will have [six months](#) to adopt standards that are at least as effective as the federal standard.

## What Steps Can States and Localities Take to Protect Workers

While the proposed federal rule represents a substantial step toward worker protection, some states and localities may be able to take action more quickly while the proposed rule continues to move through the rulemaking process. State and local governments that are not covered by an OSHA approved state plans may also wish to adopt policies to protect their employees from extreme heat.

For additional information, and a summary of federal, state, and local laws and policies being used to protect, or thwart protections for, workers from extreme heat see [Law and Policy Considerations for Workforce Protections from Extreme Heat](#).

**This document was developed by Betsy Lawton, J.D., Deputy Director of Climate and Health – Network for Public Health Law. The Network promotes public health and health equity through non-partisan educational resources and technical assistance. These materials provided are provided solely for educational purposes and do not constitute legal advice. The Network's provision of these materials does not create an attorney-client relationship with you or any other person and is subject to the [Network's Disclaimer](#).**

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