



U.S. OSHA Seeking Input on Mitigation of Workers' Heat Stress

The U.S. Occupational Safety and Health Administration (OSHA) has initiated a rulemaking to protect indoor and outdoor workers from hazardous heat. The agency is interested in obtaining additional information about the extent of hazardous heat in the workplace and the effectiveness of interventions and controls used to prevent heat-related injury and illness.

Heat is the leading cause of death among all weather-related phenomena. Excessive heat exacerbates existing health problems like asthma, kidney failure, and heart disease. It can cause heat stroke and even death if not treated properly and promptly.

Historically, OSHA has relied on its "General Duty Clause" to cite employers for heat-related hazards. However, under the General Duty Clause, OSHA cannot require abatement before proving in an enforcement proceeding that specific workplace conditions are hazardous; whereas a heat stress standard would establish the existence of the hazard at the rulemaking stage, thus allowing OSHA to identify and require abatement measures without having to prove the existence of a hazard in each case.

Since 2018, over 230 unique industries (as identified by 6-digit NAICS codes) across indoor and outdoor work settings have had at least one heat-related inspection by OSHA.

Significantly, the underreporting of non-fatal illnesses and injuries may be present in some industries, like agriculture, where some employers (e.g., employers with 10 or fewer employees) are excluded from reporting requirements. According to OSHA, these workers may lack the awareness of their right to speak about workplace conditions

Questions from OSHA include:

- What are current and best practices for protecting workers?
- Are there any industries, occupations, or job tasks that see changes in the frequency of heat-related illness?
- What are current challenges of protecting workers in various types of work arrangements, including temporary workers?
- What are regional considerations in the mitigation of heat stress?

RIPA is consulting with members on their strategies for mitigating heat stress. If you have any strategies to share, contact Technical Director C.L. Pettit cpettit@ripaus.com. An official set of RIPA comments to OSHA is being prepared.