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SPECIAL BULLETIN 2024 – 08

August 30, 2024

OSHA Publishes Proposed Rule for Heat Injury and Illness Prevention

The U.S. Occupational Safety and Health Administration (OSHA) has published its [proposed rule](#) to prevent heat illness and injury for workers in indoor and outdoor settings.

The Administration emphasizes that excessive heat in the workplace can cause a number of adverse health effects, including heat stroke and even death, if not treated properly. According to the Bureau of Labor Statistics, 479 workers in the U.S. died from exposure to environmental heat from 2011-2022, an average of 40 fatalities per year in that time period. Additionally, there were 33,890 estimated work-related heat injuries and illnesses that resulted in days away from work from 2011-2020, an average of 3,389 per year in that time period.

Under the proposed rule, employers with more than 10 employees will have to have a written heat injury and illness prevention plan and monitor heat levels at each work site, both indoors and outdoors. OSHA would adopt two heat index thresholds that would apply nationally and would factor in humidity as well as temperature. One threshold, at 80 degrees Fahrenheit, would require employers to provide drinking water and break areas that workers can use as needed. Employers would also need to have a plan for new and returning workers to gradually increase their workload so their bodies adjust to the heat.

More protections would kick in at 90 degrees, including monitoring for signs of heat illness and mandatory 15-minute paid rest breaks every two hours. Employers would be required to check on people working alone every few hours and to issue a hazard alert, reminding their workers of the importance of staying hydrated.

The employer would have to review and evaluate the effectiveness of the heat plan whenever a heat-related illness or injury occurs that results in death, days away from work, medical treatment beyond first aid, or loss of consciousness, and also at least annually. The employer would also have to make the plan readily available at the work site to all employees performing work at the work site.

At outdoor work sites, the employer would be required to provide one or more area(s) for employees to take breaks that can accommodate the number of employees on break, is readily accessible to the work area(s), and has at least one of the following:

(a) Artificial shade (e.g., tent, pavilion) or natural shade (e.g., trees), but not shade from equipment, that provides blockage of direct sunlight and is open to the outside air; or

(b) Air-conditioning, if in an enclosed space like a trailer, vehicle, or structure.

At indoor work sites, the employer would have to provide one or more area(s) for employees to take breaks (e.g., break room) that is air-conditioned or has increased air movement and, if appropriate, de-humidification, can accommodate the number of employees on break, and is readily accessible to the work area(s).

The employer must also provide one or more of the following heat controls at indoor workplaces:

- Increased air movement, such as fans or comparable natural ventilation, and, if appropriate, de-humidification;
- Air-conditioned work area; or
- In cases of radiant heat sources, other measures that effectively reduce employee exposure to radiant heat in the work area (e.g., shielding/barriers, isolating heat sources).

OSHA is accepting comments on its proposed set of regulations until December 30, 2024. RIPA will be evaluating its options, including current practice in the industry, in preparing a set of comments.