



**AGC**  
THE CONSTRUCTION  
ASSOCIATION

AGC Safety & Health Town Hall

**September 4, 2024**

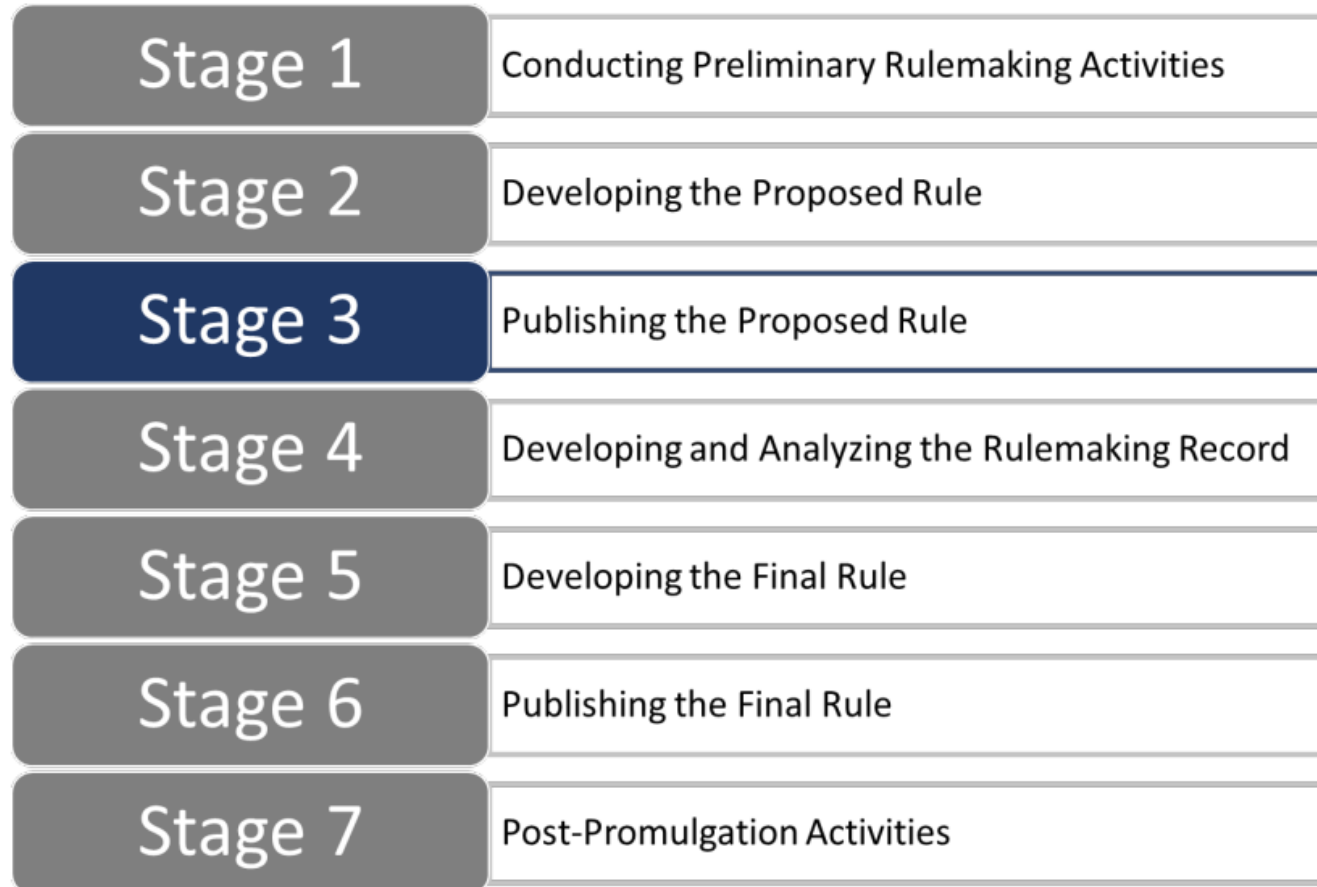
# **OSHA's Heat Injury & Illness Prevention Rulemaking**

# Heat Rulemaking Background

- On October 27th, 2021, OSHA published an Advance Notice of Proposed Rulemaking (ANPRM) for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings
    - OSHA received 965 unique comments ([www.regulations.gov](http://www.regulations.gov), Docket No. OSHA2021-0009).
  - On May 3, 2022, OSHA held a virtual public stakeholder meeting on the Agency's Initiatives to Protect Workers from Heat-Related Hazards
  - OSHA established a Heat Injury and Illness Prevention Work Group of the National Advisory Committee on Occupational Safety and Health (NACOSH)
  - On May 31, 2023, the Work Group presented its recommendations on potential elements of a heat injury and illness prevention standard to the full NACOSH committee. After deliberations, NACOSH submitted its recommendations to OSHA ([www.regulations.gov](http://www.regulations.gov), Document No. OSHA-2023-0003-0012).
-



# Heat Rulemaking Stages



# Scope and Application

- The standard would cover outdoor and indoor work in any/all General Industry, Construction, Maritime, and Agriculture sectors where OSHA has jurisdiction
  - Proposed exclusions for:
    - Work activities with no expectation of exposure at or above heat index of 80° F
    - Short duration exposures
    - Emergency response
    - Indoor sites kept below 80° F
    - Telework
    - Indoor sedentary activities
-

# Proposed Requirements for Identifying Heat Hazards

- Outdoor work
    - Monitoring heat conditions by:
    - Tracking local heat index (i.e., temperature and humidity) forecasts, or
    - Measuring heat index or wet bulb globe temperature (WBGT) \
  - Indoor work
    - Identifying work areas with hazardous heat exposure
    - Developing and implementing a monitoring plan for these work areas by measuring heat index or WBGT
    - Seeking employee input in developing and updating the monitoring plan
-

# Initial Heat Trigger and High Heat Trigger

- Proposed Heat Triggers:
    - **Initial heat trigger** - a heat index of 80° F or a WBGT equal to the NIOSH Recommended Alert Limit (RAL)
    - **High heat trigger** - a heat index of 90° F or a WBGT equal to the NIOSH Recommended Exposure Limit (REL)
-

# Proposed Requirements at or Above the Initial Heat Trigger

- Drinking water that is suitably cool, with at least 1 quart per employee per hour
  - Outdoor break areas with shade OR air-conditioning, if an enclosed space
  - Indoor break areas with air-conditioning OR increased air movement, and, if appropriate, de-humidification
  - Indoor work area controls such as fans or comparable natural ventilation, and, if appropriate, de-humidification OR air-conditioning OR controls for radiant heat sources
  - Acclimatization plan for the first week of work for new and returning employees
  - Rest breaks if needed (paid)
  - Regular effective, two-way communication between employer and employees
-



# Proposed Additional Requirements at or Above the High Heat Trigger

- Rest breaks (minimum 15 minutes every 2 hours) (paid)
    - Unpaid meal break may also serve as a rest break
  - Observation for signs/symptoms of heat-related illnesses
    - Buddy system, or each supervisor/heat safety coordinator can observe up to 20 employees
  - Effective, two-way communication with employees who are alone at a work site at least every 2 hours
  - Hazard alert with information on drinking water, rest breaks, and emergency response procedures
-



# Heat Illness and Emergency Response and Planning

- Procedures for responding to an employee experiencing signs and symptoms of a heat-related illness
  - Procedures for responding to an employee experiencing a heat emergency, including immediate actions that employer must take
-

# Proposed Training and Recordkeeping Requirements

- Initial and annual refresher training for supervisors, heat safety coordinators, and employees
  - Supplemental training after:
    - Changes in exposure to heat hazards
    - Policy and procedure changes
    - Occurrence of heat injury or illness at the work site
  - Recordkeeping for on-site measurements at indoor work areas, with retention of written or electronic records for 6 months
-

# Heat Injury and Illness Prevention Plan (HIIPP)

- All policies and procedures necessary to comply with the standard
  - Designated heat safety coordinator to implement and monitor the HIIPP
  - Employee input during development and review of the HIIPP
  - Review and evaluation, at least annually
  - Readily available to all employees performing work at the work site
  - Written if an employer has more than 10 employees
-

# Summary



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 min every 2 hours)			●
Supervisor or buddy system to observe for signs and symptoms			●
Hazard alert			●

# Opportunities for Public Comment

- Official publication in the Federal Register on August 30, 2024
    - Public comments are due December 30, 2024
    - To submit comments, visit [www.regulations.gov](http://www.regulations.gov),  
Docket No. OSHA–2021–0009
  - Public hearing presided by an Administrative Law Judge
    - Post-hearing written comments
    - Post-hearing legal briefs
-

# Submitting Comments

- OSHA is open to public comments and will consider revisions to the regulatory requirements based on the evidence.
  - A consolidated questions document will be available on the Heat Injury and Illness Prevention in Indoor and Outdoor Work Settings Rulemaking web page, available at: <https://www.osha.gov/heat-exposure/rulemaking>
  - Tips for submitting an effective comment:
    - Tell your story. In your comment, tell us how the issue impacts you, other workers, or your industry.
    - Provide as much detail as possible.
    - Include any ideas or suggestions you have for addressing the issue.
    - Where possible, include data, research, and supporting evidence.
-



# AGC of America Contacts

- Kevin Cannon, Sr. Director, Safety, Health & Risk Management
    - [kevin.cannon@agc.org](mailto:kevin.cannon@agc.org)
  - Nazia Shah, Director, Safety & Health Services
    - [nazia.shah@agc.org](mailto:nazia.shah@agc.org)
-



**Questions?**

---