

Legal Update

Brought to you by: Weadock and Associates, LLC

OSHA Proposes Heat Injury and Illness Prevention Standard

On Aug. 30, 2024, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) [published](#) a notice of proposed rulemaking in the Federal Register to protect workers from heat injury and illness. If finalized, the new standard would apply to all employers conducting indoor and outdoor work in all general industry, construction, maritime and agricultural sectors where OSHA has jurisdiction, subject to limited exceptions.

Background

According to the Bureau of Labor Statistics, almost 500 workers have died from heat exposure in the United States from 2011-22, and there were nearly 34,000 estimated work-related heat injuries and illnesses resulting in days away from work. If finalized, the proposed rule would be the first federal regulation specifically focused on protecting workers from extreme heat.

Employer Obligations

The proposed rule includes a number of safeguards that employers would be required to implement. For example, the proposed standard includes requirements for:

- Identifying heat hazards;
- Developing heat illness and emergency response plans;
- Providing training to employees and supervisors; and
- Implementing work practice standards, including rest breaks, access to shade and water, and heat acclimatization for new employees.

Next Steps for Employers

Comments on the proposed rule are due by Dec. 30, 2024. If finalized, employers would be required to comply with its requirements within 150 days of publication. Therefore, even if the rule is finalized, employers would not be subject to its requirements until 2025.

Employers may take steps now to prepare to comply with the standard (such as identifying and addressing heat hazards, preparing and updating policies, and preparing training protocols for employees and supervisors). Employers should monitor for updates and potential legal challenges.

Additional Resources

Employers may also refer to the following resources for additional information and to learn how to provide comments:

- [Background, Health Effects, Risk Assessment, Explanation of Proposed Requirements](#)
- [Rulemaking Process—How to Comment](#)



HIGHLIGHTS

- On Aug. 30, 2024, OSHA published the proposed rule in the Federal Register.
- Employers have until Dec. 30, 2024, to submit comments on the proposed rule.
- If finalized, the new standard would require employers to create a plan to evaluate and control heat hazards in their workplaces.

Provided by Weadock and Associates, LLC

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. © 2024 Zywave, Inc. All rights reserved.