



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

January 14, 2025

Docket No. [OSHA-2021-0009](#)

BlueGreen Alliance Response to Notice of Proposed Rulemaking: *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings*

BlueGreen Alliance (BGA) unifies labor unions and environmental organizations into a powerful force working for an economy that fights climate change, protects the health of people and the environment, stands against economic and racial inequality, and creates and maintains good-paying, union jobs in communities across the country. BGA applauds the U.S. Occupational Safety and Health Administration (OSHA) in its progress towards establishing a first-ever federal protective heat standard for reducing heat-related injuries, illnesses, and fatalities in the workplace. With global temperatures rising— and 2024 the warmest year on record— the timing could not be more critical to put in place a strong rule that protects all workers facing hazardous heat exposure both indoors and outdoors. Addressing heat hazards is also an equity issue given that workers of color have a higher likelihood of jobs with hazardous heat exposure.ⁱⁱ

BGA Recommendations for Improving OSHA’s Proposed Heat Standard:

1. *Heat Injury and Illness Prevention Plan:*

BGA supports the requirement for an employer to provide a comprehensive Heat Injury and Illness Prevention Plan (HIIPP). In order to make this rule the most effective in protecting workers, we recommend the following revisions:

- **Include workers in all aspects of the HIIPP:** Employees and their representatives should be included in all aspects of the HIIPP— and not just in the development and implementation. It is essential that there is continuous engagement with workers and their representatives because heat-related risks may evolve and there should be regular opportunities for feedback. Additionally, it is essential that those who are most directly affected by heat-related hazards are regularly provided the opportunity for input including the determination of additional work activities or work zones that must be covered by the standard.

- **Require all workplaces to have a written HIIPP:** The proposed rule exempts workplaces with 10 or fewer employees from providing a written HIIPP with the rationale that OSHA expects that “small employers with 10 or fewer employees are likely to have less complicated HIIPPs”. For this reason, it requires less effort to write down a less complicated HIIPP. Written information can provide a reference point for later review and can be beneficial for those who prefer a self-paced learning style and visual reinforcement. Additionally, OSHA could provide a HIIPP template for smaller businesses as a worker-protective way to ease administrative burden. Ultimately, without a written HIIPP there is little accountability for ensuring compliance and protecting employees no matter the size of their organization. Lastly, it is worth noting that the heat standards put in place by Washington, Maryland, California, and Oregon do not include an exemption for a written HIIPP.ⁱⁱⁱ

2. *Identifying Heat Hazards:*

In the proposed rule, employers must monitor heat conditions for outdoor work and for indoor work areas exposed to high heat. We applaud the inclusion of both indoor and outdoor workers and encourage additional specificity for identifying heat hazards and for reducing heat related injuries (HRI).

- **Reduce the time threshold to meet the initial heat trigger:** The proposed rule sets forth requirements for assessing where and when employees are exposed to heat at or above the initial and high heat triggers. This includes establishing a threshold of work activities where the employee is exposed to temperatures above the initial heat trigger for more than 15 minutes in any 60-minute period. However, according to OSHA’s Technical Manual on heat stress, heat stroke can occur rapidly where the core body temperature can increase to dangerous levels within 10-15 minutes.^{iv} [Johns Hopkins Medicine](#) defines heat stroke as the most severe form of heat illness, however, a heat stress prevention standard should provide thresholds that aim to protect against the less severe symptoms of heat stress.

Furthermore, it is well documented that workers may experience one or more risk factors that make them more vulnerable to heat hazards. These factors may include personal characteristics such as age and gender; work factors such as training or level of experience; and pre-existing conditions such as asthma, heart disease, and kidney disease or medications that may increase workers’ risk factors of HRI.^v Therefore, we recommend that the threshold be lowered to exposure above the initial heat trigger for more than five minutes over the span of an hour. Choosing a

five-minute threshold will trigger worker protections before they experience heat stress instead of once they are already experiencing the signs of heat stroke. These factors should be accounted for in the heat standard by lowering the time threshold and not used as a reason for employers not being responsible if an employee experiences a heat injury or illness.

- **Require on-site measurements for workplace monitoring for temperature and humidity for each work zone:** This would ensure a more specific reading that would better capture conditions at the worksite.^{vi} For instance, a National Weather Service forecast of 90 degrees Fahrenheit doesn't account for the additional heat a roofer might experience on a dark, heat-absorbing surface, especially while using equipment like hot kettles and propane torches that will increase temperature even more. Additionally, high humidity reduces the body's ability to cool down and therefore must be monitored in addition to temperature.
- **Include protocols for functioning A/C:** The standard should address situations where the air-conditioning system fails to function properly, and the ambient temperature reaches or exceeds the initial heat trigger. We agree with the American Industrial Hygienists Association that there should be no allowance to work beyond the day of the system's failure.^{vii} Otherwise, the standard would not protect indoor workers from net heat exposure over multiple days. The system must be fixed or appropriate temporary alternative engineering controls provided that return the working conditions below the initial heat trigger.
- **Include employees and their representatives in the identification of monitored work areas:** Employees and their representatives must be included in the identification of areas where they reasonably expect employees to be exposed to heat at or above the initial heat trigger. The workers are the experts and are the most familiar with working conditions and must contribute to creating a monitoring plan to determine when employees in those work areas are likely exposed to heat at or above the initial and high heat triggers.

3. Employer Requirements When Employees are Exposed to Initial Heat Trigger:

In the proposed rule, the initial heat trigger is at or above 80 degrees or the equivalent wet bulb globe temperature. When this initial heat trigger is met there are additional specifications and thresholds that should be included in the final rule:

- **The employer must supply cool, fresh, free potable water:** Once the initial heat trigger of wet bulb globe temperature of 80 degrees Fahrenheit is reached, require employers to provide free, potable water that is fresh, cool (below 60 degrees Fahrenheit) and strategically located near the work site. Additionally, there must be

enough water for every employee to drink at least 32 ounces per hour. This specificity is supported by the ^{viii ix} heat standards and ensures suitable water is available to prevent heat stress.

- **Refine acclimatization to reflect workers' schedules:** We support the requirement for employers to implement an acclimatization protocol. Acclimatization peaks in most people within four to 14 days of regular work for at least two hours per day in the heat.^x Therefore, acclimatization protocols should account for whether the new or returning employee is working a full-time or part-time schedule.

4. Additional Employer Requirements When Employees are Exposed to High Heat Trigger:

In the proposed rule, the high heat trigger is at or above 90 degrees Fahrenheit or the equivalent wet bulb globe temperature and once that is reached shade is a requirement. In addition to this trigger, we encourage a more rigorous definition of shade.

- **Refine the definition of “shade”:** Shade is currently defined as: *the blockage of direct sunlight, such that objects do not cast a shadow in the area of blocked sunlight and allows the use of large vehicles, buildings or other equipment that is not used in work processes to be used for shade given it accommodates all workers.* However, there is no requirement of how cool the shaded area should be. For example, under the proposed rule employers would be considered meeting the requirements if airport workers on the tarmac are provided shade under or by parked airplanes even when tarmac temperatures can reach up to 150 degrees Fahrenheit.^{xi} Therefore, it is important that there is a temperature threshold for shaded areas. The California heat standard states that a provided shaded area be less than 82 degrees Fahrenheit. Additionally, it should be stated that workers should not have to rely on their own resources i.e., their own vehicles to provide shade.

5. Employer Exclusions:

In the proposed rule, sedentary work is defined as involving less than or equal to one-third of the workday standing while only seldomly or occasionally lifting or carrying up to 10 pounds. (Note: “sedentary” should be included in the definitions section). There are several concerns with which categories of employees would be considered sedentary.

- **No exemptions without monitoring:** The proposed rule asks whether the standard should exempt all sedentary work activities indoors or limit the exemption to only activities performed below an upper limit (e.g., below the high heat trigger) at or above which the exemption would no longer apply, and if so, what the upper limit

should be. Both indoor and outdoor sedentary workers should be protected by the initial heat trigger, at which point the exemption would no longer apply. Included in this should be a requirement to monitor temperature so that workers are able to use temperature as an accountability mechanism for triggering the heat protection standard. This will protect workers in areas that are supposed to be air conditioned, but the A/C is broken or is simply not deployed for example, airport workers cleaning a parked, unconditioned airplane. Without a protective heat standard, there may not be the necessary incentive to fix a worksite above the initial heat trigger if it is exempted from the rule.

- **Teachers and school staff are not sedentary:** Teachers and other school staff should not be considered sedentary and therefore should be protected under the proposed heat standard. Survey data from the Bureau of Labor Statistics supports this claim. For example, preschool teachers spend 65% of their workday walking or standing while elementary school teachers spend over 70% of their time of their workday on their feet. ^{xii}
- **Assembly line workers are not sedentary:** Assembly line workers are also a group that may be considered sedentary by employers because they sit for the majority of their shift but in fact are constantly moving. For example, manufacturing workers on an assembly line may be sitting but their core body temperature may be higher because they have a 30 second work cycle that keeps them moving constantly.

6. Training and Recordkeeping:

The proposed rule requires that employers provide training and ensure that the information is understood by every worker before they are exposed to heat. In addition, we recommend that the final rule:

- **Train all personnel regulated by the rule on heat stress:** Require ALL personnel employed at a workplace regulated by the OSHA heat standard to be trained (not just those who may be exposed to heat stress). This will ensure that those least vulnerable to heat stress are also trained in recognizing heat illness symptoms and are the most likely to be able to assist those experiencing heat stress.
- **Improve accountability:** Improve recordkeeping and accountability by tracking paid and unpaid rest breaks, recording heat injuries and illnesses, and ensuring this data is available for at least two years.

BlueGreen Alliance will continue to fight to protect all workers from heat stress illness and injury and look forward to continued partnership with OSHA in that fight.