

OSHA Heat Illness & Injury Prevention

- OSHA –
 - Prevention and mitigation of heat-related injuries and illnesses is a Biden administration priority
 - Agency leadership characterizes heat hazards as both worker protection and racial equity issues because of number of workers of color in both inside and outdoor jobs
 - For decades OSHA has used “general duty” clause to enforce heat-related hazards
 - OSHA also has issued guidance related to hazardous heat for employers and employees in its regional emphasis programs

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- What’s Changed?
 - OSHA says the three-year average of heat-related fatalities among U.S. workers has doubled since the early 1990s
 - Agency believes that heat-related illnesses, injuries, and fatalities are underreported
 - Hazardous heat conditions can impair job tasks related to complex cognitive function, reduce decision-making capability, and reduce productivity
 - There are some health conditions related to occupational heat exposure that can take many years from the period of exposure to manifest

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- OSHA Has Two Goals – Long-Term and Short-Term
- Long-Term Goals
 - October 27, 2021, Advance Notice of Proposed Rulemaking (ANPRM)
 - 117 questions about the extent and nature of hazardous heat in workplaces and the nature and effectiveness of interventions and controls used to prevent heat-related injury and illness
 - California, Minnesota, Washington, and Oregon have adopted heat-hazard standards
 - Colorado, Maryland, and Nevada have passed laws requiring the promulgation of rules related to hazardous heat in workplaces

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- Short-Term Goal – National Emphasis Program
- OSHA announced National Emphasis Program (NEP) on heat hazards, effective April 8, 2022
 - OSHA will conduct proactive inspections for heat-related hazards—in both outdoor and indoor work environments
 - Employers should ensure they have implemented appropriate safety measures to protect employees from heat-related hazards

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- NEP Outlines Triggers for Heat-Related Inspections:
 - When conducting other, non-heat-related investigations, OSHA will open a heat-related inspection into any hazardous heat conditions observed or reported
 - When the heat index is expected to be 80 degrees F or more (so-called “heat priority days”), OSHA will inquire about heat-related hazard prevention programs during inspections
 - When the National Weather Service (NWS) has announced a heat warning or advisory for a local area, OSHA will use neutral, objective criteria to select employers for pre-planned inspections in high-risk industries in that area
 - When the Wage & Hour Division of the Department of Labor (WHD) is investigating reported inadequate working or living conditions or wages, WHD is encouraged to refer information about potential heat-related hazards to OSHA

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- NEP mandates several steps OSHA must take in inspecting heat-related hazards, including but not limited to:
 - *Review* injury and illness logs and incident reports for entries indicating heat-related illness
 - *Review* records of heat-related emergency room visits and/or ambulance transport, even if hospitalization did not occur
 - *Interview* workers for heat illness symptoms (e.g., headache, dizziness, fainting, dehydration)
 - *Determine* the employer maintains a heat illness and injury prevention program, and consider whether the program addresses hydration, breaks, shade, acclimatization, training, and other relevant policies
 - *Document* relevant conditions, such as the heat index, any NWS heat alerts, type of heat source (e.g., direct sunlight, proximity to boiler), any injured employee’s exertion level and duration of exposure to heat, and the like

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- What Should Employers Do?
 - Reason for today's Town Hall
 - Given OSHA's keen focus on heat hazards, employers—especially those in the 70 targeted industries—should consider several steps now to best protect themselves and their employees
 - Ensure safety policies address heat-related hazards
 - Implement acclimatization periods for new employees who are not yet adjusted to working full days in high heat
 - Develop a means to monitor the heat index and employee exposure to heat
 - Train employees on heat-related illness and emergency response

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When the CSHO Knocks

- Understand the Process:
 - Identification
 - Opening conference
 - Walkaround
 - Interviews
 - Closing Conference
- Don't Deny Access

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When the CSHO Knocks

CSHOs shall:

- Discuss apparent violations
- Provide, *Employer Rights and Responsibilities Following a Federal OSHA Inspection*
- Discuss the strengths and weaknesses of the employer's safety and health programs
- Advise employer and employee of their rights