

OSHA Advancing Indoor and Outdoor Heat Illness Rule With Small Business Review

By Dena J. Griffin,

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Workplace Safety and Health

As temperatures soar in many areas of the country, the Occupational Safety and Health Administration (OSHA) continues to move forward with a heat illness standard for indoor and outdoor employers.

OSHA has notified the Small Business Administration Office of Advocacy that it intends to convene a Small Business Advocacy Review (SBAR) panel to review how a possible standard Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings may affect workplaces. *See* [OSHA's Unified Regulatory Agenda](#). The panel will submit a final report to the agency within 60 days of the panel's convening date.

Topics to be considered by the SBAR Panel will include potential options for:

- A programmatic approach to heat injury and illness prevention;
- The scope of a potential standard;
- Heat hazard identification and assessment;
- Heat hazard prevention and control measures;
- Medical treatment and heat-related emergency response procedures;
- Worker training; and
- Recordkeeping.

OSHA takes these steps following initiation of a standard with publication of its Advance Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings in the Federal Register in October 2021.

Amid the rulemaking, OSHA launched a Heat Illness Prevention Campaign, during which the agency has aggressively developed and enforced heat-related hazards initiatives. In April 2022, OSHA initiated a [National Emphasis Program](#) (NEP) in which the agency generates random inspection lists and conducts inspections of indoor and outdoor employers on those lists without advance warning. The NEP [purports](#) to target 70 “high risk” sectors, including manufacturing, wholesalers, automotive repair, retail, bakeries, sawmills, landscaping, and construction. OSHA Area Offices have been monitoring National Weather Service heat warnings or advisories for the local area and targeting employers for heat inspections on those days.

OSHA advises employers during an “OSHA ALERT” to follow safety practices, such as providing cool drinking water, giving frequent rest breaks in shady or cool areas, and

offering training on the hazards of heat exposure. The [Heat Safety Tool App](#) created by OSHA is meant to assist employers when planning [outdoor work activities](#).

As part of a heat illness prevention program, employers should have a Heat Illness Prevention Plan that aims to:

- Ensure new workers or those returning from a break in employment or vacation are acclimatized, gradually building up to a full workday in the heat.
- Monitor ambient temperature and levels of work exertion at the worksite, categorizing physical exertion levels as low, moderate, and heavy.
- Provide access to cool water for hydration and ensure workers are drinking enough fluids.
- Ensure that workers have sufficient water and rest breaks.
- Provide access to shade for rest periods and air conditioning or other cooling systems if feasible.
- Consider using a buddy system to have workers monitor one another for symptoms of heat illness.
- Train workers to identify the signs and various stages of heat illness, how to report signs and symptoms, when first aid is required, and when and how to contact emergency personnel.

To learn more, or if you need compliance assistance related to heat injury and illness prevention or defense of an OSHA inspection or citations, please contact a member of the Workplace Safety and Health Practice Group or the Jackson Lewis attorney with whom you regularly work.

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