

OSHA Announces Enhanced Emphasis on Heat-Related Hazards

By Victor N. Corpuz and Julie A. Farmer

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The Department of Labor has announced enhanced initiatives aimed at heat-related illnesses to better protect employees in hot working environments. The construction industry has been among the industries with the highest average heat-related fatalities per year, according to the Bureau of Labor Statistics.

The initiatives are part of the Biden Administration's interagency effort to address the impact of extreme heat in the wake of this summer's record-setting heat waves intensified by climate change.

In its memorandum establishing an enforcement initiative for heat-related hazards, the Occupational Safety and Health Administration (OSHA) cites the Bureau of Labor Statistics' reporting that, from 2011 to 2019, environmental heat cases resulted in an average of 38 fatalities per year and an average of 2,700 cases with days away from work.

OSHA Enforcement Initiative

As part of the enhanced effort, OSHA published a new enforcement initiative to prioritize heat-related inspections and interventions at worksites. The enforcement initiative applies to indoor and outdoor worksites where potential heat-related hazards exist, such as construction operations, and prioritizes heat-related interventions and inspections of work activities on days when the heat index exceeds 80 degrees Fahrenheit.

On these "heat priority days," the enforcement initiative directs OSHA Area Offices to increase enforcement efforts for specific industries, including construction. The initiative provides enforcement guidance to OSHA Area Offices, including:

- Prioritizing inspections of heat-related complaints, referrals, and employer-reported illnesses;
- Instructing compliance officers to be vigilant during job site visits of circumstances where employees may be performing work in hot conditions such as in direct sunlight; and
- Expanding the scope of other inspections to address heat-related hazards where worksite conditions or other evidence indicates that such hazards may be present.

Other Initiatives Directed at Addressing Heat-Related Illnesses

In addition to the enforcement initiative, OSHA intends to develop a formal national emphasis program on heat danger enforcement to be published by summer 2022 that will target high-risk industries.

OSHA also announced it will be issuing an Advance Notice of Proposed Rulemaking on heat illness prevention in outdoor/indoor work environments. The White House explained that this is a "significant step toward a federal heat standard to ensure protections in workplaces across the country."

OSHA is also forming a Heat Illness Prevention Work Group within its National Advisory Committee on Occupational Safety and Health to provide perspectives relating to best practices and challenges in protecting workers from heat hazards.

Next Steps for Employers

Employers should review policies and procedures for mitigation of heat-related hazards, including ensuring employees are acclimatized to heat conditions and regularly take breaks for rest, shade, and water, and training employees on heat-related illnesses and what to do when a worker suspects a heat-related illness is occurring.

For additional guidance, please contact a Jackson Lewis attorney.

Meet the Authors



[Victor N. Corpuz](#)

Principal
Dallas 214-520-2400
Email



[Julie A. Farmer](#)

Associate
Dallas 214-520-2400
Email

Practices

Workplace Safety and Health

Industries

Construction

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