

DATE: May 24, 2022
TO: Phylmar Regulatory Roundtable (PRR), OSH Forum
FROM: Helen Cleary
RE: FedOSHA Heat Illness Prevention NEP & Initiatives

In April 2022, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA's) Secretary Marty Walsh and Vice President Kamala Harris [announced](#) the launch of a [National Emphasis Program](#) to protect millions of workers in high-hazard industries from heat-related hazards, both indoors and outdoors, that may lead to heat illness, injury or death. This is the first national enforcement program for heat hazards and is part of an [interagency Biden-Harris administration](#) effort to protect individuals from extreme heat and rising temperatures resulting from climate change. **The NEP took effect April 8, 2022 and will remain in effect for three years unless canceled or extended.**

Overview

The NEP was created due to the increasing number of heat related injuries and illnesses each year and the fact that low-wage workers, and workers of color, disproportionately make up the population of workers exposed to high levels of heat. It expands on the [September 1, 2021](#), heat enforcement initiative that focused on heat-related hazards and provides procedures for planned and follow-up inspections in targeted workplaces. The NEP will allow OSHA to launch heat-related inspections on high-risk worksites before workers suffer preventable injuries, illnesses, or fatalities.

Industries identified by OSHA as high-risk (targeted industries) or alternative industries likely to have high-heat related hazards and corresponding NAICS Codes include: Petroleum and Coal Products Manufacturing (3241); Nonferrous Metal (except Aluminum) Production and Processing (3314); Aerospace Product and Parts Manufacturing (3364); Apparel, Piece Goods, and Notions Merchant Wholesalers (4243); Petroleum and Petroleum Products Merchant Wholesalers (4247); Lessors of Real Estate (5311); Waste Treatment and Disposal (5622); Utility System Construction (2371); Water, Sewage and Other Systems (2213); Business Support Services (5614). See Appendix A for the full list of industries.

See the following for more information:

- [NEP Enforcement Directive](#) (Link to PDF)
- [NEP Fact Sheet](#)
- [Appendix A](#): Target Industries for Heat NEP
- [Appendix F](#): Description of Serious Heat-related Illnesses and Common Symptoms

Purpose/NEP Goal

During the last five years, OSHA heat-related inspections accounted for 0.5% of all Federal inspections. The goal of this NEP is to reduce or eliminate worker exposures to heat-related hazards that result in illnesses, injuries, and deaths, by targeting industries and worksites, including worksites with radiant heat sources, where employees are exposed to heat-related hazards and have not been provided adequate protection. These mitigation strategies are key in controlling the health hazards associated with heat exposures. OSHA's goal will be accomplished by a combination of enforcement (which includes inspection targeting), outreach to employers, and compliance assistance.

Heat-related fatalities usually occur when physical activity in hot environments causes the body temperature to reach 104°F resulting in heat stroke. Heat-related illnesses and injuries can happen at almost any ambient temperature when body heat generated by physical work is performed in conditions of high ambient heat.

Because heat illness affects thousands of indoor and outdoor workers each year, the Department of Labor's top priority is to reduce workplace heat-related illnesses and injuries, and this NEP is a way to immediately improve enforcement and compliance efforts, while continuing long-term work to establish a heat illness prevention rule.

Inspections

The NEP will target 70+ industries considered high-risk based on:

- Bureau of Labor Statistics (BLS) data on heat related illnesses
- Elevated hospitalizations and fatalities reported by employers to OSHA
- Highest number of heat-related General Duty Clause violations and Hazard Alert Letters over a 5-year period
- Highest number of OSHA heat inspections since 2017

Any inspection that meets the conditions for a heat inspection and any heat-related severe injury report or referral from WHD shall initiate an inspection, unless a physical inspection is not feasible. See [Appendix A](#) for the list of industries.

During an inspection, the following will occur:

- Review 300 Logs and 301 Incident Reports
- Review records of heat-related emergency room visits
- Interview workers for symptoms
- Review of employer's Heat Illness and Injury Program which should contain the following:

- How did the employer monitor ambient temperature(s) and levels of work exertion?
 - Was there unlimited cool water that was easily accessible to the employees?
 - Did the employer require additional breaks for hydration?
 - Were there scheduled rest breaks?
 - Was there access to a shaded area?
 - Did the employer provide time for acclimatization of new and returning workers?
 - Was a "buddy" system in place on hot days?
 - Were administrative controls used to limit heat exposures?
 - Did the employer provide training on heat illness signs, how to report signs and symptoms, first aid, how to contact emergency personnel, prevention, and the importance of hydration?
- Document conditions relevant to heat-related hazards
 - Identify activities relevant to heat-related hazards

Outreach

OSHA's area offices will engage in outreach to unions, employers in target industries and other organizations committed to advancing protections for underserved workers. The agency's [On-Site Consultation Program](#) will assist employers in developing strategic approaches for addressing heat-related illnesses and injuries in workplaces.

Employer Responsibilities

Under OSHA law, employers are responsible for providing workplaces free of known safety hazards including protecting workers from extreme heat. An employer with workers exposed to high temperatures should establish a complete heat illness prevention program including:

- Provide workers with water, rest, and shade.
- Allow new or returning workers to gradually increase workloads and take more frequent breaks as they acclimatize or build a tolerance for working in the heat.
- Plan for emergencies and train workers on prevention.
- Monitor workers for signs of illness.

Additional Agency Activity

Last fall, OSHA published an Advance Notice of Proposed Rulemaking ([ANPRM](#)) to initiate the rulemaking process towards a federal heat standard and is committed to using all tools at its disposal to reduce heat hazards through a combination of enforcement, outreach and compliance assistance.

The National Institute for Occupational Safety and Health (NIOSH) has published recommended occupational exposure limits and controls for heat stress. A **NIOSH publication**, [Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments](#), outlines recommended environmental limits for physical work at which point engineering controls, preventative work, hygienic practices, and administrative or other control procedures should be implemented in order to reduce the risk of heat-related illnesses.

In February 2022 the National Advisory Committee on Occupational Safety and Health (**NACOSH**) established a Heat Injury and Illness Prevention **Work Group** to provide recommendations on guidance and rulemaking activities to OSHA.

In May 2022, OSHA held a [Heat Forum Public Stakeholder Meeting](#); PRR provided public comment.

As part of OSHA's 2022 Heat Illness Prevention Campaign, **OSHA produced a video**: Remembering Tim: A Life Lost to Heat Illness at Work

Scope

The NEP applies to all states and regions subject to Federal OSHA oversight.

State Plan States are strongly encouraged but not required to adopt the NEP.

Within 60 days, the State Plan must submit a notice of intent indicating if they do or do not intend to adopt and already have a plan in place.

Additional Resources

- [OSHA's Occupational Exposure to Heat Page](#)
- [Campaign to Keep Workers Safe in the Heat](#)
- [OSHA's Technical Manual \(OTM\) Section III Chapter 4 – Heat Stress](#)
- [Heat Illness Prevention](#)
- [Fact Sheet](#)
- [Overview: Working in Outdoor and Indoor Heat Environments](#)