

DATE: May 2, 2022
TO: PRR Heat Illness Task Force
FROM: Helen Cleary
RE: Heat Illness Task Force Meeting Summary – April 25, 2022

On April 15, 2022, seven members of the Phylmar Regulatory Roundtable – PRR Heat Illness Task Force met to discuss PRR's opportunity to provide public comment at Fed/OSHA's upcoming Heat Forum Public Stakeholder Meeting on May 3, 2022. Commenters will be granted three minutes to present public testimony and comment. The video/audio of the Task Force meeting can be found [here](#).

Fed/OSHA is asking for comment on the following:

- General Information
- Heat Illness Prevention Campaign
- Compliance Assistance Activities
- Enforcement Efforts

Many thanks to the members of the 2022 Phylmar Regulatory Heat Illness Task Force Members: Benita Byrd; Breanna Skinner; Brian DeWitt; Brian Heramb; Christopher Gabelich; David Woodard; Derrick You; Dylan Wright; Erich Nolan; Elizabeth Schmidt; Gary Wright; Heidi Lopez; Jamie Carlile; Javed Hussain; Jen Shih; Jim Weber; Jo Forchione; Lessly Whalen; Mark Divoky; Marie Edson; Majid Karimi; Michelle Stewart; Mike Starkey; Ofelia Perez; and Paul Costa. To all of you, your service is much appreciated.

The Heat Forum Public Stakeholder Meeting

The Heat Forum Public Stakeholder meeting will be held on May 3, 2022, from 12:00 pm to 6:00 pm EST, and the tentative agenda can be found [here](#). The Sessions will be as follows:

- Session 1 - Heat Illness Prevention Campaign
- Session 2 - Compliance Assistance Activities
- Session 3 - Enforcement Efforts
- Session 4 - Introduction to OSHA Rulemaking

PRR Staff informed the Task Force that according to the tentative agenda, she will have the opportunity to comment after each session OR provide general comments; The Task Force members agreed that PRR should provide general comments. One Task Force member asked if

PRR Staff was aware of what direction the Standard was heading. PRR Staff indicated she had not heard anything except they do have a new National Emphasis Program (NEP) for Heat Illness.

PRR Staff Update: PRR is scheduled to provide testimony between 9:35am – 10:30am. This signals that all public comments will be prior to the sessions in the tentative agenda. It is not clear if OSHA will accept additional questions/comments after each session.

PRR Staff informed the committee members that she attended both, the recent NACOSH Meeting and the first NACOSH Heat Illness Work Group Meeting [both in March 2022]. The Work Group went into greater detail about heat illness and the work they are doing to help with the rulemaking process. The Heat Illness campaign is mirrored after California’s heat illness standard, and PRR Staff feels with Doug Parker at the helm, the standard will continue down this path.

One member suggested that his company has potential issues with the Indoor Heat definition of a building and other structures as well as Cal/OSHA’s proposed temperature threshold in recent legislation. The definition of Ultra High Heat will cause their company to pushback because of the huge cost increase that will incur due to increased PPE, installation of shade structures with misters, additional breaks, etc.

Highlights from Written Comments

The comments from January 2022 stated:

- The standard should be limited in scope (focused on high-risk industries and worksites)
- The standard should be performance-based and flexible to allow for new technologies
- The standard should be based on research

Scope of the standard:

1. Recommendation that it should focus on industries and work tasks that create the greatest risk
2. OSHA to consider whether there is sufficient research to support a broad standard applicable to all workers

Strategy to draft a performance-based standard:

- Current heat detection methods are limited
- Heat illness is best detected at the individual worker level
- Success of a standard should be based on research and data

Need for monitoring and flexibility in the federal standard should allow for employers and employees to utilize options that measure and mitigate heat stress. Integration of future innovations should be considered, as well.

Summary

Federal Standard should be based on sound data on heat illness and injury and performance based to provide the flexibility to use innovative monitoring techniques.

The Heat Illness Task Force agreed that following PRR's written comments was a good strategy for public comments at the upcoming stakeholder meeting. One member asked if PRR could acquire periodic updates on the NEP throughout the summer season. She stated that the standard put the burden on supervisors to know when their workers are experiencing heat stress based on certain triggers. She was curious to how that would work. PRR Staff commented that she would draft questions around that point during the enforcement session. The task force member suggest cognitive media was an important issue.

PRR Staff inquired of the task force if anyone had experience with Cal/OSHA enforcement on heat that have been challenging. She asked that the committee members send her any information they have.

Adjournment: 10:25 am

Next Meeting: TDB