

# Legal Update

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## OSHA Proposes Heat Injury and Illness Prevention Standard

On July 2, 2024, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) [announced](#) an unofficial version of the proposed [standard](#) to protect workers from heat injury and illness. If finalized, the new standard would apply to all employers conducting indoor and outdoor work in all general industry, construction, maritime and agricultural sectors where OSHA has jurisdiction, subject to limited exceptions.

### Background

According to the Bureau of Labor Statistics, almost 500 workers have died from heat exposure in the United States from 2011-22, and there were nearly 34,000 estimated work-related heat injuries and illnesses resulting in days away from work. If finalized, the proposed rule would be the first federal regulation specifically focused on protecting workers from extreme heat. The official version of the proposed rule will soon be published in the Federal Register.

### Employer Obligations

The unofficial version of the proposed rule includes a number of safeguards that employers would be required to implement. For example, the proposed standard includes requirements for:

- Identifying heat hazards;
- Developing heat illness and emergency response plans;
- Providing training to employees and supervisors; and
- Implementing work practice standards, including rest breaks, access to shade and water, and heat acclimatization for new employees.

### Next Steps for Employers

Once published, the proposed rule will undergo a 120-day comment period and subsequent review before it is finalized. If finalized, employers would be required to comply with its requirements within 150 days of publication. Therefore, even if the rule is finalized, employers would not be subject to its requirements until 2025.

Employers may take steps now to prepare to comply with the standard (such as identifying and addressing heat hazards, preparing and updating policies, and preparing training protocols for employees and supervisors). However, the proposed standard is likely to face pushback, so employers should monitor for updates and potential legal challenges.

### Additional Resources

Employers may also refer to the following resources for additional information and to learn how to provide comments:

- [Background, Health Effects, Risk Assessment, Explanation of Proposed Requirements](#)
- [Rulemaking Process—How to Comment](#)



## HIGHLIGHTS

- On July 2, 2024, OSHA announced an unofficial version of a proposed standard to protect workers from extreme heat.
- If finalized, the new standard would require employers to create a plan to evaluate and control heat hazards in their workplaces.

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