

Heat Injury & Illness Prevention in Outdoor and Indoor Work Settings

Small Business Advocacy Review (SBAR) Questions

OSHA is considering promulgating a new standard to protect indoor and outdoor workers from hazardous heat. OSHA has convened a Small Business Advocacy Review (SBAR) Panel under the Small Business Regulatory Enforcement Fairness Act. The SBAR Panel has several purposes. The Panel provides an opportunity for affected small employers to provide comments in advance of a formal rulemaking process. After reviewing OSHA's potential options for the various elements of a proposed heat standard and estimates of the potential impacts of those options, Small Entity Representatives (SERs) can offer recommendations to the Panel on ways to tailor the standard to make it more cost-effective and less burdensome for affected small entities while still ensuring workers are adequately protected. Early comments permit identification of additional options or alternatives to the regulatory framework for the Panel to consider. Additionally, SERs can provide specific recommendations for the Panel to consider on issues such as reporting requirements, timetables of compliance, and whether some groups or industries should be exempt from all or part of the standard. A final report containing the findings, advice, and recommendations of the Panel will be submitted to the Assistant Secretary of Labor for Occupational Safety and Health to help inform the agency's decision making with respect to this possible rulemaking.

In this document, the SBAR Panel presents a list of questions organized by areas of particular interest to the agency. The Panel is seeking SER input on each of these topics. SERs may choose to answer any or all questions and should feel free to bring up any additional issues that they would like the Panel to consider.

General Topics:

1. What types of occupations at your workplace do you consider outdoor occupations, and what percentage of your workforce falls into that category? What types of occupations at your workplace do you consider indoor occupations and what percentage of your workforce falls into that category?
2. Consider employees at your workplace who work both indoors and outdoors; on average, how much time do they spend outdoors? How much time indoors? How much time indoors is next to process heat or heat-generating equipment?
3. Are there certain work settings in which you are unsure if they would be considered outdoor work settings or indoor work settings? If so, what are they? What characteristics of that work setting make it hard to classify as solely indoor or outdoor?
4. What geographic regional differences should be considered or accounted for when determining the appropriate interventions and practices to prevent heat-related injuries and illnesses among workers?
5. Does your workplace currently implement any of the measures considered in the regulatory framework to prevent or mitigate heat-related injuries and illnesses among workers? If so, which measures have been the most effective?

6. If you have mobile work sites, what difficulties do you encounter when trying to protect workers from hazardous heat? How do you deal with these challenges? OSHA is particularly interested in challenges that may be different than those faced in fixed work sites.
7. In Section III of the SER Background Document, OSHA has provided time and equipment estimates for different options that OSHA is considering for a potential heat standard. Are these estimates consistent with your experience?
8. If you were structuring a Heat Injury and Illness Prevention standard, what provisions do you believe are necessary? What provisions, if any, do you believe could be relaxed for certain groups, types, or sizes of entities?
9. Do you have any concerns about the feasibility of complying with any elements of the regulatory framework?
10. OSHA recognizes that there may be some language in the regulatory framework that may not be directly applicable to the operations of some industries within the contemplated scope. OSHA seeks input from SERs in helping identify such language.
11. How, and to what extent, would small entities in your industry be affected by a potential OSHA standard to protect workers from hazardous heat? Do special circumstances exist that make preventing heat-related injuries and illnesses in outdoor and indoor work settings more difficult or more costly for small entities than for large entities? Please describe these circumstances.

Scope:

12. OSHA has identified core industries as those that are likely to have an elevated risk of exposure to heat stress. Has OSHA overlooked any industries that should be included in the list of core industries? Are there industries that should be excluded from the list of core industries because they do not have an elevated risk? If so, please identify them and provide an explanation for inclusion/exclusion.
13. Should any types of employers or work settings or activities that are currently included in the contemplated scope of a heat standard be excluded? If so, please identify them and provide an explanation for why they should be excluded.
14. OSHA is considering the following exemptions to the scope of a heat standard:
 - Short duration exposures (e.g., 15 minutes of work in hazardous heat conditions every 60 minutes)
 - Emergency operations, such as those already covered under 29 CFR 1910.156 or 29 CFR 1910.120
 - Work in spaces where mechanical ventilation keeps work areas below certain conditions (e.g., the ambient temperature of 80°F)
 - Work done from home (e.g., telework, remote, and hybrid employees)
 - Sedentary or light activities performed indoors, if these are the only activities performed during the work shift

OSHA is interested in receiving feedback from SERs on whether these settings should be in the scope of a potential standard.

Heat Injury and Illness Prevention Program:

15. If your workplace does not have an existing Heat Injury and Illness Prevention Program (HIIPP), how would you develop a HIIPP at your workplace? What steps would you take to develop the HIIPP? How long do you estimate that it would take to develop the HIIPP?
16. If your workplace has an existing HIIPP, what steps did you take to develop the HIIPP? Does your HIIPP include any of the elements discussed in Section II of the SER Background Document (page 10)? What steps would you have to take to update the HIIPP if OSHA adopted a heat standard? How long do you estimate that it would take to update the HIIPP?
17. The standard could require that employers involve employees in the development of the HIIPP. Have you ever involved employees in the development of any injury and illness programs/plans? If so, please describe the level of employee involvement and how it may have impacted the resulting program or plan.
18. If you have implemented a HIIPP, in your experience, what elements of your company's HIIPP have been most effective in reducing heat-related injuries and illnesses at your workplace?
19. What metrics do you utilize to determine effectiveness of the HIIPP? Have you seen a reduction in the number or severity of heat-related injuries and illnesses? Which elements did not seem effective?
20. Has your HIIPP reduced direct costs for your worksite (e.g., workers' compensation costs, fewer lost workdays) and indirect costs for your worksite (e.g., reductions in absenteeism and worker turnover; increases in reported productivity, satisfaction, and level of safety in the workplace)? Please quantify these reductions, if applicable.

Hazard Identification and Assessment:

21. If you conduct heat hazard identification and assessment at your workplace, how often is this conducted and how long does it take? What factors do you evaluate during the heat hazard identification and assessment?
22. If you are currently monitoring heat conditions at your worksite(s), what kind of monitoring equipment do you use? How many units of equipment are used? How much does it cost to purchase the equipment? How much time does it take for each measurement? How often are heat conditions monitored at your worksite(s)?
23. Are there other factors that you consider for hazard identification and assessment, either for fixed or mobile work sites, that are not included in the regulatory framework? If so, what are they and why do you think they are important?
24. OSHA is considering permitting an employer to forgo tracking forecasts or taking measurements if the employer assumes that a work area meets or exceeds both heat triggers. Employers that elect to do this would not incur monitoring costs. These employers would still be required to comply with relevant control measures as though they took a measurement that meets or exceeds the heat triggers. Do you think you would be likely to elect this exception? Why or why not?

Engineering Controls:

25. What engineering controls are in place at your workplace to mitigate the impact of process heat or heat generated by equipment on worker exposure to heat?
26. If your company provides company-provided vehicles to any workers, what types of controls to mitigate heat exposure are available to workers while using the vehicles?
27. OSHA discusses potential options for engineering controls in Section II of the SER Background Document (pages 16-17). Do you currently utilize any of these controls at your workplace? Which of these controls do you find to be the most effective? How does the type of work site (indoor, outdoor, vehicles) impact the effectiveness of these controls?

Water:

28. If you provide water coolers (with spigots) at outdoor worksites, how many coolers do you currently have and in what size? How many employees do these coolers accommodate?
29. In your workplace, how are you currently providing water to employees? What factors do you consider when determining the best method to provide suitably cool water that is easily accessible to employees? Does this differ for outdoor and indoor work settings?

Protections for Unacclimatized Workers:

30. Are there different challenges and best practices for acclimatization in indoor work settings versus outdoor work settings? Are there unique concerns or approaches for implementing acclimatization for a small versus large business?
31. What are the benefits and costs associated with acclimatization? Are there any challenges or barriers to providing workers with acclimatization?
32. OSHA estimates that employers would assign workers to alternative tasks during some or all of the acclimatization process, which would temper the amount of lost work time. Would this be possible at your company? Why or why not?
33. If you implement acclimatization at your workplace, what process do you currently utilize? Do you provide heat acclimatization for new and returning workers? (Returning workers may be those returning from leave, an extended vacation, or a position where they were not exposed to heat.) How often and for how long are acclimatization protections implemented? What factors do you consider when determining the best method to provide acclimatization for your employees?

Rest/Work-Rest:

34. Do you provide "meal breaks" to all employees? If so, how long are these breaks typically and are these "meal breaks" paid?
35. Do you allow employees to take breaks other than a "meal break"? If so, how often and how long do employees take these breaks? Are these breaks (that are not a "meal break") considered paid or unpaid time? Do you (the employer) decide how long/often the breaks can

be, or can employees take breaks when they need to? Is there a total cap (or maximum) on the amount of time for these breaks (e.g., total amount of break time allowed per day)?

36. Do you modify your policy on breaks when it is a particularly hot day? If so, how do you define a “hot day”? When an employee takes a break, what strategies can/do they use to cool down on hot days?
37. Would it be feasible for you to allow employees to take breaks when they need to on hot days above a certain temperature? Why or why not? How about allowing employees to take 10-minute or 15-minute breaks at regular intervals, such as after every 2 hours of work, on hot days above a certain temperature? Why or why not?

Supervision/Observation:

38. How are employees supervised/observed when they are exposed to heat? Is there a specific trigger that is used to determine when supervision/observation is necessary?
39. What are the best practices for supervising/observing employees for signs of heat-related injury and illness at your worksite(s)? How effective are the supervision/observation activities in preventing heat-related injury and illness in employees? Does this vary if employees are field-based and/or working at a decentralized location? How do employers deal with those challenges?
40. Employers may be required to maintain effective communication with employees whenever the initial heat trigger is met or exceeded. What methods of communication do you use?
41. An option that OSHA is considering when temperatures exceed the high-heat trigger is to require a supervisor or designee to observe employees for signs and symptoms of heat-related injury and illness. What is the maximum number of workers that you think a supervisor or designee should be responsible for supervising/observing? Is your answer dependent on work setting?

Other Administrative Controls:

42. In indoor environments, do you designate excessively high heat areas (e.g., those with ambient temperatures at or above 120°F)? If so, do you restrict access to those areas? How do you inform employees that an area is restricted due to increased risk of heat-related injury and illness? How do you monitor heat in these areas? Does this vary based on humidity levels?
43. During high heat, do you adjust work requirements or procedures (e.g., work schedule, workload, work pace)? What methods do you find to be most effective?

Personal Protective Equipment:

44. Under what conditions do you provide cooling personal protective equipment (PPE) to mitigate heat stress to your employees? What kind of cooling PPE (e.g., cooling vests, wetted garments) do you provide?

45. If you have employees that utilize PPE or clothing that contributes to heat stress (e.g., protective suits or coveralls), what procedures, if any, do you have in place to mitigate the employee's heat exposure?

High-Heat Procedures:

46. When temperatures meet or exceed the high-heat trigger, OSHA is considering requiring employers to hold pre-shift meetings to address heat hazards. Do you currently hold pre-shift meetings? What types of information do you share during these meetings? Do they include topics specific to heat safety?
47. When temperatures meet or exceed the high-heat trigger, OSHA is considering requiring employers to notify employees of heat hazards and protective measures to be used. What do you find is the most effective way to notify employees of increased risks at the work site?

Medical Treatment and Heat-Related Emergency Response:

48. Do any of your injury and illness prevention programs/plans (not just heat-related) include emergency response procedures? If so, what type of emergency response procedures do you have in place? Would these procedures need to be modified to address heat injuries and illnesses?
49. What type of emergency response procedures do you have in place to respond to an employee beginning to show signs and symptoms of heat-related injury or illness? Do you have any protocols in place to determine whether and when they could resume work after cooling down?
50. Do you have a designated person or persons who are charged with responding to emergency medical events at your worksite? What job title do they hold?
51. Has your workplace ever had an incident of serious heat-related illness that required efforts to reduce an employee's body temperature, such as pouring water and ice directly onto the employee or placing the injured employee into an ice bath? If so, was this method effective?

Worker Training:

52. If you have an existing heat safety training program, what is the scope and format of your training program? Does your training program cover any of the topics listed in Section II of the SER Background document (pages 23-24)? If so, which of those topics have been most effective in reducing heat injuries and illnesses?
53. Do all employees receive heat safety training? If not, how do you determine which employees receive training? Do all employees receive the same training? Do you provide additional heat safety training for supervisors?
54. Are workers in multi-employer work arrangements included in your heat safety training programs? How is training handled at multi-employer worksites?
55. Do you provide heat safety training to employees in languages other than English? If so, how many languages do you currently provide training in and how do you determine which languages to provide?

56. How do you determine the duration and frequency of heat safety training? Does the duration and frequency of heat safety training depend on certain conditions (e.g., increased temperatures)? How many hours annually do employees spend participating in heat safety training?

Recordkeeping:

57. Do you maintain records on the heat conditions at your workplace? How often do you record heat conditions at your workplace?
58. OSHA is considering requiring employees to maintain additional records related to heat beyond what is already captured under the existing recordkeeping requirements, as discussed in Section II of the SER Background Document (page 25). Do you currently maintain any of these records (environmental monitoring data, heat-related illnesses and injuries including those that only require first aid, environmental and work conditions at the time of heat-related injuries or illnesses, and heat acclimatization for new and returning employees)? If so, please describe the process of collecting and recording this information. If you are not currently maintaining all record types, what steps would you need to take to prepare and maintain these additional records?

Communication on Multi-Employer Work Sites:

59. If any of your worksites have multiple employers, how do you currently communicate and coordinate with other employers at your establishment? Does this communication and coordination include information about heat-related hazards? If so, how frequent, and how long are these conversations?
60. What are the current challenges in protecting workers in various types of work arrangements, including multi-employer work arrangements, from heat exposure?

Employers in States with Existing Heat Standards:

61. If your business is in a state with an existing state heat standard, which elements of your state's heat standard do you believe have been effective in reducing workers exposure to heat? Which elements have not been effective? How has compliance with your state's heat standard affected your business's operations and finances?