

OSHA Heat Injury and Illness Prevention Informal Rulemaking Hearing - Common Questions

*This document is a list of common questions that OSHA asked hearing participants during the agency's informal rulemaking hearing on its proposed rule for heat injury and illness prevention in outdoor and indoor work settings. Many stakeholders have already provided written or oral testimony on the topics below and information already in the rulemaking record does not need to be resubmitted. However, OSHA asked follow-up questions on the topics below at the hearing seeking additional details and/or greater clarity. **To the extent that hearing participants can provide new or clarifying information in post-hearing comments, this new information will help build a more robust and accurate rulemaking record.** For a verbatim recitation of what was stated on the record, please refer to the official hearing transcript in the rulemaking docket at www.regulations.gov/document/OSHA-2021-0009-25560. The purpose of this document is to assist those who filed a timely Notice of Intention to Appear (NOITA) in preparing their post-hearing comments. Only NOITA filers may file post-hearing comments. The period to file post-hearing comments closes on September 30, 2025.*

- Do you have any recommendations on how OSHA could structure a more performance-oriented standard while still ensuring adequate protection for workers? Are there any elements in a heat injury and illness prevention rule that should be prescriptive or semi-prescriptive (i.e., ranges of allowable water or rest breaks)? Which elements should be performance-based? If OSHA were to adopt a rule with performance-based elements, how would OSHA ensure that workers are adequately protected and how would employers know whether their heat injury and illness prevention plan is sufficient and in compliance with OSHA's standard? Any recommendations for the structure of a performance-oriented rule would be helpful.
- For witnesses advocating for triggers that vary based on geography, what studies or other evidence support this approach?
- What geographic area would you propose OSHA consider for establishing these geography-based triggers, for example, at the county-, state-, or regional-level? What data would you propose OSHA consider for establishing such triggers?
- What trigger(s) are employers currently using to determine when to implement controls in their workplace? What data or information are those based on?
- Some commenters have suggested that OSHA should provide guidance on as-needed breaks to ensure that employers and workers understand what frequency or duration might be expected for preventive rest breaks and when the frequency or

duration of worker-requested breaks should be considered a possible sign of heat-related illness. Could guidance or training of this kind help employers and workers normalize the use of as-needed rest breaks and if so, what should be included in that guidance or training?

- Some commenters stated that the proposed requirement for scheduled rest breaks would be impractical due to issues such as time-sensitive operations.
 - How should OSHA provide flexibility for scheduled rest breaks, particularly while employees are working on time-sensitive operations?
 - Can you discuss how your employer/company/member companies currently provide rest breaks? Are employees typically able to take rest breaks as needed to prevent overheating, and if so, how do supervisors and crews arrange for as-needed rest breaks during time-sensitive operations?
- What engineering controls and administrative controls are currently used by employers to prevent heat-related injuries and illnesses? What alternatives to fans are currently being used in areas where fans aren't appropriate but would otherwise be used?
- How are employers currently monitoring conditions at their work areas? For instance, do they consult weather forecasts and if so, how are they currently accessing those forecasts? For employers conducting on-site measurements, what metrics and devices are they using?
- What protections do companies currently provide for new workers or workers returning from an absence who may not be acclimatized to the heat?
- OSHA heard concerns that the gradual acclimatization option (i.e., gradual increase in daily exposure duration in the first week for new and returning workers) may be impractical for some employers. OSHA included another option in the proposal that gives employers flexibility to design their own acclimatization protocol that, at a minimum, implement the high heat trigger provisions (e.g., observing employees for signs and symptoms and providing scheduled breaks) whenever the initial heat trigger is exceeded in the first week for new and returning workers. Is this a suitable option for employers--why or why not?
 - OSHA also heard concerns about needing to acclimatize all new employees, even those who have been working in similar jobs. OSHA proposed to exclude from the acclimatization requirements situations where employees have worked in the same or similar conditions in the prior 14 days. Does this exemption language address those concerns—why or why not?
- OSHA is interested in any examples of cooling personal protective equipment/personal cooling devices currently being used in workplaces. What has been successful or not successful? How have employers adjusted rest breaks or water provision based on the use of cooling equipment/devices?

- The proposed rule provides the flexibility of maintaining temperature records for indoor work areas in a written form or electronically. Electronic monitoring devices are readily available on the market, are easy to use, and many have the storage capacity to retain records for the proposed 6 months. Do you think using electronic monitoring devices would make the proposed recordkeeping requirement less burdensome?
- OSHA heard concerns around certain terminology in the proposal (e.g., “suitably cool”, “regularly”, “sufficient frequency”) that some witnesses felt was vague and unclear, potentially leading to confusion around compliance. However, other commenters and witnesses felt that this terminology was preferable, allowing employers flexibility to determine the specifics around drinking water temperature, communication frequency, monitoring frequency, etc. for their particular work site(s). OSHA welcomes additional feedback on any terms that commenters believe are unnecessarily vague and any specific recommendations the agency should consider for revising or clarifying these terms in a potential final rule, including the basis for such recommendations.
- If your employer, company, or member companies have successful heat injury and illness prevention plans, heat monitoring plans, or heat-specific emergency response plans, we would welcome any copies you’re willing and able to share in post-hearing comments.
 - Are there any successful heat safety practices currently being implemented by companies that would be hindered or prohibited by the proposed rule as written?
 - What are the main differences between companies’ current practices and the proposed requirements outlined in OSHA’s proposal?
- If there are any papers, reports, or data relevant to OSHA’s rulemaking that were not cited or, in your view, not adequately considered by OSHA in the preamble to the proposed rule, please share those in post-hearing comments.
- Can you provide any data or evidence on the costs and/or benefits associated with state-level heat regulations?
- Are there any data sources that OSHA should consider for their estimate of the number of in-scope indoor workplaces?
- How are employers currently using buddy systems (for any hazard)? If these employers were to expand the buddy system to also include the monitoring of their buddy for signs and symptoms of heat illness, how much additional time would the buddies spend observing each other?
- What percentage of the United States’ workforce receives piece rate compensation; how does this percentage vary by industry?

- How do employers currently prepare for and respond to workers experiencing heat emergencies, like heat stroke?
- How do employers currently make and/or store ice (e.g., ice makers and/or freezers) on-site at fixed locations and for mobile crews?
- Do you have additional data or input to inform OSHA's cost estimates that are not already included in OSHA's analysis?