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Docket Officer
Occupational Health and Safety Administration
US Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Comments Submitted by the Center for Law and Social Policy (CLASP) on the Proposed Rule
"Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings"
Docket No. OSHA-2021-0009

The Center for Law and Social Policy (CLASP) submits this comment in strong support of OSHA's proposed rule aimed at preventing heat-related injuries and illnesses in both outdoor and indoor work environments (Docket No. OSHA-2021-0009). This proposed rule takes decisive action to mitigate the dangers posed by extreme heat, which disproportionately affects low-wage, immigrant, and outdoor workers, particularly in industries like agriculture, construction, and warehousing.

CLASP is a national, nonpartisan, nonprofit advancing anti-poverty policy solutions that disrupt structural and systemic racism and sexism and remove barriers blocking people from economic security and opportunity. With deep expertise in a wide range of programs and policy ideas, longstanding relationships with anti-poverty, child and family, higher education, workforce development, and economic justice stakeholders, including labor unions and worker centers, and over 50 years of history, CLASP works to amplify the voices of directly-impacted workers and families and help public officials design and implement effective programs.

CLASP seeks to improve the quality of jobs for low-income workers, especially workers of color, women, immigrants and youth. Our work includes working with policymakers to raise wages, increase access to benefits, implement and enforce new and existing labor standards, and ensure workers can strengthen their voice through collective bargaining. Quality jobs enable workers to balance their work, school, and family responsibilities—promoting economic stability and security.

The Need for Federal Heat Standards

The dangers of heat stress are well-documented. Each year, thousands of workers suffer from heat-related illnesses, and tragically, some of these incidents result in fatalities.¹ The current lack of comprehensive heat protections for workers exposes them to significant risks. In 2024, as we experienced record-breaking heat waves across the country, these dangers became even more pronounced.² Workers, particularly those in physically demanding jobs with prolonged exposure to heat, faced increased risks of heat exhaustion, heat stroke, and other heat-related illnesses. It is crucial to recognize that the brunt of these dangers falls disproportionately on workers earning low incomes, communities of color, and immigrant laborers, who are overrepresented in physically demanding outdoor jobs. Many of these workers already face precarious working conditions and are further burdened by the lack of heat safety measures. This summer has highlighted dangerous gaps in current worker safety regulations, making the need for enforceable standards more urgent than ever.

CLASP has consistently advocated for comprehensive labor protections that reflect the lived experiences of marginalized communities. We firmly believe that addressing the physical toll of extreme heat is both a matter of worker safety and racial and economic justice. The absence of federally mandated heat protections has left too many workers vulnerable, and this rulemaking is a necessary corrective.

Strengthening Provisions for Monitoring and Heat Exposure Reduction

There are serious dangers posed by heat exposure and the need for monitoring environmental conditions to mitigate these risks. We commend OSHA for its inclusion of comprehensive provisions for monitoring both temperature and humidity in both indoor and outdoor workplaces, particularly in industries where workers face prolonged heat exposure, such as farming and blue-collar work.

The implementation of mandatory use of real-time heat index monitoring equipment ensures that workers and supervisors are aware of rising heat conditions. In addition to requiring access to drinking water and shade, CLASP encourages the implementation of mandatory engineering controls (such as cooling systems, increased air circulation, and ventilation) in indoor work environments where heat can accumulate, like warehouses and manufacturing plants. Regular monitoring, coupled with mandatory adjustments to workloads and schedules during extreme heat, will reduce the likelihood of heat illness and protect workers' health.

Excessive heat exposure has been one of the deadliest risks for workers, particularly those already vulnerable due to their jobs.³ According to the CDC, heat stress accounts for more than 700 deaths each year in the United States alone, with thousands more suffering from serious heat-related illnesses, such as heat stroke and heat exhaustion.⁴ The Department of Labor has reported over 2,000 cases of heat illness in the workplace annually⁵, though many of these incidents are likely underreported.

The rule correctly prioritizes environmental monitoring as a core prevention strategy. An emphasis on the need for regular and continuous assessment of both temperature and humidity levels, two critical factors that can significantly elevate the risk of heat stress—is essential. In outdoor settings, where direct sunlight can raise temperatures far above the ambient air temperature, and in indoor environments like warehouses, where heat can become trapped and stagnant, real-time monitoring of heat exposure is key to implementing timely interventions.⁶

The National Institute for Occupational Safety and Health (NIOSH) has underscored the importance of environmental monitoring, noting that heat exposure is cumulative and can build up over the course of the workday or workweek.⁷ As such, it is critical for employers to continuously track conditions and adjust workloads, provide additional water breaks, and implement cooling strategies when temperatures and humidity levels rise.

Acclimatization and Training for Vulnerable Populations

CLASP supports implementing acclimatization procedures as a necessary approach to protecting workers who are susceptible to heat-related illnesses or required to spend long hours in the heat.

Many workers, particularly those in low-wage jobs, outdoor labor, and seasonal industries, are at increased risk of harm due to their limited ability to control their work environments. Agricultural workers, who face the highest rates of heat-related deaths among all occupational groups⁸, are predominantly immigrants, and a significant portion are undocumented.⁹ Many of these workers lack access to basic protections like shade, rest breaks, water, and they often work in states with few heat safety regulations. These workers are also exposed to climate-related hazards that the general public can choose to avoid.

Acclimatization—gradually adjusting workers to heat conditions over a period of days or weeks—is a scientifically validated method of reducing heat stress and preventing illness.¹⁰ Both OSHA and NIOSH recommend acclimatization for new workers, those returning from time away, and workers transitioning to more strenuous tasks. Without this crucial period of adjustment, workers are at heightened risk of heat exhaustion, heat stroke, and even death. The rule’s emphasis on mandatory acclimatization periods is a crucial safeguard, especially for vulnerable populations who may not be able to advocate for themselves in unsafe working conditions.

Training is another essential component of heat illness prevention. Many workers, especially those with limited English proficiency, may not receive adequate training on the dangers of heat exposure or the steps they can take to protect themselves. The rule’s requirement for accessible training materials in multiple languages is a critical advancement in ensuring that all workers, regardless of background, are equipped with the knowledge to recognize symptoms of heat stress and take appropriate action. Studies show that workers who are adequately trained are more likely to take

necessary precautions, such as staying hydrated and taking breaks, which can prevent the onset of heat-related illnesses.¹¹

Heat Illness Prevention Plans (HIPPs) and Worker Empowerment

CLASP supports development and implementation of Heat Illness Prevention Plans (HIPPs) to standardize the process for identifying, mitigating, and responding to heat-related hazards in the workplace. HIPPs can provide a clear framework for protecting workers from the dangers of excessive heat. A formalized plan ensures that employers are held accountable for maintaining safe working conditions and that workers are informed about the specific measures in place to protect their health.

Equally important is the focus on empowering workers to report unsafe conditions without fear of retaliation. Many low-wage and undocumented workers hesitate to report unsafe conditions due to fear of job loss, deportation, or retaliation from employers.¹² This reluctance leaves them vulnerable to continued exposure to dangerous heat conditions. Empowering workers with the knowledge that they have the right to a safe workplace and that reporting heat hazards is both encouraged and protected under the law is critical to ensuring the success of any heat illness prevention program. By including explicit protections for workers who report unsafe heat conditions, the rule takes an important step toward addressing this issue.

Mandatory Paid Rest Breaks and Emergency Response

The proposed rule correctly identifies the importance of rest and hydration in preventing heat illness, but further clarification is needed to ensure that workers are compensated for rest periods. In industries that require constant physical exertion, particularly outdoors, frequent breaks are critical to preventing heat exhaustion and heat stroke.

OSHA should require that employers provide paid rest breaks during periods of extreme heat, particularly when heat index levels surpass certain thresholds. These rest breaks should be mandatory and occur in cool or shaded areas.

CLASP supports the notion that employers provide paid rest breaks during periods of extreme heat, particularly when the heat index exceeds designated safety thresholds. These mandatory breaks should be scheduled regularly and occur in cool, shaded, or air-conditioned areas to maximize their effectiveness.¹³

To ensure emergency preparedness, employers must establish and communicate clear emergency protocols for responding to heat-related illnesses, ensuring that workers know how to recognize s Furthermore, OSHA must require employers to develop and disseminate comprehensive emergency response protocols for heat-related incidents. These protocols should include clear

guidelines on recognizing symptoms of heat illness, administering first aid, and seeking medical assistance.

Ensuring Robust Protections for Vulnerable Workers

As noted, CLASP's previous work on worker protections, vulnerable populations—including workers in low-wage industries, undocumented immigrants, and workers of color—are disproportionately impacted by heat-related illnesses due to inequities in working conditions and access to safety resources. The proposed rule must explicitly address the needs of these workers to ensure equitable enforcement and compliance. This rule must include stringent anti-retaliation protections to empower workers to report violations without the fear of job loss or other punitive actions. OSHA should establish clear reporting channels that are accessible to non-English speakers and workers in isolated settings.

Promote Worker Involvement and Empowerment

Effective heat illness prevention requires active worker participation. Workers should be given the tools to protect themselves and their colleagues without fear of retaliation. CLASP believes that empowering workers to report unsafe heat conditions is critical to the success of any prevention program. Thus, CLASP supports OSHA's requirement for Heat Illness Prevention Plans (HIPP), with addition that OSHA requires the direct involvement of non-supervisory workers in both the creation and periodic review of these plans. This input can provide first-hand experiences with daily operational challenges ensure that the HIPP addresses real-world conditions effectively. It also not only makes the plans more relevant and tailored to specific job roles and environments but increases worker buy-in and adherence. When workers contribute to the development and ongoing evaluation of occupational health and safety programs, they are more likely to feel a sense of ownership and commitment, leading to better compliance and proactive problem-solving.

CLASP supports the mandating of employers to deliver comprehensive training programs that thoroughly cover heat illness symptoms, preventive measures, and emergency response protocols. This training must be tailored to meet diverse language needs by providing materials and instruction in multiple languages, using visual aids, and offering bilingual trainers or interpreters as needed.¹⁴ Importantly, the training should be provided at no cost to workers, removing financial barriers and ensuring equal access for all employees. To maintain effectiveness, the training should be ongoing, including regular refresher courses and updates to address evolving conditions and reinforce key concepts. Interactive and engaging methods, such as simulations and role-playing, should be employed to enhance learning and retention. Additionally, mechanisms for evaluating the training's effectiveness and collecting worker feedback should be implemented to continuously improve the program and address any gaps. By ensuring comprehensive, accessible, and cost-free training, employers can better prepare workers to manage heat-related risks and promote a safer workplace.¹⁵

Consider Climate Change's Impact on Worker Safety

As climate change continues to exacerbate the frequency and intensity of heat waves, OSHA's heat protection rule must be forward-thinking and adaptable to rising temperatures. Workers, particularly those in outdoor occupations, will face increasing risks in the coming years, and it is critical that OSHA's standards evolve in tandem with these environmental changes.

We encourage OSHA to adopt a flexible framework for updating heat protection thresholds and requirements, reflecting the changing climate and scientific advancements in heat illness prevention. This includes creating a mechanism for automatically adjusting heat protection standards as new climate data becomes available, ensuring workers remain protected in the face of worsening conditions.

CLASP strongly supports OSHA's initiative to address the hazards of heat exposure in the workplace. This proposed rule is an important step toward safeguarding the health and well-being of millions of workers. The rule's provisions for environmental monitoring, acclimatization, worker empowerment, paid rest breaks, and emergency protocols are critical to protecting workers from the dangers of heat exposure. By adopting and strengthening these interventions, OSHA can significantly reduce the incidence of heat-related illnesses and injuries across all sectors of the workforce. We appreciate the opportunity to submit these comments and look forward to continued engagement as OSHA works to finalize this critical rule.

Please don't hesitate to reach out to Lulit Shewan at lshewan@clasp.org with questions or for more information.

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