

# Compliance Bulletin

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## OSHA's Outdoor and Indoor Heat-Related Hazards National Emphasis Program

On April 8, 2022, OSHA launched its [National Emphasis Program](#) (NEP) to protect workers from heat-related hazards in indoor and outdoor workplaces. Through the program, OSHA will conduct workplace inspections aimed at identifying heat-related hazards before workers suffer preventable injuries, illnesses or fatalities.

This NEP applies to all industries. The NEP became effective on April 8, 2022, and will remain in effect **for three years**, unless canceled or extended by a superseding directive.

### NEP BACKGROUND

The NEP establishes heat priority days, when the heat index is expected to be 80 degrees Fahrenheit or higher. On those priority days, OSHA will:

- Initiate compliance assistance in the targeted high-risk industries; and
- Continue to investigate any alleged heat-related fatality, catastrophe, complaint or referral, regardless of whether the worksite falls within a targeted high-risk industry.

The NEP encourages employers to protect their workers from heat-related hazards during heat priority days by providing them with access to water, rest, shade and adequate training, as well as implementing acclimatization procedures for new or returning employees.

### ACTION STEPS FOR EMPLOYERS

Employers should review the NEP and implement adequate policies and procedures to prevent heat-related illnesses and fatalities among workers.

## | Heat-Related Hazard Controls

General steps that employers can take to materially reduce or eliminate workers' exposure to heat-related hazards include:

- Conducting training;
- Providing personal protective equipment;
- Utilizing engineering controls;
- Ensuring safe work practices;
- Using administrative controls;
- Performing health screenings; and
- Enforcing heat alert programs.

## | Important Dates

### APRIL 8, 2022

On this date, the NEP went into effect.

### MAY 3, 2022

Stakeholder meeting being held on OSHA's ongoing efforts to protect workers from heat-related hazards.

### APRIL 8, 2025

On this date, the NEP is scheduled to expire.



## NEP Overview

The goal of this OSHA NEP is to reduce or eliminate workers' exposure to heat-related hazards that may result in illnesses, injuries or deaths by targeting industries and worksites (including those with radiant heat sources) where employees are exposed to such hazards and have not been provided adequate protection. The primary mitigation strategies for controlling heat-related hazards include providing cool water and rest areas, conducting necessary training, and implementing acclimatization procedures for applicable employees.

In addition, this NEP will:

- Incorporate and expand on the Sept. 1, 2021, heat initiative memorandum to further focus on heat-related hazards in both the outdoor and indoor work environments; and
- Provide procedures for planned, programmed and follow-up inspections in targeted workplaces.

This NEP prioritizes on-site (in-person) responses for complaints and employer-reported hospitalizations (i.e., severe injury reports) stemming from heat-related hazards.

### HIGH-RISK INDUSTRIES

The NEP targets over 70 industries that present a high risk for heat-related hazards. OSHA identified these industries based on Bureau of Labor Statistics data and its own reports, which found that high-risk industries have exhibited:

- High numbers or incidence rates of heat-related illnesses;
- An elevated number of days away from work or high numbers of severe cases of heat-related illnesses;
- The highest number of heat-related general duty clause violations and hazard alert letters over a five-year period; or
- The highest number of heat-related OSHA inspections since 2017.

Programmed inspections under this NEP will occur on any day that the National Weather Service (NWS) has announced a heat warning or advisory for the local area. A list of high-risk industries can be found in the NEP under [Appendix A](#).

### HOW INSPECTIONS ARE DETERMINED

To prevent heat-related illnesses and deaths, compliance safety and health officers (CSHOs) conducting on-site investigations for other purposes must open or refer inspections for any heat-related hazards physically observed, recorded in OSHA Form 300, logged in 301 Incident Reports, or reported by workers (e.g., employees or temporary workers being exposed to high-temperature conditions without adequate training, acclimatization measures or access to water, rest or shade). The expansion of inspections must be conducted in accordance with the [Field Operations Manual](#) (FOM).

Additionally, CSHOs will inquire during inspections about the existence of any heat-related hazard prevention programs in place for heat priority days. A heat priority day occurs when the heat index for the day is expected to be 80 degrees Fahrenheit or more. The OSHA Area Office (AO) will assess the potential for serious heat-related illnesses and injuries where such hazards may exist in indoor or outdoor work areas on heat priority days, providing compliance assistance where needed.



Furthermore, programmed inspections will occur on any day that the NWS has announced a heat warning or advisory for the local area. During heat warnings or advisories, establishment lists derived from [Appendix A](#) will be used for programmed inspections.

Another source of inspections for heat-related hazards is referrals from the Wage and Hour Division (WHD) of the U.S. Department of Labor. When high temperatures occur or a heat alert is issued for an area where it is investigating, the WHD is encouraged to coordinate with OSHA by providing information on heat-related hazards and making timely referrals.

## Exemptions to Inspections

OSHA's Appropriations Act (the Act) has placed exemptions and limitations on enforcement activities for employers with 10 or fewer employees, commonly referred to as small employers. Small farming operations and small employers in low-hazard industries are most affected by the exemptions and limitations of the Act. A farming operation with 10 or fewer employees at all times and no active temporary labor camp in place throughout the preceding 12 months is exempt from OSHA enforcement (e.g., programmed health or safety inspections, referrals, or complaints).

Family members of farming employers are not counted when determining their number of employees. A nonfarming employer with 10 or fewer employees listed in [Appendix A](#) has some enforcement exemptions and limitations under the Act. Namely, programmed safety inspections are not permitted, but programmed health inspections are allowed.

Employers participating in select cooperative programs may also be exempt from programmed inspections.

## SCHEDULING INSPECTIONS

Within a specified cycle, inspections for heat-related hazards must be scheduled in accordance with the FOM. The highest priority will be given to fatality inspections. Secondary priority will then fall on other unprogrammed inspections (i.e., complaints and referrals) alleging employee exposure to heat-related hazards.

When the level of unprogrammed activities has decreased sufficiently, the AO may schedule follow-up inspections for heat-related hazards to meet the goals of the NEP. Initial follow-up inspections will be conducted for establishments that were previously inspected as a result of heat-related fatalities and were issued citations. Follow-up inspections will be completed to determine if abatement was implemented for heat-related hazards. Additional follow-up inspections will be conducted for establishments that receive serious violations for heat-related hazards or, in some cases, other-than-serious citations.

Employers should be aware that OSHA Area Directors (ADs) may also select establishments for follow-up inspections where any of the following applies:

- The establishment previously received an other-than-serious recordkeeping violation related to failing to record a heat-related illness or injury, as well as other circumstances (at OSHA AD discretion);
- A previously inspected employer continues to expose employees to heat-related hazards, or has not fully and properly implemented required engineering controls, administrative controls, work practices and personal protective equipment noted in the abatement certification, within the time period specified; or
- The establishment fails to verify abatement measures for a previous violation.

Employers may be required by OSHA ADs to provide written updates documenting the progress of abatement efforts if follow-up inspections cannot be performed.



## What to Expect

Establishments identified for programmed inspections will have inspections for heat-related hazards completed at the same time as their programmed inspections. Inspections will follow the normal OSHA inspection procedures, starting with an opening conference, a walk-through and a follow-up with a closing conference.

During inspections for heat-related hazards, employers should expect that CSHOs will:

- ☑ Review OSHA 300 Logs and 301 Incident Reports for any entries indicating heat-related illnesses;
- ☑ Review any records of heat-related emergency room visits or ambulance transportation, even if hospitalizations did not occur (this may require the use of a Medical Access Order);
- ☑ Interview workers for symptoms such as headaches, dizziness, fainting, dehydration or other conditions that may indicate heat-related illnesses, including both new employees and any employees who have recently returned to work; and
- ☑ Determine whether employers have effective heat-related illness and injury prevention programs in place addressing heat exposure on-site.

When determining whether employers' heat-related illness and injury prevention programs are effective, CHSOs will ask the following questions:

Is there a written program in place?

- How does the employer monitor ambient temperature(s) and levels of work exertion at the worksite?
- Is there unlimited cool water that is easily accessible to employees on-site?
- Does the employer require additional breaks for hydration?
- Are there scheduled rest breaks?
- Is access to a shaded area provided?
- Does the employer provide sufficient time for the acclimatization of new and returning workers?
- Is a "buddy system" in place for hot days?
- Are administrative controls used (e.g., earlier start times and employee/job rotation) to limit heat exposure?
- Does the employer provide training on signs of heat-related illnesses, ways to report these signs, steps for performing first aid, methods for contacting emergency personnel, heat-related illness prevention measures and hydration best practices?

CHSOs will document the conditions relevant to heat-related hazards amid inspections and identify employee activities that are relevant to such hazards.

OSHA is also providing outreach programs for heat-related illnesses. These programs may provide further compliance assistance, tools and resources.

Source: [OSHA Heat-related Hazard NEP](#)