

Biden Administration Announces Heat-Related Hazard Inspection Initiative, Upcoming Rulemaking

Alert

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By Brittany Barrientos and Patrick Edwards

As part of the Biden Administration's efforts to protect workers, the White House today announced formal efforts to address heat-related illnesses. The first step is OSHA's recent memo establishing an [enforcement initiative to address heat-related illness](#), focusing inspections on days when the heat index exceeds 80 degrees (heat priority days). The memo directs area offices to become familiar with weather warnings out of the U.S. National Oceanographic Atmospheric Administration and National Weather Service, including heat advisories and heat watches and warnings, and to prioritize inspections of industries expected to have higher heat-related hazards.

These industries include employers with indoor and/or outdoor worksites, including:

- General industry
- Construction
- Agriculture and landscaping
- Oil and gas operations
- Maritime
- Mining
- Foundries, brick-firing and ceramic plants
- Glass and rubber production facilities
- Electrical utilities (particularly boiler rooms)

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- Transportation and warehousing
- Bakeries, confectioneries, commercial kitchens, laundries, food canneries, warehouses without adequate climate control
- Chemical plants
- Smelters
- Other industries with activities that require moderate to high physical exertions or the wearing of heavy or bulky clothing or equipment on a hot day.

In the event of a heat-related inspection, the memo instructs OSHA inspectors to:

- Review OSHA 300 logs for heat-related illnesses
- Review injury/illness reports and obtain records
- Interview workers for reports of headache, dizziness, fainting, dehydration or other symptoms indicating heat stress
- Review employers' plans to address heat exposure, work-rest schedules, and training on implementing heat illness prevention programs
- Document the heat index
- Identify conditions relevant to heat-related hazards

This summer was the hottest on record and, while the summer is winding down, there are still plenty of "heat priority days" to be had (October 2020 was the fourth warmest on record). Employers should:

- Be aware of heat priority days
- Reevaluate heat-related hazard plans
- Review employees' understanding of heat-related illness and how to recognize hazards
- Provide water and breaks
- Confirm recordkeeping processes and have records consolidated in the event of an OSHA inspection

As part of the initiative, OSHA is also developing a National Emphasis Program focusing on heat-related hazards in high-risk industries, and will begin a rulemaking next month covering heat-related hazards. There are not currently specific federal heat standards (though recordkeeping requirement and other standards may be generally applicable, and several state plan states have heat-related standards). Citations issued to address heat-related hazards are typically issued under the General Duty Clause (GDC), which requires employers to provide a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. The memo instructs inspectors to issue GDC

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citations for heat-related hazards identified through this initiative.

CONTACTS

Brittany Barrientos

Patrick Edwards

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