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Heat Injury and Illness Prevention in Outdoor/Indoor Work Settings: Six State Attorneys General Submit Comments on OSHA Advance Notice of Proposed Rulemaking

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Six Attorneys General jointly submitted January 26th comments on the Occupational Safety and Health Administration's ("OSHA") advance notice of proposed rulemaking ("ANPR") for heat injury and illness prevention in outdoor and indoor work settings.

See 86 Fed. Reg. 59,309 (Oct. 27, 2021).

The state attorneys general filing the comments are from the states of:

- New York
- California
- Maryland
- Massachusetts
- New Jersey
- Pennsylvania

OSHA's ANPR sought information addressing:

- Extent and nature of hazardous heat in the workplace
- Nature and effectiveness of interventions and controls to prevent heat-related injury and illness

OSHA stated it initiated the ANPR because of:

- Immediacy of climate change
- More frequent and intense extreme heat events
- Growing risk of injury, illness, and death from occupational heat exposure

The state attorneys general request OSHA:

. . . to take swift actions to implement national heat standards for outdoor and indoor workers pursuant to its authority under Section 6 of the Occupational Safety and Health Act.

The state attorneys general comments include recommendations such as:

- OSHA Should Set quantifiable Heat Exposure Thresholds

- OSHA Should Require Employers t o Implement Preventive Measures to Minimize the Risk of Occupational Heat-Related Illness
- OSHA Should Require Employers to Keep Records of All Heat-Related Injuries and Illnesses in the Workplace and to Report Those Records to OSHA
- OSHA Should Enhance Its Workplace Inspection Program
- OSHA Should Require Employers to Institute Measures to Protect Vulnerable Workers

A copy of the news release from the California Attorney General and associated comments can be downloaded here.