

HEAT ILLNESS PREVENTION

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Current Status

- National Emphasis Program (NEP)
What does that mean to you?
 - Working on a standard
 - General Duty Clause

How do we get from:

General Duty Clause to
specific standard?

How does an idea become a standard?

- Advance Notice of Proposed Rulemaking
 - ✓ Comments/hearings
- Proposed Rule
 - ✓ Comments/hearings
- Final Rule
 - ✓ Ninety days
- Legal challenges in Federal Appellate Court
(may continue as long as standard is on the books)
- For a good example we only have to go as far as 1926.501(b)(1) and 1926.501(b)(10)

General Duty Clause

Section 5(a)(1)

“Each employer shall furnish to each of **“his employees”** employment and a place of employment which are free from “recognized hazards” that are causing or likely to cause “death or serious physical harm to his employees.”

General Duty Clause (cont.)

- May not be used as a substitute for specific rule making
- Feasible means of abatement
- Non-negotiable below the Serious Classification
- Variances are not available (methods of compliance may vary)

Examples of General Duty Clause Application

- Heat Illness Prevention
- Distracted Driving
- Distracted Working
- Cold Injury Protection

What is a Recognized Hazard?

- Recognized by employer (be careful what you put in writing)
- Recognized by industry
 - ✓ Other companies in industry protect against hazard
 - ✓ Trade Associations

Examples of General Duty Clause Enforcement

Heat Illness Prevention

Secretary of Labor v. Post Buckley, Schuh & Jernigan, Inc.

OSHRC Judge Patrick Augustine on March 15, 2012:

- Affirmed a General Duty Clause citation.
- Concluded that Heat Illness/Stress is a recognized hazard.
- Judge Augustine also ruled that the first five of six parts of the NIOSH Criteria Document on Heat Illness are feasible means to protect employees.
- They are: Acclimatization, Work/Rest Regimen, Hydration, Cooling-Off Areas, and Training.

Examples of General Duty Clause Enforcement

Heat Illness Prevention

Sturgill Roofing

Decision by full Review Commission

- Reversed decision by Judge Carol A. Baumerich
- Citation vacated primarily on a technicality. CSHO proposed feasible abatement steps as alternatives of each.
- Employer “Could have reduced exposure to hazard by:
 - ✓ Acclimatization – OR – Prevent employee from wearing clothes unsuitable for hot environment – OR – Formalized work/heat regimen – OR – Formalized water drinking program.”

Examples of General Duty Clause Enforcement

Heat Illness Prevention

Sturgill Roofing

Sturgill had an acclimatization program.

Secretary never delineated what specific steps Sturgill could or should have taken.

OSHA'S CURRENT POSITION

Water – Rest – Shade

-BUT-

NIOSH Criteria Document

- Acclimatization
- Work/Rest Regimen
- Adequate Hydration
- Cooling Off Areas
- Training

SUPERVISOR DRIVEN

Acclimatization

Applies to employees new to a high heat index job site or employees who are returning to such a site after a period of time away from it.

Work/Rest Regimen

Will vary with heat index.

Must be enforced by site supervisor.

Heat Index (°F)	Light Work Minutes Work/Rest	Moderate Work Minutes Work/Rest	Heavy Work Minutes Work/Rest
90	Normal	Normal	Normal
91	Normal	Normal	Normal
92	Normal	Normal	Normal
93	Normal	Normal	Normal
94	Normal	Normal	Normal
95	Normal	Normal	45/15
96	Normal	Normal	45/15
97	Normal	Normal	40/20
98	Normal	Normal	35/25
99	Normal	Normal	35/25
100	Normal	45/15	30/30
101	Normal	40/20	30/30
102	Normal	35/25	25/35
103	Normal	30/30	20/40
104	Normal	30/30	20/40
105	Normal	25/35	15/45
106	45/15	20/40	Caution
107	40/20	15/45	Caution
108	35/25	Caution	Caution
109	30/30	Caution	Caution
110	15/45	Caution	Caution
111	Caution	Caution	Caution
112	Caution	Caution	Caution

Adequate Hydration

Ample cool water on site for all employees.

Enforce employees to hydrate by consuming 8 ounces of water every 15-20 minutes.

Drink even though not thirsty.

Cooling Off Areas

Locate in close proximity to job site.

Easy to get to for all employees.

Ideally ambient temperature of 76°F.

Use during rest periods and whenever feeling adverse effects of high heat index environment.

OSHA Memo July 19, 2012

- Directive to expedite heat related inspections and to issue citations.
- Goal to result in swift abatement and reduce heat related illnesses and death.
- Reference NOAA Heat Index Chart.

NOAA's National Weather Service

Heat Index

Temperature (°F)

Relative Humidity (%)	80	82	84	86	88	90	92	94	96	98	100	102	104	106	108	110
40	80	81	83	85	88	91	94	97	101	105	109	114	119	124	130	136
45	80	82	84	87	89	93	96	100	104	109	114	119	124	130	137	
50	81	83	85	88	91	95	99	103	108	113	118	124	131	137		
55	81	84	86	89	93	97	101	106	112	117	124	130	137			
60	82	84	88	91	95	100	105	110	116	123	129	137				
65	82	85	89	93	98	103	108	114	121	126	130					
70	83	86	90	95	100	105	112	119	126	134						
75	84	88	92	97	103	109	116	124	132							
80	84	89	94	100	106	113	121	129								
85	85	90	96	102	110	117	126	135								
90	86	91	98	105	113	122	131									
95	86	93	100	108	117	127										
100	87	95	103	112	121	132										

Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity

Caution

Extreme Caution

Danger

Extreme Danger

Hazard Recognized

Heat advisory

Employee complaints about heat

Signs & symptoms of heat exposure

Employer acknowledges heat issue by providing some but not all of remediation.

Employer's industry issues guidance.

Causing or Likely to Cause

Heat exhaustion

Heat stroke

Fatality

Feasible & Useful Method to Correct Hazard

Provide immediate access to water, rest, shade

Acclimatization program

Implement a work/rest schedule

Climate controlled cool down area

If some but not all four of the preceding components are present,

CSHO is to issue a hazard alert letter.

Questions for CSHO to Answer

General

- Heat related incidents on 300 log?
- Work is in direct sun or non-air-conditioned facility?
- Is heat stress potential regularly evaluated/monitored – How?
- Length of time on job/task?
- Action by employer?
- Heat stress prevention program?
- Acclimatization program?

Questions for CSHO to Answer (cont.)

Water

- Drinking water available?
- Workers required to drink water?
 - ✓ Enforced?
- ✓ Water coolers throughout the day?

Rest

- Work/rest regimen in place?

Questions for CSHO to Answer (cont.)

Shade

- Is shade or climate-controlled area available for breaks and rest periods?

Health effects/emergencies

- Employee experienced health effects
- What is done if employees suffer heat-related health effects?
- Emergency notification
- First aid

Questions for CSHO to Answer (cont.)

Training

- Have employees received training on heat-related illnesses and the effects of heat?
- Do workers know:
 - ✓ Common signs & symptoms of heat illness?
 - ✓ Proper precautions?
 - • Avoid energy drinks, alcohol and caffeine
 - • Listen to your body
- Importance of acclimatization?
- Importance of drinking water frequently?
- What to do if someone has symptoms?

Is the competent person on site able to deal with heat-related illnesses?

If not, is there someone else with this level of training?

What Should You Do?

1. Have a WRITTEN heat illness prevention program part of your safety program.
2. Be sure you have someone on site who is trained to deal with high heat work environment (competent person).
3. Use Heat Index Chart or Smart Phone App.

What Should You Do? (cont.)

4. Always have adequate cool drinking water available.
5. Encourage/require employees to hydrate frequently.
6. Require employees to follow work/rest regimen.
7. Be sure work/reset regimen is tied into heat index.

What Should You Do? (cont.)

8. Have work/rest regiment & hydration schedule reviewed and approved by company doctor.
9. Have climate-controlled colling off area close to work area (within 5 minute walk).
10. Have acclimatation program.

What Should You Do? (cont.)

11. Have documentation of all training on heat stress.
12. HAVE SOMEONE ON SITE WHO IS ABLE TO IDENTIFY HEAT-RELATED PROBLEMS AND HAS THE AUTHORITY TO TAKE INDEPENDENT CORRECTIVE ACTIONS.



OSHA-NIOSH Heat Safety Tool

12+

Centers For Disease Control and Prevention

#148 in Weather

★ ★ ★ ★ ★ 2.8 • 112 Ratings

Free

11:03

Heat Index

McAllen Texas

78°F 64%

At 10:03 AM
Feels Like
78°F

Precautions

Conditions are potentially dangerous.

Heat index Hourly Symptoms First Aid More

11:03

Hourly Index

3:00 PM Feels Like 85°F Warning

4:00 PM Feels Like **85°F** Warning

5:00 PM Feels Like 85°F Warning

Location: McAllen Texas

Precautions

Conditions are hazardous.

Heat index Hourly Symptoms First Aid More

1:16

First Aid

[En Español](#)

Heat Stroke

[Review the signs and symptoms of heat stroke](#)

- THIS IS A MEDICAL EMERGENCY: Call 911.
- Stay with the worker until help arrives.
- Move the worker to a shady, cool area.
- Remove outer clothing.
- Cool quickly with a cold water or ice bath if possible; wet the skin, place cold wet towels on skin, or soak clothing in cool water.
- Fan air around the worker.
- Place cold wet towels or ice on the worker's head, neck, armpits, and groin.

Heat Exhaustion

[Review the signs and symptoms of heat exhaustion](#)

- Take the worker to a clinic or emergency room for medical evaluation and treatment.
- If medical care is unavailable, call 911.
- Stay with the worker until help arrives.

Heat index Hourly Symptoms First Aid More

OSHA Heat Tool App

78°F – Caution

78°F to 94°F – Warning

94°F and Up – Danger

Caution Level

- Moderate work activities in heat less than 2 hours
- 1 cup (8 oz.) water every 15-20 minutes
- Prolonged sweating lasting several hours
- Drink sports drinks (electrolytes)
- Cool shaded rest areas
- Provide shade, hats, & sunscreen – Encourage use

Warning Level

- Knowledgeable person on site to set up work/rest schedules and modify work activities.
- Same hydration schedule as for Caution Level.

Danger Level

- Reschedule non-essential work.
- Stop work if protective measures are not possible.
- Establish CLEAR drinking schedule.
- Actively encourage workers to drink water often.
- Same basic hydration schedule as for warning level.
- Knowledgeable person to modify work activities and set work/rest schedules and conduct physiological monitoring.

QUESTIONS?



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