**New House Bill Would Require OSHA to Develop Heat Standard – Let the Debate Begin**

A new bill introduced in the U.S. House of Representatives would require OSHA to establish heat exposure rules for both indoor and outdoor workplaces.

Called the Asuncion Valdivia Heat Illness and Fatality Prevention Act, it would require OSHA to issue a formal heat protection standard. The bill was introduced on July 10 by U.S. House Representatives Judy Chu and Raul Grijalva, with 27 co-sponsors. The Act is named for a farm worker who died from heat exposure. Representative Chu was a leader to create a California state law regarding heat protections, one of the first of its kind.

**The Proposed Bill**

The current bill would require a federal standard as strict as any state law. As a result, requirements would include:

* Set exposure limits and limitations on how long workers can be exposed to heat.
* Written heat-illness prevention programs including:
  + Engineering controls such as local exhaust ventilation, shielding from radiant surfaces, insulation of hot surface, evaporative coolers, fans and mist coolers, updating air conditioning systems, natural ventilation;
  + Administrative controls such rotating work schedules, scheduling work earlier or lateri in the day, and work rest schedules;
  + PPE such as water-cooled garments, air cooled garments, reflective clothing, cooling vests; and,
  + Emergency response plans.
* Workers would have paid breaks in cool spaces and access to water.
* Employees would be allowed to acclimatize to the heat.
* Employers would be required to train workers in heat-stress symptoms and responding to them.

If passed, OSHA would be required to have a new standard in place within 2 years, and if the for some reason the standard wasn’t finalized by then, an interim standard would need to be created for finalization in another 2 years.

**How Does OSHA Handle Heat Now?**

Currently heat-related injuries and illnesses are cited under the General Duty Clause. In June, a Georgia company was cited $21,311 for a worker who was hospitalized with heat exhaustion, and in January it cited the U.S. Postal Service $149,664 for a worker who died from a heat-related episode. Many states and OSHA state-plan states have also developed their own rules.

**House Committee Testimony – Let the Debate Begin**

The bill has been introduced the House Committee on Education and Labor. In a hearing of that committee on July 11, in addition to the testimony of Representatives Chu and Grijalva, other supporters ranging from an occupational health and safety professor, an organizer with a warehouse advocacy center, an occupational medical doctor, and a representative of the United Farm Workers of America gave testimony in support of the bill. However, a labor representative from California Farm Bureau federation, a safety and health representative of Associated General Contractors and other House committee members had some questions about the standard.

Congressman Ben Cline said that while it’s certainly a serious and important issue, he questioned if the bill was taking a one size fits all solution. He questioned if it would be overly burdensome to apply a federal standard to all areas of the country when there are different levels of heat and different levels of heat-related illness between states. He said that a one-size fits all approach becomes much more complicated when it’s applied to different industries where the workplace may change from one place to another, such as in truck driving. He also pointed out that in 2012, OSHA had considered a heat illness standard. However, the effort was cancelled due because OSHA found having one overall standard for this issue had many complications and opportunities for ineffectiveness.

Congressman Bradley Byrne questioned if it was possible to make a federal regulation flexible enough to both be effective and fit different workplaces, workers, and scenarios. He said that anything developed needs to have many stakeholders involved, from the OSHA to employers to employees themselves. If the regulations are too onerous, employees may not want to do what they need to do to comply with the regulations. To get everyone involved, it will take time to develop, and the 2-year timeline for a federal regulation is incredibly short compared to the 15 years it took the state of California to develop a regulation that did bring together all interested parties for a state regulation. Byrne pointed out that OSHA already has a mechanism to enforce heat standards, and cited the 2012 OSHA decision to cancel heat regulations in favor of enforcement and education. He said he’d like to hear from OSHA as they’re the ones who will be forced to implement such a standard in only 2 years, considering they had tried before and then had decided against it. Byrne said Congress needs to be very careful when passing laws like this because of all of the unintended consequences that can come out of it.

Watch the house committee meeting and debate below:

<https://www.youtube.com/watch?v=cQa3ng55mx8>