



National Heat Standard

Oppose one-size fits all national heat standard

Action Needed:

Oppose the Asuncion Valdivia Heat Illness and Fatality Prevention Act of 2019. H.R.3668 would unnecessarily direct OSHA to issue an unworkable standard on heat stress, complicating the existing, common-sense work OSHA and the contracting community have done to address the subject.

Background:

- According to the National Institute for Occupational Safety and Health (NIOSH), workers who are exposed to extreme heat or work in hot environments may be at risk of heat stress. Heat-related illnesses range from heat cramps to heat exhaustion to heat stroke. While heat illnesses can be deadly, it is preventable with proper education and team work. A proven strategy to combat heat stress is the Occupational Safety and Health Administration's (OSHA) "Water. Rest. Shade" campaign approach.

AGC Message:

- **The construction industry is proactively addressing heat exposure.** Construction contractors are keenly aware of the dangers of working in extreme temperatures and have taken appropriate steps to reduce related risks. In addition to OSHA's guidance contractors are scheduling work earlier or later to avoid performing tasks during times of extreme heat, setting up cool down areas on job sites, and taking a total wellness approach to educate employees on the importance of managing health, diet, and hydration.
- **There are existing federal agency efforts and laws that address this matter.** Since 2011, OSHA has raised awareness of the dangers associated with working in extreme temperatures through its Heat Illness Prevention Campaign. Through education sessions, outreach events, information sessions, social media messaging, and more, millions of workers and employers have learned how to protect themselves from extreme heat.
- **Imposing a federal standard and/or law is unnecessary, unworkable, and impractical.** Another federal law or standard is simply unnecessary given that: (1) current federal law already protects workers from extreme heat; (2) OSHA is actively conducting inspections; and (3) employers may be cited for not providing a safe workplace via the OSH Act general duty clause. There is no one-size-fits all approach to address this, as climate varies from region to region and the health and underlying factors that contribute to heat stress vary by employee.
- **OSHA has previously determined that such a standard was unworkable.** Congress should not legislate on an issue where the federal government already has an agency with authority and jurisdiction to promulgate such a standard: OSHA. In addition to circumventing the rulemaking process, the passing of legislation requiring OSHA to issue an emergency temporary standard with final rulemaking after unfairly subjects employers to enforcement of a rule that stakeholders nor the general public were afforded an opportunity to review or provide input on.