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ENVIRONMENT, CLIMATE AND HEALTH

FACT SHEET

Statewide Laws to Protect Workers from Extreme Heat

Extreme heat is the number one cause of weather-related death in the United States. Heat-related illnesses - including heat stroke, heat rash, preterm birth, respiratory and cardiovascular complications, renal failure, kidney stones - accounted for more than 110,000 emergency room visits in 2023, and consistently accounted for more than 65,000 emergency room visits per year over the past decade. Exposure to extreme heat is particularly risky for indoor and outdoor workers in agricultural and construction work, landscaping and trash collecting, and warehouses and factories that lack air conditioners or other cooling equipment. And like many other workplace threats, workplace exposure to heat inequitably impacts workers of color – for example, at all income levels Hispanic workers are more likely to be exposed to heat hazards in the workplace.

While legal protections from extreme heat exposure for workers are essential to protecting health and remedying existing inequities in heat related illness and death for the U.S. workforce, such standards are inconsistent across the nation. At the federal level, the Occupational Safety and Health Administration (OSHA) requires employers - under a general duty clause – 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." But this standard is fairly vague, and has not resulted in widespread adoption of the types of proactive protections needed to prevent on the job exposure to extreme heat. On August 30, 2024 the federal OSHA started a process that could result in specific nationwide standards to reduce workplace exposure to extreme heat, by issuing a notice of proposed rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work settings. If enacted through the federal rule making process, the standard will apply nationwide to most federal employees, private employers and employees, and state and local employees in states with state approved plans. OSHA estimates the standard proposed in 2024 could reduce heat related injuries and deaths at work by 65-95%, and it is anticipated that OSHA's proposed rule could provide the greatest protections to low-income and Hispanic workers. Later this year, after analyzing public comments, OSHA could move forward with finalizing a rule – with or without revisions to the substance. A summary of the proposed rule can be found here.

Some states and localities have enacted, or are in the process of enacting, laws and policies protecting workers from heat-related illnesses and death. Local ordinances could require protections such as mandated periodic rest breaks or the provision of water to workers. Other localities may choose other pathways to protect workers — like the Phoenix ordinance requiring city contractors to use heat safety plans to protect outdoor workers from heat-related injury and illness, via contractual requirements. But localities should be mindful that states may consider state laws limiting local protections — like those passed in Texas and Florida.

Despite risks of extreme heat illness and injury from exposure to heat at work, only 7 states have adopted statewide heat protections for workers at the time this resource was published. Many of the laws take the form of administrative regulations, rather than statutes. These laws vary in the scope and extent of protections, but commonly include requirements related to: heat illness prevention plans, emergency procedures, training, acclimatization procedures, access to mitigation methods such as shade, water, and rest breaks. The matrix below summarizes these laws and identifies when and to whom they apply.

Further information summarizing federal, state, and local efforts to protect workers from extreme heat, and how those efforts may interfere or interact with one another can be found in Law and Policy Considerations for Workforce Protections from Extreme Heat.

Summary Matrix of State Laws Addressing Extreme Heat for Workers

STATE	CITATIONS	APPLICABILITY	REQUIREMENTS	EXCEPTIONS
CA	Cal. Code. Regs. 8 §§ 3395 - 3396	Indoor work areas where the temp is at least 82°F All outdoor work areas Outdoor high-heat procedures apply for the following industries: Agriculture, Construction, Landscaping, Oil and gas extraction, and Transportation or delivery of agricultural products, construction materials or other heavy materials	**Heat Illness Prevention Plan:** develop and implement a heat illness prevention plan addressing all required heat safety and response procedures in English and a language understood by the majority of workers. **Emergency Response Plan:** develop and implement emergency response procedures to help identify and monitor heat illness/injury and obtain first aid and emergency medical services. Employees exhibiting signs or symptoms of heat illness must be monitored and not be left alone or sent home unless offered onsite first aid and/or provided emergency medical services. **Training:** provide employee and supervisor heat stress training related to heat illness, risk factors, and mitigation and response procedures. **Acclimatization:** Close observation by a supervisor: • During heat waves • For 14 days for indoor employees newly assigned where the temp or heat index is at least 87°F, or 82°F where employees wear clothing that restricts heat removal or work in high radiant heat area • For 14 days after outdoor employee newly assigned to a high heat area **Preventative Measures:** Employers must: • **Water:** Provide opportunity to drink at least 1 quart/hr of cool drinking water • **Cool-down/Shade area:** • When outdoor temp >80°F provide enough safe, ventilated or open air, shade for outdoor employees to sit without touching • When outdoor temp <80°F provide outdoor employees with shade if requested • Maintain indoor cool-down area, with temp <82°F, large enough for employees to sit without touching, • **Cool-down break:** Allow/encourage employees preventative cool-down breaks in a cool-down area/shade area as needed to prevent overheating, during which time they should be monitored, and must remain for at least 5 mins	Indoor telework locations of the employee's choice and not under the control of the employer Indoor employees exposed to temps 82° - 95°F for less than 15 min/hr, except vehicles without air conditioning; and shipping containers during loading/ unloading Indoor work areas at: prisons, detention centers, and juvenile facilities Indoor emergency operations Transportation or delivery of agricultural products, construction materials or other heavy materials in air-conditioned vehicles

STATE	CITATIONS	APPLICABILITY CATEGORY	CATEGORY REQUIREMENTS	EXCEPTIONS CATEGORY

			Indoor exposure controls: At indoor work areas where the temp or heat index is at least 87°F, or 82°F where employee wears clothing that restricts heat removal or works in high radiant heat area, employers must reduce the risk of heating illness,
			• Using engineering controls (such as cooling equipment or barriers)
			• When feasible engineering controls cannot maintain a temp & heat index <87°F, or temp <82°F where employee wears clothing that restricts heat removal or works in high radiant heat areas, using
			  • administrative controls, i.e.work/rest schedules, work intensity, and clothing
			  • personal heat-protective equipment if feasible administrative controls cannot reduce the risk of heat illness
			Outdoor high-heat measures: When outdoor temp is at least 95°F, industries subject to high-heat measures, must enhance communications; observe for signs of heat-related illness via direct observation of up to 20 people, regular communication, or a buddy system; designate an employee to call emergency services; remind workers to drink water; and provide pre-shift reminders of preventative measures.
			• **Rest-period:** Agricultural employees must get 10 min rest breaks every 2 hours
				and does not include loading or unloading.

CO	7 Colo. Code Reg. § 1103-15	Outdoor agricultural worksites on days forecast to be at least 80°F
		and
		
		Indoor agricultural worksites when indoor temperature is expected to be, or measured to be, at least 80°F
		
		Increased risk conditions occur when:
		• worksite temp is at least 95°F
		• on days with unhealthy air quality
		• when an employee:
		  • works > 12 hrs,
		  • wears vapor barrier clothes or PPE, or
			Safety Procedures: implement safety procedures, including procedures for contacting supervisors and emergency medical services, monitoring and providing care for signs and symptoms of heat-related illness, relieving employees showing possible heat injury or illness from duty, monitoring the employee to assess whether medical attention is needed, and offering needed on-site first aid and/or emergency services if needed.
			Training: provide and document employee and supervisor heat stress training related to heat illness, risk factor mitigation procedures, and employee procedures in a language readily understood by employees.
			Acclimatization: For new employees and employees returning after a month off, four workdays provide 10 min rest breaks every 2 hours and fans/air conditioning in employer provided sleeping areas
			Preventative Measures
			When temp forecasted, or measured, at 80°F or more:
			• **Water:** provide:
			  • at least 32 ounces/hr cool drinking water for each employee
			  • time to drink water and use restrooms as needed, with compensation.
			• **Shade:** enough safe, ventilated or open air, shade for employees, to sit without touching each other during breaks
			• **Rest periods:** provide preventative cool-down rest periods as needed to prevent overheating, during which time employees should be monitored, and must remain for at least 10 mins, or until signs/symptoms of heat illness/injury abate
			• **Observation:** observe for signs of heat-related illness via direct observation of up to 20 people, regular communication, or a buddy system
			
			Increased risk conditions During increased risk conditions, provide:
			• **Breaks:** at least 10 min rest breaks every 2 hrs
			• **Cooling**: fans/air conditioning in employer provided sleeping areas
				Employees working no more than 15min/hr in heat conditions
				
				When conditions are not forecasted to, and do not actually, reach 80°F

MD	Md. Code Lab. & Empl. § 5-1201 Md. Code Regs. § 09.12.32, et seq.	Indoor and outdoor work in areas where heat index is greater than or equal to 80°F High heat practices must be followed when heat index is at or over 90°F	**Heat related illness prevention and management plan:** measure heat at work areas, and develop and share with employees a heat-related illness prevention and management plan. **Emergency Response:** implement an emergency response plan including procedures for contacting supervisors and emergency medical services, and monitoring and providing care for signs and symptoms or heat-related illness. **Training:** provide and document employee and supervisor heat stress training related to heat illness, risk factor, mitigation procedures, and response procedures in a language readily understood by employees. **Acclimatization:** develop an acclimatization plan with gradual increases in exposure and/or use of cooling measures. When heat index is at or above 80°F observe for signs of heat-related illness via regular communication or a buddy system: • For 14 days for newly assigned employees	Emergency services Employees exposed to heat for no more than 15 min/hr Structures and vehicles maintaining temp < 80° F

STATE	CITATIONS	APPLICABILITY	CATEGORY REQUIREMENTS	EXCEPTIONS

			• For 7 days for employees after 7 or more days away
			Preventative measures: When heat index is at or above 80°F:
			• **Water**: provide at least 32 ounces/hour/employee of cool drinking water
			• **Shade:** provide outdoor shade areas large enough for employees to sit during rest period, or indoor shade areas with mechanical ventilation
			• **Communication:** Observe for signs of heat-related illness via regular communication or a buddy system:
			High Heat Procedures: When heat index is at or above 90°F:
			• **Cool-down rest period:** provide a shaded cool-down rest (may occur during schedules rest or meal times) of:
			  • 10 min/2 hr when temp is at or above 90°F
			  • 15 mins/hr when temp is at or above 100°F
			  • or use NIOSH recommended rest/work schedule, or alternative cooling and control measures, to manage heat exposures.
			• **Enhance communication**
			  • monitor for signs of heat-related illness via buddy system or regular communication.
			  • Make high heat procedures available in language and method understandable to employees.	

MN	Minn. R. 5205.0110	Indoor workers at general industry locations	**Training:** provide training to employees exposed to heat as outlined in the state's training regulations. **Heat exposure limits:** Fully clothed acclimatized workers shall not be exposed to indoor environmental heat over: Work Activity / Measure (kcal/hr) / Example / WBGT[1] Heavy / 350 + / heavy lifting and pushing, shovel work / 77° F Moderate / 200-350 / walking with moderate lifting and pushing / 80° F Light / > 200 / Sitting/standing performing light hand/arm work / 86° F	Construction locations Outdoor workers
NV	Approved Regulation LCB File No. R131-24, to be codified at Nevada Admin Code Chap. 618.	Employers with 10 or more employees Employers who manufacture explosives	**Heat exposure analysis:** prepare a written analysis of working conditions that may cause occupational exposure to heat illness, including job classifications where most employees have an occupational exposure to heat illness for 30 mins/hr, and tasks and procedures which may create that exposure. **Safety Plan:** address conditions that may cause occupational exposure to heat illness in written safety program, develop emergency response procedures, and designate a person to implement heat-exposure related provisions, monitor working conditions, and contact emergency medical services for employee experiencing heat illness. **Training** employers must provide training on recognizing and mitigating heat illness **Preventative measures:** the heat exposure related safety plan must include: • **Water**: the provision of adequate potable water • **Rest breaks**: for employees exhibiting signs/symptoms of heat illness • **Mitigation:** methods to cool and mitigate heat/humidity from work processes	Employees who work indoors in a climate-controlled environment, inclusive of motor vehicles
OR	General Or. Admin. R. § 437-002-0156 Agricultural Employees Or. Admin. R §§ 437-004-	Employees exposed to occupational heat in indoor and outdoor environments where heat index is at or above 80°F	**Heat Illness Prevention Plan:** develop & implement a heat illness prevention plan that includes information on employee training, signs & symptoms of dehydration and heat related illness, and implementation procedures for heat mitigation measures. **Emergency Medical Plan:** incorporate employee exposure to excessive heat in employer's emergency medical plan. **Training:** provide & document employee and supervisor training on heat illness, risk factors, and mitigation procedures in language readily understood. **Acclimatization:** develop & implement site specific or NIOSH acclimatization plan **Preventative Measures:** When the heat index is above 80°F, provide:	Employees exposed to heat < 15/60 min exposure to heat generated from the work-process (must follow separate requirements)

STATE	CITATIONS	APPLICABILITY	CATEGORY REQUIREMENTS	EXCEPTIONS
	1120, 437-004-1131 Agricultural Labor Housing Or. Admin. R. § 437-004-120.	High heat practices must be followed when heat index is at or over 90°F	• **Water** ample opportunity to drink at least 32 ounces/hr of cool drinking water • **Shade:** shade areas that are open air or cooled and large enough for employees to sit during rest period. **High Heat Procedures:** • provide method to communicate with supervisor in language understood by employees • Observe for heat related illness via a buddy system or regular communication • designate an employee to call for emergency medical services • measure heat and humidity in indoor structures • implement a heat illness prevention paid rest break schedule **Agricultural Labor Housing:** rooms where agricultural employees sleep • when outdoor heat index 80°F - 95°F maintain temp no greater than 78° F • when outdoor heat index is at least 95°F, maintain temp 15°F < outdoor heat • Implement by Jan. 1. 2027, with temporary heat reduction measures until then	emergency operations buildings with mechanical ventilation system that keeps temps <80°F employees that do not perform strenuous physical activity are exempt from some requirements employees who work from home are only subject to training requirements

WA	General Wash. Admin. Code § 296-62-095 to 0956
	
	Agricultural Employees Wash. Admin. Code § 296-307-097 to 09760
		Employees exposed to outdoor heat at or above:
		52°F if wearing nonbreathable clothing
		80°F for all other clothing
		
		High heat procedures apply when outdoor temp is at or above 90°F
			Accident Prevention Program: include outdoor heat exposure safety program in their written accident prevention program.
			Training: training for employees and supervisors on specified heat risks and protective measures in a language understood by employees.
			Acclimatization: observe for signs of heat-related illness via regular communication or a buddy system:
			• For 14 days for newly assigned employees
			• For 7 days for employees after 7 or more days away
			• When heat triggers are met & temp > 10°F higher than previous 5 days
			Safety procedures: encourage frequent water consumption and preventative cool-down rest periods, which must be paid if not overlapping with a meal period. Employees showing signs or symptoms of heat-related illness must be relieved from duty, provided with means to reduce body temperature, and be monitored to assess whether medical attention is needed.
			Preventative Measures: When outdoor temps exceed the initial triggers, provide:
			• **Water:**
			  • opportunity to drink at least 1 quart/hr of cool drinking water
			  • encourage frequent water consumption
			• **Shade:** access to shade adequate to reduce body temps and sufficient to sit during meal and rest breaks
			• **Preventative cool-down breaks:** encourage preventative cool-down rest periods, which must be paid if not overlapping with a meal period.
			High heat procedures: provide paid (unless taken during a meal break) cool-down rest period of 10 min/hr when temp is at or above 90°F, and 15 mins/hr when temp is at or above 100°F
				employees working outdoors < 15/60 minutes
				
				firefighters (who are covered in a separate rule)

Conclusion

Statewide protections for workers exposed to extreme heat are increasingly important as more frequent heatwaves impact more communities across the United States – the length of the heatwave season in the United States has increased by 30 days (from 40-70 days), and the average number of heatwaves has doubled since 1980. Because federal rulemaking is a time consuming and sometimes uncertain process, states and localities should continue to develop policies to protect workers from extreme heat. The federal

standard, even if adopted, also will not apply to state and local government employees in the 23 states, the District of Columbia, and 3 U.S. territories not covered under an OSHA approved state plan.[2] The statewide rules outlined above contain important examples of the types of mitigation measures and protections that states may consider in developing statewide protections, although the scope and extent of those protections will likely vary by geography and climate.

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This document was developed by Betsy Lawton, Deputy Director, Climate and Health, Network for Public Health Law. The Network promotes public health and health equity through non-partisan educational resources and technical assistance. These materials provided are provided solely for educational purposes and do not constitute legal advice. The Network's provision of these materials does not create an attorney-client relationship with you or any other person and is subject to the Network's Disclaimer.

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[1] WBGT means wet bulb globe temperature, a measure of the combined effect of air temperature, air speed, humidity and radiation.

[2] OSHA standards apply to all federal employees and private employees, either directly in states without approved state plans, or under an OSHA approved state plan that must be at least as stringent as federal standards. State and local government employees are not covered by Federal OSHA standards, but are covered under state approved OSHA plans in 27 states and 2 U.S. territories.