



SUMMER IN THE CITY: WHAT TO DO WHEN OSHA COMES CALLING ON A HOT DAY

OSHA recognizes that five to ten million workers are exposed to heat-related illnesses each year. Due to the belief that such illnesses are preventable occupational health hazards, effective March 23, 2010, OSHA established a Regional Emphasis Program (“REP”) for outdoor heat-related health hazards. The program applies to all worksites in Region VI, which is comprised of Arkansas, Louisiana, Oklahoma, Texas, and those worksites in New Mexico that are under OSHA’s jurisdiction. The REP is designed to prevent employees from developing heat cramps, heat exhaustion, and heat stroke.

The National Weather Service issues “heat advisories” on days when the daily maximum temperature for a geographical area will exceed 95 degrees Fahrenheit or when the daily maximum temperature will exceed 90 degrees Fahrenheit and is 9 degrees or more above the maximum temperature reached on preceding days. OSHA will use the heat advisories to identify dangerous outdoor temperature levels in determining when to perform such heat-related inspections. On such days, investigators are instructed to inspect job sites where employees are working outdoors for extended periods of time. The investigators will be checking to ensure that employers have taken appropriate precautions to address the associated hazards.

Such precautions include:

- training employees on the hazards of hot environmental temperatures;
- making appropriate first aid available;
- having potable drinking water available; and
- having made provisions for prompt medical attention in case a heat-related illness occurs.

The investigators are instructed through the REP to inspect all employer work sites—including establishments with 10 or fewer employees—due to the “insidious nature” of high environmental temperatures. If the investigator finds that employers have failed to properly address the dangers of heat, the investigator may issue citations. In addition, as is with any OSHA investigation, any other apparent health and safety hazards observed by the investigator will be evaluated and citations may be issued. While this REP is focused on employees working outdoors, employees working inside face similar issues as a result of the heat. As such, it is advisable to take the same precautions listed above if your inside employees face such exposure to heat.



What Should Employers do to Prepare and be Compliant?

- **Train** your employees in recognition and avoidance of unsafe conditions due to excessive heat.
- Provide **first aid** services and provisions for medical care.
- Provide an adequate supply of **potable water** in all places of employment.
- In the absence of an infirmary, clinic or hospital in near proximity, train employees to **render first aid**.
- Contact your attorney if you have any questions or concerns.

—*Patrick J. Veters and Jane H. Heidingsfelder*



Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

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