

GET READY FOR THE HEAT: 7 PRACTICAL SUMMER SAFETY TIPS FOR EMPLOYERS AS OSHA TAKES NEXT STEPS FOR NATIONAL RULE

Insights
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OSHA's long-awaited heat illness rule could be inching closer to reality, with a public hearing that could determine its fate now scheduled for June 16. While many predicted the Trump administration would stall or shelve the proposal entirely, political pressure from labor unions – and growing business support for a consistent federal standard – has kept it alive. Still, it remains uncertain whether the rule gets finalized, and is even possible we'll see a scaled-back version to take shape in the coming months. No matter what happens in Washington, D.C., however, one thing is clear: employers can't afford to wait to address heat risks in the workplace. Here's a practical guide to protect your workforce this summer – whether or not a new federal standard is finalized.

Background and Update on National Heat Safety Rule

Before we provide you with a list of practical suggestions, here's an update as to where things stand on the regulatory side of things.

- **The NEP Remains in Full Force** – OSHA launched a National Emphasis Program (NEP) on heat in 2022 that remains active. It was supposed to expire in April but was extended until April 2026 by the Biden-era OSHA shortly before the change in administration. The NEP drives the agency to conduct inspections in industries with high heat exposure risk, including construction, agriculture, warehousing, and food processing. The program gives inspectors the green light to initiate heat-focused inspections on high-temperature days, even without a

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formal complaint or incident. [You can read about the NEP here.](#)

- **Proposed Heat Rule is Still Alive – But May Be Watered Down** – Last year, the Biden-era OSHA took things one big step forward by proposing a federal rule that would require all employers to take specific actions when the heat index hits 80°F and implement stricter measures at 90°F, including access to water and shaded rest areas, acclimatization plans for new and returning workers, training for both employees and supervisors, and emergency response procedures. [You can read all about the proposal here.](#)
- **Trump’s OSHA Is Still Moving Forward** – Despite speculation that the Trump administration would immediately scrap the rule, political dynamics have changed the outlook. Strong union support, especially from the Teamsters, and growing business demand for regulatory consistency have kept the rulemaking process alive. A new DOL leader, [Labor Secretary Lori Chavez-DeRemer](#), has signaled willingness to engage both sides on the issue, and [David Keeling, the administration’s nominee to head OSHA](#), is expected to continue moving the proposal forward – albeit with potential modifications. The final version may shift toward a performance-based standard, giving employers more flexibility in how they meet safety goals depending on their industry.
- **All Eyes on June 16** – An upcoming public hearing on June 16 will be a key milestone. Stakeholders from labor and industry will have the opportunity to weigh in before OSHA finalizes any version of the rule. We’ll have a better sense for the future of the rule after that date.
- **States Still Have a Say** – Even if OSHA drops or waters down its heat safety rule, some states have their own heat-related rules in place requiring employers to take certain affirmative steps to protect workers. Check with your safety counsel to determine what standards are effective in your local area.

7 Practical Steps to Protect Workers from Summer Heat

Regardless of what rules govern your workplace, here are seven steps you can take to best protect your workers as temperatures rise across the country.

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1. Monitor the Heat Index – Not Just the Temperature

The **heat index** (temperature + humidity) is a better indicator of risk than temperature alone. Use free apps or local weather services to track conditions at your worksites.

- Start precautions around **80°F heat index**
- Increase protections at **90°F and above**

2. Provide Ample Water and Easy Access to It

Hydration is your first line of defense.

- Ensure cool water is available within easy reach
- Encourage drinking water every 15 to 20 minutes
- Don't rely on workers to request breaks – make hydration routine

3. Schedule Smart – And Be Flexible

Plan the most strenuous tasks for early mornings or cooler parts of the day.

- Rotate workers to reduce prolonged exposure
- Allow for longer or more frequent breaks as heat increases
- Use fans, shaded areas, or cooled rest stations

4. Create a Heat Illness Prevention Plan

Don't rely on chance to ensure that workers are best protected. Develop a plan in writing and review it with teams before summer peaks. Your plan should cover:

- Identifying symptoms of heat illness
- Response protocols and emergency procedures
- Training and acclimatization policies
- Indoor and outdoor heat risks

5. Implement Acclimatization for New and Returning Workers

The risk of heat illness is highest during the first few days on the job.

- Ease in new workers gradually over five to seven days
- Start with lighter tasks and increase workload over time
- Pair new workers with trained supervisors for close monitoring

6. Train Supervisors to Recognize Red Flags

Train supervisors in emergency response procedures, and empower them to act quickly. Make sure frontline leaders can spot:

- **Early signs:** dizziness, fatigue, heavy sweating
- **Urgent signs:** confusion, fainting, hot dry skin

7. Document Everything

With OSHA's heat emphasis program still active, enforcement will continue even without a final rule.

- Keep logs of training, safety meetings, complaints, and response steps
- Document environmental monitoring and heat-related incidents
- Update written policies and tailor them to your workplace

Conclusion

If you have any questions, contact the authors of this insight, any member of our [Workplace Safety and Catastrophe Management Practice Group](#), or your Fisher Phillips attorney for guidance. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information on workplace safety issues.