

# OSHA UPDATES ITS HEAT EMPHASIS PROGRAM: HOW TO PROTECT YOUR STAFF FROM THE SUMMER HEAT AND COMPLY WITH OSHA IN 6 PRACTICAL STEPS

Insights  
Apr 22, 2026

## OSHA Updates its Heat Emphasis Program: How to Protect Your Staff From the Summer Heat and Comply with OSHA in 6 Practical Steps

The federal workplace safety watchdog agency recently announced on April 10 it was renewing its special enforcement focus on heat risks to workers via an updated National Emphasis Program (NEP) ahead of the summer season, ramping up the urgency for employers to prepare for the rising temperatures. Although there's currently no federal rule that sets specific heat stress mitigation requirements or a threshold for when protections should be implemented, the Occupational Safety and Health Administration does have tools to crack down on employers who don't take heat risks seriously. It's also important to be familiar with the rules in the jurisdiction you're operating in, as at least seven states have their own heat stress rules. You should act now before temperatures rise, particularly in industries involving outdoor work, that require heavy or bulky equipment, or where workers are performing strenuous tasks. Here's everything you need to know about how to keep your staff safe in hot temperatures and what rules you may need to follow.

### Federal State of Play

OSHA has been developing a nationwide workplace heat safety standard that would set specific triggers for employers to protect outdoor and certain indoor workers

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from extreme temperatures. The initiative, which rolled out during the Biden administration, has faced business opposition due to compliance costs.

As originally proposed, the standard would require businesses to provide water, shaded break areas, hire a heat safety coordinator, among taking other preventative steps, when workers are exposed to temperatures at or above 80 degrees Fahrenheit. More requirements kick in when it reaches 90 degrees Fahrenheit or more.

The proposal would also generally require employers to conduct regular heat risk assessments and audits, offer acclimatization programs that gradually increase workloads and exposure time to build up a worker's tolerance to heat, implement training on how to identify and respond to heat illnesses, as well as develop a written heat injury and illness protection plan. ([Learn more about the rulemaking from FP's prior coverage.](#))

The Trump-led DOL continued to move forward with the proposal by holding a hearing last summer and a post-hearing comment period [that wrapped last September](#). However, many observers expect the Trump administration to scale back the proposal into something less prescriptive. [In the DOL's regulatory agenda](#), OSHA indicated that it intends to develop a final heat rule that "adequately protects workers, is feasible for employers, and is based on the best available evidence."

## Updated NEP on Heat-Related Hazards

Since last summer, there've been no substantive developments on the proposed national heat standard. In the interim, [the DOL announced on April 10 it had updated its NEP on protecting workers from outdoor and indoor heat-related hazards](#), which will be in place for five years. The revised program focuses inspections and outreach in industries and workplaces where heat stress risks are most likely to occur based on BLS data.

### *What Changed in the NEP?*

[The revised NEP](#) includes guidance that OSHA believes will improve tracking and more effectively implement the program's enforcement and outreach efforts. The industries focused on in the program have also been updated, with 46 target industries removed, 22 added, and 33 retained, for a

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total of 55 target industries. The new list includes pig farming, cheese and meat processing, plastics and concrete manufacturing, some steel and machinery businesses, department stores, air transportation, and certain housing and relief service providers. Employers should review these updated industries closely.

The new NEP also removes background information and eliminates a former numerical inspection goal. And employers can find reorganized appendices in the program's updated documents: one for evaluating heat programs and another for citation guidance.

### ***What Did Not Change?***

The NEP emphasizes that OSHA conducted nearly 10 times the number of heat-related inspections from 2022 and 2025 compared to 2015 and 2020. The agency says its compliance officers "will continue to conduct outreach and compliance assistance and expand any inspection where there is evidence of heat-related hazards on heat priority days."

**Put bluntly:** OSHA inspectors will continue to attempt to expand the scope of any other inspection types when, in the inspector's view, a heat hazard also exists. And, as in the prior NEP, "compliance officers will conduct random inspections focused on heat hazards in high-risk industries on days when the National Weather Service issues a heat advisory or warning."

### **State Rules**

Even without a federal standard on the books, your business may still be required to take specific steps to protect your employees from heat, depending on where you operate. A handful of states – [California](#), [Colorado](#), [Minnesota](#), [Maryland](#), [Oregon](#), [Nevada](#), and [Washington](#) – have implemented their own heat safety rules, although some are limited to certain industries. And Virginia's governor [just signed legislation April 13](#) that directs the state's labor department to develop rules to protect workers from heat illness on the job.

Businesses that are in or have employees working in any of these states should familiarize themselves with these local requirements and ensure their policies are in compliance. Generally, these state laws require employers to take steps

similar to what was proposed by the Biden administration, such as conducting a hazard assessment, designating a supervisor to watch for signs of heat illness, or standing up a heat safety plan. Mitigation steps are also tied to specific temperature thresholds in some state rules. Talk with your FP counsel to determine if your business may be covered by one of these state regimes.

## **6 Practical Steps to Protect Workers from Summer Heat**

Regardless of what rules govern your workplace, here are steps you can take to best protect your workers during the hotter seasons.

### **1. Check the Heat Index to Set Triggers**

The **heat index** (which also measures humidity) is a better indicator of risk than temperature alone. Start precautions around **80°F heat index and increase** protections at **90°F and above**.

### **2. Provide Ample Water and Rest Breaks**

Water and rest are the simplest and easiest ways to keep your workers safe from potential heat illness. Ensure cool water is plentifully available and encourage staff to drink water frequently. OSHA recommends that employees should drink 4 to 6 ounces every 15 to 20 minutes. Ensure water breaks are included in the daily work schedule and that managers are reminding staff to take rest breaks. Allow for unscheduled rest breaks and ensure rest areas are shaded.

### **3. Schedule Around the Weather**

Plan the most strenuous work tasks for early mornings or cooler parts of the day. Rotate workers to reduce prolonged exposure.

### **4. Create a Heat Illness Prevention Plan**

Draft a prevention program to mitigate against heat-related injuries and illnesses. Conduct a hazard analysis to identify what roles are at risk for heat illness and use those findings to develop a prevention program specific to your company. If you are in a state OSHA plan location, be sure to review your heat illness prevention program plan against any state requirements. Documenting your business's policies and protocols related to heat illness, as well as clearly outlining

emergency procedures in a central policy document, is key to a strong, uniform, heat prevention program.

## **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
- [OSHA provides a full list of detailed recommendations that you should implement for a one-to-two-week period](#), including guidance on work periods, rest breaks, job tasks, and more.

## **6. Train Supervisors and Staff to Recognize Red Flags**

Train all staff on emergency response procedures and empower managers to act quickly. Designate someone at each worksite to monitor worker health and conditions on days of extreme heat. You may also consider requiring a buddy system on hot days and enforcing a procedure for employees to report heat stress symptoms.

## **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.