

The Heat Is On: OSHA's Proposed Heat Safety Rule Advances with June 16 Hearing

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By Sarah Goodman



Update: OSHA Extends Post-Hearing Comment Deadline

On September 17, 2025, OSHA extended the deadline for submitting post-hearing comments on its proposed *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings* rule. Chief Administrative Law Judge Steven Henley granted a 30-day extension, moving the deadline to October 30, 2025.

As a reminder, OSHA published the proposed rule in the *Federal Register* on August 30, 2024 and held an informal public hearing from June 16 through July 2, 2025. The agency has received more than 43,000 comments to date.

Only stakeholders who filed a Notice of Intent to Appear at the hearing may submit post-hearing comments at this stage. Submissions, including supporting data, must be filed electronically through www.regulations.gov (Docket No. OSHA-2021-0009).

What this means for employers:

- Employers who are eligible to file post-hearing comments should review their earlier submissions and consider whether supplemental comments are warranted before the October 30 deadline.
- Even if not eligible, employers should continue to monitor this rulemaking closely, as OSHA is moving forward quickly with finalizing the heat standard.
- Proactive compliance planning — including assessing current heat-illness prevention measures — will help employers stay ahead of regulatory changes.

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As summer temperatures soar, so does the urgency for workplace safety measures to protect employees from heat-related illnesses. On July 2, 2024, the Occupational Safety and Health Administration (OSHA) unveiled its proposed rule, “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings,” a groundbreaking step toward establishing the first nationwide standard to combat excessive heat in workplaces. With a public hearing scheduled to begin on June 16, 2025, this proposed rule is poised to reshape how employers across industries manage heat hazards. OSHA will hold the hearing virtually, and it will continue through July 2, 2025. The purpose of the hearing is to gather public input on the proposed rule, which aims to protect workers from hazardous heat exposure.

What is the Proposed Rule?

OSHA’s proposed standard is a comprehensive framework designed to protect approximately 36 million workers in both indoor and outdoor settings. The rule applies to all employers and activates when the heat index hits 80°F for more than 15 minutes during any 60-minute period — termed the “initial heat trigger.” At 90°F, the “high heat trigger” introduces additional requirements. Here’s a snapshot of what employers would need to do:

- **Written Heat Injury and Illness Prevention Plan (HIIPP):** Employers must develop and implement a tailored, written plan to evaluate and control heat hazards. This includes designating a heat safety coordinator to oversee compliance.
- **Temperature Monitoring:** Outdoor employers must monitor temperatures frequently to assess heat exposure accurately. Indoor employers need to identify areas where the heat index may reach 80°F and incorporate a monitoring plan into their HIIPP.
- **Mandatory Breaks and Cool-Down Areas:** At the initial heat trigger, employers must provide access to drinking water and break areas. At the high heat trigger, mandatory 15-minute breaks every two hours and observation systems (similar to buddy systems) to monitor for heat illness symptoms are required.
- **Training and Acclimatization:** Employees must receive training on heat hazards, emergency responses, and acclimatization protocols to gradually build tolerance to higher temperatures, especially for new or returning workers.

- **Hazard Alerts and Signage:** Employers must issue heat hazard alerts before shifts or when high heat is recognized, using accessible communication methods that are easily understood by all employees. For indoor areas frequently exceeding 120°F, warning signs are mandatory.

This isn't just a suggestion—it's a specification standard, meaning employers have little wiggle room to deviate from OSHA's requirements. The rule's scope is vast, covering general industry, construction, maritime, and agriculture; however exemptions apply to work with no reasonable expectation of reaching the initial heat trigger or areas consistently air-conditioned below 80°F.

Why This Rule Is a Big Deal

OSHA's push for a federal heat standard has been simmering since 2021, fueled by President Biden's Executive Order 13990 on climate change. The agency's National Emphasis Program on heat hazards, launched in April 2022, underscored the need for action, though citations under the General Duty Clause have been sparse and often overturned in litigation. This proposed rule aims to close those gaps, providing clear, enforceable requirements to protect workers from heat-related illnesses, which can range from heat exhaustion to life-threatening heatstroke.

The timing is critical. Rising temperatures are no longer just a summer concern—record-breaking heat waves are hitting year-round, especially in regions like the Southwest. States like California, Minnesota, Oregon, and Washington already have heat illness prevention standards, and California's recent indoor heat rule (effective July 23, 2024) shares similarities with OSHA's proposal. For employers with existing plans, the good news is that OSHA's rule doesn't mandate changes if your program already includes the proposed elements. However, aligning your plan with OSHA's requirements could be a smart move to avoid General Duty Clause violations.

The Public Hearing: Your Chance to Shape the Future

The public hearing begins on June 16, 2025 (and continues through July 2, 2025), offering a platform for employers, industry groups, and workers to weigh in. Only those individuals who filed a timely Notice of Intention to Appear (NOITA) will be allowed to testify or ask questions at the hearing. The comment period, which closed on December 30, 2024, saw robust engagement, and this hearing is the next step in refining the rule.

Recent Supreme Court decisions, such as *Loper Bright Enterprises v. Raimondo*, have raised questions about the authority of federal agencies, potentially impacting OSHA's rulemaking. Additionally, the Trump administration's "Regulatory Freeze Pending Review," issued on January 20, 2025, could delay or alter the rule's trajectory, though its impact on ongoing rulemaking remains unclear. The hearing will be a critical moment to gauge the rule's momentum and OSHA's response to these dynamics.

Practical Tips for Employers

While the rule is still in the proposal stage, proactive employers can get ahead of the curve. Here's how:

- **Review Existing Plans:** If you have a heat illness prevention program, compare it to OSHA's proposed elements. Gaps in training, monitoring, or break policies could expose you to future citations.
- **Engage in the Hearing:** Attend the hearing (even if you failed to submit a timely NOITA) to stay informed and, if able, to voice practical concerns, especially if your industry faces unique challenges (e.g., indoor heat in manufacturing or outdoor work in construction).
- **Train Your Team:** Start training supervisors and employees on heat hazards and acclimatization now. Early adoption can reduce risks and demonstrate compliance readiness.
- **Monitor State Standards:** If you operate in states with existing heat rules, ensure compliance while preparing for potential federal alignment. California's indoor rule, for example, has trigger points at 82°F and 87°F, slightly different from OSHA's.

The Heat Is On—Are You Ready?

OSHA's proposed heat injury and illness prevention standard is a wake-up call for employers to prioritize worker safety in a warming world. With the public hearing kicking off on June 16, 2025, now is the time to engage, prepare, and adapt. Whether you're a small business or a multinational corporation, this rule could redefine your workplace safety obligations.