

**BEFORE THE
UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
WASHINGTON, D.C.**

Heat Injury and Illness Prevention
in Outdoor and Indoor Work Settings

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Docket No. OSHA-2021-0009
RIN: 1218-AD39

**COMMENTS ON
HEAT INJURY AND ILLNESS PREVENTION IN OUTDOOR AND INDOOR WORK SETTINGS**

**FILED BY
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Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings
Notice of Proposed Rulemaking
Docket No. OSHA-2021-0009

I. Introduction

The American Gas Association (AGA)¹ and American Public Gas Association (APGA)² (jointly “the Associations”) submit these comments for consideration by the Occupational Safety and Health Administration (OSHA) regarding OSHA’s Notice of Proposed Rulemaking, “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings” (“proposed rule” or “NPRM”)³.

Safety is and always will be the leading priority for the natural gas industry. The industry is deeply committed to protecting its workforce from a variety of hazards by investing heavily in innovative tools and technologies, providing and requiring use of personal protective equipment, and dedicating resources towards the training of workers on injury prevention. A review of the industry safety data collected annually by OSHA⁴ reflects this commitment.

The Associations fully appreciate the importance of protecting workers from heat-related illness and injury, and support OSHA’s efforts to promote and ensure worker safety. This NPRM includes a number of provisions that the Associations believe may help advance and standardize safety practices related to preventing heat illness. In particular, the Associations support OSHA’s proposal to implement performance-based requirements, which would allow employers considerable flexibility in developing procedures and practices that are appropriate for their specific work activities in mitigating the risk of heat-related injuries and illnesses.

However, the Associations have significant concerns with some of OSHA’s proposed requirements which are confusing, burdensome or impractical in nature. Moreover, the amount of time necessary for our members to implement a program enabling compliance exceeds that

¹ Founded in 1918, AGA represents more than 200 local energy companies committed to the safe and reliable delivery of clean natural gas to more than 180 million Americans. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one third of the United States’ energy needs.

² APGA is the national, non-profit association of publicly owned natural gas distribution systems. APGA was formed in 1961 as a non-profit, non-partisan organization, and currently has over 740 members in 37 states. Overall, there are nearly 1,000 municipally owned systems in the U.S. serving more than five million customers. Publicly owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

³ Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, Federal Register Vol. 89, No. 70698 (August 30, 2024).

⁴ Injuries, Illnesses, and Fatalities. *U.S. Bureau of Labor Statistics*. <https://www.bls.gov/web/osh/table-1-industry-rates-national.htm>

proposed in the NPRM. The detailed comments below offer the unique perspectives of the natural gas utility industry and the challenges our members would experience in implementing the provisions of this rule. We believe it is especially important for OSHA to contemplate how the requirements of this proposed rule would likely be implemented. It is especially important for OSHA to fully consider and account for how the requirements of the rule would be implemented by, and impact the operations, of natural gas utilities of varying sizes (from thousands of employees to less than ten), the critical emergency work performed by natural gas utility employees, and the critically important work performed by field technicians in remote outdoor settings. Where feasible, recommended edits have been provided to the proposed code language that would help alleviate several of the Associations' most significant concerns.

II. OSHA must lengthen its effective date for the proposed requirements

The Associations believe there will be unintended consequences resulting from the proposed rule's unreasonably short effective date. It is imperative that OSHA provide at least 36 months for operators to fully implement the significant new requirements imposed by the proposed rule. This additional time is needed to allow operators to (1) create or update a Heat Injury and Illness Prevention Plan (HIIPP) with input from non-managerial employees and representatives, (2) create or update existing training curricula based on the updated HIIPP, (3) provide appropriate time for training employees using the new curricula before the start of the next heat season, while avoiding overlapping trainings depending on the effective date of the standard, (4) create a rigorous process and/or procure technologies that meet the requirement to monitor heat conditions at multiple job sites (including temporary or mobile jobsites over frequently large geographic areas), (4) procure HIIPP-related personal protective equipment (PPE), and (6) investigate and procure solutions for employee communications. Many of these implementation steps are sequential in nature, have associated costs that must be planned for, and may require time to conduct collective bargaining with union employees.

The Associations believe a 36-month implementation period is aligned with similarly impactful rules recently published by OSHA. For example, OSHA's 2016 rule on Crystalline Silica included a 27-month compliance timeline for the general industry and maritime segment, and originally included 15-month compliance date for construction. The compliance date for the construction segment was later extended to 18-months⁵. Similarly, OSHA extended the compliance deadline in the Hazard Communication Standard Final Rule⁶ for manufacturers of mixtures. The compliance date for that rule was originally published as 18-months but was later extended to 36-months after stakeholder feedback. The Associations urge OSHA to establish an appropriate compliance date when publishing the Final Rule instead of creating regulatory confusion by modifying the date at a later time.

⁵ Occupational Safety and Health Administration: Occupational Exposure to Respirable Crystalline Silica Final Rule. Federal Register Vol 81, No. 58. (March 25, 2016).

⁶ Occupational Safety and Health Administration: Hazard Communication Standard Final Rule. Federal Register Vol. 89, No. 98 (May 20, 2024).

III. Technical Comments

A. *Scope and Application — § 1910.148(a)*

1) OSHA's proposed HIIPP standard must clearly exempt pipeline emergency response activities

Although OSHA rightly intends to exempt emergency responders from the proposed HIIPP standard, the associations are concerned that the exemptions described in § 1910.148(a)(2)(iii) do not explicitly include responders to pipeline emergencies.

Pipeline emergencies may include the presence of fire, explosion, gaseous atmospheres, and other associated hazards. Individuals responding to these emergencies necessarily prioritize the protection of human life, then property, and should not be subject to the proposed HIIPP standard. The Associations recommend that OSHA adopt language similar to that used by the State of Oregon in exempting the servicing of utilities during emergency operations:

(a) *Scope and application.* —

(2) This standard does not apply to the following:

(iii) Organizations whose primary function is the performance of firefighting; emergency response activities of workplace emergency response teams, emergency medical services, or technical search and rescue; any other emergency operations directly involved in the protection of life or property, or the restoration of essential services – such as evacuation, rescue, law enforcement, and utility servicing;⁷ and any emergency response activities already covered under 29 CFR 1910.120, 1910.146, 1910.156, part 1915, subpart P, 1926.65, and 1926.1211;

B. *Definitions — § 1910.148(b)*

1) Defining Initial and High Heat Triggers

OSHA proposes to define initial and high heat triggers based on National Weather Service (NWS) heat index or a wet bulb globe temperature (WBGT) equal to National Institute for Occupational Safety and Health (NIOSH) limits.

⁷ All regulatory text recommended by the Associations in these comments use the following color scheme: blue underline for revisions suggested by the Associations; ~~red strike-through~~ for deletions suggested by the Associations.

The Associations support OSHA’s proposal to allow employers to define heat triggers based on this “or” statement. Employers should not be *required* to evaluate WBGT, since the NIOSH publication that OSHA proposes to incorporate by reference shows wet bulb globe temperatures on charts whose axes are insufficiently discrete to easily identify WBGT for all scenarios. Therefore, it is critical for OSHA to allow employers to define heat triggers based on heat indexes alone.

C. Heat Injury and Illness Prevention Plan — § 1910.148(c)

1) Reducing the scope of review and evaluation of HIIPP effectiveness

OSHA proposes to require a review and evaluation of HIIPP effectiveness whenever there is a heat-related illness or injury resulting in “death, days away from work, medical treatment beyond first aid, or loss of consciousness.” The occurrence of a heat-related illness or injury is not necessarily an indication that an employer’s HIIPP is ineffective or does not comply with § 1910.148. For instance, if an employee is identified by a colleague as experiencing symptoms of heat-related illness, and the employee recovers after receiving intravenous fluids (IV) at a local medical facility, the treatment is beyond first aid, notwithstanding the fact that appropriate steps were taken in identifying the heat-related illness and ensuring appropriate care was administered per the employer’s HIIPP. OSHA should revise the requirement to review and evaluate HIIPP effectiveness to only include more serious illnesses and injuries.

(c) Heat injury and illness prevention plan. —

(7) The employer must review and evaluate the effectiveness of the HIIPP whenever a heat-related illness or injury occurs that results in death, ~~days away from work, medical treatment beyond first aid,~~ or loss of consciousness, but at least annually. Following each review, the employer must update the HIIPP as necessary. The employer must seek input and involvement of nonmanagerial employees and their representatives, if any, during any reviews and updates.

D. Identifying Heat Hazards — § 1910.148(d)

1) Simplification of heat condition monitoring for multiple job sites

OSHA proposes to require employers to “monitor heat conditions at outdoor work areas” at “sufficient frequency to determine with reasonable accuracy employees’

exposure to heat.”⁸ This proposed requirement creates significant administrative and recordkeeping burden in instances where the work area for any single employee may consist of multiple locations in a single day, or where the workforce is spread across multiple locations. OSHA should allow for employers to monitor a single work area location, if that location is determined by the employer to be (1) substantially representative of the heat exposure anticipated at each work area, or (2) is identified as a “worst case” location for work area heat exposure, relative to all other locations.

(d) *Identifying heat hazards* —

(1) *Outdoor work.* The employer must monitor heat conditions at outdoor work areas. [For employee\(s\) working in multiple locations, the employer may monitor a single work area location, if that location is determined by the employer to be \(a\) substantially representative of the heat exposure anticipated at each work area, or \(b\) is identified as a “worst case” location for work area heat exposure, relative to all other locations. Monitoring of heat conditions must be done](#) by:

E. Requirements at or Above the Initial & High Heat Triggers — §§ 1910.148(e) & 1910.148(f)

1) Necessity of flexibility of employer-employee communication

For lone workers exposed to heat above the high heat triggers, OSHA proposes to require “a means of effective, two-way communication with those employees...[and] contact with the employees at least every two hours.” However, this requirement does not adequately recognize scenarios in which lone workers are in a remote area where regular two-way electronic communication is not feasible (e.g., inadequate cell phone coverage).

Elsewhere in the NPRM, OSHA proposes that employers “*regularly* communicate with employees [exposed to conditions above the initial heat trigger].” By allowing for *regular* worker status updates, OSHA allows for flexibility in the frequency of employer-employee communication which – among other things – could account for temporary gaps in coverage (e.g., cell phone). This flexibility is necessary at the high heat trigger as well as the initial heat trigger. Therefore, communication requirements should be harmonized across both heat triggers, with no additional frequency requirements at the high heat trigger.

⁸ FR at 71070.

Moreover, OSHA's requirements for employer-employee communication should recognize technologies that provide lone-worker safety information through 1-way notifications (i.e., worker to employer). These lone-worker safety devices can support functionality such as remote check-ins, location-sharing, and worker-initiated alarms, some (or all) of which may be done without the need for 2-way employer-employee communication. In promulgating requirements for communicating with employees, OSHA should carve out allowances for these 1-way lone worker safety technologies, as long as they provide an equivalent level of effectiveness in communicating worker welfare status.

(e) *Requirements at or above the initial heat trigger* —

(9) *Effective communication.* The employer must maintain a means of effective, ~~two-way~~ communication with employees (e.g., by voice or electronic means (such as a handheld transceiver, phone, or radio)) and regularly check the status of the ~~communicate with~~ employees.

(f) *Requirements at or above the high heat trigger* —

(3) *Observation for signs and symptoms.* The employer must implement at least one of the following methods of observing employees for signs and symptoms of heat-related illness:

(i) A mandatory buddy system in which co-workers observe each other; or

(ii) Observation by a supervisor or heat safety coordinator, with no more than 20 employees observed per supervisor or heat safety coordinator.

(iii) For employees who are alone at a work site, the employer must maintain a means of effective, ~~two-way~~ communication with those employees (e.g., by electronic means (such as a handheld transceiver, phone, or radio)) and regularly check the status of ~~make contact with~~ the employees ~~at least every two hours~~.

2) OSHA should clarify exceptions to acclimatization requirements

OSHA proposes to require employers to implement acclimatization requirements for new and returning employees who are exposed to heat at or above the initial heat trigger.⁹ These requirements may create significant administrative burdens where exposure to high-heat conditions is intermittent, and/or where wide temperature fluctuations across days and weeks are commonplace, such as in humid continental climates.

⁹ FR at 71071.

OSHA's intention appears to be to exempt employees from acclimatization protocols if they were previously acclimatized prior to a second and distinct exposure to heat conditions at or above the initial heat trigger. OSHA states that "where returning employees may have shift schedules such as two weeks on and then two weeks off, the acclimatization protocol requirement would not go into effect because the two weeks off would not exceed 14 days."¹⁰

The Associations fully recognize and support the need to exempt these employees from re-acclimatization, especially given the many operators who conduct work in humid continental climates (and other climates with wide temperature fluctuations). However, OSHA should clarify the regulatory language to make this acclimatization exemption explicit.

(e) Requirements at or above the initial heat trigger —

(7) Acclimatization —

(iii) Exception to acclimatization requirements. The requirements of paragraphs (e)(7)(i) and (ii) of this section do not apply if the employer can demonstrate the employee was previously acclimated, or otherwise consistently worked under the same or similar conditions as the employer's working conditions, within the prior 14 days.

3) Drinking water requirements should be clarified

For employees exposed to heat at or above the initial heat trigger, OSHA proposes to require employers to provide drinking water "of sufficient quantity to provide access to 1 quart of drinking water per employee per hour" (§ 1910.148(e)(2)(iii)).¹¹ However, OSHA does not specify how discreetly this time is to be measured in maintaining sufficient water quantity.

For example, for one employee exposed to heat exceeding the initial heat trigger for the entirety of an eight-hour shift, an employer could hypothetically comply by providing eight quarts of water at the beginning of the shift (provided that water remains suitably cool). However, if there is only $\frac{3}{4}$ quart of water remaining with one hour left in the shift, it is not clear whether the employer still complies with § 1910.148(e)(2)(iii).

¹⁰ FR at 70785.

¹¹ FR at 71070.

Likewise, if that same employee has ½ quart of water remaining with 30 minutes left in the shift, it might be assumed that the employer once again complies with the proposed rule.

Moreover, OSHA should make it clear that the hours referred to in § 1910.148(e)(2)(iii) are the *hours exposed to heat above the initial heat trigger*. Rest hours (or other hours working below the initial heat trigger) should not be counted in this drinking water quantity determination.

To relieve the potential administrative chaos of continuously determining water quantity available to employees exposed to heat exceeding the initial heat trigger, OSHA should allow employers to comply by making available a quantity of water that is *equivalent to 1 quart of water per employee per hour, at the time the water is provided*.

(e) *Requirements at or above the initial heat trigger* —

(2) *Drinking water*. The employer must provide access to potable water for drinking that is

- (i) Placed in locations readily accessible to the employee;
- (ii) Suitably cool; and
- (iii) Where drinking water is not plumbed or otherwise continuously supplied, is of sufficient quantity, at the time it is provided, to provide access to the equivalent of 1 quart of drinking water per employee per hour exposed to heat equal to or exceeding the initial heat trigger.

4) Rest break requirements should be based on continuous exposure to heat equal to (or exceeding) heat triggers

OSHA proposes to require employers to provide “a minimum 15-minute paid rest break at least every two hours” (§ 1910.148(f)(2))¹² whenever exposed to heat at or above the high heat trigger.

Similar to the proposed drinking water quantity requirements discussed previously, OSHA should clarify that the two-hour period mentioned in § 1910.148(f)(2) is a period of *consecutive hours exposed to heat above the high heat trigger*. The break requirements OSHA proposes should not apply to *any* exposure (of *any* duration) to heat at above the heat trigger but should plainly address the risk of continuous exposure to heat above the OSHA-defined heat trigger.

¹² FR at 71071.

(f) *Requirements at or above the high heat trigger* —

(2) *Rest breaks.* The employer must provide employees a minimum 15-minute paid rest break at least every two hours of continuous exposure to heat equal to or exceeding the high heat trigger. ~~in~~ The break area required by paragraph (e)(3) or (4) of this section must be made available for the paid rest break, subject to the following:

5) ***Insufficient flexibility on frequency of Hazard Alerts***

OSHA proposes to require employees to be notified (e.g., “Hazard Alert”) prior to the work shift or upon determining the high heat trigger is met or exceeded. However, the potential frequency of such a notification (daily, or even several times a day depending on temperature changes), may create onerous communication requirements that provide minimal safety benefits to workers, and may even become “noise” to affected employees. OSHA should allow for weekly communications during periods in which the high heat trigger is anticipated to be met or exceeded.

(4) *Hazard Alert.* Prior to the work shift or upon determining the high heat trigger is met or exceeded – or, alternatively, no more than one week before temperatures at or above the high heat trigger are anticipated – the employer must notify employees of the following:

F. Heat Illness and Emergency Response and Planning — § 1910.148(g)

1) ***Clarification of role for “individual(s) designated to ensure that heat emergency procedures are invoked when appropriate”***

OSHA proposes to require heat injury emergency response plans to identify “individual(s) designated to ensure that heat emergency procedures are invoked when appropriate” (§ 1910.148(g)(1)(iii)).¹³ Because the heat emergency response plan is proposed to be part of an employer’s HIIP, it is not clear how the individuals described in § 1910.148(g)(1)(iii) are distinct from, or relate to, the designated heat safety coordinators responsible for “implement[ing] and monitor[ing] the HIIP.”¹⁴

Although the Associations support the proposal to allow employers the flexibility to designate non-heat safety coordinators to invoke heat emergency procedures under § 1910.148(g)(1)(iii), OSHA should consider making this distinction more explicit within the regulatory text. Specifically any final rule should clearly state that individuals

¹³ FR at 71071.

¹⁴ FR at 71070.

responsible for invoking heat emergency procedures are exempt from other requirements OSHA proposes to promulgate that are specific to the heat safety coordinator role.

2) Duration of time employees should be relieved from duty

OSHA proposes to require employers to relieve employees from duty if the “employee is experiencing signs and symptoms of heat-related illness” (§ 1910.148(g)(2)(i)).¹⁵ Within the NPRM, OSHA asks stakeholders whether it should “require a minimum duration of time an employee who has experienced signs and symptoms of heat-related illness must be relieved from duty, and what an appropriate duration of time would be before returning employees to work.”¹⁶

The Associations contend that no such minimum duration should be specified before an employee can return to work after exhibiting signs of heat-related illness. As long as an employee is no longer experiencing the symptoms of heat-related illness, the employee should be allowed to return to work. OSHA already proposes robust requirements for ongoing monitoring of employee health and mitigation of heat-related hazards, and the Associations believe there are too many variables (differences in individuals, degrees of symptoms, etc.) to appropriately establish a one-size-fits-all duration for being removed from work tasks. Therefore, OSHA should not modify § 1910.148(g)(2) to include additional requirements for minimum duration that employees should be relieved from duty.

G. Training — § 1910.148(h)

1) Inappropriateness of requiring “Supplemental” training

OSHA proposes that “supplemental” (or “additional”) training be administered under various scenarios, including changes to an employee’s exposure to heat at work, changes in policies and procedures related to the heat injury and illness prevention plan, indication of an employee not retaining the relevant information, and the occurrence of a heat-related injury or illness that results in a serious medical event (including loss of consciousness or death).

The requirements proposed in § 1910.148(h)(4) should be reconsidered for two significant reasons. First, they suggest the development of “extra” training modules, separate and distinct from the content prescribed in initial training and refresher training (§§ 1910.148(h)(1) and 1910.148(h)(3)). The Associations contend that any training that is necessary to guide employees in identifying heat hazards and

¹⁵ FR at 71071.

¹⁶ FR at 70795.

preventing heat injury and illness should be included in initial and refresher training. Designating separate training content that is only to be used in the exceptional scenarios described in § 1910.148(h)(4) creates regulatory confusion and suggests that critical content would be withheld during initial training and refresher training, which the Associations do not believe is the intent.

Second, the regulatory text of § 1910.148(h)(4)(iv) assumes that any heat-related injury or illness (resulting in death, days away from work, medical treatment beyond first aid, or loss of consciousness) will be due – in whole or in part – to deficiencies in training. Given the many potential reasons for such an injury or illness to occur, the assumption there is a training deficiency or inadequacy in every instance is not supported.

The Associations are moreover concerned that the requirement to “promptly” administer training following a change that would require refresher training may create uncertainty around the timeliness of this requirement. Instead, the regulatory text should dictate that the training be administered “as soon as practicable.”

OSHA should revise and expand the section for refresher training in § 1910.148(h)(3) to include the scenarios currently described in § 1910.148(h)(4), except for § 1910.148(h)(4)(iv), for which refresher training should only be required when the heat-related injury or illness occurs *as a result of inadequate training*.

2) Defining “Heat Season”

OSHA proposes to require annual refresher training be administered to affected employee before each “heat season” (e.g., the first hot week of the year). The Associations support OSHA’s intention to allow the definition of the heat season to be “flexible, and to allow employers leeway [to define]”¹⁷. Allowing employers to define the heat season is appropriate, especially given that in some climates the heat season may be less distinct and obvious than in others. OSHA should add a qualifier to the regulatory text to make it clear that the heat season is to be defined by the employer.

3) Training Materials

In certain scenarios, refresher training may be primarily verbal in nature, especially when a task has changed, or when coaching an employee who was found to have knowledge deficiencies as it relates to HIIPP policies and procedures. OSHA should acknowledge that the presentation of training content may not necessarily involve written training materials, and the regulatory text of the “Presentation” section should reflect this accordingly.

¹⁷ FR at 70798.

(h) Training —

(3) ~~Annual~~ Refresher training.

(i) Annual refresher training. The employer must ensure that each employee receives annual training on, and understands, the subjects addressed in paragraph (h)(1) of this section. The employer must also ensure that each supervisor and heat safety coordinator additionally receives annual training on, and understands, the topics addressed in paragraph (h)(2) of this section. For employees who perform work outdoors, the employer must conduct the annual refresher training before or at the start of heat season, as defined by the employer.

~~(4) Supplemental training.~~

(ii) Changes to tasks or procedures. The employer must ensure that each employee ~~promptly~~ receives, and understands, additional training ~~whenever~~ as soon as practicable following ~~(i) Changes occur~~ that affect the employee's exposure to heat at work (e.g., new job tasks); ~~(ii) T, or~~ the employer changes the policies or procedures addressed in paragraph (h)(1)(xi) of this section;

(iii) Deficiencies in employee knowledge. The employer must ensure that each employee receives, and understands, additional training whenever ~~T~~ there is an indication that the employee has not retained the necessary understanding of HIIPP policies or procedures; or

(iv) Significant heat injury or illness. The employer must ensure that each employee receives, and understands, additional training whenever ~~A~~ a heat-related injury or illness occurs at the work site that results in death, days away from work, medical treatment beyond first aid, or loss of consciousness, and the cause of the injury or illness is determined to be training-related.

~~(5)~~(4) Presentation. Training must be provided in a language and at a literacy level each employee, supervisor, and heat safety coordinator understands. The employer must provide employees with an opportunity for questions and answers about the training ~~materials.~~

The Associations' suggested changes to the proposed code requirements are compiled and presented below, in ascending order with respect to code sequence under Parts 1910¹⁸:

§ 1910.148 Heat Injury and Illness Prevention.

(a) *Scope and application.* —

(2) This standard does not apply to the following:

(iii) Organizations whose primary function is the performance of firefighting; emergency response activities of workplace emergency response teams, emergency medical services, or technical search and rescue; any other emergency operations directly involved in the protection of life or property, or the restoration of essential services – such as evacuation, rescue, law enforcement, and utility servicing; and any emergency response activities already covered under 29 CFR 1910.120, 1910.146, 1910.156, part 1915, subpart P, 1926.65, and 1926.1211;

(c) *Heat injury and illness prevention plan.* —

(7) The employer must review and evaluate the effectiveness of the HIIPP whenever a heat-related illness or injury occurs that results in death, ~~days away from work, medical treatment beyond first aid,~~ or loss of consciousness, but at least annually. Following each review, the employer must update the HIIPP as necessary. The employer must seek input and involvement of nonmanagerial employees and their representatives, if any, during any reviews and updates.

(d) *Identifying heat hazards* —

(1) *Outdoor work.* The employer must monitor heat conditions at outdoor work areas. For employee(s) working in multiple locations, the employer may monitor a single work area location, if that location is determined by the employer to be (a) substantially representative of the heat exposure anticipated at each work area, or (b) is identified as a “worst case” location for work area heat exposure, relative to all other locations. Monitoring of heat conditions must be done by:

¹⁸ As stated previously, all regulatory text recommended by the Associations in these comments use the following color scheme: blue underline for revisions suggested by the Associations; ~~red strike-through~~ for deletions suggested by the Associations.

(e) *Requirements at or above the initial heat trigger* —

(7) *Acclimatization* —

(iii) Exception to acclimatization requirements. The requirements of paragraphs (e)(7)(i) and (ii) of this section do not apply if the employer can demonstrate the employee was previously acclimated, or otherwise consistently worked under the same or similar conditions as the employer's working conditions, within the prior 14 days.

(9) *Effective communication*. The employer must maintain a means of effective, ~~two-way~~ communication with employees (e.g., by voice or electronic means (such as a handheld transceiver, phone, or radio)) and regularly check the status of the ~~communicate with~~ employees.

(f) *Requirements at or above the high heat trigger* —

(2) *Rest breaks*. The employer must provide employees a minimum 15-minute paid rest break at least every two hours of continuous exposure to heat equal to or exceeding the high heat trigger. ~~in~~ The break area required by paragraph (e)(3) or (4) of this section must be made available for the paid rest break, subject to the following:

(3) *Observation for signs and symptoms*. The employer must implement at least one of the following methods of observing employees for signs and symptoms of heat-related illness:

(i) A mandatory buddy system in which co-workers observe each other; or

(ii) Observation by a supervisor or heat safety coordinator, with no more than 20 employees observed per supervisor or heat safety coordinator.

(iii) For employees who are alone at a work site, the employer must maintain a means of effective, ~~two-way~~ communication with those employees (e.g., by electronic means (such as a handheld transceiver, phone, or radio)) and regularly check the status of ~~make contact with~~ the employees ~~at least every two hours~~.

(4) *Hazard Alert*. Prior to the work shift or upon determining the high heat trigger is met or exceeded – or, alternatively, no more than one week before temperatures at or above the high heat trigger are anticipated – the employer must notify employees of the following:

(h) Training —

(3) ~~Annual~~ Refresher training.

(i) Annual refresher training. The employer must ensure that each employee receives annual training on, and understands, the subjects addressed in paragraph (h)(1) of this section. The employer must also ensure that each supervisor and heat safety coordinator additionally receives annual training on, and understands, the topics addressed in paragraph (h)(2) of this section. For employees who perform work outdoors, the employer must conduct the annual refresher training before or at the start of heat season, as defined by the employer.

~~(4) Supplemental training.~~

(ii) Changes to tasks or procedures. The employer must ensure that each employee ~~promptly~~ receives, and understands, additional training ~~whenever~~ as soon as practicable following ~~(i) Changes occur~~ that affect the employee's exposure to heat at work (e.g., new job tasks); ~~(ii) T, or~~ the employer changes the policies or procedures addressed in paragraph (h)(1)(xi) of this section;

(iii) Deficiencies in employee knowledge. The employer must ensure that each employee receives, and understands, additional training whenever ~~T~~ there is an indication that the employee has not retained the necessary understanding of HIIPP policies or procedures; or

(iv) Significant heat injury or illness. The employer must ensure that each employee receives, and understands, additional training whenever ~~A~~ a heat-related injury or illness occurs at the work site that results in death, days away from work, medical treatment beyond first aid, or loss of consciousness, and the cause of the injury or illness is determined to be training-related.

~~(5)~~(4) Presentation. Training must be provided in a language and at a literacy level each employee, supervisor, and heat safety coordinator understands. The employer must provide employees with an opportunity for questions and answers about the training ~~materials.~~

IV. Conclusion

The Associations appreciates the opportunity to comment on the Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings NPRM. Safety remains industry's number one priority and commitment.

Respectfully submitted
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