

# OSHA Proposed Rule: Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings

Source: The Alliance, September 27, 2024

On August 30, 2024, the Occupational Safety and Health Administration (OSHA) issued a proposed rule seeking to mitigate the risks of heat exposure in workplaces by requiring employers to implement specific preventive measures, “[Heat Injury and Illness Prevention in Outdoor and Indoor Settings](#)”.

While the Alliance applauds OSHA in its efforts to protect workers from heat-related illnesses, we feel the rule includes several requirements that may negatively impact compliance measures in home-based care. The following is a summary of key elements and potential impacts on home care, home health, and hospice providers.

## **Key Elements of the Proposed Rule:**

### ***Applicability***

The rule applies to both outdoor and indoor environments where heat hazards exist, including care at home settings.

### ***Employer Responsibilities***

The rule requires employers to develop a Heat Injury and Illness Prevention Plan (HIIPP) that outlines steps to control heat risks. This includes two heat trigger levels: initial and high heat (heat indexes of 80 degrees and 90 degrees, respectively).

### ***Preventive Measures***

Employers must implement “engineering controls” (e.g., ventilation, air conditioning) and “administrative controls” (e.g., work-rest cycles, hydration breaks).

Employers must provide training for both employees and supervisors on recognizing and responding to heat-related illness.

### ***Emergency Response***

Employers are required to have protocols in place to address heat illness emergencies.

### ***Recordkeeping***

Employers must maintain detailed records of heat-related incidents and prevention measures.

### **Potential Impact on Home Care, Home Health, and Hospice Providers:**

#### ***Operational Changes***

Providers will need to assess heat risks in both client homes and outdoor work environments, particularly for workers traveling between locations or in homes without proper ventilation or air conditioning.

#### ***Additional Costs***

Implementing cooling solutions, creating rest areas, and ensuring access to water will likely incur additional costs, especially in home-based settings. Moreover, the requirement for mandatory rest breaks when the heat index exceeds 90°F, which may require sending additional staff to relieve workers, will create further operational and financial burdens.

#### ***Training Requirements***

Providers will need to invest in training caregivers in heat illness prevention and ensure compliance with the new regulations.

#### ***Client Safety***

Providers may also need to consider the impact of heat hazards on vulnerable clients, especially those in homes without climate control.

### **Concerns for Home-Based Care Providers:**

#### ***Client-Controlled Environments***

Providers face challenges in controlling the temperature in client homes where the client may prefer a warmer environment. There are limitations in requiring clients to adjust their home temperature or implement cooling measures.

#### ***Portable or Temporary Cooling Measures***

Temporary cooling solutions (e.g., portable fans, cooling vests) may be necessary, but the cost and logistics of providing these in clients' homes raise concerns about feasibility.

#### ***Balancing Client and Worker Safety***

There may be conflicts between ensuring worker safety and meeting client needs, particularly in cases where a client's medical condition requires a warmer environment.

### ***Worker Autonomy and Flexibility***

Flexibility should be provided for workers who choose to continue working in warmer environments. Employers will need clear guidelines for documenting workers' personal choices and waiving certain obligations.

### ***Liability and Enforcement***

Clarity is needed on who holds liability if a worker suffers from heat-related illness in a client-controlled environment, and how OSHA plans to enforce standards in private residences.

### ***Client Education and Cooperation***

Providers may need support in educating clients about the importance of heat safety for caregivers, and guidance on handling situations where clients refuse to cooperate with cooling measures.

### ***Rest Breaks and Shift Coverage***

Compliance with rest breaks will be challenging in home care settings. Additional staff may need to be sent to cover these breaks, increasing costs.

### ***Adapting to Varying Client Conditions***

Providers need guidance on accommodating workers who care for clients with specific health conditions that require higher temperatures, as these conditions may exacerbate heat risks for workers.

### ***Economic Impact on Small Providers***

Small and independent providers may struggle with the additional costs of compliance, and there is concern about how this will affect their financial viability, particularly in rural or resource-limited areas.

### ***Training Requirements***

OSHA must provide industry-specific training guidelines for caregivers on managing heat risks in home environments.

While important to note that the proposed rule is an important step toward improving worker safety, if implemented as is, it will present significant operational and financial challenges for providers in the home care, home health, and hospice sectors. The Alliance will be submitting formal comments to OSHA to ensure that our members' concerns are addressed, particularly around the need for flexibility in home-based care environments. [Comments are due December 30, 2024.](#)