

Construction Labor
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Workers Want Flexible Heat Standard as OSHA Eyes Trigger Temp

By Tre'Vaughn Howard

- OSHA: Most current state-approved plans would need to adapt
- Federal government opens public comment for national standard

Even at night, cleaning airplane cabins can be hot, exhausting work. Priscilla Hoyle has often found herself drained from the conditions inside the planes and once had to leave her overnight shift at the Charlotte Douglas International Airport.

As a lead cabin cleaner for a contractor working for American Airlines—Hoyle said North Carolina has all the ingredients to make cleaning staff like her sweat profusely: humidity, jet engines blowing heat on the tarmac, aircrafts with air conditioning turned off while they clean.

Hoyle is one of many workers advocating with unions—like the Service Employees International Union—seeking safety protections amid record-breaking temperatures. The workers are seeking a comprehensive heat protection and prevention standard from the federal government that would—among other things—take into account the varying ways to measure heat in environments for worker safety plans.

"We're out here working hard, cleaning these planes, protecting these planes, and making sure everything is safe and clean, but nobody is protecting us or making sure we're safe," she said.

American Airlines and its contractor ABM didn't respond to a request for comment.

There were 33,890 estimated work-related heat injuries and illnesses that resulted in days away from work from 2011-2020, according to the Bureau of Labor Statistics. In response, the US Occupational Safety and Health Administration launched the public comment period for its first nationwide heat stress rule last Friday.

OSHA is proposing an initial heat trigger at a heat index of 80 degrees Fahrenheit and a high heat trigger of 90 degrees Fahrenheit for when employers must implement measures to protect their workers.

The agency noted the proposed trigger points are based on the heat index and wet bulb global temperature—which were supported by its sister agency the National Institute for Occupational Safety and Health. NIOSH is responsible for conducting research and providing recommendations on work-related injury and illness prevention measures.

The proposed standard would apply to a range of sectors—like construction and agriculture—that include both indoor and outdoor work areas. The nationwide plan would require employers to implement a heat emergency response and planning procedure as well as heat trigger requirements. Some of those mandates are specific to work areas and include providing employees with drinking water or break areas for outdoor worksites.

Roger Finderson, president of the Workers' Injury Law and Advocacy Group, said setting a trigger point at the lowest common denominator provides the most safety in the workplace. "It's not one size fits all," Finderson said, adding that having different ways to measure the temperature is important.

State Agencies Vary

Only a small handful have taken the initiative to adopt their own heat standards. However, the federal agency suggested its proposed rule would need to be adopted by most current state plans since it would increase protections beyond what they have now.

Maryland is proposing a heat trigger point set at 80 degrees Fahrenheit and it also has a high heat condition that triggers additional requirements at 90 degrees or more. The proposed standard outlines that its definition of the heat index will take into account the relative humidity—also known as the white-bulb temperature—as well as the actual air temperature.

California's recently passed indoor standard isn't triggered until the temperature equals at least 82 degrees. The Golden State's high heat procedure is set five degrees higher as well. While the states have similar requirements like heat illness training for employees, they differ in some areas, specifically as it pertains to the trigger points, what is required at those points, and how the temperature is measured.

States Set Varying Heat Standards

Some states have multiple triggers

State	Outdoor/Indoor	Trigger Points
OSHA (proposed)	Both	80°F / 90°F
California	Both	80°F / 82°F / 87°F / 95°F
Colorado	Agriculture only	80°F / 95°F
Maryland (proposed)	Both	80°F / 90°F
Minnesota	Indoor	77°F / 80°F / 86°F
Oregon	Both	80°F / 90°F
Washington	Outdoor	52°F / 80°F / 90°F

Source: Occupational Safety and Health Administration

Bloomberg Law

Maryland's push for its proposed heat standard, which would include both indoor and outdoor workplaces, comes nearly four years after state officials first called for one and the passing of a worker in Baltimore, Ronald Silver II, from hyperthermia in August.

Denise Gilmore, legislative director of the American Federation of State, County and Municipal Employees Maryland Council 3—the union Silver had been a part of—said the state's proposed heat standard is "relatively strong."

"There's a few small tweaks that we could certainly see that I don't think at this point it's worth holding the standard up for," Gilmore said. "We don't want to see another summer go by without us having a heat stress standard on the books."

Gilmore noted the union hopes to see the standard adopt site-specific plans for training and accountability purposes. The group wants to make sure a plan is developed to incorporate all the areas at a particular work site, she said.

Heat Across The Country

Christopher Nickels, a partner at Quarles & Brady, said the biggest challenge for a nationwide rule isn't necessarily setting a heat trigger point, but making sure employers understand the complexities of heat illness prevention measures like acclimatization—which focuses on limiting heat exposure for workers as their bodies adjust to the environmental change.

"Employer aren't going to become meteorologists on some of this stuff," Nickels said. Employers will need a more practically structured approach to address heat illness if they're going to successfully implement a plan, he added.

But there isn't a universal heat index temperature degree trigger point that would be equally effective nationwide, urban climatologist Ariane Middel said. This is due to the regional climate, amount of solar radiation, humidity, and an individual's characteristics, she added.

Middel, a researcher at Arizona State University, studies how the built environment impacts outdoor heat and how extreme heat affects people. Some of her research includes measuring how heat load from direct sun and surrounding surfaces impacts the human body.

"Even if there were national trigger points, they would have to be adjusted regionally to account for local climate differences, working conditions, and workforce characteristics," Middel said.

Still, Middel noted the importance of having public officials and employers implement heat illness prevention plans. Adjust work hours, include breaks in air-conditioned spaces, and have emergency response protocols during hot days, she said.

Middel emphasized the significance of providing shade to reduce the heat load on a person's body. In places like Phoenix, where she is based, Middel said the experienced heat load in the sun can be 30 degrees higher than in the shade.

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