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AND THE CHINESE COMMUNIST  
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November 12, 2024

Julie A. Su  
Acting Secretary of Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Douglas L. Parker  
Assistant Secretary of Occupational Safety  
and Health Administration  
200 Constitution Avenue NW  
Room Number N3626  
Washington, D.C. 20210

RE: Heat-related injury and illness prevention in the workplace

Dear Acting Secretary Su and Assistant Secretary Parker,

We applaud the Department of Labor and the Occupational Safety and Health Administration (OSHA)'s leadership in proposing the [Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings rule](#) to protect our neighbors. Extreme heat is the leading cause of weather-related fatalities in the United States, and scientists predict that temperatures will continue to rise in the coming years along with devastating health and economic consequences. Therefore, we urge the Department to finalize federal workplace protections for heat-related injury and illness prevention as soon as possible.

Federal heat protections are important to Floridians due to the increasing number of extremely hot and humid days driven by the burning of fossil fuels and the growing climate crisis. A federal heat standard also is essential due to a cruel and economically harmful new Florida law, [Fla. Stat. § 448.106](#), that prohibits local governments from enacting heat exposure protections for workers. This new statute eliminates worker protections, including employee monitoring, water breaks, cooling measures, acclimation and recovery practices, preventative education and trainings on first-aid measures and emergency responses, protections for workers who report feeling ill and reporting requirements. This callous preemption law, which was signed by Governor Ron DeSantis, will cost lives and negatively impact Floridians that work outside

especially in construction and agriculture. The new Florida law likely will harm Florida's economy as workers seek to work elsewhere, in other occupations, or will suffer heat-related illness or death in the workplace as temperatures continue to rise in Florida. We appreciate that OSHA issued a heat hazard alert to remind employers of their obligation to protect workers against heat illness or injury in outdoor and indoor workplaces, but to ensure that my neighbors in Florida are protected from extreme heat in the workplace, we urge OSHA to issue the strongest rule as quickly as possible.

We applaud many of the provisions included in the proposed rule, beginning with the requirement that an employer must develop and implement a work site heat injury and illness prevention plan (HIIPP) with site-specific information. We are encouraged to see that HIIPP implementation would prompt employers to track local weather conditions with appropriate instruments, designate safety coordinators, issue hazard alerts, provide appropriate break sites for water with shade or air conditioning, relieve and monitor an employee who is experiencing signs and or symptoms of heat illness, and provide initial training on heat hazards, first-aid and emergency responses.

However, we encourage you to consider several policy changes that could be made to further strengthen the proposed rule:

- As written, the proposed rule would not apply to employers with less than 10 workers or emergency responders. Employers should be accountable for the health and safety of their employees, regardless of how many or few that they have.
- The proposed rule only requires that employers who provide Personal Protective Equipment (PPE) maintain such equipment. Employers should be held responsible for providing appropriate PPE if a hazard alert is issued and PPE is needed. It is paramount that employers are required to institute the strongest safeguards possible to maintain a healthy and safe workplace. In addition, the Administration should establish guidelines on monitoring employees wearing PPE during hazard alerts.
- The proposed rule requires an employer review their HIPP annually. The rule can go further to establish a council which offers support and technical assistance to employers in developing and adapting HIPPs and offers plan templates based on an employer's industry.
- The proposed rule also states that employers must *monitor with sufficient frequency to determine* heat exposure. The Administration should define and standardize *sufficient frequency*.
- The proposed rule requires employers to provide access to potable water for drinking that is kept in *readily accessible* locations and is *suitably* cool. The Administration should go further to define *readily accessible* as no more than .25 miles in distance from the worksite and *suitably cool* as 60 degrees Fahrenheit or cooler. In addition, cups for every employee should be readily available and free of charge.

- The proposed rule states that HIPPs include precise directions for emergency dispatchers to reach a worksite. The Administration should stipulate that employees shall not be held financially responsible for transportation and or care for themselves during a heat-related emergency.
- In defining *signs and symptoms of heat-related illness*, the definition should be expanded to include alterations in typical motor and cognitive behaviors, including slowed reaction times, increased error-making behaviors and impaired memory.
- The proposed rule should go further to consider how to best protect employees who are pregnant, older, less physically fit or living with preexisting conditions.
- When finalized, the rule should require that employers educate employees and be clear that they will not be negatively retaliated against if they report unsafe working conditions.

Thank you for the opportunity to comment on the [Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings rule](#). As temperatures continue to break records and workers suffer under increasingly hazardous conditions, we urge OSHA to move forward expeditiously to finalize the rule to protect workers across the country, including in Florida. In the meantime, we also urge OSHA to continue existing outreach and enforcement efforts in areas where workers are exposed to heat hazards and increase inspections in high-risk industries like construction and agriculture. These actions would align with the agency’s National Emphasis Program on heat, announced in April 2022, to focus enforcement efforts in geographic areas and industries with the most vulnerable workers. Thank you for using every tool at your disposal to strengthen communities’ — and workers’ — resilience against extreme heat.

If you have any questions, please do not hesitate to contact my Legislative Assistant Capreece Kelsaw at [Capreece.Kelsaw@mail.house.gov](mailto:Capreece.Kelsaw@mail.house.gov). Thank you.

Sincerely,



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MEMBER OF CONGRESS



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