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November 21, 2025

The Honorable Mark Messmer  
United States House of Representatives  
1208 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Messmer,

On behalf of NFIB, the nation's leading small business advocacy organization, I write in support of H.R. 6213 the *Heat Workforce Standards Act of 2025*. This legislation would prevent the Biden Administration's Occupational Safety and Health Administration (OSHA) Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings rule, or OSHA Heat Standard, from being finalized and would prevent a future administration from undertaking a similar rulemaking. If enacted, this legislation would stop a massive new regulation from burdening small businesses nationwide.

According to a recent NFIB Member Ballot, 89% of NFIB members oppose the federal government regulating and restricting business operations when temperatures are above 80 degrees Fahrenheit at the worksite.<sup>1</sup> Unfortunately, on August 30, 2024, the Biden Administration proposed a one-sized-fits-all OSHA Heat Standard that would add new onerous one-sized-fits-all mandates on small businesses across the country when temperatures are at or above 80 degrees Fahrenheit at the worksite.<sup>2</sup>

Specifically, the proposed OSHA Heat Standard would require employers in general industry and construction, maritime, and agricultural sectors to identify heat hazards, implement engineering and work practice heat control measures, implement a heat illness and emergency response plan, train personnel, and retain records, without regards to regional climate differences or industry specific job functions.

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<sup>1</sup> NFIB Member Ballot, Mandate vol. 586, April 2025, *Should the federal government regulate and restrict business operations when temperatures are above 80 degrees Fahrenheit at a worksite?* (Yes: 5%, No: 89%, Undecided: 6%).

<sup>2</sup> Federal Register, *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings*, 29 CFR Part 1910, 1915, 1917, 1918, 1926, and 1928 [Docket No. OSHA-2021-0009] RIN 1218-AD39, August 30, 2024, <https://www.federalregister.gov/documents/2024/08/30/2024-14824/heat-injury-and-illness-prevention-in-outdoor-and-indoor-work-settings>.


The proposed OSHA Heat Standard is particularly burdensome for small businesses, who unlike their larger competitors, largely do not have a dedicated compliance officer or a dedicated human resources department to help them navigate complying with complex federal regulations. The OSHA Heat Standard will add daily new responsibilities for small business owners and will add onerous new training requirements for small businesses who may not have the existing capabilities to implement the mandate. This could leave small businesses forced to hire outside consultants or dedicated staff to help comply with the regulation.

If that wasn't bad enough, the proposed OSHA Heat Standard would add an unworkable, ridged, one-sized-fits-all new mandate of a paid 15-minute break for every two hours of work in a cooled environment with cooled water. This new mandate may be impossible to implement in various industries and could lead to widespread disruptions in business operations.

Most small businesses offer as needed breaks to prevent heat injury or illness or simply for a worker to use the restroom. Small businesses are not preventing their workers from taking a break to cool off or getting some water when it is abnormally hot outside, let alone when a worker is experiencing an incident that could leave them harmed. Yet, the proposed OSHA Heat Standard fails to recognize the fact that employers already are combating heat-related injuries or illness and would punish businesses who work without government intervention to protect their employees with more mandates and regulatory burdens that could force them to close or sell off to a larger competitor.

NFIB strongly supports the *Heat Workforce Standards Act* to protect small businesses from the looming one-sized-fits-all mandates and onerous new regulatory compliance burdens the proposed OSHA Heat Standard would implement. NFIB urges Congress to promptly enact this legislation. Small businesses appreciate your leadership to reduce onerous regulatory compliance burdens and red tape.

Sincerely,

A handwritten signature in black ink, appearing to read "Dylan Rosnick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dylan Rosnick  
Principal, Federal Government Relations  
NFIB