

## ISSUE BRIEF:

# OSHA's Proposed Heat Standard

In August 2024, the Occupational Safety and Health Administration (OSHA) proposed a one-size-fits-all Heat Standard (Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings). The proposed standard applies to indoor and outdoor work settings with limited exemptions and would impose significant new compliance burdens and red tape on nearly all small businesses nationwide.

The administration must withdraw the proposed heat standard and halt all efforts to establish a federal heat standard. Additionally, Congress should enact the Heat Workforce Standards Act, which would prevent a federal heat standard mandate from being finalized and stop future administrations from pursuing a similar regulation.

### Is a national heat standard needed?

No. According to the [General Duty Clause, Section 5\(a\)\(1\) of the Occupational Safety and Health Act of 1970](#), employers are required to provide their employees with a workplace that “is free from recognized hazards that are causing or likely to cause death or serious harm to employees.” OSHA interprets the clause to mean that employers are obligated to protect employees from temperature-related hazards.

The current interpretation and application of the general duty clause demonstrates that OSHA already takes enforcement action against bad actors in heat-related incidents. Therefore, the proposed Heat Standard offers no additional enforcement tools for OSHA. However, it introduces new mandates and significant compliance burdens for small businesses.

### What are the key features of the proposed standard?

OSHA's proposed heat standard mandate includes:

- **Written Heat Safety Plan:** Employers must develop a Heat Injury and Illness Prevention Plan (HIIPP) tailored to their specific work environment. Among other things, this plan includes assigning a heat safety coordinator and outlining emergency procedures.
- **Training Requirements:** Employers must train workers and supervisors in recognizing heat illness symptoms, emergency response, and acclimatization protocols at least annually.
- **Initial Heat Trigger:** When worksite temperatures reach 80°F, employers must implement acclimation protocols for new and returning employees, provide water and break areas with cooling measures, and paid rest breaks if needed.
- **High Heat Trigger:** At 90°F, employers are required to provide mandatory 15-minute breaks every two hours, implement buddy systems, inform employees of a high heat trigger, remind employees of the HIIPP, and actively monitor workers for signs of heat illness.
- **Record Retention:** Employers are required to maintain a minimum of 6 months of written or electronic records of employee break and workplace temperature data.

## **What impacts would a national heat standard have on small businesses?**

The proposed rule would impose significant new compliance burdens and red tape on millions of small businesses that may not have the existing resources to comply with the new training, paperwork, and recordkeeping requirements, nor the new paid break and supervision mandates. Small businesses might need to hire outside help or additional staff just to comply with the new mandates and paperwork requirements of the Heat Standard. This could force small businesses to raise prices. Others may opt to close during warmer months to avoid the added compliance costs.

## **What are small business owners saying?**

*"We own and operate an indoor manufacturing facility that employs 15. The proposed OSHA Heat Standard rule... could prevent our company from operating during warmer months. We offer our employees cold refreshments and two paid breaks on top of their lunch break per day, and annually train employees about the dangers and signs of heat injuries. Our employees are what make our company go; their health and safety are our top priorities. Unfortunately, the OSHA Heat Standard rule would punish companies like ours with more government intrusion and paperwork, even though we go above and beyond to protect our employees' health and safety from the heat."*

– NFIB Member, New Jersey

*"I have a land surveying business in Idaho. It is not uncommon for my field tech and me to take off from the truck in the morning with 20-40 pounds of equipment each, and hike all day through whatever terrain the project takes us. This OSHA regulation would force me to hire 2 additional employees. We would be required to sit around and twiddle our thumbs for 15 minutes every 2 hours. It is already difficult to offer surveys at an affordable price. In the last few years, regulations have doubled the cost of a boundary survey. Local Idahoans are being priced out of being able to defend their boundaries. This regulation is unrealistic, unneeded, costly, and will make the quality of the work environment deteriorate."*

– NFIB Member, Idaho

*"I own a construction business that builds swimming pools. We are a family business and have been in business for 45 years. ... Being a seasonal business, we must do as much as we can through the summer to support the company through the winter months. ... I already take great care of my crew and work side by side with them in the heat, so I know what it's like when the weather is hot. ... In the end, it will cost us more money and your constituents' jobs. Please keep in mind with regulations like this that the only way a business can pay for these is through higher prices or lowering wages, neither of which we ever want to do."*

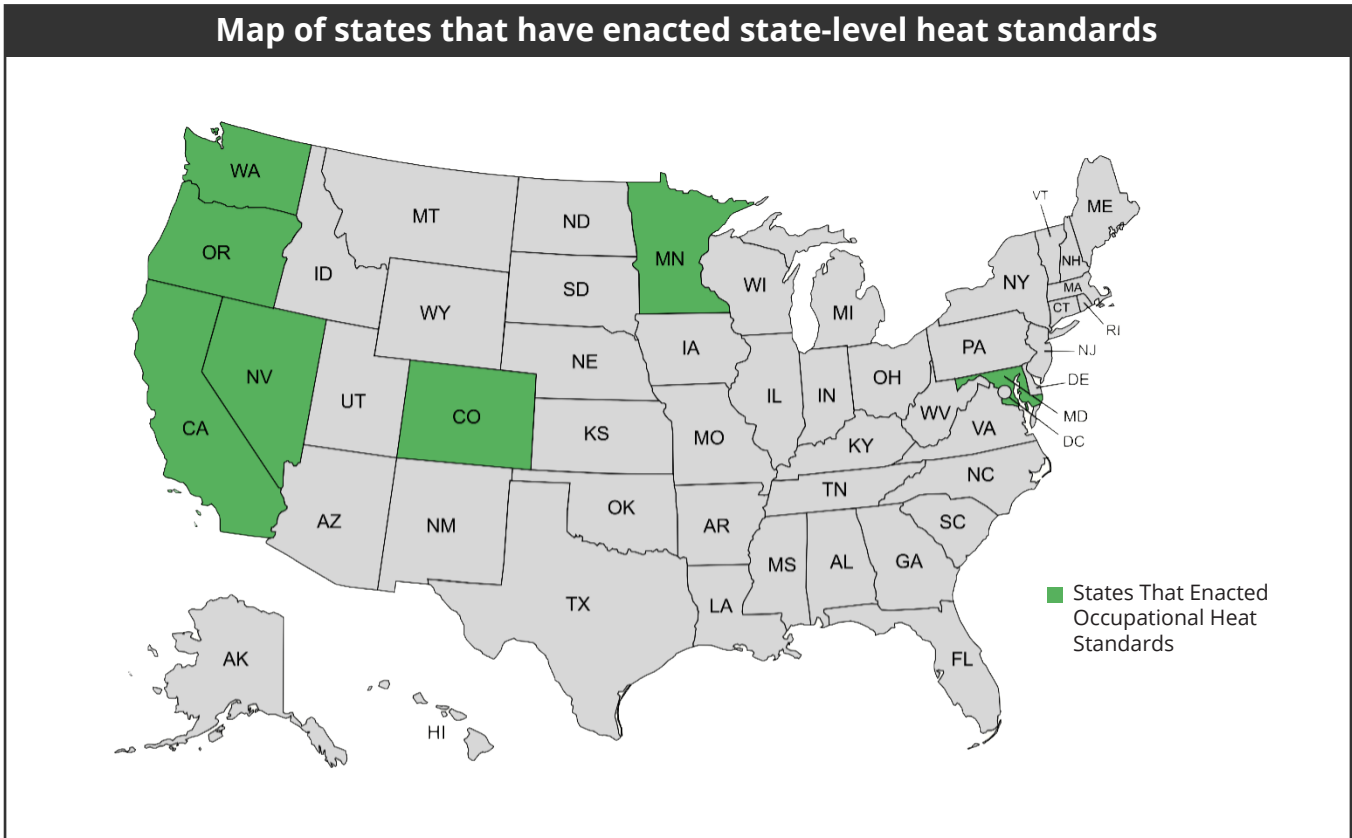
– NFIB Member, Missouri

*"We own and operate a plant, greenhouse, and horticultural supply business in Oklahoma and would be significantly burdened by the proposed Heat Standard. The heat standard is unworkable. We spend months of the year when the low temperature is above the 80-degree first high heat threshold and would be forced to comply with all the rule's mandates for a significant portion of the year. The paid breaks mandate would devastate our efficiency and would leave our workers at more risk of illness and injury. If the heat standard were to go into effect we would likely be forced to hire at least one new employee just to comply with the new recordkeeping and paperwork requirements, let alone the supervision and break mandates, and could force us to raise our prices to absorb these new compliance costs."*

– NFIB Member, Oklahoma

### State-Level Heat Standard Mandates

Following OSHA's proposal of the heat standard, a handful of states have enacted their own heat standard modeled on the proposed federal policy. Dozens of other states are considering legislation to do the same, adding new paperwork, recordkeeping, and paid break mandates on small businesses. Similar to the federal heat standard, NFIB opposes state-level heat standard mandates.



(as of February 9, 2026)

### Would a federal heat standard provide relief for small businesses in states with their own heat standard?

No. A federal OSHA heat standard would establish a nationwide floor, or minimum, meaning states would still be able to set and enforce their own heat standards that meet or exceed the national threshold. Small businesses in states with their own heat standard would see no regulatory relief. However, if the federal government finalizes the heat standard, millions of small businesses in states without a heat standard would be punished with significant new regulatory burdens and compliance costs.

### Stop the burdensome proposed heat standard

NFIB has requested that the administration withdraw the previously proposed Heat Standard and stop all efforts to establish a federal Heat Standard. NFIB also urges Congress to enact the *Heat Workforce Standards Act*, which would prevent the proposed Heat Standard from being finalized and stop future administrations from pursuing a similar regulation.