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The Honorable Ryan Mackenzie
Chairman
Subcommittee on Workforce Protections
2176 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Ilhan Omar
Ranking Member
Subcommittee on Workforce Protections
2101 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mackenzie and Ranking Member Omar,

On behalf of NFIB, the nation's leading small business advocacy organization, I write regarding the hearing entitled, "Building a Safer Future: Private-Sector Strategies for Emerging Safety Issues." NFIB represents nearly 300,000 small businesses nationwide and we appreciate the opportunity to discuss how small businesses protect their workers from workplace safety hazards.

Small businesses employ nearly half of our country's private-sector workforce, creating over 62 million jobs¹. For small businesses, employees are their greatest asset. They go to great lengths to provide healthy and safe workplaces and protect their workers from known occupational hazards, emerging threats, and even hazards that are not specific to work like temperature-related risks. Small businesses do this because they care about their employees and do not want to see anyone get hurt or sick.

Every day we hear amazing stories of NFIB members going the extra mile to ensure their workers are taken care of in all temperatures. Small businesses across the country are taking steps to prevent heat-related injuries including by providing cold refreshments, offering as needed breaks to cool off, rearranging work schedules to avoid peak heat, creating shaded break areas, purchasing fans to increase air flow at worksites, providing breathable uniforms to avoid overheating, training their employees in heat safety, adding additional supervision to monitor for any heat-related symptoms, and even having an extra vehicle with air conditioning at the job site in case anyone starts overheating. Across all the stories we hear one thing is consistent, small businesses care about their employees and take precautions to prevent any injuries or illnesses.

Small businesses do this on their own, without the heavy hand of government dictating them to. They do not need bureaucrats in Washington, D.C. or state capitals to tell them how to take care of their employees. Business owners know their workers and the risks at their job sites better than

¹ *Frequently Asked Questions About Small Business 2026*, U.S. Small Business Administration, Office of Advocacy (February 3, 2026), <https://advocacy.sba.gov/2026/02/03/frequently-asked-questions-about-small-business-2026/>.

politicians and bureaucrats. They are much better equipped to create and tailor workplace safety programs that make sense for their business and employees, rather than a one-size-fits-all approach coming from Congress or the Occupational Safety and Health Administration (OSHA).

Yet, during the Biden Administration, OSHA proposed a burdensome Heat Standard that ignores the good-faith efforts of small businesses and forces a one-size-fits-all approach to heat safety onto small businesses and their employees. Specifically, the OSHA proposed rule would require nearly all employers 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, provide 15-minute paid breaks every 2 hours, and actively supervise all employees for heat-related symptoms. The proposal sets arbitrary “high heat” triggers at 80 and 90 degrees, temperatures that parts of the country experience for most of the year.

This nanny state approach ignores that small businesses are already taking steps to mitigate heat-related hazards, even though they are a broader public health issue. The proposal also fails to differentiate regional climate differences and that businesses in different industries have completely different operations. On top of that, the Heat Standard disregards that small businesses operate differently than their larger competitors and new mandates and paperwork requirements disproportionately burden small businesses. It’s no wonder why nearly 90% of NFIB members oppose a Heat Standard.²

We are hearing from NFIB members that if a national heat standard is finalized, many small businesses would be forced to hire at least one full time employee just to comply with the rule and would likely have to increase prices to account for the new compliance costs. Some small businesses have indicated that they would simply shut down their operations during warmer months of the year or sell off to a larger competitor who can afford the new compliance costs.

Simply put, a Heat Standard is a solution in search of a problem. OSHA already has a broad enforcement mechanism under the General Duties Clause, which OSHA already interprets the clause to “include heat-related hazards.”³ Further, OSHA recently revamped its existing National Emphasis Program (NEP) on heat hazards to focus its resources to investigate and enforce against any bad-actors who are not taking care of their employees. Given the existing tools for OSHA and active NEP, implementing a federal heat standard does not add another enforcement tool for OSHA but would add massive new mandates, red tape, and compliance costs on small businesses.

It is unfortunate that some national business groups representing some of the largest corporations in the world are advocating in support of a federal heat standard that is “flexible” or “reasonable.” While that may sound great, any heat standard will add new mandates and paperwork requirements on small businesses who, unlike their larger competitors, do not have compliance departments to help them navigate complex new federal regulations.

² 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%).

³ Occupational Safety and Health Administration, *Heat*, <https://www.osha.gov/heat-exposure/standards>.

These new mandates would be completely new for businesses in the 42 states that do not have their own state heat standard. Moreover, the federal heat standard will be rewritten and made more burdensome by Administrations in the future. All a federal heat standard would do is create more headaches and pain for small businesses.

Instead, OSHA should withdraw the Biden Administration's proposed Heat Standard and Congress should pass Representative Messmer's bill, H.R. 6213 the *Heat Workforce Standards Act*. The legislation would prevent the proposed Heat Standard from being finalized and prevent any future Heat Standard. By enacting H.R. 6213, Congress would protect tens of millions of small business owners from this massive new regulation and allow small businesses to continue to have heat safety programs that are tailored to their business and workers, and that make sense for their specific operations.

NFIB appreciates your consideration and urges Congress to protect small businesses and their workers from the proposed Heat Standard's onerous mandates and paperwork burdens.

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