

Oregon OSHA Issues Emergency Heat Safety Rules

On July 8, 2021, Oregon Occupational Safety and Health Administration (OSHA) adopted emergency rules implementing requirements for employers to protect workers from the dangers of high and extreme heat, including providing access to shade and cool water, cool-down breaks, training, and other measures. The temporary rule is effective immediately and will stay in place for 180 days as Oregon OSHA continues to work on a permanent heat stress prevention rule.

Heat safety measures under the newly adopted rules will apply whenever employees must work while the heat index is 80 degrees or more. The heat index is calculated using both temperature and humidity to create a "feels like" temperature. The rules require designated shade areas, access to drinking water, and training. Additional measures are required when the heat index is 90 degrees or more, as summarized below.

Heat Safety Requirements—Heat Index of 80 Degrees or Higher

- Employers who have work activities covered by the emergency rule must establish and maintain a shade area whenever the heat index temperature is 80 degrees or above. The shade area must be open air or have mechanical cooling, must be able to accommodate all employees who are on their rest and meal periods and must be as close as practical to where employees are working. If an employer can show that access to shade is neither safe nor feasible, the employer can implement alternative cooling measures.
- Employees must be provided cool or cold (35-77 degrees Fahrenheit) drinking water at no cost and must have time to drink the water. Employers must supply each employee with enough water to be able to consume 32 ounces per hour. The 32 ounces of water may be supplied throughout the day and need not all be available at the start of work.
- Beginning August 1, 2021, supervisors and employees must receive training on heat risks. This includes the risk factors for heat illness, the procedures for complying with the new OSHA regulation including providing water, daily heat index information, shade, and cool-down rests, and how to report symptoms of heat-related illness and where to access first aid. Workers must receive training on the methods of acclimatizing to heat, the effects of nonwork factors such as weight, medications, or alcohol on heat tolerance and the different types and signs of heat illness. Employees must also be reminded of their ability to exercise their rights under the new standard without fear of retaliation.

Heat Safety Requirements—Heat Index of 90 Degrees or Higher

- When the heat index is 90 degrees or more, employers must maintain effective communication by voice observation or electronic means so that employees can contact a supervisor when necessary. Employers must also observe employees for alertness and signs and symptoms of heat illness. Employers will also be required to designate an employee on each worksite as someone to call for emergency medical services.
- Employer also must make sure that every employee takes a minimum 10-minute preventative cool-down rest period in the shade every two hours. This rest period can be concurrent with the rest periods required under wage-and-hour laws.

- Employers also must develop and implement an emergency medical plan in compliance with OSHA regulations. The plan must have procedures for responding to signs and symptoms of heat illness, reporting symptoms of heat illness, and emergency response procedures. The plan must provide that employees who exhibit signs of heat illness should not be left alone or sent home without first being offered onsite first aid or emergency medical services.

The emergency rule does not apply where heat is generated from work processes (e.g., where the excessive heat is the result of steel mill operations); other rules may cover such work. The rules also exclude work time spent in vehicles and where employees are not required to work more than 15 minutes in an hour with a heat index of 80 degrees or more.

Key Takeaways

Oregon OSHA had already been in the process of drafting permanent heat regulations, but the recent historic heat wave has generated significant concerns and greater urgency to implement worker protections as the state braces for yet another extreme summer season. Employers should review and take steps to comply with the requirements of the emergency rule, which are effective immediately. Employers can expect that OSHA will start with education, guidance, and assistance with implementing the regulation, but move to enforcement if employers are noncompliant.

The following Oregon OSHA resources are free and available now to employers for help with complying with the emergency heat stress requirements. These resources involve no fault, no citations, and no penalties.

Consultation Services. These services provide free help with safety and health programs, including how to control and eliminate hazards, and hands-on training. See contact information below:

- Phone (Toll-free in Oregon): +1.800.922.2689
- [Field offices](#)
- [Online](#)
- [Email](#)

Technical Staff. The staff helps employers understand requirements and how to apply them to their worksites. See contact information below.

- Phone (Toll-free in Oregon): +1.800.922.2689
- [Online](#)
- [Email](#)

Moreover, the Oregon Department of Consumer and Business Services, which includes Oregon OSHA, maintains a Multicultural Communications Program that provides outreach to communities with limited English proficiency. That outreach encompasses information about on-the-job safety and health. The program includes a toll-free phone number for Spanish-speaking Oregonians: +1.800.843.8086.

Additionally, Oregon OSHA has compiled the following state and national education and training resources in English to help employers achieve compliance and reduce the risk of heat stress to workers.

- **Oregon OSHA**
 - [Fact Sheet](#) about the temporary heat stress prevention rule
 - [Water. Rest. Shade](#) Publication
 - [Heat Illness Trifold Card](#)

- [Heat Illness Prevention Plan](#)
- [Heat Illness Poster](#)
- [Heat Stress Prevention Video](#)
- [A-to-Z Topic Page About Heat Stress](#)
- [Resource Library](#) (14 video resources on heat stress, including in agriculture and construction)
- **Centers for Disease Control and Prevention (CDC)**
 - [How to Stay Cool in Extreme Heat Video](#)
 - [Protect Workers From Heat Stress Infographic](#)
- **Oregon Health Authority (OHA)**
 - [Extreme Heat Q&A](#)
 - [First Aid for Heat Illness](#)
- **National Institute for Occupational Safety and Health (NIOSH)**
 - [Protecting Workers From Heat Illness](#)
- **The Federal OSHA**
 - [Heat Stress App](#) (features ideas for planning outdoor work activities based on how hot it feels during the day)
- **British Columbia Occupational Health and Safety Regulation (WorkSafeBC)**
 - [Sun Safety at Work Video](#) (features helpful information that can be put to practical use anywhere)

© 2021 Perkins Coie LLP

Authors



[Calvin Keith](#)

Of Counsel

CKeith@perkinscoie.com [503.727.2006](tel:503.727.2006)

Explore more in

[Labor & Employment](#) [Corporate Law](#) [Corporate Governance](#) [Public Companies](#)

Related insights

Update

[FERC Meeting Agenda Summaries for October 2024](#)

Update

New White House Requirements for Government Procurement of AI Technologies: Key Considerations for Contractors