



OSHA Heat Injury and Illness Prevention Program (HIIPP)

This bulletin has been developed jointly with NECA's Safety team.

On July 3, 2024, NECA distributed a [NECA Alert](#) on OSHA's proposed standard for Heat Injury and Illness Prevention (HIIPP). Since that time, there have been questions about timelines and impact of the rule in a collective bargaining setting.

Areas of the Collective Bargaining Agreement that may be impacted

Breaks

Under the proposed standard, there are mandatory paid breaks depending on working conditions and thresholds of heat exposure. There is not a uniform application of paid break language in Collective Bargaining Agreements (CBAs) across the country. Should the rule be enacted, the application of break language in conjunction with existing CBA language, or lack thereof, needs to be reviewed for compliance. The breaks required in the proposed standard may be paid or unpaid depending on when they occur. State paid break laws and interplay are another area for close review locally.

Water

Under the proposed standard, there are requirements for water to be provided on job sites depending on working conditions and thresholds of heat exposure. This is an area that is routinely bargained; any CBAs with water station language should be reviewed for compliance.

Heat Safety Coordinator

Under the proposed standard, a Heat Safety Coordinator would be required for all employers. The decision on which individual serves in that position should be maintained as the employer's decision.

Personal Protective Equipment (PPE)

Under the proposed standard there are numerous PPE considerations. OSHA requires employers to pay for personal protective equipment used to comply with OSHA standards. Any conflicts in CBA language regarding PPE or PPE replacement are not a negotiable item.

Ratios

Under the proposed standard there are situations where an employee would be mandated job removal or rest for safety. Depending upon a project and composite crews, employers need to be mindful of crew structure to avoid ratio compliance issues and apprentice supervision requirements. The intent of the proposed standard is

if a worker is going through acclimatization, when their time is up according to the HIIPP plan, they will be assigned subsequent duties to finish the day. According to the proposed standard, no worker is being dismissed after they complete each step in acclimatization.

Timeline for adoption

Notice of Proposed Rulemaking (NPRM) was posted in [Federal Register](#) on August 30, 2024, with a 120-day comment period ending December 30, 2024. There has been some indication that OSHA may extend the deadline into 2025, as it is likely stakeholders will ask for an extension. Once the Final Rule is posted in Federal Register and the law goes into effect there will be 60 days to implement the monitoring component and 90 days after that to have the full Heat Injury and Illness Prevention Program (HIIPP) in place

How to submit feedback

NECA Chapter Executives and NECA members are encouraged to continue submitting feedback regarding the proposed HIIPP standard. NECA belongs to the Construction Industry Safety Coalition (CISC) which has also submitted feedback on behalf of NECA with NECA's input.

OSHA encourages public feedback and outlines the following process to do so. From [OSHA](#):

OSHA encourages the public to participate by submitting comments. Your input will help us develop a final rule that adequately protects workers, is feasible for employers, and is based on the best available evidence. The NPRM is available on the Federal Register web page at <https://federalregister.gov/d/2024-14824> and at www.regulations.gov, which is the Federal e-Rulemaking Portal. You may submit comments and attachments electronically at www.regulations.gov, Docket No. [OSHA-2021-0009](#). Follow the instructions online for making electronic submissions. Comments must be submitted by December 30, 2024. When submitting comments or recommendations, commenters should explain their rationale and, if possible, provide data and information to support their comments or recommendations.

Questions?

Application questions or interpretations related to the OSHA HIIPP proposed standard should be directed to the NECA Safety team safety@necanet.org. Questions related to CBA impact should be directed to NECA Labor Relations at LR@necanet.org.

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