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January 14, 2025

Occupational Safety and Health Administration

U.S. Department of Labor

200 Constitution Avenue NW

Washington, DC 20210

Attn: Stephen Schayer, Director, Office of Physical Hazards and Others

*Submitted via regulations.gov*

**Re: Docket No. OSHA–2021–0009, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings** [<https://www.regulations.gov/document/WHD-2023-0001-0001>]

Dear Director Schayer:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 89 undersigned organizations, we submit this comment in strong support of the Department of Labor's proposal to protect workers from exposure to dangerous heat in the workplace. When finalized, this rule will save thousands of lives by ensuring workers have common sense health and safety protections on the job. In particular, it will help to protect Black, Latino, and other workers of color, workers with disabilities, immigrant workers, and workers with low incomes who are disproportionately vulnerable to heat-related injury and illness.

The Leadership Conference is the nation's oldest, largest, and most diverse civil and human rights coalition and provides a powerful unified voice for the many constituencies we represent. As an organization dedicated to advancing civil and human rights, we are supportive of the department exercising its authority to protect workers from the effects of heat on the job. This is an important step forward in updating our nation's labor practices and will ensure better health and safety outcomes for workers nationwide, including workers that are part of the diverse communities our coalition represents. Our coalition understands that efforts to empower these workers will in turn lead to a more open and just society — an America as good as its ideals.

The undersigned organizations applaud the Occupational Safety and Health Administration's (OSHA) decision to include an equity assessment as part of the proposed regulation's distributional analysis. As that equity assessment makes clear, the risks of heat exposure are unequally distributed and put communities that are already underserved and underresourced at greater risk. Federal data and independent research confirm that:

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- Individuals from underserved populations, especially workers of color, are more likely to work in occupations and industries with heat-related risks, with Latino workers in particular facing disproportionately high rates of heat-related illness and death;
- Low-income workers are disproportionately exposed to heat-related hazards while on the job; and
- Excessive exposure to heat exacerbates existing health conditions such as asthma, diabetes, and heart disease and puts workers with certain disabilities at significant risk.

As the climate crisis fuels more extreme heat each year, workers will become increasingly vulnerable to injury and death on the job without federal protections in place. We urge the Department of Labor to finalize these proposed regulations expeditiously and ensure their robust enforcement. In particular, we strongly support finalization of the following requirements outlined in the proposed rulemaking:

- Application of the regulations to as many workers as possible with limited exceptions, as workers across occupations and industries face growing risks related to occupational heat.
- Protection of both indoor and outdoor work locations, as workers face unique heat-related vulnerabilities in both settings.
- The use of heat triggers that reflect the evidence about the risks of heat-related injuries.
- Requirements that employers provide workers with common-sense protections such as paid breaks and access to drinking water during periods of dangerous heat, which will in turn afford workers greater safety and dignity.
- Requirements that employers produce site-specific heat safety plans; engage workers in the process of developing these plans; and provide regular worker training that meets the language access needs of workers. These language access requirements will ensure that all workers, including workers with a first language other than English, are fully aware of their rights and protections.

Additionally, we encourage the department to make several changes to the final rule to ensure that workers are fully protected from the dangers of heat exposure on the job.

**First, in response to the proposed rulemaking’s directed questions, we urge the department to remove a provision from the final rule that would exempt indoor workers engaged in sedentary work from the rule’s protections.** As defined in the regulation, sedentary workers would include workers who spend up to one-third of their shift lifting light objects. This definition is overly broad, and would mean that many workers in warehouses and manufacturing plants may be left without basic protections, even when their workplaces reach unsafe temperatures that place them at risk of illness, injury, or death. This exemption would increase disparities in workplace safety for low-wage workers of color and workers with disabilities in particular. In addition, we urge the department not to include an exemption for sedentary work in outdoor settings, which the proposed rulemaking suggests is being contemplated. Including such an exemption would put many agricultural and construction workers at risk.

**Second, we urge the department to strengthen protections for workers to take rest breaks when the temperature is above 80 degrees.** As proposed, the rule requires mandatory rest breaks at the high-heat level of 90 degrees, but at the lower heat trigger threshold of 80 degrees employers must only “allow and

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encourage” rest breaks. As the proposed rulemaking itself makes clear, extensive research shows that at temperatures of 80 degrees and above, risks of heat-related injury and illness increase. Workers deserve the right to take paid rest breaks when their health and safety is at risk. The final rule should be clarified to ensure that instead of merely “allowing and encouraging” worker breaks when the temperature is above 80 degrees, employers must be required to respect the right of workers to take breaks at this temperature.

We enthusiastically support the department’s proposal to protect worker health and safety through these proposed regulations. These rules will strengthen the basic rights of millions of workers, and especially workers who are people of color, workers with low incomes, immigrant workers, workers with disabilities, and other workers who belong to communities our coalition represents. These groups have long borne the historic and ongoing burden of systemic discrimination and are among those who would benefit the most from these proposed workplace protections. A federal heat standard will make much-needed progress toward ensuring that all workers are treated with dignity and are able to enjoy basic protections for their health and safety in the workplace. These updates are critical to supporting the economic security of working people, addressing historic inequities, and building an inclusive economy that works for all.

Thank you for the opportunity to submit comments on the proposal and for taking the time to consider our views, especially regarding how these proposed changes will impact the health, safety, and economic security of the communities our coalition represents. Please do not hesitate to reach out to Peggy Ramin, senior policy counsel for economic justice, at [ramin@civilrights.org](mailto:ramin@civilrights.org) with any questions.

Sincerely,

The Leadership Conference on Civil and Human Rights  
Adasina Social Capital  
Adrian Dominican Sisters, Portfolio Advisory Board  
Advance ESG  
African American Policy Forum  
AFT  
AJL Foundation  
Alianza Nacional de Campesinas, Inc.  
American Friends Service Committee  
Arizona Asian American Native Hawaiian Pacific Islander for Equity  
Asian Pacific American Labor Alliance-AFL-CIO (APALA)  
Association for Special Children and Families  
Association of Farmworker Opportunity Programs (AFOP)  
Center for Economic and Policy Research  
Center for Progressive Reform  
Central Florida Jobs With Justice  
Change the Chamber  
Chicago Jobs Council  
Coalition on Human Needs

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Communications Workers of America (CWA)  
Congregation of St. Joseph  
CorpGov.net  
Cupit's Angel Wings  
Daughters of Charity, Province of St. Louise  
Endangered Species Coalition  
Equal Justice Society  
Equality California  
Family Values @ Work  
Figure 8 Investment Strategies  
Franciscan Sisters of Allegany NY  
HenderWorks, Inc.  
Hispanic Federation  
Houston Immigration Legal Services Collaborative  
Human Rights First  
Impact Fund  
Impact Investors, Inc  
Indivisible  
Interfaith Center on Corporate Responsibility  
International Federation of Professional and Technical Engineers (IFPTE)  
Japanese American Citizens League  
Jobs With Justice  
Justice for Migrant Women  
Latino Farmers & Ranchers International, Inc.  
League of United Latin American Citizens (LULAC)  
Maine People's Alliance  
Majority Action  
Mercy Investment Services, Inc.  
National Action Network  
National Association for Latino Community Asset Builders (NALCAB)  
National Black Worker Center  
National Coalition for Asian Pacific American Community Development (National CAPACD)  
National Education Association  
National Employment Lawyers Association  
National Institute for Workers' Rights  
National Organization for Women  
Natural Investments  
NETWORK Lobby for Catholic Social Justice  
Nia Impact Capital  
NorthStar Asset Management  
Northwest Coalition for Responsible Investment  
Oxfam America  
PAVE

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People Power United  
Public Advocacy for Kids (PAK)  
Public Citizen  
Region VI Coalition for Responsible Investment  
Robert F. Kennedy Human Rights  
School Sisters of Notre Dame Collective Investment Fund  
Seventh Generation Interfaith Coalition for Responsible Investment  
Silver State Equality  
Sisters of Mary Reparatrix  
Sisters of St. Dominic of Blauvelt, NY  
Sisters of St. Francis of Philadelphia  
Sisters of the Humility of Mary  
Southern Environmental Law Center  
Sugar Law Center for Economic & Social Justice  
The Episcopal Church (DFMS)  
The Legal Aid Society  
The Restaurant Opportunities Centers United (ROC United)  
The Seva Foundation  
Transformative Wealth Management, LLC  
UFW Foundation  
United Church of Christ  
United Steelworkers  
Welcoming America  
Wenatchee for Immigrant Justice  
William E. Morris Institute for Justice  
Women Employed  
Worksafe  
Zevin Asset Management