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DIVISION OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

**Date:** July 28, 2023

**To:** Nevada Businesses

**Re:** OSHA Hazard Alert Letter and Heat Illness National Emphasis Program

On July 27, 2023, the White House issued a [fact sheet](#), in which President Biden announced new actions to protect workers from exposure to heat. At the request of President Biden, the Department of Labor (DOL) has issued the first-ever Hazard Alert Letter for heat. The letter is available in [English](#) and [Spanish](#). The Hazard Alert Letter reaffirms that workers have heat-related protections under federal law. The alert provides information on what employers can and should be doing now to protect their workers.

Additionally, in April 2022, Federal OSHA announced the launch of a National Emphasis Program (NEP) to protect millions of workers from heat illness and injuries. Nevada OSHA adopted the NEP in a modified form to reflect local factors. It became effective on **June 15, 2022**. Under the NEP, Nevada OSHA will proactively initiate inspections in over 70 high-risk industries prescribed by Federal OSHA and additional industries identified by Nevada OSHA. These inspections will cover indoor and outdoor settings when the National Weather Service has issued a heat warning or advisory for a local area. This NEP shall remain effective until cancelled or modified by a change to the Federal NEP or adoption of a Nevada-specific heat illness regulation.

### Heat Priority Days

As adopted in the NEP in June 2022, Nevada OSHA will consider a heat priority day as any day where the temperature reaches or exceeds 90-degrees Fahrenheit.

On heat priority days Nevada OSHA will do the following:

- Initiate compliance assistance in the targeted high-risk industries.
- Inspect any alleged heat-related fatality/catastrophe, complaint, or referral regardless of whether the worksite falls within a targeted industry of this NEP.
- Engage in proactive outreach and technical/compliance assistance to help keep workers safe on the job.

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## Heat Warning/Heat Advisory Days

The National Weather Service (NWS) provides the following types of warnings, alerts, and advisories:

- **Heat Advisory:** A Heat Advisory is issued within 12 hours of the onset of extremely dangerous heat conditions. The general rule of thumb for this Advisory is that the maximum heat index temperature is expected to be 100°F or higher for at least 2 days, and nighttime air temperatures will not drop below 75°F
- **Heat Wave:** A heat wave is forecasted when the daily maximum temperature exceeds 95 degrees Fahrenheit or when the daily maximum temperature exceeds 90 degrees Fahrenheit and is 9 degrees Fahrenheit or more above the maximum reached on proceeding days.
- **Excessive Heat Warning:** An Excessive Heat Warning is issued within 12 hours of the onset of extremely dangerous heat conditions. The general rule of thumb for this Warning is that the maximum heat index temperature is expected to be 105°F or higher for at least 2 days and nighttime air temperatures will not drop below 75°F.
- **Excessive Heat Watch:** Heat watches are issued when conditions are favorable for an excessive heat event in the next 24 to 72 hours. A Watch is used when the risk of a heat wave has increased but its occurrence and timing is still uncertain.
- **Excessive Heat Outlook:** Outlooks are issued when the potential exists for an excessive heat event in the next 3-7 days. An Outlook provides information to those who need considerable lead-time to prepare for the event.

As adopted in the NEP in June 2022, on any day the National Weather Service has announced a heat warning or advisory for the local area, Nevada OSHA will conduct programmed (pre-planned) inspections in targeted high-risk industries listed in Appendix A.

## Duties of Employers

In general, heat hazards vary based on temperature, humidity, direct sun exposure, working environment, and other factors. Employers are expected to monitor the working conditions at any location where their employees are performing work, to identify the hazards that are causing or likely to cause harm to their employees, and to implement effective methods to control those hazards.

Employers have a duty to protect workers against heat. In protecting employees from exposure to heat, employers should:

1. At a minimum, employers should provide cool water, rest breaks, and shade or a cool rest area for employees.
2. Allow for employees to gradually become used to working in hot temperatures (i.e. acclimatize)

3. Train employees on heat illness prevention, signs of heat illness, and how to act immediately if they or another employee appears to be suffering from a heat-related illness.

While Nevada OSHA currently does not have a heat illness regulation, if the agency determines that workers are exposed to unmitigated heat-related hazards at their workplace the agency could consider an enforcement action under the Nevada General Duty Clause, NRS 618.375(1).

Additionally, it is important to note that Nevada OSHA is currently working with stakeholders on a regulation that would create an enforceable heat illness standard in Nevada. Federal OSHA also has a heat illness standard that is in the pre-rulemaking stage.

### **Recommendations for Businesses**

In the interest of workplace safety and health, employers are encouraged to evaluate the controls in place to materially reduce or eliminate workers' exposure to hazardous heat conditions. Examples include, but are not limited to, the following:

#### **Training**

Employers should provide training to employees that consists of at least the following information:

- Hazards of heat-related illnesses.
- How to avoid heat-related illnesses by recognizing and avoiding situations that can lead to heat-related illnesses.
- Recognition of signs and symptoms of heat-related illnesses.
- First aid procedures.
- Employer's program to address heat-related illnesses.

#### **Personal Protective Clothing and Equipment**

Employers should consider the following types of protective clothing:

- Hats for work outdoors in the sun.
- For indoor work, loosely worn reflective clothing designed to deflect radiant heat, such as vests, aprons, or jackets.
- Cooling vests and water-cooled/dampened garments may be effective under high temperature and low humidity conditions. However, be aware that cooling vests can become an insulator when they reach the body's temperature.
- In environments where respirator usage is necessary, consult with an industrial hygienist to determine the appropriate clothing to prevent heat stress while still protecting the workers.

- Consider the use of dermal patches for monitoring core temperature to better identify when workers need to be removed from the work area.
- Consider the use of heart rate monitoring to better identify when workers need to be removed from the work area. Both sustained (180 bpm minus age) and recovery (120 bpm after a peak work effort) heart rates are recommended guidelines for limiting heat strain.

### **Engineering Practice Controls**

Employers should consider the following types of engineering controls:

- Use air conditioning
- Increase general ventilation
- Provide cooling fans
- Run local exhaust ventilation where heat is produced (e.g., laundry vents)
- Use reflective shields to block radiant heat
- Insulate hot surfaces (e.g., furnace walls)
- Stop leaking steam
- Provide shade for outdoor work sites.

### **Administrative and Work Practice Controls**

Employers can also utilize the following administrative and work practice controls:

- Schedule hot jobs for cooler parts of the workday; schedule routine maintenance and repair work during cooler seasons of the year when possible.
- Provide adequate, cool drinking water on the worksite that is easily accessible and permit employees to take frequent rest and water breaks.
- Use relief workers and reduce physical demands of the job.
- Use work/rest schedules.

### **Health Risk Factors and Acclimatization**

Employers should also consider the following acclimatization protocols and health risk factors communication:

- Allow new workers to get used to hot working environments by using a staggered approach over 7-14 days. For example, new workers should begin work with 20% of the normal workload and time spent in the hot environment, and then gradually increase the time over a 7–14-day period. The same should be done for workers returning from an absence of three or more days, starting with 50% of the normal workload and time spent in the hot environment, then staging acclimatization over three consecutive days.

- Advise workers that certain medications can increase risk of heat stress. These include:
  - Amphetamines – sometimes prescribed for narcolepsy or attention deficit hyperactivity disorder (ADHD),
  - Diuretics - water pills,
  - Antihypertensives - blood pressure medication,
  - Anticholinergics - for treatment of chronic obstructive pulmonary disease (COPD), and
  - Antihistamines - allergy medications
- In addition, alert workers to the dangers of using illegal drugs and alcohol in hot work environments. Illegal amphetamines, such as methamphetamine, are particularly hazardous when heat stress is present.
- Some conditions, such as pregnancy, fever, gastrointestinal illness, heart disease, and obesity, may increase the risk of heat-related illness. Advise workers to check with their doctors if they have any questions. (Please note: the employer is NOT entitled to know whether workers have these conditions, but only whether workers have any health conditions that limit their ability to perform their job duties. In some instances, workers with chronic conditions may need extra time to become acclimatized or may need other accommodations, such as more frequent breaks or restricted work.)
- Encourage workers to consult a doctor or pharmacist if they have questions about whether they are at increased risk for heat-related illness because of health conditions they have and/or medications they take.

### **How to File a Complaint**

Employees who feel they have been exposed to a hazardous condition in the workplace, have the right to raise their concerns with their employer or to file a complaint with Nevada OSHA. Such a complaint may trigger an inspection of the workplace. An employee who raises concerns with their employer or files an OSHA complaint is protected against retaliation or discrimination for having done so by NRS 618.445 and section 11(c) of the federal Occupational Safety and Health Act, Pub. L. 91-596, 84 Stat. 1590. If an employee files a complaint with Nevada OSHA, their name and contact information will be held as confidential information pursuant to NRS 618.341(3)(a).

To file a complaint, please visit <https://www.osha.gov/workers/file-complaint> or call Nevada OSHA at (702) 486-9020 (southern Nevada) or (775) 688-3700 (northern Nevada).

### **Assistance Available from Nevada Safety Consultation and Training Section (SCATS)**

SCATS is here to help. SCATS is focused on keeping Nevadans safe and healthy while on the job. SCATS offers resources for employers and employees alike, from training to consultation to safety program review. Heat illness is a recognized hazard that should be addressed in each business's Written Workplace Safety Program (WWSP). SCATS can review and make recommendations on best practices and implementation of an employer's heat illness protocols. If your business has questions or needs onsite training or consultation, please submit

a request by calling 877-472-3368 or submitting a consultation request at <https://www.4safenv.state.nv.us/contact/>.

## References:

### Hazard Alert Letter

- [English version](#)
- [Spanish version](#)

### National Emphasis Program: Outdoor and Indoor Heat-Related Hazards.

- [https://www.osha.gov/sites/default/files/enforcement/directives/CPL\\_03-00-024.pdf](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf)

### NIOSH Criteria Document: Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments, February 2016.

- <http://www.cdc.gov/niosh/docs/2016-106/>

### OSHA-NIOSH Info Sheet: Protecting Workers from Heat Illness.

- <https://www.osha.gov/sites/default/files/publications/osha-niosh-heat-illness-infosheet.pdf>

### NOAA/NWS Heat Safety webpage

- <https://www.weather.gov/safety/heat>

### Targeted Industries in Nevada

- Attached Appendix A

## Appendix A Targeted Industries

Non-Construction Industries Likely to Have Heat-Related Hazards	
4-Digit NAICS	NAICS Industry Sector Title
1121	Cattle Ranching and Farming
1151	Support Activities for Crop Production
2131	Support Activities for Mining
2213	Water, Sewage and Other Systems (may be State or local jurisdiction)
3118	Bakeries and Tortilla Manufacturing
3211	Sawmills and Wood Preservation
3241	Petroleum and Coal Products Manufacturing
3251	Basic Chemical Manufacturing
3272	Glass and Glass Product Manufacturing
3311	Iron and Steel Mills and Ferroalloy Manufacturing
3314	Nonferrous Metal (except Aluminum) Production and Processing
3315	Foundries
3323	Architectural and Structural Metals Manufacturing
3329	Other Fabricated Metal Product Manufacturing
3361	Motor Vehicle Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
3363	Motor Vehicle Parts Manufacturing
3364	Aerospace Product and Parts Manufacturing
3365	Railroad Rolling Stock Manufacturing
3366	Ship and Boat Building
3369	Other Transportation Equipment Manufacturing
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing
4239	Miscellaneous Durable Goods Merchant Wholesalers
4241	Paper and Paper Product Merchant Wholesalers
4242	Drugs and Druggists' Sundries Merchant Wholesalers
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers
4244	Grocery and Related Product Merchant Wholesalers
4245	Farm Product Raw Material Merchant Wholesalers
4246	Chemical and Allied Products Merchant Wholesalers
4247	Petroleum and Petroleum Products Merchant Wholesalers
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
4249	Miscellaneous Nondurable Goods Merchant Wholesalers
4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
4413	Automotive Parts, Accessories, and Tire Stores
4442	Lawn and Garden Equipment and Supplies Stores
4821	Rail Transportation (may be Federal jurisdiction)
4881	Support Activities for Air Transportation
4882	Support Activities for Rail Transportation
4883	Support Activities for Water Transportation
4884	Support Activities for Road Transportation
4885	Freight Transportation Arrangement
4889	Other Support Activities for Transportation
4921	Couriers and Express Delivery Services
4922	Local Messengers and Local Delivery
4931	Warehousing and Storage
5311	Lessors of Real Estate

<b>Non-Construction Industries Likely to Have Heat-Related Hazards</b>	
<b>4-Digit NAICS</b>	<b>NAICS Industry Sector Title</b>
5611	Office Administrative Services
5612	Facilities Support Services
5613	Employment Services
5614	Business Support Services
5616	Investigation and Security Services
5617	Services to Buildings and Dwellings (Includes landscaping services, tree removal and tree trimming services)
5619	Other Support Services
5621	Waste Collection
5622	Waste Treatment and Disposal
5629	Remediation and Other Waste Management Services
6117	Educational Support Services
6231	Nursing Care Facilities (Skilled Nursing Facilities)
7132	Gambling Industries (Casinos)
7211	Traveler Accommodation (includes Hotels and Casino Hotels)
7225	Restaurants and Other Eating Places
8111	Automotive Repair and Maintenance
8112	Electronic and Precision Equipment Repair and Maintenance
8113	Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance

<b>Construction Industries Likely to Have Heat-Related Hazards</b>	
<b>4-Digit NAICS</b>	<b>NAICS Industry Sector Title</b>
2361	Residential Building Construction
2362	Nonresidential Building Construction
2371	Utility System Construction
2372	Land Subdivision
2373	Highway, Street, and Bridge Construction
2379	Other Heavy and Civil Engineering Construction
2381	Foundation, Structure, and Building Exterior Contractors
2382	Building Equipment Contractors
2383	Building Finishing Contractors
2389	Other Specialty Trade Contractors

<b>Other Industries Likely to Have Heat-Related Hazards</b>	
<b>4-Digit NAICS</b>	<b>NAICS Industry Sector Title</b>
1112	Vegetable and Melon Farming
1113	Fruit and Tree Nut Farming