



Heat Safety and Construction Talking Points

- Water, rest and shade should and do remain key safety measures on all construction jobsites in (*your state*) and across the country.
- This is because construction firms have long been required by the federal Occupational Safety and Health Administration, as part of the agency’s “general duty” clause, to protect workers from exposure to heat. Moreover, many states with traditionally hot summer weather have long been under an OSHA special emphasis heat advisory that places extra scrutiny of statewide firms to ensure they are protecting workers.
- This is also because construction firms place a high value on the health and safety of the workforce for moral and business reasons. It is the right thing to do. Plus, the more worker safety and health incidents on a job site – the more firms pay for workers compensation insurance.
- In other words, firms have, and will continue to have, a legal, moral, and financial incentive to provide abundant water, rest and shade from heat for their workers.
- However, many special interest groups have been spreading misleading information that no heat protections currently exist for construction workers. They are urging municipal governments to enact specific, highly prescriptive heat ordinances.
- The problem is these municipal heat measures are solutions in search of problems that didn’t exist. That is because firms are already required by federal safety regulations to provide water, rest, and shade for their workers. The local measures are superfluous, and often can be counterproductive to the safety of the workforce.
- Indeed, many firms go above and beyond what is required as they work to protect workers. Many construction employers provide cooled tents and/or trailers for workers to use during hot days, provide electrolyte popsicles as well as other fluids, and shift work schedules during hot days to avoid working when temperatures reach extreme levels.
- The fact is the construction industry has and will continue to provide water, rest and shade well beyond what these measures ever called for.

If the industry is already protecting workers from the heat, why would they oppose local measures to do just that?



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- The challenge with well-meaning measures like the ones many city governments are considering is they are overly prescriptive.
- For example, during high heat days, many firms opt to start work very early while temperatures are still relatively low. They work through the early hours and then rest, hydrate and shade during the hotter hours.
- But the lack of flexibility in the proposed local measures would force firms to work longer into the day to stay on schedule – exposing workers to the very heat from which they need to be protected.
- And of course, the measures aren't necessary because they are already required.

Why then does the industry oppose efforts to write a specific federal heat standard, instead of having their safety obligations covered more vaguely under the general duty clause?

- Just as the local measures are well-meaning but overly prescriptive, so too would be a national measure.
- Regardless of humidity, an 80-degree day in Alaska will have a more significant health impact on workers unaccustomed to those temperatures than someone who experiences warmer temperatures more frequently.
- Any efforts to prescribe a single national standard would be too prescriptive in certain parts of the country and not go far enough in other parts, which is why AGC of America continues to push for common-sense safety solutions that acknowledge the reality that weather conditions have distinct impacts on workers in different parts of the country.

If firms are doing so much, how is it that construction workers filed many complaints with OSHA about exposure to heat last summer.

- The fact workers are empowered to contact federal safety officials about heat exposure is another reminder that workers already have very strong protections from any firm that is not meeting its legal and moral obligations to protect workers.
- And our firms understand and appreciate the significant safety and health hazards that come from high temperatures. That is precisely why they are going to such great lengths to protect workers from the heat.
- The one thing we know is the answer shouldn't be limiting the flexibility firms have to avoid working during the hottest parts of the day.