



NFIB Vermont
802-992-0751
NFIB.com/VT
(802) 992-0751

March 27, 2026

Representative Marc Mihaly, Chair
Representative Ashley Bartley, Vice Chair
House Committee on General and Housing
Vermont State House, Room 27
Montpelier, VT 05633-5301

S.230 (Workplace Temperature Amendment)

Dear Chair Mihaly, Vice Chair Bartley and Committee Members,

The National Federation of Independent Business (NFIB) represents more than 800 small businesses in Vermont. Our members operate in every industry - from family farms to main street shops - and are typically very small, with 90% employing fewer than 20 people.

Small employers work hard to maintain a safe workplace because they want their employees to succeed, it's already the law, and it's the right thing to do.

However, we write to share their concern with new regulations proposed in the "Extreme Temperature Worker Protection Act" amendment to S.230. Our members believe this language introduces vague and undefined concepts, duplicates existing requirements, and could disrupt current temperature-related illness and injury prevention strategies.

Federal and state law already require small business owners to plan, train workers, and respond to temperature-related hazards. Both the federal Occupational Safety and Health Administration (OSHA) and Vermont OSHA provide detailed guidance on handling heat and cold related stress in the workplace.¹

Under OSHA's General Duty Clause, employers are broadly liable and face serious penalties if they knew or should have known about a hazard and did not take action to address it.²

Moreover, higher workers compensation premiums, lost time and productivity, expensive lawsuits, and reputational harm from workplace injuries are all significant incentives to maintain a safe workplace.

The proposed regulations contain vague obligations and terms such as "short duration exposure" and "appropriate accommodations based on conditions." How these undefined

¹ Vermont Department of Labor, "Working in the Heat & Heat Illness Prevention"; U.S. Occupational Safety and Health Administration, "Heat Illness Prevention Campaign"; U.S. Occupational Safety and Health Administration, "Cold Stress Guide"

² Nelson, Nikki, "Understanding OSHA's general duty clause and industry standards," Wolters Kluwer, 3/21/2021, <https://www.wolterskluwer.com/en/expert-insights/understanding-oshas-general-duty-clause-and-industry-standards>

and ambiguous obligations interact with existing requirements is unknown. That uncertainty means small employers could face penalties even if they are taking the same effective steps they always have to keep their employees safe on the job.

Rather than impose additional mandates that may disrupt existing effective temperature-related workplace management programs, we encourage lawmakers to:

- focus on better enforcement of existing laws against bad actors
- identify and address industry-specific concerns
- provide additional voluntary resources to help workers and employees

Thank you for the opportunity to comment and for considering our members' perspective.

Sincerely,

A handwritten signature in black ink, appearing to read 'John L. Reynolds', with a stylized flourish at the end.

John L. Reynolds
NFIB Vermont State Director
john.reynolds@nfib.org
(802) 992-0751