

Vermont Department of Labor

Proposed Extreme Temperatures Protections Language S.230/H.348

Kendal Smith, Commissioner
Dirk Anderson, Director of Workers' Compensation and Safety

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- General Duty clause
- Proposed Federal OSHA rule
- State examples
- Outreach and awareness from OSHA and VOSHA
- Cost & capacity concerns
- Further questions to answer

Overview

HEAT — WHAT VOSHA CAN REQUIRE

Four elements must be proven:

- Hazard not abated by employer
- Hazard recognized by employer/industry
- Likely to cause death or serious harm
- Feasible correction exists

Abatement VOSHA can require:

- Rest breaks in cool areas
- Hydration access
- Acclimatization programs
- Fans, AC, engineering controls
- Heat index monitoring
- Worker training

VOSHA CAN

- Conduct inspections based on complaints or referrals
- Interview employees and employers on-site
- Review injury logs and temperature logs (if they exist)
- Issue citations and propose penalties
- Require written abatement plans with deadlines
- Follow up to verify corrective action taken

VOSHA CANNOT

- Cite a specific temperature standard (VT has none)
- Issue a citation without proving all four GDC elements
- Require abatement that is not feasible or reasonable
- Enter a workplace without consent or warrant if denied

COLD — WHAT VOSHA CAN REQUIRE

Recognized cold hazards:

- Hypothermia risk (no adequate protection)
- Frostbite (work below freezing)
- Cold stress (wind chill, wet conditions)
- Unheated enclosed workspaces

Abatement VOSHA can require:

- Adequate heating in workspaces
- Warm-up breaks & rest areas
- Insulated PPE — clothing, gloves
- Wind chill & temp monitoring
- Buddy system for outdoor work
- Hypothermia/frostbite training

- On August 30, 2024, OSHA published in the Federal Register a Notice of Proposed Rulemaking (NPRM) for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings
- The informal public hearing on OSHA's Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings proposed rule was held June 16 through July 2, 2025
 - The proposed standard would apply to all indoor and outdoor workers in general industries, construction, maritime, and agriculture sectors where OSHA has jurisdiction.
 - The standard would clarify employer responsibilities and highlight next steps for employee heat protection
 - Employers would be obligated to create a plan to evaluate and control heat hazards in the work environment
- OSHA is considering exclusions for short-duration exposures, such as:
 - Emergency response, indoor sites kept below 80, telework, and indoor sedentary activities
- Current OSHA Guidance
 - General Duty Clause enforcing employer obligations
 - National Institute of Occupational Safety and Health Employer Requirement Examples, including:
 - Acclimatization
 - Training Programs
 - Monitoring
 - Record Keeping
 - Access to shade, rest, and potable water
 - No cold specifications

OSHA Proposed Rule



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OSHA currently references National Institute of Occupational Safety and Health (NIOSH) for these guidelines

Proposed Heat Index Triggers:

- Initial heat trigger - a heat index of 80°F or a WBGT (Wet Bulb Global Temperature) equal to the NIOSH Recommended Alert Limit (RAL)
- High heat trigger - a heat index of 90°F or a WBGT equal to the NIOSH Recommended Exposure Limit (RAL)

Additional information:

[OSHA Overview: Working in Outdoor and Indoor Heat Environments](#)

[Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings Rulemaking](#)

Heat Index	Risk Level	Protective Measures
Less than 91°F	<u>Lower (Caution)</u>	Basic heat safety and planning
91°F to 103°F	<u>Moderate</u>	Implement precautions and heighten awareness
103°F to 115°F	<u>High</u>	Additional precautions to protect workers
Greater than 115°F	<u>Very High to Extreme</u>	Triggers even more aggressive protective measures

NIOSH Heat Standards

OSHA Proposed Heat Standard

STATE	STATUS	INDOOR/OUTDOOR	HEAT THRESHOLD	COLD THRESHOLD	NOTES
California	Outdoor Enacted 2006 Indoor Enacted 2024	Indoor and outdoor	Indoor – 82°F Outdoor - 80°F	N/A	Industries: (A) Agriculture (B) Construction (C) Landscaping (D) Oil and gas extraction (E) Transportation or delivery of agricultural products, construction materials or other heavy materials
Maryland	Enacted 2024	Indoor and outdoor	80°F	N/A	
Minnesota	Rules published 1983; updated 2014	Indoor	Heavy 77°F, Moderate 80° F, Light 86°F	Heavy 60°F, Light 65°F (must keep above)	Includes Wet Bulb Globe Temperature Index Temperature limits are based on two-hour time-weighted average permissible heat exposure
Nevada	Enacted 2024	Indoor and outdoor	80°F	N/A	Possible compliance outreach and inspections during 90°F days
New Mexico	Enacted March 2026	Indoor and outdoor	80°F-90°F within a one-hour period	N/A	Covers: All employment and places of employment, including indoor and outdoor places of employment covered by the standards for General Industry, Construction Industry, Agriculture, and Convenience Stores
Oregon	Enacted May 2022	Indoor and outdoor	80°F, high heat trigger at 90°F	N/A	
Washington	Rules published 2008, updated 2023, indoor proposed	Outdoor	77°F for overalls, jackets, sweatshirts, ect; 52°F for non-breathing clothing like PPE or chemically resistant suits, 89°F for all other clothing	N/A	

State Comparisons

- Between January 2020 to 2026 and across Vermont’s industries VOSHA has received a total of 1,732 complaints of all kinds.
- Of the 1,732 complaints, 29 were related to temperature: 6 were cold-related, and 23 were heat-related
 - Opened inspection on 9 of these complaints
 - Reasons not to open inspection: (1) the complaint did not allege a serious hazard we have jurisdiction over, or (2) we sent a Letter of Inquiry which the employer provided a sufficient response to.
- Across the recorded dates, temperatures ranged from a peak high of 99.0° F down to a low of -4.0° F
 - The hottest days recorded highs of 99.0° F, 95.0° F (recorded twice), and 93.9° F
 - The coldest days recorded highs only in the low-to-mid teens and twenties, with lows reaching -4.0° F, -11.0° F, and 4.0° F

2020-2026	# of Complaints	% of total
Total complaints	1732	
Total extreme temp	29	1.67%
Total heat	23	1.33%
Total cold	6	0.35%

VOSHA Complaints, 2020-2026

VOSHA Jurisdiction

21 V.S.A. § 223. Duties

(a) Each employer shall furnish to each of the employer's employees employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or significant physical harm to the employees.

VOSHA Reporting Requirements

Fatalities must be reported to VOSHA **within 8 hours**.

In-patient hospitalizations, amputations, or loss of an eye must be reported **within 24 hours**.

Employers are required to maintain logs of all work-related injuries or illnesses resulting in medical treatment beyond first aid or more than a day's lost work.

Workers' Compensation Jurisdiction

21 V.S.A. § 601, 687

Employers shall maintain workers' compensation insurance for their employees to cover personal injury by accident arising out of and in the course of employment.

Workers' Compensation Reporting Requirements

§ 701. Reports of accidents by employers

Every employer liable to pay compensation under the provisions of this chapter shall keep a record of all injuries, fatal or otherwise, sustained by the employer's employees in the course of their employment and shall report such an injury causing an absence of one day or more, or necessitating medical attendance, to the Commissioner in writing upon forms to be procured from the Commissioner for that purpose **within 72 hours**, Sundays and legal holidays excluded, after the occurrence of the injury.

Passenger Tramway Safety

§ 701. Declaration of policy

It shall be the policy of the State of Vermont to prevent unnecessary hazards in the operation of ski tows, lifts, and tramways, to ensure that reasonable design and construction are used, that accepted safety devices are provided for and that periodic inspections and adjustments are made, all for the purpose of making safe the operation of ski tows, ski lifts, and passenger tramways.

Passenger Tramway Reporting Requirements

Vermont Passenger Tramway Safety Rule 2.04

Ski lift-related incidents involving serious injury or death, falls of more than six feet, emergency repairs, and lift evacuations must be reported to the Department **within 72 hours**.

VOSHA, WC, and Passenger Tramway



Prevent Heat Illness at Work

Outdoor and indoor heat exposure can be dangerous.

Ways to Protect Yourself and Others



Ease into Work

Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.
✓ New and returning workers need to build tolerance to heat (acclimatize) and take frequent breaks.
✓ Follow the 20% Rule. On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.



Drink Cool Water

Drink cool water even if you are not thirsty — at least 1 cup every 20 minutes.



Dress for the Heat

Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.



Take Rest Breaks

Take enough time to recover from heat given the temperature, humidity, and conditions.



Watch Out for Each Other

Monitor yourself and others for signs of heat illness.



Find Shade or a Cool Area

Take breaks in a designated shady or cool location.



If Wearing a Face Covering

Change your face covering if it gets wet or soiled. Verbally check on others frequently.

First Aid for Heat Illness

The following are signs of a medical emergency!



- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Loss of consciousness

- 1 >> CALL 911 IMMEDIATELY
- 2 >> COOL THE WORKER RIGHT AWAY WITH WATER OR ICE
- 3 >> STAY WITH THE WORKER UNTIL HELP ARRIVES



Watch for any other signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

- Headache or nausea
- Weakness or dizziness
- Heavy sweating or hot, dry skin
- Elevated body temperature
- Thirst
- Decreased urine output



Take these actions:

- >> Give water to drink
- >> Remove unnecessary clothing
- >> Move to a cooler area
- >> Cool with water, ice, or a fan
- >> Do not leave alone
- >> Seek medical care if needed



OSHA Occupational Safety and Health Administration

For more information: 1-800-321-OSHA (6742)
TTY 1-877-889-5627 www.osha.gov/heat

Federal law entitles you to a safe workplace. You have the right to speak up about hazards without fear of retaliation. See <https://www.osha.gov/workers> for information about how to file a confidential complaint with OSHA and ask for an inspection.

OSHA 3092 (Rev. 8/2017)



OSHA
osha.gov/heat

Heat illness signs and symptoms

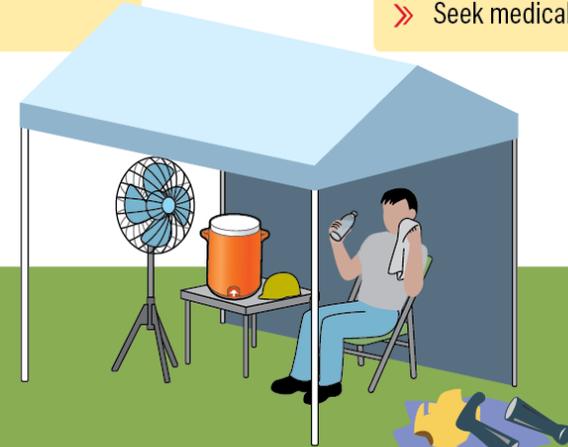
Watch for signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

- Headache or nausea
- Weakness or dizziness
- Heavy sweating or hot, dry skin
- Elevated body temperature
- Thirst
- Decreased urine output

Take these actions:

- >> Give cool water to drink
- >> Remove unnecessary clothing
- >> Move to a cooler area
- >> Cool with water, ice, or a fan
- >> Do not leave alone
- >> Seek medical care (if needed)



Outreach & Awareness - OSHA

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Heat Exhaustion

Heat Stroke

ACT FAST

- Move to a cooler area
- Loosen clothing
- Sip cool water
- Seek medical help if symptoms don't improve

Dizziness
Thirst
Heavy Sweating
Nausea
Weakness



Confusion
Dizziness
Becomes Unconscious

ACT FAST

CALL 911

- Move person to a cooler area
- Loosen clothing and remove extra layers
- Cool with water or ice

Heat exhaustion can lead to heat stroke.

Heat stroke can cause death or permanent disability if emergency treatment is not given.



Stay Cool, Stay Hydrated, Stay Informed!



Outreach & Awareness - VOSHA

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VOSHA Resources

- Virtual, live and recorded webinars for Vermont employers
- Future webinars can include heat and cold safety for employers

1904.2 Industry Exemption
Event Recordkeeping Rule Presented by VOSHA's Compliance Assistant ...

Watch on  YouTube

- Agriculture, construction, manufacturing, transportation, utilities, and wholesale trade sectors are all covered
- Retail and service sectors, some industries are partially exempt
- Appendix A to Subpart B lists partially exempt industries



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Presentations

- [Leadership in Safety and Health](#) [pdf]

Share 1/9

Kathy Brouille

Sean Foster

Richard Wobiby

Owens, Miriam

Outreach & Awareness - VOSHA



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- Who logs thermometer readings, how often, and where is that required in the bill?
- If VOSHA receives a complaint, how do we establish what the temperature actually was?
- Various implementation issues would be necessary for large, outdoor worksites, such as:
 - For mobile worksites (logging, road crews, farms), where exactly must the thermometer be placed?
 - Tractors, ATVs, and skidders don't have enclosed cabs with AC; does the vehicle requirement effectively prohibit their use on qualifying days?
- Do open-sided barns, greenhouses, farm stands, or ski lodges with open doors qualify as indoor or outdoor under the definition?
- Is the 15-minute exemption continuous or cumulative; can repeated short exposures add up to a meaningful hazard without triggering the law?
- Unless a report to VOSHA is serious (e.g. fatal), we typically respond within 5 business days. VOSHA does not have capacity to do same-day response if that is the intent here.
- Additional costs to State Government as an employer – in addition to VOSHA, recommend potentially pursuing a fiscal note on costs for placing wet globe thermometers in all State worksites, etc.

Questions for Further Contemplation

Thank You!

For further questions, please contact:

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