

White House Announces Initiatives to Protect Workers from Extreme Heat

This week, the Biden administration announced [new initiatives](#) at the Department of Labor (DOL) and other federal agencies to protect workers from extreme heat in both indoor and outdoor workplace settings. Specifically, the Occupational Safety and Health Administration (OSHA) is implementing an enforcement initiative on heat-related hazards, developing a National Emphasis Program on heat inspections and launching a rulemaking process to develop a workplace heat standard. OSHA is also forming an advisory committee to provide better understanding of challenges and to identify and share best practices to protect workers.

The new actions from the DOL will be aimed at protecting outdoor workers, including agricultural, construction, and delivery workers, as well as indoor workers, including those in warehouses, factories, and kitchens. Below you will find a summary of the White House's announcement.

- **Enforcement initiative on heat-related hazards:** OSHA will be using existing tool to protect workers in hazardously hot indoor and outdoor settings. OSHA has announced a [new enforcement initiative](#) where they will prioritize heat-related interventions and workplace inspections on days when the heat index exceeds 80°F. On these days, OSHA Area Directors will dedicate additional resources in responding to heat-related complaints and expand the scope of programmed and unprogrammed inspections to address heat-related hazards. Employers will be encouraged to implement proactive interventions, such as water, rest, and shade, and other important prevention measures such as acclimatization of new or returning workers. Current guidance from OSHA on heat exposure can be found [here](#).
- **Workplace heat standard:** OSHA has announced an Advance Notice of Proposed Rulemaking (ANPRM) on heat illness prevention in outdoor and indoor work settings. The ANPRM will be published in the Federal Register in October and will initiate a comment period allowing for OSHA to gather stakeholder perspectives and technical expertise on topics including heat stress thresholds, heat acclimatization planning and exposure monitoring.
- **National Emphasis Program:** OSHA is formalizing a National Emphasis Program (NEP) on heat hazard cases, which will target high-risk industries and focus OSHA resources and staff time on heat inspections. OSHA is working to complete the NEP before the summer 2022 heat season.
- **Heat advisory committee:** Within OSHA's National Advisory Committee on Occupational Safety and Health (NACOSH), OSHA is forming a Heat Illness Prevention Work Group to provide better understanding of challenges and best practices in protecting workers from heat hazards. This group will include three members of the full NACOSH—a public representative, labor representative, and management representative—as well as new members from a range of sectors and industries.

NDA is closely monitoring these new initiatives by the Biden administration and will keep members informed on the latest developments. NDA stands ready to work with the Administration to ensure any new rules and standards do not put an undue burden on the demolition industry.

For any questions, please contact Director of Government Affairs Kevin McKenney at kmckenney@demolitionassociation.com.

Urge Your House Representative to Take Action on Infrastructure

Next week, the House of Representatives is tentatively scheduled to vote on the Infrastructure Investment and Jobs Act, the bipartisan infrastructure bill which passed the Senate in August. NDA recently sent a [letter](#) to Speaker Nancy Pelosi (D-CA) and Minority Leader Kevin McCarthy (R-CA) urging the House of Representatives to follow the Senate in taking action on a bipartisan infrastructure bill.

NDA has created a [grassroots action alert](#) which allows members to easily contact their Representative in the House and urge them to take action on infrastructure legislation. NDA encourages all members to utilize this alert and reach out to Congress today.

DOL Extends Effective Date of Final Rule to Rescind the Joint Employer Rule

On July 30, the Department of Labor (DOL) [formally rescinded](#) the department's joint employer rule which went into effect in March 2020 under the Trump administration. The joint employer rule clarified joint employer status for workers under the Fair Labor Standards Act (FLSA). The recession, which was originally scheduled to go into effect on Sept. 28, 2021, has been pushed back until Oct. 5, 2021.

Under the Fair Labor Standards Act, an employee can have more than one employer for the work they perform. Joint employment applies when – for the purposes of minimum wage and overtime requirements – the department considers two separate companies to be a worker's employer for the same work.

NDA is closely tracking actions by the Biden administration as it pertains to joint employer status and will keep members updated on the latest developments.