



HEAT ILLNESS AND INJURY PREVENTION

- **Ask:** Support a thorough and thoughtful evaluation of heat illness and injury prevention via the Occupational Safety and Health Administration rulemaking process, focusing applicable government resources where they can be most effective.

- **Background:** IAAPA represents the leading owners, operators, suppliers, and manufacturers, of amusement parks, theme parks, attractions, water parks, resorts, family entertainment centers, zoos, aquariums, science centers, museums, cruise lines, and other destinations in all fifty states. While the industry is diverse, parks and attractions large and small share a common goal of ensuring the safety and security of their employees and guests. IAAPA members' facilities are designed for the safety and comfort of their guests with accompanying accommodations such as shade, availability of water and air conditioning available for employees as well as guests. In fact, parks and attractions safely accommodate hundreds of millions of people each year with a multitude of heat remediation features varying by facility and region. In October 2021, OSHA released an advanced notice of proposed rulemaking (ANPRM), RIN 1218-AD39, initiating a rulemaking on heat illness and injury in the workplace. OSHA received nearly a thousand comments in response to their ANPRM. They then held a widely attended stakeholders meeting. The multitude of comments confirms that this is a complicated issue, particularly when applied across all industries, and through all regions of the country with widely varying weather conditions. In September 2023, in advance of issuing an expected Notice of Proposed Rulemaking (NPRM) on the issue, the Small Business Administration with the Department of Labor held a number of Small Business Advocacy Review panels of which an IAAPA member participated. These panels too illustrated the extensive protocols many industries already have in place and the burden a new OSHA rule on this topic would have on all businesses, but

particularly small businesses. The issue is made more complicated by the fact that heat injury and illness affect each person differently based on age, conditioning, exposure, medications and a host of issues for which an employer typically has no knowledge.

- **Position** S. 2501/H.R. 4897, The Asuncion Valdivia Heat Illness and Fatality Prevention Act of 2023 imposes artificial and accelerated deadlines on the expert agency. IAAPA urges Congress to oppose these bills and instead allow the experts to do the research needed to determine whether additional regulation is needed and if so, the best way to implement.

IAAPA has made the following recommendations to OSHA:

- Limit the scope of any OSHA regulation in this area to those industries that have experienced a disproportionate number of heat related injuries
- Encourage OSHA to focus their resources by deferring to industry standards, where effective
- Allow industries with a safe record in this area to continue to operate with flexibility, this will allow OSHA to focus its limited enforcement resources where they can have the most impact
- Encourage industries outside this scope to adhere to industry best practices that are specifically adapted to their local climates and business models;
- Take geographic variations into consideration in any regulation and provide maximum implementation flexibility by allowing local exposure measurements and local limits for alerts and mitigation actions;
- Avoid a "one-size-fits-all" approach to addressing work heat injury and illness prevention;
- Support research, education, and training; work with experts and industry representatives to prevent the unintended consequences that come with a rulemaking of this size and complexity.

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