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# Illinois' Proposed Workplace Extreme Temperature Safety Act: Key Provisions and Status Update

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The trend of states proposing or adopting heat illness prevention standards continues, with Illinois attempting to become the first Fed/OSHA state (for private employers) with a general industry standard. The proposed Illinois Workplace Extreme Temperature Safety Act (HB 3762/SB 2501) ("Act"), introduced on February 7, 2025, aims to address the growing risks posed by extreme temperatures in the workplace. The legislation would require employers to develop comprehensive plans to prevent temperature-related occupational illnesses and injuries. The Act applies broadly, but, for example, does not apply to any employees directly involved in the protection of life or property, including, but not limited to, lifeguards, firefighters, paramedics, law enforcement personnel, and employees engaged in the emergency restoration of essential infrastructure and services, including roads, bridges, utilities, and communications. On March 19, 2025, HB 3762 advanced out of the House Labor and Commerce Committee with a 17–8 vote. SB 2501 remains pending in the Senate Assignments Committee.

Before digging in, we want to provide a reminder that Fed/OSHA does not have a standard on heat illness prevention in the books, at least not yet. Fed/OSHA initiated a rulemaking in October 2021, and issued a proposed rule in August 2024. On behalf of the Employers Heat Illness Prevention Coalition, we have been there every step of the way, including, most recently, to discuss [potential paths forward](#). The reason it is particularly significant that Illinois is trying to occupy the heat illness prevention regulation space is because, normally, Fed/OSHA states are preempted from adopting rules related to hazards regulated by Fed/OSHA; however, with only a proposed heat injury and illness prevention standard at the Fed/OSHA level, there is nothing against which to preempt. Accordingly, Illinois may be setting a trend for other Fed/OSHA states to adopt their own heat illness prevention standards, thereby exacerbating the existing patchwork problem caused by State Plan States that already have their own very different and unique standards.

## Standards and Implementation Timeline

The Act directs the Director of Labor ("Director") to adopt rules to establish excessive heat and excessive cold standards. In particular, the Act directs the Director to establish by rule, on or before January 1, 2026, an occupational temperature-related illness and injury prevention plan that contains the following:

- A standard that sets temperature hazard levels for employees that, if exceeded, trigger mandatory

employer action.

- A requirement that each employer develop, implement, and maintain an effective occupational temperature-related illness and injury prevention plan.

Employers would be required to comply with the provisions of the heat stress and cold stress standards within 60 days after the rules containing the standards are adopted. Interestingly, the Act also creates a private right of action, empowering employees to enforce their rights under the law.

### **Interim Thresholds**

Until formal rules are adopted, the following interim thresholds would apply, all of which must be based on measurements of the National Weather Service (“NWS”):

#### 1. Excessive Heat

- *Outdoor Places of Employment:* Heat index  $\geq$  80°F.
- *Indoor Places of Employment:*
  - Temperature  $\geq$  80°F and heat index  $\geq$  85°F.
  - If workers wear heat-retentive clothing or work in high radiant heat areas, the temperature  $\geq$  80°F.
- *High Heat Threshold for Both Indoor and Outdoor Places of Employment:* At a heat index of  $\geq$  90°F, employers must implement additional workplace safety standards, including possible use of personal protective equipment (“PPE”).

#### 2. Excessive Cold

- *Outdoor Places of Employment:* Wind chill  $\leq$  40°F.
- *Indoor Places of Employment (Heavy Work):* Temperature  $\leq$  60°F, unless prohibited by process requirements.
- *Indoor Places of Employment (Light Work):* Temperature  $\leq$  65°F, unless prohibited by process requirements.

### **Required Elements of the Prevention Plan**

Employers would be required to develop a site-specific written plan (in English and the language that each employee understands), with meaningful input from employees and employee representatives. Importantly, the Act states that the plan must be provided to the Director, employees, and any employee representatives on the last business day of May each year and must be made available at other times of the year upon written request. It also states that, after an employer has implemented an occupational temperature-related illness and injury prevention plan each employer must, annually, on or before the first business day of May, review, release, and give notice to employees and any authorized representatives of their employees, an updated copy of the employer’s temperature-related illness and injury prevention plan.

At a minimum, the plan must include procedures and methods for:

1. Exposure Monitoring – Regular monitoring for employee exposure to heat or cold.
2. Hydration – Providing potable water, available immediately and in immediate and safe proximity to heat-impacted employees.
3. Rest Breaks – Providing heat-impacted employees with paid rest breaks and access to shade, cool-down areas, or climate-controlled spaces, and providing cold-impacted employees with paid rest breaks and access to warming stations sheltered from the wind and any precipitation.
4. Warm Beverages – Providing warm, non-caffeinated beverages in immediate and safe proximity to cold impacted employees.
5. Emergency Response – Providing emergency response for any employee who has suffered injury as a result of being exposed to excessive heat or cold.
6. Exposure Time Limitations – Limiting the length of time an employee may be exposed to heat or cold during the workday.
7. Insulating PPE – Establishing guidelines for the use of heat insulating PPE for workers exposed to temperatures below 65°F (light activity) or 60°F (moderate to heavy activity).
8. Acclimatization Policy – Establishing a policy in conformance with the recommended alert limits as established by the 2016 HHS publication *Occupational Exposure to Heat and Hot Environments*.
9. Heat/Cold Alert System – For outdoor and indoor non-climate-controlled environments, implementing a heat and cold alert system to provide notification when the NWS forecasts that excessive heat or excessive cold is likely to occur in the following day(s) in a locality where an employer has employees, including in the notification:
  - Postponing non-essential tasks until the excessive temperature condition subsides;
  - Instituting or increasing rest allowances;
  - Reminding workers to drink liquids in small amounts frequently to prevent hydration; and
  - To the extent practicable, monitoring the environmental heat index at job sites and resting places.
10. Hazard Prevention Measures – Preventing hazards, including through the use of:
  - Engineering controls (e.g., ventilation, insulation, air conditioning, etc.);
  - Administrative controls (e.g., shift rotation, modified work schedules, reduced workloads, etc.);
  - PPE (e.g., cooling/heating vests, reflective clothing, etc.); and
  - Administrative controls on routine temperature variation of more than 50°F between work spaces.
11. Multi-Employer Coordination – Coordinating risk assessment efforts, plan development, and implementation with other employers who have employees who work at the same work site.
12. Employee Communication – Allowing employees to contact the employer directly and efficiently to communicate if the employee feels like the employee is suffering from an extreme temperature-related illness.

### **Training and Recordkeeping**

The occupational temperature-related illness and injury prevention plan must contain, at a minimum, annual training and education, including training and education on numerous enumerated temperature-related hazards. The plan must also contain special training and education for employees who are supervisors, in addition to the training and education provided to all employees. It must require that training and education: (1) be provided by an employer for each new employee before starting a job assignment; (2) provide employees opportunities to

ask questions, provide feedback, and request additional instruction, clarification, or follow-up; (3) be provided by an individual with knowledge of temperature-related illness prevention and the plan of the employer; and (4) be appropriate in content and commensurate to the language, education level, and literacy of each employee.

Records/data must be retained for at least three years and include:

- Records related to the heat-related illness and injury prevention plan including heat-related illness risk and hazard assessments and identification, evaluation, correction and training procedures;
- Data on all heat-related illnesses, injuries, and fatalities that have occurred at the place of employment, including, but not limited to, the type of heat-related illness or injury experienced and symptoms experienced, the cause of death, the time at which manifestation occurred, etc.;
- Data concerning environmental and physiological measurements relevant to heat.

### Takeaway

Employers are well-advised to stay informed as the legislation advances through the Illinois General Assembly and consider developing/adjusting their existing programs. If you have questions about federal OSHA or state-level efforts to regulate occupational heat illness, please contact any of the OSHA-focused attorneys in Conn Maciel Carey's national [OSHA Practice](#).

Additionally, our Employers Heat Illness Prevention Coalition held a [strategy meeting](#) on April 24, 2025, to discuss potential paths forward with respect to the rulemaking. We welcome any/all thoughts you might have about participating. The more organizations in our group, the more effective we will be in our advocacy efforts, especially now. Please let us know if you are interested, and/or have any questions.