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# Nevada OSHA Adopts New Heat-Illness Prevention Regulation: What Employers Need to Know

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As previously [reported](#), on November 15, 2024, Nevada adopted heat illness prevention regulation [R131-24AP](#), aiming to protect workers from heat-related hazards in both indoor and outdoor environments. Nevada OSHA has since released [guidance](#) on implementing the regulation, with enforcement set to begin on April 29, 2025—90 days after the guidance release on January 29, 2025.

## Overview and Application of the Regulation

The regulation applies to employers with more than 10 employees in industries under Nevada OSHA's jurisdiction, as well as employers in explosive manufacturing, regardless of size. It generally does not apply to employees working indoors in climate-controlled environments, including motor vehicles with functioning climate control systems. However, if such a system fails, employers must make good-faith efforts to reestablish an effective climate control system as soon as practicable and implement interim measures to mitigate heat illness risks.

Generally, under the new regulation, covered employers are required to:

- Conduct a one-time, written job hazard analysis (JHA)
- Designate a person to implement the heat illness provisions of the written safety program and perform certain required functions
- Establish protective measures in the written safety program
- Provide employee training
- Ensure protection measures reasonably mitigate the risk of heat illness

Even if exempt, employers must still comply with the General Duty Clause, which mandates protection against recognized hazards like heat illness.

## Key Provisions

### Job Hazard Analysis (JHA)

Employers must conduct a one-time, written JHA to assess potential heat illness risks before an employee

performs a task for the first time. The JHA must be reviewed, and revised as needed, when a task for a job materially changes and, pursuant to NAC 618.540, following an accident.

The JHA must include:

- a) A list of job classifications of the employer in which the majority of employees in those classifications have occupational exposure to heat illness for more than 30 minutes of any 60-minute period (excluding breaks).
- b) A list of all tasks and procedures, or groups of closely related tasks and procedures, performed by employees of the employer:
  1. In which occupational exposure to heat illness may occur; and
  2. Which are performed by employees in job classifications that are included in the list described in (a) above.

The guidance adds that, based on [OSHA Publication 3071](#), Fed/OSHA's 2002 publication on JHAs, the JHA should also include:

- Identification of working conditions that may cause occupational exposure to heat illness; and
- Identification of measures to mitigate or eliminate the heat illness hazard, if identified, based on the hierarchy of controls (see below).

Employers must assess the working conditions of a job without considering whether an employee in the job being analyzed would have access to water, rest, or shade.

### **Written Safety Program**

If the JHA identifies heat illness risks, employers must include a "Heat Illness Prevention Plan" (or similarly titled plan) in a distinctly separate section titled within their NRS 618.383-compliant general safety program. This plan must cover:

- Provision of potable water
- Provision of rest breaks for employees exhibiting signs/symptoms of heat illness
- Provision of cooling means for employees
- Monitoring by the designated person (or designee) of working conditions for heat exposure. (Note that this does not apply when an employee of the employer is loading/unloading a motor vehicle that operates on public highways in Nevada.)
- Identification and mitigation of any work processes that may generate additional heat or humidity
- Employee training
- Emergency medical response procedures

### **Monitoring Duties and Emergency Response**

If an employer determines, based on the required JHA, that an employee is exposed to occupational heat illness hazards, the employer must designate an employee who is explicitly authorized to respond to heat illness emergencies, monitor working conditions, carry out applicable provisions of the written safety program, and

appoint a designee.

Nevada OSHA considers it a best practice to have a monitor onsite; however, an employer may monitor employees remotely if onsite monitoring is not feasible because employees are working alone at a remote site. Additionally, Nevada OSHA will consider it a best practice if the designated employee is part of the crew or work unit performing the work. The guidance document includes a lengthy section regarding best practices for monitoring employees who work alone at a remote site. Be sure to review it if your company has such workers.

Nevada OSHA has clarified that the employer's responsibility ends when EMS providers make physical contact with the employee. The employer has no obligation to require an employee to utilize EMS upon arrival, and employees have the right to refuse those services.

### **Training Requirements**

Employers must train all employees in the job classifications in the employer's JHA as having occupational exposure to heat illness for more than 30 minutes of any 60-minute period (excluding breaks), as well as designated persons. Nevada OSHA also recommends training supervisory and safety staff directly involved with identified job classifications, inspections, training, and leadership.

The training must cover hazard recognition and procedures to be followed to minimize the risks of heat illness, and must be provided before employees begin their work duties and must be documented for compliance.

Although Nevada OSHA does not require retraining under the new regulation, it warns that compliance issues may arise if employees cannot explain how heat hazards are being addressed, since this may potentially indicate inadequate or ineffective training.

### **Heat Illness Hazard Mitigation**

Nevada OSHA emphasizes three levels of hazard control, listed in order of precedence and effectiveness:

1. **Engineering Controls** (e.g., air conditioning, general ventilation, cooling fans, and shade for outdoor work sites, etc.)
2. **Administrative Controls** (e.g., adjusted work schedules, cool water, rest breaks, and relief workers, etc.)
3. **Personal Protective Equipment (PPE)** (e.g., reflective clothing, cooling vests, and dermal patches for monitoring core body temperature, etc.)

Employers should also consider acclimatization and educate employees on health risk factors, as outlined in the guidance.

### **Enforcement and Inspections**

Nevada OSHA will conduct unprogrammed inspections (i.e., those in response to imminent dangers, fatalities/catastrophes, complaints, and referrals) and programmed inspections. On "[heat priority days](#)" when the temperature reaches or exceeds 90°F, Nevada OSHA will conduct compliance outreach activities, and inspect any alleged heat-related fatality/catastrophe, complaint or referral regardless of whether the worksite falls within a targeted high-risk industry. Additionally, on days when the National Weather Service has announced a heat

warning or advisory, Nevada OSHA will conduct programmed inspections in targeted high-risk industries as well.

When conducting an inspection, compliance officers will request documents, including the company's business license, workers' compensation coverage, OSHA 300 logs, documentation of rights and responsibilities, written safety program, employee training records, documentation of workplace inspections, documentation of employee disciplinary records, manufacturer information for relevant equipment, and JHA documentation.

### **Next Steps for Employers**

With enforcement set for April 29, 2025, employers should begin by conducting a JHA to assess potential heat illness risks. This regulation is part of a broader trend of state-level heat illness protections, following [California's](#) and [Maryland's](#) recent regulations.

For more assistance or questions regarding Nevada OSHA's new regulation, feel free to [contact Conn Maciel Carey LLP](#).