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OSHA Updates its Heat National Emphasis Program

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As temperatures begin to rise across the country, OSHA sent a clear signal on Friday, April 10, 2026, that it continues to take heat-related hazards very seriously. Only two days after the [original Heat National Emphasis Program](#) (NEP) expired on April 8, 2026, OSHA made a late night announcement on April 10, 2026, that it updated its NEP, and plans to keep it in effect for at least five years, until April 10, 2031. Below is a summary of our analysis of the new Heat NEP.

OSHA's 2026 Heat NEP: What Employers Need to Know Now

OSHA's updated National Emphasis Program (NEP) on Outdoor and Indoor Heat-Related Hazards took effect on April 10, 2026. This marks a significant change from the agency's original 2022 program. While the main structure remains the same, the revised NEP shows a clear shift toward stronger, data-driven enforcement and more consistency in citations.

Below are the key takeaways for employers—and where OSHA is expanding its focus:

1. Heat Enforcement Is No Longer “Emerging”—It’s Established

The 2022 NEP launched OSHA's focused heat enforcement efforts. The 2026 update confirms that heat is now a permanent, high-priority enforcement area.

- Heat inspections have increased dramatically (from ~200/year to ~2,400/year)
- Heat now accounts for a meaningful share of OSHA inspections (from ~.5%/year to ~6%/year)
- Regardless of the proposed rule's enactment, OSHA has made heat a priority. The revised NEP now lasts five years, compared to three. (The three-year 2022 Heat NEP was extended for one year on January 16, 2025, making it effective until April 8, 2026.)
- **Key Takeaway: OSHA treats heat hazards as a core enforcement priority. Employers should make heat safety an essential part of their programs, not just a seasonal or secondary issue.**

2. OSHA Now Has a More Defined Citation Playbook

OSHA has created a more standardized framework for evaluating heat programs and supporting General Duty Clause citations. Two important changes are the addition of:

- Appendix I – Heat Program Evaluation: This is a list of questions that employers can expect to be covered

during any inspection whether programmed or unprogrammed.

- Appendix J – Citation Guidance: When evaluating whether to issue a 5(a)(1) general duty citation for heat-related hazards, compliance officers will refer to the guidance in this appendix. They will also use the sample the sample Alleged Violation Description (AVD) found in Appendix C of the NEP when OSHA believes the elements of 5(a)(1) citation have been established, or, alternatively, the sample Hazard Alert Letter (HAL) found in Appendix D of the NEP, to put employers on notice of the heat-related hazards. In addition to the templates, OSHA provides step-by-step guidance to compliance officers on what conditions should be documented and any other standards that may be applicable to address worker protection in hot environments. Examples include reporting and recording workplace incidents, access to medical treatment or first aid, sanitation standards, safety training and education for construction, and frequent and regular inspections.
- **Key Takeaway: The information contained in these appendices is not new to how OSHA has been evaluating heat-related hazards. That being said, this guidance is designed to lower OSHA’s burden in proving heat to be a recognized hazard and the existence of feasible abatement measures. Employers should use the questions contained in Appendix I to analyze the strengths and potential weaknesses of their current heat illness and injury program, consult industry standards, and implement FEASIBLE changes.**

3. “Worksite Assistance” Expands OSHA’s On-Site Presence

The 2026 NEP formalizes OSHA’s ability to provide on-the-spot compliance assistance during inspections—even when no citation is issued. This means that:

- Inspectors may engage more frequently and informally.
- These interactions are still tracked and coded.
- **Key Takeaway: Even “non-citation” visits can pose risks and create documentation trails. Employers should be cautious of what they agree to do even when an inspector says they are just providing guidance. Employers should discuss these “non-citation” visits with their Environmental Health & Safety team, in-house counsel and/or outside counsel to ensure that what they are committing to do is FEASIBLE and in line with the core industry practices.**

4. Expect More “Drive-By” and Opportunistic Inspections

The updated NEP explicitly allows inspectors to:

- Stop at worksites observed during travel
- Open inspections based on plain-view heat hazards
- **Key Takeaway: Outdoor operations are especially vulnerable because no complaint or referral is required. Industries associated with construction, landscaping, roadwork and utility work are especially exposed.**

5. Targeting Is More Data-Driven (and Broader)

OSHA updated its targeting methodology using:

- Recent Bureau of Labor Statistics (BLS) injury/fatality data (2021–2024)
- OSHA inspection and violation data

- **Key Takeaway: Industries with recent heat incidents are more likely to be targeted.**

6. Expanded / Updated Industry Targeting

46 target industries were removed from the target list, with 22 industries added and 33 industries retained for a total of 55 target industries. For a complete list of all targeted industries, refer to Appendix A of the NEP, which effectively expands and refines targeting with these key trends:

1. Indoor Heat Environments (Expanded Focus)

- Manufacturing (especially high-heat processes)
 - Steel and metal production
 - Foundries
 - Glass and plastics
- Warehousing and logistics
- Commercial kitchens and food processing

2. Warehousing & Distribution (Notably Elevated)

- Driven by increased injury data and enforcement trends
- Heat risks can be overlooked indoors
- If there is limited ventilation and higher production demands, this can lead to exposure

3. Construction & Trade Work (Continued + Expanded)

Still heavily targeted, with broader inclusion of:

- Specialty trades
- Smaller contractors
- Short-duration job sites

4. Agriculture & Landscaping (Refined Targeting)

- Continued focus, but with more precise data-driven selection

5. Oil, Gas, and Energy Operations (Increased Visibility)

- Particularly for: remote sites, involving heavy PPE and high exertion levels

6. Transportation & Delivery (Focus on Vehicle & Delivery Schedules)

- Trucking
- Package delivery
- Last-mile logistics
- **What Employers Should Do Now:**
 - Audit your heat illness prevention program
 - Water, rest, shade

- Acclimatization procedures
- Document everything
 - Training
 - Break schedules

2026 NEP industries added to the target list; [click here to view the updated list](#).

Employer Takeaways

In addition to it being a clear sign that OSHA continues to take heat-related hazards very seriously, OSHA updating its NEP and not letting it expire is another clear sign that OSHA will likely advance its current Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings rulemaking, with a new, more performance-oriented, flexible proposed standard, this term. OSHA initiated a rulemaking in October 2021 and issued a proposed rule in August 2024. On behalf of the [Employers Heat Illness Prevention Coalition](#) (Coalition), we have been there every step of the way, including, most recently, to testify three times at the [Rulemaking Hearing](#), which lasted from June 16 to July 2, 2025, and submit post-hearing comments.

We have been using these and other opportunities since the political shift to encourage OSHA to promulgate the type of flexible, performance-based standard for which we have been advocating all along, **now**. On behalf of our Coalition, we are asking OSHA to [keep the rulemaking going](#), rather than allowing it to sit on the backburner, only so that the more onerous, prescriptive, one-size-fits-all current proposed rule (or something similar) be promulgated down the line, after the next inevitable political shift.

Additionally, we have been advocating for OSHA to advance its heat illness prevention rulemaking in part because, otherwise, the state “patchwork problem” will continue to exist and grow. We have been monitoring state-level regulation of heat illness hazards closely. State Plan States with standards in place already include California, Oregon, Washington, Minnesota, Colorado (agriculture only), [Maryland](#), and [Nevada](#). In addition to Colorado (general industry), several other states, such as [Illinois](#), [Arizona](#), [Virginia](#), and New Mexico are also in the midst of proposing heat illness prevention rules. Although we certainly want to ensure that any federal OSHA rule that is promulgated is reasonable, workable, and effective, such as the one we have envisioned, at the very least, having a federal rule will create greater consistency across the country, particularly because states under federal OSHA jurisdiction, like Illinois and Colorado, will be preempted from promulgating their own standards.

We will continue to use every opportunity to advocate for our Coalition’s position on these issues. In the meantime, employers are well advised to review and update their heat illness prevention plans, implement/document controls to help protect employees from heat-related illnesses, ensure compliance with any applicable state-specific heat illness prevention regulations (which we caution are different from state to state), review and prepare for inspections and/or compliance assistance under the new Heat NEP, and continue monitoring heat illness prevention rulemakings at the state level. If you have any questions or are interested in joining our [Employers Heat Illness Prevention Coalition](#), please contact Eric Conn at econn@connmaciel.com and Beeta Lashkari at blashkari@connmaciel.com

