

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish extreme temperature worker protections.

PETITION OF:

NAME:

Liz Miranda

DISTRICT/ADDRESS:

Second Suffolk

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to establish extreme temperature worker protections.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after chapter 149, section 203, the
2 following section: 204

3 Preamble:

4 Workers who are exposed to extreme heat or cold or work in extreme temperature
5 environments may be at risk of heat or cold stress. Exposure to extreme heat can result in
6 occupational illnesses, injuries and death, including heat stroke, heat exhaustion, heat cramps, or
7 heat rashes. Exposure to extreme cold can result in occupational illness, injuries and death,
8 including hypothermia, frostbite, or trench foot. Each year, thousands of workers become sick
9 from occupational heat and cold exposure, and too many of those illnesses result in fatalities.
10 Employees new to working in the heat are most vulnerable—nearly 3 out of 4 workers who die
11 from heat-related causes die in their first week on the job. Under the Occupational Safety and
12 Health Act, Employers are responsible for providing workplace free of known safety and health
13 hazards. This includes protecting workers from temperature-related hazards. Employers must

14 evaluate the temperature and all contributing factors to heat and cold stress, including metabolic
15 workloads, radiant and conductive heat sources, humidity, air movement, and wearing of
16 protective equipment. Employers must then ensure a safe workplace by implementing a plan to
17 reduce exposure to hazardous temperatures through providing paid rest breaks, adequate shade or
18 warmth, adequate drinking water, training for supervisors and staff, and other key elements to
19 protect workers.

20 SECTION 1. For the purposes of this chapter, the following words and phrases shall have
21 the following meanings:-

22 1. "Employee" means any person providing labor or services within the scope of this
23 article for remuneration for a private entity or business within the state, without regard to
24 an individual's immigration status, and shall include, but not be limited to, private and public
25 sector workers, part-time workers, independent contractors, day laborers, farmworkers, and other
26 temporary and seasonal workers. The term shall also include individuals working for staffing
27 agencies, contractors or subcontractors on behalf of the employer at any individual worksite, as
28 well as any individual delivering goods or transporting people at, to or from the worksite on
29 behalf of the employer, regardless of whether delivery or transport is conducted by an individual
30 or entity that would otherwise be deemed an employer under this article.

31 2. "Employer" means any individual, partnership, association, corporation, limited
32 liability company, business trust, legal representative, public entity, or any organized group
33 acting as employer within the scope of this standard.

34 3. "Indoor worksite" means any enclosed work vehicles and any space between a floor
35 and ceiling bound on all sides by walls except where noted in the definition of "outdoor

36 worksite”below. A wall includes any door, window, retractable divider, garage door, or other
37 physical barrier that is permanent, open or closed.

38 4."Outdoor worksite" means all employers with employees performing work in an
39 outdoor environment. The term includes locations such as sheds, tents, greenhouses, or other
40 structures where work activities are conducted inside, but the temperature is not managed by
41 devices that reduce heat or cold exposure and aid in heating or cooling, such as airconditioning
42 systems or heaters (having only fans and/or humidifiers may still qualify worksites as outdoor).
43 The term outdoor worksite does not apply to incidental exposure,which exists when an employee
44 is required to perform a work activity outdoors for not longer than fifteen minutes in any sixty-
45 minute period.

46 5."Outdoor temperature stress threshold" means a heat stress threshold of eighty or more
47 degrees Fahrenheit and a cold threshold of sixty or below degrees Fahrenheit.

48 6."Indoor temperature stress threshold" means a heat stress threshold of eighty or more
49 degrees Fahrenheit and a cold threshold of sixty or below degrees Fahrenheit. In cases of offices,
50 schools, or other indoor temperature regulated environments, the indoor temperature shall fall
51 between sixty-eight point five and seventy-five degrees when the outdoor temperature is below
52 fifty-five degrees, and when the outdoor temperature is above eighty-five degrees, the indoor
53 temperature shall fall between seventy-five and eighty point five degrees.

54 7."Heat illness" means a serious medical condition resulting from the body's inability to
55 cope with a particular heat load, and includes, but is not limited to, heat cramps, heat
56 exhaustion,heat syncope, and heat stroke.

57 8."Cold illness" means a serious medical condition resulting from the body's inability to
58 cope with cold temperatures, and includes, but is not limited to,trench foot, frostbite,
59 hypothermia, and chilblains.

60 9."Personal protective equipment" or "PPE" means the protective gear, uniforms, and
61 clothing,to withstand temperatures at or exceeding the stress thresholds. Where feasible
62 engineering controls and administrative controls are not sufficient to reduce and maintain the
63 temperature and heat index to below 87 degrees Fahrenheit when employees are present or the
64 temperature to below 82 degrees Fahrenheit where employees wear clothing that restricts heat
65 removal or work in high radiant heat areas, personal heat protective equipment shall be used to
66 minimize the risk of heat illness, except to the extent that the employer demonstrates that use of
67 such equipment is infeasible.

68 10."Acclimatization" means the temporary physiological adaptation of the body to work
69 in hot environments that occurs gradually. During an acclimatization period, a person should be
70 exposed to no more than 20% of the usual duration of work in the hot environment on day and
71 no more than 20% increase each day. Most people acclimatize within seven to fourteen
72 workdays.

73 11."Administrative control" means a method to limit exposure to a hazard by adjustment
74 of work procedures, practices, or schedules. Examples of administrative controls that may be
75 effective at minimizing the risk of heat or cold illness in a particular work area include, but are
76 not limited to: acclimatizing employees, rotating employees, scheduling work earlier or later in
77 the day, organizing work location and tasks at certain times of the day to avoid direct

78 sunlight,using work/rest schedules, reducing work intensity or speed, reducing work hours, and
79 changing required work clothing.

80 12.“Cool-down area” means an indoor or outdoor area that is blocked from direct
81 sunlight and shielded from other high radiant heat sources and is either open to the air or
82 provided with ventilation or cooling. One indicator that blockage is sufficient is when objects do
83 not cast a shadow in the area of blocked sunlight. A cool-down area does not include a location
84 where:(A) Environmental risk factors defeat the purpose of allowing the body to cool; or(B)
85 Employees are exposed to unsafe or unhealthy conditions; or (C) Employees are deterred or
86 discouraged from accessing or using the cool-down area.

87 13.“Engineering control” means the use of substitution, isolation, ventilation, and
88 equipment modification to reduce exposure to heat illness related workplace hazards and job
89 tasks. Examples of engineering controls that may be effective at minimizing the risk of heat
90 illness in a particular work area include, but are not limited to, isolation of hot processes,
91 isolation of employees from sources of heat, air conditioning, cooling fans, cooling mist
92 fans,evaporative coolers (also called swamp coolers), natural ventilation where the outdoor
93 temperature and heat index is lower than the indoor temperature and heat index, local exhaust
94 ventilation, shielding from a radiant heat source, and insulation of hot surfaces.“Preventative
95 cool-down rest” means a rest taken in a cool-down area to prevent overheating.

96 14.“Temperature” means the temperature measured by a globe thermometer, which is a
97 type of apparent temperature used to estimate the effect of temperature, humidity, wind
98 speed(wind chill), and visible and infrared radiation (usually sunlight) on humans.The globe

99 thermometer may not be shielded from direct exposure to radiant heat while the globe
100 temperature is being measured.

101 15. "Union representative" means a recognized or certified collective bargaining agent
102 representing a group of employees, as defined above.

103 16. "Drinking water" means fresh, pure, cool (i.e., less than seventy-five degrees
104 Fahrenheit) potable water, provided free of charge to employees. The term includes electrolyte-
105 replenishing beverages that do not contain caffeine.

106 17. "Heat wave" means any day in which the predicted high temperature for the day will
107 be at least 10 degrees Fahrenheit higher than the average high daily temperature in the preceding
108 five days.

109 18. "Cold wave" means any day in which there is a rapid fall in temperature within a 24-
110 hour period requiring substantially increased protection to agriculture, industry, commerce and
111 social activities.

112 Section 2.

113 Temperature Protection Standards

114 1. Heat-specific standard: The employer shall fulfill the following requirements when
115 employees are in an outdoor or indoor worksite and experiencing conditions at or exceeding a
116 heat stress threshold of eighty or more degrees Fahrenheit:

117 A. The Employer shall develop a written program to mitigate heat-related illnesses and
118 injuries experienced by employees.

119 i. The written program shall identify and incorporate work processes and external factors
120 that increase the likelihood of heat-related illness, including, but not limited to, increased
121 metabolic workloads, radiant and conductive heat sources, increased humidity, decreased air
122 movement; and wearing of protective equipment.

123 ii. Every Employer shall provide and display a thermometer for Employees at all
124 workplaces to monitor the temperature indoors, outdoors and in vehicles.

125 iii. Employers shall identify and implement engineering controls, and administrative
126 controls before relying on personal protective equipment.

127 iv. The written program shall include information on education and training.

128 v. The written program shall include emergency response plans, procedures and relevant
129 worksite contacts in case of an emergency (see section below).

130 vi. The written program shall be updated at least annually, when major work conditions
131 change, and when a heat-related incident occurs.

132 B. Access to hydration. The employer shall provide access to drinking water located as
133 close as practical to where employees are working. If drinking water is not plumbed or otherwise
134 continuously supplied, it shall be provided in sufficient quantity at the beginning of the shift, a
135 minimum of one quart of drinking water per hour. Frequent drinking of water shall be
136 encouraged.

137 C. Rest. The employer shall require and encourage preventative cool down breaks of no
138 less than ten minutes, in addition to the time needed to access the cool-down area, as needed in
139 the shade for outdoor work or a cooler indoor breakroom for indoor workers.

140 i. Employees who take a preventative cool-down rest shall be monitored and asked about
141 symptoms of heat illness.

142 ii. Employees shall be encouraged to remain in the cool down area and not be ordered
143 back to work until any signs or symptoms of heat illness have been abated.

144 iii. The preventative cool-down rest period required by this section may be provided
145 concurrently with any other meal or rest period required by policy, rule or law if the timing of
146 the preventative cool-down rest period coincides with the otherwise required meal or rest period.
147 Except when such a rest period coincides with the existing unpaid meal break, the preventative
148 cool-down rest period is a work assignment and must be compensated accordingly.

149 D. Medical monitoring. Employers shall closely monitor temperatures using a globe
150 thermometer and implement their workplace heat stress plan when temperatures exceed eighty
151 degrees Fahrenheit. If an employee exhibits signs of reported symptoms of heat illness, the
152 employer shall immediately provide appropriate first aid or emergency response.

153 E. Access to shade. Shade shall be made available when the temperature exceeds eighty
154 degrees Fahrenheit and shall be as close to the worksite as possible while employees are present.

155 i. The amount of shade present shall be at least enough to accommodate the number of
156 employees on recovery or rest periods with at least four square feet per resting employee.

157 ii. Where feasible, work must be performed in the shade. When the temperature does not
158 exceed eighty degrees Fahrenheit, the employer shall provide timely access to shade upon an
159 employee's request.

160 iii. Access to shade shall not exceed the temperature of the worksite (i.e., hotcar).

161 F. Personal protective equipment. Employers shall provide the necessary protective
162 equipment at no cost to the employee.

163 G. Vehicle standards. Employees who spend more than sixty minutes in vehicles each
164 day or whose worksite is considered a vehicle shall have adequate airconditioning available
165 inside such vehicle maintained according to the manufacturer's instructions to keep temperatures
166 below 80 degrees Fahrenheit.

167 H. Worker acclimatization. Employers shall provide time for acclimatization of new and
168 returning employees.

169 i. New employees and existing employees newly assigned to heat work or absent from
170 heat work for more than seven days shall only work twenty percent of their normal duration on
171 their first day and gradually increase work duration over a two-week period.

172 ii. All employees shall be closely observed by a supervisor or designee during a heat
173 wave. A heat wave will automatically trigger provisions under high heat procedures.

174 I. High heat procedures. The employer shall implement high heat procedures when the
175 temperature equals or exceeds 90 degrees Fahrenheit or when a heat wave experienced.

176 i. The employer shall ensure that the employee takes a minimum ten-minute preventative
177 cool-down rest period every two hours. The preventative cool-down rest period required by this
178 paragraph may be provided concurrently with any other meal or rest period required by Chapter
179 149, section 100 if the timing of the preventative cool-down rest period coincides with a
180 required meal or rest period. Except When such a rest period coincides with the existing unpaid

181 meal break,the preventative cool-down rest period is a work assignment and must be
182 compensated accordingly.

183 ii.When the temperature equals or exceeds 100 degrees Fahrenheit,employer shall ensure
184 that the employee takes a minimum ten-minute preventative cool-down rest period every hour.
185 The preventative cool-down rest period required by this paragraph may be provided concurrently
186 with any other meal or rest period required by Chapter 149, section 100 if the timing of the
187 preventative cool-down rest period coincides with a required meal or rest period. Except when
188 such a rest period coincides with the existing unpaid meal break, the preventative cool-down rest
189 period is a work assignment and must be compensated accordingly.

190 J.Communications. Ensuring that effective communication by voice, observation, or
191 electronic means is maintained so that employees at the worksite can contact a supervisor when
192 necessary. An electronic device, such as a cellphone or text messaging device, may be used for
193 this purpose only if reception in the area is reliable.

194 ii.Observing employees for alertness and signs or symptoms of heat illness.The employer
195 shall ensure effective employee observation/monitoring by implementing one or more of the
196 following:Supervisor or designee observation of 20 or fewer employees, or mandatory buddy
197 system, irregular communication with sole employee such as by radio or cellular phone, or other
198 equally effective means.

199 K.Emergency Response Procedures.Employers must implement effective emergency
200 response procedures for when a worker experiences any stage of heat related illness, including
201 communication protocols and clear and precise directions to work locations for transient, field
202 and solo workers.

203 ii. Employers must identify and communicate the appropriate onsite emergency contact
204 for workers and supervisors and ways to communicate with offsite supervisors and emergency
205 medical personnel.

206 iii. If a supervisor observes, or any employee reports, any signs or symptoms of heat
207 illness in an employee, the supervisor shall take immediate action commensurate with the
208 severity of the illness.

209 iv. Employers must contact emergency medical services and, if necessary, transport
210 employees to a place where they can be reached by an emergency medical provider.

211 v. Workers who need first aid onsite and emergency response/removal from work due to
212 heat-related illness shall be considered on-duty with full compensation.

213 2. Cold-specific standards

214 A. The employer shall fulfill the following requirements when employees are in an
215 outdoor or indoor worksite and experiencing conditions at or exceeding the cold threshold of
216 sixty or below degrees Fahrenheit:

217 i. The Employer shall develop a written program to mitigate cold-related illnesses and
218 injuries experienced by employees.

219 ii. The written program shall identify and incorporate work processes and external factors
220 that increase the likelihood of cold-related illness, Worker training on cold-related illness
221 prevention, recognition, and reporting, ensured access to warm liquids, warm areas for use during
222 break periods, and wind-protective clothing based on wind speed, and prompt medical attention
223 to workers who show signs of cold-related illness or injury, schedules designed to reduce the

224 time workers spend in the cold environment and reduce the physical demands during cold
225 exposure, and medical monitoring to ensure worker health and protection.

226 iii. Every Employer shall provide and display a thermometer for employee use at all
227 workplaces to monitor the temperature indoors, outdoors and in vehicles.

228 iv. Employers shall identify and implement engineering controls, and administrative
229 controls before relying on personal protective equipment.

230 v. The written program shall include information on education and training (see section
231 below).

232 vi. The written program shall include emergency response plans, procedures and relevant
233 worksite contacts in case of an emergency (see section below).

234 vii. The written program shall be updated at least annually, when major work conditions
235 change, and when a heat-related incident occurs.

236 B. Access to hydration. The employer shall provide access to drinking water located as
237 close as practical to where employees are working. If drinking water is not plumbed or otherwise
238 continuously supplied, it shall be provided in sufficient quantity at the beginning of the shift, a
239 minimum of one quart of drinking water per hour per employee. Warm beverages must be
240 provided forever employee accessible in warm-up areas. Frequent drinking of water and warm
241 beverages shall be encouraged.

242 C. Rest. The employer shall require and encourage preventative breaks at the duration of
243 not less than ten minutes, in addition to the time needed to access the warm-up area, in a warm
244 area as needed for outdoor work or a warm breakroom for indoor workers.

245 i. Employees who take a preventative warm-up rest shall be monitored and asked about
246 symptoms of cold stress.

247 ii. Employees shall be encouraged to remain in the warm-up area and not be ordered back
248 to work until any signs or symptoms of cold stress have been abated.

249 D. The preventative warm-up rest period required by this section may be provided
250 concurrently with any other meal or rest period required by policy, rule or law if the timing of
251 the preventative warm-up rest period coincides with the otherwise required meal or rest period.
252 Except when such a rest period coincides with the existing unpaid meal break, the preventative
253 warm-up rest period is a work assignment and must be compensated accordingly.

254 E. Medical monitoring. Employers shall closely monitor temperatures and implement
255 their workplace cold stress plan when temperatures are below 60 degrees Fahrenheit. If an
256 employee exhibits signs or reports symptoms of cold stress the employer shall immediately
257 provide appropriate first aid or emergency response.

258 F. Access to warmth.

259 i. A warm location for breaks shall be made available when the temperature is below
260 sixty degrees Fahrenheit. When the outdoor temperature in the work area is below sixty degrees
261 Fahrenheit, the employer shall have and maintain one or more areas with adequate warmth at all
262 times while employees are present. The size of the warm location shall be at least enough to
263 accommodate the number of employees on recovery or rest periods, with at least four square feet
264 available per resting employee. The rest location shall be located as close as practicable to the
265 areas where employees are working.

266 ii. When the outdoor temperature in the work area is not below sixty
267 degrees Fahrenheit, employers shall provide warmth pursuant to subparagraph (i) of this
268 paragraph or provide timely access upon an employee's request. Employees shall be allowed and
269 encouraged to take a preventative warm-up rest break when they feel the need to do so to protect
270 themselves from cold stress.

271 G. Personal protective equipment. Employers shall provide the necessary protective
272 equipment at no cost to the employee and take into account risk factors for worker heat load due
273 to wearing PPE, even in cold conditions.

274 H. Vehicle standards. Employees who spend more than sixty minutes in vehicles each
275 day or whose worksite is considered a vehicle shall have adequate heating available inside the
276 vehicle maintained according to the manufacturer's instructions to keep temperatures above 60
277 degrees Fahrenheit.

278 I. Cold wave procedures.

279 i. The Employer shall ensure that the employee takes a minimum ten-minute preventative
280 warm-up rest period every two hours. The preventative warm-up rest period required by this
281 paragraph may be provided concurrently with any other meal or rest period required by Chapter
282 149, section 100 if the timing of the preventative warm-up rest period coincides with a required
283 meal or rest period. Except when such a rest period coincides with the existing unpaid meal
284 break, the preventative warm-up rest period is a work assignment and must be compensated
285 accordingly.

286 ii.The Employer shall ensure that if anemployee’s skin, clothing or PPE gets wet,they are
287 immediately removed from the work area and taken to a warm-up area to have the wet clothing
288 or PPE removed and are not to return to work until dry or the wet items have been replaced.

289 iii.Provide appropriate PPE to ensure ears, face, hands and feet are protected in cold
290 waves.

291 J.Communication.

292 i.Ensuring that effective communication by voice, observation, or electronic means is
293 maintained so that employees at the work site can contact a supervisor when necessary. An
294 electronic device, such as a cell phone or text messaging device, may be used for this purpose
295 only if reception in the area is reliable.

296 ii.Observing employees for alertness and signs or symptoms of cold illness. The
297 Employer shall ensure effective employee observation/monitoring by implementing one or more
298 of the following: Supervisor or designee observation of 20 or fewer employees, or mandatory
299 buddy system, or regular communication with sole employee such as by radio or cellular phone,
300 or other equally effective means.

301 K.Emergency response procedures.

302 i.Employers must implement effective emergency response procedures for when a worker
303 experiences any stage of cold related illness, including communication protocols and clear and
304 precise directions to work location for transient, field, and solo workers.

305 ii. Employers must identify and communicate the appropriate onsite emergency contact
306 for workers and supervisors and ways to communicate with off site supervisors and emergency
307 medical personnel.

308 iii. If a supervisor observes, or any employee reports, any signs or symptoms of cold
309 illness in an employee, the supervisor shall take immediate action commensurate with the
310 severity of the illness.

311 iv. Employers must contact emergency medical services and, if necessary, transport
312 employees to a place where they can be reached by an emergency medical provider.

313 L. Workers who need first aid onsite and emergency response/removal from work due to
314 cold-related illness shall be considered on-duty with full compensation.

315 Education and Training: The Employer shall provide a free, effective training program to
316 employees during working hours that includes at a minimum:

317 A. the risk factors, signs and symptoms of cold stress and heat illness and the necessary
318 medical responses;

319 B. indoor and outdoor temperature stress thresholds;

320 C. the employer's procedures to monitor temperature and humidity conditions and how
321 workers can participate in the monitoring process, and procedures and appropriate contact for
322 when conditions change;

323 D. the appropriate engineering and administrative control measures instituted to address
324 temperature and humidity according to the standard, including the importance of rest breaks;

325 E. the purpose, importance, and methods of acclimatization pursuant to the employer's
326 procedures;

327 F. examples of personal protective equipment such as hats, gloves, winter coats, cooling
328 rags, ice vests, sunscreen, etc.;

329 G. the importance and description of the additional physiological burden caused by
330 personal protective equipment and how the employer will factor this additional burden into
331 worker heat load; and methods for properly donning and doffing PPE;

332 H. medical monitoring provisions and employee access to records; I. emergency response
333 procedures including communication procedures and appropriate contacts for workers and
334 supervisors during each step of the response;

335 J. the procedures and importance of workers and supervisors reporting acute and delayed
336 onset symptoms, illness to employers; and that this reporting is free from retaliation. Such
337 training shall be administered by the employer at the time of hiring and no less than annually for
338 employees and supervisors. Training material that is appropriate in content and vocabulary to the
339 educational level, literacy, and language of employees shall be used. The training must provide an
340 opportunity for interactive questions and answers with a person who is knowledgeable in the
341 subject matter as it relates to the workplace that the training addresses and who is also
342 knowledgeable in the employer's procedures. Retraining. Refresher training should be provided
343 as needed. To increase effectiveness, repeat training as needed and hold short tailgate meetings
344 before each workday. Circumstances where retraining is required include, but are not limited to,
345 situations where: A. In advance of when the hot or cold season occurs or is anticipated to occur.
346 B. When there is a heat or cold wave. Copies of the employers' written program shall be made

347 available to employees, government officials and employee representatives within one business
348 day upon request at no cost.

349 Recordkeeping

350 A. Every employer shall collect and maintain data and records as required on all
351 temperature-related illnesses and fatalities which occur at an outdoor or indoor worksite.

352 B. Employers shall additionally make such reports available to any employee, government
353 office, or employee representative within one business day upon request at no cost.

354 C. Every employer shall be subject to fines for not adhering to the mandatory record
355 keeping and written program protocols.

356 Anti-retaliation

357 Employers shall develop a clear system and appropriate points of contact for workers to
358 report hazardous working conditions and heat-and cold-related injury and illness. Employers shall
359 be considered in violation of this section where any employee is retaliated or discriminated
360 against for raising concerns and reporting incidents, illness and injury.