



Heat Safety Compliance

A Producer's Guide to Arizona's Heat Emphasis Program

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LEGAL DISCLAIMER

This guide is intended for general educational and informational purposes only. It does not constitute legal advice and should not be relied upon as such. Arizona OSHA (ADOSH) compliance obligations are complex, fact-specific, and subject to change. Individual operations vary significantly, and outcomes in any particular situation depend on facts, evidence, and the specific compliance officer's determination. Readers should consult a qualified attorney or safety professional for advice tailored to their specific situation. Arizona Farm Bureau Federation and the contributors to this guide assume no liability for actions taken in reliance on the information contained herein.



1. Overview & Why This Matters

Arizona does not currently have an enforceable heat-specific OSHA standard. Agricultural employers are presently regulated under two overlapping authorities — the existing Arizona Administrative Code field sanitation standard (binding) and the Arizona OSHA State Emphasis Program on heat illness prevention, or SEP (recommendations enforced under the General Duty Clause).

That landscape is about to change. Pressure from labor coalitions, statewide media attention on heat-related deaths, and Governor Hobbs' executive order have all combined to push Arizona OSHA (ADOSH) toward developing a formal heat standard within the next one to two years. The decisions that are made during that rulemaking will shape ag employer obligations for a generation.

This guide is designed to help Arizona agricultural employers:

- Understand exactly what is required today versus recommended
- Build a written Heat Illness Prevention Plan that satisfies both the field sanitation code and the SEP
- Prepare for ADOSH inspections and complaint investigations
- Avoid the mistakes other states have made in their heat standards
- Make your voice heard during the rulemaking process

The single most important step is having a written, implemented Heat Illness Prevention Plan with documented training and acclimatization. Documentation is your strongest defense in any inspection or fatality investigation.

2. The Regulatory Landscape

Unlike California, Nevada, Oregon, and New Mexico, Arizona has not yet adopted an enforceable heat standard. ADOSH currently operates under a State Emphasis Program (SEP) on heat illness prevention, which was originally adopted in July 2023 in response to Federal OSHA's national emphasis program and was subsequently updated based on recommendations from Governor Hobbs' Heat Safety Task Force.

How Heat Compliance Is Enforced Today

- ADOSH cites heat-related violations under the OSH Act's General Duty Clause, which requires employers to maintain a workplace free from recognized hazards.
- Because the SEP is recommendation-based rather than a formal standard, ADOSH carries a higher burden of proof in litigation.
- ADOSH conducted 147 heat-related inspections in the most recent summer enforcement cycle, issuing several citations.
- Per executive order, ADOSH must now publish heat enforcement data annually, including inspection counts, citation counts, and exposure findings.



The Data Picture

Public discussion of Arizona heat fatalities frequently cites figures over 600 deaths in a single year. That number is a blended statistic, it includes all heat-related deaths in the state regardless of whether they occurred at work. The figure includes hikers, tourists unfamiliar with desert conditions, the homeless population, and other non-occupational fatalities.

Workplace-specific heat fatalities under ADOSH jurisdiction in the most recent year totaled approximately two, with one still under investigation.

This distinction matters. Before ADOSH can lawfully adopt a binding heat standard, it must demonstrate (1) that data supports the need for one and (2) that the standard is economically feasible. Blended statistics alone cannot justify regulations that would be unworkable for Arizona agriculture.

HIPAA, Death Investigations & the Burden of Proof

Because heat-related fatalities often involve underlying health conditions, off-duty hydration, medications, or other personal factors, attribution to workplace exposure is often disputed. Government investigators have access to certain medical information beyond what is publicly available on a death certificate. However, OSHA bears the burden of proving the workplace caused or substantially contributed to the death.

The strongest defense an employer can have in a fatality investigation is a thoroughly documented Heat Illness Prevention Plan that was actually implemented, including training rosters, acclimatization records, water and shade documentation, and supervisor logs.



3. Existing Field Sanitation Standard

Separate from the heat SEP, Arizona agricultural operations are already bound by a longstanding field sanitation standard under the Arizona Administrative Code. This is enforceable law, not a recommendation, and forms the baseline of your water and sanitation obligations.

Requirement	Standard
Coverage threshold	5 or more employees performing hand labor in agricultural operations
Water supply	Potable drinking water provided at no cost to employees
Minimum quantity	At least 2 gallons per employee per day
Water temperature	Suitably cool, defined as no warmer than 80 °F
Drinking method	Individual drinking cups (not shared)
Accessibility	Located in places readily accessible to all employees
Cost	Employer must provide free of charge

How Field Sanitation Interacts With the SEP

The SEP layers additional recommendations on top of the field sanitation standard. Some SEP recommendations exceed the existing code, for example, a recommendation that water be available at a rate of approximately 32 ounces per employee per hour, or that water be kept closer to 60 °F rather than 80 °F. These recommendations are not currently law.

For now, Arizona agricultural employers should:

- Meet the field sanitation code as the legal floor
- Document compliance with the code in your written plan
- Adopt SEP recommendations where feasible as best practice

4. State Emphasis Program (SEP) Requirements

Under the updated SEP, ADOSH expects every covered employer to maintain a written Heat Illness Prevention Plan that addresses each of the following elements. While the SEP is recommendation-based, in practice ADOSH compliance officers will look for each of these during an inspection.

Required Plan Elements

Element	What ADOSH Looks For
Written Plan	A documented Heat Illness Prevention Plan customized to your operation. Templates are available on the AZ Heat website, do not use them unchanged.
Water	Potable, suitably cool, clean, and accessible. At minimum the field sanitation code amounts; SEP recommends approximately 32 oz per employee per hour.
Shade	Natural or man-made. Large enough that workers can sit without casting shadows on each other. Located as close as practicable. Free of hazards.
Acclimatization	A written plan describing how new workers, returning workers, and indoor-to-outdoor transitions are acclimatized. Two acceptable approaches (see below).
Training	Employees must be trained on heat illness signs, their right to take a rest break in the shade when overheated, and protective clothing. No retaliation for using breaks.
Heat Index Monitoring	Active monitoring of conditions, most often using the National Weather Service Heat Index app. Compliance officers will check what app you use.
Rest Breaks	Employees must be permitted to take rest breaks in the shade when they feel overheated.
Adjusted Work Practices	Demonstrated steps such as starting earlier, rotating tasks, or modifying schedules during peak heat days.

Acclimatization: Choose Your Approach

The SEP requires every employer to have an acclimatization plan but offers flexibility on how to design it:

Option A: NIOSH Schedule

Follow the NIOSH 7-to-14-day acclimatization schedule, with new workers gradually building exposure. This approach is the most defensible if formally documented but can be operationally challenging during peak season.

Option B: Develop Your Own Plan

Design a plan that fits your operation. A simple intake questionnaire "Where have you been the last two weeks?" can identify which new hires need extra ramp-up. Practical approaches include starting new



workers in the shop or on morning shifts, rotating them indoors during temperature extremes, and progressively increasing field exposure over several days.

Acclimatization should also apply to returning workers, anyone coming back from extended vacation, injury leave, or an indoor assignment. Document the questionnaire and the schedule you put each new hire on.

Clothing & PPE

Cotton clothing, long sleeves, long pants, and a wide-brimmed hat, is recognized as a proper form of PPE for heat exposure. Reducing direct skin exposure substantially lowers heat stress, particularly for workers in concrete-lined ditches, on equipment, or on reflective surfaces. Build clothing requirements into your written plan and into employee training.

Exemptions From the SEP

- Incidental heat exposure, work that does not require more than 15 minutes of exposure in any 60-minute period
- Fully indoor work environments with mechanical ventilation maintaining temperatures of approximately 80 °F or below
- Emergency services responding to imminent threats

5. Inspections, Complaints & Your Rights

ADOSH is more active in heat enforcement than at any prior point. Most inspections in the agricultural sector are complaint-driven, though ADOSH is also conducting targeted inspections under its post-executive-order obligations to publish enforcement data.

How an Inspection Begins

- Complaints typically arrive first by email, ADOSH will notify you of an anonymous employee complaint and request a written response, unless the complaint alleges imminent danger.
- Targeted inspections may arrive without notice. Random unannounced inspections also occur.
- Officers use a specific Heat Inspection Checklist (available on the AZ Heat website) review it so you know what they will examine, some of their criteria is found below for reference.

What Inspectors Will Examine

Item	What They Check
Heat index at the time of the inspection	Often pulled from the National Weather Service app. Establishes the exposure baseline.
Written plan	Customized to your operation, signed, dated, and updated.
Water	Quantity, temperature, location, accessibility, and replenishment.
Shade	Adequacy, accessibility, distance from work area, hazard-free.
Training records	Sign-in sheets, training materials, dates, topics covered, employee names.
Acclimatization records	Documentation showing how new and returning workers were Acclimated to the heat and working conditions
Employee interviews	Workers will be asked whether they know they can take a break in the shade if overheated, and what training they received.
Adjusted schedules	Evidence of earlier start times, task rotation, or other operational adjustments during heat events.
OSHA 300 logs	Recordable heat-related injuries and illnesses.

Your Rights During an Inspection

ADOSH compliance officers operate under the Field Operations Manual (FOM). They must follow their own procedural rules during any inspection. You also have substantive rights that are often underused.

**Right to Decline Consent**

Although ADOSH has authority under the OSH Act to inspect places of employment, you have the right to decline consent at the time of arrival. You may require ADOSH to obtain an administrative subpoena before proceeding. This is most useful when you need time to assemble counsel, your safety officer, or your written records.

Use the right to decline strategically. Officers can be antagonized by it, and the inspection will eventually proceed under subpoena. The advantage is preparation time, not avoidance.

Site Signage as Biosecurity

Posted site signage, particularly biosecurity signs that require all visitors to call and check in before entering, applies to government inspectors the same as any other visitor. This is well-established for operations subject to avian influenza, foot-and-mouth, or similar disease protocols. Inspectors who bypass posted check-in signage are themselves in violation, which provides leverage in any subsequent citation.

Ensure visitor check-in signs are posted at every entry point, main road, shipping and receiving, equipment yard. Phrasing such as "All visitors must call and check in with [contact name and number] before entering" is enforceable.

Multi-Employer Sites & Contractors

When you bring in a harvest contractor or other crew, ADOSH may apply its multi-employer doctrine and seek to cite the host employer as well as the contractor. Cover your liability:

- Require, in writing, that contractors maintain their own compliant Heat Illness Prevention Plan
- Verify and document that the contractor's plan exists before they begin work
- Inspect for visible compliance, water, shade, breaks, when you visit the work site
- If you observe a violation, document it and require correction; do not turn a blind eye

Complaints, Including False Complaints

Most complaints are administrative and can be resolved by providing your written plan, training records, water and shade policies, and any other relevant documentation. ADOSH will typically drop a complaint when an employer responds with a complete record.

False complaints, (those filed without factual basis or in retaliation), are subject to legal sanctions in theory, but ADOSH has historically been slow to pursue them. If you believe a complaint is false, document the evidence, respond fully, and consider raising the issue with ADOSH leadership or through legal counsel. Stakeholder pressure on ADOSH to enforce against bad-faith complainants is one of the policy levers Arizona Farm Bureau is exploring.



6. Best Practices for Compliance

Documentation Is Your Strongest Defense

- Maintain a current, signed, dated written Heat Illness Prevention Plan
- Keep training records, sign-in sheets, materials, dates, topics, attendees
- Document acclimatization for every new and returning worker
- Log water replenishment throughout the shift, especially on jug-supplied sites
- Photograph shade structures, water locations, and PPE compliance periodically
- Keep witness statements when employees abuse break privileges or refuse PPE

Operational Adjustments

- Start the workday earlier during the hottest months
- Rotate tasks between high-exposure and lower-exposure jobs
- Move new or returning workers to shop or indoor tasks during temperature extremes
- Use the National Weather Service Heat Index app daily and post conditions
- Replenish jugs throughout the day, water in jugs heats rapidly in Arizona
- Position shade and water as close to active work areas as practicable

Clothing & PPE Program

- Require long sleeves, long pants, and wide-brimmed hats, (preferably cotton)
- Train workers on why covered skin reduces heat stress in dry desert conditions
- Provide replacement clothing for new hires who arrive unprepared
- Document the clothing requirement in your written plan

Managing Break Abuse

The right to take a rest break in the shade when overheated does not create an unlimited entitlement to time off task. If you observe an employee taking excessive breaks or abusing the policy:

- Document each instance, time, date, circumstance, witness if available
- Hold a documented conversation with the employee, confirm they are not experiencing a real medical issue and reaffirm expectations
- Apply progressive discipline consistent with your HR policy
- Consult an HR professional or attorney before termination decisions

Documentation cuts both ways. The same records that defend you against a fatality investigation also defend you against retaliation claims when you discipline a worker abusing break privileges.



7. The Thermal Employer Recognition Program

As part of the Governor's executive order, ADOSH established the Thermal Hazards Exposure, Risk and Mitigation (Thermal) recognition program. It identifies employers whose heat illness prevention practices go above and beyond the SEP minimums.

How It Works

- Voluntary application through the AZ Heat website
- Free consultation visit from ADOSH (non-enforcement)
- Scoring on water, shade, training, acclimatization, employee participation, and other elements
- Good / Better / Best rating system
- Certificate of recognition; annual public ceremony

Why Apply

Beyond the public recognition, participation creates a documented record that ADOSH itself has reviewed and approved your program. That record becomes a powerful defense if your operation is later inspected on a complaint or after an incident.

- ADOSH-issued recognition is hard to contradict in a later citation
- The consultation is free and non-enforcement, no citations result from it
- It signals commitment to your workforce, customers, and community
- It provides a benchmark for continuous improvement

If your written plan and field implementation already exceed the SEP minimums, applying for the Thermal program is essentially a free pre-inspection by ADOSH that documents your compliance for years afterward.

8. Summary & Resources

Plan & Documentation

- Develop or update a written Heat Illness Prevention Plan customized to your operation
- Sign and date the plan; retain previous versions
- Identify the supervisor or manager responsible for implementation
- Build a recordkeeping system for training, acclimatization, water logs, and incidents

Water & Shade

- Confirm water meets the field sanitation code minimum, 2 gallons per employee per day, no warmer than 80 °F
- Position water and shade as close to active work areas as practicable



- Replenish water containers throughout the workday
- Verify shade is large enough for workers to sit without casting shadows on each other

Training & Acclimatization

- Train all employees on heat illness signs, the right to take rest breaks, no retaliation
- Implement an intake questionnaire for new hires, "Where have you been the last two weeks?"
- Document the acclimatization schedule applied to each new and returning worker
- Include cotton clothing as PPE in training and written policy

Inspection Readiness

- Train front-office staff on what to do if ADOSH arrives
- Post visitor check-in signage at every entry point
- Keep the AZ Heat Inspection Checklist on file and self-audit against it
- Use the National Weather Service Heat Index app daily
- Verify each contractor on site has a written plan and document the verification

Going Above the Minimum

- Apply for the Thermal Employer Recognition Program
- Schedule a free ADOSH consultation visit
- Coordinate with Arizona Farm Bureau on public comment opportunities

Resources

- Arizona Heat Website (ADOSH) sample plans, training materials, inspection checklist, Thermal Program application
- ADOSH Consultation Services, free, non-enforcement compliance assistance
- National Weather Service Heat Index app, daily monitoring tool

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