

OSHA Officially Proposes New Heat Regulations for Employers

Today, the Occupational Safety and Health Administration (OSHA) officially published its [proposed rule](#) to implement new regulations for employers to protect workers from heat-related injuries and illnesses. Publication of the proposed rule by OSHA means outside stakeholders, such as NDA, will have 120 days to review the rule and provide public comments back to OSHA by Dec. 30, 2024. Once OSHA receives and reviews the public comments, they will release a final version of the rule in 2025.

OSHA's proposed rule would require employers to develop an injury and illness prevention plan to control heat hazards in workplaces affected by excessive heat. Among other things, the plan would:

- require employers to evaluate heat risks and — when heat increases risks to workers — implement requirements for drinking water, rest breaks and control of indoor heat;
- require a plan to protect new or returning workers unaccustomed to working in high heat conditions; and
- employers would also be required to provide training, have procedures to respond if a worker is experiencing signs and symptoms of a heat-related illness, and take immediate action to help a worker experiencing signs and symptoms of a heat emergency.

NDA is reviewing the proposed rule with its Government Affairs Committee and will be submitting comments to OSHA on the perspectives of the demolition industry by the Dec. 30 deadline. More information on OSHA's proposed rule can be [found here](#).

Reminder: FTC Noncompete Ban No Longer in Effect

Earlier this month, a federal district court in Texas issued a nationwide ruling to strike down the Federal Trade Commission's (FTC) proposal to ban noncompete agreements in employment contracts. As a result, the FTC's noncompete ban will no longer go into effect on Sept. 4, 2024.

In April, the FTC issued a final rule to prohibit employers from entering into new noncompete agreements with workers and also prohibit employers from enforcing existing noncompetes with workers other than senior executives.

- The FTC's rule to ban noncompete agreements will no longer go into effect on Sept. 4, 2024.
- NDA opposed the ban on noncompete agreements in [public comments](#) to the Federal Trade Commission last year. NDA had the following concerns about the FTC's ban:
 - Puts proprietary business information at risk such as intellectual property, customer lists, trade secrets, techniques, and other assets;
 - Increases compliance costs for employers; and
 - Executive overreach in private employment contracts and the lack of legal authority by the FTC to ban noncompetes.
- The district court's ruling is a significant, but temporary win for NDA. The FTC has threatened to appeal the ruling to a higher court. Pending further appeals, the ultimate fate of the FTC's noncompete ban could be decided by the U.S. Supreme Court.

NDA will continue to track the FTC's actions on this issue and will keep members updated on any further legal developments.