



October 29, 2025

Submitted via the Federal e-Rulemaking Portal, Regulations.gov

For the Occupational Safety and Health Administration

Re: Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings,
Docket No. OSHA-2021-0009-25560

The Brewers Association (BA) respectfully submits the following answers to questions posed during BA's testimony on OSHA's Heat Injury and Illness Prevention Informal Rulemaking Hearing on July 1, 2025. BA appreciates OSHA's thorough consideration of our prior written and oral comments.

As a reminder, the Brewers Association is the voice of America's small, independent craft brewers. Based in Boulder, Colorado, the Association seeks to promote and protect the interests of craft brewers and the craft brewing community. Today the Brewers Association has nearly 5,000 full voting brewery members – including members in every state – as well as over 1,000 supplier members of the allied trade.

What follows organizes the questions in the order received during the July 1 hearing:

1. Can Breweries Monitor the Temperature Every Two Hours?

We believe that our member brewers can reasonably monitor temperatures every two hours. The nature of brewing operations requires careful measurements at specific intervals throughout the brewing process. Such measurements usually are carefully catalogued in the brewery's records. Because of this, we believe that brewers can accommodate a temperature measurement in the brewhouse without adding a substantial burden to existing operations.

2. How Do Breweries Currently Monitor Temperatures?

BA brewery members vary in size from industrial packaging operations producing hundreds of thousands of barrels of beer per year to very small, local operations. The vast majority of our members are very small and distribute locally or even confine sale of their beer to the brewery premises (e.g., a brewpub or taproom).

We believe that the majority of our members use a wall-mounted thermometer to measure indoor temperatures. To monitor outdoor temperatures, we believe most rely on on-line weather services, which have become widely available on smart phones and computers.

3. Provide Examples of Successful versus Unsuccessful Methods of Measuring Radiant Heat Sources at Breweries.

As a threshold matter, the radiant heat source at every brewery, the brew kettle, does not reach the extremely high temperatures that heat sources in other industries can achieve. Boiling wort (the unfermented liquid that eventually becomes beer) occurs at 212° Fahrenheit, and the low-pressure steam used to heat a typical brew kettle does not exceed 250° Fahrenheit. This mitigates the heat injury risk at breweries when compared to industries where heat sources can reach much higher temperatures.

As for measuring, some of our largest, most sophisticated members may currently measure radiant heat coming from the brew kettle. But we do not believe most of our members measure that radiant heat. Heat *within* that radiant heat source, however, is measured as standard practice using thermometers built into the brewing equipment. Careful temperature control of the liquid as it is turned into beer is a central feature of the brewing process.

4. Do Brewery Employees Take Breaks Outdoors (e.g., Where the Breweries Does not have an Air-Conditioned Retail Space or Break Room)?

We believe that very few, if any, breweries do not have a temperature-controlled place for workers to go for breaks and the like. In larger packaging breweries, temperature-controlled break rooms are the norm. Smaller breweries may not have a dedicated break room, but smaller breweries almost always have a retail component as a significant or even the sole source of sales and revenue. These smaller brewers accordingly will have temperature-controlled retail spaces for the public (e.g., a restaurant or taproom).

5. Please Suggest Better Language as an Alternative to the Proposed “As Needed” Break Standard.

The current proposal requires an employer to “allow and encourage” paid rest breaks “if needed to prevent overheating.”¹ As noted in BA’s prior comments, we believe this standard is vague and has the potential to become a *de facto* strict liability standard.

We recommend amending the rest break standard to make it objective. Instead of simply as needed, OSHA can harness the collective knowledge and experience of the many industries it regulates by incorporating sound industry practices. Moreover, the rule should incorporate the concept of reasonableness to make it

¹ See proposed Section 1910.148(e)(8).

objective and not potentially subjective to a given employee. The resulting standard would read (added text underlined):

The employer must allow and encourage employees to take paid rest breaks in the break area required by paragraph (e)(3) or (e)(4) if reasonably needed, with reference to sound industry practices, to prevent overheating.

6. What Additional Guidance Would Help Small Brewers Understand an “As Needed” Standard?

By referencing industry practices in the rest break standard, the regulations would accommodate the needs of various industries and circumstances and create a standard that evolves with industry practices and medical science. Brewers generally know and stay abreast of policies and practices of their competitor peers within the industry. Such industry-based guidelines would be far more accessible and understandable to small and independent brewers than sub-regulatory government publications, which often are known only to experts in the field.

7. Is a Mandated Two-Hour Rest Break Schedule at the High Heat Trigger Feasible for Breweries?

For larger breweries, we believe a two-hour break schedule is feasible. Things become more difficult for very small brewing operations, where the entire brewing process often is run by a single person. The art of brewing requires that certain steps (e.g., turning off a pump after a product transfer is complete) occur at certain specific times. A rigid two-hour break cycle may prove difficult for small such operations.

8. Please Provide an Example of a Brewery Safety Plan.

We believe many of our small members will rely on OSHA model plans, like those currently available on OSHA’s website.² Larger, more sophisticated members often develop and utilize their own proprietary heat injury plan. We attach a sample heat plan created by a BA member, with company-identifying materials redacted.

9. What Percentage of BA Members Have Icemakers and Freezers?

The BA does not track this aspect of our members’ businesses. Nevertheless, we expect that a very high percentage of our members have one or both. Many of our members, including all brewpub members, engage in food service at the brewery. Almost all such brewers would have freezers, and icemakers are extremely common in food-service operations (e.g., to serve non-beer drinks with).

Packaging-only breweries would not have freezers and icemakers for food service purposes, but such breweries tend to be larger. As such, we expect that most of our packaging-only member breweries have at least an icemaker in a break room or other employee area.

² See <https://www.osha.gov/sites/default/files/2021-07/Model%20Heat%20Illness%20Prevention%20Plan.pdf>.

10. Anything About the Proposed Heat Rule Breweries Like?

BA members want to protect employees and appreciate constructive guidance and resources to help them accomplish that goal.

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The Brewers Association appreciates OSHA's careful consideration of the interests of America's small and independent brewers. We stand ready to provide further input should OSHA deem it helpful.

Sincerely,

A handwritten signature in black ink that reads "Marc E Sorini". The signature is written in a cursive, slightly slanted style.

Marc E. Sorini
Vice President of Government Affairs
Brewers Association

Cc: Bart Watson, President & CEO