

HEAT ILLNESS PREVENTION STANDARD

MORE EMPLOYERS COULD BE AFFECTED BY RULES CHANGE

CAL/OSHA has released a revised discussion draft of proposed changes to the state's indoor and outdoor heat illness prevention regulations that would expand the number and types of employers required to follow California's outdoor high-heat procedures.

The proposal is part of Cal/OSHA's work to implement Assembly Bill 2243 and make the two standards more consistent. The proposed language would also require new acclimatization procedures and expand training requirements.

While many proposed revisions align terminology and requirements between the standards, some could create significant new compliance obligations. Here's what's brewing.

High-heat rules could expand

Under the current outdoor heat standard, special high-heat procedures take effect when temperatures reach 95 degrees Fahrenheit. The procedures generally apply only to specified industries, including agriculture, construction, landscaping, oil and gas extraction and certain transportation operations.

The proposed revision would remove that industry limitation.

As a result, employers with outdoor workers who have not previously been subject to the high-heat procedures could be required to comply whenever temperatures reach 95 degrees.

That could bring a much broader range of employers under the requirements and make heat planning an important compliance issue for businesses that may not traditionally consider themselves high-heat workplaces.

Among other requirements, the proposal would require employers to ensure that employees working in high heat take a minimum 10-minute cool-down break every two hours during a shift. Time needed to reach the shade would not count toward the break.

New acclimatization procedures

Cal/OSHA is also proposing more detailed requirements for acclimatizing employees to hot working conditions.

The outdoor proposal would require close observation when a newly assigned employee or an employee returning after an absence of more than 14 days is assigned to a location where the day's predicted high temperature is at least 80 degrees.

Employers would generally have two options for protecting workers while they acclimatize:

- They could either implement enhanced protective measures and close observation procedures, or
- Phase employees into heat exposure through prescribed exposure schedules.

Similar revisions are proposed for indoor workplaces, with close observation requirements generally triggered when temperatures reach 82 degrees or the heat index reaches 87 degrees.

Training and written plans

Under the draft, heat illness training would have to be provided in a language and at a literacy level employees understand. Workers would also have to be given an opportunity to ask questions.

Employers would be required to distribute their written heat illness prevention plan to new employees when they are hired, during heat illness prevention training and at least annually thereafter.

What employers can do now

The Aug. 14 revisions are a discussion draft and are not yet final regulations. Additional changes may be made before Cal/OSHA begins the formal rulemaking process.

Still, employers may want to start evaluating how the proposal could affect their operations, particularly if they have outdoor workers but are not currently subject to the state's high-heat procedures.

Steps employers can take

- Identify jobs involving outdoor work and employees who could be exposed to temperatures of 95 degrees or higher.
- Review current heat illness prevention policies and written plans.
- Evaluate procedures for monitoring newly assigned and returning employees.
- Review training materials for language and literacy considerations.
- Assess how required high-heat cool-down breaks would be provided and documented.
- Prepare to update plan distribution and training procedures if the changes become final.

