

## CRLA Proposal 11.09.05

### §3395. Heat Illness Prevention.

- (a) **Scope and Application.** This section applies to the control of risk of occurrence of heat illness. This section is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1230(a), 1512, 1524, 3203, 3363, 3400, 3439, 3457, 5142, 5143, 6251, 6512, 6969, 6975, 8420 and 8602(e). This section applies to all ~~outdoor~~ places of employment; during at those times when the environmental risk factors for heat illness, as defined in (b), are present.

Note : This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

#### (b) Definitions.

"Acclimatization" means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat. A noticeable loss of acclimatization begins after four days of discontinuation of exposure to conditions of heat stress.

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

"Environmental risk factors for heat illness" means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees. Employers are encouraged to use the National Weather Services Heat Index, American Conference of Governmental Industrial Hygienists Threshold Limit Value and U.S. Army Heat Injury Prevention Program as guides to determine when temperature and humidity create a danger but this shall not relieve the employer from obligations established by other provisions of this regulation including but not limited to responding to indications of the risk for, or presence of, heat illness.

“Personal risk factors for heat illness” means factors such as an individual’s age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body’s water retention or other physiological responses to heat.

“Rest and recovery period” means a rest and recovery period of time to recover from the heat in order to prevent heat illness that shall be considered authorized rest time counted as hours worked for which there shall be no deduction from wages.

“Shade” means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning.

“Cooled area” means a cooled indoor rest or recovery area where the temperature is cooled to at or below 80 degrees Fahrenheit and resulting in a Heat Index of not greater than 90.

**(c) Heat Illness Prevention.** Every employer shall establish, implement and maintain procedures to prevent the occurrence of heat illness. This section applies to all places of employment at all times when the environmental risk factors and/or personal risk factors for heat illness as defined in (b), are present, unless the employer can demonstrate that there is no reasonable likelihood that heat illness may occur. The heat illness prevention procedures shall include the following elements:

(1) Hazard Identification. The employer shall establish, implement and maintain effective procedures for identifying and evaluating workplace hazards associated with heat illness.

(2) Hazard Prevention, Control and Correction. The employer shall establish, implement and maintain effective measures to prevent, control and correct hazards associated with the occurrence of heat illness, in a timely manner, based upon the severity of the hazard and based upon occupational risk factors.

**(ed) Provision of Water.** Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable. Water shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in (e), shall be encouraged. Workers in contaminated areas where drinking is prohibited shall have ready access to water in uncontaminated areas.

**(de) Access to Shade.** The employer shall provide shaded outdoor or cooled indoor rest areas for all rest and meal periods. Where due to terrain it is not feasible to locate shade or cooled rest areas within one minute walk of the work area, the shade or cooled rest area shall be located at the closest feasible point. The shaded or cooled rest areas shall be adequate to accommodate all workers on any given rest and meal break.

NOTE 1: Employees working on a piece-rate basis shall be compensated for required rest time by being paid their average piece-rate wage for each rest and recovery period taken during each pay period, or portion of a pay period, in which they were employed on a piece-rate basis.

**(f) Rest and Recovery Periods.** The employer shall provide adequate rest and recovery periods to prevent heat-related illness. The employer shall evaluate temperature, humidity and the exertion level of the work, as well as acclimatization and any other environmental risk factors present when determining adequate rest and recovery periods.

(i) Employees ~~suffering from heat illness or~~ believing a preventative rest and recovery period is needed, shall be provided access to a shaded outdoor or cooled indoor rest area that is either open to the air or provided with ventilation or cooling for a period of no less than 10 five minutes. Such access to shade outdoors or a cooled area indoors shall be permitted at all times.

(ii) The employer shall provide a minimum 10 minute authorized rest time per hour whenever the combined air temperature and relative humidity yield a heat index rating in the National Weather Service category of Danger. Other legally required rest and meal periods may be counted as a portion of this requirement and additional rest time insofar as practical shall be in hours when there is no other required rest or meal period.

**OR**

**(ii) The employer shall provide a minimum 20 minute authorized rest time every four hours whenever the combined air temperature and relative humidity yield a heat index rating in the National Weather Service category of Danger. Other legally required rest periods may be counted as a portion of this requirement and additional rest time insofar as practical shall be in hours when there is no other required rest or meal period.**

NOTE 1: Employees working on a piece-rate basis shall be compensated for authorized rest time by being paid their average piece-rate wage for each rest and recovery period taken during each pay period, or portion of a pay period, in which they were employed on a piece-rate basis.

**(g) Employee training.** Each employer shall establish procedures for and provide ~~T~~training in the following topics shall be provided to all supervisory and non-supervisory employees.

(A) The environmental and personal risk factors for heat illness;

(B) The employer's procedures for identifying, evaluating, and controlling exposures to the environmental and personal risk factors for heat illness *as required in section (c) above*;

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour under extreme conditions of work and heat;

(D) The importance of acclimatization;

(E) The different types of heat illness and the common signs and symptoms of heat illness;  
(F) The importance of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers;  
(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary;

(H) Procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider;

(I) How to provide clear and precise directions to the work site.

*(J) The employees right to rest and recovery periods and access to shade.*

*(K) How to monitor personal pulse rate to determine if relief from heat exposure is needed.*

(2) Supervisor training. Prior to assignment to supervision of employees working in the heat, training on the following topics shall be provided:

(A) The information required to be provided by section (e)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including first aid and emergency medical response procedures.

*(D) The applicability of sections 6310, 6311, and 6312 of the labor code with regards to employees rights to rest and recovery periods and access to shade.*

### **(h) First Aid and Emergency Medical Response**

Any employee who may be suffering from heat illness shall not be left unattended and shall be provided immediate first aid and medical attention in accordance with Title 8 sections 1512, 3400 or 3439 as applicable.

f) Review:

~~No later than January 1, 2006, the Occupational Safety and Health Standards Board shall review the feasibility of providing shade for all rest periods at outdoor places of employment.~~

### **Non-mandatory Appendices**

The National Weather Service Heat Index, American Conference of Governmental Industrial Hygienists Threshold Limit Value and U.S. Army Heat Injury Prevention Program and DOSH heat illness prevention advisory documents shall be incorporated as non-mandatory appendices for guidance in preventing and recognizing risk factors for heat illness, , different types of heat illness, and common signs and symptoms and appropriate first aid and medical treatment, procedures for acclimatization, and determination of appropriate intervals for rest and recovery breaks with and without protective clothing.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.