1. Where it is not feasible to have shade as close as desirable to places where employees are working, can procedures be used to assure that employees will be brought to shade or shade brought to employees using vehicular transport coupled with an electronic communication system?

The Heat Illness Prevention Standard requires that access to shade be available at all times, and that shade be present when the temperature exceeds 85 degrees Fahrenheit or upon employee request. The Standard further states that shade must be located “as close as practicable to the areas where employees are working.” Cal/OSHA’s guidance, Heat Illness Enforcement Q&A, states that the shade must be as close as practicable, and “no further than a 2.5 minute walk away. The hotter the weather, the closer the shade or shade structure needs to be to the workers.” This guidance further states that “the time it realistically takes to get to the shaded area is the critical consideration, and this will be taken into consideration if the means of access is by vehicle instead of walking.”

Therefore employers must evaluate their operations and plan for how employees can have access to shade in a timely manner. This should include identifying shaded or cooled areas that are available to employees at or near each work station.

Electronic communication and vehicle transportation to shade may be included in the employer’s plan to provide shade, so long as these procedures will reliably provide access to shade in a period that does not exceed 2.5 minutes when temperatures exceed 85 degrees Fahrenheit or upon an employee’s request.

2. Is a park in compliance with heat training requirements if it can demonstrate that all newly-hired outdoor employees receive a complying training segment on heat stress during their orientation, without requiring that each employee sign, and employers retain, an acknowledgement of training?

Yes. The employer is required to keep training records meeting the requirements in Section 3203(b)(2), which includes documentation of employee name or other identifier, training dates, type(s) of training, and training providers. A signed acknowledgement is not required, although it can be a useful tool to demonstrate the employee’s attendance.

3. Can an employee responsible for the safety of others, who is feeling heat stress, leave without warning before completing a work assignment, or without obtaining a replacement?

An amusement ride owner/operator has safety responsibilities to both patrons on the rides and employees operating the rides. Procedures must be in place that do not put the
employee in a position of having to sacrifice a needed break or any other safety protection in order to meet his or her safety responsibilities toward patrons. These procedures may reflect other procedures for emergency relief on rides.

If the employer instructs an employee that he or she cannot abandon their position operating a ride or performing other safety-related functions then the employer must ensure that the means of complying with this regulation, including water, shade, and access to first aid, are available at the work station. The employer may adopt a policy permitting a delay of no more than 2.5 minutes to access shade (such as would permit the finishing of a ride cycle) unless such a delay would endanger the employee.

Employers may reduce the need for emergency relief by taking additional precautions such as providing scheduled relief particularly for work assignments in hot areas. Employers should also regularly check on employees to determine whether they are drinking water regularly, and whether they are developing signs of heat illness or are in need of shade.

4. Who will investigate and enforce Heat Illness Prevention program complaints, inspections and incidents?

Investigation of and enforcement decision-making with regard to all employee occupational safety and health issues for rides, including heat illness prevention, is carried out by Cal/OSHA enforcement staff, not the amusement ride program inspectors. Anyone, including amusement ride inspectors, may contact the Cal/OSHA enforcement district office if they observe a situation that is a safety or health hazard to employees. In addition, it is possible that a ride inspector may accompany a Cal/OSHA enforcement inspector in situations where ride expertise is needed in order to understand the full circumstances of a potential violation or safety hazard to employees.