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April 3, 2017

Ms. Amalia Neidhardt, MPH, CIH, CSP
Cal/OSHA
1515 Clay Street, Suite 1901
Oakland, CA 94612

Re: Discussion Draft Addressing Heat Illness Prevention in Indoor Places of Employment

Dear Ms. Neidhardt:

ORCHSE Strategies, LLC (ORCHSE) welcomes this opportunity to comment on the Discussion Draft addressing Heat Illness Prevention in Indoor Places of Employment.

ORCHSE Strategies (formerly known as ORC Worldwide and more recently as Mercer HSE Networks) is an international occupational safety, health, and environmental consulting firm that has for 45 years specialized in providing a wide array of services to American businesses. Currently, more than 120 large (mostly Fortune 500) companies in diverse industries are members of one or more of ORCHSE's Occupational Safety and Health networks. The focus of these groups is to promote effective occupational safety and health programs and practices in business, to facilitate constructive communications between business and government agencies responsible for establishing national occupational safety and health policy, and to advocate responsible business positions to regulators. The activities of ORCHSE's Occupational Safety and Health networks are based on the premise that providing safe and healthful working conditions is of mutual importance to employers, employees and government agencies.

It should be noted that member companies of ORCHSE's Occupational Safety and Health networks may have provided substantial information, opinion, and advice to ORCHSE in the development of its comments. However, the following comments are solely those of ORCHSE and may differ from the views and comments of individual member companies.

I. General Comments

While Cal/OSHA is under a mandate to undertake this rulemaking, the structure and complexity have not been stipulated by SB1167. Therefore, it is ORCHSE's position that this discussion draft is overly complex and confusing and will in most cases not be enforceable as written.

The discussion draft takes a much different approach than Cal/OSHA took in generating the Outdoor Heat Illness Prevention, §3395. This new, more technical approach results in a standard that is so complex that the average small and medium sized employers will find it difficult to comply with unless they seek expert advice. ORCHSE encourages Cal/OSHA to replicate the

structure and language of the Outdoor Heat Illness Prevention, §3395 in the Heat Illness Prevention in Indoor Places of Employment. Minor changes would be required but could easily be made.

II. Specific Concerns

Timing:

During the Advisory Committee Meeting on February 28, 2017, there was a disagreement in the interpretation of the statutory timing requirement stipulated by SB1167. Cal/OSHA explained that it was their position that the Standard's Board must have a standard adopted by January 1, 2019, and as a result, the Division was fast-tracking the development of the standard.

The legislation states:

By January 1, 2019, the division shall propose to the standards board for the board's review and adoption a standard that minimizes heat-related illness and injury among workers working in indoor places of employment. [emphasis added]

The Division's interpretation of this language is clearly not consistent with the language of SB1167. ORCHSE believes SB1167's intent was that the Division would have until January 1, 2019 to develop a proposed standard.

Scope:

ORCHSE believes that the Discussion Draft's scope is far too broad. Indoor heat illness is not likely to occur in every workplace, but rather select industries and locations. It would be wise for the Division to limit the scope of the standard, which would allow focused enforcement efforts and better protection of the exposed worker populations.

It is important to note that the language in SB1167 does not preclude a limited scope. In fact, SB1167 states,

This section does not prohibit the division from proposing, or the standards board from adopting, a standard that limits the application of high heat provisions to certain industry sectors.

Complexity:

As mentioned previously, ORCHSE believes the Discussion Draft is overly complex and burdensome, and encourages the Division to model the language found in the Outdoor Heat Illness Prevention, §3395. The language in §3395 has proven to be understandable by most employers.

The Division should adopt the language of §3395 nearly verbatim and adjust the language as needed to reflect requirements that would be necessary in an indoor environment rather than an outdoor environment. For example, the language in §3395 specifically addresses the need for Access to Shade (d), which can be changed to require access to a cooling environment in an indoor setting. Additionally, the language in the scope would need to be changed as well.

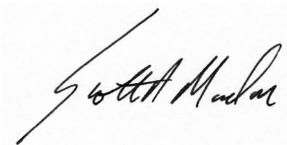
Lastly, to satisfy the requirements in SB1167, the standard should reference the 2016 Threshold Limit Values and Biological Exposure Indices developed by the American Conference of Governmental Industrial Hygienists in a non-mandatory appendix.

III. Conclusion

ORCHSE is in general support of this effort to create a standard to prevent heat illness in indoor environments. ORCHSE encourages the Cal/OSHA to simplify the proposed standard, modeling it on §3395, and to correct their timetable as specified in SB1167 to allow for proper stakeholder engagement.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Madson". The signature is written in a cursive style with a large, sweeping initial "S".

Partner
ORCHSE Strategies, LLC