

POLITICO GROUP

April 3, 2017

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FROM: Air Conditioning Sheet Metal Association
Air-conditioning & Refrigeration Contractors Association
National Electrical Contractors Association (NECA)
California Legislative Conference of the Plumbing, Heating and Piping Industry (CLC)
Finishing Contractors Association of Southern California
Northern California Allied Trades
United Contractors (UCON)
Wall and Ceiling Alliance (WACA)

Subject: Heat Illness Prevention in Indoor Places of Employment
Discussion Draft Dated February 22, 2017

The above all union affiliated construction organizations submit these comments regarding the discussion draft dated February 22, 2017 and in response to the discussion during the Advisory Committee on February 28, 2017.

Our industry views workplace and employee safety as a top priority. We spend millions of dollars annually on apprenticeship training in which safety training is a large part of. Our industry was involved in the development and implementation of the outdoor heat illness regulation, Title 8, Section 3395. In spite of these facts, we have serious concerns with the proposed approach in the discussion draft to address heat illness prevention for indoor workers.

As proposed, this proposal creates a program that is burdensome, complex and costly to all construction contractors. This proposal will have an even larger negative impact on small contractors, who will have a difficult time complying. Our concerns are summarized as follows:

- 1) The proposal is too complex and contains numerous aspects that are ambiguous and difficult to implement creating a "gotcha" scenario for employers. Rather, it is recommended that a performance-based approach to the regulation be adopted much like the Injury and Illness Prevention Program (T8 Section 3203) and the Heat Illness Prevention Program (T8 Section 3395).
- 2) We believe that the economic impact would exceed \$50 million and therefore constitute a major regulation requiring an economic impact analysis.
- 3) The scope and application in the discussion draft is too complex and overly broad - streamlining this section would ensure it is rational and clearly stated.

- 4) Numerous definitions in the discussion draft need revision including Personal Risk Factors, Heat Illness, Heat Index, and High Radiant Heat Area and Radiant Heat. Some should be deleted such as Heavy Work/Light Work/Moderate Work/Very Heavy Work; Clothing Adjustment Factors and Wet Bulb Globe Temperature.
- 5) Control Measures - overly complex. The authorizing legislation recommends that the Division consider heat stress and heat strain guidelines in the 2016 American Conference of Governmental Industrial Hygienists. This material is complex and really only suitable for technical/expert specialists.

Summary comments: The discussion draft is too complex and would be difficult for construction employers to navigate without paid consultants. There is no justification for the discussion draft to be more stringent than Section 3395 for outdoor work places.

If you have any questions please contact our legislative and regulatory advocate Eddie Bernacchi at (916) 444-3770.