



March 1, 2018

Amalia Neidhardt
Senior Safety Engineer
Cal/OSHA Research & Standards Occupational Health Unit
495-2424 Arden Way
Sacramento, CA 95825
Sent via Email: rs@dir.ca.gov

Re: Heat Illness Prevention in Indoor Places of Employment

Dear Ms. Neidhardt,

The California Healthy Nail Salon Collaborative submits these comments on the February 15, 2018, discussion draft of the proposed standard on Heat Illness Prevention in Indoor Places of Employment. We appreciate the opportunity to comment on the development of this important standard.

The California Healthy Nail Salon Collaborative (Collaborative) comprises approximately 30 public health and environmental advocates, salon workers and owners, and allies in government agencies. The Collaborative's mission is to help ensure the health, safety and rights of nail salon workers who are predominantly Vietnamese immigrant women, many of whom have limited English skills.

Like any indoor worker, salon workers face the potential of hazardous heat conditions while at work. This is especially the case due to more extreme weather resulting from global warming. The Collaborative is concerned that the latest version of the proposed language does not go far enough in protecting workers' health and safety. We have the following comments:

Critical protections should be in place well before temperatures reach 90 degrees. Many of the most effective protections against heat illness, such as using fans or air conditioning, slowing workloads, or providing protective equipment, are not mandated in this draft language until the workplace temperature (or heat index in certain facilities) reaches 90 degrees Fahrenheit. The standard should require the control measures at significantly lower heat levels. Based on established evidence of the factors that can raise a person's core body temperature to dangerous levels, adequately protecting workers requires the trigger for risk assessment and other basic precautions to be as close as possible to a heat index of 80 degrees.

The standard should utilize the heat index rather than temperature. The heat index is a more accurate indicator of the effect of heat on core body temperature. The current proposal, which only uses heat

index at worksites with processes that involve water, ignores other sources of moisture that can increase workplace humidity, including human activity or atmospheric moisture.

The revised "Indoor" definition weakens worker protections and should be reversed. Revisions in the February 15, 2018, draft significantly weaken protections for workers by exempting employers who can demonstrate that any opening such as a window or door keeps the workplace temperature less than 5 degrees above the outdoor temperature. As written, a warehouse with open windows that keep the indoor temperature at 104 degrees Fahrenheit on a 100 degree day would be exempted from critical protective measures such as engineering controls, administrative controls, and providing protective equipment. With only 40% humidity, that warehouse would feel like 109 degrees to a worker. This is a totally unacceptable loophole and a completely unacceptable risk. We urge the return to the prior definition of "indoor" without any exceptions for openings to the outdoors.

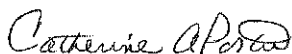
Preventive rest breaks should be required. The latest language does not require mandatory hourly preventive rest breaks, even at the highest temperatures. Hourly rest breaks are essential in reducing the risk of heat illness in high temperatures. We urge their return to the control measures in this standard.

In the latest version, transparency has been undermined. Basic requirements from prior drafts that promoted transparency have been left out of the current version. These include posting heat illness risk assessments in work areas, ensuring workers' rights to measure temperatures with their own instruments, and obtaining the active involvement of workers and their representatives in developing and implementing Heat Illness Prevention Plans and measuring workplace heat indices. Workplace transparency and worker engagement are critical to improving safety outcomes and we urge the reinstatement of the sections mentioned above.

Heat illness can impact workers who are sedentary, and so there should not be any broad exceptions for them. The use of a broad exception for office environments will leave workers at risk. We are concerned that salon workers may get swept up into this exception to more protective indoor heat standards.

In sum, we urge Cal/OSHA to establish a standard that uses the strongest possible measures to protect workers from hazardous indoor heat exposure.

Sincerely,



Catherine A. Porter, JD

Policy Director

California Healthy Nail Salon Collaborative

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Visit our website at <http://www.cahealthynailsalons.org/>