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From: Cindy Sato <CSato@cea-ca.org>
Sent: Wednesday, February 28, 2018 4:30 PM
To: DIR RS
Subject: CEA Comments to Proposed Heat Illness Prevention in Indoor Places of Employment

We appreciate the opportunity to comment on the most recent draft of the proposed Heat Illness Prevention in Indoor Places of Employment language.

Since Labor Code Section 6720 allows for the standard to be limited to certain industry sectors, please consider excluding construction. Construction is one of five industries that is already covered by CCR Section 3395. Construction employers have had heat illness prevention programs in place since 2005. Does the compliance data for 3395 demonstrate a necessity to include the construction industry in the proposed rulemaking? Over the last 12 years, contractors have devoted considerable resources adopting, implementing and training employees on the heat illness prevention plans. Imagine the confusion when contractors are told that they will also have to develop, implement and train employees on different heat illness prevention requirements.

Despite the modifications to the most recent draft, we remain opposed to the broad definition of "Indoor." Building contractors will find themselves in many "gotcha" situations since they would have to have two heat illness prevention programs, one for work outdoors and one for work indoors. In fact, it is likely that a commercial building project could have construction activities taking place outdoors and indoors simultaneously. It is not practical for a contractor to have to administer separate heat illness prevention plans for the same worksite and the same workforce. For example, it is common for a construction site to have pieces of heavy equipment with enclosed cabs that may or may not have air conditioning. The operators of these pieces of equipment would fall under the proposed indoor heat illness prevention regulation while the spotter/signal person, who may be assisting the equipment operator, would be covered under the current heat illness prevention regulation. This is just one example of many where it would be confusing and impractical for a contractor to have to implement separate heat illness plans.

If construction will not be exempted from the indoor heat illness prevention requirement, please consider adding the following clarifying language:

For the construction industry, "Indoor" means a building or facility that holds or has been issued a certificate of occupancy or temporary certificate of occupancy by the state of California or authority having jurisdiction. Construction areas that are not indoor are considered outdoor and are covered by Section 3395.

Thank you for your consideration.

Cindy

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