March 1, 2018

TO: Amalia Neidhardt

FROM: California Chamber of Commerce
Agricultural Council of California
American Pistachio Growers
Associated General Contractors
Building Owners and Managers Association
California Association of Joint Powers Authorities
California Association of Winegrape Growers
California Attractions and Parks Association
California Building Industry Association
California Business Properties Association
California Citrus Mutual
California Construction and Industrial Materials Association
California Farm Bureau Federation
California Framing Contractors Association
California Hospital Association
California League of Food Producers
California Manufacturers & Technology Association
California New Car Dealers Association
California Professional Association of Specialty Contractors
California Refuse Recycling Council
California Restaurant Association
California Retailers Association
California Trucking Association
Chemical Industry Council of California
Elk Grove Chamber of Commerce
Family Business Association
Family Winemakers of California
Flasher Barricade Association
Fresno Chamber of Commerce
International Council of Shopping Centers
Murrieta Wildomar Chamber of Commerce
National Association of Industrial and Office Properties
National Elevator Industry, Inc.
National Federation of Independent Business
North Orange County Chamber of Commerce
Official Police Garages of Los Angeles
Rancho Cordova Chamber of Commerce
Residential Contractors Association
Santa Maria Valley Chamber of Commerce
Western Carwash Association
Western Growers Association
Western Steel Council
Wine Institute

Subject: Heat Illness Prevention in Indoor Places of Employment
Comments on Discussion Draft – Option B - Dated February 15, 2018

The above-signed organizations (the Coalition) submit these comments regarding the subject discussion draft. The Coalition represents employers large and small across many diverse industries. We appreciate the revisions incorporated into this new draft, and we propose further revisions to provide clarity and to lead to better compliance and employee safety and health.

We take the safety and health of our employees very seriously. Many members of the Coalition were involved with the development and implementation of the outdoor heat illness regulation, section 3395, and have significant experience with how to effectively prevent heat illness.

Coalition Suggested Revisions to Discussion Draft – Option B. The attached Coalition draft marks up the DOSH provided Option B draft, and represents the input and efforts of many varied employers (Coalition draft). It is consistent with our oral remarks provided during the advisory committee meetings, as well as the remarks in our prior comment letters. Coalition revisions are represented by ALL CAPS IN BLACK TYPE and in black strikeout. Our comments below explain the rationale of our proposed revisions that benefit from explanation.

(a) Scope and application EXCEPTION. The Coalition recommends language to clarify the exception. Our revision does not change the intent of the provision.

EXCEPTION: This ~~section~~ STANDARD does not apply to professional ~~and~~ OR administrative office settings where the TEMPERATURE EQUALS OR EXCEEDS 80 DEGREES FAHRENHEIT BUT THE employer can demonstrate that the temperature does not ~~equal or~~ exceed 85 degrees Fahrenheit WHEN EMPLOYEES ARE PRESENT. ~~Where employees work only in indoor work areas, do not work in a high radiant heat work area, and perform only light work and the employer demonstrates that the temperature in the work areas reaches or exceeds 90 degrees Fahrenheit only four or fewer calendar days per year, the employer is only required to comply with this section to the extent required in subsection (j), Contingency Plan.~~

NOTE NO .1: We suggest the deletion of this note as it has no regulatory authority for enforcement or compliance. Instead, it is appropriate to be placed into subsection (i), Heat Illness Prevention Plan, to make it clear that the employer has the right to incorporate the requirements of this standard into any of several options. The Coalition does not suggest a change in the employer program options, but merely that the provision allowing them be placed more appropriately.

Definition of "Indoor". The Coalition appreciates the clarity and flexibility provided by the new definition of an indoor work area, except for the treatment of vehicles and equipment cabs. To be more consistent with the outdoor heat illness rule and employer compliance with it, the Coalition suggests the following:

A space inside a vehicle or equipment cab located outdoors is an ~~"indoor"~~ "OUTDOOR" space ~~only if the space is enclosed on all sides, regardless of whether the windows are open or closed, and the employee performs his or her primary job duties while in that space.~~ A SPACE INSIDE A VEHICLE OR EQUIPMENT CAB THAT IS LOCATED INDOORS IS AN "INDOOR" SPACE. All work areas ~~places of employment~~ that are not indoor are considered outdoor and covered by section 3395.

Many indoor work areas use equipment indoors that may or may not have enclosed cabs, and these employers also might not be subject to the outdoor heat illness rules. Also, many outdoor employers have employees who operate equipment regularly, or infrequently and have been treating them as outdoor employees by providing water, shade, training and preventive recovery periods, and by complying with other provisions of section 3395 as required. It makes sense to us that indoor equipment be treated as indoors and outdoor equipment be treated as outdoors.

(e) Control Measures

Taking heat measurements when the temperature is at its annual high is a retrospective, look back measurement and would be nearly impossible for an employer to know at what time on what day is the annual high. It could also delay an assessment while waiting for that day to arrive. Instead, the Coalition suggests the employer conduct the assessment where affected employees work, and then also as written if a change in the working conditions occur.

(1) (B) The temperature or h~~H~~eat index measurements ~~shall be taken at times and locations where the temperature or heat index is at or near the annual high~~ shall be taken as close as practicable to the affected employees, and shall be taken again whenever there is a change in working conditions that may increase temperature or heat index levels. Employers may use representative measurements for multiple work areas that share similar conditions.

The discussion draft requires the hierarchy of controls to be followed, which was established for control of toxic substances, not for control of heat exposure. The Coalition suggests allowing employers to select the most appropriate and practicable but effective controls from amongst the options. Our prosed language reflects this concept.

(2) When the temperature ~~heat index~~ equals or exceeds 90 ~~95~~ degrees Fahrenheit, or where work processes use or generate water and the heat index equals or exceeds 90 degrees Fahrenheit, the employer shall UTILIZE ENGINEERING CONTROLS, ADMINISTRATIVE CONTROLS AND/OR PERSONAL PROTECTIVE EQUIPMENT, WHERE FEASIBLE AND PRACTICABLE, ~~implement the following control measures~~ to reduce the risk of heat illness to the greatest extent possible, based on the written assessment of environmental risk factors for heat illness required by subsection (e)(1):

(A) Engineering controls. ~~Feasible e~~Engineering ~~controls shall be used to reduce the temperature or heat index, as applicable, to below 90 95 degrees Fahrenheit or to the lowest temperature or heat index possible, except to the extent that the employer can demonstrate that such controls are not feasible or practicable.~~ Engineering controls include, but are not limited to: isolation of hot processes or work areas, air conditioning, cooling fans, local exhaust ventilation, reflective shields to block radiant heat, and insulation of hot surfaces.

(B) Administrative controls. ~~Where engineering controls are not feasible or do not reduce the temperature or heat index, as applicable, to below 90 95 degrees Fahrenheit, administrative controls shall be implemented, except to the extent that the employer can demonstrate that such controls are not practicable if practicable.~~ Administrative controls include, but are not limited to: acclimatizing workers, scheduling work earlier or later in the day, using work/rest schedules,

reducing work intensity or speed, changing required work clothing, and using relief workers.

(C) Personal protective equipment. ~~Where engineering controls are not feasible or do not reduce the~~ temperature or ~~heat index, as applicable, to below~~ 90 ~~95 degrees Fahrenheit and administrative controls are not practicable, personal protective equipment shall be provided to employees to reduce the risk of heat illness to the extent possible.~~ Personal protective equipment that can reduce the risk of heat illness include, but is not limited to: fire proximity suits, water-cooled garments, air- cooled garments, cooling vests, wetted over-garments, heat-reflective clothing, and supplied-air personal cooling systems.

Conclusion. The Coalition is very concerned that because of its complexity and overly burdensome approach as written, the discussion draft will not result in increased employee protection. Employers need to be able to understand the requirements to comply with the regulation and to continue to keep employees safe and healthy. Furthermore, it is unnecessarily burdensome. There is no justification for this regulation to be more stringent than section 3395 for outdoor work environments.

The Coalition has drafted the proposed approach to prevent heat illness in indoor workers. We appreciate the opportunity to provide this input and for your thoughtful and serious consideration. To discuss further, please contact Marti Fisher, California Chamber of Commerce, (916) 444-6670.

Copy: Christine Baker, Juliann Sum, Eric Berg

MARCH 1, 2018 EMPLOYER COALITION REVISIONS
INDICATED IN BLACK CAPS and ~~black strikeout~~

§____. Heat Illness Prevention in Indoor Places of Employment

(a) Scope and Application.

(1) This standard applies to all indoor work areas ~~places of employment~~ where the temperature equals or exceeds 80 degrees Fahrenheit when employees are present ~~at least once a year~~.

EXCEPTION: This ~~section~~ STANDARD does not apply to professional ~~and~~ OR administrative office settings where the TEMPERATURE EQUALS OR EXCEEDS 80 DEGREES FAHRENHEIT BUT THE employer can demonstrate that the temperature does not ~~equal or~~ exceed 85 degrees Fahrenheit WHEN EMPLOYEES ARE PRESENT. ~~Where employees work only in indoor work areas, do not work in a high radiant heat work area, and perform only light work and the employer demonstrates that the temperature in the work areas reaches or exceeds 90 degrees Fahrenheit only four or fewer calendar days per year, the employer is only required to comply with this section to the extent required in subsection (j), Contingency Plan.~~

(2) This section applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1512, 1524, 3203, 3363, 3395, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e).

~~NOTE NO. 1: The measures required here may be integrated into the employer's written Injury and Illness Program required by section 3203, the employer's written Heat Illness Prevention Program required by section 3395, or maintained in a separate document.~~
(MOVED TO PAGE 9, (i)

NOTE NO. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

(b) Definitions.

"Acclimatization" means temporary adaptation of the body to work in the heat that occurs

gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

"Cool-down area" means an area that is indoor, shielded from high radiant heat sources, ~~and~~ open to the air or provided with ventilation or cooling, and provided with a supply of cool drinking water. A cool-down area does not include locations where heat in the area defeats the purpose of providing relief and allowing the body to cool, such as locations where employees are exposed to radiant heat or high humidity. A cool-down area may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. An area of shade meeting the requirements of section 3395 may be used instead of a cool-down area.

"Environmental risk factors for heat illness" means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.

"Globe temperature" means the temperature measured by a globe thermometer, which consists of a thermometer sensor in the center of 6-inch diameter hollow copper sphere painted on the outside with a matte black finish or equivalent. The globe thermometer may not be shielded from direct exposure to radiant heat while the globe temperature is being measured. ~~Globe temperature can be measured by commercially available heat stress meters.~~

"Heat Illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

"Heat index" means a measure of heat stress used by the National Weather Service that takes into account the dry bulb temperature and the relative humidity. Radiant heat is not included in the heat index. A chart to determine the heat index is included as Appendix A.

"High radiant heat work area" means a work area that has an indoor radiant heat source and is found in one of the following:

(1) Foundries, brick-firing and ceramic plants, glass manufacturing, vehicle and vehicle parts manufacturing, rubber manufacturing, steam plants, boiler rooms, industrial scale bakeries and confectioneries, commercial and institutional kitchens, industrial scale laundries, food canneries, chemical plants, mining sites, smelters, and steam tunnels.

EXCEPTION: In work areas where the employer demonstrates that the globe temperature is less than 5 degrees greater than the dry bulb temperature, the work area is not a high radiant heat work area.

(2) Other locations that have been determined in writing by the Chief of the Division of Occupational Safety and Health to include a high radiant heat work area through the issuance of an Order to Take Special Action, in accordance with section 332.3 of these orders.

"Indoor" refers to a space~~, including a space inside a vehicle or equipment cab,~~ that is under a ceiling or overhead covering and is enclosed ~~has walls~~ along its entire perimeter by walls, doors, windows, dividers, or other physical barriers, except for spaces where (1) openings to the outdoors provide for air movement and cooling comparable to the cooling that would be provided in an area of shade in that same location meeting the requirements of section 3395, or (2) the employer can demonstrate that openings to the outdoors provide for enough air movement and cooling to maintain the temperature in the space at less than 5 degrees Fahrenheit above the outdoor temperature. ~~A wall includes, but is not limited to, any door, window, retractable divider, garage door, or other physical barrier that is temporary or permanent, whether open or closed.~~ A space inside a vehicle or equipment cab located outdoors is an ~~"indoor"~~ "OUTDOOR" space ~~only if the space is enclosed on all sides, regardless of whether the windows are open or closed, and the employee performs his or her primary job duties while in that space~~. A SPACE INSIDE A VEHICLE OR EQUIPMENT CAB THAT IS LOCATED INDOORS IS AN "INDOOR" SPACE. All work areas ~~places of employment~~ that are not indoor are considered outdoor and covered by section 3395.

~~"Light work" means work that is no more strenuous than sitting or standing doing light manual work such as writing, typing on a computer, talking on the phone, using electronic controls, operating a cash register while seated, or driving a vehicle on roads. Light work may include occasional walking or carrying light items such as a notebook or purse. Light work does not include more strenuous work such as food production work including canning; food preparation or other kitchen work; dishwashing; production or assembly line work; bagging groceries; equipment installation, repair, or maintenance; building construction, repair, or maintenance; janitorial work; housekeeping work; garment manufacturing; dry cleaning; warehousing activities including loading or unloading activities; or operating mobile equipment.~~

"Personal risk factors for heat illness" means factors such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body's water retention or other physiological responses to heat.

"Preventative cool-down rest" means a rest break taken in a cool-down area to prevent overheating.

"Radiant heat" means heat transferred by electromagnetic waves rather than by conduction or convection. Sources of radiant heat include the sun, hot objects, hot liquids, hot surfaces, and fire.

"Relative humidity" means the amount of moisture in the air relative to the amount that would be present if the air were saturated.

"Temperature" means the dry bulb temperature in degrees Fahrenheit obtainable by using a thermometer freely exposed to the air without considering humidity or radiant heat, to measure the temperature in the immediate area where employees are located. While the temperature measurement in high radiant heat work areas must be taken in an area that has ~~with~~ full exposure to ~~the indoor~~ high radiant heat ~~source~~, the bulb or sensor of the thermometer should be shielded while taking the measurement, e.g., with the hand or some other object, from direct ~~contact by the indoor~~ exposure to high radiant heat.

(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

(d) Access to Cool-Down Areas.

1. ~~A cool-down area shall be present when the temperature exceeds 80 degrees Fahrenheit~~. When the temperature in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain one or more cool-down areas at all times. The cool- down area shall be at least large enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the cool-down area without having to be in physical contact with each other. The cool-down area shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the size of the cool-down area during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite.

2. Employees shall be allowed and encouraged to take a preventative cool-down rest in a cool-down area when they feel the need to do so to protect themselves from overheating. Such access to cool-down areas shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the cool-down area; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the cool-down area.

3. If an employee exhibits signs or reports symptoms of heat illness while taking a preventative cool-down rest or during a preventative cool-down rest period, the

employer shall provide appropriate first aid or emergency response according to subsection (f) of this section.

(e) ~~High-Heat~~ Control Measures. The employer shall implement ~~high-heat~~ control measures as follows:

(1) When the temperature ~~heat index~~ equals or exceeds 90 ~~95~~ degrees Fahrenheit, or where work processes use or generate water and the heat index equals or exceeds 90 degrees Fahrenheit, the employer shall assess the environmental risk factors for heat illness.

(A) The assessment shall be in writing and shall include heat index measurements and all other environmental risk factors for heat illness, as applicable.

(B) The temperature or h~~H~~eat index measurements ~~shall be taken at times and locations where the temperature or heat index is at or near the annual high~~ shall be taken as close as practicable to the affected employees, and shall be taken again whenever there is a change in working conditions that may increase temperature or heat index levels. Employers may use representative measurements for multiple work areas that share similar conditions.

NOTE: Under sections 340.1 and 3204, employees or their representatives have the right to observe and obtain the results of employer monitoring of employee exposure to health and safety hazards, including temperature or heat index monitoring.

~~(C) The employer shall have an effective procedure for obtaining the active involvement of employees and their representatives in measuring the heat index.~~

~~(D) In accordance with section 3204, the employer shall retain the written assessment as employee exposure records and shall make the written assessment available to employees, their designated representatives, and representatives of the Chief of the Division of Occupational Safety and Health.~~

(2) When the temperature ~~heat index~~ equals or exceeds 90 ~~95~~ degrees Fahrenheit, or where work processes use or generate water and the heat index equals or exceeds 90 degrees Fahrenheit, the employer shall UTILIZE ENGINEERING CONTROLS, ADMINISTRATIVE CONTROLS AND/OR PERSONAL PROTECTIVE EQUIPMENT, WHERE FEASIBLE AND PRACTICABLE, ~~implement the following control measures~~ to reduce the risk of heat illness to the greatest extent possible, based on the written assessment of environmental risk factors for heat illness required by subsection (e)(1):

(A) Engineering controls. ~~Feasible e~~Engineering controls ~~shall be used to reduce the temperature or heat index, as applicable, to below 90 95 degrees Fahrenheit or to the lowest temperature or heat index possible, except to the extent that the employer can demonstrate that such controls are not feasible or practicable~~. Engineering controls include, but are not limited to: isolation of hot processes or

work areas, air conditioning, cooling fans, local exhaust ventilation, reflective shields to block radiant heat, and insulation of hot surfaces.

(B) Administrative controls. ~~Where engineering controls are not feasible or do not reduce the~~ temperature ~~or~~ heat index~~, as applicable,~~ ~~to below~~ 90 ~~95~~ ~~degrees Fahrenheit, administrative controls shall be implemented~~~~, except to the extent that the employer can demonstrate that such controls are not practicable~~ ~~if practicable~~~~.~~ Administrative controls include, but are not limited to: acclimatizing workers, scheduling work earlier or later in the day, using work/rest schedules, reducing work intensity or speed, changing required work clothing, and using relief workers.

(C) Personal protective equipment. ~~Where engineering controls are not feasible or do not reduce the~~ temperature ~~or~~ heat index~~, as applicable,~~ ~~to below~~ 90 ~~95~~ ~~degrees Fahrenheit and administrative controls are not practicable, personal protective equipment shall be provided to employees to reduce the risk of heat illness to the extent possible.~~ Personal protective equipment that can reduce the risk of heat illness include, but is not limited to: fire proximity suits, water-cooled garments, air-cooled garments, cooling vests, wetted over-garments, heat-reflective clothing, and supplied-air personal cooling systems.

(3) Regardless of the temperature or heat index, where the work area is a high radiant heat work area, the employer shall use shielding to reduce the risk of heat illness to the extent practicable.

(f) Emergency Response Procedures. The employer shall implement effective emergency response procedures including:

~~(1)~~ Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor, DESIGNEE or emergency medical services when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable. If an electronic device will not furnish reliable communication in the work area, the employer will ensure a means of summoning emergency medical services.

~~(2)~~ Responding to signs and symptoms of possible heat illness, including but not limited to first aid measures and how emergency medical services will be provided.

~~(A)~~ If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, the supervisor OR DESIGNEE shall take immediate action commensurate with the severity of the illness.

~~(B)~~ If the signs or symptoms are indicators of severe heat illness (such as, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation,

irrational behavior or convulsions), the employer must implement emergency response procedures.

~~(C)~~ An employee exhibiting signs or symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid and/or being provided with emergency medical services in accordance with the employer's procedures.

~~(3)~~ Contacting emergency medical services and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider.

~~(4)~~ Ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

(g) Close Observation during Acclimatization.

(1) Where the work area is affected by outdoor temperatures, all employees shall be closely observed by a supervisor or designee during a heat wave. For purposes of this section only, “heat wave” means any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least 10 degrees Fahrenheit higher than the average high daily temperature in the preceding five days.

(2) An employee who has been newly assigned to a work area where the temperature or heat index, as applicable, equals or exceeds 90 degrees Fahrenheit or to ~~high heat area or~~ a high radiant heat work area shall be closely observed by a supervisor or designee for the first 14 days of the employee's employment.

(h) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, ~~shade,~~ cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(D) The concept, importance, and methods of close observation during acclimatization pursuant to the employer's procedures under subsection (i)(4).

(E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor OR DESIGNEE, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

(2) Supervisor AND DESIGNEE training. Prior to supervising employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness effective training on the following topics shall be provided to the supervisor:

(A) The information required to be provided by section (h)(1) above.

(B) The procedures the supervisor OR DESIGNEE is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor OR DESIGNEE is to follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.

(D) Where the work area is affected by outdoor temperatures, how to monitor weather reports and how to respond to hot weather advisories.

(i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain~~,~~ an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be ~~included as part of~~ INTEGRATED INTO the employer's Illness and Injury Prevention Program required by section 3203, THE EMPLOYER'S WRITTEN HEAT ILLNESS PREVENTION PROGRAM REQUIRED BY SECTION 3395, OR MAINTAINED AS A SEPARATE DOCUMENT and shall, at a minimum, contain:

(1) Procedures for the provision of water and access to cool-down areas in accordance with subsections (c) and (d).

(2) The ~~high heat~~ control measures referred to in subsection (e).

(3) Emergency response procedures in accordance with subsection (f).

(4) Procedures for close observation during acclimatization in accordance with subsection (g).

~~(j) Contingency Plan. Any employer covered by the exception to subsection (a)(1)(B) shall establish, implement, and maintain an effective contingency plan to protect employees from heat illness in the event the temperature reaches or exceeds 90 degrees Fahrenheit. The contingency plan shall be in writing in both English and the language understood bythe majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request.~~

~~(1) The contingency plan shall include:~~

~~(A) Procedures to implement subsection (c), Provision of Water, when the temperature reaches or exceeds 90 degrees Fahrenheit;~~

~~(B) Procedures to implement subsection (d), Access to Cool-Down Areas, when the temperature reaches or exceeds 90 degrees Fahrenheit;~~

~~(C) Procedures to implement subsection (f), Emergency Response Procedures, when the temperature reaches or exceeds 90 degrees Fahrenheit;~~

~~(D) Procedures for employees to be closely observed by a supervisor or designee, when the temperature reaches or exceeds 90 degrees Fahrenheit;~~

~~(E) Procedures to implement control measures to reduce the risk of heat illness to the greatest extent possible, as provided in subsections (e)(2)(A), (e)(2)(B), and (e)(2)(C), when the heat index equals or exceeds 95 degrees Fahrenheit;~~

~~(F) Procedures to train employees on the topics set forth in subsections (h)(1)(A), (E), (F), (G), (H), and (I), when the temperature reaches or exceeds 90 degrees Fahrenheit.~~

~~(2) The employer may comply with subsection (j) by establishing and implementing an effective written procedure for employees to leave the work area before the temperature reaches 90 degree Fahrenheit and remain away from the work area until the temperature drops below 90 degree Fahrenheit. For those employees, the employer is not required to comply with subsection (j)(1).~~

~~NOTE NO. 3: Section 5142 requires any employer with a heating, ventilating, and air-conditioning system to inspect the system at least annually, correct problems found during these inspections, and retain records of all inspections and maintenance work for five years.~~

~~NOTE NO. 4: Section 3328 requires employers to inspect and maintain machinery and equipment, including any ventilating and cooling machinery and equipment, as recommended by the manufacturer.~~