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February 27, 2018

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

Re: Heat Illness Prevention in Indoor Places of Employment

Dear Ms. Neidhardt,

The Garment Worker Center (GWC) respectfully submits these comments on the February 15, 2018, discussion draft of the proposed standard on Heat Illness Prevention in Indoor Places of Employment. The GWC is a worker's rights organization whose mission is to organize low wage garment workers in the fight for social and economic. GWC addresses the systemic problems of wage theft, unhealthy and unsafe working conditions, and the abusive and inhumane treatment faced by workers on-the-job. We appreciate the opportunity to comment on the development of this important standard. The GWC serves a population of 45,000 garment workers in the greater Los Angeles area who regularly face hazardous heat conditions while working indoors. The majority garment workers are forced to work in what we all refer to as sweatshops; small, enclosed, overcrowded, unsanitary and dangerously hot factories. We urge Cal/OSHA to establish a standard that uses the strongest possible measures to protect workers from hazardous indoor heat exposure.

The GWC is concerned that the latest version of the proposed language does not adequately protect workers' health and safety. Specifically, we are concerned about the following issues:

Critical Protections Not Required Until Temperature Reaches 90°F

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. Workers are at risk for heat illness in much lower heat indices and temperatures. Since garment workers, like many other factory workers, are often cramped in small enclosed workspaces, the temperature indoors at times is 15-20 degrees higher than outside, which is exacerbated by the lack of adequate ventilation in most indoor workplaces. Nearly 75% of our workers have reported extreme heat conditions at work. 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 also 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, livestock, standing water, or atmospheric moisture.

Revised “Indoor” Definition Weakens Worker Protections

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. Such workplaces would instead be regulated under the outdoor heat standard.

This proposal is dangerous for many reasons, most importantly because adoption of the structure of the outdoor heat standard would mean workplaces meeting the “5 degree criteria” would be exempt from having any high heat procedures at all unless part of a construction, agriculture, or oil and gas operation. The outdoor heat standard is not suitable for indoor workplaces. Warehouses, restaurants, laundries, factories and countless other workplaces contain substantial and unique heat exposure hazards, are where risk factors like humidity, radiant heat and heat-trapping clothing are most likely to occur, and where, critically, employers retain a significantly greater ability to control environmental conditions and heat exposure. Allowing employers in these industries such an easy loophole would leave workers vulnerable to heat illness.

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.

Inadequate Consideration of Heat Illness Factors

This draft does not require specific adjustments in control measures for workers who must wear heavy clothing, are unacclimatized, exposed to radiant heat, or engaged in heavy work. These factors significantly affect heat illness risk. Garment workers are surrounded by heat producing machinery every single day. From the garment machines themselves to the pressing machines that they have to use when finishing all garments. The amount of worker who have reported cramps and fatigue due to the radiant heat is astonishing. Work at a heat index of even 80 degrees can be unsafe for workers with these added risks, and we strongly urge specific control measures in the standard that adjust for these factors.

Preventative Rest Breaks Not Required

In a step backward from prior drafts, the latest language does not require mandatory hourly preventative rest breaks, even at the highest temperatures. In low wage industries who use the piece rate system, such as the garment industry, workers are made to produce at unsafe speeds in order to meet the high demands of production. In extreme temperatures, the friction from workers toiling away is not only dangerous to themselves but also to each other. Pressers and sewing operators often report body aches and other serious health issues due to not having enough time to acclimatize before or after leaving their workplaces. Hourly rest breaks are instrumental in high temperatures to reduce the risk of heat illness, and we urge their return to the control measures in this standard.

Weakened Transparency and Worker Engagement

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.

Exception for Office Settings

We are pleased that Cal/OSHA removed references to a “light work” exemption from the proposed standard, but remain concerned about the use of broad carve-outs to the rule. 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,

including janitorial workers and others doing heavier work in office settings. A properly set heat index trigger for protections to apply will effectively take employers in climate-controlled environments out of the rule's requirements while ensuring there are not gaps in coverage for workers who need protections.

California urgently needs a strong and comprehensive indoor heat standard to protect workers' safety and health. The Garment Worker Center urges Cal/OSHA to develop a standard that addresses the above issues and provides effective protections for workers, based on scientific guidelines and the experiences shared by workers who face indoor heat hazards firsthand.

Sincerely,

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Health and Safety Organizer