



WAREHOUSE, PROCESSING & DISTRIBUTION WORKERS' UNION

LOCAL 26

AFFILIATED WITH THE INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION

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By Email
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& also rs@dir.ca.gov

Re: Heat Illness Prevention in Indoor Places of Employment including trucks,
vans and containers

Dear Ms. Neidhardt,

First I would like to thank you for your hard work on behalf of many, many people in California who are suffering from Heat Illness and Heat Stress and Exhaustion. On behalf of Local 26 members and others so subject, including those working in containers and vans, we respectfully submit these comments in response to the third discussion "draft" of the proposed standard on Heat Illness Prevention in Indoor Places of Employment.

Our members work in various industries including warehouses, loading / unloading containers and vans, offices, enclosed vehicles, and busses, manufacturing and producing various materials and products, and more. We appreciate the opportunity to participate and comment on the development of this important standard.

We look forward to an enforceable “meaningful” standard, that if sufficiently strong in scope and content, will preserve health and potentially save lives that includes a provision to protect workers from harassment and or retaliation.

Our Union members in Local 26, as well as workers in other Locals in the ILWU that serves workers who regularly face hazardous heat conditions while working indoors in various industries as well as loading and unloading and cargo and merchandise in stifling heat in containers and vans, regularly face serious health conditions resulting from stagnant heat, heat and moisture combined , accumulated, causing heat without cool air circulation, heat plus physical body movement, heat plus smoke, vapor, steam, and sunlight, are but a few contributing factors causing heat illness, heat exhaustion heat stress, loss of consciousness, and death, on the job.

We urge Cal/OSHA to establish a standard that uses the strongest possible measures to protect workers from hazardous indoor heat exposure as it is occurring and stored between walls, ceilings and floors. Mitigated or prolonged enforcement is not enforcement. Many participants expressed concern at the recent hearing that the latest version of the proposed language does not provide adequate protection for workers’ health and safety nor included mandated requirements for employers’ as we have already witnesses many employers’ only supporting a weak standard, which could mean death to an exposed worker in a variety of work environments. A weak standard is to most, no standard.

Specifically, we are concerned about the following issues:

The Draft does not provide for the needed heat index reading of 80°f.

Protections are Not Required Until Heat Index of 95°F.

Many of the most effective protections against heat illness, such as air conditioning, job rotation and rest breaks, slowing workloads, or providing protective equipment, are not mandated in this draft language until the heat index reaches 95°degrees Fahrenheit in the workplace. Workers are often at serious risk for heat illness at 80°f with or without high humidity, especially with repetitive motion, standing, lifting, or even sitting with poor cooling ventilation.

Heat in the workplace also causes sleepiness, which was not addressed in the hearing, but contributes to an un-healthy and unsafe work environment.

The standard should require the control measures in Section (s) at significantly lower temperatures, as close as possible to a heat index of 80° degrees Fahrenheit based on the wet bulb reading of the combined temperature index of heat and humidity. Without the index the “Standard will not be a useful preventative tool for those of us who will rely upon this regulation for relief from heat and humidity at work and also while working in stagnant hot/humid temperatures.

Inadequate Consideration of Heat Illness Factors

We are disappointed that 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 repetitive or heavy work. These factors significantly affect heat illness, and heat exhaustion and potential stroke. The concept of acclimatization as a remedial factor limited to workers who are stationary and limited in movement required to meet production standards as a condition of

employment, temporary employees, employees with medical, and or age related limitations, will still be at risk and will not be able to be acclimatized.

Further, 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 recognize these factors.

Preventative Rest Breaks Not Required

In another step backward from prior drafts, the latest language does not require mandatory hourly preventative rest breaks, even at the highest temperatures, or when needed by an affected worker.

Hourly rest breaks must be mandatory in high temperatures to reduce the risk of heat illness and stroke. We urge you to adopt the necessary requirement without which is mitigation of the value of this proposal and return to the control measures in this standard as discussed at the February meeting by most participants.

Weakened Transparency and Worker Engagement

Basic requirements from prior drafts that promoted transparency have been left out of the current version. Regulations must include a provision requiring wet bulb digital readers as essential to worker awareness and “standard” compliance. Regulations must include bilingual posters with the “standard” heat illness risk assessments in work areas, ensuring workers’ protections and rights to measure temperatures with their own instruments, and involving workers and their representatives in developing and implementing compliant Heat Illness Prevention Plans. Work place transparency and worker engagement are critical to improving safety outcomes and we

urge the inclusion of the sections mentioned above. Climate change cannot be ignored. Worker protection is the intelligent response for people at risk, which is all of us at one time or another.

Office Work must not be exempted.

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

Hot indoor environments plus humidity causes Heat illness and impact workers who are stationary, and there must not be any broad exceptions for such workers. The use of a broad exception for office environments will continue to leave workers at risk without protection.

A properly set heat index at an 80° f trigger for applicable protections will effectively require employers to provide climate-controlled environments within the rule’s requirements while ensuring there are not gaps in coverage for workers who need protection in their places of work where there are limited to no protections.

California urgently needs a strong comprehensive and enforceable indoor heat standard to protect workers’ safety and health free from retaliation, stalling and endless appeals.

On behalf of all affected working people, Local 26 ILWU urges Cal/OSHA to develop a meaningful standard that addresses the above issues and provides effective protections for workers, based on scientific guidelines including the wet globe index and the experiences shared and expressed at the Standard Board hearings by workers who face indoor heat hazards firsthand and as we face 80° f and 90°f temperatures early in 2018.

This standard should not be a political issue for California. We are all human, and need your support and assistance to be healthy while at work.

Thank you for your hard work,

Sincerely,

A handwritten signature in cursive script, reading "Luisa Gratz". The signature is written in dark ink and includes a small flourish at the end.

Luisa Gratz, Pres. Local 26 ILWU

Sect. Treasurer So. Calif. District Council ILWU

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