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To: [DIR_RS](#)
Subject: Indoor Heat Illness - Further Comments
Date: Monday, June 18, 2018 11:46:59 AM

To Whom It May Concern,

The California Hospital Association (CHA) — representing more than 400 hospitals and health systems and 97 percent of patient beds in the state — is writing today to raise a concern that was not addressed in the coalition letter submitted by the CalChamber last week. CHA joins the comments articulated by CalChamber but writes separately to highlight one additional concern with the draft language, particularly in the healthcare context. Hospitals are very concerned about employee safety and are currently regulated by a variety of agencies that oversee the environment of care—both for patient care and employee safety. While the majority of the hospital environment is temperature controlled, there are some areas—boiler room and cafeteria— that would fall within the scope of the draft language. Our concern focuses on the requirement for “close observation during acclimatization.”

Section (g)(1) requires “close observation” of all employees where the work area is affected by outdoor temperatures and the outdoor temperature exceeds 80 degrees. CHA’s concern is twofold. First, because this situation can arise in any building that does not have air conditioning, it appears to bring those buildings within the scope of the regulation even if there was 1 day in the year when the outdoor temperature was 80 degrees and at least 10 degrees higher than the average high daily temperature in the preceding 5 days. Thus, even where the risk is incredibly small of heat illness, this facility would appear to be under the requirement to have a comprehensive Plan. While many office buildings, hospitals and other facilities have air conditioning, some older buildings may not have air conditioning because they are in the Bay Area or in other areas where it was not historically necessary to have air conditioning.

Second, the burden of closely observing all employees during the period of the “heat wave” would appear to be unreasonable in light of the risk. In the example provided above, where the outdoor temperature is 80 degrees, it may be 70 degrees in the building because it is well shaded. Or even if it is 82 degrees inside, given the work being performed it would not seem necessary to have all employees closely observed.

Section (g)(2) requires close observation of all employees newly assigned to specified work areas for 14 days. Given the requirement for training and that fact that in many cases the employee is familiar with the risks because it is inherent in the line of work (e.g. an engineer who works on boilers or a cook/chef), that 14 day period seems excessive. Thus, CHA recommends the following: “an employee who has been newly assigned to any of the following shall be observed by a supervisor or designee for the first 3 days of the employee’s employment. Re-training shall be provided if the supervisor or designee determines the employee remains at risk for heat illness despite training.”

Thank you for the opportunity to submit further comments.

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