



JOINT STATE OFFICE

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VIA E-MAIL & U.S. POST

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Research and Standards
Division of Occupational Safety and Health
California Department of Industrial Relations
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Re: Heat Illness Prevention in Indoor Places of Employment

Dear Ms. Neidhardt,

The California Refuse Recycling Council (CRRC) is pleased to offer our recommendations on the May 16, 2018 draft standard of Heat Illness Prevention in Indoor Places of Employment. We thank you for your continued engagement with the waste and recycling industry as we work to craft a feasible and practicable standard that protects our workers and the vital work we do.

Following several Advisory Committee meetings, individual communications, and revisions to the draft proposal, we recognize the considerable effort by Cal/OSHA to address such a complex issue. Ultimately, the standard should be clear and comprehensible for all affected parties. We hope you will consider our comments to achieve that crucial goal.

Clarification Issues

Clarification language and a robust FAQ will go a long way in assisting employers and employees to ensure they understand and are following the standard accordingly. We have identified several areas where we believe further explanation is needed.

- Clothing that restricts heat removal – In our individual communications with Cal/OSHA staff, it was indicated that full body waterproof clothing like Tyvek falls under this category. We believe the current draft is not clear enough that personal protective clothing and equipment, that may cover employees' arms, legs or torso, does not fall under this definition. For example, waste and recycling employees may wear long sleeve cotton shirts and jeans, as well as gloves and visibility vests, while sorting material. The cotton long sleeves and long pants are permeable material, as are the visibility vests. We recommend that the standard or an FAQ document make clear this distinction.

- Work processes that use or generate water – It is our understanding that industries may use steam or water in their industrial processes, but we are unclear where cooling systems, like misters, fall under this provision. Some waste and recycling facilities use misters as a dust control measure and to cool employees. We recommend you include language that differentiates between water used for cooling or dust control vs. used for an industrial process.
- Vehicles and equipment cabs under section 3395(a)(2)(E) – We suggest more clarity and examples are needed for specific vehicles and equipment cabs that fall under this exemption. The waste and recycling industry, for example, utilizes a multitude of mobile equipment including, but not limited to: waste collection trucks, street sweepers, water trucks, compactors, loaders, excavators, dozers, material handlers, graders, scrapers and forklifts. We believe these examples fall under the 3395 outdoor standard when used outdoors or in a space that falls under the outdoor standard.

Previous Draft Changes

Some changes were made from the previous draft text that we believe were beneficial and should be reconsidered as part of the standard.

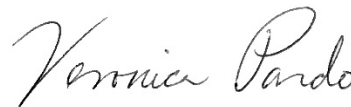
- Temperature in a space already covered by 3395 – Many waste and recycling facilities have open walls and windows that create air movement and temperatures similar to the outdoor environment. In these cases it is impractical for the facilities to use air conditioning, as they are open to the outdoors. The previous draft included a space meeting these conditions “at less than 5 degrees above the outdoor temperature” would qualify as an outdoor space. This has been replaced with a space needing to be the same or less than the outdoor temperature to meet this qualification. An allowable margin of temperature variation is important as the vast majority of these facilities are currently following the 3395 standard successfully and should continue to fall under this standard.
- Cool-down area – The option to use a cool-down area “open to the air” has been removed from the definition. There are cases where a cool-down area located outside can provide necessary heat relief. We see no reason why this should be removed and recommend you reinsert this language in the standard.

Thank you again for the opportunity to comment on the proposed draft. Please let the CRRRC regulatory staff know if you have any questions or comments regarding this letter.

Sincerely,



Kathryn Lynch
Regulatory Affairs



Veronica Pardo
Regulatory Affairs

cc: CRRRC State Executive Committee Members