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To: [DIR RS](#)
Subject: CEA Comments to Proposed Heat Illness Prevention in Indoor Places of Employment
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Thank you for the opportunity to provide comments regarding the proposed draft of the Heat Illness Prevention in Indoor Places of Employment.

To promote greater compliance among general building contractors, the proposed heat illness prevention in indoor workplaces regulation should be as easy to follow as the current heat illness prevention standard. Over the last 12 years, contractors have devoted considerable resources adopting, implementing and training employees on their heat illness prevention plans. While we appreciate the addition of the first exception under the definition of “indoors,” the second exception still needs work. While many indoor construction activities do not “use or generate water” some do. For instance, water is used to mix grout for tile. Water is used in the cutting of tiles. It is also used in mixing self-leveling grout before the placement of flooring as well as during concrete saw operations to control dust. While it seems highly unlikely that the use of water for these activities will change the heat index, pursuant to the second exemption, it seems the employer would be required to calculate the heat index for these indoor activities as well as for outdoor operations in order to demonstrate that the exemption applies. Calculation of the heat index is not required by Section 3395.

If it turns out the heat index indoors is greater than the heat index outside, then building contractors would be required to conduct assessments and establish control measures, two requirements that are not mandated by CCR Section 3395. Furthermore, 3395 only requires that the temperature be measured “in an *area* where there is no shade.” However, (e)(1)(A)-(E) requires that assessments be conducted in “*areas* where the temperature or heat index is expected to be the highest.” This section further requires the employer to reassess environmental risk factors for heat illness when new work processes, new procedures or new tasks are introduced that could increase the risk of heat illness. Bear in mind that new processes are introduced in the work area quite frequently during various portions of construction. In addition under the proposed language, employers are required to follow a hierarchy of controls unlike 3395. Furthermore, 3395 (e)(2) provides flexibility in observing/monitoring employees that the proposed (e)(2)(A-C) does not. Given that building construction activities take place inside and outside concurrently, heat illness prevention and compliance with the new requirements would be easier to achieve when employers do not have to administer separate heat illness prevention protocols for the same worksite and the same workforce.

Lastly, the employer should be responsible for designing and conducting environmental risk factors for heat illness assessments and not the employee or their union representative. After all, it is the employer’s role to prepare and implement the plan.

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