

November 20, 2018

Ms. Amalia Neidhardt
CalOSHA
1515 Clay Street
Oakland, CA 94612

Re: Indoor Heat Illness Prevention

Dear Ms. Neidhardt:

The members of the California Construction and Industrial Materials Association offer these comments on the draft regulations for Indoor Heat Illness Prevention. CalcIMA members operate approximately 500 surface mines, material production plants, and industrial facilities. They produce a variety of materials for construction, agriculture, and manufacturing.

General

In general, CalcIMA members find the indoor heat proposal overly complicated, since it sets up artificial distinctions that will be difficult to manage, particularly since workers can be in multiple work places throughout a day. It would make more sense to have a general standard about protecting workers from heat based on temperature. Employers can then adapt this to their workplaces based on conditions.

Examples

CalcIMA members have a variety of situations where work places are open to the outdoors, but may be considered indoor under the CalOSHA proposal. Many of these areas are enclosed only by handrails, chain link fences, or overhead catwalks. This will cause uncertainty and possibly infeasibility in attempting to comply. Here are a few examples:

A manufacturing plant has a 12-story tower with a 'ceiling or overhead covering' (except the very top floor), and it has 'physical barriers' around the perimeter that are simply hand rails in most instances. The four sides, however, are open to the outdoor and elements of wind, sun, rain, etc., and the ceilings are 20 to 30' high (picture attached).

In addition, there are many other similar exposed areas of plants, where a work space may be under a cover, but the perimeter is handrails or a chain link fence, not a wall (three pictures attached).

Material extraction and production sites commonly have bays or equipment workshops with large roll-up, or garage, doors that often extend from the floor to near the ceiling of the structure. During much of the work day, one, two, three, or more of these roll-up/garage doors will be open. Many of these may fall under CalOSHA's proposed definition for indoor. However, the workers will be both inside and outside the shops for large portions of the day, varying depending on the day, and usually with no idea of where they will spend most of their time each day. Thus, it becomes an unnecessarily complex process to determine whether to manage for "indoor" or "outdoor" heat each day. Furthermore, many of these bays and shops are "cool down" areas for the outdoor rule. So, it will be confusing to manage a working area that seems to be indoor under the proposed rule, but is also a cool down area for the outdoor rule.

"Indoor" Definition. CalOSHA's proposed definition for ceilings, overhead covering, physical barriers, etc. would potentially include work areas covered by grated walkways or perimeters that consist of railing, mesh screen, or chain link fence for most or all of their ceiling and perimeter. These are, in fact, "outdoor" work areas largely exposed to the elements, but might be classified as "indoor" under the proposal. Some recommended changes are provided below.

Potential changes to CalOSHA proposed "indoor" definition

"Indoor" refers to a space that is under a **solid** ceiling or overhead covering; and is fully enclosed along all its perimeter by **solid** walls, doors, windows, dividers, or other physical barriers whether open or closed. **This does not apply to physical barriers that allow air circulation, such as rails, mesh screens, chain link fences, or decorative features. If the enclosure of the perimeter of the space consists of moveable walls, doors, dividers or other moveable physical barriers, it may be considered other than an indoor space for the purposes of this section if at least 50% of the perimeter of the space is open for at least 50% of the height between the floor and the ceiling or overheard covering.** All work areas that are not indoor are considered outdoor

Confined Space

The rule should be clear that confined spaces are separately regulated and not subject to the indoor heat rule. Confined spaces already have their own set of particular requirements. Addition of the indoor heat rule would make this overly complex. In addition, it should be understood that there are confined spaces that are standalone, but there are also confined spaces, such as kilns and dyers, that are inside buildings. Trying to apply indoor heat rules to kilns inside buildings will cause conflicts between confined space and heat rules.

We appreciate your consideration of these comments.

Charles L. Rea

Director of Communications and Policy

Attachments – 4 pictures









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