

20 November 2018

Amalia Neidhardt, M.P.H., C.I.H. Senior Industrial Engineer Division of Occupational Safety and Health California Department of Industrial Relations 1515 Clay Street Oakland, CA 94612

Dear Ms. Neidhardt:

Thank you for the opportunity to review and provide comments on DOSH's proposal for Heat Illness Prevention in Indoor Places of Employment.

San Diego Gas and Electric (SDG&E) has an established program in place to protect employees at risk of heat illness when working outdoors. We appreciate your collaboration with stakeholders on the proposed standard to provide a safe and healthy work environment for all employees.

SDG&E offers comments and recommendations for the proposed standard below. Modifications are shown in <u>underlined and bold</u> font, recommended deletions are shown in <u>strikethrough</u> font, and the rationale for modifications is shown in *italicized* font.

(a) Scope and Application.

(1) This standard applies to all indoor work areas where the temperature equals or exceeds 82 degrees Fahrenheit in the following industries, operations, or locations where the temperature equals or exceeds 82 degrees Fahrenheit when employees are present.:

(A) Agriculture;
(B) Commercial and institutional kitchens;
(C) Commercial and institutional laundries;
(D) Construction;
(E) Manufacturing;
(F) Mining;
(G) Oil and gas extraction;
(H) Steam plants, geothermal plants, steam tunnels, and boiler rooms;
(I) Warehousing and storage.

Rationale: SDG&E believes the standard should be risk-based and focused on industries where there is an increased risk of heat illness, as discussed in the advisory committee.

EXCEPTION: Isolated buildings that are normally unmanned, such as pump houses, control stations, electrical storage facilities, walk-in vaults, and equipment sheds constructed for safety, equipment security, aesthetics, noise attenuation and/or protection from inclement weather, are not subject to this Standard and are regulated under 8 CCR 3395.

Rationale: SDG&E believes an exception to the Scope and Application is necessary to clarify that employees working in normally unmanned areas already would be trained in the Outdoor Heat Illness Prevention Standard (3395).

NOTE NO. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

Rationale: SDG&E recommends deleting Note No. 2 as this statement is addressed in other regulations. It also may cause confusion where some employers may erroneously believe the prohibition on retaliation or discrimination does not apply to other Title 8 regulations where not specifically mentioned.

(b) Definitions.

"High radiant heat work area" means a work area where the globe temperature is at least 15 degrees Fahrenheit greater than the "temperature," as defined in this subsection.

Rationale: SDG&E believes a definition of "high radiant heat work area" should apply where there is a significant increased risk, and using a globe temperature increase of five degrees is too low. This is especially true if the threshold is 82 degrees Fahrenheit (82° F). SDG&E conducted an internal study where a <u>12° F difference</u> was observed between an office indoor dry-bulb temperature of 76° F and globe temperature of 88° F where the globe was exposed to sunlight through an exit door glass with a tinted coating. This indicated that a 5° difference between dry bulb and globe temperatures would be easy to obtain in different areas and does not necessarily indicate significant risk of heat illness.

"Indoor" refers to space that is under a ceiling or overhead covering; and is enclosed along its **full** perimeter by walls, doors, windows, dividers, or other physical barriers, whether open or closed, **and is not a vehicle**. All work areas that are not indoor are considered outdoor and covered by section 3395.

Rationale: SDG&E believes it is important to clarify indoor spaces as areas which are truly indoor. If the subsection (a)(1) Exception language that SDG&E and others have proposed is not adopted, additional clarification is needed in this definition to exclude isolated buildings that are normally unmanned such as pump houses, rate control stations, electrical storage facilities, walk-in vaults, and equipment sheds constructed for safety, equipment

security, aesthetics, noise attenuation, or protection from inclement weather, are not subject to this Standard and are regulated under 3395.

(e) Assessment and Control Measures.

(1) As specified in subsections (e)(1)(A) through (e)(1)(D), the employer shall <u>include in</u> <u>their assessment the measurements of measure and record the temperature or heat</u> index, whichever is greater, and shall identify and evaluate all other environmental risk factors for heat illness.

Rationale: SDG&E suggests the proposed subsection (e)(1) should address an overall assessment rather than limiting it to temperature or heat index measurements.

NOTE: The records shall be retained and made available in accordance with section 3204.

Rationale: Section 3204 requires employers preserve, maintain, and provide access to employee exposure and medical records for the duration of employment plus 30 years. Data collection and record management to comply with this section will be excessively burdensome.

(e)(1)(B) Temperature or heat index measurements, as applicable, shall be representative of employee exposures and include measurements taken at times during the work shift when employee exposures are expected to be the highest.

 Initial measurements shall be taken as soon as subsection (e) applies.
 Measurements shall be taken again when they are reasonably expected to be 10 degrees or more above the previous measurements.

Rationale: SDG&E recommends deletion of subsections (e)(1)(B)(1-2) as these are redundant statements.

(e)(1)(D) The employer shall have effective procedures to obtain the active involvement of employees and their union representative in performing the following:

1. Designing, conducting, and recording the measurements of temperature or heat index, as applicable.

2. Identifying and evaluating all other environmental risk factors for heat illness.

Rationale: SDG&E acknowledges employee involvement is essential to ensure an adequate assessment is conducted, but it is unnecessary to involve employees and union representatives in its design and assessment. Other environmental hazard assessments for physical agents, such as monitoring for noise or radiofrequency exposure do not require involvement from such persons by the employer.

(e)(2)(A) Engineering controls. Engineering controls shall be used to reduce the temperature or heat index, as applicable, to the lowest temperature or heat index possible, to minimize the adverse effects of heat stress, except to the extent that the employer can demonstrate that such controls are not feasible. Engineering controls include, but are not limited to,: isolation of hot processes, isolation of employees from sources of heat, air conditioning, cooling fans, cooling mist fans, natural ventilation when the outdoor temperature is lower than the indoor temperature, local exhaust ventilation, shielding, and insulation of hot surfaces.

Rationale: SDG&E recommends deleting "the lowest temperature or heat index" verbiage as "lowest" is subjective and vague.

In conclusion, SDG&E recognizes the importance of regulatory requirements to reduce heat illness in indoor work environments. We appreciate the opportunity to submit comments and recommendations.

Sincerely. Majok -

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