



California Professional Association of Specialty Contractors

February 22, 2019

California Division of Occupational Safety and Health
Attn: Amalia Neidhardt

Sent by email to: rs@dir.c.a.gov

RE: Comments to revised Indoor Heat Illness Prevention proposal dated January 29, 2019.

Dear Amalia,

CALPASC is a nonprofit trade association of specialty contractors and suppliers in California. Our members operate across the state, and in most segments of construction.

CALPASC has the following comments regarding the latest draft proposal:

1. This proposal has several severe flaws.
 - a. With millions of drivers in California, this proposal does not even mention the word driver or vehicle. Someone would have to read between the lines to try to find out what the requirements are for drivers.
 - b. With millions of employees being subject to both the outdoor and indoor standard during the same workshift, this proposal provides no seamless way to work the standards together. Employees would be subject to different requirements and trigger temperatures.
 - c. This proposal places unworkable restrictions on construction employees who work indoors.
 - d. This proposal apparently seeks to look good on paper, while falling far short of providing protection to employees by significant compliance by employers. A confusing, unclear, and unworkable proposal will have a hard time achieving the compliance needed to protect workers.
2. Following are comments intended to help move forward to an indoor heat prevention regulation that would actually work, and protect employees.
 - a. CALPASC fully supports the comments submitted by Jennifer Barrera of CalChamber, on behalf of the Coalition, letter dated February 22, 2019.
 - b. Specific problems with the draft proposal as presented, that would cause significant problems for our contractor members, need to have significant amendments to become a workable regulation.
 - i. It is very unclear about drivers of vehicles.
 - ii. It would require employees and employers to constantly shift back and forth between the indoor and outdoor standard throughout the day.
 - iii. Section 3395 has been implemented and has a very successful track record for the past 13 years.
 - iv. This proposal would create havoc with trying to comply with an indoor and outdoor, for the same employees.
 - v. Differing trigger temperatures and requirements for compliance would decrease the effectiveness of Section 3395, and be counter productive for indoor employees.
 - vi. Common sense measures taken by employers and employees under current Title 8 sections 3203 and 1509 would have to be



California Professional Association of Specialty Contractors

replaced by costly and cumbersome steps to try to comply with this new proposal.

1. Many indoor construction employees utilize a portable fan for circulation as they work throughout the day, on hot days.
 2. This proposal would require significant measures, when either the temperature or heat index equals or exceeds 87 degrees. A humid day might trigger subsection (e)(2) with temperatures as low as 83 degrees.
 3. Each employee or crew would have to monitor both temperature and humidity throughout the workday.
 4. Then, the steps required for controls is far beyond what is required or workable.
 5. Most construction projects that present indoor work have lots of natural ventilation during construction.
 6. The cost of providing air conditioning equipment to be moved throughout the jobsite when the temperature or heat index is equal to or above 87 degrees would be exorbitant.
 7. The procedures necessary to maneuver multiple units through a project under construction throughout the workday would greatly inhibit efficiency.
3. The CalChamber Coalition letter offers helpful steps forward, which need to be fully implemented for this standard to be workable.
 4. If those recommended steps are not fully implemented, an in person Advisory Committee needs to be reconvened to get this process back on track.
 5. It is sad to see that after 2 years and 7 different proposals, we are not close to a workable regulation. I remember the testimony by workers at the original advisory committee in February of 2017, showing that some workers have clear exposure to indoor heat illness. I also testified at that meeting my concern, that by having a regulation that tries to encompass all employees, we would delay providing real protection to those workers who took the time to testify. 2 years later, we are still far away from a protective regulation.
 6. Those workers who testified at the February 2017 advisory committee would be better served by an initial regulation targeted to them and their industry.

Sincerely,

Bruce Wick,
Director of Risk Management
CALPASC
1150 Brookside Avenue, Suite Q
Redlands, CA 92373
bwick@calpasc.org
909-793-9932