

February 22, 2019

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*Sent Via Email*

**Re: January 29, 2019 | Revised Draft Standard**  
General Industry Safety Orders  
Chapter 4, subchapter 7, new section  
Heat Illness Prevention in Indoor Places of Employment

We would like to express our appreciation to the Advisory Committee for the opportunity to provide comments on the draft Heat Illness Prevention in Indoor Places of Employment by our Liaison, Michael Musser.

The California Teachers Association represents 330,000 Educators in the state of California. One of the reasons that this standard is so important to our members is that during the recent high temperatures in the summer months that schools had been in session, students and educators (teachers and support professionals) had experienced heat illness when classes and/or work was conducted in unairconditioned buildings. This new regulation will equip employers with the tools necessary to insure a safe working and learning environment for all educators and students.

We appreciate your consideration and inclusion of much of our recommended language from our previous written and oral comments. Currently, an employer has a general duty to provide a healthy and safe work environment.

Requiring employers to keep a log and investigation records allows the employer to have a central location to track workplace indicators of **Heat Illness** instead of in personnel files where they may get lost or are hard to monitor. Moreover, requiring employers to record all incidents in the log and not only recordable injuries ensures that a broader scope of conduct will be covered, thus resulting in more workers receiving protection under this standard. This is of particular importance and priority for workers in the field of education as their employers are currently exempt from maintaining records of any injuries for the Log 300.

We are pleased to see the inclusion of anti-retaliation language for reporting Heat Illness to an employer. For many workers, but especially, low wage and immigrant workers, the fear of losing ones' job, demotion or loss of hours is a huge deterrent to reporting Heat Illness. In some

workplaces, workers have faced continued harassment and violent indicative behavior, targeted towards themselves and/or their loved ones after they have complained of Heat Illness. Explicitly including an anti-retaliation provision is important and necessary to ensure workplaces are free of retaliation.

While we appreciate all of the work that has gone into developing this standard, we believe the following key changes are needed to protect workers:

(e) (B) 3. Temperature or heat index records shall be retained for 12 months or until the next measurements are taken, whichever is later, and made available at the worksite to employees, *their Union Representative* and to representatives of the Division upon request.

- (i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees, *their Union Representative* and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203 or Heat Illness Prevention Program required by section 3395, and shall, at a minimum, contain:

As Cal OSHA simultaneously creates the Workplace Violence Prevention Regulation in all Places of Employment, requiring employers to keep a log and investigation records allows the employer to have a central location to track workplace indicators of Heat Illness instead of in personnel files where they may get lost or are hard to monitor. Moreover, requiring employers to record all incidents in the log and not only recordable injuries ensures that a broader scope of conduct will be covered, thus resulting in more workers receiving protection under this standard. This is of particular importance and priority for workers in the field of education as their employers are currently exempt from maintaining records of any injuries for the Log 300.

Finally, although the current draft includes “union representative,” the definition of and title of representative should be one that permits employees to elect a representative even where there is no collective bargaining agent. Worker-designated representatives play a key role in increasing safety and health in California’s workplaces. Their role is especially important when workers are disempowered and not protected by a union. We recommend as an example the definition of representative used in the federal Mine Safety and Health Act.<sup>1</sup>

Thank you for your consideration of these comments.

Sincerely,

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