



WAREHOUSE, PROCESSING & DISTRIBUTION WORKERS' UNION

LOCAL 26

AFFILIATED WITH THE INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION

5625 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90037

February 20, 2019

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To: Amalia Neidhardt MPH, CIH, CSP
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"NeidhardtAmalia@DIR"
<ANeidhardt@dir.ca.gov>

From: Luisa Gratz, President, Local 26 ILWU

Re: Revised Draft Standard
"Heat Illness Prevention in Indoor Places of Employment"
General Industry Safety Orders
Chapter 4, Sub-Chapter 7, New Section

Dear Ms. Neidhardt, and Standards Board,

I have participated in the effort to achieve an Indoor Heat Standard under CAL-OSHA Regulations for nearly 20 years, helplessly watched workers suffer, a few deaths, some emergency's, and ongoing misery during the increasing hot weather, humidity, and general indifference by many employers.

With full understanding and recognition of the variety of cost factors involved and applied to the numerous indoor work sites involved and so subject to this proposed indoor Heat Standard, to create a standard which is sufficient in reducing the harmful effects of Indoor Heat and Humidity is challenging, particularly because of climate change and ever increasing temperatures and humidity outdoors, and ultimately indoors, affecting a variety of miscellaneous workplaces, conditions, activities, and environments.

With this recognition, the following are our handwritten comments on the January 29, 2019 Revised Draft Standard, for Heat Illness Prevention In Indoor Places of Employment, General Industry Safety Orders, Chapter 4, sub-Chapter 7, New Section.

Thank you for your time and attention to this extremely important matter, long overdue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Luisa Gratz", with a small flourish at the end.

Luisa Gratz, Pres. Local 26 ILWU
Secretary Treasurer So. Calif. District Council ILWU

LG/db opeiu #537

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Subject: The Cal/OSHA Heat Illness Prevention in Indoor Places of Employment January 29, 2018 | Revised Draft Standard

From: "Neidhardt, Amalia@DIR" <ANeidhardt@dir.ca.gov>

Date: Wed, Jan 30, 2019 10:00 am

To: "Neidhardt, Amalia@DIR" <ANeidhardt@dir.ca.gov>

Dear Stakeholders.

After careful review of the comments received on the draft standard posted on October 24, 2018, further revisions have been made. Interested parties are invited to submit comments on this further revised draft. **Please submit your comments by Friday February 22, 2019, to rs@dir.ca.gov**

January 29, 2019 | Revised Draft Standard

General Industry Safety Orders

Chapter 4, subchapter 7, new section

Heat Illness Prevention in Indoor Places of Employment

<http://www.dir.ca.gov/dosh/doshreg/Heat-illness-prevention-indoors/>

If you have questions, please email us at rs@dir.ca.gov or contact [Amalia Neidhardt](#) at (916) 574-2993.

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vehicles w/ glass windows radiate/magnify heat
Containers, cubicles, vans, buses, truck cabs -

§ _____. Heat Illness Prevention in Indoor Places of Employment

(a) Scope and Application.

- (1) This standard applies to all indoor work areas where the temperature equals or exceeds 82 degrees Fahrenheit when employees are present.

Application to one sec?
an employee - regular must be covered
EXCEPTION: For indoor work areas not subject to any of the conditions listed in subsection (a)(2) below, the employer is not required to comply with subsection (e), Assessment and Control Measures.

- (2) Conditions under which an indoor work area is subject to all provisions of this standard, *delete* including subsection (e):

- How measured? wet bulb for humidity is a MUST*
(A) The temperature equals or exceeds ~~87-90~~ degrees Fahrenheit; or *too high*
(B) The heat index equals or exceeds ~~87-90~~ degrees Fahrenheit; or *too high*
(C) Employees wear clothing that restricts heat removal and the temperature equals or exceeds 82 degrees Fahrenheit; or *too high - incl humidity*
(D) Employees work in a high radiant heat work area and the temperature equals or exceeds 82 degrees Fahrenheit.

- (E) all measurement must use "wet bulb" / incl humidity -*
(3) This standard applies in any other setting identified in writing by the Division through the issuance of an Order to Take Special Action, in accordance with section 332.3 of these orders.

- (4) This standard applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1512, 1524, 3203, 3363, 3395, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e). This is also not intended to exclude the application of section 3203 to indoor work areas not covered by this section where one or a combination of environmental risk factors can still cause heat illness in employees.

NOTE NO. 1: The measures required here may be integrated into the employer's written Injury and Illness Prevention Program required by section 3203, the employer's written Heat Illness Prevention Program required by section 3395, or maintained in a separate document.

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.

"Clothing that restricts heat removal" means full-body clothing covering the arms, legs, and torso that is any of the following:

- (1) Waterproof; or
- (2) Designed to protect the wearer from a chemical, biological, radiological, or fire hazard; or
- (3) Designed to protect the wearer or the work process from contamination.

EXCEPTION: "Clothing that restricts heat removal" does not include clothing with flame or arc flash resistant properties demonstrated by the employer to be all of the following:

- (1) Constructed only of knit or woven fibers; and
- (2) Worn in lieu of the employee's street clothing; and
- (3) Worn without a full-body thermal or moisture barrier.

not merely a fan blowing hot air

"Engineering controls" means an aspect of the work area or a device that removes or reduces hazardous conditions or creates a barrier between the employee and the hazard. Examples of engineering controls that may be effective at minimizing the risk of heat illness in a particular work area include, but are not limited to, isolation of hot processes, isolation of employees from sources of heat, air conditioning, cooling fans, cooling mist fans (*not w/ humidity*) evaporative coolers (also called swamp coolers), natural ventilation where the outdoor temperature or heat index is lower than the indoor temperature or heat index, local exhaust ventilation, shielding from a radiant heat source, and insulation of hot surfaces. *incl. barriers*

std must apply to trucks, cabs, buses, vans, containers -

"Environmental risk factors for heat illness" means working conditions that ~~contribute or cause~~ *the* possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees. *barriers to cooler air circulation*

WET

"Globe temperature" means the temperature measured by a ^{*wet*} globe thermometer, which consists of a thermometer sensor in the center of a 6-inch diameter hollow copper sphere painted on the outside with a matte black finish or equivalent. The globe thermometer may not be shielded from direct exposure to radiant heat while the globe temperature is being measured.

response to a

"Heat Illness" means a serious medical condition resulting from the body's ~~inability to cope~~ *response to a* with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke, *nausea, fainting, seizures, etc -*

(b) Definitions.

not for everyone
"Acclimatization" means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.
not accurate not everyone fits the template i.e. health factors, "index" fluctuations during the workers shift.

does not consider SKILLS, Union Contracts, unil. chgs
"Administrative controls" means a procedure that limits exposure to a hazard by adjustment of work procedures or work schedules. Examples of administrative controls that may be effective at minimizing the risk of heat illness in a particular work area include, but are not limited to, acclimatizing employees, rotating employees, scheduling work earlier or later in the day, using work-rest schedules, reducing work intensity or speed, changing required work clothing, and using relief workers.
employers don't hire extras!

humidity
"Clothing that restricts heat removal" means full-body clothing covering the arms, legs, and torso that is any of the following:

- (1) Waterproof; or
- (2) Designed to protect the wearer from a chemical, biological, radiological, or fire hazard; or
- (3) Designed to protect the wearer or the work process from contamination.

EXCEPTION: "Clothing that restricts heat removal" does not include clothing with flame or arc-flash resistant properties demonstrated by the employer to be all of the following:

- (1) Constructed only of-knit or woven fibers; and
- (2) Worn in lieu of the employee's street clothing; and
- (3) Worn without a full-body thermal or moisture barrier.

delete outdoor!
"Cool-down area" means an indoor or outdoor area that is shielded from direct sunlight and other high radiant heat sources and is either open to the air or provided with ventilation or cooling. A cool-down area does not include a location where:
delete

- (1) Environmental risk factors defeat the purpose of allowing the body to cool; or
 - (2) Employees are exposed to unsafe or unhealthy conditions; or
 - (3) Employees are deterred or discouraged from accessing or using the cool-down area.
- humidity*
no of humidity
to reduce temp. humidity
ie: outdoor heat & humidity - prevented

How is humidity measured? ^{we must incl. the wet bulb meas.}

"Heat index" means a measure of heat stress used by the National Weather Service that takes into account the dry bulb temperature and the relative humidity. Radiant heat is not included in the heat index.

NOTE: A chart listing National Weather Service heat index values (2018) can be found in Appendix A.

"High radiant heat work area" means a work area where the globe temperature is at least 5 degrees Fahrenheit greater than the "temperature," as defined in this subsection.

AREAS OF "Indoor" refers to a space that is under a ceiling or overhead covering; and is enclosed along its perimeter by walls, doors, windows, dividers, or other physical barriers, whether open or closed. All work areas that are not indoor are considered outdoor and covered by section 3395. ^{three} Containers, cubby, TRUCK/VAN, BUS, CAB

EXCEPTION: "Indoor" does not refer to a ^{an OUTDOOR} shaded area that meets the requirements of section 3395 and is used exclusively as a source of shade for employees covered by section 3395.

Who must provide this protective eqpt?

"Personal heat-protective equipment" means equipment worn to protect the user against heat illness. Examples of personal heat-protective equipment that may be effective at minimizing the risk of heat illness in a particular work area include, but are not limited to, water-cooled garments, air-cooled garments, cooling vests, wetted over-garments, heat-reflective clothing, and supplied-air personal cooling systems.

Who evaluates these factors? ^{employees must evaluate their own health condition not mgmt.} "Personal risk factors for heat illness" means factors such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body's water retention or other physiological responses to heat.

"Preventative cool-down rest" means a rest break taken in ^{an indoor air cond.} a cool-down area to prevent overheating.

define - direct or caused by ---?

"Radiant heat" means heat transferred from one body or object to another not in contact with it by electromagnetic waves rather than by conduction or convection. Sources of radiant heat include the sun, hot objects, hot liquids, hot surfaces, and fire.

"Relative humidity" means the amount of moisture in the air relative to the amount that would be present if the air were saturated.

^{define not all barriers prevent heat transmission Some are conductors} "Shielding" means a physical barrier between radiant heat sources and employees that reduces the transmission of radiant heat.

needs wet bulb "as measurement

No!

"Temperature" means the dry bulb temperature in degrees Fahrenheit obtainable by using a thermometer freely exposed to the air without considering humidity or radiant heat, to measure the temperature in the immediate area where employees are located.

"Union representative" means a recognized or certified collective bargaining agent representing the employees. incl. stewards, safety committee, union determines this not the employer.

- (c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working and in cool-down areas required by under subsection (d). Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

- (d) Access to Cool-Down Areas.

for how long? workers health needs are the determining factor.

- (1) The employer shall have and maintain one or more cool-down areas at all times. The cool-down area shall be at least large enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the cool-down area without having to be in physical contact with each other. The cool-down area shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the size of the cool-down area during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite. The temperature in the cool-down area shall be maintained at less than 82 degrees Fahrenheit, unless the employer demonstrates it is infeasible.

- (2) Employees shall be allowed and encouraged to take a preventative cool-down rest in a cool-down area when they feel the need to do so to protect themselves from overheating. Such access to cool-down areas shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the cool-down area; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the cool-down area. *as determined by the employee*

- (3) If an employee exhibits signs or reports symptoms of heat illness while taking a preventative cool-down rest or during a preventative cool-down rest period, the employer shall provide appropriate first aid or emergency response according to subsection (f) of this section.

EMPLOYERS SHOULD NOT DETERMINE WHAT IS NEEDED FOR HEALTH OR FIRST AID FOR AN EMPLOYEE.

(e) Assessment and Control Measures. This subsection only applies to work areas subject to one or more of the conditions listed in subsection (a)(2).

(1) As specified in subsections (e)(1)(A) through (e)(1)(D), the employer shall measure and record the temperature or heat index, whichever is greater, and shall identify and evaluate all other environmental risk factors for heat illness.

(A) The employer shall establish and maintain accurate records of temperature or heat index measurements, whichever are required as applicable. The records shall include the date, time, and specific location of all measurements. *VISIBLE, accessible & maintained for 1 Yr. data should be shared w/ union reps - when requested*

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

taken @ 15 min increments
(B) Temperature or heat index measurements, whichever are required as applicable, shall be representative of employee exposures and include measurements taken where employees work and at times during the work shift when employee exposures are expected to be the highest.

By whom?
1. Initial measurements shall be taken when it is reasonable to suspect that as soon as subsection (e) applies. *by ees & mgmt -*

2. Measurements shall be taken again when they are reasonably expected to be 10 degrees or more above the previous measurements. *by ees & mgmt -*

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 and to representatives of the Division upon request. *and this UNION representatives*

(C) Instruments used to measure the temperature & heat index shall be used and maintained according to the manufacturers' recommendations. Instruments used to measure the heat index shall utilize the National Weather Service heat index tables.

(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, whichever is greater as applicable.

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

(2) The employer shall use control measures as specified in subsections (e)(2)(A) through (e)(2)(C) to minimize the risk of heat illness. The selection of control measures shall be based on the environmental risk factors for heat illness present in the work area.

Too high!
should be 80°

too high →
effectees/

(A) Engineering controls. Engineering controls shall be used to reduce and maintain both the temperature and heat index to below 87 degrees Fahrenheit or the temperature to below 82 degrees Fahrenheit where employees wear clothing that restricts heat removal or work in high radiant heat work areas, except to the extent that the employer demonstrates such controls are infeasible. the temperature or heat index, as applicable, to the lowest temperature or heat index possible, 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. Where feasible engineering controls are not sufficient to reduce and maintain the temperature and heat index to below 87 degrees Fahrenheit or the temperature to below 82 degrees Fahrenheit where employees wear clothing that restricts heat removal or work in high radiant heat work areas:

1. The employer shall use engineering controls to reduce the temperature, heat index, or both, whichever applies, to the lowest feasible level, except to the extent that the employer demonstrates such controls are infeasible; and *then what?*
to whom -
By what criterion?
2. The employer shall use engineering controls to otherwise minimize the risk of heat illness, except to the extent that the employer demonstrates such controls are infeasible. *Then what?*
heat exhaustion?
etc.

index = 80°f

(B) Administrative controls. Where feasible engineering controls are not sufficient to reduce and maintain the temperature and heat index to below 87 degrees Fahrenheit or the temperature engineering controls are not feasible or do not reduce the temperature or heat index, as applicable, to below 90 degrees Fahrenheit or to below 82 degrees Fahrenheit where employees wear clothing that restricts heat removal or work in high radiant heat work areas, administrative controls shall be used implemented to minimize the risk of heat illness, except to the extent that the employer demonstrates can demonstrate that such controls are infeasible not feasible. Administrative controls include, but are not limited to, acclimatizing employees, rotating employees, scheduling work earlier or later in the day, using work rest schedules, reducing work intensity or speed, changing required work clothing, and using relief workers.

then what?
illness!

(C) Personal heat-protective equipment. Where feasible engineering controls are not sufficient to reduce and maintain the temperature and heat index to below 87 degrees Fahrenheit or the temperature engineering controls are not feasible or do not reduce the temperature or heat index, as applicable, to below 90 degrees Fahrenheit or to below 82 degrees Fahrenheit where employees wear clothing that restricts heat removal or work in high radiant heat work areas and administrative controls are not feasible, personal heat-protective equipment shall be used to minimize reduce the risk of heat illness, except to the extent that the employer

heat + index

then what! ????

~~demonstrates can demonstrate~~ that use of such equipment is ~~infeasible not feasible~~.
Personal heat-protective equipment that can reduce the risk of heat illness includes,
but is not limited to, water-cooled garments, air-cooled garments, cooling vests,
~~wetted over-garments, heat-reflective clothing, and supplied-air personal cooling~~
systems.

(f) Emergency Response Procedures. The employer shall implement effective emergency response procedures including:

(1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor or emergency medical services when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable. If an electronic device will not furnish reliable communication in the work area, the employer will ensure a means of summoning emergency medical services.

Complaints &
(2) Responding to signs and symptoms of possible heat illness, including but not limited to first aid measures and how emergency medical services will be provided.

(A) If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, the supervisor shall take immediate action commensurate with the severity of the illness. *supervisor is not a judge or qualified evaluator -*

(B) If the signs or symptoms are indicators of severe heat illness (such as, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation, *dizziness, faint*, irrational behavior or convulsions), the employer must implement emergency response procedures.

(C) An employee exhibiting signs or symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid and/or being provided with emergency medical services in accordance with the employer's procedures. *at the employer's discretion -*

(3) Contacting emergency medical services and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider.

(4) Ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

not always possible -
(g) Close Observation during Acclimatization. *Co-workers -*

(1) All employees shall be closely observed by a supervisor or designee when the temperature in the work area is at least 10 degrees Fahrenheit higher than the average high daily temperature in the work area during the preceding five days.

not all work is performed on consecutive days in one area.

- (2) An employee who has been newly assigned to any of the following shall be closely observed by a supervisor or designee for the first 14 days of the employee's employment:

(A) To a work area where the temperature or heat index, whichever is greater as applicable, equals or exceeds 87-90 degrees Fahrenheit; or

(B) To work involving the use of clothing that restricts heat removal where the temperature equals or exceeds 82 degrees Fahrenheit; *or humidity*

(C) To a high radiant heat work area where the temperature equals or exceeds 82 degrees Fahrenheit. *80° humidity*

(h) Training.

- (1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties. *8oz*

add Restroom use shall be provided when ee's request it

(D) The concept, importance, and methods of acclimatization and of close observation during acclimatization pursuant to the employer's procedures under subsection (i)(4).

approved by ME's Union

(E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary. *as per the sec.*

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider. *ie cool area? how transported inside?*

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate. *requested by the sec.*

(2) Supervisor training. Prior to supervising employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness, effective training on the following topics shall be provided to the supervisor:

(A) The information required to be provided by section (h)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.

(D) Where the ^{indoor incl. containers, trucks, vans} work area is affected by outdoor temperatures, how to monitor weather reports and how to respond to hot weather advisories.

impt. → (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 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:

(1) Procedures for the provision of water and access to cool-down areas in accordance with subsections (c) and (d).

and (2) Procedures, in accordance with subsection (e), to measure and record the temperature or heat index, whichever is greater; as applicable, identify and evaluate all other environmental risk factors for heat illness; and to implement control measures.

(3) Emergency response procedures in accordance with subsection (f).

(4) Procedures for close observation during acclimatization in accordance with subsection (g).