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CHIEF PROBATION OFFICERS
OF CALIFORNIA

April 27, 2026

Cal/OSHA

Research and Standards Unit

RE: Public Comment to Cal/OSHA on Title 8 Industrial Relations Proposed
New Section 3397 Heat Illness Prevention in Indoor Correctional and
Detention Facilities

Cal/OSHA Research and Standards Unit,

The Chief Probation Officers of California (CPOC) is an association representing all 59 Probation Chiefs of California's 58 counties with a shared identity as law enforcement leaders. Safe operations of secure county juvenile detention facilities is part of probation's core mission. Currently 40 of the 58 counties in California maintain one or more secure detention facilities for youth and young adults ages 12 through 25. As you are likely aware, the State of California's Division of Juvenile Justice facilities closed as of June 30, 2023 and the entirety of the juvenile justice system is now locally administered by county probation departments and the courts.

Given probation's role in operating juvenile detention facilities, we have reviewed the proposed Title 8 Regulation changes to protect indoor workers from heat illness which also removes the exemption of correctional and detention facilities. CPOC has developed comments and recommendations for the Division of Occupational Safety and Health (Cal/OSHA) to consider before the finalization of the draft proposed changes.

CPOC's identified concerns and/or recommendations related to proposed new section 3397 Heat Illness Prevention in Indoor Correctional and Detention Facilities are outlined below.

Scope & Incidental Exposure Conflict: Subsection (a)(1) states the section applies when temperature equals or exceeds 87°F. Exception (B) states the section does not apply to incidental heat exposures where an employee is exposed to temperatures below 95°F for less than 15 minutes in any 60-minute period. By removing the lower boundary (previously 82°F in §3396), the incidental exposure exception now applies to *all temperatures below 95°F*, potentially includes exposures between 87–95°F, and creates ambiguity about when the rule actually triggers. As written, an employee exposed to 93°F for 10 minutes in a 60-minute period could arguably be excluded, even though 93°F exceeds the regulatory trigger. The incidental exposure language should logically align with the operative trigger threshold.

- Recommendations/Suggested Language:
 - *“... exposed to temperatures at or above 87 degrees Fahrenheit and below 95 degrees Fahrenheit for less than 15 minutes in any 60-minute period.”*
 - This restores the logical bracket between the trigger threshold (87°F) and upper incidental exclusion (95°F). Without this correction, enforcement interpretations could vary significantly by region.

Clarification of definition of incarcerated: Subsection (d) outlines exceptions to subsection (d)(2) specific to serving an incarcerated population. In the definitions section of the document there is not a definition of incarcerated.

- Recommendation: Clarify that for the purposes of this section “incarcerated” is inclusive of youth and young adults detained in secure juvenile detention facilities which includes both pre-adjudicated and post-adjudicated youth and young adults.

Access to Cool-Down Areas: In section (d)(1) the regulation outlines access to a Cool-Down Area Requirement to be maintained at less than 82°F unless infeasible. Some juvenile halls' current infrastructure do not allow a mechanism to maintain the cool-down area requirement. Maintaining one area <82°F may require system redesign, supplemental cooling equipment, and portable AC units which come with security risks. As a result, the “unless infeasible” clause will likely become heavily relied upon. Without clarity on what constitutes as “infeasibility”, counties risk citation even when structural constraints exist.

- Recommendations:
 - The draft should define documentation requirements for infeasibility, engineering evaluation standards, duration of allowable infeasibility, and whether financial cost qualifies as infeasible.
 - Define process to seek an exemption under the “unless infeasible” clause.
 - State to provide funding for jurisdictions to make facility modifications and/or capital improvements in order to comply with regulations. Depending upon the facility and if financed through state lease revenue bonds, facility modifications take considerable time due to needing to receive state authorizations.
 - Make prospective and provide sufficient time between finalization and effective date so that if modifications are needed or an exemption is sought, those actions may be taken prior to regulation going into effect.

Operational Concerns with Assessment and Control Measures Section: Specific to Section (e) regarding Assessment and Control Measures, we note areas where clarity is needed to support compliance as it relates to secure county juvenile facilities.

- Performance measurements: The draft does not explicitly state who performs measurements. Without role designation, liability may become unclear and can become a burden for smaller facilities.
 - Recommendation: At a minimum, defining who may delegate authority and/or assign the responsibility to perform measurements should be added. Are measurements going to be taken by CalOSHA personnel upon inspection? Is it expected that counties will designate staff to perform these measurements and if so, what qualifications and/or training would this employee need to have?
- Instrumentation Requirements: The draft references manufacturer maintenance for instrument requirements but does not specify calibration standards.
 - Recommendation: Regulation should outline calibration standards and/or expectations.

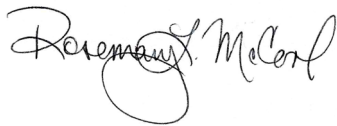
- Location-Specific Measurement: “Specific location” is undefined. Absent clarification, inspectors may interpret “specific location” differently across districts.
 - Recommendation: Define what is meant by specific location and if the specific location must be used for each required measurement.

In summary, for this section, the regulation should define measurement frequency minimums, acceptable centralized monitoring systems, define “specific location”, whether representative sampling is acceptable, and provide documentation standards for security-restricted areas.

Interaction with Other Regulatory Frameworks: It’s important to understand how this regulation may impact and/or correspond to current Title 15 and Title 24 Juvenile Facility Regulations developed by the Board of State and Community Corrections.

We welcome the opportunity to discuss the concerns outlined above in more detail with Cal/OSHA. Please contact me at 916.447.2762 if desired to discuss further or if any questions arise upon review of our public comment.

Thank you,

A handwritten signature in black ink, appearing to read "Rosemary Lamb McCool". The signature is fluid and cursive, with the first name "Rosemary" being more prominent.

Rosemary Lamb McCool
Deputy Director of Policy
Chief Probation Officers of California