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Cal/OSHA Research and Standards
1515 Clay Street Suite 1901
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May 7, 2026

RE: Proposed new section 3397—Heat Illness Prevention in Indoor Correctional and Detention Facilities

Dear Cal/OSHA Research and Standards:

My name is Bharat Venkat, and I am the director of the UCLA Heat Lab. Our research team studies the relationship between heat, health, and inequality in the context of climate change. I write in my capacity as a private citizen of the state of California, drawing on my expertise and research to comment on the proposed new section 3397. My aim is to inform the conversation around the current draft.

With my colleague Nicholas Shapiro, I have analyzed the ways that the refusal to extend California's Indoor Heat Standard to incarcerated workers represents both a public health disaster and a moral failure.¹ Extreme heat increasingly endangers incarcerated workers in California, many of whom labor in aging facilities lacking adequate ventilation, air conditioning, or emergency preparedness plans. These conditions are not only inhumane but also deadly—placing thousands at risk with limited recourse or protection.

Section 3397 seeks to establish essential health and safety protections related to the heat for workers in California's correctional and detention facilities. This draft standard fills an important gap left by the carveout of these facilities from California's Indoor Heat Standard. As long as this carveout remains in place, a separate standard for correctional and detention facilities is essential.

However, there is no physiological reason—and arguably, no moral justification—why the draft standard should be less protective than the original Indoor Heat Standard. Establishing a higher threshold temperature, omitting the use of heat index, and refusing to acknowledge the contributions of insulative clothing and radiant heat sources to physiological heat stress is not supported by the scholarly literature in either thermal physiology or occupational health. **The physiology of a worker in a carceral setting is no different than that of a worker in a warehouse, restaurant, or any other business.**

If anything, those who work in carceral settings are potentially *more* vulnerable to heat-related illness, injury, and even death. This is due to the fact that a range of factors—include the materials used to construct prisons, their locations, limited ventilation, limited access to outdoors for many workers, a higher incidence of preexisting health conditions among workers, a higher incidence of heat-sensitizing

¹ Nicholas Shapiro and Bharat Jayram Venkat. "California will finally have indoor heat standards for workplaces — with a cruel exception." *LA Times*. July 8, 2024. <https://www.latimes.com/opinion/story/2024-07-08/california-indoor-heat-standards-work-osha-prisons-jails-climate-change>

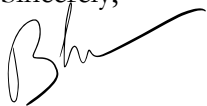
prescription drug use, and so on—contribute to increasing heat-related vulnerability.² The most fundamental issue, however, is that many of those who work in prisons do not have the option of simply leaving. While making such a decision might be difficult for a worker in a warehouse or restaurant, it remains possible. For incarcerated workers specifically, such an option is largely unavailable—which makes it all the more incumbent that **the heat standard applied to correctional and detention facilities is, at minimum, at least as protective as the general indoor heat standard.**

A separate issue I'd like to raise: the unsubstantiated idea that a robust, protective standard is financially unfeasible. The fact that such a concern has already been raised during hearings suggests that **the language of feasibility within the standard needs to be far more precisely defined**—otherwise, the standard risks becoming entirely unenforceable in the face of financial pressures, real or imagined.

In fact, I would argue that the idea that abiding by the standard would be fiscally irresponsible has a weak empirical basis, and might prove to be entirely untrue. The costs of not establishing a truly protective standard should be taken to include medical treatments, labor costs, ambulance and other transportation costs, and of course, legal costs involved in defending the state in court as a result of heat-related illnesses, injuries, and deaths. Notably, extreme heat exacerbates a range of ailments, from asthma and heart disease to schizophrenia and kidney disorders. An accounting of the costs associated with *not* establishing a standard would need to take all of these excess morbidity and mortality costs into account, as well as project how such costs might rise as temperatures continue to climb—as all credible climate projections suggest they will do. Minimally, the State of California has a responsibility to **undertake a rigorous, multi-year cost-benefit analysis and make the methods, data, and results of such an analysis public.**

I thank you for reading my comments, and I hope that they represent a productive contribution to the ongoing conversation around the draft standard. If you have any questions, you are welcome to contact me at bvenkat@ucla.edu.

Sincerely,



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² Karina Brunn, Olivia Toledo, Chelsea Chau Tran, Ashwin Vasudevan, Bharat Jayram Venkat (2025). “Carceral heat exposure as harmful design: An integrative model for understanding the health impacts of heat on incarcerated people in the United States.” *Social Science & Medicine*, vol. 367. <https://doi.org/10.1016/j.socscimed.2025.117679>