

July 7, 2025

Eric Berg  
Deputy Chief of Health  
Department of Industrial Relations  
Division of Occupational Safety and Health

Johnna Landaverde  
Administrative Assistant  
Department of Industrial Relations  
Division of Occupational Safety and Health

Re: American Petroleum Institute Comment Letter on Assembly Bill 2243 Heat Illness Prevention

**Submitted via email to Mr. Berg & Ms. Landaverde**

Dear Mr. Parker & Ms. Landaverde,

The American Petroleum Institute (API) appreciates the opportunity to submit comments in response to the California Division of Occupational Safety and Health's (Cal/OSHA's) proposed draft changes to the Title 8 workplace heat illness prevention standards (the Heat Rule) dated April 23, 2025.

API represents all segments of America's oil and gas industry, which supports nearly 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our approximately 600 members produce, process, and distribute the majority of the nation's energy. API's mission is to promote safety across the industry globally and to influence public policy in support of a strong, viable, and safe U.S. oil and gas industry.

Safety is the primary focus of our industry and the bedrock of industry operations. API member companies are committed to continued compliance with Cal/OSHA's standards and generally support the Agency efforts to protect workers through improved safety practices, including working in hot weather conditions. API and our member companies are concerned with the proposed acclimatization requirements for new workers but especially for returning workers as outlined in the proposal. Accordingly, we do not support the proposed acclimatization requirements to the Heat Rule.

For new workers, Cal/OSHA should consider moving away from its prescriptive mandate requiring a new worker's workday be curtailed to 20% of the usual duration on day 1, 40% on the second day of work, 60% on the third day of work and 80% on the fourth day of work. Instead, Cal/OSHA should permit employers to develop their own acclimatization plans that are specific to the industry and individual risk factors. Regarding returning workers, the oil and gas industry often utilize a 14-day on and 14-day off rotating workforce schedule. This schedule could vary such that a worker is regularly off for just slightly more than 14 days at a time. This would then subject that returning working to Cal/OSHA's prescriptive acclimatization requirements. Under the proposed acclimatization mandate, a significant portion of the days for many returning oil and gas employees work would be deemed an "acclimatization period," resulting in reduced efficiency. Like for new workers, Cal/OSHA should consider eliminating its prescriptive proposed acclimatization mandate for returning workers. As proposed above, any acclimatization requirement should be specific to industry and individual risk factors.

API members agree that employers should help ensure that employees are acclimatized to their work environment. However, as outlined above, the current proposed provision is unjustified, inefficient, and will prove to be too

challenging for numerous oil and gas companies to operationalize. Alternatively, if it is necessary to require a period of time for returning workers to reacclimate, having a research based cutoff would be preferred. The Heat Rule for the state of Western Australia does not have acclimatization mandates and provides guidance by citing research from Work Safe Australia that states a returning worker's full acclimatization to a hot work environment is completely lost after 4 weeks (28 days).

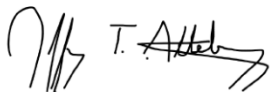
Beyond concerns related to inefficiencies, we foresee greater hazards to workers' safety if a significant portion of the workforce is forever acclimatizing under Cal/OSHA's proposed acclimatization mandates. More workers would be needed in small and safety sensitive work environments or, alternatively, additional work burden would be spread to the remaining portion of the workforce that is not on an acclimatization plan. Many in the oil and gas industry work in limited settings where more space cannot simply be made for more workers. The oil and gas industry understands the hazards associated with heat and has successfully managed them for decades with industry-tailored methods. This proposal is Cal/OSHA's opportunity to provide greater flexibility in its acclimatization provision for employers to adapt their heat management efforts to their particular worksite, operations, and worker population.

Additionally, Cal/OSHA's acclimatization provisions do not account for the fact that workers who are new or who are returning may be coming from an environment that mimics (or is even hotter/more humid than) their work environment within California. There are a myriad of reasons why a worker (new or existing) might already be acclimatized to their work environment and would not need to gradually acclimatize. Cal/OSHA's proposed rule does not account for this likely reality and in this case could be construed as overly prescriptive.

Finally, there is uncertainty and confusion on a couple of the acclimatization requirements. First, there could be confusion for employers that are given the option to either implement high heat procedures when temperatures reach or exceed 95°F or adopt an acclimatization schedule beginning at 80°F. This discrepancy in temperature thresholds may lead to confusion, particularly since employers can choose between the two approaches. Alternatively, if maintaining different thresholds is necessary, Cal/OSHA should provide further guidance to help employers determine which option is most appropriate under specific conditions. Second, while the proposed rule outlines the requirements for acclimatization, the proposed rule does not outline a methodology for recording and auditing compliance with the requirements.

API and its members value our shared commitment to worker health and safety as well as helping to ensure protection from the recognized dangers of extreme heat. We welcome the opportunity to discuss these issues further with Cal/OSHA. Please contact me if additional information or clarifications are needed.

Sincerely,



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