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Cal/OSHA Burdens Employers Again – Changes in Heat Illness Prevention Standards

Despite opposition from a coalition of construction employers and others, California's Occupational Safety & Health Standards Board (OSHSB) recently approved revisions to California's unique heat illness regulations. The OSHSB sent the revised regulations to the Office of Administrative Law for final approval. The OSHSB asked for an accelerated effective date of May 1, 2015, rather than the July 1, 2015 operative date that would have happen without the special request. We anticipate that the regulations will be approved, so contractors will need to prepare in advance.

We had forcefully advocated for a reasonable and balanced approach on this matter over the past year. During that process we were able to secure some concessions, such as, the distance from employees requirements for water (400') and shade (700') being dropped. In addition, the trigger temperature for the onset of "high heat procedures" was not reduced as proposed to 85 degrees Fahrenheit, but remains at 95 degrees Fahrenheit.

We have requested a clarification document from Cal/OSHA regarding some of the grey areas to assist with compliance. We will provide that document once we receive it.

It's important to remember that these standards only apply to "outdoor places of employment."

Some of the changes include:

- Water must be "fresh, pure and suitably cool" and located as close as practicable to where employees are working, with exceptions when employers can demonstrate infeasibility.
- Shade must be present at 80 degrees, instead of the current 85 degrees, and accommodate all employees on recovery or rest periods, and those onsite taking meal periods.
- Employees taking a "preventative cool-down rest" must be monitored for symptoms of heat illness, encouraged to remain in the shade and not ordered back to work until symptoms are gone. Employees with symptoms must be provided appropriate first aid or emergency response.
- High-heat procedures (which will remain triggered at 95 degrees) shall ensure "effective" observation and monitoring, including regular communication with employees working by themselves.
- Emergency response procedures include effective communication, response to signs and symptoms of heat illness and procedures for contacting emergency responders to help stricken workers.

Below are links to the amended standards and the program summary. Attached is a comprehensive review of the changes vs. the current standards.

LINK1: https://www.dir.ca.gov/oshsb/documents/Heat_illness_prevention_txtbrdconsider.pdf

LINK 2: <https://www.dir.ca.gov/dosh/heatillnessinfo.html>