New Heat Illness Regulations Now In Effect

By Don Bradway

Summer 2010 may be over, but we know Summer 2011 isn’t that far away – and with summer comes the heat. And just as heat shows up with summer, so does the Cal/OSHA “heat sweeps” program. Employers should be aware that effective this October 2010, California has adopted revisions to its existing Heat Illness Prevention regulation.

Compliance officers will be visiting farms and other “outdoor” job sites to make sure employers are complying with Section 3395 of Title 8, “Heat Illness Prevention in Outdoor Places of Employment.” (http://www.dir.ca.gov/title8/3395.html)

There has been much discussion about this standard and the changes that have finally been implemented. The significant changes include:

- The standard now states that it applies to all outdoor places of employment. This includes:
  - Agriculture
  - Construction
  - Landscaping
  - Oil and gas extraction
  - Transportation or delivery of agricultural products, construction materials or other heavy materials (e.g. furniture, lumber, freight, cargo, cabinets, industrial or commercial materials), except for employment that consists of operating an air-conditioned vehicle and does not include loading or unloading

- Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions.

- Where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may utilize alternative procedures for providing access to shade if the alternative procedures provide equivalent protection.

- Training for heat illness prevention is not required UNTIL it is reasonably anticipated that work will result in exposure to the risk of heat illness. Thus, you don’t have to hold heat illness prevention training in January (unless you’re south of the equator.)

Without restating the entire standard, outlined below are the crucial portions that each employer should be certain are in place.
The biggest hit employers have been taking is failing to train their employees. (The standard now requires “effective” training (which seems like a no-brainer but...)

- Employers must train their employees about:
  - Personal risk factors and the added burden of heat load on the body caused by exertion, clothing and PPE
  - Company procedures for complying with the standard
  - The importance of frequent consumption of water (up to 4 cups/hour)
  - Employees becoming acclimatized to the work area,
  - The different types of heat illnesses
  - Immediate reporting of possible heat illness in any of the workers,
  - The employer’s response to these emergencies
  - The employer’s procedures for contacting emergency services/providers with clear and precise directions to the work site

- Training also has to include the supervisors; they must know all of the above items, as well as how the supervisor will implement the standard on the work site and what procedures the supervisor will follow should an employee exhibit signs of heat illness. Employers must now train their supervisors to follow weather reports in order to respond to hot weather advisories. This could be the local TV weather person, the local newspaper or a weather-related web site. The important thing to remember is that the report is specific to the area where your employees are working!

- It’s extremely important to have these procedures, and how the employer is going to comply with them, in a written form and available to employees.

- Shade has to be available for employees; employers are now required to have it up once the temperature reaches 85 degrees and it has to be available and ready for use before the temperatures reach 85 degrees. Note that an automobile or truck isn’t considered “shade” if the engine and air conditioner aren’t operating. There must be enough shade to accommodate 25% of the employees on the shift at any time. Employees must be allowed access to this shade for at least five minutes, as often as they need it. Non-agricultural employers can use misting machines or other cooling devices in lieu of the shade but note that this is not the case for agricultural employers.

- Water is one of the most crucial aspects of heat illness prevention. It is almost impossible to consume too much water in high-heat conditions. Employers must plan to have enough water on site to allow each employee to have at least one quart of water per working hour. That’s a lot of water! A good test to determine whether employees have been drinking enough water is to find out how many times the employee has had to urinate over a certain period of time. An employee who hasn’t used...
the restroom within a 3-hour work period probably hasn’t been drinking enough water. Note that electrolyte replacement drinks such as Gatorade are not required and that sodas, coffee and other drinks are not considered good substitutes for plain water. Plus, the water should be of a quality that everyone will be willing to drink it and it never hurts to make sure the water is “cool” but Cal/OSHA will not be testing the water’s temperature.

- Cal/OSHA has said the individual 12-ounce bottles of water are perfectly acceptable for a company’s water supply because the bottles are a measured amount, can be kept clean (as opposed to a container such as an Igloo, which invites dirt) and are easily carried by an employee. Some of these bottles even have a space on the label where the employees can write his/her name.

Remember that heat cramps, heat exhaustion, heat syncope and heat stroke are all heat-related illnesses and the first three are precursors to heat stroke, which can be fatal. Don’t let your company and your employees become statistics next summer. Keep your employees and yourself well hydrated. The alternative is a killer.

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