Heat Illness Prevention
When It Hits 85 degrees or More

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Recently there has been much discussion and some up-roar from the interpretation issued by the Division of Occupational Safety & Health (DOSH) in regards to Title 8, section 3395 (Heat Illness) and how it is to be enforced effectively. A lot of focus has been on this standard and its application. Especially with the weather turning warmer, heat waves already starting and we’re only half way through Spring! Using the link above you will see not only access to the regulation, but several resources for complying with it.

Shade has been a difficult part of the regulation for some contractors to understand the expectations. Regulation 3395 states:

“d) Access to shade. Employees suffering from heat illness or believing a preventative recovery period is needed, shall be provided access to an area with shade that is either open to the air or provided with ventila
tion or cooling for a period of no less than five minutes. Such access to shade shall be permitted at all times. Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.”

What You Need To Do
For the last three years the majority of the Construction Industry (and a few other industries) interpreted this to mean that shade had to be available, not necessarily erected. For example, it was believed that having a “pop-up” accessible on the truck in which any worker feeling the need for a preventative recovery period, could walk over, erect the “pop-up” and have the needed shade. According to the recent interpretation issued, this would not meet the compliance expectations....unless.....(read on)

At most construction sites, having a shade structure erected for 25% of the crew and continuously up is not a major issue. However, for Highway workers, mobile crews and sites with unusual or unique aspects to the work or its location, this is problematic and infeasible. Imagine a Highway work crew moving down the road as they work on the road itself. Not only would it be unsafe to erect a structure in the “right of way”, but if they had erected a shade structure, it would easily be two miles (or more) away by the time someone needed it.

For employers (other than agriculture) who can demonstrate that it is infeasible for them to have the shade up at all times they may have a written policy for a “shade upon request” procedure, which must be clearly communicated to the affected employees. They may also provide alternate cooling measures as a complete
alternative to shade as long as they can demonstrate that it is at least as effective as shade in allowing employees to cool.

There are a lot of technologies and products out there that can meet that shade alternative. There are hundreds of personal cooling products such as ‘cool ties’, cooling vests, etc. available. One recommendation when using ‘cool ties’ is to train your employees to soak them the night before and then put them in the freezer. In the morning they can put them in their lunchbox. By the time they need them, they are ready to go! There are also misting stations and personal misting units that contractors can utilize.

In addition to cooling products, I would recommend having Job/Crew Rotation and increased break frequency along with sun shades that fit on your hard hat. If your local noise ordinance allows, starting/stoping earlier is also recommended.

Keeping in mind that in the interpretation issued there is a ‘trigger’ for when the shade has to be erected and available of 85 degrees. However, in the Construction Industry, compliance using a trigger adds more management and possible confusion for the average employer. The interpretation stated that you could determine whether you needed to have the shade up if the weather prediction for that area on the 5:00 p.m. news stated it would reach 85 degrees or more for the next day. Or, you could utilize a thermometer on your site. It is difficult and unenforceable (in my opinion) to require your supervisors to watch the news. Thermometers are good, but then you need to know when it was calibrated, ensure that it works properly and accurately, etc. It is much easier and efficient to have the shade up at the start of shift no matter the weather prediction if it is feasible. If it is not feasible, it is easier and efficient to have the alternative cooling measures in place at the start of shift without waiting for a “trigger”.

Whichever you choose to utilize, ensure that you have an effective written Heat Illness Prevention program and that you have trained your supervisors and employees regarding your heat illness prevention program. Constant reminders and encouragement to drink plenty of water; use shade as needed, know your company’s emergency procedures and knowing the signs and symptoms of heat illness are a must!

**AGC Resources And Tools**
AGC offers a Heat Illness Prevention Train-the-Trainer course that includes all of the training material (in English & Spanish) that you can customize to meet your company policies. The 4 hour course also includes training on effective presentations, giving the participants confidence and the skills to effectively train your workers. If you feel you just need the basic program that is also available for purchase. It includes the Heat Illness training materials and basic program. To find out if there will be a course in your area [click here](#).

**Questions**
If you have questions or concerns, please contact Bo Bradley, Safety & Health Director at (916) 371-2422 or bradleyb@agc-ca.org.