

Have Outdoor Workers? You Need to Review and Update Your Policies Now!

New Heat Illness Prevention Requirements

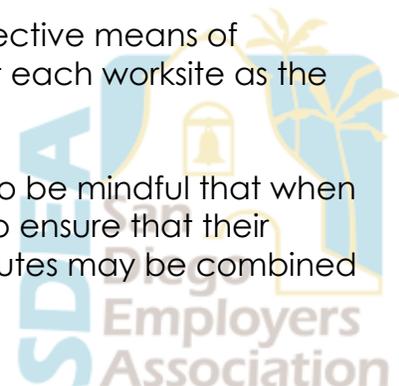
by Jennifer Jacobus, PHR-CA

For those employers who have employees working outside or in an environment that is subject to high temperatures, you need to be aware of major new changes to California's heat illness prevention regulations that go into effect on May 1, 2015:

- Under current regulations, employers must make available 1 quart of water (at least) per hour, per employee. The water must be "fresh, pure, suitably cool, and free of charge." A new requirement states that the water must be as close as is practicable to the employee's immediate work area.
- Shade must be provided. Temporary shade, such as a canopy, is acceptable, and employees must be allowed the opportunity to cool off in the shade for at least 5 minutes anytime they feel that a "recovery period" is needed. Shade is necessitated if temperatures rise above 80 degrees, but is still required if temperatures are below 80 degrees if an employee requests a recovery period in the shade. New to this requirement is that the shade provided must be large enough to accommodate all of the employees on a cool-down period and/or break as well as large enough to accommodate the number of employees who remain onsite for meal periods.
- Recovery periods are designed to prevent heat illness. Cal/OSHA regulation 3395(d)(3) states that "employees shall be allowed and encouraged to take a cool-down rest in the shade for a period of no less than 5 minutes at a time when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times." New language to the regulation requires that employees must be monitored and asked if they are experiencing any heat illness symptoms; must be encouraged to stay in the shade; must not be ordered back to work until they have had at least 5 minutes (net) resting time; and must not be ordered back to work "until any sign or symptoms of heat illness have abated." Employers must be able to provide first aid or implement emergency response procedures when necessary.
- Employers in industries including agriculture, construction, landscaping, oil and gas extraction, and transportation/delivery of agricultural products, construction materials, and other heavy materials must have high-heat procedures (95 degrees and above). Newly added to the "high-heat" requirement is that when the temperature reaches 95 degrees, the employer must conduct "pre-shift" meetings, with pay. The meetings need to include information on high-heat procedures, reminders to drink plenty of water, and a reminder to employees to take their cool-down periods.

Employers must also monitor signs of heat illness during the day by any "effective means of observation," and are now required to designate at least one employee at each worksite as the person authorized to call for emergency medical services.

Those employers whose employees work in an agricultural capacity need to be mindful that when the temperature reaches or exceeds 95 degrees, employers are required to ensure that their employees take a 10-minute cool-down period every 2 hours. These 10 minutes may be combined with meal and rest periods.



Other new requirements to keep in mind include:

- During a heat wave (defined as any day during which the predicted high temperature for the day is at least 80 degrees and is at least 10 degrees high than the “average high” daily temperature during the preceding five days), a supervisor or designee must closely observe all employees at the worksite.
- The revised regulations now require that all employees at a worksite be able to contact a supervisor or summon medical services if experiencing heat illness symptoms. If an onsite supervisor observes or receives a report of heat illness symptoms, immediate action, such as offering first aid or other medical services, is required. An employer must be able to transport affected employees to a location where they can be reached by a medical provider or be able to offer clear directions to the worksite. Using a cell phone or other mobile device for calling or texting is considered “effective communication” only if reception in work area is reliable.
- Both supervisors and employees must be provided with training on prevention, detection, and appropriate responses to possible heat illness. Specific topics include: drinking plenty of water, taking into account personal risk factors such as an employee’s weight and fitness level, and company policy regarding potential heat injuries.

Training must be offered for both employees and supervisors and must cover the following topics: the availability of water and shade, cool-down breaks, and first aid; impermissible retaliation; the concept of acclimation, the importance of acclimation and the acclimation procedures included in the employer's plan; appropriate first aid/emergency responses; and heat illness symptoms ranging from mild to serious, as well as how these symptoms may progress quickly.

Employers who are affected by these regulations would be wise to closely review current policies and training procedures to ensure that they are ready for the May 1 changes and the upcoming summer months.

