

# Cal/OSHA Alert: Proposed Regulations to Prevent Indoor Heat Illness

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Over a decade after California adopted its [outdoor heat illness regulations](#), the California Division of Occupational Safety and Health (Cal/OSHA) is inching closer to adopting regulations titled “Heat Illness Prevention in Indoor Places of Employment.” In its latest draft, the proposed regulation would apply to “all indoor work areas where the temperature equals or exceeds 82 degrees Fahrenheit when employees are present.”

The proposed regulation contains similar provisions to the outdoor heat illness standards, codified at California Code of Regulations, Title 8, Section 3395. These familiar provisions include the requirement to provide water, emergency response procedures, acclimatization, training, and a written Heat Illness Prevention Plan.

A new requirement of the proposed regulation is that affected employers provide “access to cool down areas.” However, upon closer examination of the language, it appears that this requirement is very similar to the “access to shade” requirement of the outdoor standard.

Another new requirement of the proposed regulation requires employers to enact “Assessment and Control Measures” in the following circumstances:

1. The temperature equals or exceeds 90 degrees Fahrenheit
2. The heat index equals or exceeds 90 degrees Fahrenheit
3. Employees wear clothing that restricts heat removal
4. Employees work in a high radiant heat work area

One of the Assessment and Control Measures (ACMs) requires the employer to “measure and record the temperature or heat index, whichever is greater,” and “identify and evaluate all other environmental risk factors for heat illness.” The proposed regulation further requires that the employer “maintain accurate records of temperature or heat index measurements” and such “records shall include the date, time, and specific location of all measurements.” Essentially, employers will have to keep a farmer’s almanac of relevant temperatures.

Another interesting ACM is the mandated use of control measures based on the “environmental risk factors for heat illness present in the work area.” The proposed regulation define “Environmental risk factors for heat illness” as “working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.” The controls enumerated in the draft include (A) engineering controls (e.g., isolation of hot processes and the provision of air conditioning and mist fans); (B) administrative controls (e.g., rotating employees, scheduling work during cooler hours, reducing work intensity); and (C) personal heat-protective equipment (e.g., air or water-cooled garments, cooling vests, heat-reflective clothing).

Notably, there is no regulation pertaining to indoor *cold* temperatures proposed under this standard. However, such hazards, and arguably heat hazards as well, are already covered by California Code of Regulations, Title 8, Section 3203.

The draft regulation can be found [on California's Department of Industrial Relations website](#). Interested parties may submit comments by November 16, 2018, to [rs@dir.ca.gov](mailto:rs@dir.ca.gov).