

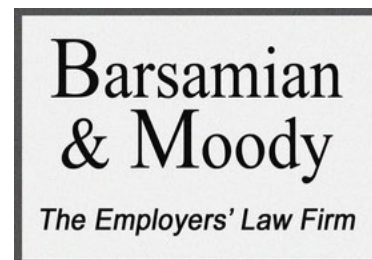
# Compliance Strategies for Cal/OSHA's Indoor Heat Illness Standard

Bryan Little, Farm Employers Labor Service

Catherine Houlihan, Barsamian & Moody

Angel Mendez, Relation Insurance Services

## California Farm Labor Contractors Association Ag Labor Forum



# How did we get from the Heat Illness Prevention (HIP) Standard to the Indoor Heat Illness Standard?

**2005:** a rash of deaths among outdoor employees prompted the adoption of the nation's first heat illness prevention standard for outdoor employees only

**2016:** California Legislature passes SB 1167 mandating requiring Cal/OSHA to propose to the Standards Board an indoor heat illness prevention standard by January 1, 2019

**2023:** Several years and six drafts later, the Cal/OSHA proposed an Indoor Heat standard

**2024:** After one false start when the Board and agency mishandled required cost analysis for the proposed reg, the Board approved the regulation in June, effective in July

# How is the new Indoor Standard distinct from the HIP Standard?

**HIP standard covers outdoor employees only** in agriculture, construction, landscaping, oil and gas extraction, and transportation or delivery of agricultural products, construction material or other heavy goods

**The new Indoor Standard covers all indoor workplaces:**

- **Indoor** = a space under a ceiling or overhead covering that restricts airflow, enclosed along its entire perimeter by walls, doors, windows, dividers, or other physical barrier that restricts airflow, ***whether open or closed***
- Does not include cool-down areas for HIP standard compliance
- Temp  $\geq 82^{\circ}$  F, except for incidental exposure above  $82^{\circ}$  F but below  $95^{\circ}$  F for less than 15 minutes in an hour, *except*:
  - Vehicles lacking functioning/effective air conditions
  - Shipping/Intermodal containers during loading/unloading
- Indoor Standard/Outdoor standard compare/contrast: [Cal/OSHA Heat Illness Prevention Guidance and Resources](#)

# Basic Requirements of the New Indoor Heat Standard

**Written Program:** detailing procedures for accessing water and cool-down areas, hazard assessment control measures, acclimatization, and emergency response

**Training:** for employees and supervisors

**Cool-Down Areas:** indoor or outdoor space maintained below 82°F, blocked for sunlight and radiant heat sources to the extent feasible, open to the air or provided with ventilation or cooling

**Rest Periods:** allow and encourage employees to take preventative cool-down rest periods and monitor for heat illness symptoms

**Acclimatization:** closely observe new employees for 14 days, all employees during a heat wave if no engineering controls are present

# Basic Requirements of the New Indoor Heat Standard

Requires **access to water and cool-down areas** at all time when temperature exceeds 82°F

**Measurement & recording of temperature and heat index** (whichever is higher) including date, time, location at times when employee exposures are expected to be greatest

**Repeat measurement when temperature “reasonably expected” to be 10° F + greater**

Use **feasible engineering controls** to lower the temperature to below 87° F where employees are present, or below 82° F where employees wear clothing that restricts heat removal

# Basic Requirements of the New Indoor Heat Standard

Use **feasible administrative controls or personal protective equipment** to reduce risk of heat exposure where engineering controls are infeasible

**Default to PPE where neither engineering controls nor administrative controls can adequately protect against heat hazards**

Create and maintain **emergency response and employee monitoring procedures**

Implement response procedures when employees exhibit signs of heat illness

Create and implement (when appropriate) procedures for close observation during 14-day acclimatization period or a heat wave (when the temperature exceeds 80° F and 10° hotter than the average for the five prior days)

## **A Discussion about Feasibility & Controls**

When are engineering controls “feasible”?

What the @#%\* does “feasible” mean?

How do you know when administrative controls are “adequately protective”?

Can you go straight to PPE? When?

# Employer Compliance Resources

[Cal/OSHA Heat Illness Prevention Guidance and Resources webpage](#) with side-by-side comparison of the two standards

[Indoor Heat Illness Prevention webpage](#)

[Indoor Heat Illness Prevention Educational Materials and Other Resources webpage](#)

[Frequently Asked Questions Related to Indoor Heat Illness Prevention](#)

[Heat Illness Prevention in Indoor Workplace – Information for Employers](#)

[Heat Illness Prevention in Indoor Workplaces – Information for Workers](#)

[Outdoor Heat Illness Prevention Educational Materials and Other Resources webpage](#)

[Frequently Asked Questions Related to Outdoor Heat Illness Prevention](#)



## **Thank You!**

Bryan Little, Farm Employers Labor Service

800-753-9073

[blittle@fels.net](mailto:blittle@fels.net)

[www.fels.net](http://www.fels.net)

Catherine Houlihan, Barsamian & Moody

559-248-2360

[choulihan@theemployerslawfirm.com](mailto:choulihan@theemployerslawfirm.com)

<https://theemployerslawfirm.com/>

Angel Mendez, Relation Insurance

[angel.mendez@relationinsurance.com](mailto:angel.mendez@relationinsurance.com)

[www.relationinsurance.com](http://www.relationinsurance.com)