



**DATE:** May 1, 2023  
**TO:** PRR Indoor Heat Task Force  
**FROM:** Helen Cleary  
**RE:** Indoor Heat Task Force Meeting Summary – April 25, 2023

On April 25, 2023, ten (10) members of the Phylmar Regulatory Roundtable, PRR, Indoor Heat Task Force met to discuss Cal/OSHA's proposed Heat Illness Prevention in Indoor Places of Employment standard. The [formal rulemaking](#) was noticed on March 31, 2023 starting the 45-day public comment period, which will end on May 18, 2023. PRR is intending to submit written comments and testify at the [public hearing](#) on May 18<sup>th</sup> in San Diego, CA. The audio and video of the Indoor Heat Task Force meeting can be found [here](#).

Relevant documents for review by the Indoor Task Force include the following:

- [Notice/Informative Digest](#)
- [Proposed Regulation](#)
- [Initial Statement of Reasons](#)

All relevant documents and information about this new regulation (new Section in Title 8, §3396) can be found on the OSHSB Heat Illness Prevention in Indoor Places of Employment [webpage](#).

Many thanks to the members of the 2023 PRR Indoor Heat Task Force: Benita Byrd, Bonnie Burns, Breanna Skinner, Brian DeWitt, Christopher Gabelich, Dave Woodard, Derrick You, Dylan Wright, Elizabeth Schmidt, Gary Wright, Heidi Lopez, Jamie Carlile, Jim Weber, Jo Forchione, Lessly Whalen, Marie Edson, Mark Divoky, Michelle Stewart, Mike Starkey, Ofelia Perez, Paul Costa, and Roxana Ramirez. To all of you, your service is much appreciated.

*Task Force Members - Please review the Action Item:*

**ACTION ITEM:** Indoor Heat Task Force (TF) members to provide specific recommendations for various concerns and exceptions for PRR written comments no later than May 9<sup>th</sup>

### Meeting Highlights

PRR Staff began the meeting by recapping the proposed rule for Indoor Heat which was prompted in 2016 with a Senate Bill requesting the labor code be amended to address illness and injury from heat in indoor workplaces. Per the bill, the rule was supposed to be completed by 2019. COVID-19 contributed to this delay. However, missing this deadline has resulted in additional pressure by some Standards Board Members and labor advocates; the Board Staff has made it

clear it will take at least one year to complete the rulemaking process on this standard. As noted above, the rule was noticed March 31, 2023. After the May 18<sup>th</sup> hearing, the 45-day comment period will be closed. The Division will take the comments received, review, and propose changes, if deemed necessary. If there are changes, there will be an additional 15-day notice. The Board will have to adopt the standard within the required one year time frame - March 31, 2024; it is assumed that the proposal will go before the Board at the February or March 2024 Board meeting.

PRR was active in the pre-rulemaking period, submitting six sets of comments and attended all Advisory Meetings. Previous comments highlighted the following issues/concerns:

- The level of risk
- Duration of exposure
- Unmanned remote locations
- Solo work force
- Workers must be present
- Lowering the temperature triggers
- High radiant heat area definition
- Exception for lightweight protective clothing
- Definition of "indoor"
- Clarification on close observation requirements

One Indoor Heat Task Force (TF) member commented on the section that requires the workers to be asked if they are experiencing symptoms in an environment where there are no other workers. One TF member asked how to measure the temperature and who is measuring the temperature. He also brought up the issue of clean rooms, and the temperature in the clean rooms.

Another TF member suggested their challenge is lone employees going into attics or other spaces the employer has no control over. It is the short duration entry that will be difficult to manage. She explained that if the administrative controls did not drop the temperature, then the employee needs to wear PPE. She claims no administrative control will drop the temperature.

She also noted that in an attic environment, the humidity may not be the same as the outdoor humidity, requiring additional testing equipment. Another TF member brought up requesting the standard be industry specific, as well as the duration issue.



One TF member mentioned that different temperature triggers make the rule difficult, noting the change between 82 degrees and 87 degrees. She also mentioned high heat procedures outside is 95 degrees with a 10-minute rest break. She also inquired the reasoning for retaining temperature reading data for one year. PRR Staff suggested it is a compliance issue.

One member suggested narrowing the timeline designated as a heat burden. The time duration can open up an employer to liability from the agency. PRR Staff requested input from the TF for specific duration recommendations.

Another member asked if there is a procedure to request an exemption or variance when not applicable to a company. The fact that Cal/OSHA's established variance process would need to be followed was suggested.

The TF also discussed the exemption for temperature taking and recording if employers assume the temperature is above 87° and implement control measures.

PRR Staff said that procedures on how and why employers follow specific administrative and engineering controls could be in the employers Heat Illness Prevention Plan (HIPP); workers can then follow specific control measures.

*Please review the Task Force's Action Item above.*

**Adjournment:** 11:00 am

**Next Meeting:** TBD