

# 10.15 Outdoor Heat Exposure Enforcement Procedures

**Date: (Revised) May 26, 2009**

## **I. Purpose**

To establish consistent statewide enforcement and consultation policy for all DOSH staff on the application of WAC 296-62-095 through 296-62-09560 and WAC 296-307-097 through 296-307-09760 pertaining to Outdoor Heat Exposure.

## **II. Scope and Application**

- A.** This directive applies to all DOSH staff and replaces all previous directives, instructions and guidance on this issue, whether formal or informal. If this directive differs or conflicts with the DOSH Compliance or Consultation Manuals, the instructions and guidance contained in this directive take precedence.
- B.** This directive applies to all employers with employees performing work in an outdoor environment as defined by WAC 296-62-09510(1) through (4) and WAC 296-307-09710(1) through (4).

## **III. Background**

- A.** Heat-related illness (HRI) is a well recognized hazard in the outdoor work environment. HRI includes heat fatigue, heat rash, fainting, heat cramps, heat exhaustion, and heat stroke. Excessive heat exposure is also linked to injuries from falls, equipment operation accidents and other on-the-job incidents due to fatigue, dizziness, and disorientation.
- B.** Washington workers having exposure to outdoor heat are at risk for HRI. The Outdoor Heat Exposure rule uses simple, common sense, requirements for addressing the heat hazard at or above prescribed temperatures between May 1<sup>st</sup>

and September 30<sup>th</sup> of each calendar year when temperatures are at or above those specified in Table 1 of WAC 296-62-09510 or WAC 296-307-09710.

- C. Regardless of temperature, at all times of the year employers, under general industry requirements or vertical industry standards, are required to have an Accident Prevention Program, supply potable drinking water, have first aid trained staff and/or appropriate access to medical assistance, and must train employees on hazards identified for their respective workplaces. The Outdoor Heat Exposure rule has been adopted to ensure that the necessary elements of a hot weather worker protection program are in place.

#### IV. **Enforcement Policy**

##### A. **Citing and classifying violations.**

Only the following sections and requirements of the outdoor heat exposure rule may be cited. Other sections or aspects of the rule such as WAC 296-62-09510 and WAC 296-307-09710 which pertain to scope and purpose or WAC 296-62-09520 and WAC 296-307-09720 which provide definitions shall not be cited.

1. All violations shall be classified and cited according to the policy and procedure for classifying violations found in Chapter V of the DOSH Compliance Manual. Special attention shall be given by each CSHO, supervisor and Regional Compliance Manager, to ensuring that all violations identified are properly classified and that each violation determined to be serious has an appropriate penalty assigned.
2. All penalties shall be calculated using the criteria, methods and procedures found in Chapter VI of the DOSH Compliance Manual. Special attention shall be given to ensuring that appropriate good faith, history, and employer size considerations are made and applied.
3. All inspections and consultations, including related hazard reports, citations, classification of violations, penalties assigned, and file documentation are subject to random Central Office audit to ensure quality control and consistency in statewide enforcement and consultation.
4. Outdoor heat exposure may result in HRI which can cause death or serious physical harm.
5. Between May 1st through September 30th of each calendar year, the Outdoor Heat Exposure rule applies to all employers with employees performing work in an outdoor environment when employees are exposed to temperatures at or above those in Table 1 of WAC 296-62-09510(2) or WAC 296-307-09710(2). An exception is provided for those with “incidental” exposure as defined in WAC 296-62-09510(3) and WAC 296-307-09710 (3).
6. Employees inside transportation road vehicles, such as delivery vans, trucks or other vehicles, are not considered to be “working outdoors” while driving

or occupying the vehicles if the vehicles are able to maintain airflow throughout the vehicle by use of fans, vents, or open windows.

7. Work performed within outdoor containment areas such as lead removal projects on bridges, or where an employee must enter a manhole, tunnel, or outdoor vault are considered “outdoor” work activities for purposes of the Outdoor Heat Exposure rule.
8. Application of Table 1 with respect to clothing or PPE types must be based on the temperature category that best fits the garment in use. For example, light weight mesh high visibility safety vests and similar clothing are not substantive enough to use the “double layer” temperature category; instead, use category 1 for regular clothing at 89 degrees. Commonly used extra attire such as rain gear or sweatshirts are considered “double layer”; however, do not apply the non-breathable clothing category; instead use category 2 at 77 degrees. When considering whether or not clothing is “double layer”, do not count underwear as a layer.
9. If an employer **assumes** employee exposure and **fully** implements all elements of the outdoor heat exposure rule, he/she shall not be expected to make temperature measurements or identify temperatures at their respective worksites.
10. On days expected to have temperatures at or above the action levels in Table 1 of WAC 296-62-09510(2) or WAC 296-307-09710(2), employers must determine if the requirements of the Outdoor Heat Exposure rule apply. If the need to comply is not presumed as in the bullet point above, employers are expected to determine (i.e. measure) the temperature at the actual worksite at least every two hours.

**Note:** As indicated in the rule, temperature tracking or record keeping is not required.

11. CSHO’s and consultants must include documentation that the worksite temperature was at or above the temperature(s) listed in Table 1 of WAC 296-62-09510(2) or WAC 296-307-09710(2) by use of temperature instruments (check with the DOSH Laboratory if you need assistance) or by obtaining documented evidence that such temperature(s) was met or surpassed at the worksite and that at least one employee was or had been exposed to those temperatures when documenting a serious violation.
12. Consultation staff must categorize identified hazards as general or serious using the same citation and violation policy as defined for compliance inspections.

#### **B. Employer and Employee Responsibility - WAC 296-62-09530 and WAC 296-307-09730**

1. All employers affected by this rule must identify and address outdoor heat exposure as a hazard in their written accident prevention program (APP) when employees are exposed at or above temperatures listed in Table 1 of

WAC 296-62-09510(2) or WAC 296-307-09710(2). Although a separate written program is not required, an employer may choose to have one. As part of their safety program, employers are required to encourage employees to frequently consume water or other appropriate beverages; CSHOs and consultants must interview employees to determine if the employer has fulfilled this obligation.

2. Employers will be cited under WAC 296-62-09530(1)(a) or WAC 296-307-09730 (a) between May 1<sup>st</sup> and September 30<sup>th</sup> of each year when the temperature action levels are met. The normal provisions of an APP are in effect all twelve months of the year. If WAC 296-62-09530 and WAC 296-307-09730 cannot be cited and an employer's employees are reasonably expected to be exposed to the action temperatures of Table 1, the employer must address employee protection in their regular APP. CSHOs will cite the applicable APP regulation if employees are reasonably likely to be exposed at or above the temperatures listed in Table 1 of WAC 296-62-09510(2) and WAC 296-307-09710 (2) at any time during the year.
3. Employees have an obligation to monitor their own personal factors and need to consume sufficient liquids to stay hydrated; employees must be interviewed to determine if they understand their responsibilities. This can be done when employee training is evaluated through interviews.

### **C. Drinking Water - WAC 296-62-09540 and WAC 296-307-09740**

1. Drinking water as defined in WAC 296-62-09520(3) and WAC 296-307-09720 (3) is critical to preventing HRI and keeping employees hydrated; all violations of this section shall be cited as serious with appropriate penalties calculated. The compliance emphasis is to ensure the employer provides sufficient water or other appropriate beverages when temperatures reach or exceed those in Table 1, so that each employee has:
  - Ready access to drinking water at all times
  - The opportunity to drink at least one quart of drinking water per hour **and**
  - Drinking water or other appropriate beverages must be suitable to drink (WAC 296-62-09520 and WAC 296-307-09720). [Note: "suitable" includes ensuring that water is cool enough to be readily drinkable. Water or other beverages left sitting in the sun will easily become too hot to drink.] In agriculture, WAC 296-307-09512(7) specifically addresses the need to provide suitably cool potable drinking water.
  - The quantity of drinking water required for an entire shift is not required to all be provided at the beginning of the shift. However, the employer must have sufficient procedures in place to replenish the water supply throughout the day, as needed.

2. Employees may voluntarily bring their own drinking water or other appropriate beverages to work, however, the employer is still responsible for ensuring that a sufficient quantity of drinking water is available at the worksite so that each employee has the opportunity to drink at least one quart per hour. Compliance with this section will be documented through employee interview(s), review of the employer's program and practice, as well as observation of drinking water supplied. Drinking water may be supplied from on-site potable water sources such as a hose bib on the outside of a residence, or other water outlet if the water is potable, single use, or personal containers are used, or a sanitary water container. Multi-use cups and or use of hoses to deliver water are unsanitary and not acceptable. Water sources used for drinking water at worksites should have backflow preventers.
3. Ready access to drinking water generally means that employees can drink when thirsty and without undue delay (within a few minutes). However, in certain circumstances (e.g. performing work in restricted areas) an employee may not be able to stop working on particular tasks in order to drink. In these circumstances, the employer must have provisions in place to ensure that employees are adequately hydrated. This may include providing the opportunity for employees to drink water prior to beginning the assignment and/or limiting work time.

**D. Responding to Signs and Symptoms of HRI – WAC 296-62-09550 and WAC 296-307-09750**

All violations of this section shall be cited as serious and have a penalty.

- Both employers and employees must be interviewed to determine awareness of response procedures and how to secure medical assistance in an emergency.
- Employees with HRI signs or demonstrating symptoms must be removed from duty and immediate action taken to reduce body temperature.
- Employees affected by HRI (see above bullet) must be monitored by the employer to determine if medical attention is necessary.

**E. Information and Training - WAC 296-62-09560 and WAC 296-307-09760**

All required training for employees and supervisors must be provided prior to exposure to temperatures at or above those listed in Table 1 of WAC 296-62-09510(2) and WAC 296-307-09710 (2). Employee interviews, review of training records if available, review of training materials and information used by an employer, and interviews of employers are to be used to determine compliance with this section. Employee and supervisor training must be provided in a language the employee or supervisor understands. Lack of training when employees are exposed at or above the temperature requirements of Table 1 of the rule may be cited serious with appropriate penalty, if the applicable

definitions and criteria for documentation found in Chapter 5 of the DOSH Compliance Manual are met.

**F. File Review and Tracking**

It is important that the outdoor heat exposure standard be applied and enforced in a consistent, fair and equitable manner. The following guidance shall be used by compliance and consultation staff, as appropriate, to ensure effective and meaningful application of the rule:

- Compliance staff must select in WIN, the Special Tracking Information box, “HRI Inspection Outdoor” when evaluating a worksite under the outdoor heat exposure rule between May 1<sup>st</sup> and September 30<sup>th</sup>, even if no violations are cited.
- Consultation staff must select in WIN, the Emphasis Information box, “HRI Evaluation Outdoor” when providing an onsite consultation pertaining to or including the outdoor heat exposure rule between May 1<sup>st</sup> and September 30<sup>th</sup> even if no hazards are identified.
- Regional Compliance and Consultation Managers must ensure that all outdoor heat exposure citation and hazard reports conform to DOSH policies prior to being submitted to WIN.
- If technical assistance is needed, the technical industrial hygienist in the Central Office for outdoor heat exposure must be contacted.

**G. Questions or Problems – Who to Call**

If questions, problems or concerns arise, compliance officers and consultants should contact their respective supervisors first and then their regional managers, as appropriate.

For further technical information or assistance with the rule or with this directive, please contact Shawn Apperson, at (360) 902-5478 or appt235@lni.wa.gov. Policy and helpful outreach information is located on the DOSH website (<http://www.lni.wa.gov/Safety-health/>).

  
\_\_\_\_\_  
Stephen M. Cant, CIH, Assistant Director

Approved:

Department of Labor and Industries  
Division of Occupational Safety and Health