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Subject: L&I's Proposed Permanent Heat Exposure Rule Feedback
Date: Friday, August 12, 2022 1:47:10 PM

External Email

Carmyn,

Thank you for allowing us the opportunity to provide feedback on the proposed permanent heat exposure rule. Please review our written feedback below:

1. What is important to take into consideration when establishing work/rest cycles for high heat procedures?

There are many factors to consider, and applying a one-size-fits-all standard to all industries that perform "outdoor" work is challenging. Many factors, including but not limited to the type of work being performed, work conditions, personal risk factors, employer-implemented controls, etc., should be considered when establishing work/rest cycles.

2. What methods have you used to reduce exposure to heat stress that you have found successful, and when (e.g. scheduling work at cooler times of day, lower work intensity, use of swamp coolers)?

We have used a variety of items to assist in monitoring, communicating and mitigating the risk of heat stress. These include use of the Heat Index App, cooling towels, wicking high visibility shirts, neck shade/sun visors on hard hats, cooling ice vests, electrolyte replenishments, pop-up tents to provide shade, and canopies on equipment to provide shade for operators.

3. What concerns do you have regarding worker protection from heat?

Some of our concerns would be how prescriptive the Outdoor Ambient Heat Exposure standard will be, therefore limiting the amount of work that can be completed during certain times of the year. As a paving contractor, the paving season has a finite window and, therefore, construction projects have tight schedules for completion. Would WSDOT and other city or county municipalities be inclined to add days to contracts (due to high heat temperatures) and our inability to perform work?

Our company has been successful in protecting our workers from heat stress by implementing controls (best practices) that mitigate the risk during high heat temperatures, providing adequate work/rest cycles (on demand), and providing sufficient water and shade for everyone. We train and educate workers on the symptoms of heat stress and encourage them to look out for their colleagues to help identify and give assistance quickly to someone who may be experiencing a heat-related illness. Further, we educate our workforce on how to prevent heat related illnesses before the high heat temperature days begin (i.e., encourage being hydrated the day before, eating healthy, getting adequate sleep, the importance of physical fitness, limiting/avoiding caffeine and alcohol, and knowing their personal medical conditions).

Given the high variety of work conditions and mitigating opportunities, allowing employers to deviate from the stipulated requirements if they have a plan of record for mitigation of high heat

situations available for inspection by the Washington Department of Labor and Industries and proven compliance to same. We welcome the opportunity to show WA-L&I an alternative plan of action that protects employee health while allowing for variance to fit specific work, employee and daily conditions.

If you have any further questions, please do not hesitate to contact me.

Thank you,

Ashley Jacobs

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