Intro to the Zoom Platform

- **Online**
  - Controls at the bottom
  - Interpreter Channel or Globe Icon (EN or ES)
  - Q&A feature/tool: technical questions regarding presentation
  - Raise Hand Option: for live questions at the end of the presentation

- **Phone**
  - To raise/lower hand use *9
  - To mute/unmute use *6

**NOTE:** Speakers will be speaking slowly because of concurrent interpretation. Please be patient.
Agenda for Today’s Meeting
May 4, 2022

- Introduction to the Zoom platform
- Stakeholder communication plan
- Rulemaking timeline
- Review of the 2022 draft emergency rule
- Questions & Answers session
Stakeholder Meeting Communication Plan
How you can expect to hear from us

▪ Would you like to receive emails regarding outdoor heat rulemaking?
  – Sign up for GovDelivery emails:

▪ Would you like to view copies of the stakeholder meeting presentations?
  – Visit our L&I DOSH ambient heat rulemaking website:
Stakeholder Meeting Communication Plan

How you can expect to hear from us

 Unable to attend the stakeholder meetings?
  – You can view the presentations at our website.
  – We will post a summary of the Q&A on our website after the stakeholder meeting.

 Would you like to provide comments outside of the stakeholder meetings?
  – Please email our rulemaking staff:
    ▪ Technical contacts:
      Bradley Farrar, Bradley.Farrar@Lni.wa.gov
      Laura Rascón Padilla, Laura.RasconPadilla@Lni.wa.gov
    ▪ Project contact:
      Carmyn Shute, Carmyn.Shute@Lni.wa.gov
L&I Rulemaking – Outdoor Heat

- Ongoing development of a permanent rule for outdoor heat
  - Continued research.
  - Considering appropriate options to protect workers that are evidence-based, feasible, and the least burdensome on employers.

- As development of proposed rule is still in progress, given the hazard of ambient heat,

  **L&I intends to adopt an emergency rule in summer 2022**

- Draft emergency rule
  - Covers topics that are under consideration for the permanent rule.
  - Additional topics under consideration for the permanent rule will be discussed at future stakeholder meetings.
More Information - Rulemaking Timeline

What you can expect & when

- **June 1, 2022,**
  - L&I expects to adopt an outdoor heat emergency rule which will last through **September 29, 2022.**
  - If you have feedback on draft emergency rule, please provide by **May 15th, 2022.** You may provide feedback in the language of your preference.

- **Continued stakeholder meetings over the coming months:**
  - Feedback on 2022 emergency rule.
  - Stakeholder input and experience feedback will help the rulemaking team to develop the most effective permanent rule.
  - Permanent rule considerations.
Ambient Heat Exposure Permanent Rulemaking

- Chapter 296-62 WAC General Occupational Health Standards
- Chapter 296-307 WAC, Part G-1 Agriculture Safety Standards

We are reviewing:
- Trigger temperatures
- Other measures of environmental conditions
- Time frame for when the rule is in effect
- Preventative measures – water, shade or other cooling means, rest/time breaks
- Emergency response measures
- Training and planning
- Outdoor and indoor heat exposure
- Acclimatization
Today’s discussion Topics

1. Short Background on outdoor heat hazards.
2. The 2022 Emergency rule draft topics:
   • Trigger temperature
   • Drinking water
   • Cool-down rest periods
   • Shade
   • Acclimatization
   • Employee observation and communication

Additional topics will be discussed during other permanent rule stakeholder meetings (not discussed today).
A little background on the hazard of ambient heat

Extensive hazard information presented at our last stakeholder meeting

Environmental exposure

Heat Stress ➔ Heat Strain ➔ Heat-Related Illness (HRI)

Metabolic heat exposure (e.g., from physical work) & clothing

Environment + work activity + clothing ➔ heat strain ➔ HRI
A little background on the hazard of ambient heat

What is heat-related illness (HRI)?
Prolonged and/or intense exposure to hot environments and physical work, even in cooler conditions, can lead to HRIs, including:

✧ Heat stroke
✧ Heat exhaustion
✧ Heat syncope (fainting)
✧ Heat cramps
✧ Rhabdomyolysis (breakdown of damaged muscles which can cause kidney damage)

even in young healthy people.
### Rule Trigger Temperatures

#### Current Rule

<table>
<thead>
<tr>
<th>Temperature</th>
<th>Clothing Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>52°F</td>
<td>Non-breathable clothing</td>
</tr>
<tr>
<td>77°F</td>
<td>Double-layer woven clothing</td>
</tr>
<tr>
<td>89°F</td>
<td>All other clothing</td>
</tr>
</tbody>
</table>

The table’s temperatures reflect ambient air temperature.

#### Draft 2022 Emergency Rule

No change.
Drinking Water

Current Rule

- Drinking water defined.
- Sufficient quantity readily accessible at all times.
- One quart per hour.
- Employers not required to provide all water at beginning of shift.
- Training.

2022 Draft Emergency Rule

- Suitably cool clarification
Preventative Cool-Down Rest Periods

Current Rule

As part of response when employees demonstrate signs and symptoms of heat-related illness.

2022 Draft Emergency Rule

- Preventative cool-down rest periods:
  - When employees feel the need to do so to prevent overheating.
  - With means to reduce body temperature.
  - Encouraged and allowed by employer.
  - Paid unless on a meal break.
Shade

Current Rule

As a means to reduce body temperature when demonstrating signs or symptoms of heat-related illness.

- Shade not explicitly stated
Shade – 2022 Draft Emergency Rule

• Definition Clarified:
  • Open to air or with ventilation or cooling,
  • Not adjoining a heat source,
  • Does not expose employees to unsafe or unhealthy conditions,
  • Location does not discourage use.

• Explicit requirements for provision of shade:
  • Large enough to accommodate all employees on meal or rest period,
  • Located as close as practicable to areas where employees are working,
  • Instead of shade, other effective means to reduce body temperature.
Acclimatization: The body's temporary adaptation to work in heat that occurs as a person is exposed to it over time.

- **Can take 4-14 days to develop**, with a substantial amount of adaptation occurring in the first 4-5 days.

- **Can be lost** after a week away from working in the heat.

- **Particularly important for new workers, workers returning from a prolonged absence, and sudden hotter exposures.**

https://www.cdc.gov/niosh/topics/heatstress/acclima.html
Current WA Rule

1. Definition: Body’s temporary adaptation to working in the heat when a person is exposed to it.

2. Training that addresses:
   - The importance of acclimatization.
   - Employee awareness of degree of acclimatization.
Clarified definition
- 7-14 days, the majority of adaptation occurring in the first 4-5 days.
- Can be lost after a week away from working in the heat.

Additional acclimatization requirement:
Close observation of employees newly assigned to work at the 3 trigger temperatures for the first 14 days of work by implementing one or more of the following:
- Regular communication by phone or radio, or
- Mandatory Buddy system, or
- Other effective means of observation.
**Additional Requirements at and above 89°F**

- Mandatory cool-down rest periods: **10 min/2 hrs**
  - Paid unless on a meal break

- Effective communication between employees and supervisors:
  - By voice, observation, or electronic means

- Close observation for signs and symptoms of HRI, options*:
  - Regular communication with employees such as by radio or cellular phone, or
  - Mandatory buddy system, or
  - Other effective means

* Following these requirements meets the acclimatization requirement for close observation @ the 89°F trigger temperature
Updated to ensure employee training is:

- Effective.
- Includes updated requirements under the 2022 Emergency Rule.
<table>
<thead>
<tr>
<th>Rule Trigger Temperatures</th>
<th>Current Rule (May 1 - Sept 30)</th>
<th>2022 Draft Emergency Rule (June 1 – Sept 29 2022*)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>89°F, 77°F, 52°F Depending on clothing</td>
<td>No change</td>
</tr>
<tr>
<td>Drinking water</td>
<td>- Defined</td>
<td>Clarify definition: suitably cool</td>
</tr>
<tr>
<td></td>
<td>- Water provisions required</td>
<td></td>
</tr>
<tr>
<td>Shade</td>
<td>Implied as a means to reduce body temperature</td>
<td>Clarifications for explicit:</td>
</tr>
<tr>
<td></td>
<td>- Definition of shade</td>
<td>- Definition clarified</td>
</tr>
<tr>
<td></td>
<td>- Shade provisions</td>
<td>- Added requirement: close observation of newly assigned employees @ temp. triggers for 14 days</td>
</tr>
<tr>
<td>Acclimatization</td>
<td>- Defined</td>
<td>- Definition clarified</td>
</tr>
<tr>
<td></td>
<td>- Training on importance</td>
<td>- Added requirement: close observation of newly assigned employees @ temp. triggers for 14 days</td>
</tr>
<tr>
<td>Cool-down rest periods</td>
<td>When employees demonstrate signs &amp; symptoms of HRI</td>
<td>- Preventative cool-down @ 3 trigger temperature as needed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Mandatory cool-down requirements when temperatures are ≥ 89°F</td>
</tr>
<tr>
<td>Additional Requirements when temperatures are ≥ 89°F</td>
<td>N/A</td>
<td>- Mandatory cool-down at least 10 min/ 2 hrs of work</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Effective communication</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Observation of employees:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regular communication and/or mandatory buddy system and/or other</td>
</tr>
</tbody>
</table>
Timeline reminder
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Q&A Expectations

- We are discussing the emergency rule today.
- There may be questions about future topics for permanent rulemaking; we will address those at a later date.
- Everyone is encouraged to participate. Please participate with intention.
- This is a public work session, not a forum for debate; appreciate the diversity of perspectives.
- Maintain a respectful space. Listen to and respect other points of view.
- One person speaks at a time. Please do not interrupt other participants who are speaking.
- Since this is a public work session, anything shared has the potential to become part of a public record.
Thank you! Questions?

Laura Rascón Padilla, MS, CIH (she/her)
Laura.RasconPadilla@Lni.wa.gov

Bradley Farrar (he/him)
Bradley.Farrar@Lni.wa.gov

Be Heat Smart! Your Outdoor Heat Safety Program
Lni.wa.gov/heatsmart

Need help with your Outdoor Heat Exposure Program,
Contact an L&I Safety and Health Consultant
DOSHConsultation@Lni.wa.gov