

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.

Outdoor Heat Exposure Virtual Stakeholder Meeting

May 4, 2022

Bradley Farrar, Technical Specialist

Laura Rascón Padilla, Technical Specialist

Carmyn Shute, Administrative Regulations Analyst/Project Manager



Washington State Department of
Labor & Industries

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:

- https://public.govdelivery.com/accounts/WADLI/subscriber/new?topic_id=WADLI_19

- Would you like to view copies of the stakeholder meeting presentations?

- Visit our L&I DOSH ambient heat rulemaking website:

- <https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ambient-heat-exposure-rulemaking>

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

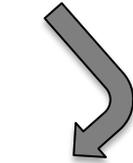
Additional topics will be discussed during other permanent rule stakeholder meetings (not discussed today).

A little background on the hazard of ambient heat

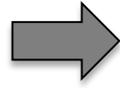
Extensive hazard information presented at our last stakeholder meeting



Environmental exposure



Heat Stress



Heat Strain



Heat-Related Illness (HRI)

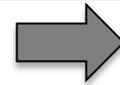


Metabolic heat exposure (e.g., from physical work) & clothing

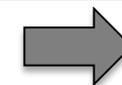


Image c/o Stacey Holland

Environment + work activity + clothing



heat strain



HRI

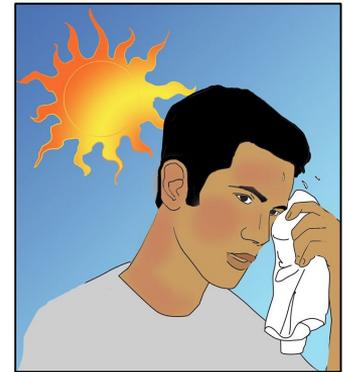
A little background on the hazard of ambient heat

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.

Image c/o Stacey Holland



Rule Trigger Temperatures

Current Rule

52°F	Non-breathable clothing
77°F	Double-layer woven clothing
89°F	All other clothing

The table's temperatures reflect ambient air temperature

Draft 2022 Emergency Rule

No change



Photo by Tom Magliery in Creative Commons

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



Photo from L&I

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**



Illustration from Cal/OSHA

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

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.**



Illustration from OSHA

<https://www.cdc.gov/niosh/topics/heatstress/acclima.html>

Acclimatization

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.

Acclimatization – 2022 Draft Emergency Rule

- 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



Illustration from Cal/OSHA

* Following these requirements meets the acclimatization requirement for close observation @ the 89°F trigger temperature

Training – 2022 Draft Emergency Rule

Updated to ensure employee training is:

- Effective.
- Includes updated requirements under the 2022 Emergency Rule.



Illustration from Cal/OSHA

Summary table

	Current Rule (May 1 - Sept 30)	2022 Draft Emergency Rule (June 1 – Sept 29 2022*)
Rule Trigger Temperatures	89°F, 77°F, 52°F Depending on clothing	No change
Drinking water	<ul style="list-style-type: none"> - Defined - Water provisions required 	Clarify definition: suitably cool
Shade	Implied as a means to reduce body temperature	Clarifications for explicit: <ul style="list-style-type: none"> - Definition of shade - Shade provisions
Acclimatization	<ul style="list-style-type: none"> - Defined - Training on importance 	<ul style="list-style-type: none"> - Definition clarified - Added requirement: close observation of newly assigned employees @ temp. triggers for 14 days
Cool-down rest periods	When employees demonstrate signs & symptoms of HRI	<ul style="list-style-type: none"> - Preventative cool-down @ 3 trigger temperature as needed - Mandatory cool-down requirements when temperatures are $\geq 89^{\circ}\text{F}$
Additional Requirements when temperatures are $\geq 89^{\circ}\text{F}$	N/A	<ul style="list-style-type: none"> - Mandatory cool-down at least 10 min/ 2 hrs of work - Effective communication - Observation of employees: Regular communication and/or mandatory buddy system and/or other

Timeline reminder

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 - Permanent rule draft; feedback on 2022 emergency rule.
 - Stakeholder input and experience feedback will help rulemaking team to develop the most effective permanent rule.

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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*)

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Bradley Farrar (he/him)

Bradley.Farrar@Lni.wa.gov

Be Heat Smart! Your Outdoor Heat Safety Program

[Lni.wa.gov/heatsmart](https://lni.wa.gov/heatsmart)

Need help with your Outdoor Heat Exposure Program,
Contact an L&I Safety and Health Consultant

DOSHConsultation@Lni.wa.gov