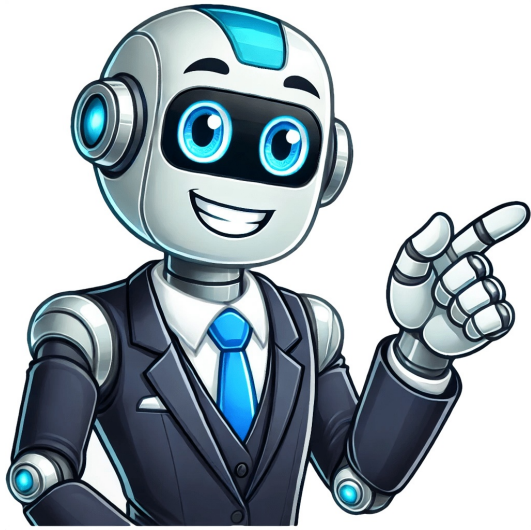


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the heat of summer in full swing. California employers covered by California Code of Regulations, Title 8, Section 3395 with employees who work outdoors may want to review their practices to ensure they are complying with Cal/OSHA's heat illness prevention requirements. Free, Cool Water Covered employers in the state of California must provide water to employees working outdoors. This water must be provided to employees "free of charge" and also must be "fresh, pure, [and] suitably cool." The employer must provide each employee with at least "one quart [of water] per employee per hour of work." Access to Shade Covered employers are also required to provide actual shade for employees. Shade is required when the temperature in the work area exceeds 80 degrees. Enough shade must be provided so that employees on rest or meal periods can sit normally without touching each other. The law also requires that employers provide "timely access to shade upon an employee's request" even if the temperature does not exceed 80 degrees. Under the law, "[s]hade" means blockage of direct sunlight ... Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool ... Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. High Heat Procedures Covered California employers must implement "high-heat procedures" when the temperature equals or exceeds 95 degrees. Some of those procedures include: ensuring effective communication perhaps using electronic means; observing employees by assigning someone to monitor them for symptoms of heat illness or impairment; using a buddy system; reminding employees to drink plenty of water, pure, and suitably cool water; have provided for them; and conducting pre-shift meetings to discuss high-heat procedures. Emergency Response Procedures Covered employers must have an emergency plan in place in case of heat illness. The plan must include reliable means of communication, such as a radio, walkie-talkie, or cell phone. The plan must also include procedures for providing first aid and emergency medical services. When the employer is unable to provide emergency medical services, the employer must provide a written request for emergency medical services. If an employee has signs of severe heat illness, the employer must implement the emergency response procedure. Acclimatization Employers in California are required by law to let employees "acclimatize," or get used to working in the heat, while being closely monitored. California law requires that an employee who has been newly assigned to a high-heat area be closely observed by a supervisor or designee for the first 14 days of the employee's employment. Even if the employee is not new, the law requires that all employees shall be closely observed by a supervisor or designee during a heat wave. A "heat wave" means "any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least ten degrees Fahrenheit higher than the average high daily temperature in the preceding five days." Heat Illness Prevention Plan Covered employers must develop and implement written, effective heat illness prevention plans. A plan should include procedures for providing sufficient water, procedures for providing access to shade, high-heat procedures, emergency response procedures, and acclimatization methods and procedures. T8CCR 3395(b) Definitions state: "Shade" means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. T8CCR 3395(d) (1) states the following: The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain: (1) Procedures for the provision of water and access to shade. Guidance, Best Practices and Warnings To prevent heat illness, there must be a balance between heat load on the body (heat produced internally by the body and gained from external sources) and heat released from the body to allow the body to cool. When to Provide Shade? Cal/OSHA requires that when temperature in the workplace exceeds 80 degrees, shade structures must be erected if no other shade is readily available. Even if temperatures do not exceed 80 degrees, shade must still be available, and it is helpful to have the shade erected if the weather is hot enough that the shade can help employees cool off. Employers should monitor predicted weather temperatures in advance (for example, by television or radio or on the Internet) to know when the temperature will probably exceed 80 degrees. Employers are expected to know if the temperature is in fact exceeding 80 degrees at the worksite. Amount of Shade "Recovery and rest period" refers to the normal breaks. Employers are required to provide enough shade to accommodate all of the employees who are on such a break at any point in time. This does not mean that employers are required to provide enough shade to accommodate all of the employees on the shift at the same time. Employers may, for example, rotate the breaks among employees. They may also erect additional structures on an as-needed basis. During meal periods, the employer must provide enough shade for all of the employees who choose to remain in the general area of work or in areas where they are not permitted to go. T8CCR 3395(d) (2) states the following: The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain: (2) Shade shall be available when the temperature does not exceed 80 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 80 degrees Fahrenheit employees shall either provide shade as per subsection (d)(1) or provide timely access to shade upon an employee's request. (3) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the shade; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade. (4) If an employee exhibits signs or reports symptoms of heat illness while taking a preventative cool-down rest or during a preventative cool-down rest period, the employer shall provide appropriate first aid or emergency response according to subsection (f) of this section. Exceptions to subsections (d)(1) and (d)(2): (1) Where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may utilize alternative procedures for providing access to shade in allowing employees to cool. T8CCR 3395(d) (3) states the following: The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain: (3) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the shade; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade. 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