



*Advancing public policy to  
improve the health and safety  
of workers and the community.*

July 2, 2010

Ms. Marley Hart, Executive Officer  
Occupational Safety & Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833

RE: Proposed Changes to 8CCR§3395  
Heat Illness Prevention in Outdoor Places of Employment

Dear Ms. Hart:

The California Industrial Hygiene Council (CIHC) respectfully submits the following comments regarding the proposed changes to Section 3395, the regulations regarding Heat Illness Prevention in Outdoor Places of Employment.

Founded in 1990, the CIHC represents the Industrial Hygiene profession in California and is affiliated with the American Industrial Hygiene Association (AIHA), a 12,000 member national organization. Our Board consists of Certified Industrial Hygiene (CIH) representatives from all California local sections of the AIHA, these including Northern CA, Orange County, Sacramento, San Diego, and Southern CA. Our mission is to bring good science to the legislative and/or regulatory agenda which impacts the health of California workers and the public.

CIHC has consistently agreed with the need for a heat illness standard since the standard was first considered. In general, we believe a heat illness standard has significant merit for the agriculture industry, but question its need, as proposed,

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in other industries. It remains our belief that other industries should be afforded greater flexibility to design heat illness prevention programs that are closely aligned and supported by their Injury and Illness Prevention Programs (IIPP).

Below are additional comments made concerning the latest proposal:

1. We question the ability of the transportation industry, as defined in the standard, to implement most of the requirements. Consider the following scenarios-- how does Cal/OSHA expect a driver to comply with "access to shade" and does this apply whether the vehicle is air conditioned or not? Is the driver required to transport a canopy with him/her or drive around looking for a grove of trees to comply? How can a driver comply with the extreme weather procedures when they may not be able to remain in communication with their employer? Simply put, it seems untenable for the transportation industry to comply with the requirements as presently drafted. Furthermore, it is unclear as to what the scientific basis is for this standard as it applies to the transportation industry.
2. We recommend correcting the additional sentence under the definition of "Shade" as follows, "Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions." Delete the following phrase, "that does not expose...."
3. The provision for water has removed the requirement for "suitably cool". While we acknowledge that the phrase "suitably cool" is open for interpretation, we also believe that the verbiage (or some variation on it) needs to remain.
4. "Access to Shade" presently remains tied to a temperature trigger which has little if any basis in science, particularly in light of an individual's acclimatization. Acclimatization varies from one individual to another and is not directly tied to only to temperature. Furthermore, since the microclimates (and temperatures) in California vary significantly, we recommend that a specific temperature be replaced with a temperature gradient for a geographical area. For example, we suggest removing "85 degrees" and replacing the requirement with "10 degrees above the reported average temperature for the area" as a trigger. This is far more meaningful in California.

