



*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:

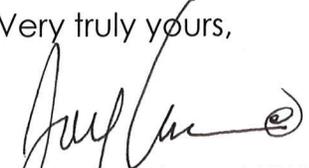
1. We question the ability of the transportation industry, as defined in the standard, to implement most of the requirements. Consider the following scenarios-- how does Cal/OSHA expect a driver to comply with "access to shade" and does this apply whether the vehicle is air conditioned or not? Is the 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.

5. It is not clear why the amount of shade should be sufficient to accommodate 25% of the work population. The percentage is arbitrary and may not be reasonable for the population sizes in all affected industries. We therefore suggest "not less than 10%".
6. The phrase "to protect themselves from overheating" when describing the need for a cool-down rest periods is not clear. We suggest replacing the phrase with "when employees are exhibiting signs and symptoms of heat exhaustion".
7. "High Heat Procedures" lists a trigger temperature of 95 degrees. Our comment regarding a specific temperature (see #4 above) remains unchanged. We propose using the same format, i.e., "20 degrees above the....."
8. A requirement for "effective communication" has been added for High Heat conditions. While we agree with the addition for effective communication, we question its applicability and implementation within the transportation industry.
9. We agree with the changes made to the training subsection.

The CIHC remains supportive of the Division's activities to control workplace heat illness. Our recommendation for affected industries other than agriculture to design their own heat illness prevention program will provide for more comprehensive control of heat illness.

We are ready to work with you and the Division. Please rest assured that our goals are the same—the protection of the public and workers. Should you have any questions concerning the above information, please contact Joel Cohen, CIH at 650.349.9737.

Very truly yours,

  
Joel M. Cohen, MPH, CIH  
CIHC Board Member  
Project Manager

  
Howard B. Spielman, PE, CIH, CSP, CEHS  
CIHC Vice-President

cc: CIHC Board