

Washington’s Department of Labor and Industries Proposes Changes to Permanent Heat Illness Prevention Rules for Outdoor Workers

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In 2022, Washington State’s Department of Labor and Industries (L&I) drafted [permanent workplace safety rules](#) aimed at protecting workers from outdoor heat exposure. On March 21, 2023, L&I filed [proposed updates](#) to the rule that would broaden the protections for outdoor workers in Washington. This continued evolution of heat illness regulations in Washington is an important development for employers with outdoor workers.

Important proposed changes are summarized below.

WAC 296-62-09510 and 296-307-09710: Outdoor heat exposure	Expand temporal scope of rule from seasonal (May–September) to year-round applicability.
WAC 296-62-09520 and 296-307-09720: Definitions	<p>Broaden, add, remove, or clarify definitions of key terms in the existing rule, including:</p> <ul style="list-style-type: none">“Acclimatization”“Buddy system”“Double-layer woven clothing”“Drinking water”“Engineering controls”“Environmental factors for heat-related illness”“Outdoor environment”“Risk factors for heat-related illness”“Shade”“Vapor barrier clothing”

WAC 296-62-09530 and 296-307-09730: Employer and employee responsibility	Update requirements for the Outdoor Heat Exposure Safety Plan and guidance regarding “preventative cool-down rest periods” and personal protective equipment (PPE).
WAC 296-62-09535 and 296-307-09735: Access to shade	Require employers to provide one or more shaded areas “large enough to accommodate all employees during a meal or rest period.”
WAC 296-62-09545 and 296-307-09745: Acclimatization	Require up to a 14-day observation period for newly assigned employees.
WAC 296-62-09547 and 296-307-09747: High heat procedures	Require rest periods when temperatures exceed high heat temperatures and “to closely observe employees for signs and symptoms of heat-related illness” when the temperature is 90 degrees Fahrenheit or higher.
WAC 296-62-09550 and 296-307-09750: Responding to signs and symptoms of heat-related illness	Ensure effective communication between supervisors and employees.
WAC 296-62-09560 and 296-307-09760: Information and training	Require “effective” training to employees prior to outdoor work “when occupational exposure to heat might occur” with expanded training requirements regarding personal factors, environmental factors, and work conditions that may contribute to heat-related illness.

L&I will hold five in-person public hearings before the “intended adoption” in June 2023. Public comment will be accepted through May 11, 2023.

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