

Cal/OSHA Standards Board Receives More Public Comments on Proposed Indoor Heat Illness Prevention Standard

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On August 17, 2023, the California Division of Occupational Safety and Health (Cal/OSHA) Standards Board held its monthly meeting and received public comments on the [proposed indoor heat illness prevention standard](#). Multiple stakeholders expressed concerns about the proposed regulation's overbroad scope, lack of scientific data to support the control measures, and foreseeable undue burden on employers. The Standards Board will stop receiving public comments on August 22, 2023.

Quick Hits

- The Cal/OSHA Standards Board held its monthly meeting on August 17, 2023.
- During its open session, the Standards Board primarily received comments expressing concern about the proposed rulemaking to add Section 3396, Heat Illness Prevention in Indoor Places of Employment, to Title 8 of the California Code of Regulations.
- The Standards Board opened the fifteen-day notice comment period on August 4, 2023, and will continue receiving comments through August 22, 2023.

Background and Proposed Changes

Currently, California has an Outdoor Heat Illness Regulation for all outdoor places of employment. That regulation has been in effect for more than a decade, and Cal/OSHA regularly and aggressively enforces it throughout California. The May 19, 2023, [public comments part of the Standard Board's agenda](#) included many employer-side representatives, including the California Chamber of Commerce, whose representatives spoke about the need for clarity and consistency with the current outdoor heat regulation. Employer representatives requested an exception for brief exposures such as those less than fifteen minutes and requested clarity regarding the application to vehicles. On August 4, 2023, the Standards Board opened the [fifteen-day notice comment period](#) for the public to provide comments on Cal/OSHA's [proposed modifications](#).

Public Comments

At the Standards Board's August 17, 2023, monthly meeting, many employer-side representatives raised concerns about the proposed regulatory measures. The speakers pointed out the flaw in relying on temperature as the only metric without factoring in duration, weather conditions, and other factors relevant to how individuals respond to and manage indoor heat stress. The comments also questioned the wisdom of using the heat index that is meant only for outdoor heat measurements. The speakers alerted the Standards Board to the expansive definition of what indoor work areas are, including intermodal containers typically used for storage purposes at construction job sites. Finally, the comments urged the Standards Board to reconsider and revise the exception under Subsection (a)(1)(c) because the three factors under the exception are practically unworkable and difficult to understand. The overall concern highlighted that the proposed indoor heat illness standard seeks to solve complex, individualized problems with generalized and overbroad solutions.

The Standards Board will continue to accept public comments on the proposed regulation through Tuesday, August 22, 2023.

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