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Cal/OSHA Investigations Heating Up As Summer Temperatures Continue to Rise

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As temperatures continue to rise these upcoming weeks, employers take heed of pertinent health and safety laws to ensure workplace compliance. In anticipation of further shifts in the regulatory landscape favoring additional worker protections, we take this opportunity to review existing and imminent regulations during times of extreme heat.

While existing Cal/OSHA requirements vary among industries and workplace environments, they consistently maintain that California employers must take steps to protect workers from heat illness by providing water, rest, cool-down areas, and training. The law requires that employers provide outdoor workers fresh water, access to shade, and 10 minute cool-down rest breaks at least every two hours or upon request, in addition to regular breaks.

Certain industries require augmented high-heat precautions. Among these industries are agriculture, construction, landscaping, oil and gas extraction, and transportation of agricultural products, construction materials, or other heavy materials. Employers in these industries should stay vigilant for signs of heat illness and maintain clear channels for workers to contact a supervisor in case of emergency.

On June 20, 2024, the Occupational Safety and Health Standards Board approved long-anticipated heat protection measures codified in the California Code of Regulations, Title 8, section 3396, "Heat Illness Prevention in Indoor Places of Employment". Whereas existing regulations focus largely on outdoor industries, this law imposes greater regulations on indoor workplaces when the indoor temperature is greater than 82 degrees. Though indoor work spaces still face lesser scrutiny in that they do not require formalized "high-heat procedures," the new regulation would require similar availability of water, cool-down and rest breaks, and heat-related illness monitoring.

To that end, employers will be expected to establish an Indoor Heat Illness Prevention Plan that outlines compliance procedures "for providing drinking water, cool-down areas, preventative rest periods, close observation during acclimatization, assessment and measurement of heat, training, prompt emergency response, and feasible control measures." The details of the prevention plan should be "specific and customized" to workplace conditions.

Assessment and control measures would also have to be implemented to keep workers safe. This includes recording when the temperature or heat index, whichever is greater, reaches 87 degrees, or 82 degrees for workers in heat restrictive clothing or high-radiant heat areas. Indoor workplaces that are affected by outdoor temperatures should have monitoring procedures to check and respond to hot weather advisories.



On the federal level, the Department of Labor has also proposed a new rule with the goal of protecting workers from significant health risks related to high temperatures and extreme heat. This proposition would largely mirror the regulations described above, obligating employers nationwide to afford their workers similar protections to those already available in California. Employers should stay tuned, as the proposed federal rule is currently under review and the recently adopted California law will likely take effect before the end of the summer.

For further details and to ensure your workplace maintains compliance, contact your Buchalter Labor & Employment Attorney listed below:



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