

ASSEMBLY BILL

No. 805

Introduced by Assembly Member Chu

February 18, 2005

An act to add Section 6713 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as introduced, Chu. Occupational safety and health: heat illness prevention.

Existing law, the California Occupational Safety and Health Act of 1973, requires employers to provide safe and healthful working conditions for all employees, authorizes the enforcement of effective standards, and provides penalties for employers who fail to comply with the act's provisions. The act also provides that a knowing, negligent, or repeated violation of any standard authorized by the act that creates a real and apparent hazard to employees, is a misdemeanor.

This bill would require the Occupational Safety and Health Standards Board to, no later than December 1, 2006, adopt an occupational safety and health standard for heat illness prevention, and would prescribe certain requirements for that standard. Because an employer that repeatedly violates this standard, thereby creating a real and apparent hazard to employees, would be guilty of a misdemeanor under existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6713 is added to the Labor Code, to
- 2 read:
- 3 6713. (a) The standards board shall, no later than December
- 4 1, 2006, adopt an occupational safety and health standard for heat
- 5 illness prevention.
- 6 (1) The standard shall require every employer to establish,
- 7 implement, and maintain procedures to do the following:
- 8 (A) Prevent, recognize, and provide for immediate and
- 9 appropriate medical treatment of heat illness suffered by its
- 10 employees.
- 11 (B) Identify and evaluate workplace hazards associated with
- 12 heat illness, including, but not limited to, procedures for
- 13 monitoring the temperature at the worksite and identifying and
- 14 evaluating the occurrence of a heat wave.
- 15 (C) Correct in a timely manner, based on the severity of the
- 16 hazard, exposures to environmental, work, and individual
- 17 conditions that are associated with the occurrence of heat illness,
- 18 including, among other environmental conditions, a heat wave.
- 19 For purposes of this paragraph, effective procedures shall
- 20 include, but not be limited to, the following:
- 21 (i) Access at all times to an adequate supply of drinking water
- 22 as specified in Sections 1524, 3363, 3457, and 6975 of Title 8 of
- 23 the California Code of Regulations.
- 24 (ii) A system so that employees at risk of heat illness shall
- 25 either not work alone or shall be required to have personal, radio,
- 26 or telephone contact with a responsible adult at specified
- 27 intervals during work hours.
- 28 (iii) Access at all times to a shaded area, which, if feasible,
- 29 shall be a cooled rest area.
- 30 (iv) Acclimatization procedures.
- 31 (v) Provision for hourly rest breaks during heat waves and in
- 32 other situations when the hazard of heat illness is high.

1 (vi) Provision in advance for emergency medical
2 transportation and immediate medical attention to cases of
3 suspected heat illness.

4 (2) The standard shall also require the employer to incorporate
5 the applicable requirements of relevant sections of Title 8 of the
6 California Code of Regulations into its heat illness prevention
7 procedures.

8 (3) The standard shall require every employer to provide heat
9 illness prevention training, in a manner and language employees
10 understand, to all employees determined by the employer to be at
11 risk of heat illness at the time the procedures required by this
12 section are first established, and subsequently to other employees
13 prior to their initial assignments to any job that may place the
14 employee at risk of heat illness. The standard shall require
15 additional training in the recognition of heat illness and the
16 administration of first aid for heat illness, which is equal to
17 training provided by the American Red Cross or the Mining
18 Enforcement and Safety Administration, to be provided to
19 supervisors of employees determined to be at risk of heat illness.

20 (4) Training required to be provided by the employer pursuant
21 to paragraph (3) shall address the following topics:

22 (A) The different types of heat illness, recognition of common
23 symptoms and signs of heat illness, and the effect of heat illness
24 on the body's systems if symptoms and signs of heat illness are
25 disregarded.

26 (B) An explanation to employees of the importance of
27 immediately reporting to the employer symptoms or signs of heat
28 illness in themselves or in coworkers.

29 (C) Factors contributing to the occurrence of the different
30 types of heat illness, including the following:

31 (i) Environmental conditions, such as heat wave, temperature,
32 humidity, and air movement.

33 (ii) Work conditions, such as the level of physical exertion and
34 the use of protective clothing, inadequate rest breaks, and meal
35 periods.

36 (iii) Individual conditions that increase susceptibility to the
37 different types of heat illness, such as inadequate consumption of
38 water and lack of adequate heat acclimatization.

39 (D) The employer's procedures for identifying and evaluating
40 the hazards, and for correcting exposures to environmental, work,

1 and individual conditions, that are associated with the occurrence
2 of heat illness.

3 (b) For purposes of the standard required by subdivision (a),
4 the following definitions apply:

5 (1) “Acclimatization” means a temporary protective
6 adjustment by the body’s systems to heat exposure that develops
7 in most people within 4 to 10 days after exposure to at least two
8 hours per day of working in heat.

9 (2) “Adequate supply of drinking water” means four gallons of
10 water per employee per eight-hour day when the daily maximum
11 temperature exceeds 90 degrees Fahrenheit.

12 (3) “Heat illness” means a group of medical conditions
13 resulting from the body’s inability to cope with a particular heat
14 load, and includes heat cramps, heat exhaustion, heat syncope,
15 and heat stroke.

16 (4) “Heat wave” means a day when daily maximum dry bulb
17 air temperature exceeds 95 degrees Fahrenheit or when daily
18 maximum temperature exceeds 90 degrees Fahrenheit and the
19 temperature on that day is 9 degrees Fahrenheit or more above
20 the maximum reached on the preceding day.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.