

## **§3395. Heat Illness Prevention in Outdoor Places of Employment**

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### (g) Acclimatization

- (1) All employees shall be closely observed by a supervisor or designee during a heat wave. For purposes of this section only, “heat wave” means any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least ten degrees Fahrenheit higher than the average high daily temperature in the preceding five days.
- (2) An employee who has been newly assigned to ~~a high heat area~~ an area where the temperature equals or exceeds 95 degrees Fahrenheit shall be closely observed by a supervisor or designee for the first 14 days of the employee's employment.

*The revised language in subsection (g)(2) clarifies the term, “high heat area,” to be consistent with the language in subsection (e) High-heat procedures.*

- ~~(3) For new employees and returning employees assigned to work areas where the temperature exceeds 80 degrees Fahrenheit, the employer shall either implement subsection (e) for the unacclimatized employee for 5 working days or implement the following work schedules:~~

*New subsection (g)(3) is from provisions in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024) that allow the employer to implement requirements applicable at or above OSHA’s “high heat trigger” instead of implementing the work schedules set forth below.*

- ~~(A) For a new employee, the employee’s exposure to heat shall be restricted to no more than 20% of the usual work duration on the first day of work, 40% on the second day of work, 60% on the third day of work, and 80% on the fourth day of work.~~
- ~~(B) For a returning employee who has been away for more than 14 days, the employee’s exposure to heat shall be restricted to no more than 50% of the usual work duration on the first day of work, 60% on the second day of work, and 80% on the third day of work.~~

*New subsections (g)(3)(A) and (g)(3)(B) will implement Labor Code section 6721. The percentage limits are from (1) requirements in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024) and (2) recommendations in [NIOSH, Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments](#).*

EXCEPTION to subsections (g)(3)(A) and (g)(3)(B): The requirements of subsections (g)(3)(A) and (g)(3)(B) do not apply if the employer can demonstrate the employee consistently worked under the same or similar conditions as the employer’s working conditions within the prior 14 days.

*This EXCEPTION is based on the same exception in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024).*

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## **§3395. Heat Illness Prevention in Outdoor Places of Employment**

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- (i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The plan shall be distributed to new employees upon hire, during heat illness prevention training, and to every employee at least once a year. Employers are not required to distribute the plan to an employee more than twice a year. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain:
- (1) Procedures for the provision of water and access to shade.
  - (2) The high heat procedures referred to in subsection (e).
  - (3) Emergency Response Procedures in accordance with subsection (f).
  - (4) Acclimatization methods and procedures in accordance with subsection (g).

*The new language in subsection (i) will implement Labor Code section 6721. Electronic distribution (in lieu of hardcopies) of the employer's program would be permitted for employees able to receive electronic copies.*

### **3396. Heat Illness Prevention in Indoor Places of Employment**

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(g) Acclimatization

- (1) Where no effective engineering controls are in use to control the effect of outdoor heat on indoor temperature, all employees shall be closely observed by a supervisor or designee during a heat wave.
- (2) An employee who has been newly assigned to any of the following shall be closely observed by a supervisor or designee for the first 14 days of employment:
  - (A) In a work area where the temperature or heat index, whichever is greater, equals or exceeds 87 degrees Fahrenheit; or
  - (B) In a work area where the temperature equals or exceeds 82 degrees Fahrenheit for employees who wear clothing that restricts heat removal; or
  - (C) In a high radiant heat area where the temperature equals or exceeds 82 degrees Fahrenheit.
- (3) For new employees and returning employees, the employer shall either implement subsection (e)(2), except (e)(2)(A) engineering controls, for unacclimatized employees for 5 working days, or implement the following work schedules:

*New subsection (g)(3) is from provisions in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024) that allow the employer to implement requirements applicable at or above OSHA's "high heat trigger" instead of implementing the work schedules set forth below.*

- (A) For a new employee, the employee's exposure to heat shall be restricted to no more than 20% of the usual work duration on the first day of work, 40% on the second day of work, 60% on the third day of work, and 80% on the fourth day of work.
- (B) For a returning employee who has been away for more than 14 days, the employee's exposure to heat shall be restricted to no more than 50% of the usual work duration on the first day of work, 60% on the second day of work, and 80% on the third day of work.

*New subsections (g)(3)(A) and (g)(3)(B) will implement Labor Code section 6721. The percentage limits are from (1) requirements in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024) and (2) recommendations in [NIOSH, Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments](#).*

EXCEPTION to subsections (g)(3)(A) and (g)(3)(B): The requirements of subsections (g)(3)(A) and (g)(3)(B) do not apply if the employer can demonstrate the employee consistently worked under the same or similar conditions as the employer's working conditions within the prior 14 days.

*This EXCEPTION is based on the same exception in [OSHA, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings](#) (proposed rule published on 8/30/2024).*

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### **3396. Heat Illness Prevention in Indoor Places of Employment**

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- (1) Procedures for the provision of water in accordance with subsection (c).
- (2) Procedures for access to cool-down areas in accordance with subsection (d).
- (3) Procedures, in accordance with subsection (e), to measure the temperature and heat index, and record whichever is greater; identify and evaluate all other environmental risk factors for heat illness; and implement control measures.
- (4) Emergency response procedures in accordance with subsection (f).
- (5) Procedures for acclimatization in accordance with subsection (g).

*The new language in subsection (i) will implement Labor Code section 6721. Electronic distribution (in lieu of hardcopies) of the employer's program would be permitted for employees able to receive electronic copies.*