

## Summary of Proposed Heat Stress legislation (S2422 Cryan, A3521 Quijano)

This summary lists the highlights of the introduced legislation that mandates expedited rules to address heat stress for employees in indoor and outdoor environments.

Immediately upon passage, the bill contains language that mandates protections for workers until the regulations are written.

The legislation directs the commissioner of labor to define excessive heat days. Until that process is completed, the bill defines the temperature at a heat index of **80** degrees for outside and the heat index of 87 for indoor occupations.

The legislation calls for regulations to be adopted by June 1, 2025, by the commissioner of labor. In absence of regulations the statute includes standards that will be required at enactment of the act.

The bill directs the commissioner to require each employer to develop, implement, and maintain an effective heat-related illness and injury prevention plan yearly by May 1. The plan will then be used to train employees annually within 30 days of the effective date of this act.

### **Beginning immediately following enactment of this act, in each instance in which a place of employment experiences excessive heat, an employer shall:**

- (1) postpone tasks that are non-essential until the excessive heat conditions subside.
- (2) take all necessary measures to reduce the heat exposure of each worker, including but not limited to, shortening work shifts by increasing the number of shifts and the corresponding total number of workers;
- (3) increase rest allowances, which shall be paid
- (4) permit workers to drink liquids in small amounts frequently to prevent dehydration.
- (5) monitor the environmental heat at job sites and resting places;
- (6) permit employees to contact the employer directly and efficiently to communicate if they believe they are suffering from a heat-related illness.
- (7) conduct initial and regular monitoring for employee exposure to heat to determine whether an employee's exposure has been excessive.
- (8) provide 32 ounces of potable water per hour to each employee, in immediate proximity of each employee, with a temperature of less than 59 degrees Fahrenheit;
- (9) provide paid rest breaks and access to shade, cool-down areas or climate-controlled spaces in accordance with heat index levels in the National Weather Service Heat Index Chart.
- (10) provide an emergency response for any employee who has suffered injury as a result of being exposed to excessive heat; and
- (11) limit the length of time an employee may be exposed to heat during the workday.

### **The legislation directs the commissioner to create rules that shall at a minimum contain procedures and methods for the following: by June 1, 2025**

- 1) Monitor for employee exposure to heat to determine whether an employee's exposure is excessive.
- 2) Provide potable water less than 59 degrees Fahrenheit.

- 3) Provide rest breaks and shade or climate-controlled spaces.
- 4) Provide emergency services to anyone experiencing symptoms of heat stress.
- 5) Limit the length of time workers will be exposed to the heat during the workday.
- 6) Require a program to alert employees when the national Weather Service forecast predicts that a heat wave is likely to occur in the upcoming days, and also take the following actions:
  - a) Postpone non essential tasks until the excessive heat conditions subsides
  - b) Increase the number of workers to reduce exposure to workers.
  - c) Increase the number of breaks.
  - d) Remind workers to hydrate more frequently.
  - e) Monitor the environmental heat at the worksite and resting places.
- 7) Preventing hazards
  - a) Limit exposure to a hazard by adjustment of work procedures or work schedules, including rotating employees, scheduling work earlier or later in the day, using work-rest schedules, reducing work intensity or speed, changing required work clothing and using relief workers.
  - b) Provide personal protective devices.
- 8) Coordinate risk assessment and plan implementation with other employers who have workers on the same site.
- 9) Provide methods for workers to contact employers immediately when suffering from heat stress symptoms.

Enforcement is given to the commissioner of labor to issue monetary violations as well as the authority to issue a stop-work orders if a violation is found during an audit or an investigation pursuant to the act.

Ben Casella 5-7-2024