

REFERENCE TITLE: **working conditions; heat illness; prevention**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2790

Introduced by
Representatives Sandoval: Abeytia, Aguilar, Austin, Cavero, Crews, De Los
Santos, Garcia, Márquez, Mathis, Stahl Hamilton; Senators Bravo,
Gabaldón, Gonzales, Miranda, Ortiz

AN ACT

**AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; AMENDING SECTION 23-405, ARIZONA REVISED STATUTES;
RELATING TO WORKING CONDITIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-207, to read:

4 23-207. Heat illness prevention; private right of action;
5 rules; definitions

6 A. THE INDUSTRIAL COMMISSION OF ARIZONA SHALL ADOPT RULES
7 ESTABLISHING STANDARDS FOR EVERY INDUSTRY THAT MAY BE AFFECTED BY HEAT
8 ILLNESS AS PROVIDED IN THIS SECTION THAT ARE DESIGNED TO PROTECT EMPLOYEES
9 FROM HEAT ILLNESS WHILE ENGAGED IN INDOOR AND OUTDOOR WORK. THESE
10 STANDARDS APPLY TO ALL INDOOR AND OUTDOOR PLACES OF EMPLOYMENT AND TO ALL
11 EMPLOYERS THAT FALL WITHIN THE JURISDICTION OF THE DIVISION OF
12 OCCUPATIONAL SAFETY AND HEALTH. THE COMMISSION SHALL CREATE SPECIFIC
13 STANDARDS FOR THE FOLLOWING INDUSTRIES:

- 14 1. AGRICULTURE.
- 15 2. CONSTRUCTION.
- 16 3. LANDSCAPING.
- 17 4. OIL AND GAS EXTRACTION.
- 18 5. AIRPORT WORKERS.
- 19 6. MAIL AND PACKAGE DELIVERY WORKERS.

20 7. TRANSPORTATION OR DELIVERY OF AGRICULTURAL PRODUCTS,
21 CONSTRUCTION MATERIALS OR OTHER HEAVY MATERIALS, INCLUDING FURNITURE,
22 LUMBER, FREIGHT, CARGO, CABINETS AND INDUSTRIAL OR COMMERCIAL MATERIALS,
23 EXCEPT FOR EMPLOYMENT THAT CONSISTS OF OPERATING AN AIR-CONDITIONED
24 VEHICLE AND THAT DOES NOT INCLUDE LOADING OR UNLOADING.

25 B. STANDARDS ADOPTED PURSUANT TO THIS SECTION MUST REQUIRE EACH
26 EMPLOYER TO PROVIDE POTABLE WATER AND ACCESS TO FACILITIES AS FOLLOWS:

27 1. AN EMPLOYER SHALL PROVIDE EMPLOYEES, AT NO COST TO THE
28 EMPLOYEES, ACCESS TO DRINKING WATER WITH ICE IN QUANTITIES SUFFICIENT TO
29 MAINTAIN ADEQUATE LEVELS OF HYDRATION AT VARYING LEVELS OF HEAT, USING A
30 BASELINE OF ONE CUP OF COOL WATER PER FIFTEEN TO TWENTY MINUTES, AS WELL
31 AS ELECTROLYTES IF EMPLOYEES HAVE BEEN WORKING FOR OVER AN HOUR IN
32 CONDITIONS AT OR ABOVE EIGHTY DEGREES FAHRENHEIT.

33 2. THE WATER WITH ICE AND ACCESS TO A RESTROOM MUST BE LOCATED AS
34 CLOSE AS PRACTICABLE TO THE AREAS WHERE EMPLOYEES ARE WORKING AND MAY NOT
35 BE FARTHER THAN FOUR HUNDRED FEET WALKING DISTANCE FROM AN EMPLOYEE'S WORK
36 AREA.

37 3. EMPLOYERS MAY BEGIN THE SHIFT WITH SMALLER QUANTITIES OF WATER
38 WITH ICE THAT ARE REPLENISHED DURING THE SHIFT AS NEEDED.

39 4. THE EMPLOYER SHALL PROVIDE WATER WITH ICE THAT IS SUITABLY COOL
40 AND POTABLE AND SHALL PROVIDE THE WATER WITH ICE TO EMPLOYEES FREE OF
41 CHARGE.

42 5. THE EMPLOYER SHALL ENCOURAGE THE FREQUENT DRINKING OF WATER AS
43 DESCRIBED IN SUBSECTION H, PARAGRAPH 3, SUBDIVISION (c).

C. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH EMPLOYER TO PROVIDE ACCESS TO SHADE OR A CLIMATE-CONTROLLED ENVIRONMENT AS FOLLOWS:

1. WHEN THE TEMPERATURE IN THE WORK AREA IS MORE THAN EIGHTY DEGREES FAHRENHEIT, THE EMPLOYER SHALL PROVIDE AND MAINTAIN AT ALL TIMES WHILE EMPLOYEES ARE PRESENT ONE OR MORE AREAS WITH SHADE OR A CLIMATE-CONTROLLED ENVIRONMENT THAT ARE EITHER OPEN TO THE AIR OR PROVIDED WITH VENTILATION OR COOLING. THE AMOUNT OF SHADE OR CLIMATE-CONTROLLED ENVIRONMENT PROVIDED SHALL BE AT LEAST ENOUGH TO ACCOMMODATE THE NUMBER OF EMPLOYEES ON PAID REST PERIODS SO THAT THEY CAN SIT IN A NORMAL POSTURE FULLY IN THE SHADE OR CLIMATE-CONTROLLED ENVIRONMENT WITHOUT HAVING TO BE IN PHYSICAL CONTACT WITH EACH OTHER. THE SHADE OR CLIMATE-CONTROLLED ENVIRONMENT SHALL BE LOCATED AS CLOSE AS PRACTICABLE TO THE AREAS WHERE EMPLOYEES ARE WORKING. SUBJECT TO THE SAME SPECIFICATIONS, THE AMOUNT OF SHADE OR CLIMATE-CONTROLLED ENVIRONMENT PRESENT DURING MEAL PERIODS SHALL BE AT LEAST ENOUGH TO ACCOMMODATE THE NUMBER OF EMPLOYEES ON THE MEAL PERIOD WHO REMAIN ON-SITE.

2. WHEN THE TEMPERATURE IN THE WORK AREA IS NOT MORE THAN EIGHTY DEGREES FAHRENHEIT DURING DAYLIGHT HOURS, EMPLOYERS SHALL PROVIDE EITHER SHADE OR A CLIMATE-CONTROLLED ENVIRONMENT IN ACCORDANCE WITH PARAGRAPH 1 OF THIS SUBSECTION OR PROVIDE ACCESS TO SHADE OR A CLIMATE-CONTROLLED ENVIRONMENT ON AN EMPLOYEE'S REQUEST.

3. AN EMPLOYER SHALL ALLOW AND ENCOURAGE EMPLOYEES TO TAKE A PAID COOL-DOWN REST PERIOD IN THE SHADE OR CLIMATE-CONTROLLED ENVIRONMENT FOR PREVENTATIVE MEASURES. AN EMPLOYER SHALL COMPLY WITH ALL OF THE FOLLOWING WHEN AN EMPLOYEE TAKES A PREVENTATIVE, PAID COOL-DOWN REST PERIOD PURSUANT TO THIS PARAGRAPH:

(a) THE EMPLOYER SHALL ASK IF THE EMPLOYEE IS EXPERIENCING SYMPTOMS OF HEAT ILLNESS.

(b) THE EMPLOYER SHALL ENCOURAGE THE EMPLOYEE TO REMAIN IN THE SHADE OR CLIMATE-CONTROLLED ENVIRONMENT.

(c) THE EMPLOYER MAY NOT ORDER THE EMPLOYEE BACK TO WORK UNTIL ANY SIGNS OR SYMPTOMS OF HEAT ILLNESS HAVE ABATED, BUT NOT LESS THAN FIVE MINUTES IN ADDITION TO THE TIME NEEDED TO ACCESS THE SHADE OR CLIMATE-CONTROLLED ENVIRONMENT.

4. WHEN THE TEMPERATURE IS MORE THAN EIGHTY DEGREES FAHRENHEIT IN A VEHICLE THAT IS IDLE OR NOT PRODUCING AIR CONDITIONING.

5. WHEN THE EMPLOYEE IS WORKING IN AN ATTIC, THE EMPLOYEE MUST HAVE ACCESS TO COOL AIR AND SUFFICIENT BREAKS.

D. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH EMPLOYER TO IMPLEMENT HIGH-HEAT PROCEDURES THAT DO ALL OF THE FOLLOWING WHEN THE TEMPERATURE EQUALS OR EXCEEDS EIGHTY DEGREES FAHRENHEIT:

1. ENSURE THAT EMPLOYEES ARE ABLE TO CONTACT THEIR SUPERVISOR BY ANY METHOD OF EFFECTIVE COMMUNICATION WHEN NECESSARY.

1 2. REQUIRE AN EMPLOYER TO EFFECTIVELY OBSERVE AND MONITOR EMPLOYEES
2 FOR SIGNS OR SYMPTOMS OF HEAT ILLNESS BY IMPLEMENTING TWO OR MORE OF THE
3 FOLLOWING POLICIES:

4 (a) A REQUIREMENT THAT THERE BE AT LEAST ONE SUPERVISOR OR
5 SUPERVISOR'S DESIGNEE RESPONSIBLE FOR OBSERVING AND MONITORING EACH GROUP
6 OF TWENTY OR FEWER EMPLOYEES.

7 (b) A MANDATORY BUDDY SYSTEM.

8 (c) COMMUNICATION WITH AN EMPLOYEE, SUCH AS BY RADIO OR CELLPHONE,
9 MULTIPLE TIMES PER SHIFT.

10 (d) OTHER EFFECTIVE MEANS OF OBSERVATION.

11 3. DESIGNATE ONE OR MORE EMPLOYEES ON EACH WORKSITE WHO ARE
12 AUTHORIZED TO CALL FOR EMERGENCY MEDICAL SERVICES, AND IF NO DESIGNATED
13 EMPLOYEES ARE AVAILABLE, ALLOW OTHER EMPLOYEES TO CALL ON THEIR BEHALF.

14 4. REQUIRE REMINDING EMPLOYEES THROUGHOUT THE WORK SHIFT TO STAY
15 PROPERLY HYDRATED.

16 5. FOR EMPLOYEES EMPLOYED IN AGRICULTURE, REQUIRE PRESHIFT MEETINGS
17 BEFORE THE BEGINNING OF EACH WORK SHIFT TO REVIEW THE HIGH-HEAT
18 PROCEDURES, ENCOURAGE EMPLOYEES TO DRINK PLENTY OF WATER AND REMIND
19 EMPLOYEES OF THEIR RIGHT TO TAKE A PAID COOL-DOWN REST PERIOD WHEN
20 NECESSARY.

21 E. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH
22 EMPLOYER TO PROVIDE PAID REST PERIODS THAT RANGE IN DURATION FROM FIFTEEN
23 TO FORTY-FIVE MINUTES PER HOUR, DEPENDING ON THE WORKPLACE TEMPERATURE AND
24 WORKER ACTIVITY LEVEL.

25 F. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH
26 EMPLOYER TO IMPLEMENT EFFECTIVE EMERGENCY RESPONSE PROCEDURES PURSUANT TO
27 WHICH THE EMPLOYER SHALL BOTH:

28 1. ENSURE THAT EFFECTIVE COMMUNICATION BY VOICE, OBSERVATION OR
29 ELECTRONIC MEANS IS MAINTAINED SO THAT EMPLOYEES AT THE WORKSITE CAN
30 CONTACT A SUPERVISOR OR EMERGENCY MEDICAL SERVICES WHEN NECESSARY. AN
31 ELECTRONIC DEVICE, SUCH AS A CELLPHONE OR TEXT MESSAGING DEVICE, MAY BE
32 USED FOR THIS PURPOSE ONLY IF RECEPTION IN THE AREA IS RELIABLE.

33 2. RESPOND TO SIGNS AND SYMPTOMS OF POSSIBLE HEAT ILLNESS IF A
34 SUPERVISOR OBSERVES, OR ANY EMPLOYEE REPORTS, ANY SIGNS OR SYMPTOMS OF
35 HEAT ILLNESS IN ANY EMPLOYEE. THE SUPERVISOR SHALL TAKE IMMEDIATE ACTION
36 COMMENSURATE WITH THE SEVERITY OF THE ILLNESS, INCLUDING FIRST AID
37 MEASURES AND CONTACTING EMERGENCY MEDICAL SERVICES. IF THE EMPLOYEE
38 EXHIBITS SIGNS OR SYMPTOMS SEVERE ENOUGH TO INDICATE HEAT ILLNESS, THE
39 EMPLOYEE MAY NOT BE SENT HOME WITHOUT BEING OFFERED ON-SITE FIRST AID OR
40 PROVIDED WITH EMERGENCY MEDICAL SERVICES.

41 G. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE THAT
42 ALL EMPLOYEES WHO BEGIN EMPLOYMENT IN HIGH-HEAT ENVIRONMENTS, OR WHO WILL
43 BE WORKING IN HOTTER CONDITIONS THAN USUAL, SUCH AS DURING A HEAT WAVE, BE
44 GRADUALLY ACCLIMATIZED TO THE WORK OVER A PERIOD OF BETWEEN SEVEN AND
45 FOURTEEN DAYS.

1 H. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH
2 EMPLOYER TO PROVIDE EFFECTIVE TRAINING TO EMPLOYEES AND SUPERVISORS THAT
3 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

4 1. IS IN A LANGUAGE THAT THE EMPLOYEE OR SUPERVISOR UNDERSTANDS.

5 2. IS PROVIDED TO EACH SUPERVISOR BEFORE SUPERVISING EMPLOYEES
6 PERFORMING WORK THAT MAY REASONABLY RESULT IN EXPOSURE TO THE RISK OF HEAT
7 ILLNESS AND TO EACH NONSUPERVISORY EMPLOYEE BEFORE THE EMPLOYEE BEGINS
8 WORK THAT MAY REASONABLY RESULT IN EXPOSURE TO THE RISK OF HEAT ILLNESS.

9 3. COVERS ALL OF THE FOLLOWING TOPICS:

10 (a) THE ENVIRONMENTAL RISK FACTORS FOR HEAT ILLNESS AND PERSONAL
11 RISK FACTORS FOR HEAT ILLNESS, INCLUDING MEDICAL CONDITIONS, WATER
12 CONSUMPTION, ALCOHOL USE, THE USE OF MEDICATIONS THAT AFFECT THE BODY'S
13 RESPONSE TO THE HEAT AND THE BURDEN CAUSED BY PERSONAL PROTECTIVE
14 EQUIPMENT.

15 (b) THE EMPLOYER'S PROCEDURES FOR COMPLYING WITH THE STANDARDS
16 ADOPTED PURSUANT TO THIS SECTION, INCLUDING THE EMPLOYER'S RESPONSIBILITY
17 TO PROVIDE WATER WITH ICE, SHADE OR A CLIMATE-CONTROLLED ENVIRONMENT, PAID
18 COOL-DOWN REST PERIODS AND ACCESS TO FIRST AID, AS WELL AS THE EMPLOYEE'S
19 RIGHT TO EXERCISE RIGHTS UNDER THESE STANDARDS WITHOUT RETALIATION.

20 (c) THE IMPORTANCE OF FREQUENT CONSUMPTION OF WATER WITH ICE, UP TO
21 FOUR CUPS PER HOUR, WHEN THE WORK ENVIRONMENT IS ABOVE EIGHTY DEGREES
22 FAHRENHEIT AND EMPLOYEES ARE LIKELY SWEATING MORE THAN USUAL.

23 (d) THE IMPORTANCE OF ACCLIMATIZATION.

24 (e) THE DIFFERENT TYPES OF HEAT ILLNESS, THE COMMON SIGNS AND
25 SYMPTOMS OF HEAT ILLNESS AND APPROPRIATE FIRST AID AND EMERGENCY RESPONSES
26 TO THE DIFFERENT TYPES OF HEAT ILLNESS.

27 (f) THE IMPORTANCE OF IMMEDIATELY REPORTING TO THE EMPLOYER,
28 DIRECTLY OR THROUGH THE EMPLOYEE'S SUPERVISOR, SYMPTOMS OR SIGNS OF HEAT
29 ILLNESS IN THEMSELVES OR IN COWORKERS.

30 (g) THE EMPLOYER'S PROCEDURES FOR RESPONDING TO SIGNS OR SYMPTOMS
31 OF POSSIBLE HEAT ILLNESS, INCLUDING HOW EMERGENCY MEDICAL SERVICES WILL BE
32 CONTACTED AND PROVIDED SHOULD THEY BECOME NECESSARY.

33 4. FOR SUPERVISORS, IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH 3
34 OF THIS SUBSECTION, COVERS THE PROCEDURES THE SUPERVISOR IS REQUIRED TO
35 FOLLOW:

36 (a) TO IMPLEMENT THE APPLICABLE STANDARDS ADOPTED PURSUANT TO THIS
37 SECTION.

38 (b) WHEN AN EMPLOYEE EXHIBITS SIGNS OR REPORTS SYMPTOMS CONSISTENT
39 WITH POSSIBLE HEAT ILLNESS, INCLUDING EMERGENCY RESPONSE PROCEDURES.

40 I. IN ADOPTING STANDARDS PURSUANT TO THIS SECTION, THE INDUSTRIAL
41 COMMISSION OF ARIZONA SHALL CONSIDER CRITERIA RELATING TO RECOMMENDED
42 STANDARDS FOR OCCUPATIONAL EXPOSURE TO HEAT AND HOT ENVIRONMENTS
43 ESTABLISHED BY A NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

44 J. THE RULES ADOPTED BY THE INDUSTRIAL COMMISSION OF ARIZONA
45 PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING:

1 1. BUILDING REQUIREMENTS FOR INTERIOR WORK ENVIRONMENTS THAT
2 INCLUDE AIR CIRCULATION AND INSULATION STANDARDS.

3 2. EDUCATIONAL AND TRAINING REQUIREMENTS FOR EMPLOYEES RELATED TO
4 HEAT ILLNESS IDENTIFICATION, PREVENTION AND PREPARATION.

5 3. PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEES IN TEMPERATURES OF
6 MORE THAN EIGHTY DEGREES FAHRENHEIT THAT INCLUDES COOLING TOWELS AND HATS
7 FOR SUN PROTECTION.

8 4. ENFORCEMENT PROVISIONS.

9 K. AN EMPLOYER MAY NOT DISCHARGE OR DISCRIMINATE IN ANY OTHER
10 MANNER AGAINST EMPLOYEES FOR EXERCISING THEIR RIGHTS UNDER THIS SECTION.

11 L. AN EMPLOYEE MAY BRING A PRIVATE RIGHT OF ACTION FOR A VIOLATION
12 OF THIS SECTION IN A COURT OF COMPETENT JURISDICTION TO DO EITHER OR BOTH
13 OF THE FOLLOWING:

14 1. ENJOIN THE VIOLATION.

15 2. RECOVER ACTUAL MONETARY LOSSES FROM THE VIOLATION OR RECEIVE
16 \$500 IN DAMAGES FOR EACH VIOLATION, WHICHEVER IS GREATER.

17 M. WHEN AN EMPLOYEE IS IN AN INDOOR WORKSITE OR AN OUTDOOR WORKSITE
18 AND THE EMPLOYEE EXPERIENCES CONDITIONS AT OR EXCEEDING A HEAT STRESS
19 THRESHOLD OF EIGHTY DEGREES FAHRENHEIT OR MORE, THE EMPLOYER SHALL DEVELOP
20 A WRITTEN PROGRAM TO MITIGATE HEAT-RELATED ILLNESSES AND INJURIES THAT MAY
21 BE EXPERIENCED BY AN EMPLOYEE, WHICH SHALL COMPLY WITH ALL OF THE
22 FOLLOWING:

23 1. PROVIDE INFORMATION ON EXTERNAL FACTORS THAT INCREASE THE
24 LIKELIHOOD OF A HEAT-RELATED ILLNESS, INCLUDING INCREASED METABOLIC
25 WORKLOADS, RADIANT AND CONDUCTIVE HEAT SOURCES, INCREASED HUMIDITY,
26 DECREASED AIR MOVEMENT AND WEARING OF PERSONAL PROTECTIVE EQUIPMENT.

27 2. INCLUDE WORK PROCESSES THAT DECREASE THE LIKELIHOOD OF A
28 HEAT-RELATED ILLNESS.

29 3. INCLUDE EDUCATION AND TRAINING INFORMATION AS PRESCRIBED IN
30 SUBSECTION II OF THIS SECTION.

31 4. INCLUDE INFORMATION ON HOW TO READ A THERMOMETER. AN EMPLOYER
32 SHALL DISPLAY A WORKING THERMOMETER FOR EVERY INDOOR WORKSITE, OUTDOOR
33 WORKSITE AND VEHICLE WORKSITE.

34 5. INCLUDE INFORMATION ON HOW TO USE AND WHERE TO LOCATE PERSONAL
35 PROTECTIVE EQUIPMENT. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT
36 ENGINEERING CONTROLS AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON
37 PERSONAL PROTECTIVE EQUIPMENT.

38 6. INCLUDE ANY EMERGENCY RESPONSE PLAN, PROCEDURE AND RELEVANT
39 WORKSITE CONTACTS IN CASE OF AN EMERGENCY.

40 7. BE UPDATED AT LEAST ANNUALLY, WHEN WORKING CONDITIONS CHANGE OR
41 WHEN A HEAT-RELATED ILLNESS OCCURS.

42 N. AN EMPLOYER SHALL PROVIDE ACCESS TO FREE DRINKING WATER WITH ICE
43 THAT IS LOCATED AS CLOSE AS PRACTICABLE TO AN EMPLOYEE'S WORKSITE. IF
44 DRINKING WATER IS NOT PLUMBED OR OTHERWISE CONTINUOUSLY SUPPLIED, THE
45 DRINKING WATER SHALL BE PROVIDED IN SUFFICIENT QUANTITY AT THE BEGINNING

1 OF A SHIFT, WHICH IS A MINIMUM OF ONE QUART OF DRINKING WATER PER HOUR,
2 PER EMPLOYEE. AN EMPLOYER SHALL ENCOURAGE FREQUENT DRINKING OF WATER.

3 O. AN EMPLOYER SHALL REQUIRE AND ENCOURAGE PAID PREVENTATIVE
4 COOL-DOWN RESTS OF NOT LESS THAN TEN MINUTES, IN ADDITION TO THE TIME THAT
5 IS NEEDED TO ACCESS A COOL-DOWN AREA. A COOL-DOWN AREA MAY BE IN THE SHADE
6 FOR AN OUTDOOR WORKSITE OR IN AN INDOOR BREAKROOM FOR AN INDOOR WORKSITE.
7 AN EMPLOYER SHALL COMPLY WITH ALL OF THE FOLLOWING:

8 1. ASK AN EMPLOYEE ABOUT SIGNS OR SYMPTOMS OF A HEAT-RELATED
9 ILLNESS AND ENCOURAGE THE EMPLOYEE TO REMAIN IN A COOL-DOWN AREA UNTIL ANY
10 SIGNS OF SYMPTOMS OF A HEAT-RELATED ILLNESS HAVE BEEN ABATED.

11 2. NOT ORDER THE EMPLOYEE BACK TO WORK IF THE EMPLOYEE DISPLAYS
12 SIGNS OR SYMPTOMS OF A HEAT-RELATED ILLNESS.

13 3. AS APPLICABLE, PROVIDE A PREVENTATIVE COOL-DOWN REST PERIOD
14 CONCURRENTLY WITH ANY OTHER MEAL OR REST PERIOD THAT IS REQUIRED BY
15 POLICY, RULE OR LAW. IF THE PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES
16 WITH AN EXISTING UNPAID MEAL BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD
17 IS A WORK ASSIGNMENT AND SHALL BE COMPENSATED.

18 P. AN EMPLOYER SHALL CLOSELY MONITOR TEMPERATURES BY USING A GLOBE
19 THERMOMETER AND SHALL IMPLEMENT A WORKPLACE HEAT STRESS PLAN WHEN
20 TEMPERATURES ARE MORE THAN EIGHTY DEGREES FAHRENHEIT. THE GLOBE
21 THERMOMETER MAY NOT BE SHIELDED FROM DIRECT EXPOSURE TO RADIANT HEAT WHILE
22 THE GLOBE THERMOMETER IS BEING MEASURED. IF AN EMPLOYEE SHOWS SIGNS OR
23 REPORTS SYMPTOMS OF A HEAT-RELATED ILLNESS, THE EMPLOYER SHALL IMMEDIATELY
24 PROVIDE APPROPRIATE FIRST AID OR EMERGENCY RESPONSE.

25 Q. AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO WORK IN THE SHADE, AS
26 APPLICABLE, AND SHALL PROVIDE AN EMPLOYEE WITH ACCESS TO SHADE:

27 1. AS CLOSE TO THE WORKSITE AS POSSIBLE WHILE EMPLOYEES ARE
28 PRESENT:

29 (a) IF THE TEMPERATURE IS MORE THAN EIGHTY DEGREES FAHRENHEIT.

30 (b) ON REQUEST OF AN EMPLOYEE WHEN THE TEMPERATURE IS NOT MORE THAN
31 EIGHTY DEGREES FAHRENHEIT.

32 2. TO ACCOMMODATE THE NUMBER OF EMPLOYEES ON RECOVERY OR REST
33 PERIODS WITH AT LEAST FOUR SQUARE FEET PER RESTING EMPLOYEE.

34 3. THAT IS NOT MORE THAN THE TEMPERATURE OF THE WORKSITE.

35 R. AN EMPLOYER SHALL PROVIDE NECESSARY PERSONAL PROTECTIVE
36 EQUIPMENT AT NO COST TO AN EMPLOYEE. IF ENGINEERING CONTROLS AND
37 ADMINISTRATIVE CONTROLS ARE NOT SUFFICIENT TO REDUCE AND MAINTAIN THE
38 TEMPERATURE AND HEAT INDEX TO BELOW EIGHTY-SEVEN DEGREES FAHRENHEIT, AN
39 EMPLOYEE SHALL USE PERSONAL PROTECTIVE EQUIPMENT UNLESS THE EMPLOYER
40 DEMONSTRATES THAT THE USE OF PERSONAL PROTECTIVE EQUIPMENT IS NOT
41 FEASIBLE.

42 S. AN EMPLOYEE WHO SPENDS MORE THAN SIXTY MINUTES IN VEHICLES EACH
43 DAY OR WHOSE WORKSITE IS CONSIDERED A VEHICLE SHALL HAVE ADEQUATE AIR
44 CONDITIONING THAT IS AVAILABLE INSIDE THE VEHICLE AND THAT IS MAINTAINED

1 ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS TO KEEP TEMPERATURES LESS
2 THAN EIGHTY DEGREES FAHRENHEIT.

3 T. AN EMPLOYER SHALL PROVIDE TIME FOR NEW AND RETURNING EMPLOYEES
4 TO ACCLIMATIZE TO A HEAT TEMPERATURE, AS FOLLOWS:

5 1. AN EMPLOYEE MAY NOT BE EXPOSED TO MORE THAN TWENTY PERCENT OF
6 THE USUAL DURATION OF WORK IN A HOT ENVIRONMENT ON DAY ONE AND NOT MORE
7 THAN A TWENTY PERCENT INCREASE EACH DAY FOR SEVEN TO FOURTEEN CONSECUTIVE
8 DAYS IF AN EMPLOYEE IS NEWLY ASSIGNED TO A HEAT WORKSITE.

9 2. IF AN EMPLOYEE HAS BEEN ABSENT FROM A HEAT WORKSITE FOR MORE
10 THAN SEVEN DAYS, THE EMPLOYEE MAY ONLY WORK TWENTY PERCENT OF THE
11 EMPLOYEE'S NORMAL DURATION ON THE FIRST DAY AND GRADUALLY INCREASE WORK
12 DURATION OVER A TWO-WEEK PERIOD.

13 U. AN EMPLOYER SHALL IMPLEMENT HIGH HEAT PROCEDURES WHEN THE
14 TEMPERATURE IS NINETY DEGREES FAHRENHEIT OR MORE OR WHEN A HEAT WAVE IS
15 EXPERIENCED. DURING A HEAT WAVE:

16 1. AN EMPLOYER SHALL ENSURE THAT THE EMPLOYEE TAKES A MINIMUM
17 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY TWO HOURS. IF THE
18 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
19 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
20 SHALL BE COMPENSATED.

21 2. WHEN THE TEMPERATURE EQUALS OR EXCEEDS ONE HUNDRED DEGREES
22 FAHRENHEIT, AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE TAKES A MINIMUM
23 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY HOUR. IF THE
24 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
25 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
26 SHALL BE COMPENSATED.

27 3. AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE IS CLOSELY MONITORED
28 DURING THE HEAT WAVE BY EITHER PERSONALLY OBSERVING THE EMPLOYEE OR
29 THROUGH A DESIGNEE.

30 V. AN EMPLOYER SHALL DEVELOP A WRITTEN PROGRAM FOR WHEN AN EMPLOYEE
31 IS IN AN INDOOR WORKSITE OR AN OUTDOOR WORKSITE AND THE EMPLOYEE
32 EXPERIENCES CONDITIONS OF SIXTY DEGREES FAHRENHEIT OR LESS. THE WRITTEN
33 PROGRAM MUST BE UPDATED AT LEAST ANNUALLY, MITIGATE COLD-RELATED ILLNESSES
34 AND INJURIES EXPERIENCED BY AN EMPLOYEE AND INCLUDE ALL OF THE FOLLOWING:

35 1. HOW TO IDENTIFY AND INCORPORATE WORK PROCESSES AND EXTERNAL
36 FACTORS THAT WOULD DECREASE THE LIKELIHOOD OF A COLD-RELATED ILLNESS.

37 2. INFORMATION ON COLD-RELATED ILLNESS PREVENTION AND HOW TO
38 RECOGNIZE AND REPORT COLD-RELATED ILLNESSES.

39 3. THE LOCATION OF WARM LIQUIDS AND WARM AREAS FOR USE DURING BREAK
40 PERIODS.

41 4. INFORMATION TO ENSURE ACCESS TO WIND PERSONAL PROTECTIVE
42 EQUIPMENT BASED ON THE WIND SPEED.

43 5. EDUCATION AND TRAINING ON HOW TO PREVENT A COLD-RELATED ILLNESS
44 OR INJURY.

1 6. INFORMATION ON ANY EMERGENCY RESPONSE PLAN, PROCEDURE AND
2 RELEVANT WORKSITE CONTACT INFORMATION IN CASE OF AN EMERGENCY.

3 7. INFORMATION ON HOW TO ACCESS PROMPT MEDICAL ATTENTION FOR AN
4 EMPLOYEE WHO SHOWS SIGNS OF A COLD-RELATED ILLNESS OR INJURY.

5 8. SCHEDULES THAT ARE DESIGNED TO REDUCE THE TIME AN EMPLOYEE WILL
6 SPEND IN A COLD ENVIRONMENT AND TO REDUCE THE PHYSICAL DEMANDS DURING COLD
7 EXPOSURE.

8 9. INFORMATION ON MEDICAL MONITORING TO ENSURE AN EMPLOYEE'S HEALTH
9 AND PROTECTION.

10 W. AN EMPLOYER SHALL PROVIDE AND DISPLAY A THERMOMETER FOR EMPLOYEE
11 USE AT ALL WORKSITES TO MONITOR THE TEMPERATURE INDOORS, OUTDOORS AND IN
12 VEHICLES.

13 X. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT ENGINEERING CONTROLS
14 AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON PERSONAL PROTECTIVE
15 EQUIPMENT.

16 Y. AN EMPLOYER SHALL PROVIDE ACCESS TO FREE DRINKING WATER THAT IS
17 LOCATED AS CLOSE AS PRACTICABLE TO AN EMPLOYEE'S WORKSITE. IF DRINKING
18 WATER IS NOT PLUMBED OR OTHERWISE CONTINUOUSLY SUPPLIED, THE DRINKING
19 WATER SHALL BE PROVIDED IN SUFFICIENT QUANTITY AT THE BEGINNING OF A
20 SHIFT, WHICH IS A MINIMUM OF ONE QUART OF DRINKING WATER PER HOUR, PER
21 EMPLOYEE. AN EMPLOYER SHALL ENCOURAGE FREQUENT DRINKING OF WATER.

22 Z. AN EMPLOYER SHALL REQUIRE AND ENCOURAGE PREVENTATIVE BREAKS AT
23 THE DURATION OF NOT LESS THAN TEN MINUTES, IN ADDITION TO THE TIME NEEDED
24 TO ACCESS THE WARM-UP AREA FOR AN OUTDOOR WORKSITE OR A WARM BREAKROOM FOR
25 AN INDOOR WORKSITE. AN EMPLOYER SHALL COMPLY WITH ALL OF THE FOLLOWING:

26 1. ASK AN EMPLOYEE ABOUT SIGNS OR SYMPTOMS OF A COLD-RELATED
27 ILLNESS AND ENCOURAGE THE EMPLOYEE TO REMAIN IN A WARM-UP AREA UNTIL ANY
28 SIGNS OF SYMPTOMS OF A COLD-RELATED ILLNESS HAS BEEN ABATED.

29 2. NOT ORDER THE EMPLOYEE BACK TO WORK IF THE EMPLOYEE DISPLAYS
30 SIGNS OR SYMPTOMS OF A COLD-RELATED ILLNESS.

31 3. AS APPLICABLE, PROVIDE A PREVENTATIVE WARM-UP REST CONCURRENTLY
32 WITH ANY OTHER MEAL OR REST PERIOD REQUIRED BY POLICY, RULE OR LAW. IF
33 THE WARM-UP REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL BREAK, THE
34 WARM-UP REST PERIOD IS A WORK ASSIGNMENT AND SHALL BE COMPENSATED.

35 AA. AN EMPLOYER SHALL CLOSELY MONITOR TEMPERATURES AND IMPLEMENT A
36 WORKPLACE COLD STRESS PLAN WHEN TEMPERATURES ARE BELOW SIXTY DEGREES
37 FAHRENHEIT. IF AN EMPLOYEE SHOWS SIGNS OR REPORTS SYMPTOMS OF A
38 COLD-RELATED ILLNESS, THE EMPLOYER SHALL IMMEDIATELY PROVIDE APPROPRIATE
39 FIRST AID OR EMERGENCY RESPONSE.

40 BB. AN EMPLOYER SHALL PROVIDE A WARM LOCATION FOR BREAKS THAT SHALL
41 BE MADE AVAILABLE WHEN THE TEMPERATURE IS BELOW SIXTY DEGREES FAHRENHEIT.
42 WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY DEGREES
43 FAHRENHEIT, THE EMPLOYER SHALL HAVE AND MAINTAIN ONE OR MORE AREAS WITH
44 ADEQUATE WARMTH AT ALL TIMES WHILE EMPLOYEES ARE PRESENT. THE SIZE OF THE
45 WARM LOCATION SHALL BE AT LEAST ENOUGH TO ACCOMMODATE THE NUMBER OF

1 EMPLOYEES ON RECOVERY OR REST PERIODS, WITH AT LEAST FOUR SQUARE FEET
2 AVAILABLE PER EACH RESTING EMPLOYEE. THE REST LOCATION SHALL BE LOCATED
3 AS CLOSE AS PRACTICABLE TO THE AREAS WHERE EMPLOYEES ARE WORKING.

4 CC. WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY
5 DEGREES FAHRENHEIT, AN EMPLOYER SHALL PROVIDE WARMTH PURSUANT TO
6 SUBSECTION N OF THIS SECTION OR PROVIDE TIMELY ACCESS ON AN EMPLOYEE'S
7 REQUEST. AN EMPLOYEE SHALL BE ALLOWED AND ENCOURAGED TO TAKE A
8 PREVENTATIVE WARM-UP REST BREAK WHEN THE EMPLOYEE FEELS THE NEED TO DO SO
9 TO PROTECT AGAINST COLD STRESS.

10 DD. AN EMPLOYER SHALL PROVIDE NECESSARY PERSONAL PROTECTIVE
11 EQUIPMENT AT NO COST TO AN EMPLOYEE THAT INCLUDES CLOTHING TO ENSURE THE
12 EARS, FACE, HANDS AND FEET ARE PROTECTED DURING A COLD WAVE. AN EMPLOYER
13 SHALL TAKE INTO ACCOUNT ANY RISK FACTORS RELATED TO INCREASED HEAT DUE TO
14 WEARING PERSONAL PROTECTIVE EQUIPMENT EVEN IN COLD TEMPERATURES.

15 EE. AN EMPLOYEE WHO SPENDS MORE THAN SIXTY MINUTES IN VEHICLES EACH
16 DAY OR WHOSE WORKSITE IS CONSIDERED A VEHICLE SHALL HAVE ADEQUATE HEATING
17 THAT IS AVAILABLE INSIDE THE VEHICLE AND THAT IS MAINTAINED ACCORDING TO
18 THE MANUFACTURER'S INSTRUCTIONS TO KEEP TEMPERATURES ABOVE SIXTY DEGREES
19 FAHRENHEIT.

20 FF. AN EMPLOYER SHALL ENSURE THAT IF AN EMPLOYEE'S SKIN, CLOTHING
21 OR PERSONAL PROTECTIVE EQUIPMENT GETS WET, THE EMPLOYEE IS IMMEDIATELY
22 REMOVED FORM THE WORKSITE AND TAKEN TO A WARM-UP AREA TO HAVE THE WET
23 CLOTHING OR PERSONAL PROTECTIVE EQUIPMENT REMOVED AND MAY NOT RETURN TO
24 WORK UNTIL THE WET ITEMS HAVE BEEN REPLACED.

25 GG. AN EMPLOYER SHALL COMMUNICATE WITH AN EMPLOYEE IN THE FOLLOWING
26 MANNER:

27 1. BY VOICE, OBSERVATION OR ELECTRONIC MEANS. A CELL PHONE OR TEXT
28 MESSAGING DEVICE MAY BE USED ONLY IF RECEPTION IN THE AREA IS RELIABLE.

29 2. BY OBSERVING AN EMPLOYEE FOR ALERTNESS AND SIGNS OR SYMPTOMS OF
30 A COLD-RELATED ILLNESS. AN EMPLOYER SHALL EFFECTIVELY OBSERVE AND MONITOR
31 AN EMPLOYEE BY IMPLEMENTING ONE OR MORE OF THE FOLLOWING:

32 (a) A MANDATORY BUDDY SYSTEM.

33 (b) DIRECT OBSERVATION BY A SUPERVISOR OR DESIGNEE OF TWENTY OR
34 FEWER EMPLOYEES.

35 (c) REGULAR COMMUNICATION WITH AN EMPLOYEE BY RADIO, CELL PHONE OR
36 OTHER EQUALLY EFFECTIVE MEANS.

37 HH. AN EMPLOYER SHALL IMPLEMENT EFFECTIVE EMERGENCY RESPONSE
38 PROCEDURES WHEN AN EMPLOYEE EXPERIENCES ANY STAGE OF A HEAT-RELATED
39 ILLNESS OR A COLD-RELATED ILLNESS THAT INCLUDES ALL OF THE FOLLOWING:

40 1. CLEAR AND PRECISE DIRECTIONS TO WORKSITE LOCATIONS FOR
41 TRANSIENT, FIELD AND SOLO EMPLOYEES.

42 2. CURRENT ON-SITE EMERGENCY CONTACT INFORMATION FOR EMPLOYEES AND
43 SUPERVISORS WITH DIRECTIONS ON HOW TO EFFECTIVELY COMMUNICATE WITH
44 OFF-SITE SUPERVISORS AND EMERGENCY MEDICAL PERSONNEL.

1 3. CLEAR DIRECTIONS FOR SUPERVISOR TO TAKE IMMEDIATE ACTION, IF A
2 SUPERVISOR OBSERVES OR AN EMPLOYEE REPORTS ANY SIGNS OR SYMPTOMS OF A
3 HEAT-RELATED ILLNESS OR COLD-RELATED ILLNESS.

4 4. CURRENT CONTACT INFORMATION FOR EMERGENCY MEDICAL SERVICES.

5 5. CLEAR DIRECTION ON HOW TO TRANSPORT AN EMPLOYEE TO A PLACE WHERE
6 THE EMPLOYEE CAN BE REACHED BY EMERGENCY MEDICAL PERSONNEL.

7 6. CLEAR DIRECTION ON HOW TO ADMINISTER FIRST AID AT THE WORKSITE
8 AND HOW TO SAFELY REMOVE AN EMPLOYEE FROM A WORKSITE DUE TO A HEAT-RELATED
9 ILLNESS OR A COLD-RELATED ILLNESS. IF THE EMPLOYEE EXPERIENCES A
10 HEAT-RELATED ILLNESS OR A COLD-RELATED ILLNESS WHILE AT THE WORKSITE, THE
11 EMPLOYEE IS ON DUTY AND SHALL BE FULLY COMPENSATED.

12 II. AN EMPLOYER SHALL PROVIDE A FREE, EFFECTIVE TRAINING PROGRAM TO
13 AN EMPLOYEE THAT SHALL BE ADMINISTERED BY THE EMPLOYER AT THE TIME OF HIRE
14 FOR NEW EMPLOYEES AND EVERY YEAR FOR CURRENT EMPLOYEES AND SUPERVISORS.
15 THE TRAINING MATERIALS SHALL INCLUDE APPROPRIATE CONTENT AND VOCABULARY TO
16 COMMUNICATE EFFECTIVELY WITH THE EDUCATIONAL LEVEL, LITERACY AND LANGUAGE
17 OF AN EMPLOYEE. THE TRAINING MUST PROVIDE AN OPPORTUNITY FOR INTERACTIVE
18 QUESTIONS AND ANSWERS WITH A PERSON WHO IS KNOWLEDGEABLE IN THE SUBJECT
19 MATTER AS IT RELATES TO THE WORKPLACE THAT THE TRAINING ADDRESSES AND WHO
20 IS ALSO KNOWLEDGEABLE IN THE EMPLOYER'S PROCEDURES. A REFRESHER TRAINING
21 SHALL BE PROVIDED AS NEEDED. TO INCREASE THE EFFECTIVENESS OF THE
22 TRAININGS, AN EMPLOYER MAY REPEAT THE TRAINING OR HOLD SHORT MEETINGS
23 BEFORE EACH WORKDAY, AS NECESSARY. RETRAINING SESSIONS ARE REQUIRED WHEN
24 A COLD WAVE OR HEAT WAVE OCCURS OR IF THERE IS AN ANTICIPATED COLD WAVE OR
25 HEAT WAVE. AN EMPLOYER SHALL MAKE COPIES OF THE TRAINING MATERIALS AND
26 MAKE THE MATERIALS AVAILABLE TO EMPLOYEES, GOVERNMENT OFFICIALS AND
27 REPRESENTATIVES OF THE AN EMPLOYEE WITHIN ONE BUSINESS DAY ON REQUEST AT
28 NO COST. AN EMPLOYER SHALL PROVIDE A FREE, EFFECTIVE TRAINING PROGRAM TO
29 AN EMPLOYEE DURING WORKING HOURS THAT INCLUDES AT A MINIMUM:

30 1. INFORMATION ON THE RISK FACTORS, SIGNS AND SYMPTOMS OF COLD
31 STRESS, HEAT STRESS, HEAT-RELATED ILLNESSES AND COLD-RELATED ILLNESSES
32 THAT INCLUDES NECESSARY MEDICAL RESPONSES.

33 2. INFORMATION ON INDOOR TEMPERATURE STRESS THRESHOLDS AND OUTDOOR
34 TEMPERATURE STRESS THRESHOLDS, INCLUDING THAT IN INDOOR
35 TEMPERATURE-REGULATED ENVIRONMENTS THAT INCLUDE OFFICES AND SCHOOLS, THE
36 INDOOR TEMPERATURE MUST FALL BETWEEN SIXTY-EIGHT AND ONE-HALF TO SEVENTY
37 DEGREES FAHRENHEIT WHEN THE OUTDOOR TEMPERATURE IS LESS THAN FIFTY-FIVE
38 DEGREES FAHRENHEIT. IF THE OUTDOOR TEMPERATURE IS GREATER THAN
39 EIGHTY-FIVE DEGREES FAHRENHEIT, THE INDOOR TEMPERATURE MUST FALL BETWEEN
40 SEVENTY-FIVE AND EIGHTY AND ONE-HALF DEGREES FAHRENHEIT.

41 3. INFORMATION ON HOW TO MONITOR THE TEMPERATURE AND HUMIDITY
42 CONDITIONS AND HOW WORKERS CAN PARTICIPATE IN THE MONITORING PROCESS THAT
43 INCLUDES PROCEDURES AND APPROPRIATE CONTACT INFORMATION FOR WHEN
44 TEMPERATURE CONDITIONS CHANGE.

1 4. APPROPRIATE ENGINEERING CONTROL MEASURES AND ADMINISTRATIVE
2 CONTROL MEASURES FOR TEMPERATURES AND HUMIDITY, INCLUDING THE IMPORTANCE
3 OF REST BREAKS.

4 5. THE PURPOSE, IMPORTANCE AND METHODS OF ACCLIMATIZATION PURSUANT
5 TO THE EMPLOYER'S PROCEDURES.

6 6. INSTRUCTION ON THE TYPES OF PERSONAL PROTECTIVE EQUIPMENT,
7 INCLUDING HATS, GLOVES, WINTER COATS, COOLING RAGS, ICE VEST, SUNSCREEN
8 AND OTHER SIMILAR PRODUCTS.

9 7. INFORMATION ON THE ADDITIONAL PHYSIOLOGICAL BURDEN THAT IS
10 CAUSED BY USING PERSONAL PROTECTIVE EQUIPMENT AND HOW AN EMPLOYER WILL
11 FACTOR THIS ADDITIONAL BURDEN INTO A WORKER HEAT LOAD THAT INCLUDES
12 METHODS FOR PROPER DONNING AND DOFFING PERSONAL PROTECTIVE EQUIPMENT.

13 8. INFORMATION FOR MEDICAL MONITORING PROVISIONS AND EMPLOYEE
14 ACCESS TO RECORDS.

15 9. INFORMATION ON EMERGENCY RESPONSE PROCEDURES, INCLUDING
16 COMMUNICATION PROCEDURES AND APPROPRIATE CONTACTS FOR EMPLOYEES AND
17 SUPERVISORS DURING EACH STEP OF A RESPONSE.

18 10. PROCEDURES FOR EMPLOYEES AND SUPERVISORS TO REPORT ACUTE AND
19 DELAYED ONSET SYMPTOMS OF A HEAT-RELATED ILLNESS OR A COLD-RELATED ILLNESS
20 AND THAT ANY REPORTING IS FREE FROM RETALIATION.

21 JJ. AN EMPLOYER SHALL:

22 1. COLLECT AND MAINTAIN DATA AND RECORDS AS REQUIRED ON ALL
23 TEMPERATURE-RELATED ILLNESSES AND FATALITIES THAT OCCUR AT AN OUTDOOR
24 WORKSITE OR AN INDOOR WORKSITE.

25 2. MAKE REPORTS AVAILABLE FOR FREE TO ANY EMPLOYEE, GOVERNMENT
26 OFFICE OR REPRESENTATIVE OF AN EMPLOYEE WITHIN ONE BUSINESS DAY ON
27 REQUEST.

28 3. BE SUBJECT TO FINES FOR NOT ADHERING TO THE MANDATORY
29 RECORDKEEPING AND WRITTEN PROGRAM PROTOCOLS.

30 KK. AN EMPLOYER SHALL DEVELOP A CLEAR SYSTEM AND APPROPRIATE POINTS
31 OF CONTACT FOR WORKERS TO REPORT HAZARDOUS WORKING CONDITIONS AND
32 HEAT-RELATED ILLNESSES OR COLD-RELATED ILLNESSES. AN EMPLOYER SHALL BE
33 CONSIDERED IN VIOLATION OF THIS SECTION IF AN EMPLOYEE IS RETALIATED OR
34 DISCRIMINATED AGAINST FOR RAISING CONCERNS AND REPORTING INCIDENTS OF
35 ILLNESS OR INJURY.

36 LL. THIS SECTION APPLIES TO AN EMPLOYEE REGARDLESS OF THE
37 EMPLOYEE'S IMMIGRATION STATUS.

38 MM. FOR THE PURPOSES OF THIS SECTION:

39 1. "ACCLIMATIZATION", "ACCLIMATIZING" OR "ACCLIMATIZE" MEANS THE
40 TEMPORARY PHYSIOLOGICAL ADAPTATION OF THE BODY TO WORK IN HOT ENVIRONMENTS
41 THAT OCCURS GRADUALLY.

42 2. "ADMINISTRATIVE CONTROL":

43 (a) MEANS A METHOD TO LIMIT EXPOSURE TO A HAZARD BY ADJUSTING WORK
44 PROCEDURES, PRACTICES OR SCHEDULES.

45 (b) INCLUDES ANY OF THE FOLLOWING:

- 1 (i) ACCLIMATIZING EMPLOYEES.
- 2 (ii) ROTATING EMPLOYEES.
- 3 (iii) SCHEDULING WORK EARLIER OR LATER IN THE DAY.
- 4 (iv) ORGANIZING WORK LOCATIONS AND TASKS AT CERTAIN TIMES OF THE
- 5 DAY TO AVOID DIRECT SUNLIGHT.
- 6 (v) USING WORK AND REST SCHEDULES.
- 7 (vi) REDUCING WORK INTENSITY OR SPEED.
- 8 (vii) REDUCING WORK HOURS.
- 9 (viii) CHANGING REQUIRED WORK CLOTHING.
- 10 3. "BUDDY SYSTEM" MEANS A PROCEDURE IN WHICH TWO INDIVIDUALS, THE
- 11 BUDDIES, OPERATE TOGETHER AS A SINGLE UNIT SO THAT THEY ARE ABLE TO
- 12 MONITOR AND HELP EACH OTHER.
- 13 4. "COLD-RELATED ILLNESS":
- 14 (a) MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE BODY'S
- 15 INABILITY TO COPE WITH COLD TEMPERATURES.
- 16 (b) INCLUDES ANY OF THE FOLLOWING:
- 17 (i) TRENCH FOOT.
- 18 (ii) FROSTBITE.
- 19 (iii) HYPOTHERMIA.
- 20 (iv) CHILBLAINS.
- 21 5. "COLD WAVE" MEANS ANY DAY IN WHICH THERE IS A RAPID FALL IN
- 22 TEMPERATURE WITHIN A TWENTY-FOUR-HOUR PERIOD THAT REQUIRES SUBSTANTIALLY
- 23 INCREASED PROTECTION TO AGRICULTURE, INDUSTRY, COMMERCE AND SOCIAL
- 24 ACTIVITIES.
- 25 6. "COOL-DOWN AREA":
- 26 (a) MEANS AN INDOOR OR OUTDOOR AREA THAT IS BLOCKED FROM DIRECT
- 27 SUNLIGHT AND SHIELDED FROM OTHER HIGH RADIANT HEAT SOURCES AND THAT IS
- 28 EITHER OPEN TO THE AIR OR PROVIDED WITH VENTILATION OR COOLING. FOR THE
- 29 PURPOSES OF THIS SUBDIVISION, BLOCK FROM DIRECT SUNLIGHT OCCURS WHEN
- 30 OBJECTS DO NOT CAST A SHADOW IN THE AREA OF BLOCKED SUNLIGHT.
- 31 (b) DOES NOT INCLUDE A LOCATION WHERE:
- 32 (i) ENVIRONMENTAL RISK FACTORS DEFEAT THE PURPOSE OF ALLOWING THE
- 33 BODY TO COOL.
- 34 (ii) EMPLOYEES ARE EXPOSED TO UNSAFE OR UNHEALTHY CONDITIONS.
- 35 (iii) EMPLOYEES ARE DETERRED OR DISCOURAGED FROM ACCESSING OR USING
- 36 THE COOL-DOWN AREA.
- 37 7. "DRINKING WATER":
- 38 (a) MEANS FRESH, PURE, COOL, POTABLE WATER THAT IS PROVIDED FREE OF
- 39 CHARGE TO EMPLOYEES.
- 40 (b) INCLUDES ELECTROLYTE REPLENISHING BEVERAGES THAT DO NOT CONTAIN
- 41 CAFFEINE.
- 42 8. "EMPLOYEE":
- 43 (a) MEANS AN INDIVIDUAL WHO PROVIDED LABOR OR SERVICES WITHIN THE
- 44 SCOPE OF THIS SECTION FOR PAYMENT FROM A PRIVATE ENTITY OR BUSINESS THAT
- 45 IS LOCATED IN THIS STATE.

- 1 (b) INCLUDES:
2 (i) PRIVATE SECTOR WORKERS.
3 (ii) PUBLIC SECTOR WORKERS.
4 (iii) PART-TIME WORKERS.
5 (iv) INDEPENDENT CONTRACTORS.
6 (v) DAY LABORERS.
7 (vi) FARMWORKERS.
8 (vii) ANY OTHER TEMPORARY AND SEASONAL WORKER.
9 (viii) STAFFING AGENCY EMPLOYEES.
10 (ix) CONTRACTORS OR SUBCONTRACTORS THAT ARE EMPLOYED ON BEHALF OF
11 AN EMPLOYER AT ANY WORKSITE.
12 (x) INDIVIDUALS WHO DELIVER GOODS OR TRANSPORT EMPLOYEES AT, TO OR
13 FROM A WORKSITE ON BEHALF OF AN EMPLOYER, REGARDLESS OF WHETHER DELIVERY
14 OR TRANSPORT IS CONDUCTED BY AN INDIVIDUAL OR ENTITY THAT WOULD OTHERWISE
15 BE DEEMED AN EMPLOYER UNDER THIS SECTION.
16 9. "EMPLOYER" MEANS ANY OF THE FOLLOWING:
17 (a) AN INDIVIDUAL.
18 (b) A PARTNERSHIP.
19 (c) AN ASSOCIATION.
20 (d) A CORPORATION.
21 (e) A LIMITED LIABILITY COMPANY.
22 (f) A BUSINESS TRUST.
23 (g) A LEGAL REPRESENTATIVE.
24 (h) A PUBLIC ENTITY.
25 (i) ANY ORGANIZED GROUP THAT ACTS AS AN EMPLOYER WITHIN THE SCOPE
26 OF THIS SECTION.
27 10. "ENGINEERING CONTROLS":
28 (a) MEANS THE USE OF SUBSTITUTION, ISOLATION, VENTILATION AND
29 EQUIPMENT MODIFICATION TO REDUCE EXPOSURE TO A HEAT-RELATED ILLNESS THAT
30 IS RELATED TO WORKPLACE HAZARDS AND JOB TASKS.
31 (b) INCLUDES ANY OF THE FOLLOWING:
32 (i) ISOLATION FROM HOT PROCESSES.
33 (ii) ISOLATION OF EMPLOYEES FROM SOURCES OF HEAT.
34 (iii) AIR-CONDITIONING.
35 (iv) COOLING FANS.
36 (v) COOLING MIST FANS.
37 (vi) EVAPORATIVE COOLERS OR SWAMP COOLERS.
38 (vii) NATURAL VENTILATION WHERE THE OUTDOOR TEMPERATURE AND HEAT
39 INDEX IS LOWER THAN THE INDOOR TEMPERATURE AND HEAT INDEX.
40 (viii) LOCAL EXHAUST VENTILATION.
41 (ix) SHIELD FROM RADIANT HEAT SOURCE.
42 (x) INSULATION FROM HOT SURFACES.
43 11. "ENVIRONMENTAL RISK FACTORS" MEANS WORKING CONDITIONS THAT
44 CREATE THE POSSIBILITY THAT HEAT ILLNESS COULD OCCUR, INCLUDING AIR
45 TEMPERATURE, RELATIVE HUMIDITY, RADIANT HEAT FROM THE SUN AND OTHER

1 SOURCES, CONDUCTIVE HEAT SOURCES SUCH AS THE GROUND, AIR MOVEMENT,
2 WORKLOAD SEVERITY AND DURATION, PROTECTIVE CLOTHING AND PERSONAL
3 PROTECTIVE EQUIPMENT WORN BY EMPLOYEES.

4 12. "HEAT-RELATED ILLNESS" OR "HEAT ILLNESS":

5 (a) MEANS A SERIOUS MEDICAL CONDITION THAT RESULTS FROM THE BODY'S
6 INABILITY TO COPE WITH A PARTICULAR HEAT LOAD.

7 (b) INCLUDES ANY OF THE FOLLOWING:

8 (i) HEAT CRAMPS.

9 (ii) HEAT EXHAUSTION.

10 (iii) HEAT SYNCOPE.

11 (iv) HEAT STROKE.

12 13. "HEAT WAVE" MEANS ANY DAY IN WHICH THE PREDICTED HIGH
13 TEMPERATURE FOR THE DAY WILL BE AT LEAST EIGHTY DEGREES FAHRENHEIT AND AT
14 LEAST TEN DEGREES FAHRENHEIT HIGHER THAN THE AVERAGE HIGH DAILY
15 TEMPERATURE IN THE PRECEDING FIVE DAYS.

16 14. "INDOOR TEMPERATURE STRESS THRESHOLD" MEANS A TEMPERATURE OF
17 MORE THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.

18 15. "INDOOR WORKSITE":

19 (a) MEANS ANY ENCLOSED WORK VEHICLES AND ANY SPACE BETWEEN A FLOOR
20 AND A CEILING THAT IS BOUND ON ALL SIDES.

21 (b) DOES NOT INCLUDE AN OUTDOOR WORKSITE.

22 16. "LANDSCAPING":

23 (a) MEANS PROVIDING LANDSCAPE CARE AND MAINTENANCE SERVICES,
24 INSTALLING TREES, SHRUBS, PLANTS, LAWNS OR GARDENS OR PROVIDING THESE
25 SERVICES IN CONJUNCTION WITH THE DESIGN OF LANDSCAPE PLANS.

26 (b) INCLUDES CONSTRUCTING, INSTALLING OR MAINTAINING WALKWAYS,
27 RETAINING WALLS, DECKS, FENCES, PONDS AND SIMILAR STRUCTURES.

28 17. "OIL AND GAS EXTRACTION" MEANS OPERATING OR DEVELOPING OIL AND
29 GAS FIELD PROPERTIES, EXPLORING FOR CRUDE PETROLEUM OR NATURAL GAS, MINING
30 OR EXTRACTING OF OIL OR GAS OR RECOVERING LIQUID HYDROCARBONS FROM OIL OR
31 GAS FIELD GASES.

32 18. "OUTDOOR TEMPERATURE STRESS THRESHOLD" MEANS A TEMPERATURE OF
33 MORE THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.

34 19. "OUTDOOR WORKSITE":

35 (a) MEANS AN EMPLOYER THAT EMPLOYES EMPLOYEES TO PERFORM WORK IN AN
36 OUTDOOR ENVIRONMENT.

37 (b) INCLUDES ANY OF THE FOLLOWING LOCATIONS:

38 (i) SHEDS.

39 (ii) TENTS.

40 (iii) GREENHOUSES.

41 (iv) OTHER STRUCTURES WHERE WORK ACTIVITIES ARE CONDUCTED INSIDE
42 AND THE TEMPERATURE IS NOT MANAGED BY DEVICES THAT REDUCE HEAT OR COLD
43 EXPOSURE OR AID IN HEATING OR COOLING, SUCH AS AN AIR CONDITIONING SYSTEM,
44 HEATERS, FANS OR HUMIDIFIERS.

1 (c) DOES NOT INCLUDE INCIDENTAL EXPOSURE WHEN AN EMPLOYEE IS
2 REQUIRED TO PERFORM A WORK ACTIVITY OUTDOORS FOR NOT MORE THAN FIFTEEN
3 MINUTES WITHIN A SIXTY-MINUTE PERIOD.

4 20. "PERSONAL PROTECTIVE EQUIPMENT" MEANS THE PROTECTIVE GEAR,
5 UNIFORMS AND CLOTHING TO WITHSTAND TEMPERATURES AT OR EXCEEDING THE STRESS
6 THRESHOLDS.

7 21. "POTABLE WATER" HAS THE SAME MEANING PRESCRIBED IN 29 CODE OF
8 FEDERAL REGULATIONS SECTION 1910.141(a)(2).

9 22. "REST PERIOD" MEANS A COOL-DOWN PERIOD MADE AVAILABLE TO AN
10 EMPLOYEE TO PREVENT HEAT ILLNESS.

11 23. "PREVENTATIVE COOL-DOWN REST" MEANS A REST TAKEN IN A COOL-DOWN
12 AREA TO PREVENT OVERHEATING.

13 24. "SHADE" MEANS THE COMPLETE BLOCKAGE OF DIRECT SUNLIGHT THAT
14 ALLOWS THE BODY TO COOL. SHADE MAY BE PROVIDED BY ANY ARTIFICIAL MEANS
15 THAT DOES NOT EXPOSE EMPLOYEES TO UNSAFE OR UNHEALTHY CONDITIONS AND DOES
16 NOT DETER OR DISCOURAGE ACCESS OR USE.

17 25. "TEMPERATURE" MEANS THE TEMPERATURE THAT IS MEASURED BY A GLOBE
18 THERMOMETER, WHICH IS A TYPE OF APPARENT TEMPERATURE USED TO ESTIMATE THE
19 EFFECT OF ANY OF THE FOLLOWING:

20 (a) THE TEMPERATURE.

21 (b) THE HUMIDITY.

22 (c) THE WIND SPEED.

23 (d) THE WIND CHILL.

24 (e) ANY VISIBLE AND INFRARED RADIATION.

25 Sec. 2. Section 23-405, Arizona Revised Statutes, is amended to
26 read:

27 23-405. Duties and powers of the industrial commission of
28 Arizona relative to occupational safety and health;
29 reporting

30 The commission shall:

31 1. Administer ~~the provisions of~~ this article through the division
32 ~~of occupational safety and health.~~

33 2. Appoint the director of the division ~~of occupational safety and~~
34 ~~health.~~

35 3. Cooperate with the federal government to establish and maintain
36 an occupational safety and health program as effective as the federal
37 occupational safety and health program.

38 4. ~~Promulgate~~ ADOPT standards and regulations as required, pursuant
39 to section 23-410, and ~~promulgate~~ ADOPT such other rules and regulations
40 as are necessary for the efficient functioning of the division.

41 5. Have the authority to issue reasonable temporary, experimental
42 and permanent variances pursuant to sections 23-411 and 23-412.

43 6. Exercise such other powers as are necessary to carry out the
44 duties and requirements of this article.

1 7. MANAGE A TELEPHONE NUMBER THAT ALLOWS EMPLOYEES TO REPORT
2 POTENTIAL VIOLATIONS ANONYMOUSLY IN ENGLISH AND OTHER LANGUAGES IF AN
3 EMPLOYER IS NOT IN COMPLIANCE WITH THE LAW.

4 Sec. 3. Industrial commission of Arizona; rules; report;
5 delayed repeal

6 A. Within thirty days after the governor's regulatory review
7 council's approval of the industrial commission of Arizona's proposed
8 rules, the industrial commission of Arizona shall provide a copy of the
9 rules to the president of the senate, the speaker of the house of
10 representatives, the majority caucus of the senate, the minority caucus of
11 the senate, the majority caucus of the house of representatives, the
12 minority caucus of the house of representatives and the governor and
13 submit a copy to the secretary of state.

14 B. This section is repealed from and after December 31, 2027.