

REFERENCE TITLE: **working conditions; temperatures; employers; definitions**

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

HB 2382

Introduced by
Representatives Hernandez A: Garcia, Hernandez C, Hernandez L, Tsosie;
Senator Miranda

AN ACT

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

(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. Employer requirements; heat-related illnesses;
5 cold-related illnesses; employer procedures;
6 education and training; communication; definitions

7 A. WHEN AN EMPLOYEE IS IN AN INDOOR WORKSITE OR AN OUTDOOR WORKSITE
8 AND THE EMPLOYEE EXPERIENCES CONDITIONS AT OR EXCEEDING A HEAT STRESS
9 THRESHOLD OF EIGHTY DEGREES FAHRENHEIT OR MORE, THE EMPLOYER SHALL DEVELOP
10 A WRITTEN PROGRAM TO MITIGATE HEAT-RELATED ILLNESSES AND INJURIES THAT MAY
11 BE EXPERIENCED BY AN EMPLOYEE, WHICH SHALL COMPLY WITH ALL OF THE
12 FOLLOWING:

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

17 2. INCLUDE WORK PROCESSES THAT DECREASE THE LIKELIHOOD OF A
18 HEAT-RELATED ILLNESS.

19 3. INCLUDE EDUCATION AND TRAINING INFORMATION AS PRESCRIBED IN
20 SUBSECTION W OF THIS SECTION.

21 4. INCLUDE INFORMATION ON HOW TO READ A THERMOMETER. AN EMPLOYER
22 SHALL DISPLAY A WORKING THERMOMETER FOR EVERY INDOOR WORKSITE, OUTDOOR
23 WORKSITE AND VEHICLE WORKSITE.

24 5. INCLUDE INFORMATION ON HOW TO USE AND WHERE TO LOCATE PERSONAL
25 PROTECTIVE EQUIPMENT. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT
26 ENGINEERING CONTROLS AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON
27 PERSONAL PROTECTIVE EQUIPMENT.

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

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

32 B. AN EMPLOYER SHALL PROVIDE ACCESS TO FREE DRINKING WATER THAT IS
33 LOCATED AS CLOSE AS PRACTICABLE TO AN EMPLOYEE'S WORKSITE. IF DRINKING
34 WATER IS NOT PLUMBED OR OTHERWISE CONTINUOUSLY SUPPLIED, THE DRINKING
35 WATER SHALL BE PROVIDED IN SUFFICIENT QUANTITY AT THE BEGINNING OF A
36 SHIFT, WHICH IS A MINIMUM OF ONE QUART OF DRINKING WATER PER HOUR, PER
37 EMPLOYEE. AN EMPLOYER SHALL ENCOURAGE FREQUENT DRINKING OF WATER.

38 C. AN EMPLOYER SHALL REQUIRE AND ENCOURAGE PREVENTATIVE COOL-DOWN
39 RESTS OF NOT LESS THAN TEN MINUTES, IN ADDITION TO THE TIME THAT IS NEEDED
40 TO ACCESS A COOL-DOWN AREA. A COOL-DOWN AREA MAY BE IN THE SHADE FOR AN
41 OUTDOOR WORKSITE OR IN AN INDOOR BREAKROOM FOR AN INDOOR WORKSITE. AN
42 EMPLOYER SHALL COMPLY WITH ALL OF THE FOLLOWING:

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

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

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

8 D. AN EMPLOYER SHALL CLOSELY MONITOR TEMPERATURES BY USING A GLOBE
9 THERMOMETER AND SHALL IMPLEMENT A WORKPLACE HEAT STRESS PLAN WHEN
10 TEMPERATURES ARE MORE THAN EIGHTY DEGREES FAHRENHEIT. THE GLOBE
11 THERMOMETER MAY NOT BE SHIELDED FROM DIRECT EXPOSURE TO RADIANT HEAT WHILE
12 THE GLOBE THERMOMETER IS BEING MEASURED. IF AN EMPLOYEE SHOWS SIGNS OR
13 REPORTS SYMPTOMS OF A HEAT-RELATED ILLNESS, THE EMPLOYER SHALL IMMEDIATELY
14 PROVIDE APPROPRIATE FIRST AID OR EMERGENCY RESPONSE.

15 E. AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO WORK IN THE SHADE, AS
16 APPLICABLE, AND SHALL PROVIDE AN EMPLOYEE WITH ACCESS TO SHADE:

17 1. AS CLOSE TO THE WORKSITE AS POSSIBLE WHILE EMPLOYEES ARE
18 PRESENT:

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

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

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

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

25 F. AN EMPLOYER SHALL PROVIDE NECESSARY PERSONAL PROTECTIVE
26 EQUIPMENT AT NO COST TO AN EMPLOYEE. IF ENGINEERING CONTROLS AND
27 ADMINISTRATIVE CONTROLS ARE NOT SUFFICIENT TO REDUCE AND MAINTAIN THE
28 TEMPERATURE AND HEAT INDEX TO BELOW EIGHTY-SEVEN DEGREES FAHRENHEIT, AN
29 EMPLOYEE SHALL USE PERSONAL PROTECTIVE EQUIPMENT UNLESS THE EMPLOYER
30 DEMONSTRATES THAT THE USE OF PERSONAL PROTECTIVE EQUIPMENT IS NOT
31 FEASIBLE.

32 G. AN EMPLOYEE WHO SPENDS MORE THAN SIXTY MINUTES IN VEHICLES EACH
33 DAY OR WHOSE WORKSITE IS CONSIDERED A VEHICLE SHALL HAVE ADEQUATE AIR
34 CONDITIONING THAT IS AVAILABLE INSIDE THE VEHICLE AND THAT IS MAINTAINED
35 ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS TO KEEP TEMPERATURES LESS
36 THAN EIGHTY DEGREES FAHRENHEIT.

37 H. AN EMPLOYER SHALL PROVIDE TIME FOR NEW AND RETURNING EMPLOYEES
38 TO ACCLIMATIZE TO A HEAT TEMPERATURE, AS FOLLOWS:

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

43 2. IF AN EMPLOYEE HAS BEEN ABSENT FROM A HEAT WORKSITE FOR MORE
44 THAN SEVEN DAYS, THE EMPLOYEE MAY ONLY WORK TWENTY PERCENT OF THE

1 EMPLOYEE'S NORMAL DURATION ON THE FIRST DAY AND GRADUALLY INCREASE WORK
2 DURATION OVER A TWO-WEEK PERIOD.

3 I. AN EMPLOYER SHALL IMPLEMENT HIGH HEAT PROCEDURES WHEN THE
4 TEMPERATURE IS NINETY DEGREES FAHRENHEIT OR MORE OR WHEN A HEAT WAVE IS
5 EXPERIENCED. DURING A HEAT WAVE:

6 1. AN EMPLOYER SHALL ENSURE THAT THE EMPLOYEE TAKES A MINIMUM
7 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY TWO HOURS. IF THE
8 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
9 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
10 SHALL BE COMPENSATED.

11 2. WHEN THE TEMPERATURE EQUALS OR EXCEEDS ONE HUNDRED DEGREES
12 FAHRENHEIT, AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE TAKES A MINIMUM
13 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY HOUR. IF THE
14 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
15 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
16 SHALL BE COMPENSATED.

17 3. AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE IS CLOSELY MONITORED
18 DURING THE HEAT WAVE BY EITHER PERSONALLY OBSERVING THE EMPLOYEE OR
19 THROUGH A DESIGNEE.

20 J. AN EMPLOYER SHALL DEVELOP A WRITTEN PROGRAM FOR WHEN AN EMPLOYEE
21 IS IN AN INDOOR WORKSITE OR AN OUTDOOR WORKSITE AND THE EMPLOYEE
22 EXPERIENCES CONDITIONS OF SIXTY DEGREES FAHRENHEIT OR LESS. THE WRITTEN
23 PROGRAM MUST BE UPDATED AT LEAST ANNUALLY, MITIGATE COLD-RELATED ILLNESSES
24 AND INJURIES EXPERIENCED BY AN EMPLOYEE AND INCLUDE ALL OF THE FOLLOWING:

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

27 2. INFORMATION ON COLD-RELATED ILLNESS PREVENTION AND HOW TO
28 RECOGNIZE AND REPORT COLD-RELATED ILLNESSES.

29 3. THE LOCATION OF WARM LIQUIDS AND WARM AREAS FOR USE DURING BREAK
30 PERIODS.

31 4. INFORMATION TO ENSURE ACCESS TO WIND PERSONAL PROTECTIVE
32 EQUIPMENT BASED ON THE WIND SPEED.

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

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

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

39 8. SCHEDULES THAT ARE DESIGNED TO REDUCE THE TIME AN EMPLOYEE WILL
40 SPEND IN A COLD ENVIRONMENT AND TO REDUCE THE PHYSICAL DEMANDS DURING COLD
41 EXPOSURE.

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

1 K. AN EMPLOYER SHALL PROVIDE AND DISPLAY A THERMOMETER FOR EMPLOYEE
2 USE AT ALL WORKSITES TO MONITOR THE TEMPERATURE INDOORS, OUTDOORS AND IN
3 VEHICLES.

4 L. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT ENGINEERING CONTROLS
5 AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON PERSONAL PROTECTIVE
6 EQUIPMENT.

7 M. AN EMPLOYER SHALL PROVIDE ACCESS TO FREE DRINKING WATER THAT IS
8 LOCATED AS CLOSE AS PRACTICABLE TO AN EMPLOYEE'S WORKSITE. IF DRINKING
9 WATER IS NOT PLUMBED OR OTHERWISE CONTINUOUSLY SUPPLIED, THE DRINKING
10 WATER SHALL BE PROVIDED IN SUFFICIENT QUANTITY AT THE BEGINNING OF A
11 SHIFT, WHICH IS A MINIMUM OF ONE QUART OF DRINKING WATER PER HOUR, PER
12 EMPLOYEE. AN EMPLOYER SHALL ENCOURAGE FREQUENT DRINKING OF WATER.

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

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

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

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

26 O. AN EMPLOYER SHALL CLOSELY MONITOR TEMPERATURES AND IMPLEMENT A
27 WORKPLACE COLD STRESS PLAN WHEN TEMPERATURES ARE BELOW SIXTY DEGREES
28 FAHRENHEIT. IF AN EMPLOYEE SHOWS SIGNS OR REPORTS SYMPTOMS OF A
29 COLD-RELATED ILLNESS, THE EMPLOYER SHALL IMMEDIATELY PROVIDE APPROPRIATE
30 FIRST AID OR EMERGENCY RESPONSE.

31 P. AN EMPLOYER SHALL PROVIDE A WARM LOCATION FOR BREAKS THAT SHALL
32 BE MADE AVAILABLE WHEN THE TEMPERATURE IS BELOW SIXTY DEGREES FAHRENHEIT.
33 WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY DEGREES
34 FAHRENHEIT, THE EMPLOYER SHALL HAVE AND MAINTAIN ONE OR MORE AREAS WITH
35 ADEQUATE WARMTH AT ALL TIMES WHILE EMPLOYEES ARE PRESENT. THE SIZE OF THE
36 WARM LOCATION SHALL BE AT LEAST ENOUGH TO ACCOMMODATE THE NUMBER OF
37 EMPLOYEES ON RECOVERY OR REST PERIODS, WITH AT LEAST FOUR SQUARE FEET
38 AVAILABLE PER EACH RESTING EMPLOYEE. THE REST LOCATION SHALL BE LOCATED
39 AS CLOSE AS PRACTICABLE TO THE AREAS WHERE EMPLOYEES ARE WORKING.

40 Q. WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY
41 DEGREES FAHRENHEIT, AN EMPLOYER SHALL PROVIDE WARMTH PURSUANT TO
42 SUBSECTION N OF THIS SECTION OR PROVIDE TIMELY ACCESS ON AN EMPLOYEE'S
43 REQUEST. AN EMPLOYEE SHALL BE ALLOWED AND ENCOURAGED TO TAKE A
44 PREVENTATIVE WARM-UP REST BREAK WHEN THE EMPLOYEE FEELS THE NEED TO DO SO
45 TO PROTECT AGAINST COLD STRESS.

1 R. AN EMPLOYER SHALL PROVIDE NECESSARY PERSONAL PROTECTIVE
2 EQUIPMENT AT NO COST TO AN EMPLOYEE THAT INCLUDES CLOTHING TO ENSURE THE
3 EARS, FACE, HANDS AND FEET ARE PROTECTED DURING A COLD WAVE. AN EMPLOYER
4 SHALL TAKE INTO ACCOUNT ANY RISK FACTORS RELATED TO INCREASED HEAT DUE TO
5 WEARING PERSONAL PROTECTIVE EQUIPMENT EVEN IN COLD TEMPERATURES.

6 S. AN EMPLOYEE WHO SPENDS MORE THAN SIXTY MINUTES IN VEHICLES EACH
7 DAY OR WHOSE WORKSITE IS CONSIDERED A VEHICLE SHALL HAVE ADEQUATE HEATING
8 THAT IS AVAILABLE INSIDE THE VEHICLE AND THAT IS MAINTAINED ACCORDING TO
9 THE MANUFACTURER'S INSTRUCTIONS TO KEEP TEMPERATURES ABOVE SIXTY DEGREES
10 FAHRENHEIT.

11 T. AN EMPLOYER SHALL ENSURE THAT IF AN EMPLOYEE'S SKIN, CLOTHING OR
12 PERSONAL PROTECTIVE EQUIPMENT GETS WET, THE EMPLOYEE IS IMMEDIATELY
13 REMOVED FORM THE WORKSITE AND TAKEN TO A WARM-UP AREA TO HAVE THE WET
14 CLOTHING OR PERSONAL PROTECTIVE EQUIPMENT REMOVED AND MAY NOT RETURN TO
15 WORK UNTIL THE WET ITEMS HAVE BEEN REPLACED.

16 U. AN EMPLOYER SHALL COMMUNICATE WITH AN EMPLOYEE IN THE FOLLOWING
17 MANNER:

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

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

23 (a) A MANDATORY BUDDY SYSTEM.

24 (b) DIRECT OBSERVATION BY A SUPERVISOR OR DESIGNEE OF TWENTY OR
25 FEWER EMPLOYEES.

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

28 V. AN EMPLOYER SHALL IMPLEMENT EFFECTIVE EMERGENCY RESPONSE
29 PROCEDURES WHEN AN EMPLOYEE EXPERIENCES ANY STAGE OF A HEAT-RELATED
30 ILLNESS OR A COLD-RELATED ILLNESS THAT INCLUDES ALL OF THE FOLLOWING:

31 1. CLEAR AND PRECISE DIRECTIONS TO WORKSITE LOCATIONS FOR
32 TRANSIENT, FIELD AND SOLO EMPLOYEES.

33 2. CURRENT ON-SITE EMERGENCY CONTACT INFORMATION FOR EMPLOYEES AND
34 SUPERVISORS WITH DIRECTIONS ON HOW TO EFFECTIVELY COMMUNICATE WITH
35 OFF-SITE SUPERVISORS AND EMERGENCY MEDICAL PERSONNEL.

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

39 4. CURRENT CONTACT INFORMATION FOR EMERGENCY MEDICAL SERVICES.

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

42 6. CLEAR DIRECTION ON HOW TO ADMINISTER FIRST AID AT THE WORKSITE
43 AND HOW TO SAFELY REMOVE AN EMPLOYEE FROM A WORKSITE DUE TO A HEAT-RELATED
44 ILLNESS OR A COLD-RELATED ILLNESS. IF THE EMPLOYEE EXPERIENCES A

1 HEAT-RELATED ILLNESS OR A COLD-RELATED ILLNESS WHILE AT THE WORKSITE, THE
2 EMPLOYEE IS ON DUTY AND SHALL BE FULLY COMPENSATED.

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

21 1. INFORMATION ON THE RISK FACTORS, SIGNS AND SYMPTOMS OF COLD
22 STRESS, HEAT STRESS, HEAT-RELATED ILLNESSES AND COLD-RELATED ILLNESSES
23 THAT INCLUDES NECESSARY MEDICAL RESPONSES.

24 2. INFORMATION ON INDOOR TEMPERATURE STRESS THRESHOLDS AND OUTDOOR
25 TEMPERATURE STRESS THRESHOLDS, INCLUDING THAT IN INDOOR
26 TEMPERATURE-REGULATED ENVIRONMENTS THAT INCLUDE OFFICES AND SCHOOLS, THE
27 INDOOR TEMPERATURE MUST FALL BETWEEN SIXTY-EIGHT AND ONE-HALF TO SEVENTY
28 DEGREES FAHRENHEIT WHEN THE OUTDOOR TEMPERATURE IS LESS THAN FIFTY-FIVE
29 DEGREES FAHRENHEIT. IF THE OUTDOOR TEMPERATURE IS GREATER THAN
30 EIGHTY-FIVE DEGREES FAHRENHEIT, THE INDOOR TEMPERATURE MUST FALL BETWEEN
31 SEVENTY-FIVE AND EIGHTY AND ONE-HALF DEGREES FAHRENHEIT.

32 3. INFORMATION ON HOW TO MONITOR THE TEMPERATURE AND HUMIDITY
33 CONDITIONS AND HOW WORKERS CAN PARTICIPATE IN THE MONITORING PROCESS THAT
34 INCLUDES PROCEDURES AND APPROPRIATE CONTACT INFORMATION FOR WHEN
35 TEMPERATURE CONDITIONS CHANGE.

36 4. APPROPRIATE ENGINEERING CONTROL MEASURES AND ADMINISTRATIVE
37 CONTROL MEASURES FOR TEMPERATURES AND HUMIDITY, INCLUDING THE IMPORTANCE
38 OF REST BREAKS.

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

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

44 7. INFORMATION ON THE ADDITIONAL PHYSIOLOGICAL BURDEN THAT IS
45 CAUSED BY USING PERSONAL PROTECTIVE EQUIPMENT AND HOW AN EMPLOYER WILL

1 FACTOR THIS ADDITIONAL BURDEN INTO A WORKER HEAT LOAD THAT INCLUDES
2 METHODS FOR PROPER DONNING AND DOFFING PERSONAL PROTECTIVE EQUIPMENT.

3 8. INFORMATION FOR MEDICAL MONITORING PROVISIONS AND EMPLOYEE
4 ACCESS TO RECORDS.

5 9. INFORMATION ON EMERGENCY RESPONSE PROCEDURES, INCLUDING
6 COMMUNICATION PROCEDURES AND APPROPRIATE CONTACTS FOR EMPLOYEES AND
7 SUPERVISORS DURING EACH STEP OF A RESPONSE.

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

11 X. AN EMPLOYER SHALL:

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

15 2. MAKE REPORTS AVAILABLE FOR FREE TO ANY EMPLOYEE, GOVERNMENT
16 OFFICE OR REPRESENTATIVE OF AN EMPLOYEE WITHIN ONE BUSINESS DAY ON
17 REQUEST.

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

20 Y. AN EMPLOYER SHALL DEVELOP A CLEAR SYSTEM AND APPROPRIATE POINTS
21 OF CONTACT FOR WORKERS TO REPORT HAZARDOUS WORKING CONDITIONS AND
22 HEAT-RELATED ILLNESSES OR COLD-RELATED ILLNESSES. AN EMPLOYER SHALL BE
23 CONSIDERED IN VIOLATION OF THIS SECTION IF AN EMPLOYEE IS RETALIATED OR
24 DISCRIMINATED AGAINST FOR RAISING CONCERNS AND REPORTING INCIDENTS OF
25 ILLNESS OR INJURY.

26 Z. THIS SECTION APPLIES TO AN EMPLOYEE REGARDLESS OF THE EMPLOYEE'S
27 IMMIGRATION STATUS.

28 AA. FOR THE PURPOSES OF THIS SECTION:

29 1. "ACCLIMATIZATION", "ACCLIMATIZING" OR "ACCLIMATIZE" MEANS THE
30 TEMPORARY PHYSIOLOGICAL ADAPTATION OF THE BODY TO WORK IN HOT ENVIRONMENTS
31 THAT OCCURS GRADUALLY.

32 2. "ADMINISTRATIVE CONTROL":

33 (a) MEANS A METHOD TO LIMIT EXPOSURE TO A HAZARD BY ADJUSTMENT OF
34 WORK PROCEDURES, PRACTICES OR SCHEDULES.

35 (b) INCLUDES ANY OF THE FOLLOWING:

36 (i) ACCLIMATIZING EMPLOYEES.

37 (ii) ROTATING EMPLOYEES.

38 (iii) SCHEDULING WORK EARLIER OR LATER IN THE DAY.

39 (iv) ORGANIZING WORK LOCATIONS AND TASKS AT CERTAIN TIMES OF THE
40 DAY TO AVOID DIRECT SUNLIGHT.

41 (v) USING WORK AND REST SCHEDULES.

42 (vi) REDUCING WORK INTENSITY OR SPEED.

43 (vii) REDUCING WORK HOURS.

44 (viii) CHANGING REQUIRED WORK CLOTHING.

1 3. "COLD-RELATED ILLNESS":

2 (a) MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE BODY'S
3 INABILITY TO COPE WITH COLD TEMPERATURES.

4 (b) INCLUDES ANY OF THE FOLLOWING:

5 (i) TRENCH FOOT.

6 (ii) FROSTBITE.

7 (iii) HYPOTHERMIA.

8 (iv) CHILBLAINS.

9 4. "COLD WAVE" MEANS ANY DAY IN WHICH THERE IS A RAPID FALL IN
10 TEMPERATURE WITHIN A TWENTY-FOUR-HOUR PERIOD THAT REQUIRES SUBSTANTIALLY
11 INCREASED PROTECTION TO AGRICULTURE, INDUSTRY, COMMERCE AND SOCIAL
12 ACTIVITIES.

13 5. "COOL-DOWN AREA":

14 (a) MEANS AN INDOOR OR OUTDOOR AREA THAT IS BLOCKED FROM DIRECT
15 SUNLIGHT AND SHIELDED FROM OTHER HIGH RADIANT HEAT SOURCES AND IS EITHER
16 OPEN TO THE AIR OR PROVIDED WITH VENTILATION OR COOLING. FOR THE PURPOSES
17 OF THIS SUBDIVISION, BLOCK FROM DIRECT SUNLIGHT OCCURS WHEN OBJECTS DO NOT
18 CAST A SHADOW IN THE AREA OF BLOCKED SUNLIGHT.

19 (b) DOES NOT INCLUDE A LOCATION WHERE:

20 (i) ENVIRONMENTAL RISK FACTORS DEFEAT THE PURPOSE OF ALLOWING THE
21 BODY TO COOL.

22 (ii) EMPLOYEES ARE EXPOSED TO UNSAFE OR UNHEALTHY CONDITIONS.

23 (iii) EMPLOYEES ARE DETERRED OR DISCOURAGED FROM ACCESSING OR USING
24 THE COOL-DOWN AREA.

25 6. "DRINKING WATER":

26 (a) MEANS FRESH, PURE, COOL, POTABLE WATER THAT IS PROVIDED FREE OF
27 CHARGE TO EMPLOYEES.

28 (b) INCLUDES ELECTROLYTE REPLENISHING BEVERAGES THAT DO NOT CONTAIN
29 CAFFEINE.

30 7. "EMPLOYEE":

31 (a) MEANS AN INDIVIDUAL WHO PROVIDED LABOR OR SERVICES WITHIN THE
32 SCOPE OF THIS ARTICLE FOR PAYMENT FROM A PRIVATE ENTITY OR BUSINESS THAT
33 IS LOCATED IN THIS STATE.

34 (b) INCLUDES:

35 (i) PRIVATE SECTOR WORKERS.

36 (ii) PUBLIC SECTOR WORKERS.

37 (iii) PART-TIME WORKERS.

38 (iv) INDEPENDENT CONTRACTORS.

39 (v) DAY LABORERS.

40 (vi) FARMWORKERS.

41 (vii) ANY OTHER TEMPORARY AND SEASONAL WORKER.

42 (viii) STAFFING AGENCY EMPLOYEES.

43 (ix) CONTRACTORS OR SUBCONTRACTORS THAT ARE EMPLOYED ON BEHALF OF
44 AN EMPLOYER AT ANY WORKSITE.

1 (x) INDIVIDUALS WHO DELIVER GOODS OR TRANSPORT EMPLOYEES AT, TO OR
2 FROM A WORKSITE ON BEHALF OF AN EMPLOYER, REGARDLESS OF WHETHER DELIVERY
3 OR TRANSPORT IS CONDUCTED BY AN INDIVIDUAL OR ENTITY THAT WOULD OTHERWISE
4 BE DEEMED AN EMPLOYER UNDER THIS ARTICLE.

5 8. "EMPLOYER" MEANS ANY OF THE FOLLOWING:

6 (a) AN INDIVIDUAL.

7 (b) A PARTNERSHIP.

8 (c) AN ASSOCIATION.

9 (d) A CORPORATION.

10 (e) A LIMITED LIABILITY COMPANY.

11 (f) A BUSINESS TRUST.

12 (g) A LEGAL REPRESENTATIVE.

13 (h) A PUBLIC ENTITY.

14 (i) ANY ORGANIZED GROUP THAT ACTS AS AN EMPLOYER WITHIN THE SCOPE
15 OF THIS SECTION.

16 9. "ENGINEERING CONTROLS":

17 (a) MEANS THE USE OF SUBSTITUTION, ISOLATION, VENTILATION AND
18 EQUIPMENT MODIFICATION TO REDUCE EXPOSURE TO A HEAT-RELATED ILLNESS THAT
19 IS RELATED TO WORKPLACE HAZARDS AND JOB TASKS.

20 (b) INCLUDES ANY OF THE FOLLOWING:

21 (i) ISOLATION FROM HOT PROCESSES.

22 (ii) ISOLATION OF EMPLOYEES FROM SOURCES OF HEAT.

23 (iii) AIR CONDITIONING.

24 (iv) COOLING FANS.

25 (v) COOLING MIST FANS.

26 (vi) EVAPORATIVE COOLERS OR SWAMP COOLERS.

27 (vii) NATURAL VENTILATION WHERE THE OUTDOOR TEMPERATURE AND HEAT
28 INDEX IS LOWER THAN THE INDOOR TEMPERATURE AND HEAT INDEX.

29 (viii) LOCAL EXHAUST VENTILATION.

30 (ix) SHIELD FROM RADIANT HEAT SOURCE.

31 (x) INSULATION FROM HOT SURFACES.

32 10. "HEAT-RELATED ILLNESS":

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

35 (b) INCLUDES ANY OF THE FOLLOWING:

36 (i) HEAT CRAMPS.

37 (ii) HEAT EXHAUSTION.

38 (iii) HEAT SYNCOPE.

39 (iv) HEAT STROKE.

40 11. "HEAT WAVE" MEANS ANY DAY IN WHICH THE PREDICTED HIGH
41 TEMPERATURE FOR THE DAY WILL BE AT LEAST TEN DEGREES FAHRENHEIT HIGHER
42 THAN THE AVERAGE HIGH DAILY TEMPERATURE IN THE PRECEDING FIVE DAYS.

43 12. INDOOR TEMPERATURE STRESS THRESHOLD MEANS A TEMPERATURE OF MORE
44 THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.

45 13. "INDOOR WORKSITE":

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

3 (b) DOES NOT INCLUDE AN OUTDOOR WORKSITE AS DEFINED IN PARAGRAPH 4
4 OF THIS SECTION.

5 14. "OUTDOOR TEMPERATURE STRESS THRESHOLD" MEANS A TEMPERATURE OF
6 MORE THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.

7 15. "OUTDOOR WORKSITE":

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

10 (b) INCLUDES ANY OF THE FOLLOWING LOCATIONS:

11 (i) SHEDS.

12 (ii) TENTS.

13 (iii) GREENHOUSES.

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

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

21 16. "PERSONAL PROTECTIVE EQUIPMENT" MEANS THE PROTECTIVE GEAR,
22 UNIFORMS AND CLOTHING TO WITHSTAND TEMPERATURES AT OR EXCEEDING THE STRESS
23 THRESHOLDS.

24 17. "PREVENTATIVE COOL-DOWN REST" MEANS A REST TAKEN IN A COOL-DOWN
25 AREA TO PREVENT OVERHEATING.

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

29 (a) THE TEMPERATURE.

30 (b) THE HUMIDITY.

31 (c) THE WIND SPEED.

32 (d) THE WIND CHILL.

33 (e) ANY VISIBLE AND INFRARED RADIATION.