

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

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2928

Introduced by

Representatives Sandoval: Abeytia, Aguilar, Austin, Cavero, Connolly, Contreras L, Contreras P, Crews, Garcia, Liguori, Luna-Nájera, Márquez, Peshlakai, Simacek, Stahl Hamilton, Tsosie, Villegas; Senators Epstein, Gabaldón, Gonzales, Hatathlie, Miranda, Ortiz, Sundareshan

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. ALL TEMPERATURES SHALL BE MEASURED BY
13 USING A WET GLOBE BULB THERMOMETER. THE COMMISSION SHALL CREATE SPECIFIC
14 STANDARDS FOR THE FOLLOWING INDUSTRIES:

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

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

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

28 1. AN EMPLOYER SHALL PROVIDE EMPLOYEES, AT NO COST TO THE
29 EMPLOYEES, ACCESS TO DRINKING WATER WITH ICE IN QUANTITIES SUFFICIENT TO
30 MAINTAIN ADEQUATE LEVELS OF HYDRATION AT VARYING LEVELS OF HEAT, USING A
31 BASELINE OF ONE CUP OF COOL WATER PER FIFTEEN TO TWENTY MINUTES, AS WELL
32 AS ELECTROLYTES IF EMPLOYEES HAVE BEEN WORKING FOR OVER AN HOUR IN
33 CONDITIONS AT OR ABOVE EIGHTY DEGREES FAHRENHEIT. IF EMPLOYEES ARE
34 WORKING IN CONDITIONS AT OR ABOVE NINETY-FIVE DEGREES FAHRENHEIT, EXTRA
35 WATER BREAKS AND REST BREAKS SHALL BE PROVIDED AS NEEDED.

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

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

42 4. THE EMPLOYER SHALL PROVIDE WATER WITH ICE THAT IS SUITABLY COOL
43 AND POTABLE AND SHALL PROVIDE THE WATER WITH ICE TO EMPLOYEES FREE OF
44 CHARGE.

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

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

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

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

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

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

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

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

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

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

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

- 1 1. ENSURE THAT EMPLOYEES ARE ABLE TO CONTACT THEIR SUPERVISOR BY
2 ANY METHOD OF EFFECTIVE COMMUNICATION WHEN NECESSARY.
- 3 2. REQUIRE AN EMPLOYER TO EFFECTIVELY OBSERVE AND MONITOR EMPLOYEES
4 FOR SIGNS OR SYMPTOMS OF HEAT ILLNESS BY IMPLEMENTING TWO OR MORE OF THE
5 FOLLOWING POLICIES:
- 6 (a) A REQUIREMENT THAT THERE BE AT LEAST ONE SUPERVISOR OR
7 SUPERVISOR'S DESIGNEE RESPONSIBLE FOR OBSERVING AND MONITORING EACH GROUP
8 OF TWENTY OR FEWER EMPLOYEES.
- 9 (b) A MANDATORY BUDDY SYSTEM.
- 10 (c) COMMUNICATION WITH AN EMPLOYEE, SUCH AS BY RADIO OR CELLPHONE,
11 MULTIPLE TIMES PER SHIFT.
- 12 (d) OTHER EFFECTIVE MEANS OF OBSERVATION.
- 13 3. DESIGNATE ONE OR MORE EMPLOYEES ON EACH WORKSITE WHO ARE
14 AUTHORIZED TO CALL FOR EMERGENCY MEDICAL SERVICES, AND IF NO DESIGNATED
15 EMPLOYEES ARE AVAILABLE, ALLOW OTHER EMPLOYEES TO CALL ON THEIR BEHALF.
- 16 4. REQUIRE REMINDING EMPLOYEES THROUGHOUT THE WORK SHIFT TO STAY
17 PROPERLY HYDRATED.
- 18 5. FOR EMPLOYEES EMPLOYED IN AGRICULTURE, REQUIRE PRESHIFT MEETINGS
19 BEFORE THE BEGINNING OF EACH WORK SHIFT TO REVIEW THE HIGH-HEAT
20 PROCEDURES, ENCOURAGE EMPLOYEES TO DRINK PLENTY OF WATER AND REMIND
21 EMPLOYEES OF THEIR RIGHT TO TAKE A PAID COOL-DOWN REST PERIOD WHEN
22 NECESSARY.
- 23 E. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH
24 EMPLOYER TO PROVIDE PAID REST PERIODS THAT RANGE IN DURATION FROM FIFTEEN
25 TO FORTY-FIVE MINUTES PER HOUR, DEPENDING ON THE WORKPLACE TEMPERATURE AND
26 WORKER ACTIVITY LEVEL.
- 27 F. STANDARDS ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE EACH
28 EMPLOYER TO IMPLEMENT EFFECTIVE EMERGENCY RESPONSE PROCEDURES PURSUANT TO
29 WHICH THE EMPLOYER SHALL BOTH:
- 30 1. ENSURE THAT EFFECTIVE COMMUNICATION BY VOICE, OBSERVATION OR
31 ELECTRONIC MEANS IS MAINTAINED SO THAT EMPLOYEES AT THE WORKSITE CAN
32 CONTACT A SUPERVISOR OR EMERGENCY MEDICAL SERVICES WHEN NECESSARY. AN
33 ELECTRONIC DEVICE, SUCH AS A CELLPHONE OR TEXT MESSAGING DEVICE, MAY BE
34 USED FOR THIS PURPOSE ONLY IF RECEPTION IN THE AREA IS RELIABLE.
- 35 2. RESPOND TO SIGNS AND SYMPTOMS OF POSSIBLE HEAT ILLNESS IF A
36 SUPERVISOR OBSERVES, OR ANY EMPLOYEE REPORTS, ANY SIGNS OR SYMPTOMS OF
37 HEAT ILLNESS IN ANY EMPLOYEE. THE SUPERVISOR SHALL TAKE IMMEDIATE ACTION
38 COMMENSURATE WITH THE SEVERITY OF THE ILLNESS, INCLUDING FIRST AID
39 MEASURES AND CONTACTING EMERGENCY MEDICAL SERVICES. IF THE EMPLOYEE
40 EXHIBITS SIGNS OR SYMPTOMS SEVERE ENOUGH TO INDICATE HEAT ILLNESS, THE
41 EMPLOYEE MAY NOT BE SENT HOME WITHOUT BEING OFFERED ON-SITE FIRST AID OR
42 PROVIDED WITH EMERGENCY MEDICAL SERVICES.

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

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

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

10 2. IS PROVIDED TO EACH SUPERVISOR BEFORE SUPERVISING EMPLOYEES
11 PERFORMING WORK THAT MAY REASONABLY RESULT IN EXPOSURE TO THE RISK OF HEAT
12 ILLNESS AND TO EACH NONSUPERVISORY EMPLOYEE BEFORE THE EMPLOYEE BEGINS
13 WORK THAT MAY REASONABLY RESULT IN EXPOSURE TO THE RISK OF HEAT ILLNESS.

14 3. COVERS ALL OF THE FOLLOWING TOPICS:

15 (a) THE ENVIRONMENTAL RISK FACTORS FOR HEAT ILLNESS AND PERSONAL
16 RISK FACTORS FOR HEAT ILLNESS, INCLUDING MEDICAL CONDITIONS, WATER
17 CONSUMPTION, ALCOHOL USE, THE USE OF MEDICATIONS THAT AFFECT THE BODY'S
18 RESPONSE TO THE HEAT AND THE BURDEN CAUSED BY PERSONAL PROTECTIVE
19 EQUIPMENT.

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

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

28 (d) THE IMPORTANCE OF ACCLIMATIZATION.

29 (e) THE DIFFERENT TYPES OF HEAT ILLNESS, THE COMMON SIGNS AND
30 SYMPTOMS OF HEAT ILLNESS AND APPROPRIATE FIRST AID AND EMERGENCY RESPONSES
31 TO THE DIFFERENT TYPES OF HEAT ILLNESS.

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

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

38 4. FOR SUPERVISORS, IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH 3
39 OF THIS SUBSECTION, COVERS THE PROCEDURES THE SUPERVISOR IS REQUIRED TO
40 FOLLOW:

41 (a) TO IMPLEMENT THE APPLICABLE STANDARDS ADOPTED PURSUANT TO THIS
42 SECTION.

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

1 I. IN ADOPTING STANDARDS PURSUANT TO THIS SECTION, THE INDUSTRIAL
2 COMMISSION OF ARIZONA SHALL CONSIDER CRITERIA RELATING TO RECOMMENDED
3 STANDARDS FOR OCCUPATIONAL EXPOSURE TO HEAT AND HOT ENVIRONMENTS THAT ARE
4 AT LEAST AS EFFECTIVE AS THE STANDARDS ESTABLISHED BY A NATIONAL INSTITUTE
5 FOR OCCUPATIONAL SAFETY AND HEALTH.

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

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

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

12 3. PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEES IN TEMPERATURES OF
13 MORE THAN EIGHTY DEGREES FAHRENHEIT THAT INCLUDES COOLING TOWELS AND HATS
14 FOR SUN PROTECTION.

15 4. ENFORCEMENT PROVISIONS.

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

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

21 1. ENJOIN THE VIOLATION.

22 2. RECOVER ACTUAL MONETARY LOSSES FROM THE VIOLATION OR RECEIVE
23 \$500 IN DAMAGES FOR EACH VIOLATION, WHICHEVER IS GREATER.

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

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

34 2. INCLUDE WORK PROCESSES THAT DECREASE THE LIKELIHOOD OF A
35 HEAT-RELATED ILLNESS.

36 3. INCLUDE EDUCATION AND TRAINING INFORMATION AS PRESCRIBED IN
37 SUBSECTION II OF THIS SECTION.

38 4. INCLUDE INFORMATION ON HOW TO READ A THERMOMETER. AN EMPLOYER
39 SHALL DISPLAY A WORKING THERMOMETER FOR EVERY INDOOR WORKSITE, OUTDOOR
40 WORKSITE AND VEHICLE WORKSITE.

41 5. INCLUDE INFORMATION ON HOW TO USE AND WHERE TO LOCATE PERSONAL
42 PROTECTIVE EQUIPMENT. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT
43 ENGINEERING CONTROLS AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON
44 PERSONAL PROTECTIVE EQUIPMENT.

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

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

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

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

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

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

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

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

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

35 1. AS CLOSE TO THE WORKSITE AS POSSIBLE WHILE EMPLOYEES ARE
36 PRESENT:

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

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

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

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

43 R. AN EMPLOYER SHALL PROVIDE NECESSARY PERSONAL PROTECTIVE
44 EQUIPMENT AT NO COST TO AN EMPLOYEE. IF ENGINEERING CONTROLS AND
45 ADMINISTRATIVE CONTROLS ARE NOT SUFFICIENT TO REDUCE AND MAINTAIN THE

1 TEMPERATURE AND HEAT INDEX TO BELOW EIGHTY-SEVEN DEGREES FAHRENHEIT, AN
2 EMPLOYEE SHALL USE PERSONAL PROTECTIVE EQUIPMENT UNLESS THE EMPLOYER
3 DEMONSTRATES THAT THE USE OF PERSONAL PROTECTIVE EQUIPMENT IS NOT
4 FEASIBLE.

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

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

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

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

20 U. AN EMPLOYER SHALL IMPLEMENT HIGH HEAT PROCEDURES WHEN THE
21 TEMPERATURE IS NINETY DEGREES FAHRENHEIT OR MORE OR WHEN A HEAT WAVE IS
22 EXPERIENCED. DURING A HEAT WAVE:

23 1. AN EMPLOYER SHALL ENSURE THAT THE EMPLOYEE TAKES A MINIMUM
24 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY TWO HOURS. IF THE
25 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
26 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
27 SHALL BE COMPENSATED.

28 2. WHEN THE TEMPERATURE EQUALS OR EXCEEDS ONE HUNDRED DEGREES
29 FAHRENHEIT, AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE TAKES A MINIMUM
30 TEN-MINUTE NET PREVENTATIVE COOL-DOWN REST PERIOD EVERY HOUR. IF THE
31 PREVENTATIVE COOL-DOWN REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL
32 BREAK, THE PREVENTATIVE COOL-DOWN REST PERIOD IS A WORK ASSIGNMENT AND
33 SHALL BE COMPENSATED.

34 3. AN EMPLOYER SHALL ENSURE THAT AN EMPLOYEE IS CLOSELY MONITORED
35 DURING THE HEAT WAVE BY EITHER PERSONALLY OBSERVING THE EMPLOYEE OR
36 THROUGH A DESIGNEE.

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

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

44 2. INFORMATION ON COLD-RELATED ILLNESS PREVENTION AND HOW TO
45 RECOGNIZE AND REPORT COLD-RELATED ILLNESSES.

- 1 3. THE LOCATION OF WARM LIQUIDS AND WARM AREAS FOR USE DURING BREAK
2 PERIODS.
- 3 4. INFORMATION TO ENSURE ACCESS TO WIND PERSONAL PROTECTIVE
4 EQUIPMENT BASED ON THE WIND SPEED.
- 5 5. EDUCATION AND TRAINING ON HOW TO PREVENT A COLD-RELATED ILLNESS
6 OR INJURY.
- 7 6. INFORMATION ON ANY EMERGENCY RESPONSE PLAN, PROCEDURE AND
8 RELEVANT WORKSITE CONTACT INFORMATION IN CASE OF AN EMERGENCY.
- 9 7. INFORMATION ON HOW TO ACCESS PROMPT MEDICAL ATTENTION FOR AN
10 EMPLOYEE WHO SHOWS SIGNS OF A COLD-RELATED ILLNESS OR INJURY.
- 11 8. SCHEDULES THAT ARE DESIGNED TO REDUCE THE TIME AN EMPLOYEE WILL
12 SPEND IN A COLD ENVIRONMENT AND TO REDUCE THE PHYSICAL DEMANDS DURING COLD
13 EXPOSURE.
- 14 9. INFORMATION ON MEDICAL MONITORING TO ENSURE AN EMPLOYEE'S HEALTH
15 AND PROTECTION.
- 16 W. AN EMPLOYER SHALL PROVIDE AND DISPLAY A THERMOMETER FOR EMPLOYEE
17 USE AT ALL WORKSITES TO MONITOR THE TEMPERATURE INDOORS, OUTDOORS AND IN
18 VEHICLES.
- 19 X. AN EMPLOYER SHALL IDENTIFY AND IMPLEMENT ENGINEERING CONTROLS
20 AND ADMINISTRATIVE CONTROLS BEFORE RELYING ON PERSONAL PROTECTIVE
21 EQUIPMENT.
- 22 Y. AN EMPLOYER SHALL PROVIDE ACCESS TO FREE DRINKING WATER THAT IS
23 LOCATED AS CLOSE AS PRACTICABLE TO AN EMPLOYEE'S WORKSITE. IF DRINKING
24 WATER IS NOT PLUMBED OR OTHERWISE CONTINUOUSLY SUPPLIED, THE DRINKING
25 WATER SHALL BE PROVIDED IN SUFFICIENT QUANTITY AT THE BEGINNING OF A
26 SHIFT, WHICH IS A MINIMUM OF ONE QUART OF DRINKING WATER PER HOUR, PER
27 EMPLOYEE. AN EMPLOYER SHALL ENCOURAGE FREQUENT DRINKING OF WATER.
- 28 Z. AN EMPLOYER SHALL REQUIRE AND ENCOURAGE PREVENTATIVE BREAKS AT
29 THE DURATION OF NOT LESS THAN TEN MINUTES, IN ADDITION TO THE TIME NEEDED
30 TO ACCESS THE WARM-UP AREA FOR AN OUTDOOR WORKSITE OR A WARM BREAKROOM FOR
31 AN INDOOR WORKSITE. AN EMPLOYER SHALL COMPLY WITH ALL OF THE FOLLOWING:
- 32 1. ASK AN EMPLOYEE ABOUT SIGNS OR SYMPTOMS OF A COLD-RELATED
33 ILLNESS AND ENCOURAGE THE EMPLOYEE TO REMAIN IN A WARM-UP AREA UNTIL ANY
34 SIGNS OF SYMPTOMS OF A COLD-RELATED ILLNESS HAS BEEN ABATED.
- 35 2. NOT ORDER THE EMPLOYEE BACK TO WORK IF THE EMPLOYEE DISPLAYS
36 SIGNS OR SYMPTOMS OF A COLD-RELATED ILLNESS.
- 37 3. AS APPLICABLE, PROVIDE A PREVENTATIVE WARM-UP REST CONCURRENTLY
38 WITH ANY OTHER MEAL OR REST PERIOD REQUIRED BY POLICY, RULE OR LAW. IF
39 THE WARM-UP REST PERIOD COINCIDES WITH AN EXISTING UNPAID MEAL BREAK, THE
40 WARM-UP REST PERIOD IS A WORK ASSIGNMENT AND SHALL BE COMPENSATED.
- 41 AA. AN EMPLOYER SHALL CLOSELY MONITOR TEMPERATURES AND IMPLEMENT A
42 WORKPLACE COLD STRESS PLAN WHEN TEMPERATURES ARE BELOW SIXTY DEGREES
43 FAHRENHEIT. IF AN EMPLOYEE SHOWS SIGNS OR REPORTS SYMPTOMS OF A
44 COLD-RELATED ILLNESS, THE EMPLOYER SHALL IMMEDIATELY PROVIDE APPROPRIATE
45 FIRST AID OR EMERGENCY RESPONSE.

1 BB. AN EMPLOYER SHALL PROVIDE A WARM LOCATION FOR BREAKS THAT SHALL
2 BE MADE AVAILABLE WHEN THE TEMPERATURE IS BELOW SIXTY DEGREES FAHRENHEIT.
3 WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY DEGREES
4 FAHRENHEIT, THE EMPLOYER SHALL HAVE AND MAINTAIN ONE OR MORE AREAS WITH
5 ADEQUATE WARMTH AT ALL TIMES WHILE EMPLOYEES ARE PRESENT. THE SIZE OF THE
6 WARM LOCATION SHALL BE AT LEAST ENOUGH TO ACCOMMODATE THE NUMBER OF
7 EMPLOYEES ON RECOVERY OR REST PERIODS, WITH AT LEAST FOUR SQUARE FEET
8 AVAILABLE PER EACH RESTING EMPLOYEE. THE REST LOCATION SHALL BE LOCATED
9 AS CLOSE AS PRACTICABLE TO THE AREAS WHERE EMPLOYEES ARE WORKING.

10 CC. WHEN THE OUTDOOR TEMPERATURE IN THE WORKSITE IS BELOW SIXTY
11 DEGREES FAHRENHEIT, AN EMPLOYER SHALL PROVIDE WARMTH PURSUANT TO
12 SUBSECTION BB OF THIS SECTION OR PROVIDE TIMELY ACCESS ON AN EMPLOYEE'S
13 REQUEST. AN EMPLOYEE SHALL BE ALLOWED AND ENCOURAGED TO TAKE A
14 PREVENTATIVE WARM-UP REST BREAK WHEN THE EMPLOYEE FEELS THE NEED TO DO SO
15 TO PROTECT AGAINST COLD STRESS.

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

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

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

31 GG. AN EMPLOYER SHALL COMMUNICATE WITH AN EMPLOYEE IN THE FOLLOWING
32 MANNER:

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

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

38 (a) A MANDATORY BUDDY SYSTEM.

39 (b) DIRECT OBSERVATION BY A SUPERVISOR OR DESIGNEE OF TWENTY OR
40 FEWER EMPLOYEES.

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

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

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

3 2. CURRENT ON-SITE EMERGENCY CONTACT INFORMATION FOR EMPLOYEES AND
4 SUPERVISORS WITH DIRECTIONS ON HOW TO EFFECTIVELY COMMUNICATE WITH
5 OFF-SITE SUPERVISORS AND EMERGENCY MEDICAL PERSONNEL.

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

9 4. CURRENT CONTACT INFORMATION FOR EMERGENCY MEDICAL SERVICES.

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

12 6. CLEAR DIRECTION ON HOW TO ADMINISTER FIRST AID AT THE WORKSITE
13 AND HOW TO SAFELY REMOVE AN EMPLOYEE FROM A WORKSITE DUE TO A HEAT-RELATED
14 ILLNESS OR A COLD-RELATED ILLNESS. IF THE EMPLOYEE EXPERIENCES A
15 HEAT-RELATED ILLNESS OR A COLD-RELATED ILLNESS WHILE AT THE WORKSITE, THE
16 EMPLOYEE IS ON DUTY AND SHALL BE FULLY COMPENSATED.

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

35 1. INFORMATION ON THE RISK FACTORS, SIGNS AND SYMPTOMS OF COLD
36 STRESS, HEAT STRESS, HEAT-RELATED ILLNESSES AND COLD-RELATED ILLNESSES
37 THAT INCLUDES NECESSARY MEDICAL RESPONSES.

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

- 1 3. INFORMATION ON HOW TO MONITOR THE TEMPERATURE AND HUMIDITY
2 CONDITIONS AND HOW WORKERS CAN PARTICIPATE IN THE MONITORING PROCESS THAT
3 INCLUDES PROCEDURES AND APPROPRIATE CONTACT INFORMATION FOR WHEN
4 TEMPERATURE CONDITIONS CHANGE.
- 5 4. APPROPRIATE ENGINEERING CONTROL MEASURES AND ADMINISTRATIVE
6 CONTROL MEASURES FOR TEMPERATURES AND HUMIDITY, INCLUDING THE IMPORTANCE
7 OF REST BREAKS.
- 8 5. THE PURPOSE, IMPORTANCE AND METHODS OF ACCLIMATIZATION PURSUANT
9 TO THE EMPLOYER'S PROCEDURES.
- 10 6. INSTRUCTION ON THE TYPES OF PERSONAL PROTECTIVE EQUIPMENT,
11 INCLUDING HATS, GLOVES, WINTER COATS, COOLING RAGS, ICE VEST, SUNSCREEN
12 AND OTHER SIMILAR PRODUCTS.
- 13 7. INFORMATION ON THE ADDITIONAL PHYSIOLOGICAL BURDEN THAT IS
14 CAUSED BY USING PERSONAL PROTECTIVE EQUIPMENT AND HOW AN EMPLOYER WILL
15 FACTOR THIS ADDITIONAL BURDEN INTO A WORKER HEAT LOAD THAT INCLUDES
16 METHODS FOR PROPER DORNING AND DOFFING PERSONAL PROTECTIVE EQUIPMENT.
- 17 8. INFORMATION FOR MEDICAL MONITORING PROVISIONS AND EMPLOYEE
18 ACCESS TO RECORDS.
- 19 9. INFORMATION ON EMERGENCY RESPONSE PROCEDURES, INCLUDING
20 COMMUNICATION PROCEDURES AND APPROPRIATE CONTACTS FOR EMPLOYEES AND
21 SUPERVISORS DURING EACH STEP OF A RESPONSE.
- 22 10. PROCEDURES FOR EMPLOYEES AND SUPERVISORS TO REPORT ACUTE AND
23 DELAYED ONSET SYMPTOMS OF A HEAT-RELATED ILLNESS OR A COLD-RELATED ILLNESS
24 AND THAT ANY REPORTING IS FREE FROM RETALIATION.
- 25 JJ. AN EMPLOYER SHALL:
- 26 1. COLLECT AND MAINTAIN DATA AND RECORDS AS REQUIRED ON ALL
27 TEMPERATURE-RELATED ILLNESSES AND FATALITIES THAT OCCUR AT AN OUTDOOR
28 WORKSITE OR AN INDOOR WORKSITE.
- 29 2. MAKE REPORTS AVAILABLE FOR FREE TO ANY EMPLOYEE, GOVERNMENT
30 OFFICE OR REPRESENTATIVE OF AN EMPLOYEE WITHIN ONE BUSINESS DAY ON
31 REQUEST.
- 32 3. BE SUBJECT TO FINES FOR NOT ADHERING TO THE MANDATORY
33 RECORDKEEPING AND WRITTEN PROGRAM PROTOCOLS.
- 34 KK. AN EMPLOYER SHALL DEVELOP A CLEAR SYSTEM AND APPROPRIATE POINTS
35 OF CONTACT FOR WORKERS TO REPORT HAZARDOUS WORKING CONDITIONS AND
36 HEAT-RELATED ILLNESSES OR COLD-RELATED ILLNESSES. AN EMPLOYER SHALL BE
37 CONSIDERED IN VIOLATION OF THIS SECTION IF AN EMPLOYEE IS RETALIATED OR
38 DISCRIMINATED AGAINST FOR RAISING CONCERNS AND REPORTING INCIDENTS OF
39 ILLNESS OR INJURY.
- 40 LL. THIS SECTION APPLIES TO AN EMPLOYEE REGARDLESS OF THE
41 EMPLOYEE'S IMMIGRATION STATUS.
- 42 MM. THIS SECTION DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM
43 REQUIRING ADDITIONAL HEAT PROTECTIVE MEASURES AND SAFETY STANDARDS THAT
44 ARE IN ADDITION TO THIS SECTION.

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

- 1 7. "DRINKING WATER":
2 (a) MEANS FRESH, PURE, COOL, POTABLE WATER THAT IS PROVIDED FREE OF
3 CHARGE TO EMPLOYEES.
4 (b) INCLUDES ELECTROLYTE REPLENISHING BEVERAGES THAT DO NOT CONTAIN
5 CAFFEINE.
- 6 8. "EMPLOYEE":
7 (a) MEANS AN INDIVIDUAL WHO PROVIDED LABOR OR SERVICES WITHIN THE
8 SCOPE OF THIS SECTION FOR PAYMENT FROM A PRIVATE ENTITY OR BUSINESS THAT
9 IS LOCATED IN THIS STATE.
10 (b) INCLUDES:
11 (i) PRIVATE SECTOR WORKERS.
12 (ii) PUBLIC SECTOR WORKERS.
13 (iii) PART-TIME WORKERS.
14 (iv) INDEPENDENT CONTRACTORS.
15 (v) DAY LABORERS.
16 (vi) FARMWORKERS.
17 (vii) ANY OTHER TEMPORARY AND SEASONAL WORKER.
18 (viii) STAFFING AGENCY EMPLOYEES.
19 (ix) CONTRACTORS OR SUBCONTRACTORS THAT ARE EMPLOYED ON BEHALF OF
20 AN EMPLOYER AT ANY WORKSITE.
21 (x) INDIVIDUALS WHO DELIVER GOODS OR TRANSPORT EMPLOYEES AT, TO OR
22 FROM A WORKSITE ON BEHALF OF AN EMPLOYER, REGARDLESS OF WHETHER DELIVERY
23 OR TRANSPORT IS CONDUCTED BY AN INDIVIDUAL OR ENTITY THAT WOULD OTHERWISE
24 BE DEEMED AN EMPLOYER UNDER THIS SECTION.
- 25 9. "EMPLOYER" MEANS ANY OF THE FOLLOWING:
26 (a) AN INDIVIDUAL.
27 (b) A PARTNERSHIP.
28 (c) AN ASSOCIATION.
29 (d) A CORPORATION.
30 (e) A LIMITED LIABILITY COMPANY.
31 (f) A BUSINESS TRUST.
32 (g) A LEGAL REPRESENTATIVE.
33 (h) A PUBLIC ENTITY.
34 (i) ANY ORGANIZED GROUP THAT ACTS AS AN EMPLOYER WITHIN THE SCOPE
35 OF THIS SECTION.
- 36 10. "ENGINEERING CONTROLS":
37 (a) MEANS THE USE OF SUBSTITUTION, ISOLATION, VENTILATION AND
38 EQUIPMENT MODIFICATION TO REDUCE EXPOSURE TO A HEAT-RELATED ILLNESS THAT
39 IS RELATED TO WORKPLACE HAZARDS AND JOB TASKS.
40 (b) INCLUDES ANY OF THE FOLLOWING:
41 (i) ISOLATION FROM HOT PROCESSES.
42 (ii) ISOLATION OF EMPLOYEES FROM SOURCES OF HEAT.
43 (iii) AIR-CONDITIONING.
44 (iv) COOLING FANS.
45 (v) COOLING MIST FANS.

- 1 (vi) EVAPORATIVE COOLERS OR SWAMP COOLERS.
- 2 (vii) NATURAL VENTILATION WHERE THE OUTDOOR TEMPERATURE AND HEAT
- 3 INDEX IS LOWER THAN THE INDOOR TEMPERATURE AND HEAT INDEX.
- 4 (viii) LOCAL EXHAUST VENTILATION.
- 5 (ix) SHIELD FROM RADIANT HEAT SOURCE.
- 6 (x) INSULATION FROM HOT SURFACES.
- 7 11. "ENVIRONMENTAL RISK FACTORS" MEANS WORKING CONDITIONS THAT
- 8 CREATE THE POSSIBILITY THAT HEAT ILLNESS COULD OCCUR, INCLUDING AIR
- 9 TEMPERATURE, RELATIVE HUMIDITY, RADIANT HEAT FROM THE SUN AND OTHER
- 10 SOURCES, CONDUCTIVE HEAT SOURCES SUCH AS THE GROUND, AIR MOVEMENT,
- 11 WORKLOAD SEVERITY AND DURATION, PROTECTIVE CLOTHING AND PERSONAL
- 12 PROTECTIVE EQUIPMENT WORN BY EMPLOYEES.
- 13 12. "HEAT-RELATED ILLNESS" OR "HEAT ILLNESS":
- 14 (a) MEANS A SERIOUS MEDICAL CONDITION THAT RESULTS FROM THE BODY'S
- 15 INABILITY TO COPE WITH A PARTICULAR HEAT LOAD.
- 16 (b) INCLUDES ANY OF THE FOLLOWING:
- 17 (i) HEAT CRAMPS.
- 18 (ii) HEAT EXHAUSTION.
- 19 (iii) HEAT SYNCOPE.
- 20 (iv) HEAT STROKE.
- 21 13. "HEAT WAVE" MEANS ANY DAY IN WHICH THE PREDICTED HIGH
- 22 TEMPERATURE FOR THE DAY WILL BE AT LEAST EIGHTY DEGREES FAHRENHEIT AND AT
- 23 LEAST TEN DEGREES FAHRENHEIT HIGHER THAN THE AVERAGE HIGH DAILY
- 24 TEMPERATURE IN THE PRECEDING FIVE DAYS.
- 25 14. "INDOOR TEMPERATURE STRESS THRESHOLD" MEANS A TEMPERATURE OF
- 26 MORE THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.
- 27 15. "INDOOR WORKSITE":
- 28 (a) MEANS ANY ENCLOSED WORK VEHICLES AND ANY SPACE BETWEEN A FLOOR
- 29 AND A CEILING THAT IS BOUND ON ALL SIDES.
- 30 (b) DOES NOT INCLUDE AN OUTDOOR WORKSITE.
- 31 16. "LANDSCAPING":
- 32 (a) MEANS PROVIDING LANDSCAPE CARE AND MAINTENANCE SERVICES,
- 33 INSTALLING TREES, SHRUBS, PLANTS, LAWNS OR GARDENS OR PROVIDING THESE
- 34 SERVICES IN CONJUNCTION WITH THE DESIGN OF LANDSCAPE PLANS.
- 35 (b) INCLUDES CONSTRUCTING, INSTALLING OR MAINTAINING WALKWAYS,
- 36 RETAINING WALLS, DECKS, FENCES, PONDS AND SIMILAR STRUCTURES.
- 37 17. "OIL AND GAS EXTRACTION" MEANS OPERATING OR DEVELOPING OIL AND
- 38 GAS FIELD PROPERTIES, EXPLORING FOR CRUDE PETROLEUM OR NATURAL GAS, MINING
- 39 OR EXTRACTING OF OIL OR GAS OR RECOVERING LIQUID HYDROCARBONS FROM OIL OR
- 40 GAS FIELD GASES.
- 41 18. "OUTDOOR TEMPERATURE STRESS THRESHOLD" MEANS A TEMPERATURE OF
- 42 MORE THAN EIGHTY DEGREES FAHRENHEIT OR LESS THAN SIXTY DEGREES FAHRENHEIT.
- 43 19. "OUTDOOR WORKSITE":
- 44 (a) MEANS AN EMPLOYER THAT EMPLOYES EMPLOYEES TO PERFORM WORK IN AN
- 45 OUTDOOR ENVIRONMENT.

1 (b) INCLUDES ANY OF THE FOLLOWING LOCATIONS:
 2 (i) SHEDS.
 3 (ii) TENTS.
 4 (iii) GREENHOUSES.
 5 (iv) OTHER STRUCTURES WHERE WORK ACTIVITIES ARE CONDUCTED INSIDE
 6 AND THE TEMPERATURE IS NOT MANAGED BY DEVICES THAT REDUCE HEAT OR COLD
 7 EXPOSURE OR AID IN HEATING OR COOLING, SUCH AS AN AIR CONDITIONING SYSTEM,
 8 HEATERS, FANS OR HUMIDIFIERS.

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

12 20. "PERSONAL PROTECTIVE EQUIPMENT" MEANS THE PROTECTIVE GEAR,
 13 UNIFORMS AND CLOTHING TO WITHSTAND TEMPERATURES AT OR EXCEEDING THE STRESS
 14 THRESHOLDS.

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

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

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

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

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

- 28 (a) THE TEMPERATURE.
- 29 (b) THE HUMIDITY.
- 30 (c) THE WIND SPEED.
- 31 (d) THE WIND CHILL.
- 32 (e) ANY VISIBLE AND INFRARED RADIATION.

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

35 23-405. Duties and powers of the industrial commission of
 36 Arizona relative to occupational safety and health:
 37 reporting

38 The commission shall:

- 39 1. Administer ~~the provisions of~~ this article through the division
 40 ~~of occupational safety and health.~~
- 41 2. Appoint the director of the division ~~of occupational safety and~~
 42 ~~health.~~
- 43 3. Cooperate with the federal government to establish and maintain
 44 an occupational safety and health program as effective as the federal
 45 occupational safety and health program.

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

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

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

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

11 Sec. 3. Industrial commission of Arizona; rules; report;
12 delayed repeal

13 A. Within thirty days after the governor's regulatory review
14 council's approval of the industrial commission of Arizona's proposed
15 rules, the industrial commission of Arizona shall provide a copy of the
16 rules to the president of the senate, the speaker of the house of
17 representatives, the majority caucus of the senate, the minority caucus of
18 the senate, the majority caucus of the house of representatives, the
19 minority caucus of the house of representatives and the governor and
20 submit a copy to the secretary of state.

21 B. This section is repealed from and after December 31, 2028.