

From: [Dan Wood](#)
To: [Shute, Carmyn L \(LNI\)](#)
Cc: [Dan Wood](#)
Subject: Ambient Heat Exposure Rulemaking
Date: Monday, August 15, 2022 11:46:04 AM

External Email



**Washington State
Dairy Federation**

PO Box 1768
Elma, WA 98541

August 15, 2022

Carmyn Shute
Washington State Department of Labor & Industries
carmyn.shute@lni.wa.gov

RE: Ambient Heat Exposure Rulemaking

Dear Ms. Shute,

Since 1892 the Washington State Dairy Federation has represented the needs and perspectives of Washington dairy farmers on public policy issues. On behalf of these 330 producers and their families, we would like to thank you for the opportunity to submit comments on the recent draft of proposed rules on ambient heat exposure.

For the past several years, the Dairy Federation has prioritized educating our members and dairy workers on the topic of workplace safety. We take seriously our endeavors to keep agricultural workplaces as safe as possible so that workers remain healthy.

Please find below our comments regarding the most recent changes being proposed for ambient heat rules.

1. We are pleased that the department has moved from emergency rulemaking to consideration of permanent rules. The process of emergency rulemaking on this and other topics over the past several years has been particularly problematic for employers. Training to and adopting different standards is burdensome to employers, employer associations, and workers. Having a clear set of permanent expectations is best.
2. This proposal is clearly a substantial change in rules, and the changes contemplated need to be subject to a small business economic impact statement. We believe the department should conduct such a study and we ask the department to do so.
3. The acclimatization standard of 14 days is too long and of arbitrary length. Most workers performing agricultural labor either live in or come from areas typically known for high heat. Employers and employees should be constantly vigilant in observing and assessing symptoms

of heat stress, but the acclimatization standard contemplated by the department is an unnecessary overreach.

4. We have concerns about the length of the mandatory cool-down rest periods presented in the proposal. The requirement for ten minutes every two hours has already brought up many questions about these breaks versus existing mandatory rest periods for agriculture. The proposal to move from 10 minutes every two hours up to 30 minutes per hour as the temperature increases presents an inflexible standard. We believe an approach that values and encourages proper training and monitoring is better than such mandatory standards.
5. Some workers in agriculture, and even in dairy, may move from employer to employer. The department should contemplate ways for workers to be trained once (perhaps by an employer, the department as part of WISHA 10 for Ag, or other ag safety organizations/groups) in a given period of time (perhaps annually or every two or three years) rather than necessitate their being trained at every change in employment. Making this type of allowance for these rules and other safety-related rules could give more importance to these types of training programs and licenses.

Again, we thank you for the opportunity to comment on this proposal. We will continue to evaluate these ideas and proposals as the department continues work on these rules. Our hope, as always, is to work with the department to encourage workplace safety, while also keeping the agriculture industry viable and not unduly burdened by unnecessary and unjustified regulation.

Sincerely,

Dan Wood

Executive Director

Washington State Dairy Federation

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Call me any time – early, late, weekends, evenings. Really, it's OK.