

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022

Questions and Answers

As a follow-up to the Outdoor Heat Exposure meeting held on August 31, 2022, and in an effort to promote transparency and share information with stakeholders, the Department of Labor & Industries (L&I) has drafted this document to provide a copy of the questions asked during the meeting, as well as responses to those questions. All questions and feedback received by stakeholders will be considered as L&I finalizes a draft of the permanent rule language.

Question #	Name	Question	Answer/Response
1	Oleg Sassa	Hello, how to turn off Spanish interpretation?	Once we are done with the introduction and Zoom instruction slides, we will open up the language channels. Thank you.
2	Derek Divis	Can you turn off Spanish interpreter?	Once we are done with the introduction and Zoom instruction slides, we will open up the language channels. Thank you.
3	Sue T	Can you turn off the Spanish interpreter?	Once we are done with the introduction and Zoom instruction slides, we will open up the language channels. Thank you.
4	Linh Mastracci	The host said "Once we are done with the intro and zoom instruction, we will open up the language channels."	Thank you.
5	Sue T	ok	Thank you.
6	Bruce Beckett	Is this webinar the same as the August 4th webinar? Or is their new information? Thank you.	There is new information. Thank you.
7	Anonymous Attendee	Will or can we receive a copy of this presentation for reference after the webinar is over?	The information is available at: https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ambient-heat-exposure-rulemaking .

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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8	Bill Lucas	Why are we not using WBGT for evaluating agricultural employee heat exposure?	The 2008 rule developed using ambient temperature and we chose to remain with that for the sake of simplicity for employers across the state. WBGT requires equipment to be calibrated and maintained on a regular basis. We felt that continuing to use ambient temperature would make it easier for employers to comply with the rule and protect workers.
9	James Ross	So how does that apply for heavy equipment operators with cabs?	If the cab has air conditioning that would be considered an engineering control, therefore the work would not be considered outdoor.
10	Sarah Rasmussen	How is training addressed if the rule is in effect year round?	The training remains much like the other training employers are required to do. Annual training for all employees and new employees must be trained before starting to work.
11	Grant Whitman	Indoor heat exposures are not being addressed at this time, correct?	You are correct, that will be a separate project.
12	Korin Judge	Is the table of temperatures being removed altogether or just from the scope section?	The table is being removed from the scope section and placed in the employer and employee responsibility section.
13	Juley Fulcher	Does the rule cover indoor workers?	No, indoor heat will be a separate project on its own.
14	Steve Eversmeyer	Any exemptions to all or parts of the rule for emergency responders such as police, fire, utility, EMS, etc.	The only exemption is the 15 minutes, same as in the 2008 rule.
15	Bill Lucas	But heat index is a measurement for shade.	Thank you for your comment.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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16	Matthew Beyer	Did you consider using the heat index as opposed to ambient temperature or WBGT? It's typically more easily measured than WBGT but includes humidity, which can be a critical determinant of heat stress conditions.	We are taking the WBGT comments under consideration. Thank you.
17	James Ross	For those working indoors such as warehouses or auto repair facilities, does this affect those employees who have ramp doors and bay doors open?	There may be circumstances where warehouses and loading docks could be considered outdoor environments.
18	Travis Scott	From an electric utility stand point, has there been any consideration to an emergency exemption for work on critical infrastructure, and if so, what type of workers or industry would receive exemption and how would an emergency be defined?	We have not previously considered an exemption for emergency work. Thank you for your comment, that is something we will have to think about.
19	Tony Klutz	Will this rule apply only to outdoor work and not include indoor work?	Yes, outdoor work at this time. Indoor work will be handled as a separate project.
20	Sue T	I had one but will type it later	Thank you.
21	Spencer Sandquist	Simplicity is not a good reason for continuing to rely only on ambient temps. Websites can give nearby WBGT or heat index info. If your wildfire smoke rule directs us to utilize online resources, then why can't this rule incorporate the same?	We are taking the comments around WBGT under consideration. Thank you.
22	Gabrielle Toutonghi	'@Fanny WBGT is Wet Bulb Globe Temperature.	Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
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23	Sue T	I am not seeing the slides.	Thank you.
24	Erin Clemmer	Yes, the slides are no longer visible	Yes, the slides are no longer visible.
25	Erin Clemmer	Yes, the slides are no longer visible	Thank you.
26	Juley Fulcher	What is the timeline for developing an indoor heat rule?	We do not have that project scoped out yet so we do not have a timeline to share today.
27	Steve Eversmeyer	OR rule does have an exemption to consider if you haven't seen it.	Thank you for this comment. We will look into that.
28	Aaron Leftwich	Is there a difference between the WGBT and a hygrometer? I understand WGBTs are hard to get, at least they were on the East Coast	<p>A hygrometer is an instrument used to measure the amount of water vapor. WBGT devices contain three different thermometers:</p> <ul style="list-style-type: none"> • A dry bulb thermometer to measure the ambient air temperature. • A natural wet bulb thermometer to measure the potential for evaporative cooling. • A black globe thermometer to measure radiant heat.
29	Tim Gunderson	Can you explain the reasons used to lower of the trigger temperature from 89 to 80?	This was thoroughly discussed at the last stakeholder meeting. We used data from several sources to determine that heat-related illness is occurring below the 89 degree trigger. Thank you for your comment.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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30	Anonymous Attendee	When can we start having these meetings in-person ? It's so much easier to communicate and carry on dialogue ?	We are working on getting back out in person soon. Thank you.
31	Chris Allen	Will there be a definition of "Suitably Cool"?	This was discussed at the last stakeholder meeting as well. We are not going to have a definition for suitably cool. The water needs to be cool enough that someone will want to drink it. Thank you.
32	Steve Eversmeyer	Your 7 to 14 days to acclimatize ONLY applies to those physically fit and under 40 per NIOSH criteria document. EVERYONE else needs twice as long. How do you account for these people, especially with added risk factors; medical, prior heat illness, pregnancy, etc.	We understand that some assumptions were made. This rule effects all industries in the state and we needed to find a balance. Thank you.
33	Sue T	Just for clarification, the risk factor definition is the same as the emergency ruling or has there been changes to that?	In the 2022 emergency rule we used the term "environmental factors" and in this proposed permanent rule we have changed it to "risk factors." Thank you.
34	Seth Davis	Talk more about the "buddy System" if we have solo technicians working in the field can supervisors provide adequate oversight with frequent check-in?	Absolutely. Regular communication with employees working alone is one of the options employers can choose from for close observation of employees. We know there are multiple industries out there. The different options for close observation allow employers to determine what works best for them. Thank you.
35	Michael Gempler	Don't mean to be splitting hairs, but shouldn't it be WBGT and not WGBT?	Yes, you are correct. Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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36	Stephen Frost	Is an air-conditioned vehicle considered a "cool space"?	Yes. Air-conditioned would be an engineering control. Thank you.
37	Brett Franklin	Would a white Tyvek suit worn for applying pesticides be considered "Non-Breathable"?	There are so many different suits used it would be impossible to answer that on a general basis. I recommend checking the manufacturer information and generally that will let you know.
38	Anonymous Attendee	How can you make a rule for others if you yourselves can't even meet those expectations?	The responsibility is to provide that to employees, we have the same expectation to provide this to our employees in a language they understand.
39	James Ross	When does the 80 degrees go into affect?	Once we have filed are CR 103 and the rule is effective. Our goal is June 2023.
40	Jeremiah Miller	What are the differences between this proposed outdoor heat exposure standard and the proposed agricultural heat exposure standard? Why are there two different standards? Is there any plan to merge the two rules?	The rules will be the same. The agriculture rule is in chapter 307 and does not apply outside of agricultural operations. Chapter 62 applies to all other industries.
41	Brian Van	What is the reason for adding language requiring employee access to the employer's written outdoor heat stress program? This can be accomplished by requiring training on the elements that make up the written plan without adding another requirement of providing the written plan, which I believe is in the proposed rule. Also, as of now employees can access the company written Safety Plan upon request anyway. I am not a fan of adding additional requirements when	Thank you Brian, we will discuss what you have proposed here

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
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		those requirements arguably are already met.	
42	Ali Burgess	Would FR raingear be considered "non breathable" clothing? Will non breathable clothing be more clearly defined?	Again, just like with the Tyvek question, you would need to check the manufacturer's information. Thank you.
43	Stephen Frost	In the past, you	Thank you.
44	Anonymous Attendee	Can you address the wearing of air purifying masks and if that makes the heat rating more severe?	There is no indication that wearing respirators or masks increase body core temperatures. This was reviewed in the initial rulemaking completed in 2008.
45	Steve Eversmeyer	So an acclimatization plan doesn't have to be based on anything aside from the 7 to 14 day period? And the use of the OSHA/NIOSH heat app would be allowed and recognized vs. just temperature?	That is correct. Use of the OSHA/NIOSH heat app would depend on the circumstances. Thank you.
46	Seth Davis	Use OSHA NIOSH app on phones for measurement.	Thank you for your comment.
47	Brett Franklin	Would a white Tyvek suit worn for applying pesticides be considered "Non-Breathable"?	This was asked earlier. I recommend you check with the manufacturer information because there are many styles and types. Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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48	Anonymous Attendee	The states heat stress rule language seems to be shifting more and more towards the ACGIH Heat Stress standards but still has enough difference (ambient vs. apparent temperatures). For organizations already following ACGIH Heat Stress standards, can WAC Outdoor Heat Exposure rule exempt these organizations from following WAC heat stress rule? Following both will create more work for safety staff to compare/contrast and monitor for both requirements to ensure that both are met. This doesn't make it more protective for employees, just adds more work (to show that they are compliant) for these organizations.	Thank you for sharing this information and we will take this information under consideration.
49	Gerald Ginter	For lone workers (like delivery drivers, etc.), what does the employer requirement to provide shade look like? Most are close to a park or someplace that is shady or Air Conditioned - would that meet the requirement?	From what you are describing, I believe that would meet the requirement. Thank you.
50	Stephen Frost	In the past, you've recommended using the OSHA/NIOSH Heat Index app. Why not use or recommend the WBGT?	We shared some of this information during our March stakeholder meeting which is available on our website. https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ambient-heat-exposure-rulemaking We will look into this more.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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51	Dan Scarvie	Would an umbrella large enough to shade a person be considered adequate? I'm thinking it would be a solution in remote areas where shade is difficult to find.	Yes it could. When I am out doing field work I often use a golf umbrella and that works fairly well. I have seen others use beach umbrellas, as long as it is large enough to allow the employee to be fully under the shade. Thank you.
52	Bryce Cupp	Instead of shade structures, we shut down operations at 82 degrees in the orchards to initiate overhead cooling... at least until food safety rules eliminate the use of that method. At this point, we use vehicles with air conditioning and cool drinking water if the need arises. It's a much safer way to manage heat rules. I know not all industries have that ability because most don't have the same breakeven point to stop work and cool product.	Thank you for this comment.
53	Olivia Metzger	If employees are working in an area where shade is always accessible and they are working in shaded areas intermittently throughout their shift, are they still required to take a mandatory work/rest period? i.e. civil construction employees performing work adjacent to a treeline or wooded area.	It's really hard to make that determination without seeing exactly what you are talking about. If they are exposed to a temperature at or above 90 degrees Fahrenheit they would still need to take the mandatory break. Thank you.
54	Bill Lucas	The Federal OSHA Technical Manual (OTM) - Section III Chapter 4 Occupational Safety and Health Administration was propagated in 2017, why did you all not adopt this guidance?	That is the OSHA technical manual, not an OSHA rule. OSHA does not currently have a regulation. Their national emphasis program currently has the temperature trigger at 80 degrees. Thank you for your comment.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
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55	Steve Eversmeyer	Acclimatization consists of watching them for 2 weeks, calendar or work days?	In the rule we have clarified it is consecutive calendar days. Thank you.
56	Gerald Ginter	What resources would be available to help companies determine when the forecasted temperature would be 10 degrees warmer and require acclimatization?	We would recommend monitoring your local weather forecast for your area. During the last heat wave many of us received weather alerts for our area from the National Weather Service. Thank you.
57	Corwyn Fischer	Are you going to have sample programs and training tools/checklists available for employers?	Yes, we are working with our Education and Outreach program to have materials ready.
58	Scott Dilley	Regarding the language requirement, most APPs I have seen are in either English or Spanish. Is there a requirement for employers to make APPs available in a language each employee understands? For consistency, it seems to me that the language requirement under this rule should follow whatever the overall APP requirements are.	This language is in several other DOSH rules and should not be considered something new. Thank you for your comment.
59	Bill Lucas	Are Shorter more frequent rest periods more effective ?	That is a tough question. I would say it would depend on the situation considering that breaks are intended to lower metabolic heat load and the core body temperature. Thank you for your comment.
60	Bryce Cupp	Scott, I think it depends on your work demographics. I've had to translate into Somali for a few years where we had an immigrant population. You want to make sure your population is as widely educated on APPs and all safety trainings as possible.	Thank you for sharing.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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61	Thomas D'Angelo	How does the employer verify that the employee's temperature has been lowered below the 90 degree threshold, if using a WBGT is not an acceptable method of temperature measurement?	The employer can use a standard thermometer to measure ambient air temperature. Thank you.
62	Robyn Herring	Can you define regular communication? How often does the supervisor need to contact an employee to meet regular	This is really dependent on the industry and what works best for you, that is why we did not define regular communication. You would just need to show you have a plan for regular communication and follow through on that plan. Thank you.
63	Bryce Cupp	Translation into other languages is definitely a challenge but making the effort makes a great and lasting impression on the workforce.	We agree and are working to improve our language access for stakeholders and customers. Thank you for your comment.
64	Katie Pfitzer	High heat procedures: Considering emergency response (electric utility) when an unplanned outage occurs, it creates a greater risk to the public by adding more time to outage. On the Eastern side of Washington, this is about three months of the year.	Thank you for sharing this information.
65	Jasper Sundeen	Will work/rest cycles be universal across industry or individualized for industries or employers? Sorry, you mentioned this, I think I just need clarification.	We need to do much more research and work with our stakeholders to make this decision. There are so many industries in Washington! Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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66	Sue T	What if there is a section for emergency responders for those that cannot stop the work due to a greater hazard when under the trigger heat temp....just a thought.	Thank you. We have a few ways to deal with these types of concerns and will have that discussion on how we can best address these concerns.
67	Bryce Cupp	I might suggest implementing a cooling vest for utilities workers kept in an ice chest (igloo type or 12v plug in type) and/or resupplied over a period of time they are on site. Just an idea.	WE do have cooling vests as a potential alternative to shade. "Some alternatives to shade may include the provision of misting stations, cooling vests, and air-conditioned areas"
68	Derek Divis	Could I suggest an exemption to the acclimatization rule for employees that live in countries that may have a higher or equal to heat index as they would encounter here	We will take this comment under consideration and see how we can provide more clarity in the rule. The intent is to cover employees who are at greater risk due to increased temperature changes.
69	Steve Eversmeyer	Ryan - good to hear your comment on not creating a bigger hazard. The emergency response concerns shared here and in the wildfire smoke rule are the same. Utility employees responding to a damage/emergency may not be able to stop work at 2 hours. Similarly, other sections may not be appropriate depending on the specifics at the emergency site. Rotation only goes so far and when the safe condition is almost resolved, having to stop doesn't benefit anyone. Please review the smoke rule-making for adding comments. Thank you	Thank you for your comment.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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70	Dan Scarvie	Limited breathability?	Thank you Dan.
71	Bill Lucas	Are you going to define the different levels of work? Easy Moderate Hard	Currently we are planning to utilize our education and outreach program to help provide some clarity and examples in these areas.
72	Bryce Cupp	Derek, are you thinking of H2A type workers who come from Central America or even hot/humid environments.	We are considering this information, and how to provide more clarity to this. Thank you for your comment.
73	Michael Lubow	I apologize, I missed the response on the definition of suitably cool water. Would you please repeat the required temperature?	There will be no required temperature in rule. Most sources that we have consulted said 60 degrees and that suggestion will be in some outreach documents.
74	Derek Divis	Bryce - yes.	Thank you.
75	Richard Geyer	If your a roofer working on a roof with no shade, how are the contractors supposed to provide shade? Can you please give an acceptable answer?	You can provide pop-up shade structures on the ground. I would imagine the roofers come down for restroom breaks and water. Cooling vests are also another option. Thank you.
76	Bryce Cupp	It's a great question Derek. Hopefully, we will have that answered.	Thank you.
77	Seth Davis	What is a "heat wave"?	A heat wave means any day in which the predicted high temperature for the day will be at least the temperatures listed in Table 1, 52 or 80 degrees, and at least 10 degrees Fahrenheit higher than the average high daily temperatures in the preceding five days. Thank you.
78	Sarah Rasmussen	Can you please clarify what is meant by an acclimatization schedule? Do you just mean a set timeline for acclimatization?	We simply mean the close observation for the first 14 days if working in temperatures above those listed in Table 1. Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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79	Bryce Cupp	Richard, I'm in the Ag industry, but I would suggest a temp shade structure or 2 with the southern exposure blocked by a tarp bungeed/attached to the legs and a couple of chairs? or simply a vehicle with working AC. Also adjusting your work hours to miss the hottest part of the days would help. Again, suggestions without being knowledgeable of your industries challenges.	Thank you for your comment.
80	Johnny Watts	Due to the complexity of my organization can the supervisor training and the employee training be rolled into one training as long as all the elements of both trainings are included. In addition....I assume you will be updating the online training.	As long as the required elements under the two areas are covered, the training will suffice. Thank you.
81	Steve Eversmeyer	If you are in the midst of the 14 day watch period and the temperature drops below 90 (even more of a question when it's 100) do you stop watching until or unless it gets hot again? And is it the 80 or 90?	As stated previously, it's for the first 14 consecutive calendar days. Thank you.
82	Anonymous Attendee	According to Table 1 - are we planning on changing the outdoor temperature action levels on the "Double-layer woven clothes including coveralls, jackets and sweatshirts" to a lower temperature than the current 77 degrees?	We have removed the 77 degrees and double woven layer clothing from this draft. Thank you.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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83	Anonymous Attendee	Thank you Ryan	Thank you.
84	Stuart Barbeau	Will there be clarification to what is considered 'outdoors' when it relates to erection of commercial buildings where the floors may or may not be fully enclosed?	We will take that into consideration, thank you for your comment.
85	Steve Eversmeyer	Can't edit question so will redo - you're watching for 14 days for acclimatization and temp drops below, 80, or 90 or for future consideration 100, do you restart at day 1 for watching, start where you left off or some other option assuming the gap is less than 7 days with the lower temperature?	As stated previously, it's for the first 14 consecutive calendar days. Thank you.
86	Travis Scott	Has there been any consideration in the climate and temperature/humidity difference between East and West sides of the state? In July of this year, in eastern Washington had 25 days above 90F and 12 of those above 100F. In August, we have had 22 days above 90F and 8 of those above 100F all low humidity. With this sort of difference, has there been any consideration of different rest/work thresholds taking into account the climate and acclimatization? Maybe the WBGT?	We have taken that into consideration and as we discuss work/rest cycles in the future that will be a part of the conversation. Thank you.
87	Abigail Potter	When should we expect to see a cost benefit determination for the proposed rule?	We will have a preliminary cost benefit analysis prior to filing the CR 102. We do not have an anticipated filing date at this time.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
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88	Corwyn Fischer	Are you going to highlight or make notes where information is provided but not require to be a part of the program or comply with?	Thanks Corwyn, I will see what we can do in this area so it's easily understood by those reading the rules.
89	Stuart Barbeau	Will there be clarification to any employees that are based in WA state but occasionally perform work out of state but may be subject to high heat while performing work in that state?	Our regulations and authority only cover those workers in the state of Washington. Thank you.
90	Travis Scott	Thank you, Teri, Laura, Ryan, Bradly and David for your time and consideration.	Thank you for attending and providing your feedback/comments. Very helpful and critical to hear from people out there working.
91	RJ Fronsman	Thank you all!	Thank you for attending!
92	Jesus Tapia	Thank you!	Thank you for attending!
93	Tony Incrocci	Thank you all for your time	Thank you Tony, and thanks for attending!
94	Sandy Rae	Will there be an exemption for utility worker during an unscheduled event where it is crucial that services be reconnected as soon as possible where it affects multiple customers.	This comment was brought up and we are going to take it into consideration. Thank you for sharing.
95	Stuart Barbeau	Is there a percentage of skin coverage that non-breathable clothing must cover before the 52 degree rules takes affect?	No, we have not established that as a parameter for determination. We are looking to add clarification in this area. Thank you.
96	Brian Van	Thanks Ryan.	You're welcome.

Outdoor Heat Exposure Stakeholder Meeting – August 31, 2022
Questions and Answers

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97	Corwyn Fischer	thank you all for the meeting	Thank you for attending today.
98	Michael Lubow	Thanks, excellent job.	Thank you for attending today.
99	Dan Scarvie	Thank you!	Thank you for attending today.
100	Dawn Goodner	Thank you	Thank you for attending today.
101	Steve Eversmeyer	thanks	Thank you for attending today.
102	Bill Lucas	Thank you all	Thank you for attending today.
103	Bryce Cupp	Thanks everyone :)	Thank you for attending today.