



Ambient Heat Exposure
Virtual Stakeholder Meeting Summary
March 17, 2022 1:00 p.m. via Zoom

Washington State Department of Labor & Industries (L&I) Staff present:

Carmyn Shute, DOSH Administrative Regulations Analyst/Project Manager
David Gaw, DOSH Management Analyst
Kevin Walder, DOSH Administrative Regulations Analyst
Chris Miller, DOSH Standards Program Manager
Bradley Farrar, DOSH Statewide Agricultural Safety Specialist
Drew Kertzman, DOSH Safety and Health Specialist
Teri Neely, DOSH Technical Services Safety Program Manager
Laura Rascon Padilla, DOSH Industrial Hygienist/Spanish Interpreter
Allison Drake, DOSH Policy/Stakeholder Engagement Manager
Ryan Allen, DOSH Standards and Technical Services Program Manager
Dr. Dave Bonauto, L&I SHARP Research Director
Dr. June Spector, L&I SHARP Heat Stress Researcher
Tracy West, Agency Rules Coordinator/Senior Policy Advisor
Maggie Leland, Government Affairs and Policy Division Executive Policy Manager
Javier Ruiz Gomez, L&I Interpreter
Andrea Munoz, L&I Interpreter

Attendees:

174 Pre-registered attendees with an average of 110 attendees present.

Summary:

Meeting called to order at 1:00 p.m.

DOSH staff provided introductions for presenting panelists and other staff, general virtual meeting procedures and etiquette, the rulemaking/emergency rulemaking process, an update on the rulemaking history to date, and a presentation pertaining to the specific details of ambient heat stress and how it pertains to rule changes being considered.

It was shared that L&I is looking to complete Emergency Rulemaking effective this summer, as the significant safety and health concern necessitates greater protections, and we have been petitioned to do so. Through this process, we are gathering information that will apply to both an Emergency Rule this summer as well as an eventual permanent rule, which we have been working on since accepting a public petition in June 2021. The first phase will focus on outdoor heat exposure whereas indoor heat exposure will be addressed in the next phase, TBD.

Presentation materials will be posted to the Ambient Heat Exposure rulemaking webpage shortly following the meeting.

Presentation: Brief introduction to L&I staff and rules process, Ryan Allen and Bradley Farrar.

Question and answer session:

Are you intending to adopt the same emergency rule as 2021?

DOSH Response: No, we are looking at what works and what doesn't so there will likely be changes. The permanent rule will benefit from the economic analyses, which will better differentiate what is feasible or not.

Will indoor heat exposure be limited to environmental heat?

DOSH Response: This part of the rulemaking process will not include indoor heat, although we will be looking at that in a later second phase.

How are you going to address workers who have to climb for a living and cannot readily come back down for rest or shade?

DOSH Response: This is a discussion we will need to have, exactly the reason we are meeting today. Thank you.

“Is there any thought to making rules similar along the West coast?”

DOSH Response: We are communicating and trying to coordinate as best we can but each state is bound to their own unique rulemaking processes.

Will these training resources be available to employers for training purposes?

DOSH Response: Meeting materials will be posted to the webpage shortly following today's meeting. DOSH Education and Outreach program staff will be ensuring that appropriate training materials will be made available for employers.

When adopting emergency and permanent rules please keep in mind that it will be very difficult for employers to provide areas of shade on steep hillsides and other hard to access areas of a logging operations.

DOSH Response: Thank you, we will take this under advisement as we move forward.

I've always been taught that cold-water immersion, particularly ice cold water is very risky as it can induce shock in heat stroke incidents.

DOSH (SHARP) Response: There is strong evidence that rapid cooling does prevent death from heat stroke, in particular. Treatment needs to be carefully administered and monitored, need to have victims transported to appropriate healthcare facility.

This was from the previous presentation: Do you have an estimated timeline for the emergency heat rules?

DOSH Response: We do not have a specific timeline at this time. Unlikely to have Emergency Rule by May 1st, likely later in summer.

Presentation: SHARP Ambient Heat Stress Research, Dr. Dave Bonauto and Dr. June Spector

Question and answer session:

Will L&I be considering utilizing the evidence based research and data reported by the National Institute for Occupational Safety and Health (NIOSH) as recommendations for a standard rule regarding occupational exposure to heat and hot environments? More info: <https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf>

SHARP Response: Yes, this will be considered in this rule. NIOSH has put out educational materials and extensive data for a national model that we are looking at.

Did the team review the Workers' Comp data by change in temperature to account for acclimitization by the population?

SHARP Response: There were two pieces of data that were important – 1) Does heat injury occur within first 7 days of employment? If so, 4 times higher than other types of injury. 2) Approximately 42% heat related illness claims associated with heat wave/increase in temperature. Please feel free to send any data that you deem relevant to us and we will respond accordingly.

In relation to the NIOSH question, does SHARP have any opinions on these recommendations?

SHARP Response: NIOSH is a research entity much like SHARP, which is informed by scientific evidence, so we will certainly be using their information as a resource for an evidence-based rule.

Can you compare heat related illness in Agriculture vs. Construction?

SHARP Response: Heat Stress incidents are higher in Agriculture based on data available, although still a significant concern in construction. There are citations on each slide where more information can be found.

Presentation: Results of the Outdoor Heat Exposure Survey and next steps, Bradley Farrar

Question and answer session:

I might have missed this but did this survey go out to local health departments?

DOSH Response: The survey went out to over 10k people signed up on the Gov Delivery. Also sent to a number of the known stakeholders that contacted us. We encourage anyone to sign up and provide continued feedback. We are open to any comments or suggestions anyone has.

Meeting adjourned at 2:40pm.