



PASMA

PUBLIC AGENCY SAFETY MANAGEMENT ASSOCIATION

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April 13, 2010

Len Welsh, Chief
Division of Occupational Safety and Health
1515 Clay Street, Suite 1901
Oakland, CA 94612

Subject: Cal/OSHA Heat Illness Prevention 2010 Employer Training

Dear Mr. Welsh;

On April 7, 2010, I went on the Cal/OSHA website and noticed that under the Heat Illness Training heading there was a new document entitled, "Heat Illness Prevention Training Materials 2010". On slide #12 of the training materials the title read, "Does the shade structure introduce a hazard?" On the same slide it goes on to state that where the employer can demonstrate that it is not safe or feasible to provide shade, an employer can utilize established procedures for providing shade upon request or, for non-agricultural employers, alternative cooling measures that provide equivalent protection.

On slide #14, the third bullet point talks about instituting high heat procedures, and on slide #17 it provides more detail on these high heat procedures, including observing employees for alertness and signs and symptoms of heat illness, and closely supervising new employees, and all workers during a heat wave. On slide #24 it further states that supervisors need to closely supervise new employees for the first 14 days.

The items that have been identified in these slides represent changes to existing Cal/OSHA Heat Illness regulations. During the past year these and several other items have been discussed at several Occupational Safety and Health Standards Board meetings and in at least one advisory committee; however, to my knowledge these changes have not been published on an upcoming Occupational Safety and Health Standards Board agenda, nor have they been presented to the Occupational Safety and Health Standards Board for a vote. In fact, the last time some of these items were voted on the Board rejected these items. Even with the disclaimer on the last slide of the training materials, which states that this information is not meant to be a substitute for or a legal interpretation of the occupational health and safety regulations, it is clear that by including the information in these slides the Division is misleading the regulated public because the information identified in these slides clearly do not reflect current Cal/OSHA standards.

We believe that if there are future changes to the Heat Illness Prevention regulations, then in fairness to all those who will be affected by any proposed changes, that Cal/OSHA staff should not post this information on its website until after any of the proposed changes referenced in this document have been approved by the Occupational Safety and Health Standards Board. Posting this information on the website before any of the changes have been published and made accessible to the public and before the Standards Board has actually voted on the changes and approved them seems to be a bit presumptuous and misleading to those who will be affected by these changes.

Our organization's expectation is that Cal/OSHA will be fair and impartial to all employees and employers who are covered by this regulation. There are several items in this document that may not meet the approval of several groups, including employees, employers, organized labor, business groups, and others. By posting the training document on the Cal/OSHA website, which reflects changes that have not been adopted by the Standards Board, the Division appears to be disseminating false and misleading information. We would like to request that the Division remove the 2010 Heat Illness training document from the DOSH website.

In order to avoid confusion and misunderstanding among the regulated public, we believe that these training and other interpretive documents should reflect current regulatory requirements. We hope that the Division will remove the aforementioned training document from the website, and if at a future date changes are approved by the Occupational Safety and Health Standards Board then we feel it should be disseminated to the public. Your attention to this matter is greatly appreciated.

If you have any other questions please contact me at (714) 765-4399.

Sincerely,



Bill Taylor, CSP
PASMA-South Chapter, President

cc: Marley Hart, Executive Officer