

**WAC 296-307-09735 Access to shade.** Employers of employees exposed at or above temperatures listed in Table 1 of WAC 296-307-09730 must:

(1) Provide and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling, and not adjoining a radiant heat source such as machinery or a concrete structure. The shade must be located as close as practicable to the areas where employees are working.

(2) Ensure the amount of shade present is large enough to accommodate the number of employees on a meal or rest period, so they can sit in a normal posture fully in the shade.

(3) In lieu of shade, employers may use other means to reduce body temperature if they can demonstrate such means are equally or more effective than shade. Some alternatives to shade may include the provision of misting stations, cooling vests, or air-conditioned areas.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.17 RCW. WSR 23-14-042, § 296-307-09735, filed 6/27/23, effective 7/17/23.]