

WSR 21-17-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 17, 2021, 5:02 p.m.]

Subject of Possible Rule Making: Ambient heat exposures in all industries, current requirements for outdoor heat exposure are under WAC 296-62-095 through 296-62-09560, General occupational health standards—Outdoor heat exposure, and WAC 296-307-097 through 296-307-09760, Agriculture safety standards—Outdoor heat exposure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2008, the department of labor and industries (L&I) adopted a rule for the control of outdoor heat exposure for all employers with employees performing work in an outdoor environment. In 2009, L&I incorporated the rules into the agriculture safety standard under chapter 296-307 WAC as requested by stakeholders. The current rules require employers with employees working outdoors to: Address outdoor heat exposures as part of their written accident prevention program, ensure that drinking water is readily accessible in sufficient quantity for workers to drink at least one quart of water per hour, respond to signs and symptoms of heat-related illness, and provide training to employees and supervisors. The current rules, in effect annually from May 1 through September, apply when the temperature is at or above 89 degrees Fahrenheit with lower temperature thresholds for work in double-layer woven clothes or nonbreathing clothes.

L&I received a June 28, 2021, petition for rule making requesting changes to L&I's rules to include more specific requirements to prevent heat-related illness. The petition for rule making was accepted recognizing the need to reexamine the current rules, especially in light of information suggesting the occurrence of heat illnesses below the current trigger temperatures and the increasing temperatures experienced in our state since the rule was first established. In addition, L&I also adopted emergency rules on July 9, 2021, to address extreme high heat procedures with requirements for preventative cool-down rest with specific amounts of shade and mandatory cool-down rest periods at 100 degrees Fahrenheit.

This rule making will consider occupational heat exposure hazards from high ambient temperatures in all industries, including outdoor and indoor exposures, and will consider requirements for, but not limited to: Trigger temperatures or another measure of environmental conditions, stress to the human body such as the heat index or wet bulb globe temperature, time frames for when the rule is in effect, preventative measures (such as water, shade or other cooling means, and rest time/breaks), emergency response measures, training, and planning.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA

98504-4620, phone 360-902-6081, fax 360-902-5619, email
Carmyn.Shute@Lni.wa.gov, website [https://www.lni.wa.gov/rulemaking-
activity/](https://www.lni.wa.gov/rulemaking-activity/).

August 17, 2021
Joel Sacks
Director