

Locke Lord QuickStudy: PNW Heat Wave Leads to Emergency Regulations for Employee Safety?

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Record-breaking summer temperatures in Oregon and Washington have led state agencies to pass emergency regulations to protect workers from the dangers of high and extreme heat. The Oregon Occupational Safety Administration and the Washington State Department of Labor and Industries each issued emergency rules last week, requiring employers to take additional precautions to prevent heat-related illness for employees in these Pacific Northwest states.

The Oregon emergency [rule](#) appears to be a temporary placeholder while Oregon OSHA works to issue a permanent heat safety guidance for employers in the coming months.

Washington state previously established outdoor heat exposure [rules](#) in 2008, which address employee access to drinking water, heat safety training, and appropriate employer responses to heat-related illness. The new Washington state emergency [rule](#) is in addition to (and does not replace) the existing 2008 rules, but it clarifies certain existing requirements and outlines additional steps employers must take to keep workers safe on the job.

	Oregon	Washington
Incidental Exposure	Does not apply to incidental exposure (less than 15 minutes of exposed work in any 60-minute period), to employees inside vehicles when not otherwise performing work, or where other standards apply.	Does not apply to incidental exposure (less than 15 minutes of exposed work in any 60-minute period), or where other industry-specific standards apply (e.g., fire fighters).

F, employer must:

- ensure workers have a 10-minute rest in the shade at least every two hours.

near the work area, which are open air, ventilated, cooled, or otherwise provide sufficient means for employees to cool down (e.g., a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning).

- ensure workers have a 10-minute rest in the shade at least every two hours.

Shade and Rest

When temperature is at or above 80[?] F, employer must:

- provide water in shaded areas to employees who are working in the shade and provide employees the opportunity to drink at least one quart of drinking water for employees to cool down.
- encourage employees to frequently consume water or otherwise hydrate.

When temperature is at or above 89[?] F, employers must:

- provide shade and encourage employees to take safety breaks and provide employees the opportunity to drink at least one quart of drinking water per hour.
- encourage employees to frequently consume water or otherwise hydrate.

Training

By August 1, 2021, employers must, When temperature is at or above 90[?] provide training to employees who may be exposed to temperatures at or above 80[?] F before any such exposure (or, for supervisors, before any supervision).

Training must:

- be in a language understood by the employee.
- cover environmental and personal risk factors for heat illness, employee and employer rights and obligations, acclimatization, reporting signs or symptoms of illness, and procedures to follow if an employee shows signs/symptoms.

When temperature is at or above 100[?] F, employers must

Employers must:

- provide one or more shade areas
- have a written outdoor heat exposure prevention plan (as part of the state-required accident prevention program).
- provide annual training to employees who may be exposed to temperatures at or above 89[?] F before any such exposure (or, for supervisors, before any supervision).

The training must:

- be in a language understood by the employee.
- cover environmental and personal risk factors for heat illness, employee and employer rights and obligations, acclimatization, reporting signs or symptoms of illness, and procedures to follow if employee shows signs/symptoms.

- maintain an emergency medical plan to address, among other things, procedures following signs or symptoms of heat illness, and how/when to contact emergency medical services.
- address their outdoor heat exposure safety program in their written accident prevention program.

Employees showing signs or symptoms of heat-related illness must be:

- relieved from duty and provided with a sufficient means to reduce body temperature.
 - monitored and offered on-site first aid or provided with access to emergency medical services.
- If employees may be exposed to temperatures over 90° F, employers must:

- actively communicate with employees at the worksite and supervisors to ensure employees are being observed for signs of heat-related illness.
- designate at least one employee per worksite to call for emergency medical services as needed.
- develop and implement effective acclimatization practices to allow for the temporary adaptation of the body to work in heat (e.g., gradual exposure).

Employees showing signs or symptoms of heat-related illness must be:

- relieved from duty and provided with a sufficient means to reduce body temperature.
 - monitored to determine whether medical attention is necessary.
- If employees may be exposed to temperatures at or over 89° F, employers must:

Employer Safety Plans and Other Employer Practices

Employers with workers in Washington or Oregon should examine their work sites and, as applicable, adopt new procedures and protocols to address the new emergency rules and minimize employee exposure to heat-related illness in the wake of the current PNW heat wave. Covered employers should continue to comply with previously-adopted heat standards in states with permanent regulations, such as [California](#) and [Minnesota](#).

On a federal level, the Occupational Safety and Health Administration does not have a specific standard that governs working in hot environments, although it has issued helpful and recommended [guidelines](#) for employers on this topic. These guidelines outline, in general, protective measures employers should take based on applicable heat index values and associated risk levels, particularly for outdoor workers who work in direct sunlight, perform prolonged or strenuous hours, or wear heavy protective clothing to perform their work. Beyond OSHA's heat-related guidance, employers have a general duty to protect workers from recognized serious hazards in the workplace, including heat-related hazards.

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