

MARCH 21, 2024 | LEGISLATIVE & STANDARDS BOARD UPDATES

# Cal/OSH Standards Board Adopts Indoor Heat Illness Rule Despite Instruction to Pull Vote from the Agenda Leaving Impact Unclear

BY MEGAN STEVENS SHAKED

In a head-spinning turn of events, the Cal/OSH Standards Board voted today to adopt the [proposed Indoor Heat Illness Prevention Standard](#) despite apparent instructions to pull the vote from the agenda. The impact of the vote remains to be seen.

At the beginning of the meeting, Chair Dave Thomas announced that the agenda item had been pulled and that there would be no vote on the proposed regulation today. He provided no reason for the agenda change and encouraged commenters to still make their public comments.

At one point during public comment, some in attendance began chanting in support of indoor heat protections. After a few minutes, Chair Thomas banged his gavel and adjourned the meeting. A few minutes later, the meeting resumed. Chair Thomas allowed a few more individuals to speak and then cut off public comment with additional speakers in the queue.

DOSH Deputy Chief Eric Berg was then asked to provide his regular update to the Board, including on what happened with the agenda item. Mr. Berg noted that the Department of Finance informed the Standards Board and Cal/OSHA that the potential fiscal impacts on public sector entities are not fully analyzed and need further examination. He further noted that the Department of Finance could not sign the current form of the required fiscal impact statements. Mr. Berg commented that Cal/OSHA and Standard Board staff are committed to ensuring that workers are protected from indoor heat and would promulgate regulations as soon as possible. Meantime, Cal/OSHA will continue to enforce existing standards.

In compliance with the California Government Code, the Standards Board is up against a deadline of March 31, 2024 for the adoption of the proposed Indoor Heat Illness Rule. After that date, a new rulemaking would need to be initiated.

In the middle of Mr. Berg's update, Board members moved to adopt the proposed indoor heat illness standard despite the update from the Department of Finance and despite acknowledging that their vote may not have legal effect. The motion passed. Following the vote, the Board contemplated other options for passing a regulation that could be in effect for this summer season should their vote be rejected.

Later in the meeting, Chair Thomas noted that he hadn't adjourned the meeting during the disruption in public comment and that it was a recess.

Following the strange turn of events on indoor heat, federal OSHA completed their presentation on Residential Fall Protection in Construction as scheduled.

The next Standards Board meeting is scheduled for April 18, 2024 in Gilroy, California.