

DECEMBER 22, 2023 | LEGISLATIVE & STANDARDS BOARD UPDATES

Latest Cal/OSHA Updates: New Indoor Heat Regulation Draft, DOSH Chief Leaving Agency Mid-January, and Silica ETS

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The California Occupational Safety & Health Standards Board crossed one more thing off its to-do list right before the Christmas holiday, issuing its third 15-day Notice of proposed modifications to the [proposed Indoor Heat Illness Standard](#). Written comments are due by 5:00 p.m. on January 12, 2024. The modifications alter the scope of the regulation as follows:

Indoor Heat Illness – Revised Exception for Incidental Heat Exposure: The second 15-day notice added an exception for “incidental heat exposures where an employee is exposed to temperatures above 82 degrees Fahrenheit for less than 15 minutes in any 60 minute period,” under certain conditions.

Under the third 15-day notice, this exception has been revised as follows (changes in underlined italics):

This section does not apply to incidental heat exposures where an employee is exposed to temperatures at or above 82 degrees Fahrenheit and below 95 degrees Fahrenheit for less than 15 minutes in any 60-minute period and not subject to any of the conditions listed in subsection (a)(2). This exception does not apply to the following:

1. Vehicles without effective and functioning air conditioning; or
2. Shipping or intermodal containers during loading, unloading, or related work.

The Standards Board is expected to vote on this version of the proposed standard at the March 2024 Standards Board meeting.

Please visit our previous blog articles ([here](#) and [here](#)) for more background on the proposed indoor heat illness standard. Conn Maciel Carey’s California team is also available to assist any employers interested in submitting comments. Please contact us if you are interested in doing so.

Staffing Shake-up:

Although it has yet to be confirmed by DOSH, it was recently announced at the last Appeals Board meeting that Cal/OSHA Chief Jeff Killip is leaving the agency in mid-January and will return to Washington state. Prior to Chief

Killip's January 2022 appointment to Cal/OSHA, he served as Acting Deputy Assistant Director for Washington state's Department of Labor & Industries (Washington OSHA).

This departure comes on the heels of multiple Cal/OSHA Administrative Law Judge retirements and a significant vacancy rate for inspectors.

Other Cal/OSHA News:

[In case you missed it](#), the Appeals Board unanimously adopted the Silica Emergency Temporary Standard, which will become effective December 24, 2023 and will last six months. If no permanent language is approved within six months, the Standards Board can vote to extend the ETS for another six months.

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