



Washington's Department of Labor & Industries (L&I) recently [updated](#) its permanent rules that protect outdoor workers from heat exposure and illness, effective July 17, 2023. The outdoor heat exposure rules for general industry (which begin at WAC 296-62-095) were revised from WAC 296-62-09510 through 296-62-09560 and the rules for agriculture (which begin at WAC 296-307-097) were revised from WAC 296-307-09710 through 296-307-09760.

The previous two summers, L&I issued emergency rules (which we reported [here](#) in 2021 and [here](#) in 2022) that added temporary additional requirements to the permanent heat illness rules. Many of L&I's updates to the permanent rule are similar to the emergency rules from previous years, but this time, the updates will be permanent. The new rules take effect on July 17, 2023.

Here are some key features of the updates:

- **Year-round heat exposure obligations:** Most notably, the new rules impose year-round heat illness prevention obligations on employers instead of just seasonal obligations. The previous permanent heat exposure rules were only in effect seasonally from May through September, but now the requirements will be in place year-round.
- **Temperature levels:** The requirements of the rule apply when workers are wearing non-breathable clothing and the temperature is at or above 52 degrees Fahrenheit (°F). For all other clothing, the requirements apply when the temperature is at or above 80°F. (Some of L&I's materials refer to these temperatures as "action levels.")
- **Outdoor heat exposure safety plan:** The rules already had a requirement to address outdoor heat exposure in the written accident prevention program, but the updated rules list new requirements for the outdoor heat exposure safety program.
 - These requirements include: procedures for providing sufficiently cool drinking water and shade/other sufficient means to reduce body temperature, emergency response procedures for those showing signs or symptoms of heat illness, acclimatization, high heat procedures, and the specific method you will use to closely observe workers for signs and symptoms of heat illness (described below).
 - You must ensure a copy of the outdoor heat exposure safety program is available to employees and their authorized representatives.
- **Cool-down rest breaks:** You must allow employees to take preventative cool-down rest periods when they feel they need a break to prevent overheating, using sufficient means to reduce body temperature. The break must be paid unless taken during a meal period that is otherwise unpaid.

- **Shade:** You must always provide and maintain at least one shade area when employees are present. The shade areas must be either open to air or have ventilation or cooling. They can't be adjoined to a radiant heat source (such as machinery). They must be as close to the work areas as practicable, and large enough for the employees on a meal or rest period to sit fully shaded in normal posture. You can use a different way to reduce body temperature if it is at least as effective as shade for cooling (the rules say that alternatives may include misting stations, cooling vests, or air-conditioned areas).
- **Water:** You must ensure that you always provide enough drinking water, and it must be readily accessible. The new rules add that the drinking water must be "suitably cool."
 - You must ensure each employee has the opportunity to drink one quart per hour. You don't have to supply all the water at the beginning of the shift as long as you can effectively replenish it during the shift.
- **Acclimatization:** You must closely observe for signs and symptoms of heat illness for 14 days when employees are newly assigned to work at the applicable temperature action level or are returning to work at the applicable temperature action level after an absence of 7 days or more. You must also do this during a heat wave, meaning "any day in which the predicted high temperature for the day will be at least" the temperature action level, "and at least 10 degrees Fahrenheit higher than the average high daily temperature in the preceding five days."
 - The monitoring should occur by implementing one or more of the following monitoring methods for a period of 14 days: (1) regular communication with employees who are working alone (such as using a radio or cell phone), (2) a mandatory buddy system, or (3) another effective means of observing employees.
- **High heat procedures:** The new rules require employers to implement high heat procedures when the temperature is at or above 90°F. This includes required cool-down rest periods in shade or other effective body temperature-reducing means.
 - When the temperature is 90°F or above, the mandatory cool-down rest period is 10 minutes every 2 hours. When the temperature is 100°F or above, the mandatory cool-down rest period is 15 minutes every hour.
 - The high-heat procedures also require you to closely observe workers for signs and symptoms of heat illness by implementing one of the following methods: (1) regular communication with employees who are working alone (such as using a radio or cell phone), (2) a mandatory buddy system, or (3) another effective means of observing employees.
- **Responding to signs of heat illness:** You must maintain effective communication by voice, observation, or electronic means so that employees and supervisors can contact each other to report signs and symptoms of heat illness and get medical attention. You can only use an electronic device such as a cell phone if the area has reliable reception. You need to relieve an employee who is showing signs or symptoms of heat illness from duty, provide them with sufficient means of reducing body temperature, and monitor them to determine if they need medical attention.

- **Training:** The updated rules provide new requirements for training employees and supervisors about heat exposure. The rules already required annual training, but the update adds that the training must occur before outdoor work when heat exposure might occur, and at least annually thereafter.
 - Training topics added to the rules include: acclimatization, the importance of frequent cool-down rest periods, the importance of gradual increase of work duration in the heat, that employees can't build a tolerance to working in the heat during a heat wave, the importance of preventative cool-down breaks whenever employees feel the need to do so to prevent overheating, mandatory cool-down rest periods in high heat, your procedures for providing shade or other means to reduce body temperature, your procedures for closely observing employees for signs and symptoms of heat illness, and the importance of considering engineering or administrative controls such as air conditioning to reduce heat exposure.