

# State Laws for Employees Working in Excessive Heat

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September 29, 2023 | 2023-R-0243

## Issue

Does Connecticut or any other state have laws on safety procedures for employees working outdoors in excessive heat?

## Summary

Connecticut's labor laws and regulations do not explicitly address safety measures for employees working outdoors in excessive heat, generally leaving the issue to the federal Occupational Safety and Health Administration's (OSHA) jurisdiction. OSHA is currently in the [process of adopting rules](#) for heat injury and illness prevention in outdoor and indoor work settings.

According to OSHA, two states ([California](#) and [Washington](#)) have adopted regulations that explicitly set safety standards and requirements for employees working outdoors in high temperatures. These regulations set requirements for water provision, access to shade, emergency response procedures, and training, among other things. The two states' regulations are described in further detail below.

## Connecticut

In Connecticut, [CGS § 31-49](#) generally requires employers to exercise reasonable care to provide their employees with a reasonably safe place in which to work. However, the state's labor laws and regulations do not otherwise explicitly regulate excessive temperatures in the workplace.

Workplace safety for private-sector employers and employees generally falls under OSHA's jurisdiction. [According to OSHA](#), federal law generally requires employers to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous,

including heat-related hazards that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible way to abate the hazard.

Additional information from OSHA is available [here](#), including information on recommended heat [standards](#), the [factors](#) that have a role in creating an occupational heat stress risk to workers, [steps](#) that employers can take to reduce their worker's exposure to heat, and [technical information](#) about indoor and outdoor heat hazards, illnesses, and prevention methods across all industries. Information about filing a complaint with OSHA is available [here](#).

## **California**

California's heat illness prevention regulation described below applies to all outdoor places of employment and sets requirements for water provision, access to shade, high-heat procedures, emergency response procedures, acclimatization, training, and heat illness prevention plans ([Cal. Code Regs. tit. 8, § 3395](#)).

### ***Water Provision***

Under the regulation, employees must have access to potable drinking water that, among other things, must be fresh, pure, suitably cool, and given to employees free of charge. The water must be located as close as practicable to the areas where employees are working. If it is not on tap or otherwise continuously supplied, there must be enough at the beginning of the work shift to provide one quart per employee per hour during the entire shift. Employers may begin the shift with smaller quantities of water if they have effective ways to replenish it during the shift as needed to allow employees to drink at least one quart per hour. Employers must encourage frequent drinking of water, as described in the training requirements (see below).

### ***Access to Shade***

When the outdoor temperature in the work area exceeds 80 degrees Fahrenheit, the regulation requires employers to have and maintain at least one shaded area at all times while employees are present. The area may be either open to the air or provided with ventilation or cooling. The shaded area must be large enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade must be located as close as practicable to the areas where employees are working. During meal periods, the same shade specifications apply, and the shaded area must accommodate the number of employees on the meal period who remain onsite.

If the outdoor temperature in the work area does not exceed 80 degrees, employers must either (1) provide shade as described above or (2) provide timely access to shade upon an employee's request.

The regulations require that employees be allowed (at all times) and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves

from overheating. Employees doing so must be (1) monitored and asked if they are experiencing heat illness symptoms; (2) encouraged to remain in the shade; and (3) not ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than five minutes in addition to the time needed to access the shade.

If an employee exhibits signs or reports symptoms of heat illness while taking a preventative cool-down rest or during a preventative cool-down rest period, the employer must provide appropriate first aid or follow emergency response procedures according to regulation's requirements (see below).

*Exceptions.* Under the regulations, if the employer can show that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may use other ways to provide access to shade if they provide equivalent protection. And except for employers in the agricultural industry, cooling measures other than shade (e.g., misting machines) may be used instead of shade if the employer can show that they are at least as effective as shade in allowing employees to cool.

### ***High-Heat Procedures***

The regulation requires employers in the following industries to implement high-heat procedures when the temperature is at least 95 degrees Fahrenheit: agriculture; construction; landscaping; oil and gas extraction; or transportation or delivery of agricultural products, construction materials, or other heavy materials (unless the employment involves operating an air-conditioned vehicle and does not include loading or unloading).

The high-heat procedures must include the following to the extent practicable:

1. ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary (electronic devices may only be used if reception in the area is reliable);
2. ensuring effective employee observation and monitoring by implementing (a) supervisor or designee observation of 20 or fewer employees, (b) a mandatory buddy system, or (c) regular communication with a sole employee;
3. designating at least one employee on each worksite as authorized to call for emergency medical services, and allowing other employees to do this when no designated employee is available;
4. reminding employees throughout the work shift to drink plenty of water; and
5. pre-shift meetings before starting work to review the high heat procedures, encourage employees to drink plenty of water, and remind employees of their right to take a cool-down rest when necessary.

For employees in agriculture, when temperatures reach 95 degrees or above, the employer must also ensure that employees take a minimum ten minute net preventative cool-down rest period every two hours. This period may be provided concurrently with any other required meal or rest period if they coincide. However, if the workday will extend beyond eight hours, then an additional preventative cool-down rest period is required at the end of the eighth hour of work, and then again at the end of each subsequent two-hour work period.

### ***Emergency Response Procedures***

The regulation requires employers to implement effective emergency response procedures that generally include the following actions:

1. ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor or emergency medical services when necessary;
2. responding to signs and symptoms of possible heat illness, including first aid measures and emergency medical services;
3. contacting emergency medical services and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider; and
4. ensuring that clear and precise directions to the work site can and will be provided as needed to emergency responders.

### ***Acclimatization***

Under the regulation, a supervisor or designee must closely observe all employees during a heat wave (i.e., any day in which the predicted high temperature for the day will be at least (1) 80 degrees and (2) 10 degrees higher than the average high daily temperature in the preceding five days). Additionally, a supervisor or designee must closely observe any employee who has been newly assigned to a high heat area for the first 14 days of the employee's employment.

### ***Training***

*Employee Training.* Before each supervisory and non-supervisory employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness, the regulation requires that they receive effective training on the following topics:

1. the environmental and personal risk factors for heat illness and the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment;
2. the employer's procedures for complying with the regulation's requirements and the employees' right to exercise their rights under the regulation without retaliation;

3. the importance of frequently consuming small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual while performing their duties;
4. the concept, importance, and methods of acclimatization under the employer's procedures;
5. the different types of heat illnesses, their common signs and symptoms, and appropriate first aid and/or emergency responses;
6. the quick progression of heat illness from mild symptoms and signs to serious and life threatening illness;
7. the importance of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves or in co-workers;
8. the employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided;
9. the employer's procedures for contacting emergency medical services and, if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider; and
10. the employer's procedures for ensuring that clear and precise directions to the work site can and will be provided as needed to emergency responders.

*Supervisor Training.* Before supervisors supervise employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness, the regulation requires that they receive training on the following topics:

1. the employee training information described above;
2. the procedures the supervisor must follow (a) to implement the regulation's requirements and (b) when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures; and
3. how to monitor weather reports and respond to hot weather advisories.

### ***Heat Illness Prevention Plan***

The regulation requires employers to establish, implement, and maintain an effective heat illness prevention plan. It must be (1) written in both English and the language understood by the majority of the employees, and (2) made available at the worksite to employees and to the state's [Division of Occupational Safety and Health](#) upon request. The plan must at least contain (1) procedures for providing water and access to shade, (2) the high heat procedures, (3) emergency response procedures, and (4) acclimatization methods and procedures.

## Washington

Washington's outdoor heat exposure regulations (WAC 296-62-095 through 296-62-09560) generally [apply](#) to all employers with employees performing work in an outdoor environment (except firefighters and those covered by the state's safety standards for agriculture) and outdoor work environments when employees are exposed to outdoor heat of at least 80 degrees Fahrenheit (or 52 degrees if they work in certain nonbreathable clothes).

They do not apply to incidental exposure when an employee is not required to perform a work activity outdoors for more than 15 minutes in any 60-minute period.

### *Employer and Employee Responsibility*

Under [the regulations](#), employers must do the following:

1. address their outdoor heat exposure safety program in their written accident prevention program, in a language that employees understand;
2. ensure the outdoor heat exposure safety program at least contains (a) procedures for providing sufficiently cool drinking water; (b) procedures for providing shade or other sufficient means to reduce body temperature, including their location and how employees can access them; (c) emergency response procedures for employees with signs or symptoms of heat-related illness; (d) acclimatization methods and procedures; (e) high-heat procedures; and (f) the employer's specific method for closely observing for signs and symptoms of heat-related illness;
3. ensure that a copy of the outdoor heat exposure safety program is available to employees and their authorized representatives; and
4. encourage employees to frequently consume water or other acceptable beverages to ensure hydration.

The employers must also encourage and allow employees to take a preventative cool-down rest period when they feel the need to protect themselves from overheating using shade or other equally or more effective means. The period must be paid unless taken during a meal period that is not otherwise required to be compensated. If an employee is showing signs and symptoms of heat-related illness during the cool-down rest period, the employer must comply with regulations' requirements for responding to signs and symptoms of heat-related illness.

### *Access to Shade*

The [regulations](#) require employers to provide and maintain at least one area with shade (as close as practicable to the areas where employees are working) at all times while employees are present that are (1) either open to the air or provided with ventilation or cooling and (2) not adjoining a radiant heat source such as machinery or a concrete structure. They must also ensure that the

amount of shade is large enough to accommodate the number of employees on a meal or rest period, so they can sit in a normal posture fully in the shade.

Instead of shade, employers may use other ways to reduce body temperature if they can show that they are equally or more effective than shade (e.g., misting stations, cooling vests, or air-conditioned areas).

### ***Drinking Water***

Under the [regulations](#), employers must ensure that (1) a sufficient quantity of suitably cool drinking water is readily accessible to employees at all times and (2) all employees have the opportunity to drink at least one quart of drinking water per hour. The employers do not have to supply the entire quantity of drinking water needed for all employees on a full shift at the beginning of the shift, so long as they have effective replenishment procedures during the shift.

### ***Acclimatization***

The [regulations](#) require employers to closely observe employees for signs and symptoms of heat-related illness under certain conditions. They must do this for 14 days when employees are (1) newly assigned to working at or above the applicable temperature threshold or (2) returning to working at or above the applicable temperature threshold after an absence of at least seven days. They must also do this during a heat wave (i.e., any day with a predicted high temperature that meets the applicable temperature threshold and is at least 10 degrees higher than the average daily high temperature in the preceding five days).

The employers can closely observe employees for signs and symptoms of heat-related illness by implementing (1) regular communication with employees working alone, such as by radio or cellular phone; (2) a mandatory buddy system; or (3) other effective means of observation.

### ***High-Heat Procedures***

If temperatures are at least 90 degrees, the [regulations](#) require employers to implement certain high-heat procedures unless engineering or administrative controls (e.g., air-conditioning or scheduling work at cooler times of the day) are used to lower employees' exposure below 90 degrees. They must closely observe employees for signs and symptoms of heat-related illness as described above. They must also ensure that employees take a (1) 10-minute cool-down rest period every two hours when temperatures are at least 90 degrees and (2) 15-minute cool-down rest period every hour when temperatures are at least 100 degrees. The rest period must be in the shade or use other equally or more effective means to reduce body temperature. It may be provided concurrently with a required meal or rest period, and it must be paid unless taken during a meal period that is not otherwise required to be compensated.

Rest periods are not required during emergency response operations where rescue, evacuation, utilities, communications, transportation, law enforcement, and medical operations are directly aiding firefighting, protecting public health and safety, or actively protecting, restoring, or maintaining the safe and reliable operation of critical infrastructure at risk.

### ***Responding to Signs and Symptoms of Heat-Related Illness***

Under the [regulations](#), employers must ensure that effective communication by voice, observation, or electronic means is maintained so that employees at the work site and their supervisor can contact each other to report signs and symptoms of heat-related illness and get medical attention when necessary. Electronic devices may only be used for this purpose if reception in the area is reliable. Employees showing signs or symptoms of heat-related illness must be (1) relieved from duty and given a sufficient means to reduce body temperature and (2) monitored to determine whether medical attention is necessary.

### ***Information and Training***

The [regulations](#) require all employees and supervisors to be trained before doing outdoor work where occupational exposure to heat might occur and then at least annually after the initial training. Training must be provided in a language and manner the employee or supervisor understands.

*Employee Training.* The regulations require that all employees who may be exposed to outdoor heat receive effective training on the following topics:

1. environmental factors and other work conditions (i.e., workload, work duration, personal protective equipment, clothing) that contribute to the risk of heat-related illness;
2. general awareness of personal factors that may increase susceptibility to heat-related illness, including an individual's age, physical fitness, degree of acclimatization, medical conditions, drinking water consumption, alcohol use, previous heat-related illness, pregnancy, and use of medications that affect the body's responses to heat;
3. the importance of removing heat-retaining personal protective equipment during all breaks;
4. the importance of frequently consuming small quantities of drinking water or other acceptable beverages;
5. the regulation's acclimatization requirements and the concept of acclimatization;
6. the importance of frequent cool-down rest periods and gradual increase of work duration in the heat;
7. employees' inability to build a tolerance to working in the heat during a heat wave;



8. the importance of taking preventative cool-down rest periods when employees feel the need to do so to protect themselves from overheating;
9. mandatory cool-down rest periods when the outdoor temperature is at least 90 degrees;
10. the employer's procedures for providing shade or other sufficient means to reduce body temperature, including where they are and how employees can access them;
11. different types of heat-related illness and their common signs and symptoms;
12. the importance of employees immediately reporting signs or symptoms of heat-related illness in either themselves or in co-workers to the person in charge, and the procedures the employee must follow, including appropriate first aid and emergency response procedures; and
13. the employer's procedures for closely observing employees for signs and symptoms of heat-related illness.

*Supervisor Training.* Before supervising employees working in outdoor environments with heat exposure at or above the applicable temperature thresholds, supervisors must receive training on the following topics:

1. the training information that must be given to employees (described above);
2. procedures the supervisor must follow to implement the regulations' applicable provisions;
3. the importance of considering the use of engineering or administrative controls such as air-conditioning and scheduling work during the cooler hours of the day to reduce employees' exposure to heat;
4. the procedures the supervisor must follow if an employee exhibits signs or symptoms consistent with possible heat-related illness, including appropriate first aid and emergency response procedures; and
5. procedures for moving or transporting employees to a place where they can be reached by an emergency medical service provider, if necessary.

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