



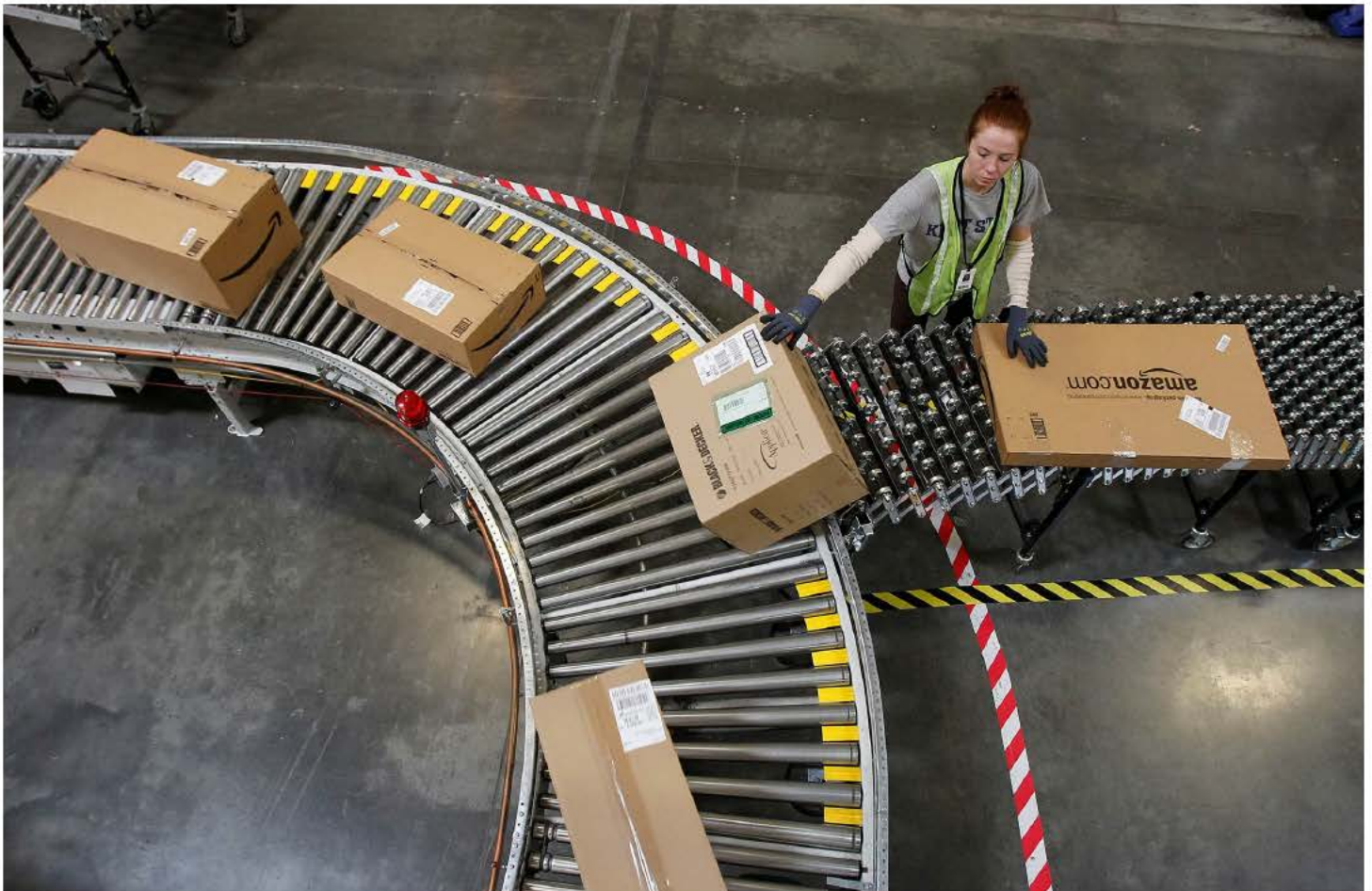
CAPITOL

# California workers must wait even longer for indoor heat protections



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MARCH 21, 2024



A warehouse worker sorts packages at an Amazon fulfillment center on Nov. 11, 2010. Photo by Ross D. Franklin, AP Photo

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## IN SUMMARY

California workplace safety rules for indoor heat protection are five years late, and the Newsom administration wanted to delay them again over state prison cost concerns. But the safety board rebelled and passed the rules anyway.

California workers have waited five years for the state to adopt regulations protecting them from indoor heat. Today, they were staring at another delay.

The rule was expected to be finally voted into place by the Occupational Safety and Health Standards Board at a meeting this morning in San Diego. But Wednesday night, state officials ordered that it be pulled from the agenda after Gov. Gavin Newsom's administration suddenly withdrew a required stamp of approval, saying it learned the rule would cost state prisons much more money than anticipated.

The eleventh-hour move infuriated workers, their advocates — and the safety board itself, which faced a brief protest by the rule's proponents during the meeting.

Then in an equally remarkable rebuke, the board unanimously voted to approve the indoor heat rule anyway.

The six-member board, an independent part of the state's labor agency, is appointed by the governor. Members said during the meeting that they had been "blindsided," that the move to pull the agenda item was "a slap in the face" and that workers in numerous other industries such as warehouses, manufacturing and restaurants had waited long enough.

"Why, at 48, or 24, or 18 hours before this vote is happening, did this happen?" said board member Laura Stock. "It's completely outrageous ... This is an urgent public health issue."

Lorena Gonzalez, chief officer of the California Labor Federation, had called the administration's delay "shameful" and later described the board's vote as "amazing" and "unprecedented."

"The workers didn't relent and this board shows humanity. Now we have to force implementation," she [wrote on social media](#).

Still, the future of the rule is uncertain.

Approved regulations cannot become law without the sign-off from the state's Department of Finance, which it withdrew Wednesday night. Department spokesperson H.D. Palmer told CalMatters it had received a late estimate "in the last few weeks" from the California Department of Corrections and Rehabilitation that it would cost the state billions more dollars to comply with the rule in state prisons than the state's workplace safety agencies predicted. He did not explain why the information came so late, but said after the vote that his department has been meeting with the board's staff in recent weeks.

And today's meeting was only nine days before a deadline in California administrative law to approve the proposed rule — with a sign-off included — for it to take effect this summer.

Workers' advocates have pleaded for a rule to be made official before temperatures rise again, but it's not clear how that would happen this year unless the board or state lawmakers take emergency action.

Board members said they hoped their move would spur the administration to resolve its concerns with the proposed rule with more urgency.

They also asked Cal/OSHA, which enforces workplace safety laws and which initially drafted the heat rule in 2017, to prepare to re-introduce the rule as an emergency regulation this year, which allows faster approvals. Cal/OSHA's deputy chief of health Eric Berg told the board his agency, too, was caught by surprise by the administration's move.

"We've gotta leave all our options open," board chairperson Dave Thomas said. "And I don't know what kind of dance it would have to do ... (The administration) had plenty of time to give us warning, and not set us up. And that's exactly what they did."

Newsom's spokesperson declined to comment, directing questions to the finance department.

A spokesperson for the Department of Industrial Relations — which oversees both the standards board and Cal/OSHA — said today it was “evaluating options to strengthen protections as soon as possible” and would continue assessing workers’ complaints of indoor heat under a general rule requiring safe workplaces.

Cal/OSHA and the standards board [have been developing the rule for years](#) amid rising concerns about the health effects of climate change on workers. A 2016 law directed the agencies to create an indoor workplace heat rule by 2019 — five years ago.

The proposed rule would require employers to either try to cool workplaces that get hotter than 87 degrees indoors or take other measures to reduce the risks of heat illness. California faces a budget deficit projected at as much as \$73 billion. Gov. Gavin Newsom and Democratic leaders in the Legislature [announced Wednesday](#) that they would try to reduce the shortfall by \$12 billion to \$18 billion before passing a full budget.

At the beginning of the meeting, Thomas announced the rule “has been pulled.” He encouraged those who came to comment on the rule to still do so.

“We don’t really have an explanation as to why, and it certainly wasn’t us,” he said.

Advocates blasted the state. “The indoor workers in California are facing hotter and hotter temperatures every year and clearly don’t have any protections,” Sheheryar Kasooij, executive director of the Warehouse Worker Resource Center, said before the meeting. “It seems like the state is at a point where that seems to be just fine with them.”

The proposed rule was first drafted by Cal/OSHA in 2017 before going to the independent standards board for official rulemaking in 2019. After the board finally officially proposed the rule in March 2023 and held the public hearing, it also revised the rule three more times.

The rule has been subject to wide-ranging employer pushback and a lengthy economic impact analysis. The COVID-19 pandemic diverted attention from an understaffed state labor agency, [CalMatters reported last month](#).

Stephen Knight, executive director of the advocacy group Worksafe, said he got a Wednesday night call from a state official, whose department Knight did not disclose, explaining that there was “late

objection from the Department of Finance to the description of the cost.”

“How does a state agency withdraw a rule the day before the vote, that’s 10 years in the making, and backed by state legislation?” Knight asked. “We’re laying this at the feet of the governor. This is an enormous blow to Newsom’s claim to climate change leadership.”

The proposed rule would require warehouses, factories, restaurants and other workplaces to cool workplaces down if the temperature reaches 87 degrees. If installing air conditioning isn’t feasible, employers would be required to take other measures such as adjusting schedules, allowing longer breaks or providing personal fans or cooling vests.

Business groups said many of the requirements would be costly and impractical, and that some provisions conflicted with the state’s nearly 20-year-old outdoor heat rules.

But speaking at the board meeting, Mitch Steiger, legislative representative of the California Federation of Teachers, said advocates were told by the administration the reason was “compliance costs tied to an unspecified state agency.”

Steiger said any concerns about the costs were already addressed in an economic impact report the industrial relations department prepared between 2020 and 2021, and which the finance department reviewed for years afterward.

“It doesn’t say much about how much we value the lives and the health of those workers who suffered during those years that the (analysis) was being developed, that all of a sudden at the very end of the process, the (analysis) is just yanked away,” Steiger said. “Because why? Because some employer doesn’t want to comply with the law.”

The rule was on the board’s agenda for at least a week. Even employers’ groups, speaking to CalMatters in February with complaints about the proposed rule, said they expected that it would be approved this month.

Legislators passed the 2016 law calling for an indoor heat rule in response to reports of workers falling ill in what was a newly booming warehouse industry in southern California’s Inland Empire.

Many warehouses are not air conditioned, and some employees carry packages in and out of metal

shipping containers that workers say easily surpass 100 degrees on warm days. But workers in many industries have advocated for heat protections in California for decades. In 2005, the state required outdoor heat protections after the deaths of four farmworkers.

Excessive heat can cause nausea, vomiting, fainting and, in the most extreme cases, heat stroke leading to organ damage or death. In California, seven workers died from indoor heat [from 2010 through 2017](#), during what was the hottest decade on record, while about 200 a year claimed injuries from indoor heat through the workers' compensation system. These figures are considered by experts to be undercounts because not all workers make those reports.

In recent years, summer temperatures across southern California have continued to break historical records.



## **Waiting and sweltering: Why are California's indoor heat protections for workers five years late?**

FEBRUARY 22, 2024