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NEWS

Prison Workers to Be Excluded From Indoor Heat Protections by California Regulators

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Apr 18

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Inmates sew protective masks at Las Colinas Women's Detention Facility in Santee, San Diego County, April 22, 2020. (Sandy Huffaker/AFP via Getty Images)

California workplace safety regulators are planning to carve out state prisons and other correctional facilities from proposed employer requirements to protect indoor workers from excessive heat — at least, for now.

The compromise, unveiled Thursday at a state work-safety board meeting, comes after a previous version of the regulations **was derailed** from final approval last month over projected implementation costs for the California Department of Corrections and Rehabilitation.

As climate change has pushed summer temperatures to record highs, occupational safety advocates have fought for mandated protections for tens of thousands of workers at risk of heat hazards at warehouses, restaurants, packing houses and other indoor places of employment.

“Wherever we stand now procedurally, the important thing is to get the standard in place for the summer without any further delay,” said Elizabeth Brennan with the Warehouse Worker Resource Center, which works to improve employee conditions at warehouses in Southern California. “The need for the standard

could not be more urgent.”

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Heat illness, when the body struggles to cope with high temperatures, can lead to cramps, exhaustion, dizziness, stroke and even death. In California, at least **seven workers died** from causes related to indoor heat exposure between 2010 and 2017.

California’s heat illness prevention rules for outdoor workplaces, such as in agriculture and construction, have been in place for nearly two decades. But state workplace safety regulators blew past a 2019 deadline to officially propose indoor heat regulations. A contentious rulemaking process has dragged on for five more years.

A work safety board was widely expected last month to finally approve rules requiring employers to keep indoor work areas below 87 degrees, provide access to cool-down areas when temperatures hit 82 degrees, and take other steps to minimize heat injuries and illnesses.

However, the standard was further delayed due to cost estimates the Department of Finance said it received late in the game, revealing correctional facilities might spend billions of dollars to comply.

The finance department must concur on estimates of the fiscal impact of proposed regulations before they are adopted.

To move forward, the California Division of Occupational Health and Safety, known as Cal/OSHA, announced it plans to exempt state prisons and other correctional facilities from the indoor heat standard so that it can be in effect sometime this summer.

“Cal/OSHA intends to revise the package with a narrow exemption in recognition of the unique implementation challenges that existing text may pose for local and state correctional facilities,” said Eric Berg, deputy chief of health for Cal/OSHA.

The agency will also craft industry-specific heat regulations for state and local

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correctional institutions in the future, Berg told the Occupational Safety and Health Standards Board.

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CDCR, which employs tens of thousands of guards, nurses, janitors and other positions, had a **\$14.4 billion annual budget** approved for this fiscal year. In addition, **nearly 39,000 incarcerated people** have jobs in state prisons, including manufacturing license plates, cell phone equipment and office furniture.

Business groups say they still have major concerns about the cost of the regulations and the feasibility of the proposed requirements for protecting workers when the temperature rises above 82 degrees. For instance, setting up a cool-down area would be impractical for small restaurants renting a locale, said Robert Moutrie, a senior policy advocate with the California Chamber of Commerce.

Moutrie told KQED it would be unfair for the state to exempt one of its agencies because of potentially massive costs while making private employers pay.

“We are a little disappointed to see the cost to the state treated differently than

the cost for private employers,” Moutrie said. “We understand the state budget is terrible this year, and we have to be pragmatic. However, all of the costs to state prisons that are causing an issue here also apply to businesses across California who are going to have to comply with this regulation.”

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