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## OLR Bill Analysis

### sSB 830

#### ***AN ACT ESTABLISHING SAFETY STANDARDS TO PREVENT HEAT-RELATED ILLNESS IN WORKPLACES.***

#### **SUMMARY**

This bill sets heat-related requirements for certain employers.

It requires employers who employ people in positions where a majority of the work is done in an outdoor setting, such as in the agricultural, construction, or landscaping industries (referred to as “covered outdoor employers” below) to (1) supply employees with a certain amount of free drinking water, (2) give employees reasonable breaks in shaded areas, (3) implement heat-related emergency response procedures that meet certain criteria, and (4) implement certain acclimatization practices for certain new hires and employees who have not recently worked in these conditions. The bill also adds additional requirements when outdoor temperatures exceed 80 and 90 degrees.

The bill sets similar requirements for employers that have an indoor work area that does not have effective or functioning air conditioning. When the outdoor temperature exceeds 80 degrees, the bill requires these employers to measure and record the temperature at the work area and if it reaches at least 82 degrees, implement similar measures for cool-down areas, drinking water, and employee breaks. It also requires additional measures if indoor temperatures exceed 87 degrees or employees must wear certain types of clothing.

The bill also requires employers to train their employees on certain heat-related topics, such as risk factors for heat illness, the employer's heat-related procedures required by the bill, and the importance of drinking a certain amount of water. It requires related training for the employer's supervising employees.

Lastly, the bill specifies that it does not apply to employees

responsible for emergency operations that directly involve protecting life or property or restoring essential services, such as instances when an employee is engaged in evacuation, rescue, or emergency medical services; structural firefighting; law enforcement; or utility repair.

(The bill does not specify an enforcement mechanism for violations of its provisions or whether it covers the state and other public employers.)

EFFECTIVE DATE: October 1, 2025

## **EMPLOYERS WITH OUTDOOR WORK AREAS**

The bill sets heat-related requirements for employers who employ people in positions where most of the work is done in an outdoor setting, such as in the agricultural, construction, or landscaping industries (it does not further specify how to determine which employers it covers). Some of these requirements apply regardless of the outdoor temperature (as measured in an unshaded area), while others vary depending on the temperature. They do not, however, apply to employees who drive air conditioned or fan-ventilated vehicles and may experience some heat exposure for duties conducted outside the vehicle, as long as they have unrestricted access to the vehicle.

### ***Requirements Regardless of Temperature***

***Drinking Water.*** The bill requires covered outdoor employers to provide enough free drinking water (no warmer than 77 degrees) so that each employee can drink at least 32 ounces per hour for the duration of his or her shift. If the employee must wear personal protective equipment (PPE), then the employer must supply enough water for the employee to drink at least 80 ounces of water per hour. If the water is not plumbed or otherwise continuously supplied, the employer must supply it at the start of each employee's shift or in smaller quantities throughout the shift.

***Reasonable Breaks and Monitoring.*** The bill requires outdoor employers to give employees reasonable breaks in shaded areas to allow an employee's body temperature to cool down and prevent overheating.

A break must be at least five minutes long, not including the time the employee needs to access the shade.

Under the bill, when an employee takes one of these breaks the employer must monitor the employee for signs or symptoms of heat illness. If an employee shows these signs or experiences these symptoms, the employer must allow the employee to remain in the shade until they subside, and if necessary, implement the emergency response procedures required by the bill (see below). However, the emergency response procedures must be implemented immediately if an employee has signs or symptoms of exertional heat stroke.

Under the bill, “heat illness” is a serious medical condition that results from the body’s inability to cope with a particular heat load, such as heat cramps, heat exhaustion, heat syncope, heat stroke, or exertional heat stroke. “Exertional heat stroke” is a life-threatening medical condition characterized by high core body temperature and central nervous system dysfunction, occurring during or after strenuous physical activity.

***Emergency Response Procedures.*** The bill requires outdoor employers to develop and implement effective emergency response procedures for employees with signs or symptoms of heat illness. The procedures must at least include (1) first aid measures, such as whole body cooling measures for employees showing signs or experiencing symptoms of exertional heat stroke and (2) an emergency medical plan, implemented to ensure rapid provision of medical services to employees with signs or symptoms of heat illness. The emergency medical plan must include transporting the employee if the outdoor work site is not near emergency medical services. Under the bill, “emergency medical service” is the provision of care by a medically trained person, such as those services provided by a hospital, clinic, ambulance, disaster car, or rescue vehicle.

***Acclimatization Practices.*** The bill requires outdoor employers to develop and implement effective acclimatization practices so that certain employees can gradually adapt to working conditions at an

outdoor work site where the temperature exceeds 80 degrees. The practices must be for (1) new employees assigned to work at these outdoor work sites and (2) employees returning to work at one after at least 14 consecutive days away. The practices must start the employees at 20% of an employee's normal work load and then increase by 20% (presumably, an additional 20 percentage points) each day until reaching 100% of the employee's work load.

***Over 80 Degrees***

If the outdoor temperature exceeds 80 degrees, the bill requires covered outdoor employers to establish and maintain at least one shade area whenever employees are present at an outdoor work site. The shade area must be (1) either open to the air or have mechanical ventilation for cooling; (2) as close as practicable to areas where employees are working; and (3) large enough to accommodate employees taking breaks or meal periods at the same time so that they can sit in a normal posture, fully shaded, and without physically touching another employee.

The bill allows the employers in the agricultural industry to meet these requirements by using other cooling measures such as misting machines if they can show that they are as effective as the shade areas required by the bill (the bill does not specify how or to whom they must show this).

***Under 80 Degrees.*** If the outdoor temperature is less than 80 degrees, then a covered outdoor employer must either provide these same shade areas or allow employees reasonable access to shade at an outdoor work site upon request. (The bill does not specify any requirements for when the temperature is 80 degrees.)

***Over 90 Degrees***

The bill requires a covered outdoor employer to implement additional high heat practices when the temperature at the outdoor work site is at least 90 degrees. To the extent possible, these practices must include the following:

1. ensuring that employees at the work site can contact a supervisor by maintaining effective communication by voice or an electronic device (if using an electronic device, the employer must ensure that reception in the area is reliable);
2. monitoring employees for signs and symptoms of heat illness by designating a supervisor, or a supervisor's designee, to observe 20 or fewer employees, or by implementing a mandatory buddy system or other effective means of observation;
3. designating at least one employee at the site to call for emergency medical services when needed and allowing other employees to call when designated employees are unavailable;
4. reminding employees throughout the work shift to drink plenty of water and to take breaks as allowed under the bill;
5. implementing a schedule to allow employees to take a minimum 10-minute preventative cool-down rest period every two hours, which can be concurrent with a legally required meal or rest period; and
6. holding meetings before a work shift starts to review the high heat practices required by the bill.

## **EMPLOYERS WITH INDOOR WORK AREAS**

When the outdoor temperature exceeds 80 degrees, the bill requires employers (presumably, all employers) to measure and record the temperature at an indoor work area that does not have effective or functioning air conditioning (the bill does not specify how to determine whether air conditioning is "effective"). If the indoor work area's temperature exceeds certain thresholds, it also requires the employer to take additional actions.

### ***Indoor Temperature Records***

Under the bill, the employer's indoor work area temperature records must include the temperature, date, time, and specific location of all measurements. The employer must maintain these records for least one

year and make them available to employees upon request.

An employer must take the measurements again when the temperature is expected to be 10 degrees higher than the previous measurement and when employee exposure to heat illness is expected to be the greatest (the bill does not specify how an employer must make these determinations).

***Indoor Temperatures of at Least 82 Degrees***

When the indoor work area's temperature is at least 82 degrees, the bill requires the employer to take the steps below.

***Cool-Down Area.*** Establish and maintain at least one cool-down area when employees are present at the work area unless the employer can demonstrate that doing so is impracticable. The cool-down area must (1) maintain a temperature of less than 82 degrees, (2) be located as close as practicable to areas where employees are working, and (3) be large enough to accommodate the number of employees taking breaks or meal periods.

***Drinking Water.*** Provide enough free drinking water so that each employee can drink at least 32 ounces per hour for the duration of his or her shift. If an employee must wear PPE, an employer must provide enough drinking water for the employee to drink at least 80 ounces per hour. If the water is not plumbed or otherwise continuously supplied, an employer must supply it at the beginning of each employee's shift or in smaller quantities throughout an employee's shift.

***Reasonable Breaks and Monitoring.*** Provide reasonable breaks in the cool-down areas as needed to allow an employee's body temperature to cool down and prevent overheating. The breaks must be at least five minutes long, not including the time needed to access the cool-down area. When an employee takes one of these breaks, the employer must monitor the employee for signs or symptoms of heat illness. If an employee has these signs or symptoms, the employer must allow the employee to remain in the cool-down area until they subside, and, if necessary, implement the emergency response procedures

established under the bill. If an employee has signs or symptoms of exertional heat stroke, the employer must immediately implement the required emergency response procedures.

### ***Indoor Temperatures of at Least 87 Degrees***

The bill requires employers to monitor indoor work area temperatures and implement control measures when they are at least 87 degrees. (The bill has an unclear internal reference. It makes a distinction for monitoring employees who must wear clothing that restricts heat removal or work in a high radiant heat area, but applies the same 87-degree temperature threshold.) The control measures may include:

1. engineering controls, such as air conditioning, cooling fans, cooling mist fans, evaporative coolers, natural ventilation, or local exhaust ventilation to reduce and keep the area's temperature (a) below 87 degrees or (b) where employees must wear clothing that restricts heat removal or work in a high radiant heat area, below 82 degrees;
2. administrative controls to limit exposure to heat illness, such as rotating employees, scheduling work earlier or later in the day, implementing rest schedules, reducing work intensity or speed, reducing work hours, using relief workers, and changing required work clothing; or
3. providing personal heat-protective equipment, such as water-cooled garments, air-cooled garments, cooling vests, wetted overgarments, and heat-reflective clothing.

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

The bill requires employers to develop and implement effective emergency response procedures for employees with signs or symptoms of heat illness (it is unclear whether this applies to all employers or only those with an indoor work area without effective or functioning air conditioning when temperatures are over 80 degrees). These must at least include procedures for:

1. ensuring that employees at the work site can contact a supervisor by maintaining effective communication by voice or an electronic device (if using an electronic device, the employer must ensure reception in the area is reliable) and
2. responding to employees with signs or symptoms of heat illness, which must at least include (a) first aid measures, such as whole body cooling measures for employees showing signs or symptoms of exertional heat stroke, and (b) implementing an emergency medical plan to ensure rapid provision of medical services to employees showing signs or symptoms of heat illness.

### ***Acclimatization Practices***

The bill requires employers to develop and implement effective acclimatization practices for certain employees to gradually adapt to certain high-temperature indoor working conditions (it is unclear whether this applies to all employers or only those with an indoor work area that does not have effective or functioning air conditioning when temperatures are over 80 degrees). The practices must start at 20% of an employee's normal work load and then increase by 20% (presumably, 20 percentage points) each day until reaching 100% of the employee's work load. They must apply to:

1. new employees (a) assigned to work at indoor work areas where the temperature exceeds 87 degrees, (b) required to wear clothing that restricts heat removal at indoor work areas where the temperature exceeds 82 degrees, or (c) assigned to work in a high radiant heat area that exceeds 82 degrees, and
2. employees returning to these working conditions after not working for at least 14 consecutive days.

### **TRAINING**

The bill requires covered outdoor employers and other employers to train each employee on heat illness and the employer's procedures on heat illness. (For employers who are not covered outdoor employers, it is unclear if this applies to all employers or only those with an indoor

work area that does not have effective or functioning air conditioning when temperatures are over 80 degrees). The training must at least include information about the:

1. environmental and personal risk factors for heat illness, including the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment;
2. employer's procedures for complying with the bill's outdoor and indoor heat-related provisions, including the employee's right to exercise his or her rights under these provisions without retaliation;
3. importance of frequently consuming up to 32 ounces of water per hour when the work environment is hot and the employee is likely to be sweating more than usual while performing his or her duties;
4. concept, importance, and methods of acclimatization;
5. different types of heat illness, their common signs and symptoms, and the appropriate first aid or emergency responses;
6. importance of employees immediately reporting to the employer signs and symptoms of heat illness in the employee or in other employees;
7. employer's emergency response procedures for responding to signs and symptoms of possible heat illness, including how emergency medical services will be provided if needed; and
8. employer's emergency response procedures for contacting emergency medical services and, if needed, transporting employees to a location where they are reachable by an emergency medical service provider.

### ***Supervisor Training***

Under the bill, the employers must train their supervisory employees on:

1. supervisor-specific procedures required to implement the bill's outdoor and indoor heat-related provisions;
2. supervisor-specific procedures required when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures required by the bill; and
3. how to monitor weather reports and respond to heat advisories.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9      Nay 4      (03/20/2025)