

CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

*Advancing public policy to improve the health and safety
of workers and the community.*

July 7, 2025

Via email: eberg@dir.ca.gov

Cc: jlandaverde@dir.ca.gov

Dr. Erig Berg
Deputy Chief of Health
Cal/OSHA
Oakland, California

**RE: Revised Regulation §3395. Heat Illness Prevention in Outdoor Places of Employment
and Revised Regulation §3396. Heat Illness in Indoor Places of Employment**

Dear Dr. Berg,

The California Industrial Hygiene Council (CIHC) appreciates the opportunity to comment on the discussion drafts for revised regulations §3395, Heat Illness Prevention in Outdoor Places of Employment and §3396, Heat Illness Prevention in Indoor Places of Employment. Our comments are based on this discussion draft dated April 23, 2025, and CIHC offers the following suggested changes. We also have questions for further discussion, which we will present at the upcoming monthly OSHSB meeting on July 17, 2025.

§3395(g)(2) and §3396(g)(1) and (2)

CIHC is unable to find a definition for the term “closely observed” in the referenced sections. As such, the term is open for subjective interpretation. Employers would benefit from the clarity of a specific definition, or at least examples, so that compliance with the intended requirements can be achieved.

CIHC recommends the following definition for “closely observed”:

“closely observed” is defined as the condition where an employee is monitored by the supervisor or other designated individual who is properly trained to identify the symptoms of heat illness. Close observation can occur by verbal communication, video surveillance, or physical observation but must allow the observer to respond to the employee within 5 minutes.

§3395(g)(3)(A) and (B) and §3396(g)(3)(A) and (B)

These exposure limitations are taken from the NIOSH Criteria recommendations, but may not be feasible, particularly for returning workers. A one-size-fits-all approach is not doable given the myriad of work environments to which this regulation applies.

CIHC does not agree that the Cal/OSHA regulation should seek to concur with language in a proposed Fed-OSHA regulation that is unlikely to be adopted.

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§3395(i) and §3396(i)

For the written Heat Illness Prevention Plan, CIHC recommends including a statement regarding development of the program under the guidance of a qualified person, an example of whom may be a CIH.

§3396(g)(2)(B)

The current language does not define how the employer should determine what clothing “restricts heat removal” vs. clothing that does not. This places the employer in the position to decide and at risk of citation for not making the “right” decision. CIHC recommends adding a definition or examples.

The CIHC, founded in 1990, represents the occupational and environmental health profession in California and is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC’s mission is to provide sound scientific and technological input to the regulatory and legislative process, and establish a legislative presence in the state Capitol through professional representation. CIHC appreciates the opportunity to provide comments to the Occupational Safety and Health Standards Board. Please let us know if there are any questions concerning the above-stated comments. On behalf of CIHC, I may be reached by telephone at 858-247-1050 or email at megan.canright@facs.com.

Very truly yours,
California Industrial Hygiene Council



Megan Canright Racicot, MPH, CIH
President, CIHC