



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

California Workplace Heat Illness Prevention Requirements

Legislative & Regulatory Developments

November 4, 2025

Bryan Little

Senior Director Policy Advocacy, California Farm Bureau
Chief Operating Officer, Farm Employers Labor Service



A Little History

- 2006: Outdoor Heat Illness (GISO 3355); Rev. 2010 & 2016
- 2022: AB 2243 (Garcia) Mandatory Revisions to Outdoor Heat Illness Standard, coming from Cal/OSHA in 2026
- 2024: Indoor Heat Illness (GISO 3396), spurred by SB 1167 (2016), delayed by COVID
- 2024-2025: Work-Relatedness Rebuttable Presumption Legislation (SB 1299, Cortese; AB 1336, Addis)



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

- 2005 legislative mandate for a Cal/OSHA reg, followed by 2006 emergency Cal/OSHA reg
- Revised in 2010 and 2016 to:
 - Reduce mandatory shade temp from 85° F to 80° F
 - Require shade to accommodate all employees on a meal/rest break
 - Create “high heat procedures” at temps $\geq 95^{\circ}$ F
 - Mandatory cool-down rest monitoring
 - Ag-only mandatory 10 min. cool-down every two hours when temp is $\geq 95^{\circ}$ F
 - Require effective employer communications to summon emergency services if needed



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Shade

- Always up at 80 °
- On demand below 80°
- As close as practicable
- Available at all times for “cool down rest”
- Monitoring for the cool down rest
 - You are required to monitor employees on a cool down rest
 - Ask if they are suffering heat illness
 - Watch for heat illness symptoms
 - If that happens you must provide 1st aid or EMS, as appropriate
 - ✓ How do you know?
 - ✓ What if the employee tells you they’re fine?
 - ✓ Not the employee’s call!



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395) Shade

“The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods...” GISO 3395(d)(1)

Cal-OSHA Guidance says:

- During meal/rest periods, the employer must provide enough shade for all of the employees who choose to remain in the general area of work or in areas designated for recovery and rest periods.
- Employers may rotate employees in and out of meal periods, recovery and rest periods.
- Employers are not required to provide shade for employees who choose to spend meal periods in their own **air-conditioned** vehicles



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Shade

What Does it Mean?

- Cast no shadow
- Doesn't deter or discourage use

That Really Means?

- No obstacles/hazards to access (don't hang a tarp on the back of the porta-potty)



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Water

- Fresh
- Pure
- Suitably cool
- Free
- As close as practicable (be ready to explain why you believe it's as close as possible)



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Special Ag High Heat Procedures ($\geq 95^{\circ}\text{F}$)

- 10 minute cool down rest period
- Every 2 hours
- As soon as temperature reaches 95 degrees
- Mandatory
- Distinct from worker-initiated cool down rest
- May be provided with other rest periods (Order No. 14)
- No documentation required but.....



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Acclimatization

- Close observation of un-acclimatized employees
- During heatwave – close observation of everybody
- For new employees for first 14 days
- Regulation vs. Guidance “take it easy” (?)
- Best practice: less intense work early in heat exposure



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Training -- Employees

- Ensure all employees and supervisors are trained before exposure to possible heat illness
- Environmental and personal risk factors as well the effect of work on risk of heat illness
- Your heat illness prevention procedures (your HIP plan)
- Cal-OSHA will be looking for training that includes employee's right to exercise their right to shade, water, and medical care without retaliation
- The importance of frequent consumption of small quantities of water



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Training -- Employees

- Procedures for contacting EMS, providing 1st Aid and transporting sick employee if needed
- Procedures for providing clear and precise directions to a worksite, including designating someone to ensure emergency procedures are activated when appropriate



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Training -- Supervisors

- Everything workers are trained on, plus:
 - Procedures supervisor must follow to implement shade, water, acclimatization, high-heat, and other HIP standard requirements
 - How to monitor weather conditions to anticipate possible heat hazards



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Written Plan

- Key words: establish, implement, maintain, effective
- In writing: English and language understood by majority of employees
- Available at the worksite to Employees / DOSH



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Written Plan

- Procedure for providing water
- Procedure for providing shade
- High Heat Procedures
- Emergency Response Procedures
- Acclimatization methods
- General vs. Site Specific



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

Written Plan

- Procedure for providing water
- Procedure for providing shade
- High Heat Procedures
- Emergency Response Procedures
- Acclimatization methods
- General vs. Site Specific



Outdoor Heat Illness (GISO 3395)

AB 2243 (Garcia, 2022) – April 2025 draft mandated revisions for both GISO 3395 & GISO 3396

Acclimatization

- Either implement existing “high-heat procedures” GISO 3395 (e), or:
 - For a new employee:
 - ✓ 20% “usual work duration” schedule on day 1
 - ✓ 40% on day 2
 - ✓ 60% on day 3
 - ✓ 80% on day 4
 - For employee returning after more than 14 days absence:
 - ✓ 50% day 1
 - ✓ 60% day 2
 - ✓ 80% day 3



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Outdoor Heat Illness (GISO 3395)

**AB 2243 (Garcia, 2022) – April 2025 draft
mandated revisions**

Written Heat Illness Plan

- Distribute to new employees upon hire
- Every employee at least once a year
- Not to required to distribute written plan more than twice a year



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Indoor Heat Illness (GISO 3396)

- **“Indoor”** means a space under a ceiling or overhead covering that restricts airflow and is enclosed along its entire perimeter by walls, doors, windows, dividers, or other physical barriers that restrict airflow, whether open or closed.
- Requires access to water and cool-down areas at all time when temperature exceeds 82°F



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Additional assessment and control requirements when temperature equals or exceeds **87° F**

- Measurement & recording of temperature and heat index (whichever is higher) including date, time, location at times when employee exposures are expected to be greatest
- Repeat measurement when temperature “reasonably expected” to be 10° F + greater



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

- Use engineering to lower the temperature to below 87° F where employees are present, or below 82° F where employees wear clothing that restricts heat removal
- Use administrative controls or personal protective equipment to reduce risk of heat exposure where engineering controls are infeasible



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

- Create and maintain emergency response and employee monitoring procedures
- Implement procedures when employees exhibit signs of heat illness
- Create and implement (when appropriate) procedures for close observation during 14-day acclimatization period or a heat wave (when the temperature exceeds 80° F and 10° hotter than the average for the five prior days)



Exceptions:

- Remote workers
- Shade provided per outdoor heat illness standard
- Indoor locations will be covered under outdoor standard when they are not normally occupied when employees are present/working in the area
- ERs may choose to comply with the Indoor Standard (not the Outdoor Standard) when employees move regularly from indoor to outdoor locations



Indoor Heat Illness – Proposed Standard – Major Elements

- **Written Program:** detailing procedures for accessing water and cool-down areas, hazard assessment control measures, acclimatization, and emergency response
- **Training:** for employees and supervisors
- **Cool-Down Areas:** maintained below 82°F, blocked for sunlight and radiant heat sources



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

- **Rest Periods:** allow and encourage employees to take preventative cool-down rest periods and monitor for heat illness symptoms
- **Acclimatization:** closely observe new employees for 14 days, all employees during a heat wave if no engineering controls are present



Workers' Comp Heat Illness Presumption for Ag Workers

SB 1299 (Cortese, 2024); AB 1336 (Addis, 2025)

- **Agriculture Only:** Apparently, landscapers and construction workers don't experience heat illness?
- **“Work-Related” presumption:** established rebuttable presumption that heat illness “arose out of and came in the course of employment” for the purpose of determining workers' comp coverage for heat illness

Both vetoed by Governor Newsom; will sponsors try again in 2026 session?



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

- **Compliance with GISO 3395:** applies if employer failed to comply with GISO 3395, and any revisions made by Cal/OSHA per AB 2243 (Garcia)
- **Fuzzy definition of “injury”:** any heat-related injury, illness during or within the pay period in which employee suffers heat-related injury/illness; problem: Labor Code allows ag employees to be paid either twice a month or weekly, so what does “pay period” mean?
- **Workers’ Comp Appeals Board:** adjudicates whether presumption applies based on whether employer complied with GISO 3395
- **Governor Newsom vetoed** both SB 1299 and AB 1336, citing WCAB’s lack of competence to determine GISO 3395 compliance and Cal/OSHA’s build-up of the new Ag Employment Outreach and Employment Task Force



FELS
Farm Employers Labor Service
California Farm Bureau
Serving Agricultural Employers since 1970

Thank You for Your Time & Attention!

Bryan Little

Farm Employers Labor Service &
California Farm Bureau

blittle@fels.net

916-561-5622