

Electronic Alert

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Oregon OSHA Releases New Guidance on Heat-Illness Prevention & COVID-19 Restrictions Update

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As a result of the tragic death of an agricultural worker during Oregon's record-setting heatwave last month, Oregon OSHA created an emergency rule to protect workers while working in elevated temperatures. The rule went into effect yesterday and will remain in place for 180 days.

Heat-Illness Prevention

Employers must provide protection to employees who perform work activities when the heat index equals or exceeds 80 degrees, with additional requirements when the heat index is over 90 degrees. The heat index is the apparent temperature which is what the temperature feels like when relative humidity is combined with the air temperature. The only exception to the rules is when heat is generated only from the work process (in foundries, for example).

Access to Shade

Employers must maintain at least one "shade area" that does not expose employees to unsafe or unhealthy conditions or discourage use. The shade area must:

- Be open air or provide mechanical ventilation for cooling;
- Accommodate and fully cover the number of employees on a rest period, sitting in normal postures;
- Be as close as practical to employee working areas; and
- During meal periods, accommodate the employees on that meal period who remain onsite.

When an employer can demonstrate that providing a shade area is not safe or practical, they must implement alternative cooling measures of equivalent protection.

Drinking Water

Employers must always provide an adequate supply of readily accessible cool or cold drinking water at no cost to the employees and ensure employees have ample opportunity to drink water. There must be enough water supply for each employee to consume 32 ounces per hour.

Training

Beginning no later than August 1, 2021, employers must train all employees on heat-illness prevention. The training must include:

- Environmental and personal risk factors for heat illness;
- Effects of non-occupational factors on tolerance to heat stress;
- Different types of heat-related illness and their common signs and symptoms;

- Procedures for complying with the requirements of the rule;
- Introduction to the concept, importance, and methods of acclimatization; and
- Importance of immediately reporting signs and symptoms of heat illness in themselves or others.

High Heat Practices

When the heat index exceeds 90 degrees, employers must ensure effective communication at all times; observe employees for alertness, signs and symptoms of heat illness; and monitor affected employees to determine whether medical attention is necessary. Employers must implement one or more of the following procedures:

- Ensure regular communication with employees working alone;
- Create a mandatory buddy system; or
- Implement other equally effective means of observation or communication.

One or more employees per worksite must be authorized to call emergency medical services, although any employee may contact medical services if the designee is not immediately available.

Employers must ensure each employee takes a minimum ten-minute rest period in the shade every two hours regardless of the shift length. These breaks may be provided concurrently with any other meal or rest break required by policy, rule, or law if the timing of the cool-down rest period coincides with the otherwise required break. Except when a cool-down rest period coincides with an unpaid meal break, the cool-down rest period must be paid.

Emergency Medical Plan

Employers must also create an emergency medical plan that addresses:

- Responding to signs and symptoms of possible heat illness;
- Contacting emergency medical services, and transporting employees to reach medical services when necessary; and
- Ensuring clear and precise directions to the worksite are provided for first responders to navigate to the affected worker, in the event of an emergency.

COVID-19 Mask & Physical Distancing Restrictions Update

As anticipated in a previous [E-Alert](#), on June 30, 2021, Oregon OSHA issued a temporary rule removing the mask and physical distancing requirements from its permanent rule for most workplaces; however, many pieces of the permanent rule remain in place. Masks and physical distancing are still required for certain specialized and congregate employment settings. The ventilation, notification, sanitation, and training requirements all remain in place, as well. Employers may still choose to require masks and physical distancing in their workplace, so long as they follow public health guidelines and keep accommodations in mind.

For questions on compliance with these rules or other labor and employment matters, contact Barran Liebman attorney Julie Preciado at 503-276-2126 or jpreciado@barran.com.