

Comparison of Current to New Regulations

WAC 296-307-09730 through 09760 in Chapter 296-307 WAC (Safety Standards for Agriculture)¹

	Revised (Effective as of July 17, 2023)	Current (Effective through July 16, 2023)	Comments
Time of Year	Year-Round	May 1 through September 30	No longer limited to a specific season.
Exclusions	Incidental exposure: Employee not required to perform a work activity outdoors for more than 15 minutes in any 60-minute period; exception may be applied every hour during the work shift.	Incidental exposure: Employee not required to perform a work activity outdoors for more than 15 minutes in any 60-minute period; exception may be applied every hour during the work shift.	No substantive change.
Temperature Trigger	<p>52° F (Nonbreathable clothes including vapor barrier clothing or PPE such as chemical resistant suits)</p> <p>80° F (All other clothing)</p>	<p>52° F (Nonbreathing closes including vapor barrier clothing or PPE such as chemical resistant suits)</p> <p>77° F (Double-layer woven clothes including coveralls, jackets and sweatshirts)</p> <p>89° F (All other clothing)</p>	Changed from three temperature categories to two, with the threshold applying to “all other clothing” decreasing from 89° F to 80° F.
Employer’s Outdoor Heat Exposure Safety Program	<ul style="list-style-type: none"> Employers must address their outdoor heat exposure safety program in their written accident prevention program <i>in a language that employees understand.</i> <i>Employers must ensure the outdoor heat exposure safety program contains, at a minimum, the following elements: procedures for providing sufficiently cool drinking water; procedures for providing shade or other sufficient means to reduce body temperature, including the location of such means and how employees can access them; emergency response procedures for employees demonstrating signs or symptoms of heat-related illness;</i> 	<ul style="list-style-type: none"> Employers must address their outdoor heat exposure safety program in their written accident prevention program. 	Outdoor Health Exposure Safety Program required in current regulations, but requirements for the safety program are substantially expanded; additions in bold italics.

¹ Although this WAC Chapter relates specifically to agriculture, the Department of Labor & Industries is implementing comparable changes across all industries under Chapter 296-62 WAC.

	<p><i>acclimatization methods and procedures; high heat procedures; and the specific method used by the employer to closely observe employees for signs and symptoms of heat-related illness.</i></p> <ul style="list-style-type: none"> • <i>Employers must ensure a copy of the outdoor heat exposure safety program is made available to employees and their authorized representatives.</i> 		
Drinking Water	<ul style="list-style-type: none"> • Employers must encourage employees to frequently consume water or other acceptable beverages to ensure hydration. • Employers must ensure that a sufficient quantity of <i>suitably cool</i> drinking water is readily accessible to employees at all times; and employers must ensure that all employees have the opportunity to drink at least one quart of drinking water per hour. 	<ul style="list-style-type: none"> • Employers must encourage employees to frequently consume water or other acceptable beverages to ensure hydration. • Employers must ensure that a sufficient quantity of drinking water is readily accessible to employees at all times; and employers must ensure that all employees have the opportunity to drink at least one quart of drinking water per hour. 	Additions in bold italics
Cool-Down Rest Periods	<p>Employers must encourage and allow employees to take a preventative cool-down rest period when they feel the need to do so to protect them-selves from overheating using sufficient means to reduce body temperature such as shade or other equally or more effective means. The preventative cool-down rest period must be paid unless taken during a meal period that is not otherwise required to be compensated. If an employee is showing signs or symptoms of heat-related illness during the cool-down rest period, the employer must comply with specific requirements relating to “Responding to signs and symptoms of heat-related illness.”</p>		New section

<p>Access to Shade</p>	<p>Employers must:</p> <ul style="list-style-type: none"> • Provide and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling, and not adjoining a radiant heat source such as machinery or a concrete structure. The shade must be located as close as practicable to the areas where employees are working. • Ensure the amount of shade present is large enough to accommodate the number of employees on a meal or rest period, so they can sit in a normal posture fully in the shade. • In lieu of shade, employers may use other means to reduce body temperature if they can demonstrate such means are equally or more effective than shade. Some alternatives to shade may include the provision of misting stations, cooling vests, or air-conditioned areas. 		<p>New section</p>
<p>Temperature Trigger</p>	<p>N/A</p>	<p>N/A</p>	
<p>Employee Responsibility</p>	<ul style="list-style-type: none"> • Employees are responsible for monitoring their own personal factors for heat-related illness including consumption of water or other acceptable beverages to ensure hydration, <i>and taking preventative cool-down rest periods when they feel the need to do so to prevent from overheating.</i> 	<ul style="list-style-type: none"> • Employees are responsible for monitoring their own personal factors for heat-related illness including consumption of water or other acceptable beverages to ensure hydration. 	<p>Additions in bold italics</p>
<p>Drinking Water</p>	<ul style="list-style-type: none"> • Keeping workers hydrated in a hot outdoor environment requires that more water be provided than at other times of the year. Federal OSHA and research 	<ul style="list-style-type: none"> • Keeping workers hydrated in a hot outdoor environment requires that more water be provided than at other times of the year. Federal OSHA and research 	<p>No change</p>

	<p>indicate that employers should be prepared to supply at least one quart of drinking water per employee per hour.</p> <ul style="list-style-type: none"> • Employers are not required to supply the entire quantity of drinking water needed to be supplied for all employees on a full shift at the beginning of the shift. Employers may begin the shift with smaller quantities of drinking water if effective procedures are established for replenishment during the shift. 	<p>indicate that employers should be prepared to supply at least one quart of drinking water per employee per hour.</p> <ul style="list-style-type: none"> • Employers are not required to supply the entire quantity of drinking water needed to be supplied for all employees on a full shift at the beginning of the shift. Employers may begin the shift with smaller quantities of drinking water if effective procedures are established for replenishment during the shift. 	
Acclimatization	<p>Employers must closely observe employees for signs and symptoms of heat-related illness by implementing one or more of the close observation options specified under "High heat procedures."</p> <ul style="list-style-type: none"> • For 14 days when employees: are newly assigned to working at or above 52° F (nonbreathable clothes including vapor barrier clothing or PPE such as chemical resistant suits) or 80° F (all other clothing) or return to work at those temperatures after an absence of seven days or more. • During a heat wave. For purposes of this section only, "heat wave" means any day in which the predicted high temperature for the day will be at least 52° F (nonbreathable clothes including vapor barrier clothing or PPE such as chemical resistant suits) or 80° F (All other clothing) and at least 10° F higher than the average high daily temperature in the preceding five days. 		New section
Responding to Signs and Symptoms of Heat-Related Illness	<ul style="list-style-type: none"> ○ <i>Employers must ensure that effective communication by voice, observation, or electronic means is maintained so that employees at the work site and their supervisor can contact each other</i> 	<ul style="list-style-type: none"> ○ Employees showing signs or demonstrating symptoms of heat-related illness must be relieved from duty and provided with a sufficient means to reduce body temperature. 	Additions in bold italics

	<p>to report signs and symptoms of heat-related illness and get medical attention when necessary. An electronic device, such as a cellular phone or text messaging device, may be used for this purpose only if reception in the area is reliable.</p> <ul style="list-style-type: none"> ○ Employees showing signs or demonstrating symptoms of heat-related illness must be relieved from duty and provided with a sufficient means to reduce body temperature. ○ Employees showing signs or demonstrating symptoms of heat-related illness must be monitored to determine whether medical attention is necessary. 	<ul style="list-style-type: none"> ○ Employees showing signs or demonstrating symptoms of heat-related illness must be monitored to determine whether medical attention is necessary. 	
<p>Information and Training</p>	<ul style="list-style-type: none"> ● All employees and supervisors must be trained as required by this section prior to outdoor work where occupational exposure to heat might occur and at least annually after the initial training. Training must be provided in a language <i>and manner</i> the employee or supervisor understands. ● Employee training: Effective training on the following topics must be provided to all employees who may be exposed to outdoor heat: <ul style="list-style-type: none"> ○ The environmental factors and other work conditions (i.e., workload, work duration, personal protective equipment, clothing) that contribute to the risk of heat-related illness; ○ General awareness of personal factors that may increase susceptibility to heat-related illness including, but not limited to, an individual's age, physical fitness, degree of acclimatization, medical 	<ul style="list-style-type: none"> ○ All training must be provided to employees and supervisors, in a language the employee or supervisor understands, prior to outdoor work which exceeds 52° F (nonbreathing closes including vapor barrier clothing or PPE such as chemical resistant suits), 77° F (double-layer woven clothes including coveralls, jackets and sweatshirts), or 89° F (all other clothing), and at least annually thereafter. ○ Employee training: Training on the following topics must be provided to all employees who may be exposed to outdoor heat at or above 52° F (nonbreathing closes including vapor barrier clothing or PPE such as chemical resistant suits), 77° F (double-layer woven clothes including coveralls, jackets and sweatshirts), or 89° F (all other clothing): 	<p>Additions in bold italics; subtractions struck through</p>

	<p>conditions, drinking water consumption, alcohol use, previous heat-related illness, pregnancy, and use of medications that affect the body's responses to heat. This information is for the employee's personal use;</p> <ul style="list-style-type: none"> ○ The importance of removing heat-retaining personal protective equipment such as nonbreathable chemical resistant clothing during all breaks; ○ The importance of frequent consumption of small quantities of drinking water or other acceptable beverages; ○ The importance of acclimatization requirements, the concept of acclimatization, and the importance of the following considerations: frequent cool-down rest periods; gradual increase of work duration in the heat; and employees are unable to build a tolerance to working in the heat during a heat wave; ○ The importance of taking preventative cool-down rest periods when employees feel the need to do so in order to protect themselves from overheating; ○ The mandatory cool-down rest periods when the outdoor temperature reaches or exceeds 90° F; ○ The employer's procedures for providing shade or other sufficient means to reduce body temperature, including the location of such means 	<ul style="list-style-type: none"> ○ The environmental factors that contribute to the risk of heat-related illness; ○ General awareness of personal factors that may increase susceptibility to heat-related illness including, but not limited to, an individual's age, degree of acclimatization, medical conditions, drinking water consumption, alcohol use, caffeine use, nicotine use, and use of medications that affect the body's responses to heat. This information is for the employee's personal use; ○ The importance of removing heat-retaining personal protective equipment such as nonbreathable chemical resistant clothing during all breaks; ○ The importance of frequent consumption of small quantities of drinking water or other acceptable beverages; ○ The importance of acclimatization; ○ The different types of heat-related illness, the common signs and symptoms of heat-related illness; and ○ The importance of immediately reporting signs or symptoms of heat-related illness in either themselves or in co-workers to the person in charge and the procedures the employee must follow including appropriate emergency response procedures. ○ Supervisor training: Prior to supervising employees working in outdoor 	
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	<p>and how employees can access them;</p> <ul style="list-style-type: none"> ○ The different types of heat-related illness, the common signs and symptoms of heat-related illness; ○ The importance of immediately reporting signs or symptoms of heat-related illness in either themselves or in co-workers to the person in charge and the procedures the employee must follow including appropriate first aid and emergency response procedures; ○ The employer's procedures for close observation of employees for signs and symptoms of heat-related illness. ● Supervisor training: Prior to supervising employees working in outdoor environments with heat exposure at or above 52° F (nonbreathable clothes including vapor barrier clothing or PPE such as chemical resistant suits) or 80° F (all other clothing), supervisors must have training on the following topics: <ul style="list-style-type: none"> ○ The information required to be provided to employees; ○ The procedures the supervisor must follow to implement applicable provisions of these regulations; ○ The importance of considering the use of engineering or administrative controls such as air-conditioning and scheduling work during the cooler hours of the day in order to reduce employees' exposure to heat; ○ The procedures the supervisor must follow if an employee exhibits signs 	<p>environments with heat exposure at or above 52° F (nonbreathing clothes including vapor barrier clothing or PPE such as chemical resistant suits), 77° F (double-layer woven clothes including coveralls, jackets and sweatshirts), or 89° F (all other clothing), supervisors must have training on the following topics:</p> <ul style="list-style-type: none"> ○ The information required to be provided to employees; ○ The procedures the supervisor must follow to implement the applicable provisions of these regulations; ○ The procedures the supervisor must follow if an employee exhibits signs or symptoms consistent with possible heat-related illness, including appropriate emergency response procedures; and ○ Procedures for moving or transporting an employee(s) to a place where the employee(s) can be reached by an emergency medical service provider, if necessary. 	
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	<p>or symptoms consistent with possible heat-related illness, including appropriate first aid and emergency response procedures; and</p> <ul style="list-style-type: none"> ○ Procedures for moving or transporting an employee(s) to a place where the employee(s) can be reached by an emergency medical service provider, if necessary. 		
Temperature Trigger	<p>90° F 100° F</p>		
High Heat Procedures	<p>The employer must implement the following high heat procedures when the temperature is at or above 90° F, unless engineering or administrative controls (such as air-conditioning or scheduling work at cooler times of the day) are used to lower employees' exposure below 90° F.</p> <ul style="list-style-type: none"> • Ensure that employees take at minimum the mandatory cool-down rest periods of 10 minutes every 2 hours at or above 90° F or 15 minutes every 1 hour at or above 100° F. The cool-down rest period must be provided in the shade or using other equally or more effective means to reduce body temperature. The mandatory cool-down rest period may be provided concurrently with any required meal or rest period and must be paid unless taken during a meal period not otherwise required to be compensated. Mandatory cool-down rest periods are not required during emergency response operations where rescue, evacuation, utilities, communications, transportation, law enforcement, and medical operations are directly aiding firefighting, protecting 		New section

	<p>public health and safety, or actively protecting, restoring or maintaining the safe and reliable operation of critical infrastructure at risk.</p> <ul style="list-style-type: none"> • Closely observe employees for signs and symptoms of heat-related illness by implementing one or more of the following: regular communication with employees working alone, such as by radio or cellular phone; a mandatory buddy system; or other effective means of observation. 		
Select Definitions			
Acclimatization	The body's temporary adaptation to work in heat that occurs as a person is exposed to it over <i>a period of seven to 14 days depending on the amount of recent work in the heat and individual factors. Acclimatization can be lost after seven consecutive days away from working in the heat.</i>	The body's temporary adaptation to work in heat that occurs as a person is exposed to it over time.	Additions in bold italics
Buddy System	A system where individuals are paired or teamed up into work groups so each employee can be observed by at least one other member of the group to monitor and report signs and symptoms of heat-related illness.		New definition
Drinking Water	Potable water that is suitable to drink <i>and suitably cool in temperature. Other acceptable beverages include</i> drinking water packaged as a consumer product, and electrolyte-replenishing beverages (i.e., sports drinks) that do not contain <i>high amounts of sugar, caffeine, or both such as energy drinks.</i>	Potable water that is suitable to drink. Drinking water packaged as a consumer product and electrolyte-replenishing beverages (i.e., sports drinks) that do not contain caffeine are acceptable.	Additions in bold italics
Engineering Controls	The use of devices to reduce exposure and aid cooling, <i>not including wearable items. Examples of engineering controls include fans, misting stations, air-conditioning, etc.</i>	The use of devices to reduce exposure and aid cooling (i.e., air conditioning).	Additions in bold italics

Risk Factors for Heat-Related Illness	Conditions that increase susceptibility for heat-related illness including: environmental factors such as air temperature, relative humidity, air movement, radiant heat from the sun and other sources, conductive heat sources such as the ground; workload (light, moderate, or heavy) and work duration; personal protective equipment and clothing worn by employees; and personal factors such as age, medications, physical fitness, and pregnancy.		New definition
Shade	A blockage of direct sunlight. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person sitting in it, unless the car is running with air-conditioning.		New definition