

Washington State's Emergency Outdoor Heat Exposure Rules Now in Effect

With summer underway, employers in the state of Washington are reminded to follow the state's new emergency outdoor heat exposure rules, which went into effect on June 15, 2022. These rules apply through September 29, 2022, and are an addition to the state's permanent outdoor heat exposure rules effective May 1 to September 30 every year.

The emergency rules do not apply just to agricultural or construction industry jobs. Per the [Washington administrative code](#), these rules apply to all Washington employers with employees who perform work outdoors for more than 15 minutes in any 60-minute period throughout a workday.

When Outdoor Heat Exposure Rules Apply

The permanent outdoor heat exposure rules require employers to take certain actions when the below conditions are present:

- 52° F and employees wear nonbreathable clothes, including vapor barrier clothing or PPE such as chemical-resistant suits.
- 77° F and employees wear double-layer woven clothes, including coveralls, jackets, and sweatshirts.
- 89° F and employees wear all other clothing.

Existing Requirements

The existing rules require employers to prepare for such conditions, including:

- Creating an outdoor heat exposure prevention plan as part of the state-required accident prevention program.
- Providing annual training to employees and supervisors on symptoms of outdoor heat exposure and having policies in place to prevent heat-related illness.
- Increasing the amount of water available to employees and providing more opportunities for workers to drink water on days when temperatures require preventative measures.
- Preparing and responding appropriately to employees with symptoms of heat-related illness.

New Emergency Rule Requirements

The new emergency rules require additional employer action, including the following:

- **Providing cool water.** Employer-provided water must be suitably cool for drinking at least one quart an hour. Washington Labor and Industries (L&I) recommends water at 50-60° F to meet this requirement.

- **Providing adequate shade.** Employers must provide access to adequate shade. The new rules define "shade" as the blockage of direct sunlight whose purpose is to allow the body to cool. The shade cannot adjoin a radiant heat source such as machinery or a concrete structure. The shaded area must be large enough to accommodate employees to sit during a meal or rest period, and it must be located as close as practicable to the areas where employees work. Shade alternatives can be provided instead, including misting stations, cooling vests, or air-conditioned areas.
- **Encouraging preventative cooldown breaks.** Cooldown rest periods must be encouraged and provided to employees as a preventative measure to avoid overheating. Unless the break is taken during a meal period, it must be paid. The [new rule](#) does not specify how long an employer needs to provide a paid cooldown rest break, but employers are advised to pay for as long as the employee "feels the need to do so" to protect them from overheating. Per the rule, if an employee shows signs or symptoms of heat-related illness during a cooldown rest period, the employer must release the employee from duty, provide sufficient means to reduce body temperature, and monitor the employee to determine whether medical attention is necessary.
- **Providing mandatory paid breaks when temperatures are 89° F or higher.** When temperatures meet or exceed 89° F, employers must ensure that employees take mandatory cooldown rest periods for at least 10 minutes every two hours. The breaks can be provided concurrently with any meal or rest periods and must be paid, unless taken during a meal period.
- **Ensuring effective communication systems when temperatures are 89° F or higher.** Per the [administrative code](#), when outdoor temperatures meet or exceed 89° F, employers must ensure there is an effective way for employees to communicate the need for help, whether by radio, cell phone, observation, a buddy system, or other effective means of communication and monitoring.
- **Training employees on heat exposure risks.** Employee training regarding heat exposure was already required, but it must now include the following topics:
 - The importance of taking preventative cooldown rest periods when employees feel the need to do so.
 - Mandatory cooldown rest periods when outdoor temperatures meet or exceed 89° F.
 - The employer's procedures for providing shade or other sufficient means to reduce body temperature, including the location of such shade or how employees can access the shade.
 - The employer's procedures for ensuring effective observation and communication with employees about signs or symptoms of heat-related illness.

Takeaway

Washington employers should revisit their outdoor heat exposure practices and ensure they are compliant with the new emergency rules. More information about these new requirements can be found on the [Washington L&I website](#).

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