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## **NOIRA (Notice of Intended Regulatory Action) for the Heat Illness Prevention Standard, 16VAC25-210**

As the auto repair and tire industry are specifically listed, we appreciate the opportunity to respond to the proposed regulations with our comments below in red. Our members include retail tire and auto service facilities, which most offer an air conditioned showroom for customers and sales staff, and service bays that are either laid out back to back and have cross wind breezes, and/or offer fans for air flow ventilation. Most of these are small business owners with very limited staff.

Our vendors have facilities that also offer air conditioned areas for customers and sales staff, and warehouses with ventilation.

### **Town Hall Agency Background Document Form: TH-01 Pages 5-6**

The VOSH Program intends to conduct a review of existing federal and state regulations as well as national consensus standards and guidelines designed to protect employees from heat illness hazards. The proposal would address indoor and outdoor heat illness hazards experienced by similarly situated employees in all industries covered by VOSH jurisdiction.

Issues to be analyzed for possible inclusion in any proposed regulation include, but are not limited to:

- o Definitions of appropriate terms- **need more clarity; some of the terms seem vague.**
- o Employer requirement to monitor indoor and outdoor temperatures-**could be done- hang a thermometer in the shop or warehouse area; but is it necessary?**
- o Temperature action levels tied to the type of clothing being worn by the employee-**our industry needs specific uniforms to perform automotive related jobs**
- o Acclimatization procedures- **need more clarity; it is difficult to define how employees are expected to adjust when the temperature rises.**
- o Access to potable drinking water, and electrolytes as needed-**access to water is fine; electrolytes should not be required. Every business should not be expected to keep Gatoraid, etc. on site.**
- o Cool down rest periods with access to shade or a climate controlled environment at certain temperature action levels-**cool down rest periods are not realistic. The shop buildings in our industry offers shade, and our employees have access to air conditioned showrooms/breakrooms should they need it.**
- o Prohibiting employees from being ordered back to work until any signs or symptoms of heat illness have abated-**this is just common sense**
- o Additional communication, observation, monitoring requirements, first aid, and emergency response requirements at certain temperature trigger levels- **need more clarity; doesn't sound practical. Basic first aid is already available.**

o An exception to the requirements of the regulation for "incidental exposure" which exists when an employee is not required to perform a work activity outdoors for more than 15 minutes in any 60 minute period-**having to give a 15 minute break every hour is just not practical. Our shops' ability to get their work done, and return customer's vehicles in a timely manner would be seriously impacted by this, including our employees' ability to earn wages with their skills.**

o Written heat illness prevention plan-**more unnecessary paperwork for small business owners trying to keep up with regulations previously imposed.**

o Employee and supervisory training on heat illness hazards and preventative measures in a language the employee and supervisor understands- **more unnecessary paperwork for small business owners trying to keep up with regulations previously imposed.**

**Heat illness factors to be considered in any proposed regulation include external risk factors, internal risk factors and medical conditions.**

**Heat-related illness external risk factors generally include, but are not limited to:**

- o High temperature and humidity- **agreed**
- o Direct sun exposure/no shade-**businesses in our industry provide shade**
- o Radiant heat from the sun or other objects-**not applicable to most businesses in our industry**
- o Limited air movement- **most shops are laid out for cross breezes in their service bays; or most provide fans for air movement and ventilation.**
- o Physical exertion-**varying degrees in our industry**
- o Personal Protective Equipment use (e.g., bulky protective clothing, respirators, etc.)-**rarely if ever used in our industry**

**Heat-related illness internal risk factors generally include, but are not limited to:**

- o Personal factors of the exposed employee, such as medical conditions, physical fitness, age, sleep, etc.- **how is a business owner expected to know this- invasion of privacy if you ask**
- o Acclimatization-**too vague**
- o Medications (prescription and over the counter)- **how is a business owner expected to know this- invasion of privacy if you ask**
- o Level of hydration, including the presence of caffeine and alcohol- **how is a business owner expected to know this- invasion of privacy if you ask**

**Medical conditions that can contribute include, but are not limited to:**

- o Diabetes- **how is a business owner expected to know this- invasion of privacy if you ask**
- o Heart disease and high blood pressure- **how is a business owner expected to know this- invasion of privacy if you ask**

- o Obesity- *how is a business owner expected to know this- invasion of privacy if you ask*
- o Thyroid disease- *how is a business owner expected to know this- invasion of privacy if you ask*
- o Infections- *how is a business owner expected to know this- invasion of privacy if you ask*
- o Gastro-intestinal disease- *how is a business owner expected to know this- invasion of privacy if you ask*
- o Pregnancy- *how is a business owner expected to know this- invasion of privacy if you ask*
- o Skin problems, including sunburn- *how is a business owner expected to know this- invasion of privacy if you ask*

Some of the symptoms of heat-related illnesses are non-specific. This means that when a worker is performing physical labor in a warm environment, any unusual symptom can be a sign of overheating. *Agreed- must use common sense to be on the look for this.*

In closing, the solutions to the heat related issues you have raised, are not a "one size fits all". In our industry, we have already addressed heat issues; our employees are highly skilled and are well taken care of. We feel it is unfair to include our industry in this category.

Consider the following:

- The layout of our buildings offers shade.
- The work area has air ventilation by fans and cross breezes.
- Our employees have access to air conditioned areas should they need it, and they are encouraged to take a break in this area should they not be feeling well.
- Water is available to employees.

Because of these reasons, we respectfully request you exempt the automobile repair and tire repair/ replacement industry from these regulations. Thank you for your consideration.

Best Regards,



Steve Akridge

Executive Director