

# **Video - Ben IV Lavery discusses Heat Illness Regulations**

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Posted by CSTC Staff

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Living in Bakersfield, Heat Illness is a serious problem, with high temperatures 8+ months out of the year. In this video, Ben IV Lavery discusses Heat Illness very casually, with some stories, insights, and frequently asked questions from employers and employees.

Watch on youtube: <https://www.youtube.com/watch?v=IPQYPVyT8Hk>  
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## **Video Transcript:**

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Ok, today, we're going to talk a little bit about heat illness here and get a little more casual.

## **What is the Heat Illness Regulation?**

The heat illness regulation begins for employers at 80 degrees. So basically, heat illness can be initiated for I don't know, ten or eleven months of the year here in Bakersfield, right. That requirement means water, shade, having a program in place, making sure we have training and requiring that you provide one quart of water, per person, per hour, for each individual employee.

## **Which Employers must meet the Heat Illness Regulation?**

Any outdoor workers. For any industry that agriculture, construction, manufacturing is excepted, it's outside of the reg, landscapers, so any outdoor workplace, has that requirement. It doesn't matter how many employees you have, once you have an employee, now you have to do it.

## **How does Heat Illness apply to volunteer organizations, that might have some employees and some volunteers?**

So, for the employees it would certainly be part of that. For volunteers, from a CAL OSHA perspective volunteers, would not be that would not be required. That doesn't say that you have some liability in that, because I think that even a volunteer organization, may have some liability in that the expectation is, that you'll provide fluids, provide water, provide a safe place to volunteer. And so, I certainly think although Cal OSHA may not give you a citation for your volunteers, you certainly set yourself up for family members of a volunteer who may pass away, to have that.

So, I know that there was, there's a run in the local area right, where the participant passed away from heat illness and there was some definitely some discussion about, does this nonprofit organization have some liability in this runner's fatality. It ended up not being the case. There were some other health issues and I think specifically it ended up that the autopsy showed some other factors that contributed that negated that liability but I thought it led to that interesting there's an expectation now, you work in the heat you provide water, shade, provide people there that would be able to help you and cool you off or recognize that you're having symptoms and you know initiate emergency procedures.

### **How does isolated workplaces impact heat illness compliance?**

Really interesting because you have to provide a way for that emergency response to come out and so imagine that you're out there 10, 20 miles from the nearest fire department, Hospital, you have to provide a way for them to find you.

So, there may not be an address, you have to send people to there's cross intersection, to then guide you back in, how do you stay in contact with employees who work in those areas. You have to really develop a system for emergency response, that meets the standard in terms of, that it makes sense and that you can get emergency responders there rather quickly, or have other employees that can provide that emergency response, and or, both so.

## **What does CSTC offer for their clients in regards to Heat Illness?**

We would offer the document and the plan, customized to them, asking them questions back and forth. Offer the training and guide them in terms of how they should provide water, shade. There's some curveballs in shade in it like, hey can a tree be shade, and you know things like if it's a citrus orchard that typically the canopy on the citrus orchard, goes all the way the ground and now that cannot be, although obviously if you're under it is ( shade ) because there's not airflow, under it whereas like an amateur almond orchard which is canopy up higher becomes shade, and it has sufficient air movement under it, there's so. We would provide consulting for your specific worksite. So comprehensive package front to back, document, training, consulting for the curveballs that you might have.

## **Do you have any personal insight about Heat Illness living in the Central Valley in California?**

I surprise sometimes people with, for me it's personal. It does have meaning in that, in my 13-year career I've investigated ten heat illness deaths, that have been categorized as that. So, I think sometimes we assume when we live in hot environments, we take it for granted, we have this assumption that people know what to do and how to take care of themselves. Seeing, investigating this, most of these deaths were not from people who were not familiar with the environment, there were a couple but for the most part they were people, who were had lived here and worked here and they were caught by surprise because of something else that contributed to that.

Whether it was the night before, that a partied so they were a little dehydrated or during the day it was a little less temperature but more humidity and so they you know had these contributing factors that led

to someone who, maybe was experienced and lived in the area but then passed away. And it's a true tragedy, because you know you just need to recognize those symptoms, pay attention, take a break, cool yourself off, it's a totally preventable death.

## **What are the symptoms to watch out for with Heat Illness?**

I'd like to say there are basic symptoms of hey, I feel sick, headache, dizzy, nausea, are the initial symptoms. And the very serious symptoms can be things like passed out, convulsions, throwing up. And then finally, a really good way to determine between, say a heat exhaustion which may be recoverable just read on-site that you provide medical care, you know you cool them, down put them in the shade, cool water, drench their clothing, they recover and they're fine. To a heatstroke is that, someone may progress they're not able to cool down and they'll actually stop sweating. Literally, you're when you stop sweating, you're if you're overheated, your body functions begin to shut down, and so, the body protects itself, but eventually if you shut down that the heart and the brain you're dead.

## **Most common questions about Heat Illness from employees?**

On the employee side, I seem to, the popular questions are, you know things like: do I have to have ice, and you know do you provide Gatorade, and things like that. Where the rule is really specific it says, hey you have to provide fresh, pure, potable and cooled water. You know so, there's some question around the oh they don't have to provide me Gatorade, no, they don't have to provide ice, no, it just

needs to be cooled. Well, you know there's a balance there, you know some people like that cooled water some people don't they'll say hey do I have to drink it? And you know it becomes a choice you know you need to stay hydrated you have good personal judgement.

## **Most common questions about Heat Illness from employers?**

On the employer side, it's usually around things like, well one, really, I got to provide a quart of water, per person, for each hour of exposure, and the answer, well yes, that's a really specific in the Reg. So, they're you know you're thinking, hey well, when I go for a hike, I bring a gallon of water for that day and they're doing the math, and they're going, oh well, that's only good for the first four hours of a workday, if someone was to literally drink that, so there's a little of this hey they CAL OSHA has made the law provided for the worst case scenario, right. So this is someone who's working really hard, in a really hot environment, and they're sweating a lot, so they're utilizing a lot of water.

When I talked to extreme athletes to work in very or workout or exercise in very hot environments, that's the kind of quantity of water they drink, and that's where they made the Reg. Whereas you know we would go hiking in the mountains and if it's a hundred degrees, we're gonna stop, it's too hot. But we're still working here in the valley. So, I get that question and the other thing with employers it tends to be, oh, I literally have to have the plan in the worksite. So, they're going, oh this piece of paper booklet has to be in the worksite and they'll you know they're going but nobody reads this. Yeah, the rule is really specific, the work plan has to be in the worksite, BAM.

So, um, you know you're having that plan sitting at the same place that you have the jugs of water and a shade canopy put in place. So, you know just being really clear here's what the Reg says, here's what the regulation says.

## **What if my employees don't drink that much water? What about Ice?**

This is what employers are going, well they don't drink all that water, we have two and a half gallons for them for their ten-hour day, you know. Or that we have you know five gallons per person, and they never drink it, or whatever it is, how come we provide more, well you're providing more because.

Also, it's like ice you know, I had a guy call me the other day today, hey do we have to provide ice, no, but the water has to be cooled. If you put it in a five-gallon jug, and it sits out on the Sun all day, and does not have ice in it, it is definitely not cooled at three o'clock in the afternoon, if it's been 100 degrees. So, hey, should we put ice in that, maybe even twice during that day, to keep it cooled and fresh? Of course, we should. But it doesn't say "you must provide ice."

## **More resources on Heat Illness?**

There are some really cool videos out there, they're mostly oriented around physical exercise inducing that heat illness, but that has a lot of impact, of showing exactly how the process breaks down the cells in heat and has it so that your body doesn't function. I think those have the biggest impact, there's a couple of really good ones that are just animated videos talking about kids exercising in it, and how it's so preventable, if you recognize it, do it, really get them cooled down quickly, people can recover and be okay from it.

## **What do you think of Heat Illness Rules?**

So, on one side, I have a little of, I empathize with the employers, in the fact of, you can get really wrapped up in there's really specific details and there's a lot of rules, and sometimes we feel like just like when you get a parking ticket, that you're like, wow that's a silly rule, you know I was two feet into the red. But then the other side for me is well, when you're two feet into the red and the ambulance couldn't access, to save someone from a heart attack, you're like, that person deserved more than a parking ticket. And I would say that performance standard on heat illness is the same kind of thing.

Oh, if you were to come to me complaining of symptoms, saying I'm dizzy and I you know, I've thrown up three times in the last hour, and I was like, oh don't worry about just go home and you passed away. I think you have significant liability and you're doing a disservice. I don't think that's right from a human standpoint. Take care of that person. You know, make sure they get the water, make sure they get to medical care, get them checked out. Maybe it's not heat illness, maybe it's something else, but still, you have a responsibility as a human and as an employer, to go and do that just in terms of do the right thing.

## **What about Misters in place of shade for Employees?**

There will be employers who do really great job of this and they'll set up misters and showers to cool people off. There is an interesting part of the Reg, that if you're not working in agriculture, you can use misters in place of shade. I don't know, don't ask me, I don't know why, I don't understand why you can or can't use it by industry, but for whatever reason that's the way their regulations are written up.



## **Any additional advice on Heat Illness Prevention?**

I would say, do the common-sense things, right, schedule work that's going to be harder, physically harder, that more exercise earlier, one of the best things that people tend to do. Don't do, don't save the things that you don't want to do because they're difficult physically for the last part of the day. Do them early when it gets hot like that's one of the best prevention methods because I think exercise and the effort really coincides with that.

And you know, really from a perspective of you know, don't come to work hungover is important. You're already coming in dehydrated, you're already coming in at a deficiency so. I think that it's, you know that's interesting to say, oh that makes sense to us, hey, don't come to work hungover, but in this case, you're putting your life at risk, because you come to work hungover.

## **Finally**

Thanks for listening, I think heat illness is really important, I found that it's certainly one of the most important topics for outdoor workers, especially coming up in this time of the year. Please take the opportunity to at least check that you have water, shade, a plan in place, and emergency response procedures, and that employees really understand what the symptoms are and then you take those seriously and take action, I think it can really prevent someone from getting hurt and also prevent you from getting in a lot of trouble.

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Great video and reminders for heat illness especially during this season!!

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