

Oregon OSHA's Temporary Amendment OAR 437-004-1120 to Address High Ambient Temperatures in Labor Housing

The language below will be placed at the end of the OAR 437-004-1120

(27) Heat in Labor Housing:

(a) Cooling Areas. If rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must provide an area(s) for occupants to cool off whenever the heat index outside the housing units is at or above 80 degrees Fahrenheit. The cooling area(s) must be large enough to allow use by at least 50% of the occupants at the labor housing at any one time and must use either or any combination of the following two approaches:

(A) Giving occupants continual access to one or more common rooms that are maintained at or a below a temperature of 78 degrees Fahrenheit (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means). This can be done by making use of existing common rooms, otherwise unused housing units, or other available indoor spaces that do not present additional risks to the occupants.

(B) Giving occupants continual access to outdoor rest areas (located away from work areas or activities that could create a hazard). The rest areas must:

(i) Be shaded by any natural or artificial means, so that occupants can sit or stand in a normal posture fully in the shade;

(ii) Provide water misters, cooling vests, cooling towels, or equally effective means of relief. If relying upon items that can only be used by one individual at a time, enough must be provided to satisfy the 50% requirement and they must not be shared without being washed.

(iii) Locate available chairs, benches, and other seating in a manner that encourages use.

Note: Although employers are permitted to use either or any combination of the approaches listed in (A) and (B), they are encouraged to provide at least some of the required space using the methods listed in (A).

(b) Minimizing Heat in Housing Units. If rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must take the following steps:

(A) Optimize the ability to keep housing cool by ensuring that windows can be protected from direct sunlight in a manner that minimizes radiant heat during all hours of the day, whether through the use of natural or artificial shade, the provision of window coverings must deflect the sun and not simply absorb the heat, or other equally

effective measures. Such measures must not interfere with the ability to open and close windows or create another hazard.

(B) Make fans available at no cost for any housing occupants who wish to use them.

(c) Temperature Awareness. To ensure that housing occupants can remain aware of the effects of heat on the indoor environment, both immediately and on an ongoing basis, employers must provide a thermometer that displays the temperature in both Fahrenheit and Celsius in each individual housing unit. Employers are encouraged, but not required, to provide a device that also measures humidity.

(d) Employee and Occupant Information. In addition to ensuring that employees have received the training required by OAR 437-004-1130(5), the employer must display the “Heat Risks in Housing” poster provided by Oregon OSHA in one or more prominent locations that housing occupants would normally see and must add the necessary emergency contact information to the poster, allowing housing occupants to contact emergency services as necessary.

(e) Access to Emergency Services. Employers must ensure that occupants have access at all times to a working telephone that can be used to contact emergency services. An electronic device, such as a cell phone, may be used for this purpose only if reception in the area is reliable.

Note: Employees are protected from discrimination or retaliation under ORS 654.062(5). This includes protections for actions against employees for opposing any practice forbidden under the Oregon Safe Employment Act and related statutes and rules (including this rule), making a complaint or causing any proceeding to be instituted under the Oregon Safe Employment Act, or exercising any rights under the law, including those conferred by this rule.