

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred House Bill
3 No. 348 entitled “An act relating to protecting workers from extreme
4 temperatures in the workplace” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. SHORT TITLE

8 This act may be cited as the “Extreme Temperature Worker Protection Act.”

9 Sec. 2. 21 V.S.A. chapter 3, subchapter 5A is added to read:

10 Subchapter 5A. Extreme Temperature Worker Protection

11 § 240. PURPOSE

12 (a) Thousands of workers become sick from occupational exposure to
13 extreme hot and cold temperatures each year, many of whom die.

14 (b) Nearly three out of four workers who die from exposure to extreme
15 temperatures in the workplace die in the first week of their employment before
16 they have had an opportunity to acclimatize to the conditions.

17 (c) Employers are required to provide workplaces free of known health and
18 safety hazards, and this includes protecting employees from temperature-
19 related hazards.

20 § 240a. DEFINITIONS

21 As used in this subchapter:

1 (1) “Acclimatization” means the body’s adaption to work in the heat as
2 a person is exposed to heat gradually over time, which reduces the strain
3 caused by heat stress and enables a person to work with less chance of heat
4 illness or injury.

5 (2) “Ambient temperature” means the temperature of the air surrounding
6 a body.

7 (3) “Cold-related injuries and illnesses” include chilblains, frostbite,
8 trench foot, and hypothermia. Symptoms of chilblains include redness,
9 itching, blistering, inflammation, and possible ulceration in severe cases.
10 Symptoms of frostbite include numbness, tingling or stinging, aching, and
11 bluish or pale, waxy skin. Symptoms of trench foot include reddening of the
12 skin, numbness, leg cramps, swelling, tingling pain, blisters or ulcers, bleeding
13 under the skin, and discoloration of the foot due to gangrene. Early symptoms
14 of hypothermia include shivering, fatigue, loss of coordination, confusion, and
15 disorientation. Late symptoms of hypothermia include no shivering, blue skin,
16 dilated pupils, slowed pulse and breathing, and loss of consciousness.

17 (4) “Employee” means any person engaged in service to an employer for
18 wages, salary, or other compensation, as well as individuals employed on the
19 worksite through a staffing agency, contractor, subcontractor, or delivery
20 service.

1 (5) “Employer” means a natural person, corporation, partnership, trust,
2 society, club, association, or other organization, including municipalities, the
3 State, and its instrumentalities.

4 (6) “Heat-related injuries and illnesses” include heat cramps, heat
5 exhaustion, heat syncope, and heat stroke.

6 (7) “Indoor” and “indoors” mean an area under a ceiling or overhead
7 covering that restricts airflow and has along its entire perimeter walls, doors,
8 windows, dividers, or other physical barriers that restrict airflow, whether open
9 or closed.

10 (8) “Outdoor” and “outdoors” mean an area that is not indoors.

11 (9) “Signs and symptoms of a heat emergency” include loss of
12 consciousness with excessive body temperature, which may or may not be
13 accompanied by vertigo, nausea, headache, cerebral dysfunction, or bizarre
14 behavior. A heat emergency could also include staggering, vomiting, acting
15 irrationally or disoriented, having convulsions, and continuing to have an
16 elevated heart rate despite resting.

17 (10) “Signs and symptoms of heat-related illness” include headache,
18 nausea, weakness, dizziness, elevated body temperature, muscle cramps, and
19 muscle pain or spasms.

1 (11) “Wet bulb globe temperature” means a heat metric that considers
2 ambient temperature, humidity, radiant heat from sunlight or artificial heat
3 sources, and air movement.

4 (12) “Work vehicle” means a car, truck, van, or other authorized means
5 of transporting vehicles or goods.

6 § 240b. APPLICATION

7 (a) This subchapter shall apply with respect to all employers, employees,
8 and employment in or at a workplace in the State of Vermont, except it shall
9 not apply to the following:

10 (1) work activities for which there is no reasonable expectation of
11 exposure at or above a wet bulb globe temperature of 80 degrees Fahrenheit or
12 a temperature below 60 degrees Fahrenheit;

13 (2) short duration employee exposures at or above 80 degrees
14 Fahrenheit or below 60 degrees Fahrenheit of 15 minutes or less in any 60-
15 minute period;

16 (3) organizations whose primary function is the performance of
17 firefighting or any emergency response activity already covered by State or
18 federal law or regulation;

19 (4) work activities performed in indoor work areas or work vehicles
20 where air-conditioning and heating systems consistently keep the ambient
21 temperature below 80 degrees Fahrenheit and above 60 degrees Fahrenheit;

1 (5) work performed from the employee’s home or another remote
2 location of the employee’s choosing; and

3 (6) sedentary work activities at indoor work areas that only involve
4 some combination of the following: sitting, occasional standing and walking
5 for brief periods or time, and occasional lifting of objects weighing less than
6 10 pounds.

7 (b) This subchapter shall not apply to employers whose employees all
8 exclusively perform activities described in subdivisions (a)(1) through (6) of
9 this section.

10 § 240c. EXTREME TEMPERATURE PREVENTION PLAN

11 (a) Employers must display a thermometer at each indoor and outdoor
12 worksite and in work vehicles to monitor the temperature. A thermometer that
13 measures the wet bulb globe temperature must be used when the workplace is
14 expected to be hot.

15 (b) Employers must develop a written extreme temperature injury and
16 illness prevention plan with work-site-specific information. The plan must
17 include:

18 (1) a comprehensive list of the types of work activities covered by the
19 plan, information about the factors that can increase the likelihood of injury or
20 illness resulting from exposure to extreme temperatures in performing those
21 activities, and actions to be taken to reduce the likelihood of injury or illness;

1 (2) all policies and procedures necessary to comply with the
2 requirements of this subchapter;

3 (3) information on education and training; and

4 (4) emergency response procedures and contact information.

5 (c) The plan must be updated at least annually and whenever there is a
6 major change to work conditions. In addition, the effectiveness of the plan
7 must be evaluated and updated if necessary whenever a temperature-related
8 injury or illness results in death, medical treatment beyond first aid, absence
9 from work for several days, or loss of consciousness.

10 (d) The plan must be readily available to employees at each worksite.

11 § 240d. HEAT INJURY AND ILLNESS PREVENTION

12 (a) The following steps shall be taken when the wet bulb globe temperature
13 at a worksite exceeds 80 degrees Fahrenheit:

14 (1) The employer must provide an effective means of communication so
15 that employees can contact a supervisor when necessary to address concerns
16 about temperature-related working conditions and signs and symptoms of heat-
17 related illness or a heat emergency.

18 (2) The employer must provide access to potable water for drinking that
19 is:

20 (A) placed in locations readily accessible to the employee;

21 (B) suitably cool; and

1 (C) of sufficient quantity to provide access to one quart of drinking
2 water per employee per hour.

3 (3) The employer must provide an area where employees working
4 outdoors can take breaks sufficient in size to accommodate the number of
5 employees on break and provides:

6 (A) natural shade, such as from trees, or artificial shade, such as a
7 tent or pavilion, that is open to the outside air and blocks direct sunlight; or

8 (B) air-conditioning, such as in a building, trailer, or vehicle.

9 (4) For indoor worksites, the employer must provide a break area that:

10 (A) is air-conditioned or has increased air movement and, if
11 appropriate, dehumidification;

12 (B) can accommodate the number of employees on break; and

13 (C) is readily accessible.

14 (5) The employer must encourage employees to request preventative
15 cool-down breaks of not less than 10 minutes as needed. Employees who take
16 preventative cool-down breaks shall be monitored for symptoms of heat illness
17 and a heat emergency. If an employee exhibits signs or symptoms of heat-
18 related illness or a heat emergency, the employer shall provide appropriate first
19 aid or emergency response. Employees shall be encouraged to remain in the
20 cool-down area until any signs or symptoms of heat-related illness have

1 abated. If the preventative rest period coincides with an unpaid meal break, the
2 rest period will be considered a compensable work assignment.

3 (6) If the employer provides personal protective equipment to cool
4 employees, the employer must ensure the cooling properties of the equipment
5 are maintained at all times during use.

6 (7) Employers must provide work vehicles with functioning air-
7 conditioning that controls the temperature below 80 degrees Fahrenheit to
8 employees who spend more than 60 continuous minutes in a vehicle or whose
9 worksite is a vehicle.

10 (8) Employers must implement an acclimatization protocol for
11 employees new to the worksite and employees returning to the worksite
12 following an absence from work of more than 14 days. New and returning
13 employees shall be closely observed for signs and symptoms of heat-related
14 illness.

15 (A) The acclimatization protocol for new employees gradually
16 increases the duration of work so that the employee's exposure to temperatures
17 above 80 degrees Fahrenheit is restricted to not more than:

18 (i) 20 percent of a normal work shift exposure duration on the first
19 day;

20 (ii) 40 percent on the second day of work;

21 (iii) 60 percent on the third day of work; and

1 (iv) 80 percent on the fourth day of work.

2 (B) The acclimatization protocol for returning employees gradually
3 increases the duration of work so that the employee’s exposure to temperatures
4 above 80 degrees Fahrenheit is restricted to not more than:

5 (i) 50 percent of a normal work shift exposure duration on the first
6 day;

7 (ii) 60 percent on the second day of work; and

8 (iii) 80 percent on the third day of work.

9 (b) When the wet bulb globe temperature at a worksite exceeds 90 degrees
10 Fahrenheit, in addition to the steps required by subsection (a) of this section,
11 the employer must provide employees with at least a 15-minute paid rest break
12 every two hours in the cool-down break area. If the rest period coincides with
13 an unpaid meal break, the rest period will be considered a compensable work
14 assignment.

15 (c) When the wet bulb globe temperature at a worksite exceeds 100 degrees
16 Fahrenheit, in addition to the steps required by subsection (a) of this section,
17 the employer must provide employees with at least a 10-minute paid rest break
18 every hour in the cool-down break area. If the rest period coincides with an
19 unpaid meal break, the rest period will be considered a compensable work
20 assignment.

1 (d) Employees taking a preventative cool-down break pursuant to
2 subsections (b) and (c) of this section shall be closely observed for signs and
3 symptoms of heat-related illness or a heat emergency by one of the following
4 methods:

5 (1) a mandatory buddy system in which co-workers observe each other;

6 (2) observation by a supervisor or designated observer, with not more
7 than 20 employees observed by one individual; or

8 (3) effective two-way communication with employees who work alone
9 at a worksite with contact occurring at least every two hours.

10 (e) On days when the wet bulb globe temperature at a worksite is forecast
11 to exceed 90 degrees Fahrenheit, the employer must notify employees of the
12 following:

13 (1) the importance of drinking plenty of water;

14 (2) the employee's right to take rest breaks if needed and as required by
15 this section;

16 (3) the signs and symptoms of heat-related illness and of a heat
17 emergency;

18 (4) how to seek help, including contact information for supervisors and
19 emergency medical personnel, and the procedures to be followed in an
20 emergency; and

21 (5) for mobile worksites, the location of break areas and drinking water.

1 § 240e. COLD INJURY AND ILLNESS PREVENTION

2 (a) The following steps shall be taken when the temperature at a worksite
3 falls below 60 degrees Fahrenheit:

4 (1) The employer must provide an effective means of communication so
5 that employees can contact a supervisor when necessary to address concerns
6 about temperature-related working conditions and signs and symptoms of cold-
7 related injuries and illness.

8 (2) The employer must provide access to potable water for drinking that
9 is:

10 (A) placed in locations readily accessible to the employee;

11 (B) suitably cool; and

12 (C) of sufficient quantity to provide access to one quart of drinking
13 water per employee per hour.

14 (3) The employer must provide an area where employees working
15 indoors and outdoors can take breaks sufficient in size to accommodate the
16 number of employees on break and provides access to:

17 (A) a warm and draft-free setting;

18 (B) warm beverages; and

19 (C) a place to change out of wet clothes.

20 (4) The employer must encourage employees to request preventative
21 warm-up breaks of not less than 10 minutes as needed. Employees who take

1 preventative warm-up breaks shall be monitored for symptoms of cold-related
2 illness and risk factors for cold stress. Risk factors for cold stress include wet
3 or damp clothing, inadequate clothing, and exhaustion. If an employee
4 exhibits signs or symptoms of cold-related illness, the employer shall provide
5 appropriate first aid or emergency response. Employees shall be encouraged to
6 remain in the warm-up area until any signs or symptoms of cold-related illness
7 have abated. If the preventative rest period coincides with an unpaid meal
8 break, the rest period will be considered a compensable work assignment.

9 (5) Employers must provide work vehicles with functioning heating that
10 controls the temperature above 60 degrees Fahrenheit to employees who spend
11 more than 60 continuous minutes in a vehicle or whose worksite is a vehicle.

12 (b) When the temperature at a worksite drops below 40 degrees Fahrenheit,
13 in addition to the steps required by subsection (a) of this section:

14 (1) The employer must provide employees with at least a 15-minute rest
15 break every two hours in the warm-up break area. If the rest period coincides
16 with an unpaid meal break, the rest period will be considered a compensable
17 work assignment.

18 (2) The employer must provide suitable personal protective equipment
19 to the employee to protect the employee's ears, face, hands, and feet. If the
20 employee's skin, clothing, or personal protective equipment is wet, the
21 employee must be immediately removed from the worksite, taken to a warm-

1 up area, and not return to the worksite until the wet items have dried or been
2 replaced. In considering the necessary protective equipment, employers must
3 take into account the risk factors for an employee's heat load when wearing
4 personal protective equipment in cold temperatures.

5 (c) Employees taking a warm-up break pursuant to subsection (b) of this
6 section shall be closely observed for signs and symptoms of cold-related illness
7 and risk factors for cold stress by one of the following methods:

8 (1) a mandatory buddy system in which co-workers observe each other;

9 (2) observation by a supervisor or designated observer, with not more
10 than 20 employees observed by one individual; or

11 (3) effective two-way communication with employees who work alone
12 at a worksite with contact occurring at least every two hours.

13 (d) On days when the temperature at a worksite is forecast to be below 30
14 degrees Fahrenheit, the employer must notify employees of the following:

15 (1) the employees' right to take rest breaks if needed and as required by
16 this section;

17 (2) the signs and symptoms of cold-related illness;

18 (3) how to seek help, including contact information for supervisors and
19 emergency medical personnel, and the procedures to be followed in an

20 emergency; and

21 (4) for mobile worksites, the location of break areas and drinking water.

1 § 240f. EMERGENCY RESPONSE PLAN

2 (a) The employer must develop and implement an emergency response plan
3 that includes:

4 (1) a list of emergency phone numbers;

5 (2) a description of how employees can contact a supervisor and
6 emergency medical services;

7 (3) a description of how to transport employees to a place where they
8 can be reached by an emergency medical provider;

9 (4) clear and precise directions to the worksite to be provided to an
10 emergency dispatcher; and

11 (5) procedures for responding to an employee experiencing signs and
12 symptoms of heat-related or cold-related illness.

13 (b) If an employee is experiencing signs and symptoms of heat-related or
14 cold-related illness, the employer must:

15 (1) relieve the employee from duty;

16 (2) monitor the employee;

17 (3) ensure the employee is not left alone; and

18 (4) offer first aid or medical services on-site.

19 (c) If an employee is experiencing a heat-related or cold-related emergency,
20 in addition to the actions set forth in subsection (b) of this section, the
21 employer must:

1 (1) take immediate action to reduce the employee's body temperature in
2 a heat emergency or increase the employee's body temperature in a cold
3 emergency before emergency medical services arrive; and

4 (2) contact emergency medical services immediately.

5 (d) Employees receiving first aid or medical services shall be considered to
6 be on duty for compensation purposes.

7 § 240g. EDUCATION AND TRAINING

8 (a) The employer must provide an effective education and training program
9 at no cost to employees that covers:

10 (1) temperature-related injuries and illnesses, including symptoms and
11 signs of each;

12 (2) risk factors for temperature-related injuries, including the
13 contributions of physical exertion, clothing, personal protective equipment, a
14 lack of acclimatization, and personal risk factors, such as age, health, alcohol
15 consumption, and use of certain medications;

16 (3) the importance of removing personal protective equipment that may
17 impair cooling during rest breaks in hot weather and wet or damp equipment in
18 cold weather;

19 (4) the importance of taking preventative rest breaks;

20 (5) the importance of drinking water and staying hydrated;

21 (6) the location of break areas and employer-provided water;

1 (7) the importance of reporting any signs and symptoms of temperature-
2 related illness the employee experiences or observes in co-workers;

3 (8) the employer’s emergency response plan;

4 (9) how to access the employer’s extreme temperature protection plan;
5 and

6 (10) the employee’s right to the protections of this subchapter, including
7 protection from retaliation for exercising those rights.

8 (b) The training shall be provided to new employees upon hire and to all
9 employees at least annually. The training materials shall be available to
10 employees upon request.

11 (c) Supplemental training shall be provided whenever:

12 (1) an employee’s job duties change, affecting the employee’s exposure
13 to heat or cold;

14 (2) the employer’s policies or procedures change;

15 (3) there is an indication that an employee has not retained the necessary
16 information; or

17 (4) there is an anticipated heat wave or significant drop in temperature.

18 (d) The employer must ensure that each supervisor responsible for
19 supervising employees exposed to extreme temperatures in the workplace
20 receives training on and understands:

1 (1) the topics outlined in subsection (a) of this section;

2 (2) the employer’s policies and procedures for monitoring temperature
3 and humidity conditions and adjusting work protocols as necessary; and

4 (3) the procedures to be followed if an employee exhibits signs and
5 symptoms of a heat-related or cold-related illness.

6 (e) The training must be provided in a language and at a literacy level that
7 each employee understands, and employees must be given the opportunity to
8 ask questions and receive answers about the training.

9 (f) Employers are encouraged to solicit input from employees on
10 administrative controls and engineering controls that could be implemented to
11 limit exposure to temperature-related hazards in the workplace.

12 § 240h. EMPLOYEE RIGHTS

13 The provisions against discharge and retaliation in section 231 of this title
14 and the private right of action in section 232 of this title shall apply to this
15 subchapter.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on May 1, 2027.

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE