

POTENTIAL LANGUAGE RE: EXTREME TEMPERATURE BILL

1 Sec. X. SHORT TITLE

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

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

4 Subchapter 5A. Extreme Temperature Worker Protection

5 § 240. PURPOSE

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

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

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

14 § 240a. DEFINITIONS

15 As used in this subchapter:

16 (1) “Employee” means any person engaged in service to an employer for
17 wages, salary, or other compensation, excluding an independent contractor.

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

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1 (3) “Extreme temperature” means temperatures at or above 80 degrees
2 Fahrenheit, as measured by a wet bulb globe thermometer, or below 35 degrees
3 Fahrenheit.

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

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

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

12 § 240b. APPLICATION

13 This subchapter shall apply with respect to all employers, employees, and
14 employment in or at a workplace in the State of Vermont, except it shall not
15 apply to the following:

16 (1) work activities for which there is no reasonable expectation of
17 exposure at or above a wet bulb globe temperature of 80 degrees Fahrenheit or
18 a temperature below 35 degrees Fahrenheit;

19 (2) short duration employee exposures at or above 80 degrees
20 Fahrenheit or below 35 degrees Fahrenheit of 15 minutes or less in any 60-
21 minute period; and

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1 (3) organizations whose primary function is the performance of
2 firefighting or any emergency response activity already covered by State or
3 federal law or regulation.

4 § 240c. EXTREME TEMPERATURE PREVENTION PLAN

5 (a) Employers must display a wet bulb globe thermometer at each indoor
6 and outdoor worksite, including work vehicles.

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

10 (1) information about the factors that can increase the likelihood of
11 injury or illness resulting from exposure to extreme temperatures in performing
12 work activities, and actions to be taken to reduce the likelihood of injury or
13 illness;

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

16 (3) information on education and training; and

17 (4) emergency response procedures and contact information.

18 § 240d. HEAT INJURY AND ILLNESS PREVENTION

19 The following steps shall be taken when the wet bulb globe temperature at a
20 worksite exceeds 80 degrees Fahrenheit:

21 (1) The employer must provide an effective means of communication so
22 that employees can contact a supervisor when necessary to address concerns

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1 about temperature-related working conditions and signs and symptoms of heat-
2 related illness or a heat emergency.

3 (2) The employer must provide access to potable water for drinking that
4 is readily accessible to the employee.

5 (3) The employer must provide an area where employees can take
6 breaks sufficient in size to accommodate the number of employees on break
7 and provides appropriate accommodations based upon conditions.

8 (4) Employers must provide work vehicles with functioning air-
9 conditioning and heating that controls the temperature.

10 Sec. 3. EFFECTIVE DATE

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

12 _____
13 Sec. X. 21 V.S.A. § 304 is amended to read:

14 § 304. EMPLOYMENT CONDITIONS

15 An employer shall provide an employee with reasonable opportunities
16 during work periods to eat, ~~and~~ to use toilet facilities, and to warm up in heated
17 spaces when working outdoors in cold temperatures in order to protect the
18 health and hygiene of the employee.