



Rep. Edgar González, Jr.

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LRB104 12261 SPS 34990 a

1 AMENDMENT TO HOUSE BILL 3762

2 AMENDMENT NO. _____. Amend House Bill 3762 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Workplace Extreme Temperature Safety Act.

6 Section 5. Findings. The General Assembly finds and
7 declares:

8 (a) As the frequency of extreme weather events continues
9 to grow, workers are at an increased risk of serious injury or
10 death. Heat stress or cold stress can occur at temperatures as
11 low as 40 degrees Fahrenheit or as high as 78 degrees
12 Fahrenheit, depending on the working conditions. Unaddressed,
13 heat stress and cold stress can cause a range of serious
14 conditions, including stroke and death if not treated
15 properly. Heat-related injuries and fatalities may be
16 underreported as heat stress exacerbates existing health

1 problems, such as asthma, kidney failure, and heart disease,
2 leading to potential comorbidities being reported. Workers in
3 agriculture and construction are at the highest risk of
4 weather-related injuries, but the problem affects all workers
5 exposed to extreme temperatures, including indoor workers
6 without adequately climate-controlled environments or
7 appropriate personal protective equipment.

8 (b) From 1979 to 2022, more than 14,000 Americans have
9 died directly from heat-related causes, according to the
10 United States Environmental Protection Agency.

11 (c) In the absence of a temperature stress standard
12 adopted by the federal Occupational Safety and Health
13 Administration, the Department of Labor should adopt extreme
14 temperature safety standards.

15 Section 10. Definitions. In this Act:

16 "Acclimatization" means the body's temporary adaptation to
17 work in heat that occurs as a person is exposed to extreme
18 temperature over a period of 7 to 14 days, depending on the
19 amount of recent work in excessive heat and other factors, and
20 may be lost after 7 consecutive days away from working in the
21 excessive heat.

22 "Cold stress" means the net heat loss a worker experiences
23 due to the combined effects of metabolic heat production,
24 environmental conditions, and clothing, resulting in a drop in
25 body temperature.

1 "Cold-related illness" means a medical condition resulting
2 from the body losing heat faster than it can produce heat,
3 creating a risk of severe injury, illness, or death.

4 "Department" means the Department of Labor.

5 "Director" means the Director of Labor or the Director's
6 designee.

7 "Employ" means to suffer or to permit to work, unless an
8 individual:

9 (1) has been and will continue to be free from control
10 and direction over the performance of the individual's
11 work, both under the individual's contract of service with
12 the employer and in fact;

13 (2) performs work that is either outside the usual
14 course of business or is performed outside of the places
15 of business of the employer, unless the employer is in the
16 business of contracting with parties for the placement of
17 employees; and

18 (3) is in an independently established trade,
19 occupation, profession, or business.

20 "Employee" means any individual employed by an employer.
21 For the purposes of this Act, an individual who has contracted
22 for employment with a day and temporary labor service agency
23 and assigned to a third-party client of the day and temporary
24 labor service agency, as those terms are defined in Section 5
25 of the Day and Temporary Labor Services Act, is considered an
26 employee of both the day and temporary labor service agency

1 and the third-party client.

2 "Employer" means any individual, partnership, association,
3 or corporation, the State, a unit of local government, or a
4 school district or any agency, authority, department, bureau,
5 or instrumentality thereof, acting directly or indirectly in
6 the interest of an employer in relation to an employee.
7 "Employer" includes any day and temporary labor service agency
8 and third-party client, as those terms are defined in Section
9 5 of the Day and Temporary Labor Services Act.

10 "Engineering controls" means the use of devices to reduce
11 exposure to extreme temperatures. "Engineering controls"
12 includes fans, heating stations, misting stations, and air
13 conditioning. "Engineering controls" does not include wearable
14 items.

15 "Excessive cold" means conditions where cold temperatures
16 exceed the capacities of the human body to maintain normal
17 functions. "Excessive cold" includes conditions where the
18 temperature, including wind chill, is between 32 and 11
19 degrees Fahrenheit for outdoor work, at or below 65 degrees
20 Fahrenheit for light indoor work, or at or below 60 degrees
21 Fahrenheit for moderate to heavy indoor work.

22 "Excessive heat" means conditions where hot temperatures
23 exceed the capacities of the human body to maintain normal
24 functions. "Excessive heat" includes conditions where the wet
25 bulb globe temperature is between 79 and 90 degrees
26 Fahrenheit.

1 "Extreme cold" means conditions where the temperature,
2 including wind chill, is below 10 degrees Fahrenheit.

3 "Extreme heat" means conditions where the wet bulb globe
4 temperature equals or exceeds 90 degrees Fahrenheit.

5 "Heat stress" means the net heat gain a worker experiences
6 due to the combined effects of metabolic heat production,
7 environmental conditions, and clothing, resulting in a rise in
8 body temperature.

9 "Heat-related illness" means a medical condition resulting
10 from the inability of the body to manage excess heat,
11 including heat rash, heat cramps, heat exhaustion, heat
12 syncope, and heat stroke.

13 "Heavy personal protective equipment" means specialized
14 safety equipment that significantly restricts heat removal
15 from the body, including, but not limited to, non-breathable
16 clothing, vapor barrier clothing, chemical resistant suits,
17 fire-resistant suits, and welding gear.

18 "Interested party" means an organization that monitors or
19 is attentive to compliance with public or worker safety or
20 other statutory requirements.

21 "Non-managerial employee" means an employee who does not
22 have the authority to hire, transfer, suspend, lay off,
23 recall, promote, discharge, assign, reward, discipline, or
24 responsibly direct other employees or adjust employee
25 grievances, or effectively recommend any such action, if the
26 exercise of the authority is not merely routine or clerical in

1 nature but requires the consistent exercise of independent
2 judgment.

3 "Occupation" means any occupation, service, trade,
4 business, industry or branch or group of industries, or
5 employment or class of employment, in which employees are
6 employed.

7 "Occupational safety and health standard" means a rule
8 that requires either: (i) a condition that is reasonably
9 appropriate or necessary to make employment and places of
10 employment safe and healthful; or (ii) the adoption or use of a
11 means, method, operation, practice, or process that is
12 reasonably appropriate or necessary to make employment and
13 places of employment safe and healthful.

14 "Personal protective equipment" means specialized
15 clothing, equipment, or devices worn by employees to minimize
16 exposure to temperature-related hazards and protect against
17 temperature-related illness. "Personal protective equipment"
18 includes, but is not limited to:

19 (1) For heat stress mitigation: cooling vests,
20 moisture-wicking undergarments, light-colored and
21 breathable outer garments, wide-brim hats, and reflective
22 clothing designed to reduce heat absorption and facilitate
23 heat dissipation.

24 (2) For cold stress mitigation: insulated gloves and
25 mittens, thermal underlayers, windproof and
26 water-resistant outer garments, insulated footwear, face

1 coverings, neck gaiters, and heated or battery-powered
2 warming devices designed to maintain body temperature and
3 prevent cold-related illness.

4 "Personal protective equipment" does not include standard
5 work clothing or uniforms that are not specifically designed
6 to address temperature-related hazards.

7 "Process requirement" means a documented operational
8 necessity where maintaining indoor temperatures at or above
9 the excessive cold thresholds or at or below the excessive
10 heat thresholds would fundamentally compromise product safety,
11 product integrity, or equipment function. "Process
12 requirement" does not include cost considerations, production
13 speed preferences, or general business convenience.

14 "Temperature-related illness" means any heat-related
15 illness or cold-related illness.

16 "Work site" means any location where an employee performs
17 work for an employer, including, but not limited to, indoor
18 facilities, outdoor locations, construction sites,
19 agricultural fields, warehouses, manufacturing plants, and
20 vehicles used in the course of employment. "Work site" does
21 not include an employee's private residence when the employee
22 works remotely from home.

23 Section 15. Implementation contingent on appropriation.

24 (a) The implementation of this Act is contingent on the
25 General Assembly appropriating sufficient funds for the

1 Department to carry out its responsibilities under this Act.

2 (b) If the General Assembly does not appropriate
3 sufficient funds for the Department to carry out its
4 responsibilities by the dates specified in this Act, then all
5 implementation deadlines under this Act are extended until 6
6 months after the General Assembly appropriates sufficient
7 funds for the Department to carry out its responsibilities
8 under this Act.

9 Section 20. Establishment of extreme temperature safety
10 standards.

11 (a) No later than January 1, 2027, the Director shall
12 adopt rules to establish excessive temperature standards.
13 Beginning on January 1, 2027 and through December 31, 2027,
14 the Department shall provide employers in this State with
15 information about the excessive temperature standards.

16 (b) Beginning on January 1, 2028, employers in this State
17 shall comply with the excessive temperature standards and the
18 safety standards established under Section 25. If rules are
19 not adopted under this Section before January 1, 2028, the
20 temperature standards are as follows:

21 (1) Excessive heat standards.

22 (A) When conditions meet the standard for
23 excessive heat, employers shall:

24 (i) provide potable drinking water that is
25 cooler than 61 degrees Fahrenheit;

1 (ii) provide paid rest breaks and access to
2 shade, cool-down areas, or climate-controlled
3 spaces;

4 (iii) implement the prevention plan
5 requirements required under Section 25;

6 (iv) provide personal protective equipment for
7 heat stress mitigation; and

8 (v) monitor environmental conditions and
9 worker physiological status.

10 (B) When conditions meet the standard for extreme
11 heat, employers shall implement the requirements set
12 forth in subparagraph (A) and:

13 (i) mandatory cool-down breaks aligned with
14 ACGIH Threshold Limit Values and NIOSH Heat Stress
15 Standards;

16 (ii) enhanced monitoring frequency;

17 (iii) work-rest schedules informed by
18 recognized occupational health standards;

19 (iv) work schedule modifications, task
20 rotation, or work cessation during peak extreme
21 heat periods; and

22 (v) for work requiring heavy personal
23 protective equipment, adjusted temperature action
24 thresholds accounting for increased heat
25 retention.

26 (2) Excessive cold standards.

1 (A) When conditions meet the standard for
2 excessive cold, employers shall:

3 (i) provide warm, non-caffeinated beverages;

4 (ii) provide paid rest breaks and access to
5 warming stations sheltered from wind and
6 precipitation;

7 (iii) implement the prevention plan
8 requirements required under Section 25;

9 (iv) provide personal protective equipment for
10 cold stress mitigation; and

11 (v) monitor environmental conditions and
12 worker physiological status.

13 (B) When conditions meet the standard for extreme
14 cold, employers shall implement the requirements set
15 forth in subparagraph (A) and:

16 (i) mandatory warm-up breaks aligned with
17 ACGIH Threshold Limit Values and NIOSH Cold Stress
18 Standards;

19 (ii) enhanced monitoring frequency;

20 (iii) work-rest schedules informed by
21 recognized occupational health standards;

22 (iv) enhanced personal protective equipment,
23 including full-body thermal protection and face
24 coverings;

25 (v) work schedule modifications or task
26 rotation to limit exposure duration; and

1 (vi) the extreme cold protocols specified in
2 subsection (e) of Section 26.

3 (3) For work involving heavy personal protective
4 equipment, confined spaces, high radiant heat
5 environments, or rapid temperature transitions, employers
6 shall implement the enhanced protections specified in
7 Section 26.

8 (4) The standards set forth in this subsection do not
9 apply to incidental temperature exposures as specified in
10 subsection (1) of Section 25.

11 (5) At work sites where multiple employers' workers
12 are present, the employer requirements under this Section
13 include establishing clear lines of responsibility for
14 temperature-related illness prevention as specified in
15 Section 25.

16 Section 25. Occupational temperature-related illness and
17 injury prevention plan.

18 (a) No later than January 1, 2027, the Director shall
19 establish, by rule, an occupational temperature-related
20 illness and injury prevention plan that contains the
21 following:

22 (1) a standard that establishes temperature hazard
23 levels for employees that, if exceeded, trigger actions by
24 employers to protect employees from temperature-related
25 illness and injury; and

1 (2) a requirement that, effective January 1, 2028,
2 each employer develop, implement, and maintain a plan to
3 effectively prevent temperature-related illness and injury
4 for its employees.

5 (b) The occupational temperature-related illness and
6 injury prevention plan shall, to the extent permitted by
7 federal law, be developed and implemented with the
8 participation of employees and employee representatives,
9 including collective bargaining representatives. The plan
10 shall be tailored and specific to the hazards in a place of
11 employment. The plan shall be in writing in both English and in
12 the language that each employee understands, if that language
13 is not English. The plan shall be provided to a new employee no
14 later 30 days after the employee's date of hiring. The plan
15 shall be provided to the Director, employees, and any employee
16 representatives, including collective bargaining
17 representatives, no later than the last business day of May
18 each year and shall be made available at other times of the
19 year upon written request. The Director shall develop a model
20 occupational temperature-related illness and injury prevention
21 plan, consistent with the provisions of this Act, that:

22 (1) includes model training for employees and
23 supervisors; and

24 (2) is tailored to the specific hazards in places of
25 employment with high risks of exposure to heat and cold.

26 An employer may adopt the Director's model occupational

1 temperature-related illness and injury prevention plan, modify
2 that model plan, or develop the employer's own occupational
3 temperature-related illness and injury prevention plan,
4 consistent with the provisions of this Act, including the
5 employee participation requirements.

6 (b-5) Employers are encouraged to form worker safety
7 committees to oversee implementation of heat and cold illness
8 prevention programs. In workplaces with collective bargaining
9 representatives, the committees shall include union
10 representation.

11 (c) The occupational temperature-related illness and
12 injury prevention plan described in subsection (a) shall, at a
13 minimum, contain procedures and methods for the following:

14 (1) regular monitoring for employee exposure to heat
15 or cold to determine whether an employee's exposure has
16 been excessive;

17 (2) providing potable drinking water that is cooler
18 than 61 degrees Fahrenheit, available immediately and in
19 immediate and safe proximity to heat-impacted employees;

20 (3) providing heat-impacted employees with paid rest
21 breaks and access to shade, cool-down areas, or
22 climate-controlled spaces;

23 (4) providing warm, non-caffeinated beverages in
24 immediate and safe proximity to cold-impacted employees;

25 (5) providing cold-impacted employees with paid rest
26 breaks and access to warming stations sheltered from the

1 wind and any precipitation;

2 (6) providing an emergency response for any employee
3 who has suffered injury as a result of being exposed to
4 excessive heat or cold;

5 (7) limiting the length of time an employee may be
6 exposed to heat or cold during the workday;

7 (8) establishing a worker acclimatization policy
8 conforming with the recommended alert limits as
9 established by "Occupational Exposure to Heat and Hot
10 Environments" published in 2016 by the Department of
11 Health and Human Services;

12 (9) for outdoor and indoor non-climate-controlled
13 environments, implementing a heat and cold alert system to
14 provide notification to employees when the National
15 Weather Service forecasts that excessive heat or excessive
16 cold is likely to occur in the following days in a locality
17 where an employer has employees, including:

18 (A) postponing tasks that are non-essential until
19 the excessive temperature condition subsides;

20 (B) instituting or increasing rest allowances;

21 (C) reminding workers to drink liquids in small
22 amounts frequently to prevent dehydration; and

23 (D) to the extent practicable, monitoring the
24 environmental heat index at job sites and resting
25 places;

26 (10) preventing hazards, including through the use of:

1 (A) mandatory cool-down breaks aligned with ACGIH
2 Threshold Limit Values and NIOSH Heat Stress
3 Standards;

4 (B) mandatory warm-up breaks aligned with ACGIH
5 Threshold Limit Values and NIOSH Cold Stress
6 Standards;

7 (C) engineering controls that include the
8 isolation of hot or cold process requirements, the
9 isolation of employees from sources of heat or cold,
10 local exhaust ventilation, shielding from a radiant
11 heat source or freezers, insulation of hot surfaces,
12 air conditioning, cooling fans, evaporative coolers,
13 and natural ventilation;

14 (D) administrative controls that limit exposure to
15 a hazard by adjustment of work procedures or work
16 schedules, including rotating employees, scheduling
17 work earlier or later in the day, using work-rest
18 schedules, reducing work intensity or speed, and
19 changing required work clothing;

20 (E) personal protective equipment, including
21 water-cooled garments, heated garments, air-cooled
22 garments, reflective clothing, and cooling and heating
23 vests; and

24 (F) administrative controls on routine temperature
25 variation of more than 50 degrees Fahrenheit between
26 work spaces;

1 (11) coordinating risk assessment efforts, plan
2 development, and implementation with other employers who
3 have employees who work at the same work site and
4 establishing clear lines of responsibility for
5 temperature-related illness prevention when multiple
6 employers' workers are present;

7 (12) allowing employees to contact the employer
8 directly and efficiently to communicate if the employee
9 feels like the employee is suffering from an extreme
10 temperature-related illness;

11 (13) establishing clear guidelines on the duration and
12 frequency of rest breaks based on temperature conditions,
13 work intensity, and use of heavy personal protective
14 equipment, with the guidelines informed by recognized
15 standards, including ACGIH Threshold Limit Values and
16 NIOSH guidance where applicable;

17 (14) encouraging the provision and use of
18 temperature-appropriate personal protective equipment,
19 including, but not limited to, cooling vests, wide-brim
20 hats, moisture-wicking clothing, and light-colored
21 garments for heat stress mitigation, and insulated gloves,
22 windproof layering, and heated devices for cold stress
23 mitigation;

24 (15) using advanced monitoring technologies, if
25 possible, to assess environmental conditions, including,
26 but not limited to, fixed-location temperature monitors,

1 automatic cooling or heating systems triggered by
2 real-time temperature readings, wearable heat stress
3 monitors, automated heating or cooling systems, and any
4 other relevant technological safety innovations that may
5 arise in the future; and

6 (16) provide considerations for specialized work
7 environments, including industry-specific personal
8 protective equipment standards and tailored protections
9 for specialized work environments including, but not
10 limited to, pipelines, ventilation systems, and tunnels.

11 If employers use wearable physiological monitors as
12 described in paragraph (15), the use shall: (i) be voluntary
13 for employees; (ii) comply with all applicable privacy and
14 health information laws; (iii) include written policies
15 ensuring that health data will not be used for adverse
16 employment actions; and (iv) provide data access to the
17 monitored employee.

18 (c-5) Employers may not require employees to purchase,
19 provide, or maintain personal protective equipment as a
20 condition of employment.

21 (d) The occupational temperature-related illness and
22 injury prevention plan shall contain, at a minimum, annual
23 training and education, including training and education
24 concerning the following:

25 (1) the identification of extreme temperature-related
26 illness risk factors;

1 (2) personal factors that may increase susceptibility
2 to temperature-related illness;

3 (3) signs and symptoms of temperature-related illness;

4 (4) different types of temperature-related illness;

5 (5) the importance of consuming fluids;

6 (6) available engineering control measures;

7 (7) administrative control measures;

8 (8) the importance of reporting temperature-related
9 symptoms;

10 (9) recordkeeping requirements and reporting
11 procedures;

12 (10) emergency response procedures, including on-site
13 first-aid protocols for temperature-related emergencies,
14 including:

15 (A) for heat stroke: immediate cooling methods,
16 including cold water immersion, ice packs to neck,
17 armpits or groin, misting and fanning, cool-first
18 before transport, and continuous monitoring;

19 (B) for hypothermia: gradual warming methods,
20 removal of wet clothing, insulation from cold
21 surfaces, warm non-alcoholic beverages if alert, and
22 avoiding direct heat sources;

23 (C) for frostbite: protection of affected area
24 without rewarming, avoiding pressure or friction on
25 frostbitten tissue, and seeking immediate medical
26 attention; and

1 (D) for trench foot: immediate removal of wet
2 footwear, thorough drying of feet, elevation, and
3 avoidance of walking on affected feet; and

4 (11) rights granted under this Act.

5 (e) The occupational temperature-related illness and
6 injury prevention plan shall contain, at a minimum, special
7 training and education for employees who are supervisors, in a
8 language that each supervisor understands, in addition to the
9 training and education provided to all employees under
10 subsection (d), that shall include:

11 (1) procedures a supervisor shall follow with respect
12 to the prevention of employee exposure to excessive
13 temperatures;

14 (2) strategies to recognize high-risk situations,
15 including procedures to monitor weather reports and
16 weather advisories, to assess the risk of assigning an
17 employee to a situation that could predictably compromise
18 the safety of the employee, and to initially and regularly
19 monitor for employee exposure to heat or cold to determine
20 whether an employee's exposure has been excessive;

21 (3) emergency response procedures if an employee
22 exhibits signs or reports symptoms consistent with
23 temperature-related illnesses, including:

24 (A) for heat-related illness: heat rash, heat
25 cramps, heat exhaustion, heat syncope, and heat
26 stroke, with emphasis on progressive symptoms and

1 recognizing when sweating stops as a danger sign;

2 (B) for cold-related illness: hypothermia,
3 frostbite, trench foot, and chilblains, with emphasis
4 on recognizing hypothermia progression, especially
5 when shivering stops, frostbite symptoms, including
6 numbness and white or gray skin, and that trench foot
7 can occur at temperatures as high as 60 degrees
8 Fahrenheit if conditions are wet; and

9 (C) recognition that victims of hypothermia or
10 heat stroke may not be aware of their own symptoms,
11 emphasizing the critical importance of co-worker
12 monitoring and the buddy system; and

13 (4) different types of temperature-related illness,
14 including the distinction between conditions treatable
15 on-site, such as heat exhaustion, heat cramps, or
16 frostnip, and medical emergencies requiring immediate
17 professional intervention, such as heat stroke, severe
18 hypothermia, or severe frostbite;

19 (f) The occupational temperature-related illness and
20 injury prevention plan shall require that the education and
21 training:

22 (1) be provided by an employer for each new employee
23 before starting a job assignment;

24 (2) allow employees opportunities to ask questions,
25 provide feedback, and request additional instruction,
26 clarification, or follow-up;

1 (3) be provided by an individual with knowledge of
2 temperature-related illness prevention and the plan of the
3 employer;

4 (4) be appropriate in content and commensurate to the
5 language, education level, and literacy of each employee;

6 (5) be conducted during paid working hours and at no
7 cost to the employee; and

8 (6) be delivered in-person or through interactive
9 methods that allow for real-time questions and feedback.

10 (g) An employer shall maintain the following:

11 (1) records related to the temperature-related illness
12 and injury prevention plan, including temperature-related
13 illness risk and hazard assessments and identification,
14 evaluation, correction, and training procedures;

15 (2) data on all temperature-related illnesses,
16 injuries, and fatalities that have occurred at the place
17 of employment, including, but not limited to, the type of
18 temperature-related illness or injury experienced and
19 symptoms experienced, the cause of death, the time at
20 which manifestation of illness, injury, or death occurred,
21 environmental measures, including temperature and humidity
22 levels, at time of manifestation of illness, injury, or
23 death, a description of the location where the
24 manifestation of illness, injury, or death occurred; and

25 (3) data concerning environmental and physiological
26 measurements related to heat.

1 (h) An employer shall make the records and data available,
2 on request, for examination and copying at no cost, to an
3 employee, an employee's authorized representatives, including
4 collective bargaining representatives, and to the Director.
5 The employer shall preserve the records and data for a minimum
6 of 5 years after the records or data are created.

7 (i) Employers shall comply with the provisions of the heat
8 stress and cold stress standards in accordance with this
9 Section no later than 60 days after the rules containing the
10 heat stress standard are adopted.

11 (k) This Act does not apply to any employees directly
12 involved in the protection of life or property, including, but
13 not limited to, lifeguards during active rescue operations,
14 firefighters during fire suppression or rescue operations,
15 paramedics during emergency medical response, law enforcement
16 personnel during emergency response to active threats, and
17 employees engaged in the emergency restoration of essential
18 infrastructure and services, including roads, bridges,
19 utilities, and communications. This subsection applies during
20 the period of active emergency response and does not exempt
21 routine operations, training, maintenance, or non-emergency
22 duties.

23 (l) This Act does not apply to incidental temperature
24 exposures where an employee is exposed to:

25 (1) conditions that meet the standard for excessive
26 heat, but not extreme heat, for less than 15 minutes in any

1 120-minute period; or

2 (2) conditions that meet the standard for excessive
3 cold, but not extreme cold, for less than 15 minutes in any
4 60-minute period.

5 This subsection does not apply if employees are required
6 to perform high-intensity work, wear heavy personal protective
7 equipment, or work in confined spaces during exposures.

8 Section 26. Specialized work environments.

9 (a) The Director shall establish, by rule, detailed
10 standards for temperature stress prevention in specialized
11 work environments where workers face elevated risks,
12 including, but not limited to:

13 (1) work requiring heavy personal protective
14 equipment;

15 (2) confined spaces with restricted air circulation,
16 including pipelines, boiler rooms, tunnels, and similar
17 enclosures;

18 (3) high radiant heat environments; and

19 (4) work sites where rapid temperature transitions
20 occur.

21 (b) If employees are required to wear heavy personal
22 protective equipment, employers shall implement enhanced
23 protections, which may include:

24 (1) adjusting temperature action thresholds to account
25 for increased heat retention or cold exposure;

1 (2) increasing the frequency and duration of rest
2 breaks;

3 (3) providing additional hydration or warming
4 resources; and

5 (4) monitoring environmental conditions more
6 frequently.

7 Employees wearing heavy personal protective equipment
8 shall be permitted to temporarily remove the equipment during
9 preventative rest breaks and the time required for removing
10 and putting on the equipment shall not count against the
11 duration of the rest break.

12 (c) For work in confined spaces where air circulation is
13 restricted, employers shall provide enhanced safety
14 precautions, including:

15 (1) continuous or frequent environmental monitoring;

16 (2) mechanical ventilation where feasible;

17 (3) modified work-rest schedules appropriate to the
18 space; and

19 (4) emergency extraction and response protocols.

20 (d) Employers shall ensure that all work sites, including
21 those in remote or temporary locations, have appropriate
22 emergency medical response protocols in place before work
23 begins.

24 (e) For work conducted in extreme cold:

25 (1) Employers shall implement extreme cold work
26 schedule modifications, which may include:

1 (A) shortened work shifts with reduced maximum
2 continuous outdoor exposure periods;

3 (B) mandatory task rotation to limit individual
4 worker exposure to extreme cold conditions;

5 (C) increased frequency and duration of warm-up
6 breaks; or

7 (D) temporary work cessation until conditions
8 improve, except where work is necessary for active
9 emergency response as specified in subsection (k) of
10 Section 25 or for the protection of critical
11 infrastructure.

12 (2) The Director shall establish, by rule, specific
13 work-rest schedules and maximum exposure durations for
14 extreme cold conditions, taking into account:

15 (A) work intensity levels;

16 (B) personal protective equipment requirements and
17 capabilities;

18 (C) wind chill values and wind speeds;

19 (D) availability of warming stations and shelters;

20 (E) employee acclimatization status; and

21 (F) ACGIH Threshold Limit Values and NIOSH Cold
22 Stress Standards.

23 (3) Employers shall provide enhanced extreme cold
24 protections, including:

25 (A) continuous environmental monitoring of wind
26 chill and temperature;

1 (B) physiological monitoring of workers for signs
2 of cold stress, hypothermia, or frostbite;

3 (C) full-body thermal protective equipment as
4 defined in Section 10, including insulated face
5 coverings and windproof outer layers;

6 (D) immediate access to warming stations with
7 adequate heating capacity;

8 (E) non-caffeinated heated beverages and warm,
9 nutritious food options;

10 (F) emergency medical protocols specifically
11 addressing hypothermia and frostbite; and

12 (G) buddy system or regular check-ins for workers
13 in extreme cold conditions.

14 (4) For workers wearing heavy personal protective
15 equipment, employers shall implement additional
16 accommodations to address both cold exposure and the
17 physical demands of wearing the equipment.

18 Section 27. Employer support and resources.

19 (a) The Department shall develop and make publicly
20 available educational materials, model prevention plans, and
21 training resources to assist employers in complying with this
22 Act. The materials shall be tailored to different industry
23 sectors and shall be available in multiple languages.
24 Materials and guidance should reference established standards,
25 including ACGIH Threshold Limit Values and NIOSH guidance

1 where appropriate.

2 (b) The Department shall develop industry-specific
3 compliance guidance for sectors with unique
4 temperature-related hazards, including, but not limited to,
5 construction, manufacturing, agriculture, and pipeline work.

6 Section 30. Retaliation.

7 (a) It is a violation of this Act for an employer, or any
8 agent of an employer, to retaliate against an employee by
9 terminating the employment, disciplining, or taking any other
10 adverse action against any employee for exercising any right
11 under this Act. There shall be a rebuttable presumption of
12 unlawful retaliation under this Section if an employer takes
13 an adverse action against an employee within 90 days after the
14 employee exercises the employee's rights under this Act.

15 (b) It is a violation of this Act for an employer to
16 retaliate or take adverse action against an employee if the
17 employee:

18 (1) makes a complaint or threatens to make a complaint
19 to an employer, to a co-worker, to a community
20 organization, before a public hearing, or to a State or
21 federal agency that rights under this Act have been
22 violated;

23 (2) seeks assistance or intervention with respect to
24 temperature-related health symptoms from, the employer,
25 local emergency services, the federal government, the

1 State, or a unit of local government;

2 (3) refuses to work if the employee reasonably
3 believes:

4 (A) that an employer has not met the minimum
5 requirements under this Act to prevent illness and
6 injury; or

7 (B) that performing the required work in extreme
8 temperature conditions may result in illness or
9 injury;

10 (4) participates in or attempts to participate in a
11 worker safety committee;

12 (5) uses or attempts to use wearable heat stress
13 monitors;

14 (6) institutes any proceeding under or related to this
15 Act; or

16 (7) testifies or prepares to testify in an
17 investigation or proceeding under this Act.

18 Section 35. Violations. The Department, or the Attorney
19 General pursuant to its authority under Section 6.3 of the
20 Attorney General Act, may issue a temporary emergency cease
21 and desist order to halt any conduct of the employer that is
22 warranted by public health and safety concerns or violates
23 this Act. The Attorney General shall seek a court order
24 extending any emergency cease and desist order to halt any
25 conduct of the employer that is warranted by the public health

1 and safety concerns described in this Act as soon as
2 practicable. Before issuing a cease and desist order
3 authorized under this Section, the Attorney General shall
4 provide notice to the Director.

5 Section 40. Penalties.

6 (a) An employer who violates any provision of this Act or
7 any rule adopted under this Act shall be subject to a civil
8 penalty of not less than \$100 and not more than \$5,000 for each
9 violation found in an initial investigation by the Department
10 or determined by a circuit court in a civil action brought
11 either by an interested party or by the Attorney General
12 pursuant to its authority under Section 6.3 of the Attorney
13 General Act.

14 (b) An employer found by the Department or a circuit court
15 to have committed a subsequent violation of this Act within 3
16 years after the first finding shall be subject to a civil
17 penalty of not less than \$250 and not more than \$15,000 for the
18 violation.

19 (b-5) For purposes of this Section, each violation of this
20 Act for each employee and for each day the violation continues
21 shall constitute a separate and distinct violation. Any
22 penalty assessed under this Act against a corporation,
23 partnership, limited liability company, or sole proprietorship
24 shall be effective against any successor entity that: (i) is
25 engaged in the same or equivalent trade or activity; and (ii)

1 has one or more of the same principals or officers, as the
2 corporation, partnership, limited liability company, or sole
3 proprietorship against which the penalty was assessed. In
4 determining the appropriateness of a penalty against an
5 employer, the Director or circuit court shall consider factors
6 such as the history of violations by the employer, the
7 seriousness of the violation, the good faith of the employer,
8 and the size of the employer's business. The amount of the
9 penalty may be: (i) recovered in a civil action brought by the
10 Director in any circuit court, represented by the Attorney
11 General; or (ii) ordered by the court, in an action brought by
12 any party, including the Attorney General, for a violation of
13 this Act.

14 (c) For any violation determined by the Department or
15 circuit court to be willful that occurs within 3 years of an
16 earlier violation, employers shall be subject to civil
17 penalties up to double the amounts specified in subsections
18 (a) and (b).

19 (d) (1) In any enforcement action under this Act where no
20 employee suffered injury or illness, an employer may assert as
21 an affirmative defense that:

22 (A) the employer was making good faith efforts to
23 comply with the requirements of this Act;

24 (B) the violation was minor, technical, or inadvertent
25 in nature;

26 (C) the employer had implemented and was maintaining a

1 temperature-related illness and injury prevention plan as
2 required under Section 25;

3 (D) the employer promptly corrected the violation upon
4 discovery or notification; and

5 (E) the employer has no history of repeated or willful
6 violations of this Act.

7 (2) If an employer successfully establishes each element
8 of the affirmative defense under paragraph (1), the Director
9 may:

10 (A) issue a warning instead of a civil penalty;

11 (B) reduce the civil penalty to a nominal amount; or

12 (C) require corrective action with a reasonable
13 compliance period instead of an immediate civil penalty.

14 (3) The defense provided under this subsection does not
15 apply to:

16 (A) violations that result in employee injury,
17 illness, or death;

18 (B) willful or repeated violations;

19 (C) violations involving failure to implement any
20 temperature-related illness and injury prevention plan;

21 (D) a violation of Section 30; or

22 (E) situations where the employer failed to correct a
23 violation after receiving notice from the Department.

24 (4) The burden of proving a defense under this subsection
25 rests with the employer.

1 Section 45. Enforcement.

2 (a) The Department shall enforce the provisions of this
3 Act when, in the Department's judgment, there is cause and
4 there are sufficient resources for investigation. The
5 Department shall have the authority to conduct investigations
6 in connection with the administration and enforcement of this
7 Act. The Director or the Director's designee may:

8 (1) enter and inspect the place of business of any
9 employer for the purpose of examining and inspecting the
10 employer's physical workplace;

11 (2) inspect or copy any records of the employer that
12 relate in any way to or have a bearing upon the question of
13 compliance with this Act;

14 (3) question any employee outside the presence of the
15 employer or any employer representative;

16 (4) access relevant records and work sites where
17 employees are exposed to extreme temperatures, including
18 sites with varying employer arrangements;

19 (5) conduct any tests at the employer's place of
20 business to determine if this Act has been violated; and

21 (6) require any employer to submit written statements,
22 including sworn statements, relating to compliance with
23 this Act as the Director may deem necessary or
24 appropriate.

25 (b) A representative of the employer and a non-managerial
26 representative of the employees shall be given an opportunity

1 to accompany the Department during the physical inspection of
2 any workplace for the purpose of aiding the inspection.

3 The Department may permit additional representatives of
4 the employer and non-managerial representatives of the
5 employees to be present during the inspection if the
6 Department determines that the additional representatives will
7 aid the inspection. A different employer and non-managerial
8 employee representative may be present during each phase of
9 the inspection if doing so does not interfere with the
10 inspection.

11 The Department may resolve all disputes as to who shall be
12 the representative of the employer and the non-managerial
13 representative of the employees for purposes of this Act. If
14 there is no authorized representative of employees, or if the
15 Department is unable to determine with reasonable certainty
16 who the representative of the employees is, the Department
17 shall consult with a reasonable number of employees concerning
18 matters of safety and health in the workplace.

19 The representative of the employees may be an employee of
20 the employer or a third party. When the representative of the
21 employees is not an employee of the same employer, the
22 representative of the employees may be present during the
23 inspection if, in the judgment of the Department, good cause
24 has been shown why a third party is reasonably necessary to the
25 conduct of an effective and thorough physical inspection of
26 the workplace.

1 The Department may deny the right to be present during an
2 inspection to any person whose conduct interferes with a fair
3 and orderly inspection.

4 (c) The Director may compel, by subpoena, the attendance
5 and testimony of witnesses and the production of books,
6 payrolls, records, papers, and other evidence in any
7 investigation or hearing and may administer oaths to
8 witnesses.

9 (d) The Department shall conduct hearings in accordance
10 with the Illinois Administrative Procedure Act upon written
11 complaint by an investigator of the Department or any
12 interested party of a violation of this Act. After the
13 hearing, if supported by the evidence, the Department may:

14 (1) issue and cause to be served on any party an order
15 to cease and desist from further violation of this Act;

16 (2) take affirmative or other action as deemed
17 reasonable to eliminate the effect of the violation; and

18 (3) determine the amount of any civil penalty allowed
19 by this Act.

20 (e) If an employee or interested party complaint is the
21 basis for an investigation or inspection conducted by the
22 Director, the identity of the employee or interested party
23 that made the complaint shall be treated as confidential
24 unless the complainant consents to disclosure of the
25 complainant's identity.

26 (f) If the Director investigates, then the Director shall

1 provide a written report to the complainant within a
2 reasonable time after the investigation has concluded.

3 Section 50. Review under Administrative Review Law. Any
4 party to a proceeding under this Act may apply for and obtain
5 judicial review of an order of the Department entered under
6 this Act in accordance with the provisions of the
7 Administrative Review Law and the Department in proceedings
8 under this Act may obtain an order from the court for the
9 enforcement of its order.

10 Section 55. Contempt. If it appears that an employer has
11 violated a valid order of the Department issued under this
12 Act, then the Director may commence an action and obtain from
13 the court an order commanding the employer to obey the order of
14 the Department or be adjudged guilty of contempt of court and
15 punished accordingly.

16 Section 60. Action for civil enforcement by an interested
17 party.

18 (a) Upon a reasonable belief that an employer covered by
19 this Act is in violation of any part of this Act, an interested
20 party may initiate a civil action in the county where the
21 alleged offenses occurred or where any party to the action
22 resides, asserting that a violation of this Act has occurred,
23 pursuant to the following sequence of events:

1 (1) The interested party submits to the Department a
2 complaint describing the violation and naming the employer
3 alleged to have violated this Act.

4 (2) The Department sends notice of the complaint to
5 the named parties alleged to have violated this Act and
6 any interested party.

7 (3) The named party may either contest the alleged
8 violation or attempt to cure the alleged violation within
9 30 days after the receipt of the notice of the complaint.
10 If the named party does not respond within 30 days after
11 the receipt of the notice of the complaint, the Department
12 shall issue a notice of the right to sue to the interested
13 party as described in paragraph (4).

14 (4) The Department issues a notice of the right to sue
15 to the interested party, if one or more of the following
16 has occurred:

17 (A) the named party has not cured the alleged
18 violation to the satisfaction of the Director;

19 (B) the Director has determined that the
20 allegation is unjustified or that the Department does
21 not have jurisdiction over the matter or the parties;
22 or

23 (C) the Director has determined that the
24 allegation is justified or has not made a
25 determination, and either has decided not to exercise
26 jurisdiction over the matter or has concluded

1 administrative enforcement of the matter.

2 (b) If, within 180 days after service of the notice of the
3 complaint to the parties, the Department has not (i) resolved
4 the contest and cure period, (ii) with the mutual agreement of
5 the parties, extended the time for the named party to cure the
6 violation and resolve the complaint, or (iii) issued a right
7 to sue letter, the interested party may initiate a civil
8 action for penalties. The parties may extend the 180-day
9 period by mutual agreement. The limitations period for the
10 interested party to bring an action for the alleged violation
11 of the Act shall be tolled for the 180-day period and for the
12 period of any mutually agreed extensions. At the end of the
13 180-day period or any mutually agreed extensions, the
14 Department shall issue a right to sue letter to the interested
15 party.

16 (c) Upon receipt of a right to sue letter from the
17 Department, an interested party may bring a civil action, in
18 the name of the State or for the benefit of any impacted
19 employee, in the county where the alleged offenses occurred or
20 where any party to the action resides. If the civil action is
21 brought in the name of the State:

22 (1) No later than 30 days after filing the action, the
23 interested party shall serve upon the State through the
24 Attorney General a copy of the complaint and written
25 disclosure of substantially all material evidence and
26 information the interested party possesses.

1 (2) The State may elect to intervene and proceed with
2 the action no later than 60 days after it receives both the
3 complaint and the material evidence and information. The
4 State may, for good cause shown, move the court for an
5 extension of the time to intervene and proceed with the
6 action.

7 (3) Before the expiration of the 60-day period or any
8 extensions under subparagraph (2), the State shall:

9 (A) proceed with the action, in which case the
10 action shall be conducted by the State; or

11 (B) notify the court that it declines to take the
12 action, in which case the interested party bringing
13 the action shall have the right to conduct the action.

14 (4) When the State conducts the action, the interested
15 party shall have the right to continue as a party to the
16 action subject to the following limitations:

17 (A) the State may dismiss the action
18 notwithstanding the objections of the interested party
19 initiating the action if the interested party has been
20 notified by the State of the filing of the motion and
21 the court has provided the interested party with an
22 opportunity for a hearing on the motion; and

23 (B) the State may settle the action with the
24 defendant notwithstanding the objections of the person
25 initiating the action if the court determines, after a
26 hearing, that the proposed settlement is fair,

1 adequate, and reasonable under all the circumstances.

2 (5) If an interested party brings an action under this
3 Section, no person other than the State may intervene or
4 bring a related action on behalf of the State based on the
5 facts underlying the pending action.

6 (6) An action brought in court by an interested party
7 under this Section may be dismissed if the court and the
8 Attorney General give written consent to the dismissal and
9 their reasons for consenting.

10 (d) Any claim or action filed by an interested party under
11 this Section shall be made no later than 3 years after the
12 alleged conduct resulting in the complaint, plus any period
13 for which the limitations period has been tolled.

14 (e) In an action brought by an interested party under this
15 Section, an interested party may recover against the covered
16 entity any statutory penalties set forth in Section 40,
17 injunctive relief, and any other relief available to the
18 Department. An interested party who prevails in a civil action
19 shall receive 10% of any statutory penalties assessed, plus
20 any attorney's fees and costs. The remaining 90% of any
21 statutory penalties assessed shall be deposited into a special
22 fund of the Department for enforcement of this Act.

23 Section 65. Private right of action.

24 (a) An employee aggrieved by any violation of this Act or
25 any rule adopted under this Act may file suit in circuit court,

1 in the county where the alleged offense occurred or where any
2 employee who is party to the civil action resides, without
3 regard to exhaustion of any alternative administrative
4 remedies provided in this Act. A civil action may be brought by
5 one or more employees for and on behalf of themselves and other
6 employees similarly situated. An employee whose rights have
7 been violated under this Act by an employer is entitled to
8 collect:

9 (1) in the case of a notice violation, statutory
10 damages in an amount of not less than \$50 and not more than
11 \$500 for the violation of this Act;

12 (2) in the case of a health and safety violation, in
13 addition to all other relief available for injury,
14 compensatory damages and an amount of statutory damages of
15 not less than \$50 and not more than \$500 for each violation
16 of this Act;

17 (3) in the case of unlawful retaliation, all relief
18 necessary to make the employee whole, including, but not
19 limited to:

20 (A) permanent or preliminary injunctive relief;

21 (B) reinstatement with the same seniority status
22 that the employee would have had, but for the
23 violation;

24 (C) back pay, with interest of 9% per annum for no
25 more than 90 calendar days after the date the
26 complaint is filed, and front pay;

1 (D) liquidated damages of up to \$10,000;

2 (E) compensation for any costs incurred as a
3 result of the violation, including litigation costs,
4 expert witness fees, and reasonable attorney's fees;
5 and

6 (F) a civil penalty of \$10,000, payable to the
7 employee.

8 (b) The right of an aggrieved employee to bring an action
9 under this Section terminates 3 years after the date of the
10 violation. This limitations period is tolled if an employer or
11 prospective employer has failed to provide an employee or
12 prospective employer information required under this Act or
13 has deterred an employee or prospective employee from the
14 exercise of rights under this Act.

15 (c) Nothing in this Section shall be construed to limit an
16 employee's rights to bring an action for injury through a tort
17 action, workers compensation, union grievance procedure, or
18 any other legal avenue available to an employee.

19 Section 70. No diminution of obligations.

20 (a) No provision of this Act or any rules adopted under
21 this Act shall be construed as:

22 (1) requiring an employer to diminish or reduce
23 protections that are provided by the employer under an
24 employer policy or collective bargaining agreement and
25 that either are more favorable to employee safety than the

1 protections required by this Act or provide rights or
2 benefits to employees not provided by this Act;

3 (2) prohibiting an employer from agreeing to provide
4 under an employer policy or collective bargaining
5 agreement protections that are more favorable to employees
6 than the protections required by this Act or prohibiting
7 an employer from agreeing to provide rights or benefits to
8 employees not provided by this Act; or

9 (3) superseding any law providing collective
10 bargaining rights for employees or in any way reducing,
11 diminishing, or adversely affecting those collective
12 bargaining rights or the obligations of employers under
13 any law.

14 (b) To the extent any federal temperature safety law,
15 rule, or regulation is more favorable to employees than any
16 requirement of this Act, the Director shall update the extreme
17 temperature safety standard rules adopted under this Act to
18 align with the federal standard.

19 Section 97. Severability. Should one or more of the
20 provisions of this Act be held invalid, the invalidity shall
21 not affect any of the valid provisions hereof.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."