

**PROPOSED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF  
BUSINESS AND INDUSTRY**

**LCB FILE NO. R053-20I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 05/01/2020**

**PROPOSED REGULATION OF THE DIVISION OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
FOR THE AMENDMENT OF CHAPTER 618, NAC**

**LCB File No. Unassigned**

April 23, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§

A REGULATION relating to occupational safety; providing for \_\_\_\_\_; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Section 1.** Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

**Sec. 2.** *As used in sections 13 to 18, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 through 12, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Acclimatization” means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it.*

**Sec. 4.** *“Environmental risk factors for heat illness” means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.*

**Sec. 5.** *“Double-layer woven clothing” means clothing worn in two layers allowing air to reach the skin. For example, coveralls worn on top of regular work clothes.*

**Sec. 6.** *“Engineering controls” means the use of devices to reduce heat exposures and/or aid in cooling (i.e., air conditioning).*

**Sec. 7.** *“Heat illness” means a medical condition resulting from the body’s inability to cope with a particular heat load, and includes, but is not limited to, heat cramps, heat rash, heat exhaustion, fainting, and heat stroke.*

**Sec. 8.** *“Outdoor environment” means an environment where work activities are conducted outside. Work environments such as inside sheds, and tents or other structures may be considered an outdoor environment if the environmental factors affecting temperature are not managed by engineering controls. Construction activity is considered to be work in an indoor environment when performed inside a structure after the outside walls and roof are erected.*

**Sec. 9.** *“Personal risk factors for heat illness” means factors such as an individual’s age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body’s water retention or other physiological responses to heat.*

**Sec. 10.** *“Preventative recovery period” means a period of time to recover from the heat in order to prevent heat illness.*

**Sec. 11.** *“Shade” means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body*

*to cool. For example, an enclosed automobile sitting in the sun does not provide acceptable shade to a person inside it.*

**Sec. 12.** *“Vapor barrier clothing” means clothing that significantly inhibits or completely prevents sweat produced by the body from evaporating into the outside air. Such clothing includes encapsulating suits, various forms of chemical resistant suits used for personal protection, and other forms of non-breathing clothing.*

**Sec. 13.** *The Division hereby adopts by reference the Threshold Limit Values & Biological Exposure Indices, 2020 edition, Heat Stress and Strain portion, published by ACGIH, 1330 Kemper Meadow Drive, Cincinnati, OH 45240-4148. This publication is available from the ACGIH, at a cost of \$54.95.*

**Sec. 14. 1.** *Employers of employees exposed at or above the Wet-Bulb Globe Temperature in Celsius as defined in Section 2 and Table 2 of the Heat Stress and Strain portion of ACGIH Threshold Limit Values & Biological Exposure Indices adopted in Section 13 of this regulation shall:*

*(a) Include an outdoor heat stress management program in the written safety program required by NRS 618.383; and*

*(b) Encourage employees to frequently consume water or other acceptable beverages to ensure hydration.*

**2.** *Employees are responsible for monitoring their own personal factors for heat-related illness including consumption of water or other acceptable beverages to ensure hydration.*

**Sec. 15.** *Employees shall have ready access to potable drinking water. Where it is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the*

*entire shift. Employees may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described shall be encouraged by the employer.*

**Sec. 16.** *Employees suffering from heat illness or believing a preventative recovery period is needed, shall be provided access to an area with shade that is either open to the air or provided with ventilation or cooling for a period of no less than five minutes. Such access to shade shall be permitted at all times. Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting devices or machines or fans) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.*

**Sec. 17. 1.** *Employees showing signs or demonstrating symptoms of heat-related illness must be relieved from duty and provided with a sufficient means to reduce body temperature. The deep body temperature of an employee shall never exceed 100.4 degrees Fahrenheit (38 degrees Celsius).*

**2.** *Employees showing signs or demonstrating symptoms of heat related illness must be monitored to determine whether medical attention is necessary.*

**Sec. 18. 1.** *The employer shall provide training to all affected supervisory and non-supervisory employees on the following topics:*

*(a) The environmental and personal risk factors for heat illness;*

*(b) The employer's procedures for complying with the requirements of Sections 14 through Section 16, inclusive of this regulation;*

*(c) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties;*

*(d) The importance of acclimatization;*

*(e) The different types of heat illness and the common signs and symptoms of heat illness;*

*(f) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in a co-worker;*

*(g) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should it become necessary;*

*(h) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical provider; and*

*(i) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.*

*2. Supervisor training. Prior to assignment to supervision of employees working in the heat, training on the following topics shall be provided:*

*(a) The information required to be provided in training in subsection 1 of this regulation;*

*(b) The procedures the supervisor is to follow to implement the applicable provisions in subsection 1 of this regulation; and*

*(c) The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures.*