



MEMORANDUM

Date: August 16, 2024

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Lesh 
County Administrator

Re: **Heat Safety Ordinance Discussion and Action – Updated Materials**

As directed, slight modifications have been made to the updated Heat Safety Ordinance language. Specifically, staff made modifications to the following:

- Reference to Nonretaliation, and ability to anonymously report
- Modification to Outdoor Environment to say Outdoor Environment or Worksite
- Definition of sub-contractor
- Modification of plan accessibility in preferred language
- Addition of Advisory Committee to support enforcement of ordinance

The detailed additions and public comment align with the requirements highlighted in the Proposed Rule and best practices for Heat Safety.

The County will additionally support the creation and implementation of an Advisory Committee to review and support 'Extreme Heat' protections for the workforce. This team may include representatives from the County, incorporated jurisdictions, subject matter experts, and appropriate non-governmental agencies. The County will support its contracted workforce by providing examples of a Heat Injury and Illness Prevention and Safety Plan, with support to assure the plan be made available in other preferred languages where appropriate.

As stated before, if approved, the County staff will integrate the Ordinance contract language, for future contracts, and develop internal protocol for Departments to support the implementation of such on County contractors and sub-contractors.

I recommend approval of the proposed workplace Heat Safety Ordinance.

Attachments

- c: Carmine DeBonis, Jr., Deputy County Administrator
- Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer
- Steve Holmes, Deputy County Administrator
- Sam Brown, Pima County Attorney's Office
- Terri Spencer, Director, Pima County Procurement
- Theresa Cullen, MD, Director, Pima County Health Department
- Sarah Davis, Senior Advisor, County Administration

AUG 16 2024 PIM CO CLK OF BD 12776

ORDINANCE 2024- _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO WORKPLACE HEAT SAFETY; AMENDING THE PIMA COUNTY CODE BY ADDING A NEW CHAPTER 11.40 TO THE PIMA COUNTY PROCUREMENT CODE

The Board of Supervisors of Pima County, Arizona finds that:

1. The Board of Supervisors has authority under A.R.S. §§ 11-251(17), 11-251.05, and 36-186(8) to adopt provisions necessary to preserve the health of the county, and under A.R.S. § 23-430(A) to assert jurisdiction over any occupational safety or health issue with respect to which no standard or regulation is in effect.
2. Heat-related illness is a serious public health concern in Pima County. Individuals who are required to work outdoors are at higher risk of heat-related illness, injuries, and even death.
3. No state statute or regulation addressing the mitigation of heat-related illnesses and injuries in the workplace is currently in effect within the state of Arizona.
4. It is in the best interest of the County to require that any contractor whose employees or contract workers perform work in an outdoor work site under a Pima County contract must utilize a Heat Injury and Illness Prevention and Safety Plan to prevent and remediate heat-related illnesses and injuries in the workplace.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1: Title 11 of the Pima County Code is amended to add a new Chapter 11.40 as follows:

**Chapter 11.40
WORKPLACE HEAT SAFETY**

11.40.010 Declaration of Policy. The purpose of this chapter is to protect outdoor workers from heat hazards by requiring that all contractors or subcontractors who work under a Pima County contract and whose employees or contract workers work outdoors create a written Heat Injury and Illness Prevention and Safety Plan.

11.40.020 Definitions.

1. "Heat Injury and Illness Prevention and Safety Plan" means a written plan that details preventative and remedial measures to provide protection and relief from heat hazards.
2. "Outdoor work site" means a location where 50% or more work activities are conducted outside. The term also includes locations where work activities are conducted inside, but the temperature is not managed by air conditioning or other devices that reduce heat exposure (examples include, but are not limited to, sheds, greenhouses, tents and vehicles).
3. Subcontractor means an entity or individual with a direct contract with a County contractor for any portion of the work that is the subject of the County contract.

11.40.030 Mandatory Contract Clause. The following clause must be included in all County contracts:

Heat Injury and Illness Prevention and Safety Plan. Contractor hereby warrants that if Contractor's employees perform work in an outdoor work site under this Contract, Contractor will keep on file a written Heat Injury and Illness Prevention and Safety Plan. At County's request, Contractor will provide a copy of this plan and documentation of heat safety and mitigation efforts implemented by Contractor to prevent heat-related illnesses and injuries in the workplace. Contractor will post a copy of the Heat Injury and Illness Prevention and Safety Plan where it is accessible to employees. Contractor will further ensure that each subcontractor who performs any work for Contractor under this Contract complies with this provision.

11.40.040 Required Elements of a Heat Injury Illness Prevention and Safety Plan

A Heat Injury and Illness Prevention and Safety Plan should include the following required elements:

1. Water Access: sufficient amount of cool water available at work sites
2. Opportunities for rest / respite from heat (with regular breaks increasing in frequency as the temperature rises, and as needed)
3. Access to Shade (and / or alternative cooling methods, preferably including air-conditioning where available), and access to air conditioning in vehicles with enclosed cabs.

4. Effective acclimatization practices to promote the physiological adaptation of employees or contract workers newly assigned or reassigned to work in an outside work site.
5. Monitoring Protocols: close monitoring and observation of employees working in heat, potentially including a 'buddy system' where employees are partnered together
6. Communication Protocols: specifically, a means of communication between supervisors and employees.
7. Emergency Response Protocols: specifically, a -means of communication between supervisors and employees in the event of a heat-related emergency.
8. Annual Training for supervisors and employees that address environmental and personal risk factors related to heat, the symptoms, and signs of heat illness and injuries, and the policies and procedures in place to prevent and remedy heat-related harm.
9. The posting of signage at the job site that contains information, in both English and Spanish, explaining how to (a) recognize and report signs and symptoms of heat illness and injury; (b) administer appropriate first aid measures, and (c) report heat-related illness and injury to emergency medical personnel. The signage must also include a phone number for reporting heat violations to Occupational Safety and Health Administration (OSHA) / Arizona Division of Occupational Safety and Health (ADOSH) and indicate that such reports may be made anonymously.
10. Providing written notification to all employees and contract workers regarding their new worker protections under this provision. This notification shall be provided to existing employees and during the onboarding process for new employees. The notification shall be provided to each worker in the language preferred by that worker and must be posted in the workplace.
11. Documented evidence of Heat Injury Illness Prevention and Safety Plan implementation and compliance.

11.40.050 Nonretaliation. Retaliatory action against an employee or contract worker for reporting a violation is prohibited.

11.40.060 Penalties. A contractor who fails to comply with the provisions of this chapter after receiving notice and an opportunity to comply is subject to sanctions permitted by law including, but not limited to, cancellation, termination, or suspension of the County contract.

11.40.070 Enforcement. The County Department primarily responsible for managing any contract may monitor compliance with this chapter, including, but not limited to inspections, interviews, and audits. If the Department learns that a contractor is in violation of this chapter, the contractor will be notified by the Department for remedy of such violation. If the Contractor, after notice of noncompliance, fails to demonstrate that it has taken appropriate corrective action for the breach, the Department will notify OSHA/ADOSH and may take other action as permitted according to the terms of the contract, including termination. The County will establish an interdisciplinary Advisory Committee for Extreme Heat Protocols to support the enforcement of this chapter.

11.40.080 Exemptions. This chapter does not apply to any County contract with federal, state, or local governments or their agencies.

Section 2. This Ordinance is effective 30 days after the date of adoption.

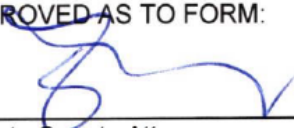
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2024.

Chair, Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

Clean Version

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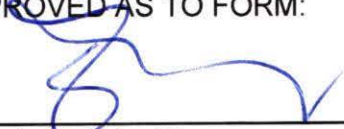
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_____ day of _____, 2024.

Chair, Board of Supervisors

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Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney