



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/19/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Discussion / Direction / Action – Heat Safety Ordinance for County Contractors

***Introduction/Background:**

Discussion / Direction / Action regarding the Heat Safety Ordinance public comment and proposed changes for County contractors.

***Discussion:**

Pima County has deployed and engaged in a comprehensive set of heat safety strategies to protect its residents and workforce. This included heat awareness and safety campaigns, a regional heat response and cooling center network, and workforce protection procedures. Recently, Pima County Board of Supervisors (BOS) approved the publication of the draft Heat Ordinance for County Contractors on July 16th to be posted for public comment for 15 days. The revised draft and materials reflect the public comment received by the County on the matter.

***Conclusion:**

The County, and its regional (and state) partners, have deployed a comprehensive network of heat safety resources, protocols and communication strategies to ensure heat protection for all residents, and our most vulnerable to heat illness and injury. As part of this comprehensive set of strategies, the County is proposing review and approval of the Heat Safety Ordinance for County Contractors.

***Recommendation:**

Additional discussion, recommendation, or action is needed for the proposed Heat Safety Ordinance for County contractors based on recommendations presented in BOS materials attached, and the outcome (and impact) of OSHA’s Proposed Rule for Heat Safety.

***Fiscal Impact:**

None.

***Board of Supervisor District:**

1 2 3 4 5 All

Department: County Administrator’s Office

Telephone: 520.724.8803

Contact: Sarah Davis

Telephone: *Click or tap here to enter text.*

Department Director Signature: _____ Date: _____

Deputy County Administrator Signature: _____ Date: _____

County Administrator Signature:  _____ Date: 8/7/2024

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 environment 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 environment" 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).

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 environment 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 environment.

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 documented ready-means of communication between supervisors and employees.
7. Emergency Response Protocols: specifically, a documented ready-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).
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 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.

11.40.060 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 County Department learns that a Contractor is in violation of this chapter, 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.

11.40.070 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

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