

Company Name: _____ Dept: _____ Location: _____ Date: _____

#245

HEAT ILLNESS - SHADE

“Shade” means blockage of direct sunlight. 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, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions.

§3395(d) Access to shade.

- (1) Shade is required to be present when the temperature exceeds 85 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 85 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate 25% of the employees on the shift at any time, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shaded area shall be located as close as practicable to the areas where employees are working.
- (2) Shade is required to be available when the temperature does not exceed 85 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 85 degrees Fahrenheit employers shall either provide shade as per subsection (d)(1) or provide timely access to shade upon an employee's request.
- (3) Employees shall be allowed and encouraged to take a cool-down rest in the shade for a period of no less than five minutes at a time when they feel the need to do so to protect them from overheating. Such access to shade shall be permitted at all times.

Exceptions to subsection §3395(d):

- (1) Where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may utilize alternative procedures for providing access to shade if the alternative procedures provide equivalent protection.
- (2) Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting machines) 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.

Meeting Conducted By:

Print Name

Signature

Meeting Attended By:

Document Filing Reference

Notes & Suggestions

Filing Instructions: Copies of this “Tailgate Talk” should be filed in employer’s safety training records and cross-referenced in each employee safety-training file. This is intended as a guide only- all rights reserved.