

## **Attachment D: Access to Shade Requirements**

### **Recommended Equipment:**

- Portable canopies, large beach-style umbrellas, or other shade structures, also; chairs, benches, sheets, towels,

### **Supervisors must ensure:**

- Shade structures are brought to the site, to accommodate at least 25 percent of the employees on the shift and either chairs, benches, sheets, towels or any other items to allow employees to sit in a normal posture fully in the shade without having to be in physical contact with each other or the bare ground. However, chairs, benches, etc. are not required for acceptable sources of shade such as trees.
- Shade structures are opened and placed as close as practical to the workers, when the temperature equals or exceeds 85°F. When the temperature is below 85°F, the shade structures will be brought to the site, but will be opened and set in place upon worker(s) request. Note: The interior of a vehicle may not be used to provide shade unless the vehicle is air-conditioned and the air conditioner is on.
- Point out the daily location of the shade structures to the workers as well as allow and encourage employees to take a 5 minute cool-down rest in the shade, when they feel the need to do so to protect themselves from overheating.
- Ensure shade structures are relocated to follow along with the employee work groups and double-check they are as close as practical to the employees, so that access to shade is provided at all times. In situations where trees or other vegetation are used to provide shade (such as in orchards), the supervisor will evaluate the thickness and shape of the shaded area (given the changing angles of the sun during the entire shift), before assuming that sufficient shadow is being cast to protect employees.
- For non-agricultural employers, in situations where it is not safe or feasible to provide shade, steps are taken to provide shade upon request or other alternative cooling measures with equivalent protection.

### **Exceptions:**

- 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.
- 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.