

Virginia's Heat Illness Prevention Standard 16VAC25-210

Regulatory Advisory Panel

Thursday, October 15, 2026

1:00.–4:25 p.m.

On Thursday, October 15, 2026, the Regulatory Advisory Panel (RAP) for the Heat Illness Prevention Standard held an electronic public meeting to discuss the Proposed Heat Illness Prevention Standard.

Notice of the public meeting was provided to the public as required by VA Code §2.2-3708.2. Notice was provided on the Virginia Regulatory Town Hall's website here:

[Virginia Regulatory Town Hall View Meeting](#)

RAP PANELISTS:

Rachel Henley

Working Lands & State Advocacy Specialist
Virginia Farm Bureau
Agriculture Forestry

Rachel McFarland

Attorney
Legal Aid Justice Center
Agriculture Migrant Worker protections

Brad Copenhaver

Director
Lindl Corporation Virginia Nursery and Landscape Association
Agriculture Family and commercial farms Wholesale and retail nurseries Landscaping contractors Agribusiness

Trey Davis

President and CEO
Virginia Agribusiness Council
Agriculture Forestry Urban agriculture business (landscapers, lawn care, golf courses)

Benjamin Packett

Health, Safety, Security & Environmental (HSSE) Manager
Omega Proteins, Inc
Commercial fishing Seafood processing Maritime operations

Travis Parsons

Director of Occupational Safety & Health
Laborers' International Union of North America (LiUNA!) Laborers' Health & Safety Fund of North America
Construction

Danny Minnix (absent from meeting one)

Senior Vice President of Safety
Branch Group - Construction
Construction

Noah Schwartz

Senior Safety Coordinator
Southland Industries
Construction - mechanical and heavy civil HVAC and plumbing services

Gordon Dixon

Executive Vice President
Virginia Transportation Construction Alliance (VTCA)
Construction and Mining - Transportation Construction Aggregate mining

Antwyne Calloway

Organizer/Community Advocate
International Union of Painters and Allied Trades: IUPAT District Council 53
Construction Skilled finishing trades

Austyn Walker

Advocacy Coordinator
Centreville Immigration Forum
Day labor work Worker protections

Audra Lucas

Senior Associate
American Federation of Teacher, AFT
Education

Laura Duckworth

Director of Occupational Programs
University of Virginia
Higher education

Tommy Herbert

Director of Government Affairs
Virginia Restaurant and Lodging Association(VRLTA)
Hospitality and tourism

Kayla Flowers

Health and Safety Specialist – Industrial Hygienist
United Steelworkers (USW)
Manufacturing and industrial operations

Stacie Gordon

Government Relations Director
Virginia Manufacturers Association (VMA)

Manufacturing and trade

Roxana Chicas

Associate Professor

Emory University

Occupational Health Research

Regis Brett (absent from meeting one)

Bus Driver

Public School Transportation

Public schools/transportation

Gavin Driscoll

Senior Health & Safety Advocate

American Federation of State, County Municipal Employees (AFSCME)

Public sector

Matt Phillips

Safety & Risk Manager

Hanover County

Public sector - local government

Charles Craddock

President

Communications Workers of America (CWA) 2201

Telecommunications

Deb Yenser

Director of Environmental, Health & Safety

Comcast

Telecommunications and technology

Cynthia Lyon

Director of Operations

Busch Gardens of Williamsburg

Tourism Outdoor recreation

Richard Hobbs-Fernie

Business Agent

Teamsters Local Union 822

Transportation Warehousing

Frances Mensah

Industrial Hygienist

International Brotherhood of Teamsters

Transportation Logistics Manufacturing

Aishah Johnson (absent from meeting one)

Workers' Health and Safety Advocate

Public Citizen

Worker protections

Charlotte Brody

Vice President, Occupational & Environmental Health

BlueGreen Alliance

Worker protections

Ramon Zepeda Ramos

Economic Justice Organizer

Virginia Interfaith Center for Public Policy

Worker protections

SECRETARY OF LABOR: Jessica Looman

Sejal Singh, Chief of Staff for the Secretary of Labor

FACILITATOR Bob Kitchen, MD, FAAFP

AGENCY STAFF: Jim Frederick, Commissioner

Zahra Qarni, Director of Policy & Planning

Cristin Bernhardt, Regulatory Coordinator

Lyndsey Banks, Health Regional Director

Ron Graham, Director of Health Compliance

Shawnai Smith, Policy Analyst

Eva Ernst, Manager of Research and Analysis

1. WELCOME AND INTRODUCTIONS:

Secretary of Labor Jessica Looman welcomed the RAP panelist and those attending the meeting.

Thank you again to everyone who is joining us today to really dig into and think about how we can prevent heat illness in workplaces across the Commonwealth of Virginia.

We know that everyone who has volunteered to be on this call today really cares very deeply about workplace safety and making sure that we are continuing to commit to workplace safety for all four and a half million workers who wake up every single day and make Virginia run.

So I just wanted to take a couple of minutes. I know we have a huge agenda today and I don't want to take up very much time of your time, but really just wanted to thank you all for your time, your commitment, your thought in advance of the great contributions and recommendations that you're all going to make.

A few other things that I just want to say too, as you know, we are doing a lot of work across the labor secretariat, which we're really, really excited about. And I never miss an opportunity to lift up some of the work that we're doing for those of you who are not as familiar with the Labor Secretariat, in addition to the Department of Labor and Industry, where we make sure that workers are getting the wages that they've earned, that children are safe in the workplace and that we have workplace safety as the preeminent and predominant focus of every single workplace across the Commonwealth. The Secretariat of Labor also has three other agencies. The Department of Occupational Regulation, which I know many of you interact with and we're happy to have additional conversations with you about the great work that they're doing over there.

We also have the Virginia Workforce Board and the Virginia workforce system, as part of our framework where we continue to advance things like registered apprenticeship as well as opportunities for career continuum services and programs and support. And then we also have the Virginia Employment Commission, which is our unemployment insurance program and also soon to be the first in the South paid family medical leave insurance program starting in 2028.

At the Department of Labor and Industry, we are working really, really hard under the leadership of Commissioner Frederick to think about how we make workplaces safe. But also we have a few new programs that we are standing up there as well, including a new paid sick days program that will go into effect in 2027, which will ensure that all workers across the Commonwealth have access to up to five days of paid sick leave and as you all know, those of you who are on this call know that's a safety and health policy that helps make sure that we're not only keeping those individual workers safety safe and healthy, but also their coworkers and the rest of the workplace safe and healthy as well as the public who workers interact with safe and healthy.

So we're really excited about that program. And as I said, that will also be going to effect in the Department of Labor and Industry starting next year. We also were focused on making sure that we're protecting workers from wage theft, that we are, as I said, protecting children from illegal child labor and I know Commissioner Frederick is very focused on this, making sure the boilers are safe here in Virginia.

We have a lot of really exciting work that we're doing and this, as you probably know, we are calling you a RAP. This regulatory advisory panel is such a key component of making sure

that the work of the Department of Labor and Industry is reflective of the needs of Virginia employers, Virginia workers, Virginia safety professionals, but then ultimately, of course, at the end of this conversation is that we know that we will be keeping more and more workers more and more safe from heat hazards and heat illness.

Thank you for your work. Thank you for your commitment. Please know that we are a resource and a partner in the work that you do all across the Commonwealth and we are very much looking forward to this work with you together. So with that, I will turn it back over and we will go from there. Thank you so much.

Commissioner Jim Frederick also welcomed the panelists.

Thank you. And really just want to reiterate the thanks to all of you for joining us today.

This is a significant undertaking, but for those folks that have been involved with health and safety, if you've been involved for a few days or a few decades, you know that heat is a primary area of concern that we have been addressing in the health and safety profession and we need to put in place better structure for us to ensure that Virginians are safe while working in hot environments.

I see our goal as making sure that we accomplish what we've been asked to do, but also to improve health and safety for Virginia workers. And we truly do appreciate the input from the regulatory advisory panel because the knowledge information that you bring to us is just incredibly insightful for us as we help to formulate this regulation. I also would love to just shout out and thanks to the Safety and Health Codes Board for Virginia, because it is really the codes board that ultimately will be promulgating this rule. We at the Department of Labor and Industry are assisting, facilitating and aiding them in that process.

We know that the time that you all have volunteered to committed to us to assist us is time that your other work is piling up, so thank you for your focus on this. While we're together today and then the subsequent meetings. And then also a thanks and a shout out to the entire team from the Department of Labor and Industry who have been working on this rule making. Essentially, this team has been working on this issue for quite some time that predates the statute that brings us to this conversation. This issue has been a focus and a matter of attention for a number of years with members of the Department of Labor and Industry Team and the team that is assembled here today has done a tremendous amount of work on the logistics of not only this meeting, but of the rule making itself. Since this legislation went into effect in July and the months.
that preceded that.

And then finally, just a thanks to members of the public that are on here today. Or will be watching this later because it's also through the public participation that we learn a great deal about not only the hazards that you are working with and facing each and every day,

but the control measures that work to address those hazards. We truly appreciate the input from the public as this process progresses and we look forward from hearing from you all at the appropriate times and public comment period during these meetings during our safety health codes board meetings and when the ultimately when a proposed rule hits the street and public comment period is open for comment.

Good luck today. We'll be listening intently on all of the conversations. And look forward to learning a great deal. Thanks much.

Zahra Qarni, Director of Policy & Planning for DOLI introduced Dr. Bob Kitchen, RAP panelist, who will be facilitating the panel meeting.

Facilitator Bob Kitchen

Facilitator Bob Kitchen introduced himself as a physician and member of Virginia Clinicians for Climate Action who has supported worker heat protection efforts since 2019. He explained that he would contribute medical expertise to the panel's discussions. He then invited panelists to introduce themselves, identify the organizations they represented, and describe their experience with heat illness prevention.

PANELIST INTRODUCTIONS:

Roxana Chicas introduced themselves as an associate professor at Emory University's School of Nursing and a researcher specializing in occupational and environmental health.

Rachel McFarland introduced themselves as an attorney with the Legal Aid Justice Center's Worker Justice Program, which primarily serves immigrant farmworkers and other migrant workers. They described approximately five to six years of work on heat stress, including participation in the previous Regulatory Advisory Panel (RAP) and the coalition that supported passage of Virginia's heat protection legislation.

Rachel Henley introduced themselves as a state advocacy specialist with Virginia Farm Bureau, focusing on labor issues. They described 12 years of experience in research, outreach, and education with Virginia Cooperative Extension, as well as extensive personal experience in agriculture. They stated that they represented farmer members throughout Virginia.

Trey Davis introduced themselves as president of the Virginia Agribusiness Council, a membership organization representing businesses and employers throughout the agriculture and forestry supply chain, including producers, retailers, and processors.

Brad Copenhaver introduced themselves as a representative of the Virginia Nursery and Landscape Association through their work with Wendell Government Affairs. They explained that the association represents garden centers, nursery growers, landscape designers, installers, and other green industry businesses. They described their agricultural background and experience as Commissioner of the Virginia Department of Agriculture and Consumer Services under Governor Ralph Northam.

Travis Parsons introduced themselves as director of occupational safety and health for the Laborers' Health and Safety Fund of North America, which serves the Laborers' International Union of North America and its affiliates. They described approximately 25 years of experience supporting workers, primarily in construction, with additional experience in general industry, health care, and the public sector. They also noted their prior service on the Safety and Health Codes Board, including as chair when the Board unanimously voted to initiate an earlier heat illness prevention rulemaking.

Noah Schwartz introduced themselves as senior safety coordinator with Southland Industries, a mechanical subcontractor with a growing HVAC and plumbing service division. They emphasized the importance of considering heat exposure among service technicians working in mechanical rooms, data center galleries, and other indoor spaces.

Gordon Dixon introduced themselves as a representative of the Virginia Transportation Construction Alliance, where they support legislative and regulatory matters. They also described their previous service as director of the Virginia Department of Professional and Occupational Regulation.

Antwyne Calloway introduced themselves as an organizer and community advocate with the International Union of Painters and Allied Trades, serving Southwest Virginia and portions of neighboring states. They described prior advocacy work with justice-involved individuals and individuals with disabilities. They also discussed their involvement in a heat resilience initiative in the Roanoke Valley involving Virginia Tech and the National Science Foundation.

Austyn Walker introduced themselves as advocacy coordinator for the Centreville Immigration Forum, a member-based organization serving immigrant and non-immigrant workers. They stated that they would contribute perspectives from the day laborer community, including experiences shared by community leaders.

Audra Lucas introduced themselves as a representative of the American Federation of Teachers with expertise in occupational safety and health, particularly heat illness prevention, indoor environmental conditions, and other climate-related workplace hazards. They explained that the organization represents workers across education, health care, and state and local government, including school support staff, bus drivers, custodians, and maintenance personnel. They noted their direct work with employees experiencing heat hazards.

Laura Duckworth introduced themselves as a representative of Facilities Management at the University of Virginia, where they have worked for approximately 12 years. They described the wide range of heat exposures encountered in university facilities operations. Their previous experience includes responsibility for environmental health and safety at George Mason University and nearly 12 years as a North Carolina OSHA compliance officer.

Tommy Herbert introduced themselves as director of government affairs for the Virginia Restaurant, Lodging and Travel Association. They explained that the association represents businesses in the restaurant, lodging, and attractions sectors, each of which has an interest in heat illness prevention.

Kayla Flowers introduced themselves as an industrial hygienist and health and safety specialist with the United Steelworkers, which represents workers across numerous industrial, manufacturing, service, health care, and education sectors. They described approximately one and a half years with the union and nearly nine years of previous experience as an industrial hygienist and compliance officer with federal OSHA in Ohio.

Stacie Gordon introduced themselves as government affairs director for the Virginia Manufacturers Association. They described the diversity of manufacturing operations represented by the association, including food processing, pharmaceuticals, steel production, and chemical manufacturing. They emphasized the differing operating environments and safety considerations across these industries and expressed support for science-based, risk-based, and flexible standards.

Gavin Driscoll introduced themselves as senior health and safety advocate with the American Federation of State, County and Municipal Employees. They described experience in local government risk management, aviation risk management, and safety management for water and sewer utilities.

Matthew Phillips introduced themselves as safety and risk manager for Hanover County

Government and Hanover County Public Schools, a position they have held for five years. They described a career in occupational safety and health in both the public and private sectors, including 15 years with Dominion Energy. They noted experience with indoor and outdoor heat illness prevention and emphasized the importance of including local government perspectives.

Charles “Bubba” Craddock introduced themselves as president of Communications Workers of America Local 2201 and a health and safety representative and trainer for the union in Virginia. They explained that the union primarily represents communications workers, as well as workers in health care, aviation, corrections, manufacturing, and other industries. They described approximately 18 years of health and safety experience.

Deb Yenser introduced themselves as a director of environmental health and safety at Comcast. They described helping develop the company’s national heat illness prevention standard and supporting workers with indoor and outdoor exposures, including cable technicians, field sales staff, and retail employees. They also noted previous experience with heat illness prevention at Amazon and as a collegiate athletic trainer.

Cynthia Lyon introduced themselves as director of operations at Busch Gardens Williamsburg. They described extensive experience in theme park operations, including work at several United Parks properties and Universal. They emphasized their responsibility for protecting an outdoor workforce of varying ages, including ensuring adequate hydration.

Richard Hobbs-Fernie introduced themselves as a business agent for International Brotherhood of Teamsters Local 822, representing workers at UPS, Pepsi bottling operations, Costco, and other workplaces in Hampton Roads. They described firsthand experience as a UPS driver and warehouse worker in Newport News.

Frances Mensah introduced themselves as an industrial hygienist with the International Brotherhood of Teamsters, providing industrial hygiene and occupational safety support across approximately 21 industry sectors. These include package delivery, logistics, commercial aviation, warehousing, grocery distribution, and freight transportation. They also described previous experience in corrugated paper manufacturing, consumer goods research and development, manufacturing facilities, and battery recycling.

Charlotte Brody introduced themselves as vice president of occupational and environmental health for the BlueGreen Alliance, a coalition of labor unions and national environmental organizations. They described the alliance’s participation in the Partnership to Protect Workers

from Heat with the Natural Resources Defense Council and the Federation of American Scientists, including support for Virginia’s heat protection legislation and similar efforts in other states. They noted their background as a nurse with approximately 50 years of occupational and environmental health experience.

Ramon Zepeda Ramos introduced themselves as an economic justice organizer with the Virginia Interfaith Center for Public Policy, a nonprofit, nonpartisan advocacy organization. They described the organization’s involvement in Virginia’s earlier heat illness prevention efforts and its support for worker protection legislation. They also discussed their experience working with migrant and seasonal farmworkers and organizing workers in poultry processing, grocery stores, and construction. They highlighted concerns about heat exposure and the particular vulnerability of young workers.

Benjamin Packett introduced themselves as environmental health and safety manager for Omega Protein Incorporated. They described responsibilities involving environmental compliance and workplace safety in commercial fishing operations along the Chesapeake Bay and Atlantic coast, with affiliated operations on the Gulf Coast. They also noted 20 years of prior federal service with the Department of Homeland Security and the Department of the Navy, including environmental compliance, maritime operations, and small boat training program management.

2. MEETING PROCEDURES AND RULES OF ENGAGEMENT:

Zahra Qarni thanked participants for attending and for their commitment to developing an effective heat illness prevention standard. She introduced participating representatives from the Office of the Secretary of Labor and DOLI staff: Sejal Singh, Chief of Staff to the Secretary of Labor; Ronald Graham, Statewide Health Compliance Director; Cristin Bernhardt, Regulatory Coordinator; Lyndsey Banks, Health Regional Director; Shawnai Smith, Policy Analyst; and Eva Ernst, Research and Analysis Manager.

Ms. Qarni explained that the first meeting would establish a shared foundation for the panel’s work across its three scheduled meetings. She outlined the agenda, which included meeting procedures, the regulatory process, legislative requirements, coverage considerations, the health effects of heat, other regulatory models, Virginia data, and public comment.

Ms. Qarni encouraged RAP members to ask questions throughout the presentations and to share relevant concerns, observations, workplace experiences, and research. When considering potential requirements, members were asked to discuss how those requirements would operate in

workplaces familiar to them, the benefits they could provide, and potential implementation challenges or alternatives.

Members were asked to keep their cameras on when possible and mute their microphones when background noise could interfere. Ms. Qarni explained that public attendees would remain muted during panel discussions and would have an opportunity to speak during the designated public comment period.

Acronyms posted to Chat:

BLS – Bureau of Labor Statistics

DOLI- Department of Labor & Industry

NIOSH – National Institute of Occupational Safety and Health

OSHA – Occupational Safety and Health Administration (federal)

VOSH – Virginia Occupational Safety and Health

3. SAFETY & HEALTH CODES BOARD AND VIRGINIA REGULATORY PROCESS

Zahra Qarni provided an overview of the Safety and Health Codes Board (“Board”) and Virginia’s regulatory process. She explained that the Board is a statutory public policy board established by the General Assembly with authority to adopt occupational safety and health regulations. She described its membership, which includes labor and employer representatives from specified industries, an insurance industry representative, and two ex officio members: the State Health Commissioner and the Director of the Department of Environmental Quality, or their designees.

Ms. Qarni explained that the RAP’s role is to support regulatory development by providing recommendations and information to assist DOLI staff in preparing proposed regulatory text for the Board’s consideration. She noted that the Board considers worker health protections, the best available evidence, feasibility, and relevant experience when evaluating regulatory requirements. She emphasized the importance of establishing objective criteria and clearly explaining how protective requirements can be implemented and evaluated in practice.

Ms. Qarni distinguished between statutory requirements and regulatory provisions. She explained that § [40.1-44.2](#) of the Code of Virginia, enacted during the 2026 General Assembly session, establishes the authority, required subjects, and exemptions for the heat illness prevention standard. The regulation will provide the operational details needed to implement those requirements. She noted that both statutes and regulations have legal effect and that the panel’s recommendations must remain within the statutory framework.

She identified the subjects to be addressed, including temperature thresholds; water and rest periods; acclimatization; access to shade or climate-controlled environments; training; high-heat procedures; and emergency response procedures.

Ms. Qarni concluded by explaining that DOLI was developing the proposed regulation and would use the RAP's recommendations, together with other available evidence, to inform the draft regulatory text.

[Virginia Regulatory Town Hall View Action](#)

See presentation for additional information and related slides.

The panel discussed the meeting format and how member feedback would inform regulatory development.

Facilitator Bob Kitchen explained that the first meeting would focus on background information, data, and the RAP's goals. Panelists were encouraged to identify existing policies that address their concerns and consider how those approaches could inform regulatory text for discussion at the next meeting. He noted that seven states had adopted worker heat protections in some form. Reviewing those approaches could help the panel identify provisions that address members' concerns and could be adapted for Virginia.

ISSUES RAISED BY PANELISTS

Antwyne Calloway emphasized the need for temperature thresholds to account for workers wearing heavy personal protective equipment (PPE) or protective suits.

Matthew Phillips raised questions about how requirements would apply to public-sector emergency medical services and fire departments, including how they would align with existing practices and account for heavy protective gear.

Kayla Flowers stated that basic training approaches were well developed but that further consideration was needed regarding higher-level measures within the hierarchy of controls, high-heat protections, and production demands. Acclimatization and rest periods were also identified as areas requiring additional development.

Austyn Walker raised questions about access to shade and climate-controlled environments for day laborers, including whether responsibility would rest with homeowners or others hiring workers for the day. Additional concerns included applying acclimatization requirements to workers who may move between worksites rather than remain at one location for multiple days.

Rachel Henley noted similar questions in agriculture regarding responsibility for part-time student workers and interns and identifying the responsible employer.

Noah Schwartz discussed heat exposure among mechanical service contractors, including electricians, plumbers, and HVAC technicians working in data centers and other operating facilities. Questions included the responsibilities of facility owners and general contractors when equipment protection and operational continuity take priority over environmental conditions for workers.

Ramon Zepeda Ramos emphasized the need to give particular attention to young workers. Referring to language in Virginia's 2021 draft concerning personal risk factors, Ramon Zepeda Ramos recommended that monitoring those risks be a shared responsibility rather than rest solely with employees, particularly minors. Additional comments stressed that workers should understand their rights and be able to address heat-related health concerns without feeling pressured to continue working or choose between their health and their pay.

Facilitator Bob Kitchen noted that Virginia had enacted protections for student athletes exposed to extreme heat and suggested considering similar concerns for workers younger than 18.

Gavin Driscoll requested further discussion of emergency response procedures and the scope of the statutory exemption. Concerns included treating public safety employment as a blanket exemption and ensuring consideration of protections for periods when employees remain exposed to heat while performing non-emergency duties.

Charlotte Brody discussed the additional heat burden associated with PPE and referenced a proposed New Mexico rule shared in the meeting chat that would adjust heat exposure thresholds to account for certain types of protective clothing.

Travis Parsons recommended explicitly requiring site-specific heat hazard assessments to account for differences among worksites. Additional recommendations included a written heat illness prevention program requirement and anti-retaliation protections for workers who raise heat-related concerns.

Antwyne Calloway requested clarification of the respective responsibilities of general contractors and subcontractors for providing shade, water, and rest periods.

Deb Yenser emphasized that training should enable employees to recognize distress and promptly seek assistance, including calling 911 when appropriate. Recommendations included relying on emergency medical professionals without expecting employers or workers to

distinguish every stage of heat illness.

Kayla Flowers referenced the *Criteria for a Recommended Standard* document and noted that it includes information and tables addressing adjustment factors for different types of PPE.

Frances Mensah emphasized that supervisors, as well as workers, should receive training to recognize heat-related illness. Additional recommendations included recordkeeping and record retention requirements to help identify and understand workplace cases.

Ramon Zepeda Ramos recommended providing training in the languages used in the workplace and incorporating visual materials appropriate for young workers and workers with varying literacy levels.

Gavin Driscoll emphasized that training should occur before heat exposure begins, highlighting the vulnerability of newly exposed workers and those returning to work and cautioning against allowing training to be delayed until weeks after employment begins.

Austyn Walker emphasized language access and comprehension in worker communications and supported using pictures alongside captions and explanations in languages workers understand, including languages and dialects for which written materials may be less readily available.

4. SCOPE, APPLICATION AND STATUTORY EXEMPTIONS

Zahra Qarni thanked panelists for sharing comments and workplace experiences to inform future discussions. Many of the issues raised anticipated the next topics: the regulation's scope, application, and statutory exemptions. She explained that the statute addresses both indoor and outdoor heat exposure, including work that moves between the two environments. Panelists were invited to identify circumstances that could create uncertainty about coverage, including brief exposures and common or unusual work arrangements.

INDOOR AND OUTDOOR EXPOSURE

Matthew Phillips described year-round heat hazards in power stations, particularly during indoor power generation and heavy maintenance activities. Comments emphasized the importance of water, rest, work rotation, and acclimatization provisions for environments where heat exposure persists regardless of outdoor weather conditions.

Zahra Qarni encouraged panelists to share publicly available employer policies that effectively address these exposures for distribution to the group.

Laura Duckworth described steam tunnels and hot-water systems in higher education facilities, where workers perform maintenance in consistently hot underground environments throughout the year. Questions included how these spaces would be classified under indoor and outdoor coverage provisions.

Kayla Flowers highlighted task-specific radiant heat exposure within otherwise air-conditioned facilities. An example involved brazing operations where close proximity to heated materials and the use of protective clothing created substantial heat exposure despite the surrounding air conditioning.

Ramon Zepeda Ramos identified loading docks as workplaces involving both indoor and outdoor exposure. Additional examples included electricians working in hot attics in homes and apartment buildings with limited air circulation.

Charles “Bubba” Craddock described heat exposure from welding and cutting torches in industrial buildings without climate control. Comments noted that indoor heat can remain hazardous regardless of outdoor temperatures and that moving outdoors may offer little relief during hot weather.

Stacie Gordon distinguished between heat exposure and heat risk, noting that risk can vary within a facility based on proximity to heat sources, work location, and physical exertion. Comments encouraged consideration of occupational heat risk rather than temperature alone.

Austyn Walker raised questions about buildings under construction, where the distinction between indoor and outdoor spaces may be unclear, and how protections would apply as construction progresses.

Cynthia Lyon described heat exposure in tourism and hospitality operations, including outdoor theme park work. Examples of protective measures included cooling cloths, neck fans, ice coolers, portable air-conditioning units, and technology for monitoring heat exposure.

Travis Parsons referenced the ANSI A10 standard as a comprehensive resource addressing many of the factors under discussion and recommended considering a cross-reference in the regulation.

WORKER COVERAGE

Zahra Qarni explained that worker coverage includes employees, independent contractors, and other laborers whose working conditions are controlled by an employer. Discussion addressed identifying a controlling employer at multi-employer worksites and examining actual working

arrangements and control over conditions rather than relying solely on contractual labels. Panelists were invited to identify circumstances requiring clarification.

Laura Duckworth discussed capital construction projects involving institutional property owners, general contractors, and multiple subcontractors. Questions included responsibility for monitoring heat conditions, the distinction between property ownership and control of the construction site, and the role of project managers. Comments also addressed changing conditions as buildings become enclosed before air conditioning is operational and the implications for contract requirements.

Austyn Walker discussed day laborers hired by contractors or individuals outside a conventional employer-employee relationship. Questions included whether a homeowner could be considered the controlling entity and how requirements could be applied and enforced in those arrangements.

Ramon Zepeda Ramos emphasized the need for training across multiple contracting levels, including supervisors and subcontractors, where responsibility may extend beyond a worker's direct day-to-day supervisor.

Deb Yenser highlighted complexities involving co-employment, leased properties, and contractual arrangements among property owners, contractors, and subcontractors.

Gavin Driscoll distinguished between a worksite and a work area, referencing the work area definition in Virginia's 2021 draft. Comments emphasized that assessments should address the location where work is actually performed, including community-based public-sector work. Even where an employer does not control every aspect of a location, other protective measures may remain available.

Antwyne Calloway described workers traveling between geographically distant locations during a single day. Questions included responsibility for assessing changing conditions and maintaining protections across worksites.

STATUTORY EXEMPTIONS

Zahra Qarni introduced discussion of the statutory exemptions.

EMERGENCY SERVICES

Zahra Qarni outlined the exemption for emergency law enforcement, emergency medical services, firefighting, rescue and evacuation operations, emergency highway construction or

maintenance, and emergency restoration of essential utilities, including electric and telecommunications utilities. Discussion distinguished emergency response from routine work performed by the same workers or organizations. Panelists were invited to identify supporting tasks, transitions, or extended operations that could make this distinction difficult to apply.

Matthew Phillips asked how an emergency would be defined, particularly for utility work, and how to distinguish urgent tasks from work that could be delayed until hazardous weather or other risks had subsided.

Austyn Walker discussed how the urgency of electrical work may vary by setting. An electrical failure at a hospital could immediately affect essential operations, while similar work at another business might be deferred. Comments emphasized the need to clarify which circumstances justify work during hazardous heat conditions.

Charles “Bubba” Craddock described utility and communications work involving downed trees and blocked roadways that pose immediate public safety risks. Comments distinguished clearing an immediate hazard from subsequent work that could wait and expressed concern that exemption language could be applied beyond the emergency phase.

BRIEF HEAT EXPOSURE

Zahra Qarni introduced discussion of the exemption for heat exposure lasting less than 15 minutes.

Noah Schwartz raised questions about the intervals between repeated brief exposures and the temperatures involved. Comments suggested considering an approach similar to noise exposure requirements, accounting for both exposure intensity and duration.

Laura Duckworth emphasized that even very brief exposure to extreme temperatures can present a hazard. Comments expressed concern that a blanket exemption could discourage protective measures and supported considering thresholds or a graduated approach reflecting both temperature and exposure duration.

Kayla Flowers highlighted the difficulty of accounting for jobs involving repeated entries lasting 15 minutes or less. An example involved workers performing brief tasks in an extremely hot building while wearing full-face respirators and protective coveralls. Reports of workers losing consciousness after these tasks illustrated concerns about a blanket exemption based solely on exposure duration.

****15 MINUTE BREAK****

5. HEALTH IMPACTS OF HEAT

Facilitator Bob Kitchen presented an overview of the health effects of heat exposure and the objectives of the proposed regulation, with a focus on the risks that elevated temperatures pose to workers, particularly in Virginia.

See presentation for additional information and related slides

6. FEDERAL GUIDANCE, CONSENSUS STANDARDS AND STATE MODELS

Zahra Qarni presented an overview of federal guidance, consensus standards, and state models identified for the Board's consideration under the statute. The presentation addressed resources from the American Conference of Governmental Industrial Hygienists (ACGIH), the American National Standards Institute (ANSI), and the National Institute for Occupational Safety and Health (NIOSH). She noted that the legislation specifically identifies Maryland, Oregon, and California for consideration and that other states have adopted heat illness prevention requirements for various work environments. The presentation also addressed the proposed federal OSHA heat standard and the requirement for state plans to be at least as effective as applicable federal standards once finalized.

See presentation for additional information and related slides.

Zahra Qarni invited questions and discussion.

Noah Schwartz described implementing a heat illness prevention plan developed for Maryland across operations in Washington, D.C., Maryland, and Virginia. Comments highlighted challenges in applying the plan consistently in Virginia without a corresponding regulatory requirement, despite efforts to provide employees with appropriate protections.

Laura Duckworth described using ACGIH guidance to develop a temperature extremes program in collaboration with operating units exposed to heat. Comments highlighted the use of heat index information, a heat safety application, and education tailored to landscaping, utilities, recycling, and other work activities. Consensus standards were identified as a useful foundation in the absence of a specific regulation.

Facilitator Bob Kitchen asked whether measures adopted to comply with Maryland's requirements could support compliance with a future Virginia standard or create conflicts or

incompatibilities.

Noah Schwartz described working with the United Association and Local 602 to address safety concerns and implement Maryland's requirements. The Maryland approach was described as effective, while extending the same practices across Virginia operations remained challenging. Comments also noted multiple heat-related illnesses and increasing concerns in recent years.

Charlotte Brody shared a chart in the meeting chat comparing heat illness prevention requirements across eight state plans -

<https://bgafoundation.maps.arcgis.com/apps/dashboards/db0ee71452a74e9ea09aac4e6fe636c0#>

Matthew Phillips raised concerns about relying on heat safety applications to assess conditions in power plants and other high-heat environments. Comments described instances of unresponsive applications or readings that differed from on-site measurements and emphasized the need for reliable tools to assess temperature, humidity, and changing workplace conditions.

Gavin Driscoll discussed experience reviewing and implementing heat illness prevention plans in Maryland. Comments distinguished written compliance from effective workplace implementation, noting that generic plans may not account for unique worksite conditions and that supervisory understanding and application can vary. Recommendations included clear implementation and emergency response requirements, as well as consideration of stop-work authority beyond existing rights to refuse unsafe work and protections against retaliation. Particular concerns included rapidly developing symptoms, impaired judgment, lone workers, and pressures to continue working.

Facilitator Bob Kitchen asked what lessons from these experiences could help Virginia develop requirements that are practical and consistently implemented.

Gavin Driscoll stated that a regulatory standard could help normalize heat protections and establish clear workplace expectations. Comments noted that Maryland and Virginia could share a common framework while allowing for specific requirements and emphasized prevention, including stop-work authority that allows action before conditions become an emergency.

Travis Parsons described participation in the development of several state heat standards and noted strengths and limitations among the different approaches. Comments characterized most as protective but expressed concern that Nevada's approach was insufficiently proactive. ANSI/ASSP A10.50 was recommended as a comprehensive resource addressing wet-bulb globe

temperature (WBGT), radiant heat, personal risk factors, and other contributors to heat risk. Additional recommendations included assigning responsibility to a competent person and considering stop-work authority or the right to refuse unsafe work. Comments also noted the availability of WBGT instruments and their ability to account for radiant heat.

Facilitator Bob Kitchen referenced a public comment submitted through Virginia Regulatory Town Hall supporting the use of WBGT. The comment was shared in the meeting chat and read:

“Virginia has an opportunity to close a significant gap in worker protection by requiring the use of Wet Bulb Globe Temperature (WBGT) as the official metric for evaluating the impacts of heat in the workplace. I urge the Commonwealth to adopt WBGT-based thresholds as the basis for setting work/rest schedules.

This is by no means a novel or untested approach. Employers, regulators, and safety organizations across the country already rely on it. OSHA references it in guidance materials, the American Industrial Hygiene Association adopts it in creating their professional standards, and the American Academy of Pediatrics endorses it for protecting children involved in athletics. High school athletic associations in many states have built their own heat safety guidelines around WBGT’s flag-based alert system, giving Virginia’s employers an already proven, straightforward framework for workplace decision making.

The principal justification for this adopting WBGT comes down to accuracy. Unlike air temperature readings or conventional heat index calculations, which use a limited set of inputs, WBGT incorporates four separate environmental factors at once: temperature, humidity, wind speed, and solar radiation. Because heat-related illness in the human body is a product of all of these variables taken together, as opposed to any one variable alone, WBGT outperforms these simpler metrics in analyzing actual physiological risk for people working outdoors, in a climate that continues to produce hotter and hotter weather patterns.

It’s incredibly important to get this right. No other weather hazard kills more people in the U.S. than extreme heat, and warming temperatures, higher humidity levels, and more frequent and severe heat waves are all expected to make conditions more dangerous for Virginia’s workers in the coming years

Aside from the direct health benefits, there’s also a strong economic justification for this metric. A uniform, evidence-based system for monitoring and limiting heat exposure helps prevent sudden workplace absences, expensive work stoppages, and reduces the chances that outdoor activities or job sites need to cease operations entirely due to unsafe

heat conditions. Protecting our workers and maintaining workplace productivity are not mutually exclusive.

For all these reasons, I strongly urge that Virginia move forward with WBGT-based heat safety standard.”

Kayla Flowers supported stop-work authority combined with anti-retaliation protections. Additional recommendations included requiring input and participation from non-managerial employees and their representatives in developing written programs. Comments emphasized that worker involvement can clarify responsibilities, establish reporting procedures, improve implementation, and encourage workers to raise concerns.

Gavin Driscoll described reviewing Maryland plans that used identical templates with different employer names and addresses but lacked site-specific assessments. Comments emphasized that worker participation could help make plans more realistic and responsive to actual working conditions.

Noah Schwartz raised concerns about heat illness impairing a lone worker’s judgment before the severity of symptoms is recognized. Questions addressed check-in procedures, emergency response coordination, additional high-heat precautions, and protections where reliable communication is unavailable. Maryland’s initial and high-heat thresholds were referenced as context for considering different levels of protection.

Charles “Bubba” Craddock discussed collective bargaining agreements containing strong rights to refuse unsafe work. Comments noted that these protections may be undermined when hazardous tasks are reassigned to workers willing to perform them. The discussion emphasized that employers should address identified hazards rather than allow another worker to undertake unsafe work.

Deb Yenser emphasized the importance of including job hazard assessments and involving workers in identifying hazards. Comments noted that the approach under discussion did not yet include an explicit job hazard analysis component.

7. PUBLIC COMMENTS: No member of the public requested to speak to the panel.

8. NEXT STEPS AND ADJOURNMENT

The next RAP meeting is scheduled for Thursday, October 29, 2026. Panelists will participate in small-group discussions to examine the statutory elements and potential language for the proposed regulation. Each small group will report back to the full panel for further discussion.

Presentation slides and meeting minutes will be posted to the meeting page on Virginia Regulatory Town Hall, available here: [Virginia Regulatory Town Hall View Meeting](#).

Meeting recordings will be available on DOLI's dedicated webpage for Virginia's Heat Illness Prevention Standard, available here: [DOLI – Virginia Department of Labor and Industry - Virginia's Heat Illness Prevention Standard](#)

The meeting was adjourned following the discussion of next steps.

MEETING ADJOURNED

FUTURE RAP MEETINGS:

- **Thursday, October 29, 2026 : 9:30 am – 1:00 pm**
- **Thursday, November 12, 2026 : 9:30 am – 1:00 pm**

****RAP meeting notices will be posted to Virginia Regulatory Town Hall and Commonwealth Calendar**

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[Commonwealth Calendar - Home](#)