

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH*Headquarters Office*1515 Clay Street, 19th Floor

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*Julianne Sum, Chief*

March 29, 2017

Dave LeGrande
Occupational Safety and Health Director,
Communications Workers of America
legrande@cwa-union.org

Dear Mr. LeGrande,

This letter is provided in response to your request of March 7, 2017 for Cal/OSHA to clarify the drinking water requirements in Title 8 section 3395. The content and conclusions of this letter are based only on the facts described below and responsive only to the original requestor. They may not be construed as a statement of general Cal/OSHA policy or a new set of rules to be applied in other situations or to other types of activities.

You requested clarification regarding the water provision policies of an employer that you explained as the following:

AT&T notified our Sacramento district headquarters office that the company would be no longer be providing potable water to company outside workers "free of charge," as required by the Cal-OSHA Heat Illness Prevention Standard." Rather, AT&T would begin processing a \$5.00 water stipend to cover the annual cost for home dispatched employees, i.e., providing employees with \$5.00 per year to provide their own potable water supplies.

CWA believes the company's proposed action is in direct violation of the Cal-OSHA Heat Illness Prevention Standard.

You are correct that the policy described above is in violation of Title 8 subsection 3395(c) which states the following:

3395. Heat Illness Prevention

(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

Requiring home dispatched employees to purchase their own drinking water and providing employees a stipend of \$5.00 per year for water costs does not meet the requirement to provide drinking water free of charge. For home dispatched employees, AT&T must reimburse employees for the actual cost

of the drinking water to be in compliance with subsection 3395(c). AT&T must also ensure that employees will not be penalized for purchasing drinking water on work time.

In lieu of reimbursing employees for purchased water, AT&T may comply with subsection 3395(c) by supplying drinking water to employees without charge.

I hope this information is helpful to you. Please feel free to contact me if you have any questions.

Sincerely,


Eric Berg, Deputy Chief
Research and Standards