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Cal/OSHA News Release on Field Drinking Water Requirements

On February 27, 2023, the California Department of Industrial Relations issued a news release on a Cal/OSHA Appeals Board decision, which provided guidance regarding the rule that drinking water at outdoor worksites be “as close as practicable” to the areas where employees are working.

After a “complaint-initiated safety inspection” at a vineyard in St. Helena, California, Cal/OSHA Inspectors cited a company for a serious violation for not having drinking water as close as practicable for their employees working in the vineyard rows. An Administrative Law Judge affirmed a citation of \$27,000, which was upheld by the Appeals Board. The Board found employees had to climb through multiple grape trellises to access drinking water. In affirming the violation, the board clarified that the term “as close as practicable” in terms of providing drinking water to prevent heat illness means that the water must be as close as reasonably can be accomplished in order to encourage frequent water consumption. The ALJ and Board found that the trellises were an obstacle that discouraged employees from frequently drinking water and there were other reasonable options available to the employer, such as providing a jug of water in each row where the employees were working or providing individual water bottles that employees could carry with them and refill from the jugs.

What This Means for Employers:

Employers should carefully review their heat illness prevention policies, procedures and practices to ensure they are providing drinking water to employees in accordance with Cal/OSHA's most recent guidance. Although the guidance specifically addresses grape trellises, employers should consider moving water closer to employees any time an employee needs to expend more energy than what is required to walk unobstructed to where water is stored, providing individual water jugs, or some other solution in line with the new guidance. The attorneys at Barsamian & Moody are available to address any concerns regarding Cal/OSHA's new guidance.

The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.

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