



## City of Phoenix

**To:**

Ed Zuercher  
City Manager

**Date:** February 2, 2026

**From:**

David Mathews  
Deputy City Manager

**Subject:**

ADDITIONAL INFORMATION REGARDING ITEM #30, AN ORDINANCE  
AMENDING CONTRACT WORKERS HEAT SAFETY ORDINANCE G-7241 TO  
INCLUDE PROPOSED REVISIONS TO PHOENIX CITY CODE CHAPTER 18,  
ARTICLE XI, SECTION 18-413(A) AND 18-415 (ORDINANCE G-7483), FROM  
FEBRUARY 4, 2026, FORMAL AGENDA

This memo is to inform you that we received the attached letter from the Arizona Chapter of the Associated General Contractors of America, Inc. (AZAGC) requesting a continuance of Item 30 - An Ordinance Amending Contract Workers Heat Safety Ordinance G-7241 To Include Proposed Revisions To Phoenix City Code Chapter 18, Article Xi, Section 18-413(A) And 18-415 (Ordinance G-7483) on the February 4, 2026, Formal Agenda.

Please find attached supporting materials.

Approved by:

  
Ed Zuercher  
City Manager

2/2/26  
Date



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Phoenix, AZ 85007  
602-252-3926

## MEMORANDUM

To: Kate Gallego, Mayor  
City of Phoenix

Phoenix City Council Members

From: David M. Martin, President  
Todd Wynn, Director of Governmental Affairs

Re: Revisions to Article XI Contractor Requirements for the Mitigation of Heat-Related Illnesses and Injuries in the Workplace

Date: January 29, 2026

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Thank you for allowing the Arizona Chapter of the Associated General Contractors of America, Inc. (AZAGC) an opportunity to provide comments regarding the revised Contractor Requirements for the Mitigation of Heat-Related Illnesses and Injuries in the Workplace.

AZAGC and its members support practical, enforceable heat safety practices and are committed to protecting workers in extreme heat conditions. However, as drafted, the proposed changes would add significant new administrative burdens and create ambiguity and procurement risk for contractors and subcontractors performing City work.

Our first request is to delay your vote on this item until the next council meeting February 18, 2026 which will give AZAGC members an opportunity to meet with staff and other council members to discuss our concerns.

If a delay in action is not achievable, then AZAGC is opposed to the proposed changes to Article XI City of Phoenix Contract Worker Heat Safety Ordinance in its entirety, for the reasons outlined throughout this memorandum. While this document identifies specific areas where definitions and enforcement mechanisms require clarification, those comments should not be misconstrued as support for advancing the proposal. Rather, they are provided solely to illustrate the depth of concern and the significant administrative, legal, and procurement risks the amendment would impose if pursued further. AZAGC members responded with the following:

- “Manufacturer specifications” may be difficult to locate or apply, especially for older equipment, leading to a time-consuming compliance exercise without a clear safety benefit. Many manufacturers do not publish a clear pass/fail A/C performance standard for older equipment.

- Monthly A/C log recordkeeping would be onerous and may require general contractors to police subcontractor fleets and equipment, expanding administrative scope beyond current practice. The log requirement is unnecessary because operators already will not tolerate non-functioning A/C in summer conditions and because the ordinance already requires functioning A/C. If the City chooses to advance the revised ordinance, specify what the monthly log must contain and how it will be requested. Perhaps create a City-issued template or minimum data elements (unit ID, date checked, checker, pass/fail, corrective action). Clarify whether logs are requested per project, per department, or for the contractor's entire fleet, and how confidentiality of non-City fleet information will be handled.
- How will the City request, verify, and enforce logs on active projects? What happens if a City inspector observes a single piece of equipment with non-functioning A/C, yet there are many on the project functioning properly?
- The ordinance takes one to the appeal process for a violation/sanctions, instead members would like a more robust "opportunity to cure" process within the ordinance itself. If the opportunity to cure fails, then begin the sanction/violation process. To this point, we also suggest suggested a structured, graduated penalty approach (similar to other City compliance programs) rather than automatic, broad disqualification.

### **Statewide Efforts Underway**

Arizona already enforces heat-related hazards through ADOSH programs and general duty obligations. The City should avoid duplicative or conflicting requirements and focus on clear contract administration mechanisms that do not create preemption conflicts as state/federal rules evolve.

AZAGC also believes it is important for the City to recognize that much of what is being pursued through this proposed amendment is already being actively addressed at the state level through the recommendations of the Governor's Workplace Heat Safety Task Force and the attached comprehensive Heat Illness Prevention Plan framework recently released by ADOSH.

That Task Force, which included broad representation from industry, labor, public health experts, and state agencies, issued final statewide recommendations on December 31, 2025. Those recommendations establish detailed expectations for employers, including the requirement that all employers develop and maintain written Heat Illness Prevention Plans with clear procedures for water access, shade, rest breaks, acclimatization, and training. The state framework also provides defined standards for potable water availability, shaded cool-down areas, preventative rest breaks without penalty, and formal acclimatization procedures for new or unacclimatized workers.

In other words, Arizona is already moving forward with a unified, stakeholder-driven statewide approach that directly addresses the same core elements of heat illness prevention that the City is now seeking to expand through additional contracting requirements. Contractors across Arizona are already preparing for compliance with this state-level model, which is expected to guide enforcement and workplace standards moving forward.

Because of this, the proposed City amendments risk creating redundant and potentially conflicting layers of regulation, adding administrative and procurement burdens on contractors who are already implementing heat safety programs aligned with ADOSH guidance. Rather than creating new overlapping documentation mandates or separate enforcement standards at the municipal contracting level, AZAGC urges the City to focus on consistency with the statewide framework to avoid duplication, confusion, and unnecessary compliance costs.

AZAGC believes worker safety is best served through clear, enforceable, and uniform standards across jurisdictions — not through fragmented local requirements that replicate state efforts already underway. We appreciate the City's engagement and share the goal of protecting workers from heat-related illness and injury, however, without amendments and clarifications AZAGC is opposed to the proposed changes to Revisions to Article XI Contractor Requirements for the Mitigation of Heat-Related Illnesses and Injuries in the Workplace in its entirety.

# Final Recommendations for Arizona Heat Illness Prevention

## Written Heat Illness Prevention Plan

- All employers must develop, implement, and maintain a Heat Illness Prevention Plan. This plan must include responsibilities, procedures for providing water and shade, employees' rights to rest and hydration, acclimatization steps, and how effective training will be delivered. Template Heat Illness Prevention Plans will be available for download on ADOSH's website.

## Water

**Definition** - Water must be potable, cool, and easily accessible so workers can hydrate regularly throughout the workday.

- **Accessibility** - Employees must have ready access to potable drinking water at no cost. Water must be located as close as practicable and reasonable to where employees are working.

When water is not plumbed or continuously supplied, employers must provide enough water at the start of the shift to meet a minimum of one quart per employee per hour for the entire shift or may begin with a smaller amount if effective procedures are in place to replenish water as needed throughout the shift.

- **Cool & Clean** - Water must be potable, free from dirt or contamination, cool (ideally 59°F), and it must be stored in coolers or containers that are cleaned and maintained regularly.
- **Hydration** - Employees should be encouraged to drink water frequently, while avoiding excessive intake. Workers may take brief "drink-in-place" hydration moments as needed, especially in high heat conditions. Encouragement to hydrate should be framed to promote safety without creating unintended liability or implying mandatory consumption levels.

Employers may provide urine-color hydration charts to help workers self-monitor hydration levels, without requiring any personal medical disclosure.

## Shade

**Definition** - Shade is any natural or constructed structure that blocks direct sunlight that allows the body to cool down effectively.

- **Adequacy** - Adequate shade prevents shadows from being cast, does not trap heat, and may be created by natural or artificial means, including functioning air-conditioned buildings or vehicles. Shade must be large enough for those employees on break to sit in a natural posture and be open to the air on at least three sides (or mechanically ventilated).
- **Accessibility** - Employees must have access to shade that is located as close as practicable and reasonable to where employees are working.

Shade must be free of hazards.

- **Encouragement** - Workers should be encouraged to take cool-down rests in shaded areas, and water should be available to support hydration.

## **Rest Breaks**

**Definition** - Rest breaks allow workers to cool down, recover, and prevent heat-related illness.

- **Location** - Rest should occur in shaded areas that meet the definition provided.
- **Intervals** - Employees should be allowed, without penalty, to take a preventative cool-down rest in the shade when they feel the need to do so to prevent overheating. Rest intervals should be adjusted based on temperature, humidity, workload, personal protective equipment (PPE), and acclimatization level.

New or unacclimatized workers may require longer or more frequent breaks.

- **Encouragement** - Employers should encourage and allow employees to take preventative cool-down rest periods as necessary. Employers should consider rest breaks based upon heat exposure, humidity, workload, PPE, and lack of air movement.

## **Acclimatization**

**Definition** - The process where the body adapts to heat over several days, improving its ability to work safely in hot conditions.

- **Plan** – Employers must develop and implement an acclimatization plan and procedures in writing. Employers must choose between two options, either (A) or (B):
  - (A) NIOSH acclimatization plan option: Employers that choose not to develop their own acclimatization plan must follow the acclimatization plan developed by the Centers for Disease Control and Prevention and NIOSH.
  - (B) Employer-designed acclimatization plan option: Employers who develop their own acclimatization plan must integrate and implement the following factors into their plan:
    - Acclimated and unacclimated workers;
    - The effects of clothing and personal protective equipment on adding to the heat burden of workers;
    - Risk factors that put workers at a higher risk of heat-related illness;
    - Re-acclimatizing workers as necessary.

## **Training**

- **Requirements** - Effective training must be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness. Training must be provided in a language that employees can understand.

Training must cover, at a minimum:

- Employer responsibilities and employee rights.
- Employer's written procedures for heat illness prevention.
- Risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.
- Available monitoring tools such as the NIOSH Heat Stress App and the National Weather Service HeatRisk Map.
- The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness.
- The importance of frequent consumption of small quantities of water.
- The concept, importance, and methods of acclimatization pursuant to the employer's written plan.
- The importance of employees immediately reporting any signs or symptoms of heat illness—either in themselves or in co-workers—directly to the employer or through their supervisor.

- Employers must re-train employees and supervisors at least:
  - Annually prior to exposure; and
  - In the event of a serious heat-related illness resulting in hospitalization and / or fatality, the employer should determine the likely cause and scope of event and retrain the employee group that was exposed to the condition as appropriate for that event.
- Training records must be maintained by the employer.

## **Exemptions (Focused Compliance)**

The following workplaces and operations are exempt from the recommendations.

- Incidental heat exposures where an employee is not required to perform work activities in heat for more than 15 minutes in any sixty-minute period.
- All emergency operations that are directly involved in the protection of life or property, or the restoration of essential services, such as evacuation, rescue, medical, structural firefighting, law enforcement, utilities, and communications, when employees are engaged in those operations.
- Buildings and structures that have a mechanical ventilation system that keeps the heat index below 80 degrees Fahrenheit.

## Workplace Heat Safety Task Force

Name	Industry	Role
Jason Sangster	Labor / Ironworkers	Member
Jesse Hoellerich	Labor / First Responders	Member
Maxwell Ulin	Labor / Hospitality	Member
Briona Parkinson	Labor / Public	Member
Fernando Quiroz	Labor / Agriculture	Member
Martha Reyes	Labor / Community Organization	Member
David Martin	Industry / AZGCA	Member
Grace Appelbe	Industry / AZ Chamber of Commerce	Member
Jason Lowry	Industry / Local First AZ	Member
Linda Kennedy	Private / Agriculture	Member
Brandon Clark	Private / Agriculture	Member
Mark Kendall	Private / Insurance	Member
Sidney Hawkins	Private / Construction	Member
Fernando Juarez	Private / Construction	Member
Paul Levin	Private / Construction	Member
Jake Byrne	Private / Roofing	Member
Phil Smithers	Public / Utility	Member
Joe Valenzuela	Private/Warehousing	Member
Abel Almanza	Expert / Agriculture	Member
Pat VanMaanen	Expert / Nursing	Member
Ladd Keith	Expert / UofA Heat Resilience	Member
Rick Murray	Expert / AZCNSC	Member
JR Imes	Expert / AGSA	Member
Dr. Theresa Cullen	Expert / Physician	Member
Amber Pappas, CSP	Expert / Compliance	Facilitator