

ADAMS, BROWN, PADILLA, CORTEZ MASTO, CHU, SCOTT, AND GRIJALVA TO INTRODUCE HEAT STRESS LEGISLATION TO PROTECT FARM WORKERS



From Spencer, Sam <Sam.Spencer@mail.house.gov>
Cc Fisk, Chris <Chris.Fisk@mail.house.gov>
Date 2021-03-29 13:38

ADAMS, BROWN, PADILLA, CORTEZ MASTO, CHU, SCOTT, AND GRIJALVA TO INTRODUCE HEAT STRESS LEGISLATION TO PROTECT FARM WORKERS

Legislation Will Help Protect Safety and Health of Workers Exposed to Dangerous Heat Conditions in the Workplace

WASHINGTON, DC — This week, during National Farmworkers Week (March 25-31), **Congresswomen Alma Adams (NC-12) and Judy Chu (CA-27)**, as well as **U.S. Sens. Sherrod Brown (D-OH), Alex Padilla (D-CA) and Catherine Cortez Masto (D-NV)** announced legislation to ensure the safety and health of workers who are exposed to dangerous heat conditions in the workplace. The bill, the ***Asunción Valdivia Heat Illness and Fatality Prevention Act***, is named in honor of Asunción Valdivia who died in 2004 after picking grapes for ten hours straight in 105-degree temperatures. Mr. Valdivia fell unconscious and instead of calling an ambulance, his employer told Mr. Valdivia's son to drive his father home. On his way home, he died of heat stroke at the age of 53. Mr. Valdivia's death was completely preventable, yet his story is not unique.

In addition to Brown, Padilla, and Cortez Masto, Sens. Jeff Merkley (D-OR) and Elizabeth Warren (D-MA) are also cosponsoring the legislation, while Rep. Judy Chu (D-CA) is leading companion legislation in the House of Representative with Reps. Bobby Scott (D-VA), Raúl M. Grijalva (D-AZ) and Adams.

"The National Institute for Occupational Safety and Health (NIOSH) recommends a workplace safety standard 'to protect the health of workers exposed to heat and hot environments.' However, most states, including the State of North Carolina, have not taken action on this. A nationwide standard is vitally important to the health and safety of workers in my state and across the country," **said Rep. Adams, Chairwoman of the Workforce Protections Subcommittee**. "OSHA must protect workers from the strain and potentially fatal effects of heat on the job."

"I will never forget Asuncion Valdivia or how his tragic death could have been avoided," **said Rep. Chu**. "Whether on a farm, driving a truck, or working in a warehouse, workers like Asuncion keep our country running while enduring some of the most difficult conditions, often without access to water or rest. According to a 2015 study by OSHA, this has led to 37 work-related deaths and thousands of injuries and illnesses. And it has only gotten worse as climate change has led to dangerously high temperatures in parts of the country not accustomed to high heat. Every worker deserves to be protected from preventable death, and we know that requiring breaks, shade, and water can save lives. I'm proud to once again reintroduce this important bill to support the workers who support our country."

"Protecting workers from heat stress is essential, particularly as global temperatures continue to rise and extreme weather conditions become more common," **said Senator Brown**. "Every worker deserves a safe work environment, and this legislation is an important step toward creating national standards and protections that will keep workers safe on the job as the risks of heat stress increase."

"Workers in California and across the country are too often exposed to dangerous heat conditions in the workplace. In the past year, Californians have faced extreme heat temperatures from wildfires, while trying to navigate the unique challenges of the COVID-19 pandemic – risking the health and safety of our workers," **said Senator Padilla**. "This vital legislation will hold employers accountable and ensure workplace protections are put in place to prevent further heat stress illnesses and deaths from happening."

"Every worker deserves the right to a safe workplace free of harm and risk to their health, and it's our job to make sure they are protected," **said Senator Cortez Masto**. "Whether it's in the kitchen or on a farm, heat-related illness is a severe and dangerous condition, and this bill would help keep workers safe regardless of their occupation. With rising temperatures, there is no time to delay action, and I'll continue working with my colleagues to prioritize the health and safety of our workers and get this done."

"This year marks the 50th anniversary of the Occupational Safety and Health Administration and workers in this country still have no legal protection against one of the oldest, most serious and most common workplace hazards: excessive heat," **said House Committee on Education and Labor Chairman, Bobby Scott**. "Heat illness affects workers in our nation's fields, warehouses, and factories, and climate change is making the problem more severe every year. This legislation will require OSHA to issue a heat standard on a much faster track than the normal OSHA regulatory process. Workers deserve no less."

"As climate change brings scorching heat temperatures to Southern Arizona and other places across the country, it's negatively impacting our workforce and more often creating conditions that can prove fatal," **said Rep. Raúl M. Grijalva**. "A federal OSHA standard for heat stress is necessary to protect our workers and limit their exposure to excessive heat in both indoor and outdoor environments. Climate change is no longer a theoretical threat, and lack of aggressive action to address it has made a standard to protect our workers absolutely urgent."

"Farmworkers are working every day in extreme conditions, including extreme heat in order to put food on our tables," **said Congressional Hispanic Caucus Chair Dr. Raul Ruiz**. "Latino workers are disproportionately represented in frontline occupations and many are exposed to dangerous heat conditions that can be fatal. This legislation will help save lives by ensuring basic protections from extreme heat such as the right to water, shade, and rest breaks. Throughout the COVID-19 pandemic, we have desperately needed a stable workforce for our food supply chain. Farmworkers are some of the highest risk workers and are dying to feed America so that we can stay healthy, fed, and beat the virus. We must honor the work of these high-risk workers and protect our food supply chain by protecting farmworkers and ensuring their safety on the job."

Heat-related illnesses can cause heat cramps, organ damage, heat exhaustion, stroke, and even death. Between 1992 and 2017, heat stress injuries killed 815 U.S. workers and seriously injured more than 70,000. Climate change is making the problem worse. According to the National Oceanic and Atmospheric Administration, the last seven years have been the hottest on record, with 2020 coming in only second to 2016. Farmworkers and construction workers suffer the highest incidence of heat illness. And no matter what the weather is outside, workers in factories, commercial kitchens, and other workplaces, including ones where workers must wear personal protective equipment (PPE), can face dangerously high heat conditions all year round.

The *Asunción Valdivia Heat Illness and Fatality Prevention Act* will protect workers against occupational exposure to excessive heat by:

- Requiring the Occupational Safety and Health Administration (OSHA) to establish an enforceable standard to protect workers in high-heat environments with measures like paid breaks in cool spaces, access to water, limitations on time exposed to heat, and emergency response for workers with heat-related illness; and
- Directing employers to provide training for their employees on the risk factors that can lead to heat illness, and guidance on the proper procedures for responding to symptoms.

The *Asunción Valdivia Heat Illness and Fatality Prevention Act* has the support of a broad coalition of groups including: United Farm Workers of America, United Farm Worker Foundation, Public Citizen, Farmworker Justice, AFL-CIO, American Public Health Association, Earthjustice, International Brotherhood of Teamsters, Migrant Clinicians Network, Migrant Legal Action Program, National Employment Law Project, Natural Resources Defense Council, SEIU, Sierra Club, Union of Concerned Scientists, UNITE HERE!, United Food & Commercial Workers International Union, and Workers Defense Project, United Steelworkers (USW), Communication Workers of America, and the United Auto Workers.

"Heat stress in the workplace is extremely dangerous — excessive temperatures can cause heat stroke and death. Even repetitive heat exhaustion and dehydration can lead to long-term damage to the body. With the increasing temperatures and intensifying heat waves resulting from climate change, the problem is getting worse. Employers must take steps to protect workers from heat illness and death. Public Citizen thanks Senators Brown and Padilla for their leadership in protecting workers from this life-threatening workplace hazard," said Juley Fulcher, Worker Health and Safety Advocate for Public Citizen.

"Farmworkers — people who labor on farms and ranches — are vulnerable to the effects of extreme heat. The grueling pace required of farmworkers picking our fresh fruits and vegetables and hours spent under the hot sun put farmworkers' lives at risk of death from heat stroke and other heat-related illnesses. Unfortunately, too many employers do not offer reasonable protections against heat stress. And many farmworkers are reluctant to speak up about unsafe conditions due to fear of retaliation. Common-sense government action is needed to save lives, including a federal policy requiring adequate water, shade and rest breaks," said Bruce Goldstein, President of Farmworker Justice.

"Senators Brown and Padilla's bill will help school groundskeepers, park workers, trash collectors, window washers, the thousands of school workers delivering meals to students, and everyone whose work must go on even when temperatures hit 90 degrees. It's time Congress stepped up to protect all essential workers," said Mary Kay Henry, President of Service Employees International Union

"Extreme heat has already proven deadly for workers in the United States, and the toll will only grow as climate change makes hot days more frequent and intense in the years ahead. Black and Hispanic or Latino workers are disproportionately represented in many occupations with a high degree of exposure to extreme heat, which means that the passage of a protective heat-health standard is an important step in reducing racial inequities among workers. This legislation, coupled with policies to reduce heat-trapping emissions, will fill a wide gap in workplace safety that has existed for far too long and affected the health and lives of far too many workers," said Dr. Kristina Dahl, a Senior Climate Scientist at the Union of Concerned Scientists

"As the harvest seasons combine with rising temperatures, farm workers lack basic protections from deadly heat such as the right to cold and potable water, shade, rest breaks and training to prevent heat-related illness and death. For years, the UFW fought for and won heat protections for farmworkers and other outdoor workers in California. To protect workers across the country from deadly heat, we are honored to work alongside Congresswoman Chu and Sen. Brown on the *Asunción Valdivia Heat Illness and Fatality Prevention Act*," said United Farm Workers President Teresa Romero.

"Under scorching temperatures and with wildfires raging, farmworkers have been on the fields, putting their health and lives at risk to safeguard the Nation's food security. We applaud Congresswoman Chu, Sen. Brown and the bill's cosponsors for recognizing that as outdoor workers, farmworkers are on the frontlines of the impacts of climate change and deserve the life-saving protections that a national heat illness standard would provide," said Executive Director of the United Farm Workers Foundation Diana Tellefson Torres.

"The *Asunción Valdivia Heat Illness and Fatality Prevention Act* is commonsense legislation that is badly needed to protect the health and safety of U.S. workers," said USW International President Tom Conway. **"Many of our members face extreme heat, and our union understands how imperative it is that workers have access to paid breaks in cool environments, water to stay hydrated, proper ventilation and other safety measures to help protect them from heat related illness. This bill would help OSHA ensure that all workers have access to these life-saving protections."**

Bill text is available [HERE](#).

A fact sheet on the bill is available [HERE](#).

###