



September 1, 2011

Honorable David Michaels, PhD, MPH  
Assistant Secretary for Occupational Safety and Health  
United States Department of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: OSHA Petition to Protect Workers Against Heat Stress

Dear Dr. Michaels:

I am writing in further support of the petition filed today by Public Citizen, Farmworker Justice, United Electrical, Radio and Machine Workers of America, and Dr. Thomas Bernard, urging the Occupational Safety and Health Administration (OSHA) to implement a federal heat safety standard, as well as to adopt an emergency temporary standard (ETS) for a heat stress threshold while considering such a standard, to protect workers against the risks of occupational heat exposure. Farmworker Justice has a vital interest in this request of OSHA as extreme heat exposure is one of the most dangerous occupational hazards faced by the nation's farmworkers.

Season after season, farmworkers labor under hot and arduous conditions to make a living, to support their families, and to provide our country with a healthful and bountiful food supply. Farmworkers routinely work under extreme temperatures and suffer heat-related illnesses that, left unattended, can lead to life-threatening heat stroke. Tragically, not a season passes without reports of heat-related fatalities in the fields. Government statistics confirm that farmworkers are consistently at the highest risk for injury and death from extreme heat for several reasons. They are very often at increased risk when having to wear extra clothing and protective equipment to guard against pesticide exposure. In addition, because they typically work in remote and rural settings, timely medical attention can be difficult to obtain when illness strikes. Further compounding farmworkers' exposure to unsafe working conditions, most of the workers are poor and cannot afford to take breaks from work to treat or recover from illnesses or injuries; they often have difficulty communicating in English; are uninformed about their labor rights; and fear losing their jobs if they speak out about their conditions.

Notwithstanding their difficult work and invaluable service, farmworkers enjoy little or no regulatory protection against the health and safety risks of workplace heat exposure. Only two states – California and Washington – have adopted measures that attempt to mitigate heat exposure risks for outdoor workers. At the federal level, OSHA has repeatedly ignored the recommendations of occupational health and safety experts and professionals (including those of its own advisory



committee) calling for a federal heat safety standard that would hold employers accountable for protecting their workers against heat stress.

We urge OSHA to implement a federal occupational heat safety standard and an interim emergency heat stress threshold to provide all workers with urgently needed protections against heat stress. As detailed in the petition, such a standard should require employers to comply with the following specific provisions (among other measures) to protect workers against unsafe heat exposure.

- Observe strict heat stress thresholds consistent with the latest evidence dealing with the human health effects of environmental and metabolic heat.
- Provide cool and palatable drinking water, as well as compulsory rest breaks and access to shade essential to preventing and mitigating heat risks.
- Implement emergency response plans providing for on-site first aid to heat-stricken workers and timely emergency transfer to medical professionals.
- Train workers and supervisors on the hazards of working in heat and the benefit of implementing proper controls and work practices heat-related illness.
- Maintain heat illness prevention plans to effectively identify workplace heat hazards and protect against unhealthy heat exposures and resulting illness, including policies and practices regarding scheduling work and break times and adjusting work pace in high risk conditions.

We strongly believe that the time has come to protect farmworkers from the devastating effects of heat exposure. Too many of our nation's most vulnerable workers have already died or been seriously injured while OSHA has done little or nothing to hold their employers accountable. We therefore urge you to act immediately to implement the recommendations in our petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Ruiz".

Virginia Ruiz  
Senior Attorney  
Farmworker Justice