July 26, 2023

Dear Senators Brown, Padilla and Cortez Masto and Representatives Chu, Grijalva, Scott and Adams:

We, the undersigned organizations, write to express our support for the Asunción Valdivia Heat Illness, Injury and Fatality Prevention Act (S.2501/H.R.4897), legislation that directs the Occupational Safety and Health Administration (OSHA) to issue an interim standard to protect indoor and outdoor workers from excessive heat in the workplace until a final standard is promulgated. We are part of a nationwide network that is raising awareness around the dangers of the climate crisis on workers, by advocating for occupational heat protections. We appreciate your leadership on this bill.

The National Institute for Occupational Safety and Health (NIOSH) recommended an OSHA heat standard in 1972, updating its recommendations in 1986 and 2016. In 2018, more than 130 organizations and former OSHA administrators petitioned OSHA for a heat stress standard that builds upon the NIOSH criteria. In 2021, OSHA began the process of creating an indoor and outdoor workplace heat stress rule, a process that takes an average of 7-8 years to complete.

There is a heat crisis posing a critical risk to workers right now.

Heat is the leading weather-related killer, and it is becoming more dangerous, as 21 of the last 22 years were the hottest on record. This year, 2023, will likely be the hottest yet and 2024 is expected to be even hotter. July 4, 2023 was the hottest day on Earth in more than 100,000 years. The U.S. has seen new heat records set throughout the nation this summer, both record high temperatures and record number of days at extreme high temperatures, including in Phoenix, Arizona where temperatures surpassed 110 degrees 23 days in a raw, while El Paso, Texas spent 29 days with temperatures exceeding 100 degrees. Phoenix also broke the record for highest nighttime low temperature, with the thermometer only sinking...
to 97 degrees overnight.\textsuperscript{10} Heat records have been broken from Sacramento to Buffalo, from Miami to Portland, from Corpus Christi to Cincinnati, and from New Orleans to Fargo since summer began.\textsuperscript{11}

Workers in agriculture and construction are at highest risk from excessive heat, but the problem affects all workers exposed to heat outdoors and indoors. Just a sample of the labor force at high risk are delivery workers, mail carriers and couriers, workers in waste collection, treatment and disposal, airport tarmac workers, road workers, utility workers, oil workers, landscapers and tree trimmers. Also among those at highest risk are workers in indoor jobs at warehouses, factories, restaurants, bakeries, commercial laundries, foundries and steel, iron, paper and textile mills.

Workplace heat hazard risks are rife with racial injustice. Essential jobs that experience the highest rates of heat illness are disproportionately held by Black and Brown workers. As a result, Latino workers are three times more likely to die of heat on the job than non-Latinos.\textsuperscript{12} For example, while Latino workers make up 18.5\% of the entire workforce, they make up 78\% of farm laborers,\textsuperscript{13} and farmworkers die from heat stress at a rate 35 times greater than the rest of the U.S. workforce.\textsuperscript{14} More than 48\% of laborers and freight, stock, and materials movers are Black and Latino, as are more than 54\% of cooks, 52\% of dishwashers, 53\% of refuse and recyclable materials collectors, 54\% of landscaping and groundskeepers, 58\% of car washers, 50\% of those working in bakeries and tortilla manufacturing, and 60\% of those working in warehouses and storage.\textsuperscript{15} All of these occupations rank among the highest risk for heat stress illness, injury and death.

The dangerous field of construction encompasses a wide range of jobs, some with greater heat stress risk than others. Once again, the highest heat stress risk jobs are held by Black and Brown people including 73\% of roofers, 60\% of cement masons, 56\% of brick and stone masons and 59\% of construction laborers. Sadly, Black construction worker heat deaths are 51\% higher than construction workers as a whole, and Mexican-born construction worker heat deaths are 91\% higher.\textsuperscript{16}

Excessive heat can cause heat exhaustion, acute kidney failure, rhabdomyolysis, heat stroke, cardiac arrest and death if not treated properly.\textsuperscript{17} Workers who survive these more critical heat-related illnesses are often burdened with long term health effects, including muscle damage, organ damage and chronic kidney disease.\textsuperscript{18} Excessive workplace heat also exacerbates existing health problems like asthma, diabetes, COPD, and heart disease.\textsuperscript{19} Heat illness symptoms include dizziness, loss of balance, fatigue, nausea, headaches, fainting, muscle cramps, reduced physical and mental dexterity, heavy sweating and more.\textsuperscript{20} These symptoms can easily lead to accidents with a range of consequences to one or more people, including injuries, long-term disabilities or even fatalities. It is estimated that as many as 170,000 heat-related workplace injuries occur every year in the U.S.\textsuperscript{21}

As much of the U.S. has been blanketed by smoke from wildfires in Canada this summer, it’s important to know that breathing wildfire smoke during extreme heat increases the chances a person will die.\textsuperscript{22} In fact, the mortality risk of exposure to both extreme heat and wildfire smoke is three times the mortality rate for extreme heat alone.\textsuperscript{23}

The Asunción Valdivia Heat Illness, Injury and Fatality Prevention Act is named after a farmworker who died of a heat stroke in 2004, after picking grapes for 10 hours straight in 105-degree temperatures. Unfortunately, Mr. Valdivia’s tragic story is not unique, and yet heat-related fatalities, injuries and illnesses are completely preventable with commonsense requirements such as access to cool drinking water and rest breaks in a shaded or cool location. This bill directs OSHA to develop an interim heat stress standard for indoor and outdoor workers to prevent further heat-related tragedies until a final heat rule is promulgated.
We look forward to working with your offices to advance this vital health and safety measure to protect workers from extreme heat now.

Sincerely,

[list in progress]
International Union of Bricklayers and Allied Craftworkers
Justice at Work
Kansas AFL-CIO
Kansas Immigrant Rights Coalition
Kansas National Education Association
La Isla Network
Laborer’s local 1290
Maryland Campaign for Environmental Human Rights
Maryland Pesticide Education Network
Migrant Clinicians Network
Migrant Equity Southeast
National Council for Occupational Safety and Health
National Family Farm Coalition
Natural Resources Defense Council (NRDC)
Nebraska Appleseed
New Frontiers
New Jersey Work Environment Council
New Mexico Health Professionals for Climate Action
Northwest Center for Alternatives to Pesticides
NW Workers' Justice Project
Oregon Environmental Council
Physicians for Social Responsibility
Physicians for Social Responsibility, AZ Chapter
Physicians For Social Responsibility Pennsylvania
Physicians for Social Responsibility - PSR-Arizona
Pipefitters LU 533 Training Center
Public Justice
RI Committee on Occupational Safety and Health
SafeWork Washington
San Francisco Bay Physicians for Social Responsibility
SEIU Local 513
SMART TD
Sur Legal Collaborative
Toxic Free North Carolina
Tucson 2030 District
Turtle Island Restoration Network
UFCW
UFCW LOCAL 2
Union of Concerned Scientists
United Food and Commercial Workers, Local 400
United Steelworkers
USW Local 307
Utility Workers Union of America
Virginia Clinicians for Climate Action
Whistleblowers of America
WisCOSH, Inc.
Working Kansas Alliance
Worksafe


20. Heat Related Illness, CDC.


23. Id.