

The Honorable Sherrod Brown  
U.S. Senate  
503 Hart Senate Office Building  
Washington, DC 20510

The Honorable Alex Padilla  
U.S. Senate  
B03 Russell Senate Office Building  
Washington, DC 20510

The Honorable Catherine Cortez Masto  
U.S. Senate  
516 Hart Senate Office Building  
Washington, DC 20510

The Honorable Judy Chu  
U.S. House of Representatives  
2423 Rayburn House Office Building  
Washington, DC 20515

The Honorable Raúl Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, DC 20515

The Honorable Robert “Bobby” Scott  
U.S. House of Representatives  
2328 Rayburn House Office Building  
Washington, DC 20515

The Honorable Alma Adams  
U.S. House of Representatives  
2436 Rayburn House Office Building  
Washington, DC 20515

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.<sup>1</sup> 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.<sup>2</sup>

**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.<sup>3</sup> This year, 2023, will likely be the hottest yet<sup>4</sup> and 2024 is expected to be even hotter.<sup>5</sup> July 4, 2023 was the hottest day on Earth in more than 100,000 years.<sup>6</sup> 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,<sup>7</sup> including in Phoenix, Arizona where temperatures surpassed 110 degrees 23 days in a row,<sup>8</sup> while El Paso, Texas spent 29 days with temperatures exceeding 100 degrees.<sup>9</sup> Phoenix also broke the record for highest nighttime low temperature, with the thermometer only sinking

to 97 degrees overnight.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> For example, while Latino workers make up 18.5% of the entire workforce, they make up 78% of farm laborers,<sup>13</sup> and farmworkers die from heat stress at a rate 35 times greater than the rest of the U.S. workforce.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

Excessive heat can cause heat exhaustion, acute kidney failure, rhabdomyolysis, heat stroke, cardiac arrest and death if not treated properly.<sup>17</sup> 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.<sup>18</sup> Excessive workplace heat also exacerbates existing health problems like asthma, diabetes, COPD, and heart disease.<sup>19</sup> Heat illness symptoms include dizziness, loss of balance, fatigue, nausea, headaches, fainting, muscle cramps, reduced physical and mental dexterity, heavy sweating and more.<sup>20</sup> 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.<sup>21</sup>

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.<sup>22</sup> In fact, the mortality risk of exposure to both extreme heat and wildfire smoke is three times the mortality rate for extreme heat alone.<sup>23</sup>

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]

AFSCME Council 61  
Agricultural Justice Project  
Air Alliance Houston  
Alianza Nacional de Campesinas  
Alliance of Nurses for Healthy Environments  
American Association of Occupational Health Nurses  
American College of Occupational and Environmental Medicine (ACOEM)  
American Federation of Teachers  
American Shaman Botanicals  
Arts, Crafts and Theater Safety  
Association of Farmworker Opportunity Programs (AFOP)  
Association of Pulp and Paper Workers Union  
Building Resilient Neighborhoods  
Center for Progressive Reform  
Centro de los Derechos del Migrante  
Chesapeake Physicians for Social Responsibility  
CLEO Institute  
Climate Psychiatry Alliance  
Coalition for Restaurant Safety & Health  
Coming Clean  
Communications Workers of America (CWA)  
Concentra  
CRLA Foundation  
Defend the Gulf  
Earth Action, Inc.  
Earthjustice  
Environmental & Public Health Consulting  
Farmworker Association of Florida  
Farmworker Justice  
Farmworkers Self-Help  
Florida People's Advocacy Center  
Georgia AFL-CIO  
GMHC Inc  
HEAL Food Alliance  
Healthy Work Campaign - Center for Social Epidemiology  
HPAE  
IAMAW  
IATSE Local 415  
IATSE Local 479  
IBEW Local 124  
IBEW Local 304  
ICWUC, Worker Health, Safety Education  
International Brotherhood of Teamsters  
International Safety Equipment Association

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

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- <sup>1</sup> Petition from Public Citizen et. al. to Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor (July 17, 2018), <https://bit.ly/2wjJSzy>. Press Release, Public Citizen, *As Climate Heats Up, Government Must Protect Workers From Heat* (July 17, 2018) <https://bit.ly/2LIHIoD>.
- <sup>2</sup> WORKPLACE SAFETY AND HEALTH: MULTIPLE CHALLENGES LENGTHEN OSHA'S STANDARD SETTING, U.S. GOVERNMENT ACCOUNTABILITY OFFICE (April, 2012), <https://bit.ly/3N8oHG3>. A handful of states have tried to fill the gap and protect workers now. California, Washington, Minnesota, Oregon, Colorado and the U.S. military have issued heat protections. Maryland has passed a law requiring the Maryland OSHA to develop and implement a heat stress standard.
- <sup>3</sup> Annual 2022 Global Climate Report, NOAA NATIONAL CENTERS FOR ENVIRONMENTAL INFORMATION (July, 2023), <https://bit.ly/3rxP03n>.
- <sup>4</sup> Laura Paddison, *Global Heat in Uncharted Territory as Scientists Warn 2023 Could Be the Hottest Year on Record*, CNN (July 8, 2023), <https://bit.ly/43BpxU7>.
- <sup>5</sup> Andrew Freedman, *America's Cruel Summer*, AXIOS (July 8, 2023), <https://bit.ly/3OmsVh9>.
- <sup>6</sup> Mary Whitfill Roeloffs, *July 4 Was Earth's Hottest Day in Over 100,000 Years – Breaking Record for Second Day in a Row*, FORBES (July 5, 2023), <https://bit.ly/43BtPLh>.
- <sup>7</sup> Elena Shao, *Here's Where Global Heat Records Stand So Far in July*, THE NEW YORK TIMES (July 19, 2023), <https://bit.ly/44OnLiQ>.
- <sup>8</sup> Mirna Alsharif, *Temperatures Swelter in the West, As Record Highs Are Reached in Salt Lake City and Phoenix*, NBC NEWS (July 23, 2023), <https://bit.ly/3pTNpVh>.
- <sup>9</sup> Colby Edmunds, *The Weather By the Numbers: Lots of Triple Digit Numbers, Tell the Story of the Early Summers Toward Heatwave*, THE NEW YORK TIMES (July 15, 2023), <https://bit.ly/3OkBIJl>.
- <sup>10</sup> Nidhi Sharma, *Heat Continues to Blast Much of the U.S. as Another Phoenix Record Falls*, NBC NEWS (July 20, 2023), <https://bit.ly/3K7pg4t>.
- <sup>11</sup> Brian Bushard, *Phoenix Faces Hottest Day in Six Years: Here's Where Else Records Could Fall*, FORBES (July 20, 2023), <https://bit.ly/3Y4xBLN>.
- <sup>12</sup> *Climate Change: Heat and Drought*, HISPANIC ACCESS FOUNDATION (accessed July 20, 2023), <https://bit.ly/3rDPhSv>.
- <sup>13</sup> *Findings from the National Agriculture Workers Survey (NAWS) 2019-2020: A Demographic and Employment Profile of United States Farm Workers, Research Report No. 16*, JBS INTERNATIONAL, INC. (June 3, 2022), <https://bit.ly/3tnsvfy>.
- <sup>14</sup> Moussa El Khayat, Dana A. Halwani, Layal Hneiny, Ibrahim Alameddine, Mustapha A. Haidar and Rima R. Habib, *Impacts of Climate Change and Heat Stress on Farmworkers' Health: A Scoping Review*, 10 FRONTIERS IN PUBLIC HEALTH 782811 (February, 2022), <https://bit.ly/3yZASSf>.
- <sup>15</sup> BLS, Labor Force Statistics from the Current Population Survey (2022) <https://www.bls.gov/cps/cpsaat11.htm>; BLS, Labor Force Statistics from the Current Population Survey (2022), <https://www.bls.gov/cps/cpsaat18.htm>.
- <sup>16</sup> Xiuwen Sue Dong, Gavin West, Alfreda Holloway-Beth, Xuanwen Wang & Rosemary Sokas, *Heat-Related Deaths Among Construction Workers in the United States*, 62(12) AMERICAN JOURNAL OF INDUSTRIAL MEDICINE 1047-1057 (Dec., 2019), <https://bit.ly/3CWYd6J>.
- <sup>17</sup> *Heat Related Illness*, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), (accessed July 20, 2023), <https://bit.ly/3q13Lv9> [hereinafter *Heat Related Illness*, CDC]; *Heat And Health Tracker*, CDC CLIMATE AND HEALTH PROGRAM (accessed July 20, 2023), <https://ephtracking.cdc.gov/Applications/heatTracker/>.
- <sup>18</sup> Richard Sima, *How Persistent Heat Can Lead to Chronic Health Problems*, THE WASHINGTON POST (July 20, 2023), <https://bit.ly/44AmYTo>.
- <sup>19</sup> *Climate Change and the Health of People With Chronic Medical Conditions*, U.S. ENVIRONMENTAL PROTECTION AGENCY (accessed July 20, 2023), <https://bit.ly/3rFdt6X>.
- <sup>20</sup> *Heat Related Illness*, CDC.
- <sup>21</sup> Juley Fulcher, *BOILING POINT: OSHA MUST ACT IMMEDIATELY TO PROTECT WORKERS FROM DEADLY TEMPERATURES*, PUBLIC CITIZEN (June, 2022), <https://www.citizen.org/article/boiling-point/>.
- <sup>22</sup> Md Mostafijur Rahman, Rob McConnell, Hannah Schlaerth, Joseph Ko, Sam Silva, Frederick W. Lurmann, Lawrence Palinkas, Jill Johnston, Michael Hurlburt, Hao Yin, George Ban-Weiss and Erika Garcia, *The Effects of Coexposure to Extremes of Heat and Particulate Air Pollution on Mortality in California: Implications for Climate Change*, AMERICAN JOURNAL OF RESPIRATORY AND CRITICAL CARE MEDICINE, 206:9 (June 21, 2022), <https://doi.org/10.1164/rccm.202204-0657OC>.
- <sup>23</sup> *Id.*