



FARMWORKER JUSTICE

Legislation Would Provide Farmworkers Protection from Heat Stress

On July 10, 2019, Representatives Judy Chu (D-CA) and Raúl Grijalva (D-AZ), introduced the “Asuncion Valdivia Heat Illness and Fatality Prevention Act of 2019,” H.R. 3668. The bill seeks to address safety and health concerns in relation to excessive heat exposure. Excessive heat exposure results in heat-related illnesses that can range from symptoms such as heat cramps to more dire consequences, including organ damage, stroke, and even death. Excessive heat exposure is particularly harmful to farmworkers, who regularly work outside for long hours in rising temperatures without simple protections such as water, rest, and shade. Heat-related illnesses are becoming increasingly prevalent and dangerous as climate change continues to cause rising temperatures.

Farmworkers often work outside in excessive temperatures for long hours. Many workers do not want to ask for or take a break if they start to exhibit symptoms of heat illness because they are often paid on a piece rate, and taking a break would result in a loss of wages. Additionally, farmworkers fear discrimination or retaliation from their employer. Without protections from excessive heat exposure, farmworkers are susceptible to severe health issues and abuses from their employers. Furthermore, excessive heat exposure has been linked to increased workers’ compensation costs.

The bill would require the Occupational Safety and Health Administration (OSHA) to issue a federal standard for heat stress protections, with meaningful participation of covered employees (and their representatives when applicable) and tailored to the specific hazards of the workplace. The standard would require that workers who are exposed to high heat have paid breaks in cool or shaded environments and access to water for hydration. Additionally, employers must create emergency response procedures for employees suffering from heat illness, provide training on heat stress in a language that workers can understand, and put into place acclimatization plans to ensure workers can adjust to their working conditions.

The bill also requires training for employers and employees on heat stress illness and prevention, as well as the utilization of engineering and administrative controls to limit heat exposure (i.e. ventilation and/or protective clothing, where applicable.) Employers must maintain records on all heat-related illness and deaths, and other heat data. Lastly, the bill prohibits retaliation or discrimination against a covered employee for reporting violations of this standard or exercising any other rights under the bill.

Farmworker Justice supports this bill. It is a needed protection for farmworkers who are vulnerable to health risks caused by excessive heat exposure.