



Legislation Would Provide Worker Protections from Heat Stress

In March 2021, the “[Asunción Valdivia Heat Illness and Fatality Prevention Act of 2021](#)” was introduced in both the House and Senate. Senators Sherrod Brown (D-OH), Catherine Cortez Masto (D-NV), and Alex Padilla (D-CA) introduced the Senate bill, while representatives Judy Chu (D-CA), Robert Scott (D-VA), Alma Adams (D-NC), and Raúl Grijalva (D-AZ) introduced the House version, H.R. 2193. Both bills are virtually identical and seek to address safety and health concerns in relation to excessive heat exposure. Excessive heat exposure can lead to heat-related illnesses, with symptoms ranging from heat cramps to organ damage, stroke, and even death. Heat related illnesses are becoming increasingly prevalent and dangerous as climate change continues to cause rising temperatures. And as the bills’ findings observe, heat stress and COVID-19 can interact, putting many workers in particularly hazardous situations.

Farmworkers—who regularly work outside for long hours in high temperatures—face an acute risk of excessive heat exposure. Yet many workers are not provided simple protections such as water, rest, and shade. Farmworkers further fear that they may experience discrimination or retaliation from their employer if they complain about their conditions. Without legal protections from excessive heat exposure, farmworkers are susceptible to severe health issues and abuse from their employers. Furthermore, excessive heat exposure has been linked to increased workers’ compensation costs.

In response to these dangers, the bill would require the Occupational Safety and Health Administration (OSHA) to issue a federal standard for heat stress protections tailored to the specific hazards of the workplace and with meaningful participation of employees (and their representatives when applicable). The standard would require that workers who are exposed to high heat be guaranteed paid breaks in cool or shaded environments and access to water for hydration. Additionally, employers would be required to create emergency response procedures for employees suffering from heat illness, provide training on heat stress in a language that workers understand, and implement acclimatization plans to ensure workers can adjust to their working conditions. The bill would also mandate that employers utilize engineering and administrative controls to limit heat exposure (i.e., ventilation and/or protective clothing, where applicable) and maintain records on all heat-related illness and deaths. Lastly, the bill would prohibit retaliation or discrimination against a worker for reporting violations of this standard or exercising any other rights under the bill.

Farmworker Justice supports this bill. Congress must act urgently to protect farmworkers and other workers who continue to risk their lives working in increasingly high heat.

Farmworker Justice Fact Sheet

www.farmworkerjustice.org

March 2021