

September 19, 2022

Rep. Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Rep. Steny Hoyer
Majority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi and Leader Hoyer:

We, the undersigned farmworker-serving organizations, write to express our strong support for the Asuncion Valdivia Heat Illness and Fatality Prevention Act (H.R.2193) and respectfully request that you schedule a floor vote on this essential legislation at the soonest opportunity. Named for a California farmworker who tragically died of heat stroke at the age of 53, H.R.2193 will help protect millions of workers across the country from the disabling and potentially fatal effects of heat-related illness.

Many workers who labor in dangerously hot conditions are low-income workers in industries where they have little or no control over their work conditions, particularly the nation's 2.4 million farmworkers. Notably, the agriculture industry has the highest rate of heat-related deaths, [35 times](#) higher than the rate for all other industries. According to OSHA data, [65 farmworkers](#) died from heat-related causes between 2002 and 2020. Farmworkers accounted for one-sixth of occupational fatalities from heat during this period, even though they represent only 1.4% of all employed workers. But as OSHA [acknowledges](#), the actual number of deaths may be higher, since deaths in which heat is a contributing factor are not always recognized as heat-related.

Farmworkers also experience chronic health effects from heat exposure. Studies have found rates of acute kidney injury among farmworkers ranging from 12% to 33%. This can be a precursor to chronic kidney disease. In other studies and surveys of agricultural workers, between 40% and 84% have reported experiencing symptoms of heat-related illness on the job.

These dangerous effects of heat demonstrate why OSHA must issue a standard that:

- Requires employers to provide workers with water, shade and paid rest breaks (including piece rate workers)
- Requires employers to provide acclimatization periods for workers
- Requires safer living conditions in temporary labor camps
- Requires training in heat illness prevention and response for workers, managers and supervisors in languages they can understand
- Requires employers to inform workers of their rights under the standard
- Requires employers to develop and implement heat emergency response plans
- Establishes strong mechanisms for enforcement, such as unannounced inspections and significant fines for violators

Although it is encouraging that OSHA has initiated a rulemaking to develop a heat standard, the average amount of time it takes OSHA to develop and issue a standard is [7 years](#). With heatwaves becoming more intense and common, this is simply too long for farmworkers to wait. A mandate from Congress to issue a standard on an abbreviated timeline, as H.R.2193 requires, will help save lives. Although OSHA already has the legal authority to issue a heat standard, the explicit mandate in this bill regarding the issuance and content of the rule will make clear that Congress intends for the agency to take strong, meaningful action as quickly as possible.

Federal action is necessary because state efforts to protect workers have been insufficient to cover workers in most of the country. So far, only four states have issued heat standards to protect outdoor workers. Leaving the development and implementation of heat standards to individual states is not a realistic or effective approach to address the increasing risks posed by workplace exposure to heat.

As the climate crisis intensifies, OSHA must promptly issue a heat standard to protect workers. The death of farmworker Asunción Valdivia cannot be forgotten: It is a dire warning of the dangerous and too often fatal conditions many workers endure. A strong OSHA heat standard will help prevent many similar tragedies in the future. We urge you to move forward with a vote on the Asuncion Valdivia Heat Illness and Fatality Prevention Act.

Respectfully submitted,

Farmworker Justice

American Sustainable Business Network

Asociación de Mexicanos en Carolina del Norte, Inc. AMEXCAN

Association of Farmworker Opportunity Programs

Beyond Toxics

Campesinos Sin Fronteras

CASA of Oregon

Center for Biological Diversity

Central Florida Jobs with Justice

Centro de los Derechos del Migrante

Chesapeake Physicians for Social Responsibility

Clean+Healthy

Coming Clean

Concerned Citizens of Wagon Mound and Mora County

CRLA Foundation

Earthjustice

Environmental Justice Health Alliance for Chemical Policy Reform

Farmworker Advocacy Network of North Carolina

Farmworker Association of Florida
FLAP-Farmworker and Landscaper Advocacy Project
Florida Immigrant Coalition
Florida Institute for Community Studies
Florida People's Advocacy Center
Friends of the Earth
Green America
The Guatemalan-Maya Center
Hispanic Federation
Hope Community Center
Justice for Migrant Women
Los Jardines Institute
Maryland Pesticide Education Network
Mi Familia Vota Florida
Migrant Clinicians Network
Moms Across America
Moms for a Nontoxic New York
National Center for Farmworker Health
National Employment Law Project
Natural Resources Defense Council
North Carolina Justice Center
Oxfam America
PCUN
Pesticide Action Network North America
PODER
Public Justice
Rural Women's Health Project
Sciencecorps
Shawnee Health
Strengthening Sanctuary Alliance
Student Action with Farmworkers
Toxic Free North Carolina
UFW
UFW Foundation
Until Justice Data Partners