



Legislation Would Provide Farmworkers Protection from Heat Stress

On July 26, 2023, Representatives Chu, Scott, Adams, and Grijalva introduced in the House of Representatives the “[Asuncion Valdivia Heat Illness, Injury, and Fatality Prevention Act of 2023](#)”. The bill seeks to address safety and health concerns in relation to excessive heat exposure. Senators Brown (OH), Padilla (CA), and Cortez-Masto (NV) introduced the bill in the Senate.

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.

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 bill would require OSHA to issue an interim final heat stress rule within one year. This interim rule would remain in place until OSHA issues a final rule.

Farmworkers often work outside in extreme 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 fear retaliation from employers or the loss of wages, particularly for those paid on a piece rate. The standard would require that workers who are exposed to extreme heat have paid rest breaks, access to cool or shaded environments, and access to cool water for hydration. In addition, it requires OSHA to revise its standard for temporary labor camps to address heat hazards.

Additionally, the bill emphasizes the need for employers to create emergency response procedures for employees suffering from heat illness and put into place acclimatization plans to ensure workers can adjust to their working conditions. It urges 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). For those workers who report violations of the heat stress standard, the bill also includes protections against retaliation and discrimination.

Farmworker Justice supports this legislation. It will provide long-overdue protections for the thousands of farmworkers who face hotter working conditions with each passing year.