RICOSH ALERT

US House Introduces Legislation Protecting Workers From Heat Stress

This week U.S. Reps. Judy Chu (D-Calif.), Raul Grijalva (D-Ariz.) and members of the U.S. House Education and Labor Committee will introduce The Asuncion Valdivia Heat Illness and Fatality Prevention Act requiring the U.S. Occupational Safety and Health Administration to promulgate a heat stress standard. The Asuncion Valdivia Heat Illness 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. (*Though rare Congress has acted in the past to direct OSHA to promulgate standards on bloodborne pathogens and hazardous waste and emergency response.)*

As climate change results in more frequent days of extreme heat and record-breaking summers become the norm, outdoor and indoor workers in workplaces will be at greater risk for workplace heat stress.

- *Centers for Disease Control and Prevention (CDC) identified 423 worker deaths among U.S. agricultural industries and nonagricultural industries during 1992–2006.*
- *According to US Bureau of Labor Statistics (BLS) 2,830 workers suffered from heat-related illness and 37 died from heat stroke and related causes in 2015.*
- *A review of heat worksite investigations conducted by OSHA from 2011 to 2016, found:*
    - *None of the employers involved had formal plans for heat acclimatization or enforced mandatory rest breaks.*
    - *Only 10% of employers could actually monitor the temperature of the worksites.*
    - *Just 36% of employers provided heat-safety training.*

This bill will direct OSHA to develop a heat stress standard for indoor and outdoor workers to prevent further heat-related tragedies. Specifically, it will require employers to develop a heat-illness prevention plan that includes the following requirements:

♣ Develop and implement the standard with meaningful participation of covered employees, and their representatives when applicable, and tailor it to the specific hazards of the workplace;
♣ Ensure it is written in a language understood by the majority of the employees;
♣ Require that workers who are exposed to high heat have paid breaks in cool environments, access to water for hydration, and include limitations on how long workers can be in extreme heat areas;
♣ Create emergency response procedures for employees suffering from heat illness;
♣ Provide training for employers and employees on heat stress illness and prevention;
♣ Include acclimatization plans to ensure workers can adjust to their working conditions;
♣ Ensure engineering and administrative controls are used to limit heat exposure, i.e. ventilation and/or protective cooling clothing;
♣ Require employers to maintain records on heat-related illnesses and deaths, and other heat data; and
♣ Prohibit retaliation against a covered employee for reporting violations of this standard or exercising any other rights under this bill.

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