



March 21, 2024

Dave Thomas
Chair, Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: **Heat Illness Prevention in Indoor Places of Employment Standard**

Dear Chair David Thomas and Occupational Safety & Health Standards Board Members:

The California Labor Federation, along with the undersigned groups, write to express our condemnation of the decision to pull the Heat Illness Prevention in Indoor Places of Employment Standard from the March 21st hearing agenda without any public notice, the day of the hearing. The Board fully understands how urgently this issue must be addressed, as pulling the standard today delays any implementation of protection for workers for at least another year.

It is shameful that the State of California is turning a blind eye to preventable workplace injuries and deaths. The State's failure to take action means workers in restaurants, schools, manufacturing, hospitals, and warehouses continue suffering each day they go without any real, enforceable protections from indoor heat exposure.

The new indoor heat standard proposal is vital and immediately necessary to protect workers in a wide range of industries throughout California. Workers have long suffered from heat illnesses brought on by repugnant indoor working conditions without any consistent indoor standards to hold employers accountable to their employees and the state. Workers in restaurants, schools, hospitals, warehouses, and manufacturing worksites throughout the state have been continually suffering from excessive heat exposure as this proposal's approval has been delayed. This standard

is long overdue and further delays to protect workers with “reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers”¹ are utterly unacceptable.

The California Labor Federation, along with many other unions, has urged action on this issue since SB 1167 (Mendoza) was introduced in 2016. We know that high heat leads to a wide range of health issues and workplace injuries, and without proper care and precaution, can lead to heat stroke and death.

2016 was 8 years ago and the Board has now heard from stakeholders for years about what specific protections should be included in the indoor heat standard, and the merits for including each. The Board has also heard from employers about which safety measures should be excluded or stripped back. It has had plenty of time to consider these items individually, and it is time to finally implement basic indoor heat protections for workers who have so far been denied a safe workplace, and with this last-minute decision to refuse a vote on the standard, the decency and respect of a democratic process.

We have heard from and about workers struggling with the dangers of indoor heat for decades now. Workers like Maria Vasquez, who cooked on a stovetop, grill, and in a fryer in unsafe kitchens for over a decade. The kitchen’s inadequate ventilation caused smoke and heat, and after that smoke and heat blew in her face, they hurt her eyes and caused long-term damage to her vision. Or workers like Sara Fee who worked at an Amazon air freight hub hauling packages in and out of metal trailers that sat in the sun and baked to over 100 degrees. She recalled that even when fans were turned on, one “might as well be standing there with a straw in your mouth blowing air.”² Domingo Blancas worked as a janitor in a warehouse in Chino, California where he suffered from heat stroke. Both the warehouse employer and the temporary staffing agency who placed him failed to respond immediately to his injury, leading to hospitalization and surgery. These are just a few of countless stories of worker injuries and deaths that could have been prevented. We hoped that the Cal/OSHA standard would protect workers from preventable heat injuries, but now the Board has once again delayed and denied that hope.

What was included in this indoor heat proposal; things like close observation for acclimatizing employees, access to cool-down areas, and access to cool drinking water, are not excessively high bars for employers to meet. These are *necessities*. And we know this is true, because we have lacked consistent standards like these, and workers have continually suffered. The most vulnerable workers continue to bear the brunt of high heat exposure while employers earn profits and deny that their employees are sweating and thirsty. Our California workers, those who make the state run daily: they deserve better protections, but they demand the minimum. Refusing to act on this standard puts a ghostly comma at the end of today, letting workers know that their suffering and their vulnerability will continue. The State of California is committing a grave injustice in failing to protect workers. Human lives have a cost that cannot be calculated for a bottom line.

¹ “Mission of the Occupational Safety & Health Standards Board,” <https://www.dir.ca.gov/oshsb/oshsb.html>

² “Waiting and sweltering: Why are California’s indoor heat protections five years late?” February 2024. <https://calmatters.org/politics/capitol/2024/02/workplace-safety-california-indoor-heat/#:~:text=What's%20in%20the%20indoor%20heat,indoor%20workplaces%20hit%2082%20degrees.>

For these reasons, we urge the Board to take immediate action to fulfill their stated mission to protect workers with reasonable and enforceable standards. We urge the Board to immediately adopt the Heat Illness Prevention in Indoor Places of Employment Standard that is reasonable, enforceable, and necessary. By delaying it further, we guarantee that California will see more preventable worker deaths and injuries.

Sincerely,

California Labor Federation, AFL-CIO
American Federation of State, County, & Municipal Employees, California
California Conference of Machinists
California Conference of the Amalgamated Transit Union
California Federation of Teachers
California Nurses Association
California Teamsters Public Affairs Council
Engineers & Scientists of California, IFPTE, Local 20
International Brotherhood of Boilermakers
Service Employees International Union, California State Council
UNITE HERE
United Auto Workers
United Farm Workers
United Food & Commercial Workers, Western States Council
United Steelworkers, District 12
Utility Workers Union of America, AFL-CIO

SM: OPEIU 29 AFL CIO