

Congress of the United States
Washington, DC 20515

July 24, 2023

The Honorable Julie Su
Acting Secretary
U.S. Department of Labor

The Honorable Douglas L. Parker
Assistant Secretary for Occupational Safety and Health
U.S. Department of Labor

Dear Acting Secretary Su and Assistant Secretary Parker:

Protection from extreme heat is a matter of life and death for many workers and their families across the United States. We write to you today to encourage the fastest possible implementation of an Occupational Safety and Health Administration (OSHA) workplace heat standard to ensure that millions of people can go to work with greater confidence that they will return to their families alive and uninjured.

This year has already brought record high temperatures that have led to preventable deaths in the workplace. In Dallas, Texas, a USPS employee of over 40 years died while on his route in 115-degree heat.¹ In Harrison County, Texas, a 35-year-old lineman working to restore power died, likely from heat exhaustion.² We know extreme weather events such as heat waves are becoming more frequent and more dangerous due to climate change.³ Urgent action is needed to prevent more deaths.

This summer will be particularly dangerous for both public and private sector American workers exposed to heat. Examining Bureau of Labor Statistics data and other relevant research, Public Citizen estimates that occupational heat stress causes on average 700 deaths and 170,000

¹ <https://www.dallasobserver.com/news/dallas-usps-worker-dies-in-extreme-heat-critics-slam-hb-2127>

² <https://www.ketk.com/news/local-news/35-year-old-lineman-dies-after-working-to-restore-power>

³ H.R. Rep. No. 117-547 (2022), at 24 (report accompanying H.R. 2193, *Asunción Valdivia Heat Illness and Fatality Prevention Act of 2022*).

illnesses and injuries annually in the U.S.⁴ This year is expected to be the hottest on record⁵, demonstrated by the hottest days on record on Earth in the first week of July, following the hottest ever month of June.⁶ Heat waves are associated with increases in death rates, driven not only by deaths directly caused by extreme heat but also by increases in deaths from heart attacks, respiratory illnesses, and cerebrovascular diseases. Heat waves are also associated with increased hospital admissions for cardiovascular, kidney, and respiratory disorders.⁷ As you know, many workers whose jobs require prolonged exposure to extreme heat are not afforded paid time off or sick days. Thus, any health complications caused by heat exposure can lead to missed work, missed wages, and financial instability for families.

We applaud the Biden Administration's efforts to defend workers' rights and create good, high-paying jobs. We were pleased to see that, following the 2021 letters sent to former Secretary Marty Walsh by Members of Congress, OSHA has made progress on the development of a heat standard by issuing an advanced notice of proposed rulemaking, and, more recently, initiating a Small Business Regulatory Enforcement Fairness Act Panel Review, two of the steps taken ahead of publishing a proposed rule. The crisis demands immediate action if we are to accomplish our shared goals of saving lives and prioritizing worker safety and dignity.

As you are aware, Texas Governor Greg Abbott recently signed House Bill 2127 into law. This bill repeals local laws that protect the interests of everyday people in sectors such as labor, agriculture, natural resources, and finance. When this bill takes effect on September 1, 2023, local protections against extreme heat, such as the Austin and Dallas ordinances that require water breaks for construction workers, will be nullified. San Antonio's recent efforts to adopt a similar ordinance to protect construction workers would also be banned.⁸ Texas is the leading state for construction worker fatalities,⁹ and a University of Texas study found that 39% of Texas construction workers do not receive rest breaks on the job.¹⁰ In the past month, more than 55 million people were under heat alerts due to a heat wave spanning from Arizona to the Florida coast.¹¹ If a strong federal heat standard that includes routine breaks for rest, shade, and hydration is enacted this year, it would save lives across the country, while preventing any other statewide attempts to limit local heat protections.

While Texas state legislators are working to dismantle worker protections, some states such as California, Minnesota, Oregon, and Washington have taken a proactive approach to protecting workers from extreme heat by implementing statewide heat rules. For example, at temperatures

⁴ <https://www.citizen.org/article/boiling-point/>

⁵ <https://www.cnn.com/2023/07/08/world/extreme-global-temperature-heat-records-climate/index.html>.

⁶ <https://www.nytimes.com/2023/07/06/climate/climate-change-record-heat.html>

⁷ https://www.cdc.gov/climateandhealth/effects/temperature_extremes.htm

⁸ <https://www.mysanantonio.com/news/local/article/saws-water-breaks-18163389.php>

⁹ <https://www.cpwr.com/research/data-center/data-dashboards/construction-fatality-map-dashboard/>

¹⁰ https://constructioncitizen.com/sites/constructioncitizen.com/files/Build_a_Better_Texas.pdf

¹¹ <https://www.cnn.com/2023/06/27/weather/us-south-severe-heat-wave/index.html>

above 80 degrees, California requires employers to allow workers to take preventative cool-down rest in a shaded area at any time they feel at risk of overheating.¹² In Minnesota, indoor workers may not be required to perform heavy work when the indoor heat index is too high.¹³ We urge that, when drafting the heat standard, OSHA incorporates the best practices from these state rules by using them as the baseline for the federal standard.

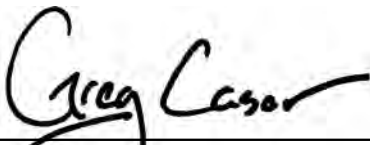
We additionally request that you model the standard after the provisions in the *Asunción Valdivia Heat Illness and Fatalities Prevention Act*.¹⁴ This bill directs OSHA to establish an enforceable federal standard to ensure workers and employers can recognize and respond to the signs of heat stress. This standard should require employers to provide the following:

1. adequate hydration;
2. rest breaks;
3. areas for rest breaks that are shaded (in the case of outdoor work) or air-conditioned (in the case of indoor work);
4. medical services and training to address signs and symptoms of heat-related illness; and
5. a plan for acclimatization to high-heat work conditions.

Given the dire threat to the lives of workers exposed to extreme heat, we encourage you to mobilize all of the resources of the Department of Labor and the Biden Administration that are necessary for implementing this standard as soon as possible.

Thank you for your ongoing commitment to safe workplaces for all.

Sincerely,



Greg Casar
Member of Congress



Bernard Sanders
United States Senator



Judy Chu
Member of Congress

¹² <https://www.dir.ca.gov/title8/3395.html>

¹³ <https://www.revisor.mn.gov/rules/5205.0110/>

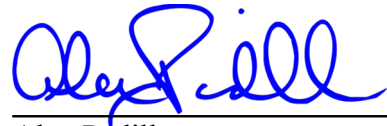
¹⁴ <https://www.congress.gov/bill/117th-congress/house-bill/2193>



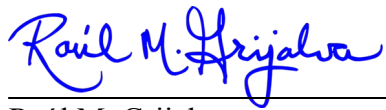
Sherrod Brown
United States Senator



Robert C. "Bobby" Scott
Member of Congress
Chairman, Committee on
Education and Labor



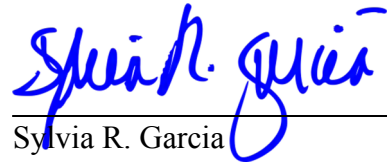
Alex Padilla
United States Senator



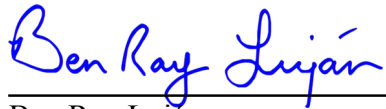
Raúl M. Grijalva
Member of Congress



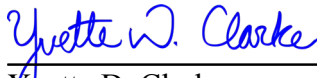
Catherine Cortez Masto
United States Senator



Sylvia R. Garcia
Member of Congress



Ben Ray Lujan
United States Senator



Yvette D. Clarke
Member of Congress



Cory A. Booker
United States Senator



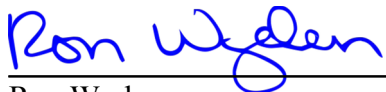
Henry C. "Hank" Johnson, Jr.
Member of Congress



Elizabeth Warren
United States Senator



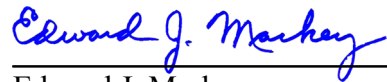
Eleanor Holmes Norton
Member of Congress



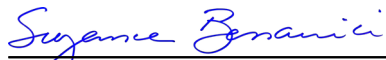
Ron Wyden
United States Senator



Robert Garcia
Member of Congress



Edward J. Markey
United States Senator



Suzanne Bonamici
Member of Congress



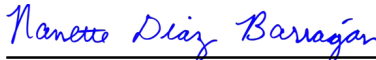
Sheldon Whitehouse
United States Senator



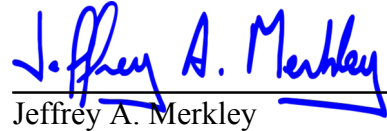
Jamie Raskin
Member of Congress



Jack Reed
United States Senator



Nanette Diaz Barragan
Member of Congress



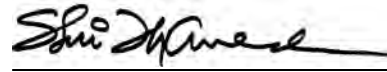
Jeffrey A. Merkley
United States Senator



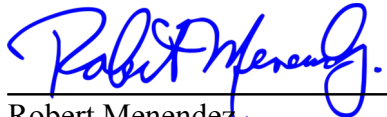
Katie Porter
Member of Congress



Mazie K. Hirono
United States Senator



Shri Thanedar
Member of Congress



Robert Menendez
United States Senator



Lloyd Doggett
Member of Congress



Richard Blumenthal
United States Senator



Joaquin Castro
Member of Congress



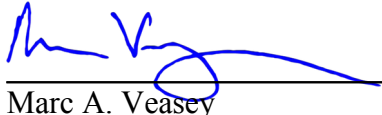
Chris Van Hollen
United States Senator



Val Hoyle
Member of Congress



Donald Norcross
Member of Congress



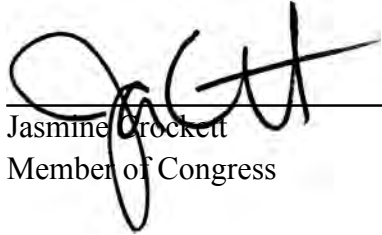
Marc A. Veasey
Member of Congress



Ruben Gallego
Member of Congress



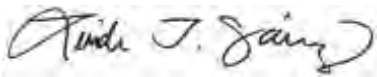
Troy Carter
Member of Congress



Jasmine Crockett
Member of Congress



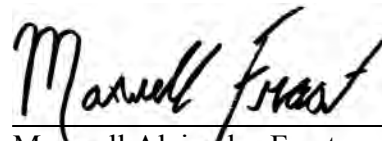
Brad Sherman
Member of Congress



Linda T. Sánchez
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Doris Matsui
Member of Congress



Nikema Williams
Member of Congress



Chellie Pingree
Member of Congress



Steve Cohen
Member of Congress



Shontel M. Brown
Member of Congress



Lori Trahan
Member of Congress



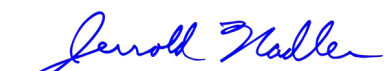
Adam Smith
Member of Congress



Ilhan Omar
Member of Congress



Chrissy Houlahan
Member of Congress



Jerrold Nadler
Member of Congress



Zoe Lofgren
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Darren Soto
Member of Congress



Norma J. Torres
Member of Congress



Haley M. Stevens
Member of Congress



Joseph D. Morelle
Member of Congress



Patrick Ryan
Member of Congress



Madeleine Dean
Member of Congress



Mark DeSaulnier
Member of Congress



Dean Phillips
Member of Congress



Ted W. Lieu
Member of Congress



Dwight Evans
Member of Congress



Chris Deluzio
Member of Congress



Ami Bera, M.D.
Member of Congress



Valerie P. Foushee
Member of Congress



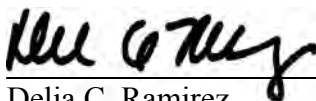
Raja Krishnamoorthi
Member of Congress



Emanuel Cleaver, II
Member of Congress



Dina Titus
Member of Congress



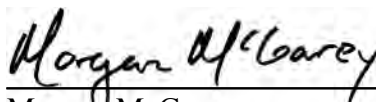
Delia C. Ramirez
Member of Congress



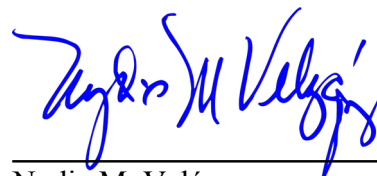
Daniel T. Kildee
Member of Congress



Ro Khanna
Member of Congress



Morgan McGarvey
Member of Congress



Nydia M. Velázquez
Member of Congress




Juan Vargas
Member of Congress



Sheila Jackson Lee
Member of Congress



Kirsten Gillibrand
United States Senator



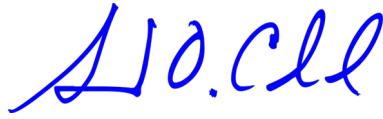
Mary Gay Scanlon
Member of Congress



Mark Pocan
Member of Congress



Frederica S. Wilson
Member of Congress



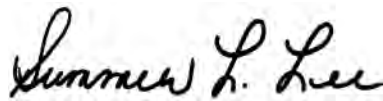
Salud Carbajal
Member of Congress



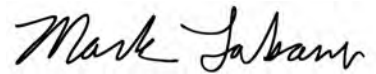
Jesús G. "Chuy" García
Member of Congress



Adriano Espaillat
Member of Congress



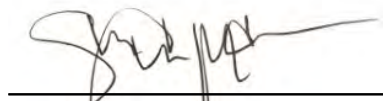
Summer Lee
Member of Congress



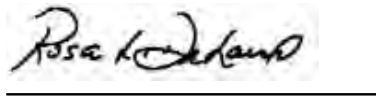
MARK TAKANO
Member of Congress



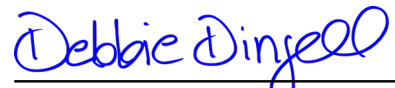
Pramila Jayapal
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress



Rosa L. DeLauro
Member of Congress



Debbie Dingell
Member of Congress



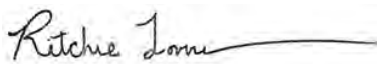
Josh Gottheimer
Member of Congress



David J. Trone
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Ritchie Torres
Member of Congress



Earl Blumenauer
Member of Congress



Bonnie Watson Coleman
Member of Congress



Yadira Caraveo M.D.
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Mike Levin
Member of Congress



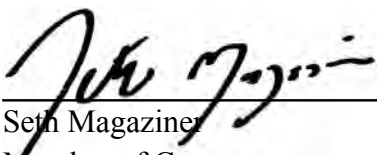
Brendan F. Boyle
Member of Congress



Cori Bush
Member of Congress



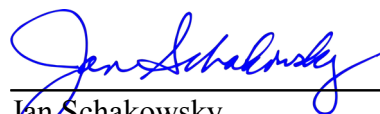
Betty McCollum
Member of Congress



Seth Magaziner
Member of Congress



Dan Goldman
Member of Congress



Jan Schakowsky
Member of Congress



C. A. Dutch Ruppertsberger
Member of Congress



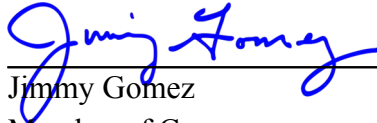
Barbara Lee
Member of Congress



Grace Meng
Member of Congress



Rick Larsen
Member of Congress



Jimmy Gomez
Member of Congress



Colin Z. Allred
Member of Congress



Robert J. Menendez
Member of Congress