

BLOG

Proposed Law Would Keep Workers Safe in Extreme Heat

By Mike Vitulli

Jul 19, 2019

Excessive heat can create dangerous conditions for anyone working outside or in hot buildings without air-conditioning. As temperatures steadily rise around the world due to global climate change, keeping workers safe is becoming an urgent problem for employers, as well as a hot-button topic for policy-makers who will have to decide whether to force changes in the workplace.



A new bill, introduced this July in the House of Representatives, is aimed at combatting the dangers that the growing climate threat poses to the U.S. workforce. The [Asuncion Valdivia Heat Illness and Fatality Prevention Act](#) would require OSHA to create federal heat-related workplace standards to protect workers in high heat environments.

Outside of California, there are currently no state or federal regulations that specifically protect workers from hot work conditions. If the law passes, employers will have to act quickly to comply with the new standards and begin training their workforces on understanding and enforcing the new measures.

Background on the Bill

The bill is named for [Asuncion Valdivia](#), a 53-year old man who died in July of 2004 after working a 10-hour day picking grapes in 105-degree weather in Pixley, California. After Valdivia's death, California became the first state to pass the legislation that requires paid shade and water breaks for people who work outside.

Other high-profile cases like U.S. Postal worker [Peggy Frank](#), who died of hyperthermia last July when she became overheated in her mail truck, have prompted labor leaders to push for national regulations on working in the heat for years. According to the Bureau of Labor Statistics, [815 workers died](#) of heat stress between 1992 and 2017 and over tens of thousands more suffered serious heat-related injuries.

The bill, introduced on July 10 by Reps. Judy Chu (D-California) and Raul Grijalva (D-Arizona), requires OSHA to adopt nationwide standards. For example, employers would be mandated to give workers scheduled paid breaks in cool spaces, access to drinking water, mandatory training on how to respond to

symptoms of heat illness, acclimatization plans and whistleblower protections.

Pressure to Keep Working

Farm workers, baggage handlers, construction crews and sanitation workers are particularly vulnerable to heat-related illnesses. They tend to work in environments that offer little escape from the heat. Compounding the problem is the pressure that many non-salaried and non-unionized workers face to keep working despite conditions or health issues. Similarly, there's extraordinary financial pressure on employers to get the job done. A plane needs to get out of the gate on time; delays in a construction projects result in losses; trucks must be loaded and unloaded at the warehouse loading dock. Medical training and scheduled shade breaks are easily brushed aside in the interest of time.

But people have a physical limit and tolerance to heat. Dangerous situations can arise quickly. While there's a perception that heat is only an issue in the South and Southwest, heat indexes can reach over 100 degrees in the Midwest and Northeast as well.

If the law is passed, employers will have to comply with the new standards or risk financial penalties. Training will be a big part of compliance. That means medical training to recognize and treat heat-related illness, but also understanding how the standards will be executed and writing company policies accordingly. For example, employers might need to schedule and enforce 10-minute shade breaks every hour when the heat index reaches a certain temperature.

It's important for employers to rely on their broker and insurance partners to make sure they're up-to-date on employment practices that can affect claims.

Most importantly — whether the new law is enacted or not — keep in mind that heat-related illnesses should never be treated lightly. They come on fast and escalate quickly. As the effects of global climate change accelerate, making for risky conditions in some regions, we'll need to have procedures in place to keep workers safe.

Want to learn more?

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This is one in a series of posts looking at the risk and insurance implications of the changing climate. To see the other posts in this series, [click here](#)

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