



112 Cox St., Ste 208 ◊ Raleigh, NC 27605

January 25, 2022

U.S. Department of Labor
Occupational Safety and Health Administration

RE: Comments on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings;
Docket No:OSHA-2021-0009

The National Farm Worker Ministry (NFWM) appreciates the opportunity to comment on this rulemaking. NFWM educates and mobilizes people of faith and conscience to support campaigns and efforts that improve farm workers' working and living conditions. NFWM represents more than 39 faith organizations, congregations and hundreds of interested individuals who would like OSHA to implement a national heat stress standard requiring employers to protect farm workers from excessive heat and heat-related illnesses.

Farm workers are frequently exposed to temperature extremes and, as a result, are more vulnerable to heat-related illnesses than the general population. According to the Centers for Disease Control and Prevention, farm workers die from heatstroke at a rate nearly 20 times greater than do other U.S. civilian workers. Since farm work is labor-intensive, the body can overheat even in milder temperatures. Therefore, NFWM recommends year-round protective measures for both outdoor and indoor work at milder threshold temperatures, as well as additional heat protections once the heat index reaches 90°F.

The standards need to address access to water, shade, and appropriate rest breaks for all farm workers. To meet NIOSH recommendations, employers must be required to provide at least 1 quart of clean water per hour for each employee. Individual drinking containers should be part of the regulatory standards. Farm workers must be provided access to shade, where they can take rest breaks to cool down and hydrate. Shade areas, or cooled break areas, need to be within a short walking distance of the work area. Additionally, regulations must also include access to bathrooms within a short walking distance. The bathrooms should be both sanitary and serviceable, as well as separate facilities for female workers.

Many farm workers get paid by piecemeal, which creates an atmosphere where farm workers are incentivized to keep working through breaks to earn as much money as possible. For piecemeal

farm workers and their employers to follow life-saving practices of hydration and shade, OSHA regulatory standards must include incentives that overcome the push to keep working. The standards should require training for employees and supervisors on heat-related illnesses. Heat-related illness training should be provided in a language that the farm workers understand. Employers must also create a heat-illness prevention plan that is accessible to all workers.

Other recommendations:

Protections against heat illness must be required regardless of the worker's legal status. Additionally, there need to be protections from retaliation against workers who make a complaint about violations of the new regulations, including for H-2A guest workers.

Worker housing often does not have air conditioning or fans, which means the end of the workday is not necessarily the end of the risk of heat stress for many farm workers. NFWM believes cooling systems in labor-provided housing must be required.

The standards must include a Disaster Pay Fund for farm workers. Farm workers work through dangerous and extreme weather conditions because they cannot miss a day of wages. Having access to financial assistance through a Disaster Pay Fund would mean farm workers do not have to sacrifice their safety to feed their families.

Special considerations should be made to accommodate at-risk workers, such as pregnant women, older workers and workers with underlying health concerns. These accommodations could include more breaks and reduced hours in the afternoon sun. However, these considerations should not foster an environment where discrimination is more likely against at-risk farm workers.

Acclimatization processes, such as supervising new employees more carefully for 14 days, should be included in the regulatory standards. Supervisors should be trained to recognize signs of physiological distress in the early stages so they can intervene to be sure workers' bodies have appropriate time to adjust to the heat and level of work.

Without proper enforcement, these regulations are meaningless. OSHA must include mechanisms of enforcement into the regulations. Simple recommendations without effective monitoring will not work. Incentives and penalties must be significant enough to guarantee compliance.

Thank you for the opportunity to submit these comments on heat injury and illness prevention. For too long farm workers have been excluded from labor laws and worker protections. And

these honorable workers deserve better. OSHA's workplace heat standard must include robust protections for farm workers. They feed us.

Sincerely,

A handwritten signature in black ink that reads "Julie Taylor". The signature is written in a cursive style with a large initial "J" and a long, sweeping tail.

Julie Taylor
NFWM Executive Director
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