

## **Asunción Valdivia Heat Illness and Fatality Prevention Act**

Senators Sherrod Brown and Alex Padilla

Representatives Judy Chu, Raúl Grijalva, Bobby Scott, and Alma Adams

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*In 2004, after picking grapes for ten hours straight in 105-degree temperatures, Asunción Valdivia fell over, unconscious. Instead of calling an ambulance, his employer told Mr. Valdivia's son to drive his father home. On his way home, he started foaming at the mouth and died of heat stroke. Because of the lack of preventative heat safety measures and emergency planning, a son had to witness his father die a preventable death at the age of 53. Mr. Valdivia's death was completely avoidable, yet his story is not unique.*

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Overexposure to heat can cause heat-related illnesses such as heat cramps, organ damage, heat exhaustion, stroke, and even death. Between 1992 and 2017, heat stress injuries killed 815 U.S. workers and seriously injured more than 70,000. Climate change is making the problem worse. In fact, according to the National Oceanic and Atmospheric Administration, the last seven years have been the hottest years on record, with 2020 coming in only second to 2016. Farmworkers and construction workers suffer the highest incidence of heat illness. And no matter what the weather is outside, workers in factories, warehouses, steel mills, commercial kitchens, and other workplaces, including ones where workers must wear personal protective equipment (PPE), can face dangerously high heat conditions all year round.

Heat stress and COVID-19 are individually dangerous to workers and they can interact making some work environments especially hazardous. Farmworkers, postal workers, construction workers, sanitation workers, health care workers conducting outdoor testing in full PPE, and other frontline workers are at high risk of both COVID-19 and heat stress.

**Currently, there is no federal Occupational Safety and Health Administration (OSHA) standard to ensure the safety and health of workers who are exposed to dangerous heat conditions in the workplace.** States such as California, Minnesota, and Washington, as well as the U.S. military, have already successfully adopted their own heat stress standards. These standards can lower costs for employers while protecting employee health. In 2011, a Central Texas municipality implemented a heat-related illness prevention program for outdoor municipal workers. After the program was implemented, not only did the number of heat-related illnesses decrease, but workers' compensation costs also decreased by 50% for heat-related illnesses.

**The Asunción Valdivia Heat Illness and Fatality Prevention Act** will protect indoor and outdoor workers against occupational exposure to excessive heat. The bill will:

- Require OSHA to establish an enforceable standard to protect workers in high-heat environments with measures like paid breaks in cool spaces, access to water, limitations on time exposed to heat, and emergency response for workers with heat-related illness.
- Direct employers to provide training for their employees on the risk factors that can lead to heat illness, and guidance on the proper procedures for responding to symptoms.

**Supporting Organizations:** 100+ national, state, and local organizations, including United Farm Workers of America, United Farm Worker Foundation, Public Citizen, Farmworker Justice, AFL-CIO, American Public Health Association, Earthjustice, International Brotherhood of Teamsters, Migrant Clinicians Network, Migrant Legal Action Program, National Employment Law Project, Natural Resources Defense Council, SEIU, Sierra Club, Union of Concerned Scientists, UNITE HERE!, Workers Defense Project, United Steelworkers, Communication Workers of America, United Food & Commercial Workers International Union, and the United Auto Workers.