

**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.<sup>1</sup> In Harrison County, Texas, a 35-year-old lineman working to restore power died, likely from heat exhaustion.<sup>2</sup> We know extreme weather events such as heat waves are becoming more frequent and more dangerous due to climate change.<sup>3</sup> 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

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

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

<sup>3</sup> 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.<sup>4</sup> This year is expected to be the hottest on record<sup>5</sup>, demonstrated by the hottest days on record on Earth in the first week of July, following the hottest ever month of June.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> Texas is the leading state for construction worker fatalities,<sup>9</sup> and a University of Texas study found that 39% of Texas construction workers do not receive rest breaks on the job.<sup>10</sup> 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.<sup>11</sup> 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

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

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

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

<sup>7</sup> [https://www.cdc.gov/climateandhealth/effects/temperature\\_extremes.htm](https://www.cdc.gov/climateandhealth/effects/temperature_extremes.htm)

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

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

<sup>10</sup> [https://constructioncitizen.com/sites/constructioncitizen.com/files/Build\\_a\\_Better\\_Texas.pdf](https://constructioncitizen.com/sites/constructioncitizen.com/files/Build_a_Better_Texas.pdf)

<sup>11</sup> <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.<sup>12</sup> In Minnesota, indoor workers may not be required to perform heavy work when the indoor heat index is too high.<sup>13</sup> 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.

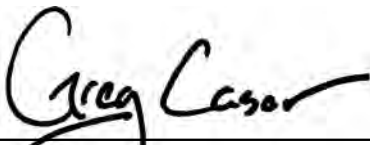
We additionally request that you model the standard after the provisions in the *Asunción Valdivia Heat Illness and Fatalities Prevention Act*.<sup>14</sup> This bill directs OSHA to establish an enforceable federal standard to ensure workers and employers can recognize and respond to the signs of heat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

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

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

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



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Sherrod Brown  
United States Senator



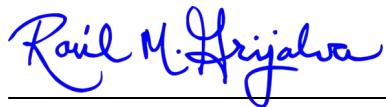
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Robert C. "Bobby" Scott  
Member of Congress  
Chairman, Committee on  
Education and Labor



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Alex Padilla  
United States Senator



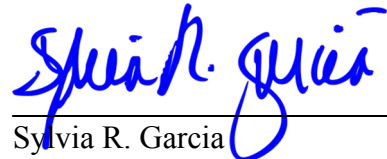
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Raúl M. Grijalva  
Member of Congress



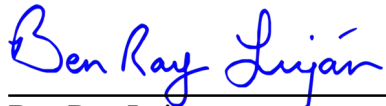
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Catherine Cortez Masto  
United States Senator



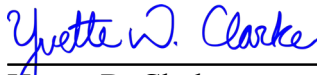
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Sylvia R. Garcia  
Member of Congress



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Ben Ray Lujan  
United States Senator



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Yvette D. Clarke  
Member of Congress



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Cory A. Booker  
United States Senator



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



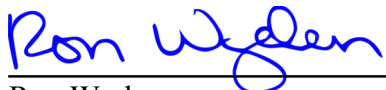
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Elizabeth Warren  
United States Senator



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Eleanor Holmes Norton  
Member of Congress



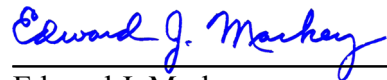
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Ron Wyden  
United States Senator



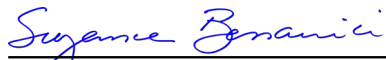
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Robert Garcia  
Member of Congress



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Edward J. Markey  
United States Senator



Suzanne Bonamici  
Member of Congress



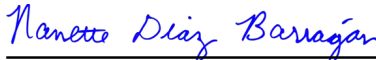
Sheldon Whitehouse  
United States Senator



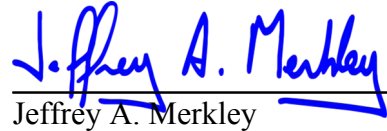
Jamie Raskin  
Member of Congress



Jack Reed  
United States Senator



Nanette Diaz Barragan  
Member of Congress



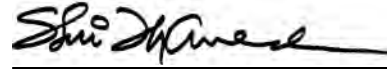
Jeffrey A. Merkley  
United States Senator




Katie Porter  
Member of Congress



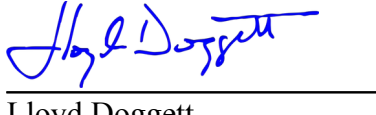
Mazie K. Hirono  
United States Senator



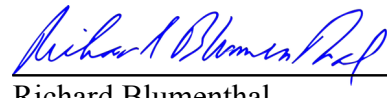
Shri Thanedar  
Member of Congress



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

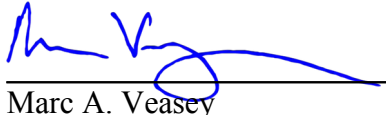


Val Hoyle  
Member of Congress



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Donald Norcross  
Member of Congress



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Marc A. Veasey  
Member of Congress



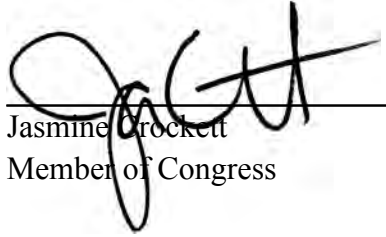
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Ruben Gallego  
Member of Congress



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Troy Carter  
Member of Congress



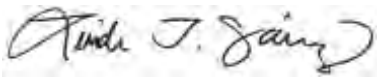
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Jasmine Crockett  
Member of Congress



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Brad Sherman  
Member of Congress



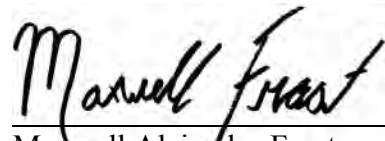
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Linda T. Sánchez  
Member of Congress



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Debbie Wasserman Schultz  
Member of Congress



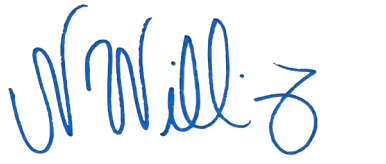
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Maxwell Alejandro Frost  
Member of Congress



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Doris Matsui  
Member of Congress



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Nikema Williams  
Member of Congress



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Chellie Pingree  
Member of Congress



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Steve Cohen  
Member of Congress



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Shontel M. Brown  
Member of Congress



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Lori Trahan  
Member of Congress



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Adam Smith  
Member of Congress



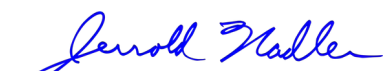
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Ilhan Omar  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Jerrold Nadler  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Raul Ruiz, M.D.  
Member of Congress



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Darren Soto  
Member of Congress



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Norma J. Torres  
Member of Congress



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Haley M. Stevens  
Member of Congress



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Joseph D. Morelle  
Member of Congress



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Patrick Ryan  
Member of Congress



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Madeleine Dean  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Dean Phillips  
Member of Congress




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Ted W. Lieu  
Member of Congress



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Dwight Evans  
Member of Congress



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Chris Deluzio  
Member of Congress



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Ami Bera, M.D.  
Member of Congress



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Valerie P. Foushee  
Member of Congress



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Raja Krishnamoorthi  
Member of Congress



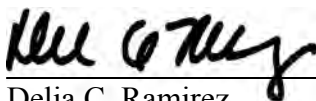
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Emanuel Cleaver, II  
Member of Congress



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Dina Titus  
Member of Congress



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Delia C. Ramirez  
Member of Congress



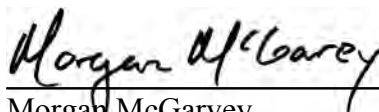
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Daniel T. Kildee  
Member of Congress



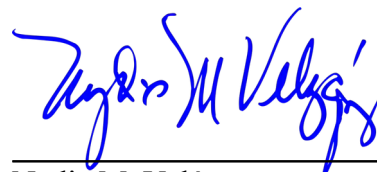
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Ro Khanna  
Member of Congress



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Morgan McGarvey  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Juan Vargas  
Member of Congress



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Sheila Jackson Lee  
Member of Congress



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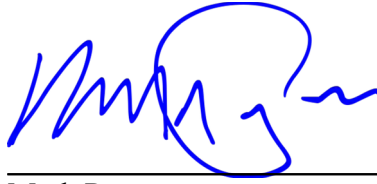
Kirsten Gillibrand  
United States Senator





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Mary Gay Scanlon  
Member of Congress



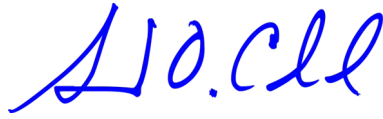
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Mark Pocan  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Salud Carbajal  
Member of Congress



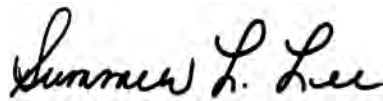
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Jesús G. "Chuy" García  
Member of Congress



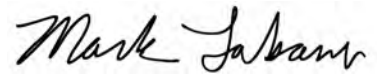
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Adriano Espaillat  
Member of Congress



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Summer Lee  
Member of Congress



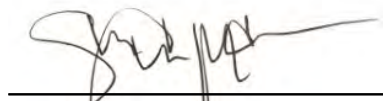
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MARK TAKANO  
Member of Congress



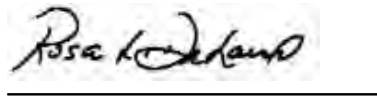
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Pramila Jayapal  
Member of Congress



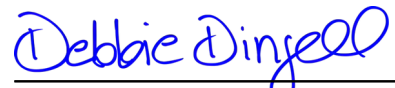
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Sheila Cherfilus-McCormick  
Member of Congress



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Rosa L. DeLauro  
Member of Congress



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Debbie Dingell  
Member of Congress



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Josh Gottheimer  
Member of Congress



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David J. Trone  
Member of Congress



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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



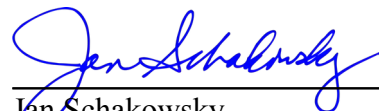
Betty McCollum  
Member of Congress



Seth Magaziner  
Member of Congress



Dan Goldman  
Member of Congress



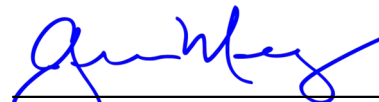
Jan Schakowsky  
Member of Congress



C. A. Dutch Ruppertsberger  
Member of Congress



Barbara Lee  
Member of Congress

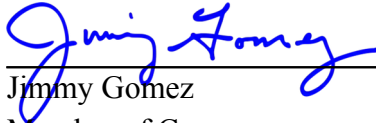


Grace Meng  
Member of Congress



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Rick Larsen  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Colin Z. Allred  
Member of Congress



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Robert J. Menendez  
Member of Congress