



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION No. 2021-13

Fair Policies to Protect Farmworkers and Other Workers from Climate Change Hazards

Reported to the Caucus by the NHCSL Labor and Workforce Development
Task Force
Sen. Omar Aquino (IL), Chair

Sponsored by Rep. Teresa Alonso León (OR)

Ratified by the Caucus on March 26, 2022

WHEREAS, the ravages of climate change are disproportionately impacting communities of color, especially Latino/a/x communities;¹ and,

WHEREAS, outdoor workers, especially farmworkers, are particularly vulnerable to the effects of changing climate and extreme weather patterns, and those who work in warehouses without climate-control are especially vulnerable temperature extremes; and,

WHEREAS, according to the CDC, “climate conditions can amplify existing health and safety issues and could lead to unanticipated risks and hazards [for those workers and others, who also] risk exposure to weather and climate conditions that the general public can avoid;”² and,

¹ NRDC Report: Latinos Are Especially Hard-hit by Climate Change. (2016, October 13). NRDC. <https://www.nrdc.org/media/2016/161013>

² Centers for Disease Control and Prevention. (2016, December 6). *CDC – Impact of Climate on Workers – NIOSH Workplace Safety & Health Topics*. Centers for Disease Control and Prevention. <https://www.cdc.gov/niosh/topics/climate/how.html>

WHEREAS, climate related occupational hazards include high temperatures, air pollution, extreme weather events and natural disasters such as floods, landslides, storms, lightning, droughts, and wildfires, and biological hazards including temperature and rainfall;³ and,

WHEREAS, “the length of the average heat wave season in the United States has tripled just since the 1960s [and] researchers expect more frequent heat waves and a dramatic increase in dangerous heat index days;”⁴ and,

WHEREAS, farm managers in several states, including Washington, Oregon and California, have proceeded with strict harvest schedules, even within evacuation zones during ongoing wildfires, with little to no protection for farmworkers who must continue while nearby homes are evacuated;⁵ and,

WHEREAS, the record-breaking Summer 2021 heat wave, in which temperatures reached 30 degrees higher than average, killed over 500 people in Washington and Oregon,⁶ including a 51-year-old man who collapsed outside the distribution center where he worked and a 38-year-old farmworker who died while working in a field near the Willamette Valley on a 104 degree day;⁷ and,

WHEREAS, some locations that have historically faced extreme heat have developed work practices that respond to the natural environment and climate. For example, Kuwait bans all outdoor work from June through the end of August between the hours 11 AM and 4 PM;⁸ and California has permanent rules including specific requirements for access to shade, water, and breaks depending on the heat index;⁹ and,

³ Ibid.

⁴ Kim, L., Marlon, J., Lacroix, K., Carman, J., Kotcher, J., Maibach, E., Rosenthal, S., Wang, X., & Leiserowitz, A. (2021). <https://climatecommunication.yale.edu/publications/beat-the-heat-extreme-heat-risk-perceptions-air-conditioning-ownership-in-california/>

⁵ Kardas-Nelson, M. (2020, October 6). *Farmworkers forced to put harvest over health during wildfires*. InvestigateWest. <https://www.invw.org/2020/10/06/farmworkers-forced-to-put-harvest-over-health-during-wildfires/>

⁶ Nadja Popovich and Winston Choi-Schagrin, *Hidden Toll of the Northwest Heat Wave: Hundreds of Extra Deaths* (New York Times, August 11, 2021). <https://www.nytimes.com/interactive/2021/08/11/climate/deaths-pacific-northwest-heat-wave.html>

⁷ Biden administration, workers grapple with health threats posed by climate change and heat. (n.d.). *Washington Post*. Retrieved July 21, 2021, from <https://www.washingtonpost.com/business/2021/07/19/heat-wave-workers-climate-change/>

⁸ *Kuwait: Labourers will not work outdoors between 11am and 4pm*. (n.d.). Gulfnews.com. Retrieved July 21, 2021, from <https://gn24.ae/bc96689bafc9000>

⁹ California Code of Regulations, Title 8, section 3395. Heat Illness Prevention in Outdoor Places of Employment. (n.d.). Retrieved July 21, 2021, from <https://www.dir.ca.gov/title8/3395.html>

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WHEREAS, farmworkers and outdoor workers should be protected as the essential workers they are;¹⁰ and,

WHEREAS, unless immediate actions are taken, farmworkers and outdoor workers will continue to be put in harm's way and at risk of preventable occupational hazards and dire health impacts related to the changing climate.

THEREFORE, BE IT RESOLVED, that the National Hispanic Caucus of State Legislators recognizes the need for comprehensive climate-related workplace protections for farmworkers, outdoor workers, and workers in warehouses; and,

BE IT FURTHER RESOLVED, that the National Hispanic Caucus of State Legislators urges states to enact legislation taking bold and decisive action to protect our essential farmworkers and outdoor workers, which should apply regardless of the employment or work-hiring model used and:

1. Set standards for safe and fair working conditions, including halting work when conditions are too dangerous and prohibiting work in extreme heat and in active evacuation zones, unless it is directly related to effectuating the evacuation,
2. Establish a fund to replace wages lost when environmental conditions are unsafe for work,
3. Protect outdoor workers, especially undocumented workers, from the risk of retaliation such as loss of job or deportation, and
4. Require employers to translate communications, especially safety communications into multiple languages; and,

BE IT FINALLY RESOLVED, that the National Hispanic Caucus of State Legislators calls on the President, Congress and especially the Occupational Safety and Health Administration to develop a specific federal policy that governs heat-related, smoke-related and climate-related workplace safety.

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY RATIFIED THIS RESOLUTION ON MARCH 26, 2022, AT ITS ANNUAL MEETING IN WASHINGTON, DC.

¹⁰ CISA's Guidance on Essential Critical Infrastructure Workforce
https://www.cisa.gov/sites/default/files/publications/essential_critical_infrastructure_workforce-guidance_v4.1_508.pdf