Submitted to the Virginia Department of Labor and Industry on June 9, 2021, via the online portal for the Virginia Regulatory Town Hall.

NRDC Support for Heat Illness Prevention Standard (16VAC25-210)

Dear Mr. Withrow:

The Natural Resources Defense Council (NRDC), which has more than 24,000 supporters in Virginia, strongly supports the intent of the Safety and Health Codes Board to develop an enforceable occupational heat standard.

Heat-related health harms are entirely preventable. And yet from 2011 to 2018, at least 13 workers in Virginia died due to excessive heat and another 620 missed work for heat-related illnesses and injuries.[1] Without specific, enforceable protections, these threats to Virginia workers will continue to grow as temperatures rise due to climate change.[2] Richmond, for example, experienced an average of 9 days with a heat index of 100°F or more from 1971 to 2000; by the 2036 to 2065 period, that number could soar to 48 days per year.[3]

Extreme heat also hurts worker productivity. Nationally, the service, manufacturing, agricultural, and construction sectors lost at least 2 billion potential work hours in 2019 due to heat.[4] Heat-related losses in work hours across the country were an average of 63 percent higher from 2015 to 2019 than from 1990 to 1994.[5]

We recommend including the following minimum elements in the heat safety standard:

- Protections for outdoor workers **and** indoor workers. Examples of indoor environments without adequate cooling or ventilation can include meatpacking plants, public schools, warehouses, kitchens, and many more.
- Provisions to ensure workers have adequate rest breaks and access to clean drinking water, appropriate bathroom facilities (to encourage workers to properly hydrate), and shaded or other cool spaces.
- Regular training in multiple languages for managers and workers.
- Acclimatization procedures for new and returning workers and new exposures to heat.

[1] Data from U.S. Bureau of Labor Statistics, "IIF Databases," https://www.bls.gov/iif/data.htm (accessed June 8, 2021). As noted in the Agency Background Document for this NOIRA, however, BLS estimates of heat-related illnesses, injuries, and deaths are extremely conservative.
[2] Juanita Constible et al., "On the Front Lines: Climate Change Threatens the Health of America's Workers," NRDC, 2020, https://www.nrdc.org/sites/default/files/front-lines-climate-change-threatens-workers-report.pdf.
[3] Union of Concerned Scientists, "Killer Heat Interactive Tool," July 8, 2019, https://www.ucsusa.org/resources/killer-heat-interactive-tool?location=richmond--va (accessed June 8, 2021).
[4] Renee N. Salas, Paige Knappenberger Lester, and Jeremy J. Hess, "2020 Lancet Countdown on Health and Climate Change Policy Brief for the United States of America," 2020, https://www.lancetcountdownus.org/2020-lancet-countdown-u-s-brief/.
[5] Salas et al. 2020.

- Detailed requirements for heat-health first aid and emergency response plans. The latter is particularly important in isolated rural areas.
- Mechanisms to ensure piece-rate workers—who may work through unsafe heat to maximize their pay—get the full benefits of the standard.
- Whistleblower protections to ensure workers can report unsafe conditions without fear of reprisal.

NRDC appreciates the Board's leadership on heat stress, particularly given the lack of timely action by the federal Occupational Safety and Health Administration (OSHA). Despite two citizen petitions[6] and multiple revisions of science-based heat stress recommendations from the National Institute for Occupational Safety and Health,[7] OSHA has failed to develop a federal standard. Maryland[8] and Oregon[9] recently recognized the need to fill the gap for workers in their states by starting their own occupational heat rulemakings, joining just three other states with such protections (California, Minnesota, and Washington). Virginia's development of the first emergency temporary standard for COVID-19 in the United States [10] demonstrates that it, too, is committed to proactively keeping workers healthy and safe—rather than waiting for the federal government to act.

We look forward to future engagement in this commonsense effort to protect Virginia workers from extreme heat.

Sincerely,

Juanita Constible, MSc
Senior Climate & Health Advocate
NRDC

Teniope Adewumi-Gunn, PhD
Climate Change & Worker Health Science Fellow
NRDC

---

[6] Letter from Sidney Wolfe, M.D., Founder and Senior Advisor, Public Citizen's Health Research Group, to Loren Sweatt, Acting Asst. Sec. of Labor for Occupational Safety and Health, Dept. of Labor 8-9 (July 17, 2018), https://citizenvox.org/wp-content/uploads/2018/07/180717_Petition-to-OSHA-on-Heat-Stress-Signed_FINAL.pdf (accessed June 7, 2021).

[7] Brenda Jacklitsch, Kristin Musolin, and Jung-Hyun Kim, "Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments. Revised Criteria 2016," National Institute for Occupational Safety and Health, 2016, https://www.cdc.gov/niosh/docs/2016-106/default.html.

[8] Labor and Employment – Occupational Safety and Health – Heat Stress Standards, House Bill 722, https://legiscan.com/MD/bill/HB722/2020.

[9] Oregon OSHA Rule Advisory Committee, "Rulemaking to Protect Employees from Outdoor Workplace Exposures to Excessive Heat," https://osha.oregon.gov/rules/advisory/heat/Pages/default.aspx (accessed June 8, 2021).

[10] Alex Littlehales, "Virginia's COVID-19 Workplace Regulations are Here to Stay," 13 News Now, January 28, 2021, https://www.13newsnow.com/article/money/business/virginias-covid-19-workplace-regulations-are-here-to-stay/291-d6b81cf3-adb3-4970-aea7-4b0cf896c8d0.