

National Lawyers Guild

Labor & Employment Committee

September 17, 2009

Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Re: SUPPORT for AB 838 Swanson (D-Oakland)

Dear Governor Schwarzenegger:

On behalf of the National Lawyers Guild Labor & Employment Committee, I am writing to express our strong support for Assembly Bill 838, which will require that, by the year 2011, the Division of Occupational Safety and Health (Cal/OSHA) promulgate regulations that protect workers in California from excessive heat at indoor places of employment.

Heat stress poses a serious health threat to workers in hot indoor environments. Exposure to extreme temperatures routinely leads to heat-related illnesses that can progress to the point of heat stroke and can be fatal if not treated. The key to preventing heat-related illnesses is to train employers and workers on how to identify heat-related hazards and to implement proper controls and work practices. Unfortunately, in many cases, neither the workers nor their employers understand the symptoms that would alert them to cases of heat-related illness before it is too late.

Throughout California, hundreds of thousands of workers endure daily exposure to hot indoor work environments. The food processing and manufacturing industries alone employ over 100,000 workers - carrying out such tasks as packing melons, cooking sugar beets, packing meat, and making dog and cat food, among other activities - who constantly toil in close proximity to continuously running, heat-generating machinery that cooks and dries products all day.

Another 20,000 workers labor in California's 400 industrial laundries, where indoor temperatures often exceed one hundred degrees Fahrenheit. Combined with humidity, the heat index in such workplaces can easily reach 120-130 degrees, a danger zone where heat exhaustion and heat cramps can easily lead to heat stroke. Other examples of industries in California with hot indoor environments include: warehouses, steel, iron and nonferrous foundry works, brick firing and ceramics operations, glass production, manufacturing plants, electrical utilities (particularly boiler rooms), bakeries and restaurant kitchens, smelters, and steam tunnels.

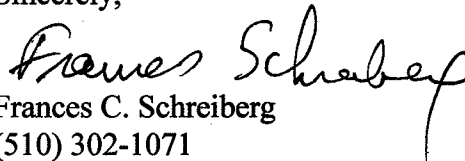
Although AB 838 is intentionally non-prescriptive about what such standards should include, there are several requirements that we feel are critical for any effective heat protection regulation. First, workers toiling in hot environments must be educated about the signs and symptoms of heat-related illness. Second, their work processes must be adapted on very hot days or during heat waves in order to minimize the risk of heat exposure. Third, workers and employers must be educated about the need for an acclimatization period for workers just starting out in a hot workplace, so that their bodies can adjust to adequately cool them. Finally, all workers must be provided with more frequent and longer rest breaks, as well as water and electrolyte-replacing liquids.

The need for heat protection standards for outdoor workers was proven four years ago by the preventable deaths of several farm workers during the brutal 2005 heat wave. This tragedy led to the creation of an outdoor heat regulation which, among other things, required both employers and employees to be trained in the signs and symptoms of heat-related illnesses. Unfortunately, in 2005 Cal/OSHA decided that a similar regulation for indoor workers could wait, and since that time two union workers have died at indoor work sites in California. Last year, one worker died at a warehouse in Tracy; he had been sent home after complaining of heat illness symptoms but sadly died in the warehouse parking lot. Three years ago another union member died under similar circumstances at a warehouse in Lancaster. In this instance, the worker made it to the hospital, where he died. Had indoor heat regulations been in place, both of these victims would have been educated, along with their co-workers, on how to recognize, prevent, and treat the symptoms of heat-related illness before it was too late, and both might be alive today.

Since 1937, the National Lawyers Guild has provided legal support to movements for social change, principally on a volunteer basis. The Labor & Employment Committee [L&EC] focuses on struggles for economic and social justice. In the 1930s the Guild focused on workers' rights, supporting New Deal legislation to assist working people and the unemployed; in the 1950s the Guild defended labor leaders and others attacked for their progressive political views. Then and now, the Guild L&EC actively supports progressive labor and employment law struggles. The L&EC is comprised of several hundred labor and employment attorneys across the country, including those who assist injured workers and who work with community and other groups concerned with preventing heat-related illnesses and deaths.

We urge you to sign into law AB 838 (Swanson), to ensure the creation of a heat protection regulation that will alert workers, employers and medical providers to the dangers of heat in the workplace and will save lives among California's workers. Even one preventable death on the job is too many. The time to create a safety standard is now. Please feel free to contact me with any questions, and thank you very much for your consideration.

Sincerely,



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