

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 6213
OFFERED BY MS. ADAMS OF NORTH CAROLINA**

In lieu of the matter proposed to be inserted, insert
the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Asunción Valdivia
3 Heat Illness, Injury, and Fatality Prevention Act of
4 2026”.

5 SEC. 2. EMPLOYER DUTIES.

6 Each employer shall—

7 (1) furnish employment and a place of employ-
8 ment free from conditions that may reasonably be
9 anticipated to cause death or serious physical harm
10 from heat stress; and

11 (2) comply with standards, regulations, rules,
12 and orders promulgated under this Act.

13 SEC. 3. WORKER HEAT PROTECTION STANDARDS.

14 (a) DESIGN OF STANDARDS.—

15 (1) IN GENERAL.—The Secretary shall promul-
16 gate a worker heat protection standard that, in ac-
17 cordance with the best available evidence, establishes
18 the maximum protective program of measures an

1 employer shall implement to regulate employees' ex-
2 posure to heat stress and prevent heat-related illness
3 and injury that attains the highest degree of health
4 and safety protection to the extent feasible.

5 (2) CONSIDERATIONS.—

6 (A) DEMONSTRABLY ACHIEVABLE MEAS-
7 URES.—The Secretary may presume that any
8 requirement substantially equivalent to a re-
9 quirement adopted by a State plan approved by
10 the Occupational Safety and Health Adminis-
11 tration pursuant to section 18(c) of the Occupa-
12 tional Safety and Health Act of 1970 (29
13 U.S.C. 667(c)) and that has been in effect for
14 at least 1 year is feasible.

15 (B) PRIORITIZING WORKER PROTEC-
16 TION.—In weighing any considerations during
17 rulemaking, the Secretary shall place pre-
18 eminent value on assuring employees a safe and
19 healthful working environment.

20 (C) AVAILABLE EXPERTISE.—If the Sec-
21 retary adopts any finding or recommendation
22 by the Institute, the American Conference of
23 Governmental Industrial Hygienists, or the Na-
24 tional Academies of Sciences, Engineering, and
25 Medicine relevant to heat stress in a rule-

1 making pursuant to this Act, such finding or
2 recommendation shall be considered the best
3 available evidence.

4 (D) EMPLOYER CATEGORIES.—The Sec-
5 retary may, in any rulemaking analysis or de-
6 sign of standards, cluster relevant employers in
7 any categories such as standard industry or oc-
8 cupational classifications or any common or re-
9 lated features of heat sources, conditions of em-
10 ployment, employer practices, employee charac-
11 teristics, or nature of place of employment that,
12 in the Secretary's reasonable determination, are
13 useful for designing an effective and practicable
14 program of standards, regulations, and enforce-
15 ment that maximizes the health and safety of
16 employees.

17 (3) PROTECTIVE PROGRAMS.—

18 (A) IN GENERAL.—In addition to measures
19 specified by this Act, the Secretary may develop
20 a worker heat protection standard with such
21 additional requirements that, in the Secretary's
22 reasonable judgment, are necessary or appro-
23 priate to achieve the purposes of this Act. Such
24 measures may include the following:

1 (i) ENGINEERING CONTROLS.—Re-
2 quirements to eliminate hazardous levels of
3 heat stress through engineering controls,
4 such as isolation or shielding of employees
5 from sources of heat, exhaust ventilation,
6 insulation of hot surfaces, or climate-con-
7 trol technologies, as well as technology-
8 based standards that encourage the devel-
9 opment of such controls.

10 (ii) ADMINISTRATIVE CONTROLS.—Re-
11 quirements to limit exposure to hazardous
12 levels of heat stress by adjustment of work
13 procedures, work schedules, or other work
14 practices.

15 (iii) PERSONAL PROTECTIVE EQUIP-
16 MENT.—Requirements to provide, at the
17 employer's expense, personal protective
18 equipment such as water-cooled garments,
19 air-cooled garments, heat-reflective cloth-
20 ing, and cooling vests.

21 (iv) HEALTH-RELATED PROTOCOLS.—
22 Requirements to conduct medical symptom
23 monitoring, emergency response protocols,
24 medical removal protection, or training of
25 employees and supervisors in recognition of

1 symptoms of heat-related illness and ap-
2 propriate responses.

3 (v) TRAINING REQUIREMENTS.—Re-
4 quirements to train employees and super-
5 visors in topics reasonable or necessary to
6 achieve the implementation of the require-
7 ments of a standard or the purposes of
8 this Act, including—

9 (I) training of employees in signs
10 and symptoms of heat-related illness,
11 emergency response procedures, and
12 their rights under this Act; and

13 (II) training of supervisors in
14 monitoring heat conditions and envi-
15 ronmental forecasts, recognizing signs
16 of heat-related illness, and protocols
17 for responding to likely heat-related
18 illness.

19 (vi) PLANNING REQUIREMENTS.—Re-
20 quirements for a heat illness and injury
21 prevention plan that—

22 (I) is of sufficient quality to ef-
23 fectuate the purposes of this Act and
24 to effectuate the requirements of the
25 standard that apply to the employer;

1 (II) is developed, updated, and
2 implemented with the meaningful par-
3 ticipation of the employer's employees
4 and, where applicable, such employ-
5 ees' representatives, for all aspects of
6 the plan;

7 (III) is produced and maintained
8 in writing and updated in light of
9 changing conditions or practices; and

10 (IV) is made available, upon re-
11 quest, to any employee, the employee's
12 representative, and the Secretary.

13 (vii) STANDARD HEALTH AND SAFETY
14 MEASURES.—Any measures described in
15 section 6(B)(7) of the Occupational Safety
16 and Health Act of 1970 (29 U.S.C.
17 655(B)(7)).

18 (B) INNOVATIVE SOLUTIONS.—As the rel-
19 evant scientific evidence develops, technological
20 solutions improve, and environmental conditions
21 or new work practices aggravate the risk of
22 heat-related illness or injury, the Secretary may
23 modify, supplement, or revise a worker heat
24 protection standard by rule in order to improve
25 such standard in light of such changes, even if

1 it departs from long-standing past practice,
2 provided that the resulting standard is con-
3 sistent with this Act.

4 (C) CORE PRACTICES.—The Secretary
5 shall establish criteria under which an employer
6 who exposes or may reasonably be anticipated
7 to expose an employee to heat or heat stress
8 that is not reduced below hazardous levels by
9 engineering controls or personal protective
10 equipment shall implement a reasonable pro-
11 gram that includes—

12 (i) suitably cool potable water or ap-
13 propriate hydration, provided at employer
14 expense;

15 (ii) periodic paid rest breaks sched-
16 uled to reduce heat stress below hazardous
17 levels;

18 (iii) access to shade or suitable cool-
19 down spaces;

20 (iv) acclimatization policies; and

21 (v) such measures that are necessary
22 or appropriate to ensure effective imple-
23 mentation of the requirements of this sub-
24 paragraph.

25 (4) OTHER SPECIFICATIONS.—

1 (A) PROTECTION OF PAY.—The Secretary
2 shall require that, for any required duration
3 such as rest breaks, medical removal protection,
4 and training, an employee shall receive com-
5 pensation at the regular rate at which such em-
6 ployee is employed.

7 (B) LANGUAGE ACCESS.—Any required
8 training, poster, label, hazard alert, or written
9 plan shall be provided in English and a lan-
10 guage understood by the employees, if such is
11 not English, and prepared appropriately for the
12 vocabulary, educational level, and literacy of the
13 employees.

14 (C) TEMPORARY LABOR CAMPS.—The Sec-
15 retary shall revise the Secretary's standard for
16 temporary labor camps to the extent necessary
17 to achieve the purposes of this Act.

18 (5) MAINTAINING PROTECTION.—No worker
19 heat protection standard promulgated under this Act
20 may reduce the protection afforded employees by an
21 existing worker heat protection standard.

22 (b) INITIAL STANDARDS.—Not later than the date
23 that is 1 year after the date of enactment of this Act,
24 the Secretary shall promulgate, without regard to the re-
25 quirements of chapters 5 and 6 of title 5, United States

1 Code, subchapter I of chapter 35 of title 44, United States
2 Code (commonly known as the “Paperwork Reduction
3 Act”), or the National Environmental Policy Act of 1969
4 (42 U.S.C. 431 et seq.), an interim final rule establishing
5 a worker heat protection standard and related record-
6 keeping and reporting requirements. Such rule shall take
7 effect upon issuance (except that it may include a reason-
8 able delay in the effective date), shall have the legal effect
9 of an occupational safety and health standard as defined
10 by section 3(8) of the Occupational Safety and Health Act
11 of 1970 (29 U.S.C. 652(8)), and shall remain in effect
12 until superseded by a final rule promulgated pursuant to
13 this Act.

14 (c) RULEMAKING PROCEDURES.—For any rule-
15 making pursuant to this Act after publication of the in-
16 terim final rule in subsection (b), the following procedures
17 shall apply:

18 (1) IN GENERAL.—The Secretary shall, upon a
19 showing by a petitioner pursuant to paragraph (2)
20 or the Secretary’s own determination that a worker
21 heat protection standard is necessary or appropriate
22 to regulate employees’ exposure to conditions known
23 to cause or that may reasonably be anticipated to
24 cause heat-related illness or injury, promulgate any
25 worker heat protection standard in accordance with

1 the policies set forth in this section and in accord-
2 ance with section 553 of title 5, United States Code
3 (without regard to any reference in such section to
4 sections 556 and 557 of such title).

5 (2) PETITIONS FOR RULEMAKING.—Any person
6 may petition the Secretary to promulgate or modify
7 a worker heat protection standard. Within 18
8 months after receipt of a petition, the Secretary
9 shall either grant or deny the petition by publishing
10 a written explanation of the reasons for the Sec-
11 retary's decision. The Secretary may not deny a pe-
12 tition solely on the basis of inadequate resources or
13 insufficient time for review.

14 (3) TIMELINES.—Except as otherwise provided
15 in subsection (b), the Secretary shall observe the fol-
16 lowing schedule for rulemaking:

17 (A) PROPOSED STANDARDS.—Within one
18 year after granting a petition for rulemaking
19 under paragraph (2), the Secretary shall pub-
20 lish a proposed worker heat protection standard
21 consistent with this section.

22 (B) FINAL STANDARDS.—The Secretary
23 shall promulgate, within one year after such
24 publication, such standards with such modifica-
25 tions as the Secretary deems appropriate.

1 (C) EFFECT.—Standards or revisions
2 thereof shall become effective upon promulga-
3 tion, except that the Secretary may include a
4 reasonable delay in the effective date.

5 (4) TRANSPARENCY IN RULEMAKING.—For any
6 rulemaking notice pursuant to this Act, the Sec-
7 retary shall place in the public record not later than
8 the date of such rulemaking notice the following:

9 (A) The drafts of such rulemakings pre-
10 pared before publication and submitted by the
11 Secretary to the Office of Management and
12 Budget for any interagency review process prior
13 to publication, all documents accompanying
14 such drafts, all written comments thereon by
15 other agencies, and all written responses to
16 such written comments by the Secretary.

17 (B) A summary of the substance of any
18 changes between the text of the draft rule-
19 making that the agency provided to the Office
20 of Management and Budget under section
21 6(a)(3)(B)(i) of Executive Order 12,866 and
22 the text published in the Federal Register, ex-
23 cluding any non-substantive changes such as
24 spelling or grammatical corrections or re-order-
25 ing of text that has no legal effect.

1 (C) A statement identifying any party or
2 entity at whose request any such change was
3 made.

4 (5) JUDICIAL REVIEW.—

5 (A) FILING OF PETITION.—A petition for
6 review in accordance with section 702 of title 5,
7 United States Code, of action of the Secretary
8 in promulgating any worker heat protection
9 standard or any other nationally applicable reg-
10 ulation or final action taken by the Secretary
11 pursuant to this Act may be filed only in the
12 United States Court of Appeals for the District
13 of Columbia. The filing of a petition for review
14 shall not postpone the effectiveness of such rule
15 or action.

16 (B) TIMELY FILING.—Any petition for re-
17 view under this paragraph shall be filed within
18 sixty days from the date notice of such promul-
19 gation, approval, or action appears in the Fed-
20 eral Register.

21 (C) NOT SUBJECT TO REVIEW.—Action of
22 the Secretary with respect to which review could
23 have been obtained under this paragraph shall
24 not be subject to judicial review in civil or
25 criminal proceedings for enforcement. Failure

1 to promulgate any standard pursuant to the
2 schedule established by this section shall be
3 subject to review.

4 **SEC. 4. IMPLEMENTATION AND ENFORCEMENT.**

5 (a) IN GENERAL.—Except as otherwise provided by
6 this section—

7 (1) a worker heat protection standard shall
8 have the same legal effect as an occupational safety
9 and health standard as defined by section 3(8) of
10 the Occupational Safety and Health Act of 1970 (29
11 U.S.C. 652(8)); and

12 (2) any rule, regulation, or order promulgated
13 pursuant to this Act shall have the same legal effect
14 as a rule, regulation, or order promulgated pursuant
15 to the Occupational Safety and Health Act of 1970
16 (29 U.S.C. 651 et seq.).

17 (b) ENFORCEMENT.—

18 (1) STATUTE OF LIMITATIONS FOR CITATION.—
19 No citation for any violation of section 2 or any
20 standard, rule, regulation, or order pursuant to this
21 Act may be issued under this section after the expi-
22 ration of four years following the occurrence of any
23 violation.

24 (2) REVIEW.—The Commission shall grant sub-
25 stantial deference to any reasonable interpretation

1 by the Secretary of this Act or any standard, regula-
2 tion, or order pursuant to this Act.

3 (c) RECORDKEEPING AND REPORTING.—

4 (1) IN GENERAL.—With regard to record-
5 keeping and reporting, the Secretary and Secretary
6 of Health and Human Services shall have the same
7 authority to prescribe regulations related to this Act
8 as under section 8 of the Occupational Safety and
9 Health Act (29 U.S.C. 657).

10 (2) CONSOLIDATING REQUIREMENTS.—The
11 Secretary may incorporate recordkeeping and report-
12 ing requirements under this section into existing rec-
13 ordkeeping and reporting requirements promulgated
14 pursuant to section 8 of the Occupational Safety and
15 Health Act (29 U.S.C. 657), provided that a viola-
16 tion of such a requirement with regard to implemen-
17 tation of this Act shall be enforced as a distinct vio-
18 lation separate and apart from any other simulta-
19 neous violation of a requirement pursuant to the Oc-
20 cupational Safety and Health Act.

21 (d) WHISTLEBLOWER PROTECTIONS.—

22 (1) COMPLAINT.—Any employee who believes
23 that such employee has been discharged or otherwise
24 discriminated against by any person in violation of
25 section 11(c)(1) of the Occupational Safety and

1 Health Act (29 U.S.C. 660(c)(1)) with regard to any
2 matter under or related to this Act may, within 180
3 days after such violation occurs, file a complaint
4 with the Secretary following the procedures in para-
5 graph (2) of such section alleging such discrimina-
6 tion.

7 (2) ACTION.—If the Secretary fails to notify
8 the complainant of the Secretary’s determination on
9 the complaint within 90 days pursuant to section
10 11(c)(3) of the Occupational Safety and Health Act
11 (29 U.S.C. 660(c)(3)) or determines not to bring an
12 action pursuant to paragraph (2) of such section,
13 such employee may bring an action in any appro-
14 priate United States district court against such per-
15 son for all appropriate relief in accordance with
16 paragraph (2) of such section as well as reasonable
17 attorney’s fees and costs.

18 **SEC. 5. GENERAL PROVISIONS.**

19 (a) SEVERABILITY.—If any provision of this Act is
20 held invalid, the remainder of this Act shall not be affected
21 thereby. If the application of any provision of this Act to
22 any person or circumstance is held invalid, the application
23 of such provision to other persons or circumstances shall
24 not be affected thereby.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated from sums not otherwise
3 appropriated, for each fiscal year, such sums as may be
4 necessary to carry out this Act.

5 **SEC. 6. AGENDA FOR FURTHER REVIEW AND ACTION.**

6 The Secretary shall update the National Agricultural
7 Workers Survey with such questions that, in the Sec-
8 retary’s judgment, are useful to identify the incidence and
9 prevalence of heat-related illness and injury and assess the
10 impact of standards and enforcement pursuant to this Act.
11 Within one year of the date of enactment of this Act, the
12 Secretary shall submit to the Committee on Education and
13 Workforce of the House of Representatives and the Com-
14 mittee on Health, Education, Labor, and Pensions of the
15 Senate a report on the Secretary’s implementation of this
16 section.

17 **SEC. 7. DEFINITIONS.**

18 For purposes of this Act:

19 (1) The term “Commission” means the Occupa-
20 tional Safety and Health Review Commission.

21 (2) The term “employee” has the same mean-
22 ing as in section 3(6) of the Occupational Safety and
23 Health Act of 1970 (29 U.S.C. 652(6)).

1 (3) The term “employer” has the same meaning
2 as in section 3(5) of the Occupational Safety and
3 Health Act of 1970 (29 U.S.C. 652(5)).

4 (4) The term “heat stress” means the load of
5 heat that a person experiences due to—

6 (A) sources of heat or heat retention (in-
7 cluding the combined contributions of metabolic
8 heat, environmental factors, and clothing or
9 personal protective equipment); or

10 (B) the presence of heat in a work setting.

11 (5) The term “heat-related illness” means a
12 material impairment of health that occurs due to
13 heat stress.

14 (6) The term “heat-related injury” means an
15 injury caused by exposure to heat or sources of heat
16 or occurring as a result of heat stress.

17 (7) The term “Institute” means the National
18 Institute for Occupational Safety and Health.

19 (8) The term “Secretary” means the Secretary
20 of Labor.

21 (9) The term “worker heat protection stand-
22 ard” means a standard that regulates employee ex-
23 posure to heat stress and prevents heat-related ill-
24 ness and injury by requiring conditions or the adop-
25 tion or use of one or more practices, means, meth-

1 ods, operations, or processes reasonably necessary or
2 appropriate to provide employment and places of
3 employment that are safe or healthful.

