Testimony of Arturo S. Rodriguez
on behalf of the UFW Foundation and the United Farm Workers of America

Before the Select Committee on the Climate Crisis
United States House of Representatives

"Creating a Climate Resilient America: Overcoming the Health Risks of the Climate Crisis"

February 5, 2020

Chairwoman Castor, Ranking Member Graves, and Members of the Select Committee:

My name is Arturo Rodriguez and I had the honor of serving as the elected President of UFW for over 25 years, until 2018. Thank you for the opportunity to represent the United Farm Workers ("UFW") union and the UFW Foundation.

Founded in 1962 by Cesar Chavez, Dolores Huerta, and other early organizers, the UFW is the nation's first enduring and largest farm worker union. The UFW is a labor organization that represents migrant and seasonal farm workers in various agricultural occupations. Through collective bargaining, worker education, state and federal legislation, and public campaigns, the UFW seeks to improve the lives, wages, and working conditions of agricultural workers and their families. The UFW Foundation—a non-profit sister organization of the United Farm Workers Union—provides critical services and resources to farm worker and immigrant communities. As the largest Department of Justice accredited immigration legal service provider in rural California, UFW Foundation regional offices annually serve over 100,000 immigrants.

The UFW and the UFW Foundation believe that the workers who harvest the food that this nation enjoys should be entitled to protection from the impacts of climate change and efforts to undercut such protections. Both organizations actively champion legislative and regulatory reforms that advance the health, safety and well-being of farmworker and immigrant families, rural communities, and beyond. For decades, we have been fighting to correct the historical inequities that penalized farm workers with weaker protections than workers in other industrial sectors. At

the federal level and in the state of California, we have fought for laws and regulations that provide life-saving protections for farm workers, agricultural communities and consumers across the country. Among them:

- The Farm Workforce Modernization Act (H.R.5038), a groundbreaking and bipartisan bill that will legalize our nation's farmworkers, reform the H-2A temporary agricultural worker program and require employment verification ("E-verify") in agriculture. On December 11, 2019, this bill passed the House of Representatives with overwhelming and bipartisan support (by a vote of 260-165) and awaits action by the Senate.
- The Agricultural Worker Protection Standard ("WPS") which was strengthened on November 2, 2015 and protects approximately 2.4 million agricultural workers, their families, and communities adjacent to pesticide applications, from pesticide exposure and poisoning.
- The Certification of Pesticide Applicators ("CPA") rule which protects nearly 1 million pesticide applicators and prevents injuries, illnesses, and deaths from the misuse of deadly pesticides in agricultural, residential and commercial settings.
- A California law --the first in the nation-- that was signed by Governor Brown on September 12, 2016 and guarantees farm workers overtime pay after eight hours of work
- And critically relevant to today's hearing, the California Heat Illness Prevention standards – implemented in 2005 and strengthened in 2015-- designed to prevent deaths and illnesses from extreme heat for workers in agriculture and other outdoor industries.

OVERVIEW OF THE U.S. FARM WORKER POPULATION

As you examine the role of Congress and the federal government in protecting outdoor workers from the risks of climate change and heat exposure, it's important that you understand the many challenges faced by farm workers -- whose skilled work is integral to our food system -- and the impediments they continue to face in securing the legal right to a safe workplace.

- Overall, there are approximately 2.4 million farm workers across the country. This number includes hundreds of thousands of minors who work in agriculture.
- Out of the 2.4 million farmworkers, in FY 2019, the U.S. Department of Labor certified over 250,000 positions requested by agricultural employers for workers to enter the country with H-2A visas.[i] Under the H-2A temporary agricultural worker program, workers depend on the employer that petitioned them for their job, ability to stay in the country, housing and transportation. To keep their employers happy and be invited back, H-2A workers will work to the limits of their endurance.
- Farmworkers are predominantly of Latino and/or indigenous ancestry with nearly 70% hailing from Mexico. About 50% of the workforce is documented, and nearly 80% are most comfortable speaking in Spanish.

- For farmworkers in California, extreme weather events and wildfires are not hypothetical scenarios found in scholarly articles or climate change reports. Indeed, research indicates that rising temperatures and changes in precipitation will increase the risks of wildfires and poor air quality.[ii] Over the past 3 years, farmworkers across California have first-hand experience performing back-breaking work while fires raged and smoke made it difficult to breathe. Unless they were represented by a union, many of them felt pressured to keep working, despite harmful conditions.
- In addition to heat, farm workers are also on the frontlines of exposure to a range of pesticides that threaten their health and the development of their children. Due to climate change, high temperatures, changing patterns of precipitation and drought are expected to result in a decline in food production, more intense wildfires, a decrease of water supplies, and an expansion of pest activity that will increase the exposure of farmworkers to harmful pesticides.[iii] In order to protect themselves from the sun and reduce exposure to pesticides, farmworkers wear additional clothing or personal protective equipment ("PPE") which can increase the risk of heat-related illness.
- Due to a shameful and race-based history, federal law excludes farmworkers from the same basic labor protections enjoyed by other workers, including the National Labor Relations Act (NRLA), the Fair Labor Standards Act (FLSA), and federal child labor laws and safety requirements.
- As a result of language barriers, immigration status, lack of access to health care, and economic vulnerability, most farm workers won't speak out in the workplace, be adequately informed about occupational and environmental hazards, or have access to timely medical attention when illness or injury strikes.

Today, I have the privilege of sitting before you in a climate-controlled hearing room. In general, farmworkers have no refuge from extreme temperatures as they toil under the scorching sun to cultivate and harvest the food that reaches our tables. Farmworkers feed our families and communities, without regard to region, race, ethnicity, gender, age, ability, or whether we are Democrats or Republicans.

Given the nature of agricultural work, their close relationship to the land and regular exposure to the elements, farmworkers are on the frontlines of the climate crisis that needs to be solved. To give you a better sense of the reality that farmworkers and other outdoor workers face, it would be more fitting for a Congressional hearing to be held outdoors, in full exposure to the elements when the summer temperatures are in full swing.

To feed the nation, farmworkers perform skilled and strenuous work. In the course of that work, they face a range of hazards including but not limited to, heat illness, occupational and residential exposure to a range of harmful pesticides, and cumulative exposure to contaminants in our air and water.

At the national level, farmworkers have the highest rates of chemical exposures and heat-related deaths[iv] among U.S. workers:

- When it comes to the health and safety risks of workplace heat exposure, outside of California, farmworkers enjoy little to no regulatory protection. Only two states — California[v] and Washington[vi] — have implemented standards to protect outdoor workers from heat stress. As such, farmworkers suffer heat-related illnesses that can lead to heat stroke and death in the absence of training, life-saving precautions and timely intervention.
- In connection with pesticide exposure, farmworkers are denied the health and safety protections provided by the Occupational Safety and Health Administration (OSHA), even though the impetus behind the establishment of OSHA in 1970 was the growing concern in Congress about "the occupational hazard presented by the misuse of pesticides."[vii]

If any of us had to spend several hours toiling under high temperatures or exposed to pesticides, the basic protections that we'd need would include water, shade, breaks, training and personal protective equipment to prevent illness and tragedies. Farmworkers deserve nothing less. Given the conditions that they must labor under, protecting farmworkers them from the impacts of climate change can be achieved through commonsense safeguards that take into account the realities they face in agricultural occupations, across the nation.

The farmworker communities that we serve are tragically familiar with the dangers of rising temperatures and dangerous heat. We are humbled to be here on behalf of farm workers who died from the heat while harvesting America's food. They perished as they were denied the drinking water, shade, breaks and other simple measures that could have prevented their deaths:

- **Miguel Angel Guzman Chavez** was a 24-year-old farmworker that came to the U.S. under the H-2A guest worker program. He died from heat on June 21, 2018, five days after he arrived in the U.S. from Mexico. He was picking tomatoes for Beiza Farm Labor Contractor and Motley Farms in the state of Georgia. According to co-workers, Miguel Angel and his crew were working 16 hour days prior to the day he perished. He wasn't used to the high heat and humidity, and was stricken at the height of the daily heat at about 4 p.m. while picking tomatoes. That day, the high temperature was 95, with a heat index (how hot it really feels when relative humidity is factored in along with the actual air temperature) of 103 or 104 degrees. Miguel had told his crew boss he was feeling ill. The foreman told him to sit it out in the shade. Meanwhile, Miguel yelled and moaned of pain and demanded medical attention. After one hour of suffering, the foreman finally took Miguel to the labor contractor's office, where human resources staff was present. However, it was another employee, a mechanic, who drove him to the hospital. He died in route. Like many heat stroke deaths of farm workers, Miguel's death was preventable.

- **Honesto Ibarra** was a 28-year-old worker that entered the U.S. on an H-2A visa. On August 6th, 2017, he was working on a blueberry farm in Sumas, Washington. His coworkers say that it was a hot day when Honesto started experiencing headaches and told his supervisor on two different occasions that he was not feeling well. Honesto was ignored by his supervisor both times and was told to go back to work. Honesto eventually collapsed and was transported to a medical center where he died.

- **Ricardo Sotelo** passed away due to heat illness. This past June 30th marked 4 years since his death. While Ricardo was harvesting blueberries at Olsen Bros, Wyckoff Farms in Washington State, the temperature was 107 degrees. Because of the high temperatures, many of his co-workers were feeling ill and began to vomit. Ricardo had been feeling sick all day and had asked to take a break, but unfortunately he was denied rest by his supervisor and had to continue picking blueberries. Later that day, when Ricardo arrived home from work, he passed out. His family took him to the hospital, where he died on the same day. Medical records indicated that his death was due to heat stroke.

- **Jaime Nuño-Sanchez** was a 48 year-old farm worker with 30 years of experience harvesting fruits and vegetables throughout the Coachella Valley in Southern California. On the morning of September 21st, 2015, he started his shift picking lemons for Wonderful Citrus, one of the largest citrus distributors in the United States. Around 10:30 a.m. on Sept. 21, a work crew that included Nuño-Sanchez and his wife began picking from a row of trees at the back of the grove, not far from where a supervisor had set up shade and water to comply with California's heat illness prevention standards. Temperatures hovered around 90 degrees, but the humidity made it feel like 105. Forty-five minutes into the shift, Nuño-Sanchez, 48, sat down in a shaded area, saying he didn't feel well. Minutes later he collapsed. One picker, who could speak English, called 911. A supervisor jumped into a pickup and sped to Highway 86 to wait for a fire truck and paramedics. When they arrived, he led them to the last lemon tree in the grove. Paramedics tried to revive Nuno- Sanchez, but it was too late. The father of three died in the field at 12:35 PM.

- **Maria de Jesus Alvarez Bautista** was 63 years old and worked at Anthony Vineyards, employed through farm labor contractor Manuel Torres. On July 15, 2008, on a 110-degree day, she was picking grapes in the vineyard. The foreman pressured the crew to work harder, telling them they were not working fast enough. According to her family, Maria felt pressured to keep pace with her coworkers, although she needed a break. As a result, she worked for the rest of the day. The crew of 150 people were not provided shade, nor were they trained in heat stroke prevention and precautions as mandated by state law. Without the proper training, her coworkers were not able to identify the signs of heat illness. Later that evening when she was home, she had a headache, a high fever and started

vomiting. Her son found his mother wrapped up in a blanket on the sofa, saying she was cold, despite it being a hot day. With her condition deteriorating rapidly over the course of two weeks, she was taken to the hospital on July 29. Doctors determined that she was severely dehydrated and had suffered a heat stroke. After being treated at two different hospitals, Maria de Jesus Alvarez Bautista died on August 2, 2008, making her one of six farm workers whose death was due to fatal exposure to heat in 2008.

- **Maria Isavel Vasquez Jimenez** was a 17-year-old undocumented farmworker who worked at a vineyard owned by West Coast Grape Farming located east of Stockton, California. She died of heat exhaustion on May 16, 2008. Two days prior to her death, she was tying grape vines when the temperature rose above 95 degrees. She was unable to reach a water cooler that was about 10 minutes away and the foreman didn't give workers a long enough break to get a drink of water. She collapsed from heat exhaustion after working more than nine hours under oppressive heat conditions. She didn't have access to shade or water and she was never trained on heat illness protection. Two days after collapsing from heat exhaustion she passed away. As Bautista, her fiancé, cradled her, the supervisor just stared at her and did nothing. The farm labor contractor failed to bring Maria Isavel to a hospital right way. Instead, the supervisor told Bautista to lay her down in a bed of a hot van and place a wet cloth on her forehead. When she was finally taken to a hospital near Lodi, approximately two hours after collapsing, Maria Isavel was in a coma and her body temperature was about 108 degrees. Then the doctors discovered she was two months pregnant. Bautista said that Maria and him had not been given safety training and that the supervisors had told him to lie about the event.

Maria Isavel Vasquez Jimenez, Maria de Jesus Alvarez Bautista, Jaime Nuño-Sanchez, Ricardo Sotelo, Honesto Ibarra and Miguel Angel Guzman Chavez, were not agricultural implements; they were important human beings. Their lives were worth a lot—and they deserve better treatment than they received.

PROTECTING WORKERS FROM HEAT IS FEASIBLE AND CALIFORNIA SERVES AS A MODEL

After a string of heat deaths, in 2005 the UFW worked with then Assemblywoman Chu and convinced Governor Arnold Schwarzenegger to issue the first comprehensive regulations in the nation to protect California farm and other outdoor workers from dying or becoming ill when temperatures soar. After Representative Chu held a hearing outdoors to highlight the impacts of extreme heat on workers, Gov. Schwarzenegger announced an emergency heat illness prevention standard. California became the first state in the nation to issue life-saving and comprehensive Heat Illness Prevention standards for outdoor workers.

Since 2005, California has required:

- Training for all employees and supervisors about heat illness prevention.
- Potable water to employees that is free of charge and located close to the areas where employees are working
    - Water cannot be more than 400 feet away
    - Each employee should have access to 1 quart per hour, or four 8 ounce glasses of water per hour
- Access to shade and encourage employees to take a cool-down rest in the shade for at least 5 minutes. They should not wait until they feel sick to cool down.
- Planning that includes written procedures for complying with the Cal/OSHA Heat Illness Prevention Standard.

The laws on the book are only meaningful if they are enforced and become a reality for the workers that need it the most. In the summer of 2008, five more farm workers died from heat illness in California. Their deaths inspired our organizing of the "March for Fallen Farm Workers" from Lodi to the state Capitol in Sacramento to raise awareness about agricultural establishments and farm labor contractors who were denying farm workers the life-saving protections inherent in the state's Heat Illness Prevention Regulation.

In light of these tragedies, the UFW helped aggrieved farm workers challenge the state of California in 2009 and 2012 over inadequate enforcement of heat regulations. In 2015, a settlement of these complaints led the state of California to increase their enforcement of the heat standard and included a memorandum of understanding under which farm worker advocacy groups, including the UFW and the UFW Foundation, can file reports of violations with Cal-OSHA, which is mandated to immediately investigate them.

Furthermore, on Friday, May 1, 2015, the state issued strengthened heat regulations for all employees that work outdoors throughout California. The strengthened rules require that:

- Water provided to employees must be "fresh, pure, suitably cool" and located as close as practical to where employees are working.
- Shade must be present at 80 degrees, instead of the current 85, and accommodate all employees on recovery or rest periods, and those onsite taking meal periods.
- High-heat procedures (which will remain triggered at 95 degrees) shall ensure "effective" observation and monitoring of employees.
    - During high heat, employees must be provided with a minimum 10-minute cool-down period every two hours.

Since the CA standard went into effect, California's farming industry has continued to prosper. In fact, according to the most recent farm income and wealth statistics by the CA Department of Food and Agriculture, from 2008-2018, the state experienced a nearly 34 percent increase in cash receipts for all agricultural commodities, compared to 2008.[viii]

California is the leading agricultural state in the country, producing over 400 commodities, two-thirds of the nation's fruit and nuts, and more than one-third of the nation's vegetables. It is also home to the largest number of farmworkers in the U.S..[ix]

California's size (the third largest state by land area and most populated state in the country) [x], diverse temperature zones, and the various outdoor industries that are subject to the California Heat Illness Prevention Standard (agriculture, construction, landscaping, oil and gas extraction, and transportation or delivery of agricultural products, construction materials or other heavy materials)[xi] can serve as a model for the nation, and a testament to the feasibility of a national heat illness standard to protect workers.

It's important to note that in testimony before Congress, among many things, the California Farm Bureau Federation shared that the California Heat Illness Prevention Standard is simple; that any heat standard should require provision of water, shade, and training for everyone, and that "the greatest need is for workers, supervisors and employers to understand the key steps to take to avoid incidents of heat illness and deal effectively and promptly with any incidents that occur."[xii] All these basic efforts intend to save more lives and prevent more illnesses among outdoor workers.

PERSONAL PROTECTIVE EQUIPMENT (PPE) IS INADEQUATE TO PROTECT FARMWORKERS FROM UNSAFE LEVELS OF PESTICIDES AND EPA IS NOT CONSIDERING HOW CLIMATE CHANGE AND PPE USE AFFECT THE RISK OF HEAT ILLNESS.

A bedrock principle of occupational hygiene is the "hierarchy of controls," which is used by the Occupational Safety and Health Administration (OSHA) and others to identify options for controlling exposures to occupational hazards. The hierarchy prioritizes elimination of the hazardous agent or substitution of a less hazardous agent. These are preferable to the implementation of engineering controls, which in turn are preferable to requiring personal protective equipment. For workers who are protected by OSHA, personal protective equipment is always the mitigation measure of last resort. When it comes to protecting workers from pesticides, EPA is in charge and the agency starts by considering personal protective equipment, then considers engineering controls, and never considers substitution with less toxic options or practices.

However, when EPA reviews a pesticide to determine whether it meets the statutory safety standards, it conducts a series of risk assessments addressing food, drinking water, drift and volatilization exposure to children, bystanders, and workers. As its standard approach in assessing worker risks, EPA identifies risk levels of concern to workers and determines whether workers will be exposed to levels of pesticides that exceed those risk levels. For pesticide handlers, if it finds risks of concern, EPA first tries to reduce the risks through the use of protective clothing and gear. If the risks of concern are not eliminated, EPA then considers requiring engineering controls,

like closed mixing systems. If none of these strategies eliminates the risks of concern, EPA will consider reducing application rates or eliminating the application method. For risks of concern to field workers, EPA uses restricted re-entry intervals to keep field workers out of the fields until exposures will be reduced. Only if re-entry intervals cannot eliminate the risks of concern will EPA consider stopping the activity or the use of the pesticide. This is the inadequate and underprotective methodology that EPA has used to assess worker risks from some of the most harmful pesticides.

Furthermore, while the Environmental Protection Agency ("EPA") has acknowledged that use of PPE when working in hot temperatures increases the risk of heat-related illness, unfortunately, EPA does not evaluate this risk when conducting occupational risk assessments for pesticides that assume varying levels of personal protective equipment.

Feeding America and much of the world is honorable and important work. Farm workers shouldn't risk death or illness from climate change impacts and pesticide exposure when reasonable measures can prevent such tragedies and protect them from these hazards.

Fifteen years ago we got a Republican governor to take action on heat stress. Five years ago we worked with a Democratic governor to strengthen the heat standards. Last year, we worked together to secure the enactment of S. 483, the Pesticide Registration Improvement Act of 2019 ("PRIA 4") and passage of the Farm Workforce Modernization Act (H.R.5038) in the House:

- House and Senate leadership, congressional appropriators and authorizing committees (House and Senate Agriculture, and House Energy and Commerce) unanimously supported S. 483. PRIA 4 provides the EPA with more resources to evaluate pesticide registrations and ensures the protection of farmworkers, pesticide applicators and consumers who are exposed to pesticides in agricultural, residential, and commercial settings.
- H.R.5038 is a bipartisan bill that would not only legalize eligible farmworkers but also requires that agricultural employers of H-2A workers maintain a heat illness prevention plan that includes: procedures for the prevention of heat illness, appropriate training on heat illness prevention, access to water and shade, the provision of breaks, and protocols for emergency response. This was part of an effort to bring the life-saving heat illness protections that we helped establish in California to farmworkers across the nation.

SOLUTIONS TO THE CLIMATE CRISIS REQUIRE BOLD ACTION

Farm working and immigrant families are not only vital to our economy and food security; they are also vital to our communities. As this Committee and Congress discuss the bold action that will be necessary to tackle the climate crisis, I urge you not to lose sight of the relief and safeguards that farmworkers and environmental justice communities deserve NOW, to live and work with

dignity and free of occupational and environmental hazards that threaten their health, safety, and the well-being of their families.

To this end, we urge members of this committee to ensure that any policies, recommendations and strategies to address the climate crisis count with the meaningful engagement of the workers and communities who are on the frontlines of the climate crisis. Doing so would be consistent with the principles of Environmental Justice, which among many things: demand the participation of the most impacted communities at every level of decision-making; and affirms the right of all workers to a safe and healthy work environment.[xiii] On this front, I want to commend the work of Congressman McEachin and Natural Resources Committee Chairman, Raúl Grijalva on their comprehensive environmental justice initiative and the Environmental Justice for All Act. Environmental justice stakeholders have described the initiative as the most participatory effort of any Congress.

FOR SOLUTIONS THAT ARE CENTERED ON THE WORKERS MOST VULNERABLE TO THE CLIMATE CRISIS, AT A MINIMUM, CONGRESS MUST:

- **CODIFY the right to water, shade, rest, training and emergency procedures for outdoor workers.** These are basic yet life-saving safeguards that would protect outdoor workers from heat related illnesses and deaths. This is what the Asuncion Valdivia Heat Illness and Fatality Prevention Act (H.R.3668) intends to do by directing the Occupational Safety and Health Administration (OSHA) to issue a standard to protect indoor and outdoor workers from heat-related injuries and illnesses. If enacted, the bill can ensure that workers like Asuncion, Maria Isavel, Miguel Angel and Honesto won't die unnecessarily.
- **ELIMINATE the racist exclusion of farmworkers from our federal labor laws.** U.S. farmworkers who seek improvements in wages or working conditions can be fired by their employers if they choose to join, organize or support a labor union. That is not the case for workers in other industry sectors that count with federal protections provided by the National Labor Relations Act of 1935 (NLRA), which among many things, prohibits employers from firing workers for the aforementioned activities. The disparity in protections is due to a legacy of racism that specifically excludes farmworkers (and domestic workers) from the NLRA. And the exclusions don't end there. In fact, farmworkers are also excluded from the right to overtime pay in the Federal Labor Standards Act of 1938 (FLSA). The Fairness for Farm Workers Act (H.R.1080) would end the discrimination that denies farmworkers the right to overtime pay.
- **DIRECT THE EPA to assess the risks of heat-related illness** associated with any and all personal protective equipment (PPE) that the Agency assumes that workers will wear when conducting occupational risk assessments for pesticides. While the Agency has acknowledged that use of PPE when working in hot temperatures increases the risk of heat-related illness, the EPA does not evaluate this risk when conducting occupational risk assessments for pesticides that assume varying levels of PPE.

- **DIRECT THE EPA to follow the hierarchy of controls** when selecting options to reduce occupational risk from pesticides. A bedrock principle of occupational hygiene is the "hierarchy of controls," which is used by the Occupational Safety and Health Administration (OSHA) and others to identify options for controlling exposures to occupational hazards. The hierarchy prioritizes elimination of the hazardous agent or substitution of a less hazardous agent. These are preferable to the implementation of engineering controls, which in turn are preferable to requiring personal protective equipment. For workers who are protected by OSHA, personal protective equipment is always the mitigation measure of last resort. When it comes to protecting workers from pesticides, EPA is in charge and the agency starts by considering personal protective equipment, then considers engineering controls, and never considers substitution with less toxic options or practices.
- **DIRECT ALL FEDERAL AGENCIES to comply with Executive Order 12898** relating to Federal Actions to Address Environmental Justice In Minority Populations and Low-Income Populations, and report to Congress on its implementation. EO 12898 directs Federal agencies to address disproportionately high and adverse human health or environmental effects of its programs. Failure to implement EO 12898 is of great concern as it will disproportionately and negatively impact members of the UFW and UFW Foundation who are farm worker families, low-income immigrants, immigrants with disabilities and persons of color.
- **INVEST in the capacity of rural and agricultural communities to:**

    - **Resist and respond to climate change impacts.** Agricultural communities are particularly vulnerable to climate change and pesticide exposure. Compared to urban areas, rural areas have higher concentrations of people that live in poverty and are more likely to have limited access to medical services and housing with air-conditioning.[xiv] This affects the ability of farmworker families to find refuge from the heat in their own homes and get treatment for heat-related illnesses or injuries. Failure to prepare the agricultural sector for the impacts of climate change will compromise our food security, and the health, safety and livelihoods of farmworkers.
    - **Decrease the agricultural industry's reliance on harmful pesticides.** In the United States, over 1.1 billion pounds of pesticides are used every year. World pesticide usage is at nearly 6 billion pounds, according to EPA estimates.[xv]

We stand ready to work with Republicans and Democrats in this committee, and beyond, to stop unnecessary illnesses and deaths, and advance national standards that protect the most vulnerable workers and communities from climate change.

[i] See U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019, available at https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

[ii] See U.S. Global Change Research Program, Fourth National Climate Assessment (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf

[iii] ibid

[iv] See Larry L. Jackson & Howard R. Rosenberg, Preventing Heat-Related Illness Among Agricultural Workers, 15 J. Agromedicine 200 (2010) ("The crop worker fatality rate averaged 4 heat-related deaths per one million workers per year—20 times higher than the 0.2 rate for US civilian workers overall.").

[v] See 8 CCR § 3395, 8 CA ADC § 3395, Heat Illness Prevention in Outdoor Places of Employment, available at https://www.dir.ca.gov/title8/3395.html

[vi] See WAC § 296-62-095, Outdoor Heat Exposure, available at https://app.leg.wa.gov/WAC/default.aspx?cite=296-62&full=true#296-62-095

[vii] See *Organized Migrants In Community Action, Inc. v. U.S. Department of Labor* (1975) at https://law.resource.org/pub/us/case/reporter/F2/520/520.F2d.1161.74-2062.html

[viii] USDA/ERS Farm Income and Wealth Statistics, Cash receipts by commodity 2008-2019F, available at https://data.ers.usda.gov/reports.aspx?ID=17845#P5f4072bb859f4ffc99c413a4eee73e71_4_17iT0R0x5

[ix] USDA, National Agricultural Statistics Service, 2017 Census of Agriculture, State Data, Table 7. Hired Farm Labor - Workers and Payroll: 2017, available at https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_US_State_Level/st99_2_0007_0007.pdf

[x] See U.S. Census Bureau, Quick Facts: California; United States, available at https://www.census.gov/quickfacts/fact/table/CA,US/PST045218#

[xi] 8 CCR § 3395, 8 CA ADC § 3395, Heat Illness Prevention in Outdoor Places of Employment, available at https://www.dir.ca.gov/title8/3395.html

[xii] See testimony by Bryan Little before the House Education and Labor Committee at https://edlabor.house.gov/imo/media/doc/LittleTestimony0711191.pdf

[xiii] Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. The Principles have served as a defining document for the growing grassroots movement for environmental justice, available at https://www.ejnet.org/ej/principles.pdf

[xiv] See U.S. Global Change Research Program, Fourth National Climate Assessment (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf

[xv] See U.S. EPA - Pesticides Industry Sales and Usage 2008 – 2012, available at https://www.epa.gov/sites/production/files/2017-01/documents/pesticides-industry-sales-usage-2016_0.pdf