



CLIMATE

California wants to protect indoor workers from heat. That goal is now in limbo

MARCH 23, 2024 · 10:19 AM ET

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Warehouse workers often labor in extremely hot conditions in California, as do many others who work indoors. The state has been considering new rules to protect them when temperatures soar to dangerous levels, but political headwinds have left the rules in limbo.

Jae C. Hong/AP

Over the past 20 years, Victor Ramirez has worked in warehouse after warehouse across southern California. And in almost all of them, he's felt painful, unbearable, oppressive heat. A few years ago, he fainted on the job. When he came to, his coworkers had tried to clean off the floor to give him a place to rest.

"Sientes como si estás adentro de un horno," he says in Spanish — "You feel like you're inside an oven."

Ramirez and thousands of other indoor workers across California have been pushing for years for the state to make rules that would protect them from heat, especially as climate change ramps up the intensity and frequency of dangerous heat. They thought they were on the cusp of success.

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This week, California's Occupational Health and Safety Administration's standards board (Cal/OSHA) was set to vote on rules that would have granted indoor workers the right to water, breaks, and cool-down areas when workplace temperatures topped 82 degrees Fahrenheit. Employers would have to use fans, air conditioning, or other methods to cool spaces, and adjust work tasks to account for increased heat fatigue when temperatures or the heat index exceeds 87 degrees Fahrenheit. The heat index is a measure that incorporates temperature and humidity, and more closely resembles the true feeling of heat.

California would have become only the third state in the U.S. to create rules

protecting indoor workers from heat.

But heat rules have been running into strong political headwinds in many parts of the country—even in climate-focused California. Florida is in the process of banning cities or counties from creating their own rules to protect workers from heat. And Texas successfully blocked local heat rules statewide last year, after several cities created statutes.

Stephen Knight, the executive director of WorkSafe — a worker-focused advocacy group — described the move as an "enormous blow" to California Governor Gavin Newsom's focus on addressing climate change. "It was a real missed opportunity to take action to provide support and assistance and protections to the most vulnerable workers," he said.

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Complications delay the heat rules

California's proposed rules have not escaped the fierce opposition seen in other states.

A 2016 state law told state agencies to create an indoor heat rule by 2019. That deadline sailed past as advocates, industry, and Cal/OSHA negotiated hard over the rules.

After seven years, the rules had received sign-off from all necessary parties—or so the Cal/OSHA standards board thought. Then, the night before the planned final vote, board members were instructed by the state's Department of Finance to pull the vote from the agenda, board chair David Thomas said during Thursday's meeting.

Without an official vote, the rules aren't able to move forward—and are at risk, because of procedural issues, of being eliminated completely.

"We got blindsided today," Thomas said.

Workers from many different heat-impacted industries shared their disappointment.

"You have failed us," Raquel Saldaña, a janitor from San Diego, said in Spanish. She described suffocating conditions working in the summer when the air conditioning was off.

The board, taken aback by the last-minute directive, made an unprecedented move: they took an unofficial vote on the rules. The symbolic vote passed unanimously.

"We have a responsibility to the workers of California," Thomas said. The worsening heat risks mean the time pressure is on. "[We have to] make sure that our people, our workers this summer are not subject to the same conditions that they have been in the past," he said.

Workers like Ramirez say there's no time to waste getting rules implemented. "Cada vez que viene el verano, me siento preocupado," he says in Spanish— "Every time summer comes, I get worried." And this summer is approaching quickly.

Ramirez is incensed that the rules, which would give indoor workers breaks, access to cool spaces to recuperate, and cool water on hot days, are now in limbo.

California "debería de dar la muestra al resto del país, para mostrarles que aquí se respetan las vidas humanas," he says in Spanish — the state "should be an example for the rest of the country, to show them that here they respect human life."

A pattern bigger than California

Heat exposure for indoor and outdoor workers is a growing risk for injury and even death nationwide. But creating worker protections from heat has proven a political challenge in different parts of the country in recent years.

There are no federal rules protecting workers from heat. In their absence, cities, counties, and states are left to create their own, but few have taken on the challenge.

Only four states—California, Oregon, Washington, and Colorado—have rules protecting outdoor workers, like people in agriculture or construction, when temperatures get dangerously hot—in the 80's. Only two states—Minnesota and Oregon—protect indoor workers.

"That means workers in 45 states across this country have no legal protections, no legal rights to protections from heat exposure from their employers," says Kevin Riley, director of the Labor Occupational Safety and Health program at UCLA.

Efforts to implement protections elsewhere have run into strong political

headwinds. Last year, after several Texas cities issued rules mandating shade and water breaks for construction workers, the Texas legislature created a law to block them. Florida is in the process of passing a similar law to prevent cities or counties from making their own heat-protection rules for workers.

Oregon implemented emergency heat protections after the Pacific Northwest's blistering 2021 heatwave, which killed hundreds, including farmworker Sebastian Francisco Perez. The rules became permanent in 2022. "The fact of the matter is, we waited for someone to die before we did this," said Jamie Pang, the environmental health program director at the Oregon Environmental Council. Oregon's rules cover both indoor and outdoor workers.

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"The chaos in California is just the latest reminder of why we need federal heat protections, stat," says Juanita Constible, a policy expert at the Natural Resources Defense Council.

Some industry leaders are concerned the rules aren't clear enough, and that they'll be difficult or impossible for some businesses to implement, says Rob Moutrie, a policy advocate at the California Chamber of Commerce. Buildings for shipping businesses, for instance, often have walls, which means they count as an indoor workplace. But they also have giant doors that often open to the outdoor heat, which makes heat management inside complicated.

Many businesses store things in shipping containers or outdoor sheds. The rules about those spaces "are not clear and feasible as drafted and so they won't really help the businesses trying to implement them," says Moutrie.

Restaurants are also in a tough position. Kitchens are often hot spaces, and some businesses don't have space for a required cool-down area—and it's difficult or impossible to change heat exposure if an employee is cooking over an open flame, for instance.

Climate change ratchets up risks

California was the first state to successfully implement heat protections for outdoor workers, which have been in place since 2005.

Since then, human-driven climate change has significantly worsened heat risks. Eight of the state's 10 hottest-ever years have occurred since then. A 2022 heat wave killed nearly 300 people. Hundreds die from heat exposure in the state every year.

Cal/OSHA received reports of more than 500 heat-related workplace injuries last year. But the true number is likely much higher, says R. Jisung Park, an environmental economist at the University of Pennsylvania. He led a 2021 study that looked at workers' compensation claims from 2001 to 2018 across California and compared the injury records with daily temperatures.

Injuries were 5 to 7 percent higher on days when temperatures were between 85 to 90 degrees Fahrenheit, compared to cooler days. Overall, the analysis estimated that working in uncomfortably hot conditions led to an extra 20,000 worker injuries a year in the state.

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"If you're working on a 95 degree day, for instance, we're talking about an elevation in same-day injury risk of upwards of 10% or more. In some industries, it could be many times that," says Park.

Heat impairs people's ability to think clearly, and can make them clumsy or dizzy. That means all kinds of injuries can increase on hot days, not just obviously heat-influenced ones like fainting. "Things like someone falling off of a ladder, someone getting hit by a moving crane, someone getting their hand caught in a piece of equipment," says Park—similar to problems many workers described at the Cal/OSHA meeting this week.

Summer is coming, warned Knight. And with it will come increased risk.

"The people who made that decision [to cancel the vote] don't have to look in the face of the workers," says Knight, of WorkSafe, whose "own bodies are paying the price for this kind of gamesmanship."

California workers hope it won't take someone dying to get protections approved. To Yesenia Barerra, a former warehouse worker who now works for the Warehouse Workers Resource Center, an advocacy group pushing for the heat rules, the message is simple. "Heat kills. Don't kill us," she said.