

CLIMATE & ENVIRONMENT

California legislators say new laws must protect farmworkers from extreme heat



Farmworkers pick strawberries in Salinas in September 2023. (Dania Maxwell / Los Angeles Times)

By Robert J. Lopez

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State lawmakers, responding to a report that the agency charged with ensuring worker safety in California has sharply cut back on enforcement of outdoor heat protection laws, said new legislation is needed to protect employees amid escalating periods of extreme heat.

Their comments addressed [an investigation by the Los Angeles Times and Capital & Main](#) that found that field inspections by the California Division of Occupational Safety and Health, known as Cal/OSHA, dropped by nearly 30% between 2017 and 2023. The number of violations issued to employers during that period fell by more than 40%.

“I’m incredibly disappointed, and I’m actually infuriated,” said Assemblymember Liz Ortega (D-San Leandro), chair of the Labor and Employment Committee.

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California cuts back on safety enforcement as farmworkers toil in extreme heat

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Ortega, whose committee has heard testimony from farmworkers [accusing Cal/OSHA of not enforcing safety laws](#), said the agency has repeatedly offered the “same excuses” for failing to ramp up inspections as life-threatening heat waves have intensified across California in recent years.

Cal/OSHA said it does not comment on legislation, but the agency said previously

that it will launch a new agricultural unit that will operate in cities across California and “significantly expand enforcement.”

State law requires employers [to provide heat illness prevention training](#), which includes information on the signs and symptoms of heat illness and an employer’s legal obligations to provide water and break areas with shade as close as possible to workers.

Capital & Main — an investigative news organization — interviewed more than 40 farmworkers across California in recent months. Workers said they did not receive heat safety training from employers and were not aware of their rights under the law. Many said they often toiled in fields and orchards with no shade and at times without water provided by employers.

Assemblymember Joaquin Arambula (D-Fresno), whose district includes fields and orchards in the San Joaquin Valley, said he will push for legislation that requires Cal/OSHA to create a new heat safety certification program for agricultural workers.

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The training, which would be administered by the agency online, would ensure that workers know their rights and inform them how to call Cal/OSHA and file complaints if their employers fail to comply with the law, according to Arambula.

“We need to make sure that we’re receiving the calls and that people are empowered and know what their rights are,” he added, “and we need to have people who are

there to receive the calls to make sure that we're following up with inspections and finding violations.”

He said he will introduce his bill during the next year's session of the Legislature. [A similar bill did not make it out of committee](#) during the current session after a difference of opinion arose among lawmakers over the best way to proceed with the legislation. The bill would have required the training to be offered in English and the top five non-English languages used by adults in California, as identified by the U.S. Census Bureau.

Ortega said that the Legislature has previously provided funding and other support so that Cal/OSHA could hire additional personnel to improve enforcement efforts. [The agency has 141 unfilled positions](#), or a vacancy rate of 37%, in its enforcement unit, which oversees workplace safety inspections.

“I don't think we'll ever get to the number of inspectors that we need to get some real results, not in the time that we need it, which is now,” Ortega said.

She and others say they are supporting a bill by Sen. Dave Cortese (D-San José), a former farmworker.

The bill, [which is being considered by the Assembly](#), would promote compliance with the state's outdoor heat regulations and ensure that workers are compensated and receive medical treatment if they suffer heat-related injuries while working for an employer who had failed to comply with the law. In cases where the farmworkers died, their families would be compensated.

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Cortese was not available for an interview but said in a statement that the bill is needed because farmworkers are endangered by record-breaking heat waves.

“Farmworkers need a rapid response for heat-related injuries and illnesses,” he said. “Their families need support when faced with the worst kind of heat-related tragedy — the death of a loved one and breadwinner.”

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