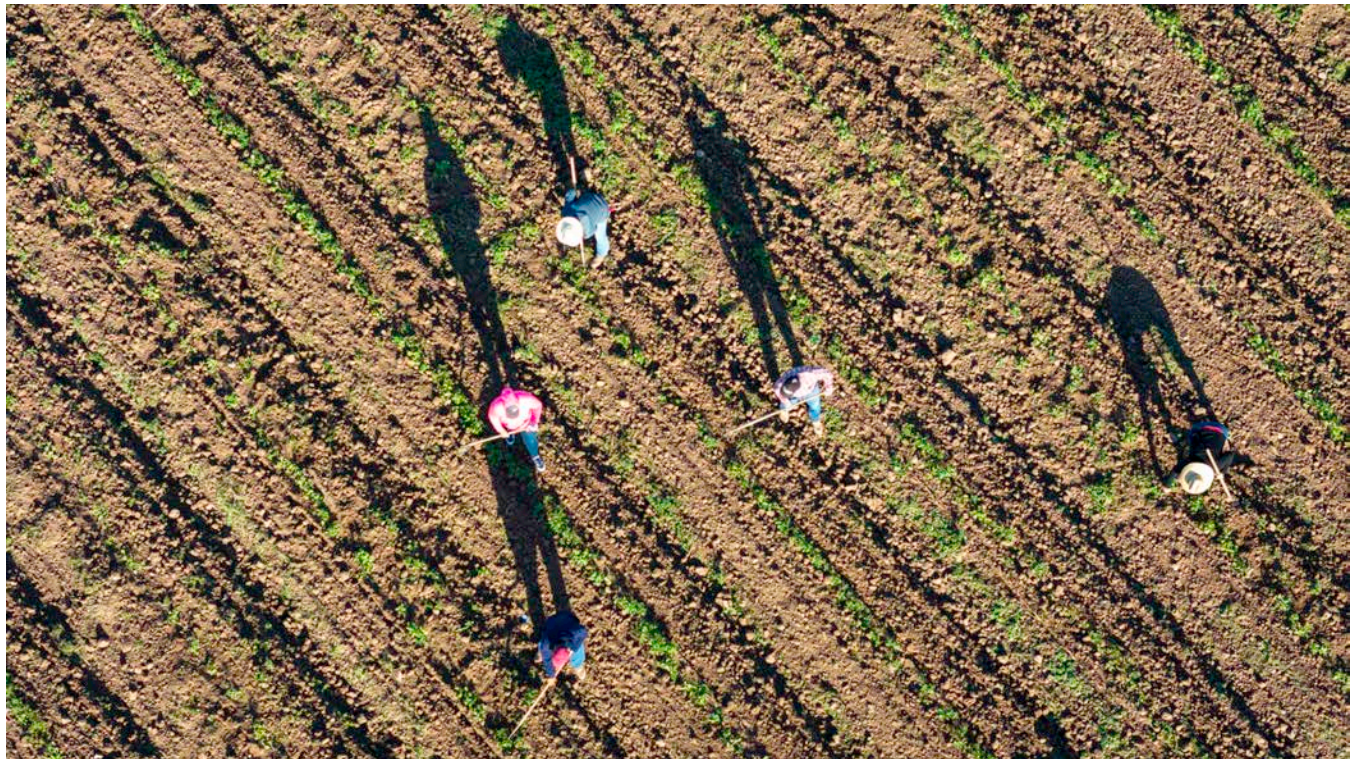


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Newsom Vetoes Farmworker Heat Safety Bill as State Enforcement Has Fallen

The bill would have made it easier to file heat-related workers' compensation. A Capital & Main investigation found field safety inspections fell 30% in seven years.



Farmworkers till a field in Calexico, California. Photo: John Moore/Getty Images.

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Farmworkers in California are bearing the brunt of life-threatening heat waves that have increased in intensity and duration.

Dozens of farmworkers have told Capital & Main in recent months that they often toil in blistering heat without shade and sometimes without water provided by employers, as required by state law.

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On Saturday, California Gov. Gavin Newsom vetoed a bill that was intended to protect farmworkers injured when their employers violated state outdoor heat safety regulations — dealing a setback to farmworkers and their advocates.

SB 1299, which was introduced by Sen. Dave Cortese (D-San Jose), would have made it easier for farmworkers to file workers' compensation claims for an injury that is heat related. SB 1299 would have placed the burden of proof on employers who had failed to comply with outdoor heat regulations when the injury occurred to show the claim was not due to heat.

In a statement, Cortese criticized Newsom on Monday for not realizing that farmworkers are endangered because many employers are violating California law.

“Newsom has failed to recognize this and take swift action to prevent future heat-related injuries and death among vulnerable farmworkers,” said Cortese, who sits on the Labor, Public Employment and Retirement Committee. “His decision to not sign my bill is an affront to all farmworkers across our state ... and sends a troubling message about our commitment to their health and well-being.”

In a [veto message](#) to state lawmakers, Newsom said that “farmworkers need strong protections from the risk of heat-related illness,” but he added the “workers’ compensation system is not equipped to make determinations about employers’ compliance” with outdoor heat-safety regulations.

The bill was sponsored by the [United Farm Workers](#) union, which played a key role in establishing California’s landmark outdoor [heat-illness safety law](#), enacted two decades ago after several workers died in searing temperatures. The UFW has since advocated for additional heat-safety measures.

“Despite the Governor’s veto of SB 1299, the UFW will continue to work to save farmworker lives,” union President Teresa Romero said in a statement.

Agricultural worker Nazario Sarmiento, who has toiled in citrus orchards that often lack shade, said he wished that the governor had approved the bill. “It’s bad, but what can you do,” he said in Spanish of the veto as he sat outside his home Sunday in the San Joaquin Valley.

The measure was opposed by the California Farm Bureau and [California Chamber of Commerce](#). They said that there was no data showing that the workers’ compensation system needed to be changed for heat-illness injuries.

In his letter, Newsom said that enforcement of outdoor heat-protection regulations is the responsibility of the California Division of Occupational Safety and Health, known as Cal/OSHA.

The agency, the governor said, “prioritizes protections for vulnerable workers, especially farmworkers.”

But an [investigation by Capital & Main](#) in August found that Cal/OSHA field enforcement inspections dropped by nearly 30% between 2017 and 2023. Violations issued to employers decreased by more than 40% during the period.

A week after the report was published, Cal/OSHA announced that it was [bolstering an enforcement unit](#) to go after the most egregious employers. The agency, which is grappling with [severe staffing shortages](#), has also said it plans to launch a new agricultural unit that will expand enforcement operations.

California **law requires protections** such as providing break areas with shade and “pure, suitably cool” water as “close as practicable” to workers when temperatures exceed 80 degrees F. It also requires employers to provide annual heat-safety training to workers.

In interviews, many farmworkers said they had not received heat-safety training and were unaware of their rights under state law.

Assemblymember Liz Ortega (D-San Leandro), who chairs the Labor and Employment Committee, said the drop in Cal/OSHA safety inspections underscores the need for additional measures to promote employer compliance with the law.

“Instead of hearing improvement, we’re hearing about worse numbers [and] worse data. ... When I hear those numbers, I think about the workers who are experiencing heat exhaustion or dying on the job, who depend on the state agency to protect them,” Ortega said in a recent interview. “It’s just extremely disappointing.”

In a **study published last year** in the *Journal of Occupational and Environmental Medicine*, the authors cited an analysis of workers’ compensation claims filed in California from 2000 to 2017. It found that agricultural workers had the highest rate of heat-related illness during the period. The report also cited data from a separate study showing that agricultural workers accounted for nearly a third of more than 500 fatal and catastrophic heat cases reported in the state between 2005 and 2021. Those cases likely represented a “significant undercount,” the authors said, “especially in industries such as agriculture where workers are less likely to be aware of their right to compensation or less willing to report injury and illness.”

California established outdoor heat-safety regulations in 2005, becoming the first state in the nation to enact such protections. Yet, over the years, Cal/OSHA has been accused repeatedly of failing to protect farmworkers.

The United Farm Workers sued the agency twice, alleging that it failed to enforce the law. As **part of a 2015 settlement** with the union, Cal/OSHA pledged to maintain a task force to review employer records documenting heat-illness training and increase the number of inspections during periods of high-heat periods.

California lawmakers have vowed to **introduce new legislation** to protect farmworkers when the Legislature convenes next year.

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