

**Before the U.S. Department of Labor
Occupational Safety and Health Administration (OSHA)**

**Stakeholder Meeting on OSHA Initiatives
to Protect Workers From Heat-Related Hazards
87 Fed. Reg. 19977**

Comments of Stephanie Jones
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Good afternoon, Secretary Walsh, Assistant Secretary Parker, and colleagues. Thank you for the opportunity to participate in today's meeting. My name is Stephanie Jones. I am a Climate Risk and Financial Regulations Attorney at Environmental Defense Fund, or EDF. I focus on legal and regulatory approaches to addressing climate-related risks.

EDF and the Institute for Policy Integrity at NYU School of Law jointly submitted comments to OSHA this January,¹ regarding the advance notice of proposed rulemaking on heat injury and illness prevention in work settings.² My remarks today are based on those comments, and I encourage you to refer to them for additional detail.

EDF supports OSHA's efforts to develop strong heat protections for workers, including rulemaking to establish a heat standard as well as complementary research, education, and enforcement initiatives. Each of these types of actions falls squarely within OSHA's long-established practice and is explicitly authorized by Congress in the OSH Act.

Occupational heat stress is a critical environmental justice and workers' rights issue. It already poses serious threats to workers – disproportionately affecting those from marginalized communities and with health vulnerabilities – and it will only grow in severity as climate change progresses. Accounting for climate impacts and distributional inequities in designing a heat standard would follow Congress's direction to “set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that *no employee* will suffer material impairment of health or functional capacity.”³

Due to climate change, temperatures, humidity, and heat waves are increasing, exacerbating heat-related dangers to workers. OSHA should account for these changes by crafting a heat standard that will be robust to heightened future risks. Specifically, OSHA should use reliable,

¹ Comment from the Environmental Defense Fund (EDF) and the Institute for Policy Integrity at NYU School of Law, Docket No. OSHA-2021-0009-0706 (Jan. 26, 2022), <https://www.regulations.gov/comment/OSHA-2021-0009-0706>. These comments do not necessarily reflect the views of NYU School of Law, if any.

² Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, 86 Fed. Reg. 59,309 (Oct. 27, 2021).

³ See 29 U.S.C. § 655(b)(5) (emphasis added).

up-to-date projections of future temperatures and humidity, in terms of both averages and extremes, across the relevant regions and timescales.

Additionally, OSHA should consider data on distributional inequities of heat exposure and vulnerability, including information workers offer based on their lived experiences. Various groups are disproportionately exposed to occupational heat stress, including outdoor workers, lower-income people, people of color, and people lacking immigration status. Furthermore, some workers have heightened vulnerability to adverse outcomes from heat, including people with chronic health conditions or disabilities, people with inadequate access to healthcare, elderly people, and pregnant people.

OSHA has recognized that climate impacts and distributional inequities affect heat risks to workers. OSHA should incorporate thorough and reliable information on these factors into its development of a heat standard and related efforts in order to sufficiently protect *all* workers, as Congress directed.

I welcome any questions and thank you for your time.