

We are students in UCLA Law's [California Environmental Legislation and Policy Clinic](#), a course in which students work with legislative staff in the California State Legislature to advance environmental policy goals. In Fall 2021, working with staff for State Assemblymember Eduardo Garcia, we developed recommendations for stronger heat and air quality protections for agricultural workers.

California's agricultural workers underpin a [\\$50 billion-dollar industry in California](#) that is critical to the nation's food supply. But these workers are [increasingly exposed](#) to health risks from [extreme heat events](#) and [poor air quality](#).

Earlier this year, California Assemblymembers Eduardo Garcia and Luz Rivas introduced [AB 2243](#), which aims to enhance [existing protections for outdoor workers](#). The bill is part of a larger [package of bills](#) focused on various aspects of extreme heat.

As clinic students, we supported the introduction of this bill by partnering with Assemblymember Garcia and his staff to research current conditions for workers and to identify strategies to strengthen protections. During the spring semester, students in the Food Law and Policy Clinic continued to support AB 2243 by developing fact sheets, proposing amendments, and engaging with farmworker communities to better understand the impacts of extreme heat and poor air quality on workers and their families

Through our research and conversations with stakeholders, we identified the following concerning conditions:

- Working in high temperatures can lead to a range of [heat illnesses including](#) heat edema, rashes, cramps, exhaustion, syncope, stroke, and a [number of long-term health effects](#). [Symptoms](#) of heat stress include dizziness, nausea, headache, and confusion.
- Poor air quality, and in particular fine particulate matter (PM 2.5) pollution, can also cause [serious](#) health problems, including shortness of breath, reduced lung function, and death.
- Farmworkers, many of whom are undocumented or Indigenous folk, are disproportionately [affected by the ill effects of extreme heat and poor air quality](#).
- In Assemblymember Garcia's district in Imperial County and part of Riverside County, temperatures average over [92 degrees Fahrenheit](#) from June to August; his district is home to the City of El Centro, the [tenth-worst-ranked U.S.](#)

[city](#) for particulate matter pollution.

Although California is one of the few states that has air quality or heat protections for outdoor workers, the existing regulations do not go far enough, particularly when it comes to protecting farmworkers from especially hazardous conditions.

AB 2243 directs Cal/OSHA to consider revising California's current outdoor [heat illness prevention standard](#) and [wildfire smoke standard](#). The bill passed the California Senate Committee on Labor, Public Employment, and Retirement on June 22, 2022.

If passed, AB 2243 would direct Cal/OSHA to:

- Consider creating an ultra-high heat threshold of 105 degrees Fahrenheit and additional protections for outdoor workers when the temperature surpasses this threshold. These protections could include:
 - Mandatory, paid rest and recover breaks every hour,
 - More accessible cool water in the areas where workers spend their shifts, and
 - Increased employee heat-related illness symptom monitoring by employers throughout the workday.
- Consider requiring employers to distribute a copy of the Heat Illness Prevention Plan to *all new employees* upon hire and when temperatures first exceed 80 degrees Fahrenheit and to *all employees annually*. Currently, Heat Illness Prevention Plans are only provided upon employee request. AB 2243 seeks to eliminate the inherent power dynamic between employees and employers, [many of whom may be undocumented](#), and alleviate fears of being labeled by employers as difficult employees.
- Require Cal/OSHA to consider additional protections related to acclimatization (the temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to heat) and training programs for outdoor workers in directly administering first aid to treat heat-related illness.
- Consider lowering the Air Quality Index (AQI) level for PM 2.5 at which employees must wear respiratory equipment when exposed to wildfire smoke from 500 AQI to 301 AQI. ([AQI is a measure](#) that runs from 0 to 500 and is used to measure concentrations of air pollutants. AQI values between 1 and 150 indicate that air is [“unhealthy for sensitive groups,”](#) and the air quality becomes “very unhealthy” or “hazardous” for everyone once the AQI rises above 200.) The requirement that employers who should “reasonably

anticipate” their employees may be exposed to wildfire smoke must make protective equipment available once the AQI reaches 151 would remain unchanged.

AB 2243 would address many of the concerns that farmworkers have raised regarding California’s existing law. [Water](#), for example, is not always cool and workers must sometimes walk miles in order to secure it. As heat waves become longer, hotter, and more [deadly](#), new standards are a necessary response.

The heat standards proposed in AB 2243 are in line with high heat standards that have been adopted by other jurisdictions in that they would create additional protections as temperatures increase. [Oregon](#) currently has a high heat standard that applies beginning at 90 degrees and increases protections (cool drinking water, breaks, and shade) as the temperature rises. [Washington](#) sets its lower bound at 89 degrees, with increased protections coming in at 100 degrees.

AB 2243 would also lower California’s wildfire smoke AQI threshold, although [Oregon’s existing wildfire smoke standard](#) is still more protective, requiring employers to ensure employees wear respirators when AQI exceeds 251. And as with California’s current air quality standard, AB 2243 would continue to exempt specific workplaces, including workplaces where workers are either not exposed to or are only minimally exposed to poor air quality. Firefighters who are actively engaged in fighting fires are also exempt.

Extreme heat events endanger farmworkers’ ability to grow and harvest California’s food, posing an existential threat to the state and the nation’s food supply. Heat stress, caused by extreme heat events, is shown to cause farmworkers to work fewer hours, which leads to diminished crop output. It is estimated that by [2030](#), total working hours lost because of extreme heat events will rise by 2.2 percent, costing a total of \$2.4 billion. Therefore, the demand for preventing heat-related illnesses by introducing higher standards and enhancing existing regulations does not simply affect outdoor workers—it affects us all. Protecting the health of farmworkers—who experience numerous inequities—is of paramount importance. AB 2243 would take necessary steps to protect the people who play an integral role in feeding the United States.

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