



NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY & HEALTH
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**Testimony by Marina Jabsky, NYCOSH Industrial Hygienist
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My name is Marina Jabsky and I am an Industrial Hygienist with the New York Committee for Occupational Safety and Health (NYCOSH). We are a non-profit membership organization of workers, unions, community-based organizations, workers' rights activists, and health and safety professionals. NYCOSH uses training, education, and advocacy to improve health and safety conditions in our workplaces, our communities, and our environment. Founded in 1979 on the principle that workplace injuries, illnesses and deaths are preventable, NYCOSH works to extend and defend every person's right to a safe and healthy workplace.

NYCOSH has been advocating for safe and healthy jobs for decades, and in the past several years has had a focus on temperature stress.

NYCOSH is testifying in support of The TEMP Act, S1604/A3321 to create a workplace standard on heat and cold that will cover for workers in agriculture, construction, landscaping, delivery, and food service, indoor and outdoor, including vehicles.

New Yorkers, working both in outdoor and indoor sites, are exposed to extreme temperatures due to climate change, including skyrocketing heat in the summer and freezing cold in the winter. Every year, New York City has high numbers of heat-related emergency department visits, hospital admissions, and deaths. According to the New York City Office of the Mayor, each year there are an estimated 450 heat-related Emergency Department visits, 150 heat-related hospital admissions, 10 heat stroke deaths, and 350 heat-exacerbated deaths, caused by heat-worsening existing chronic conditions.

Further, cold stress injuries have proven to be a concern for New York's workers. In 2018 in the United States, there were 2,890 cases of ice, sleet, and snow injuries; 14% of those were in the state of New York (BLS). In 2018 in New York state, 50 injuries were related to exposure to environmental cold. All 50 of those injuries were cases involving 31 or more days of missed work (BLS).

The TEMP Act will have the following key points:

- 1) Access to hydration:** 1 quart of water per hour at no cost to employee
- 2) Rest:** Ten minutes in the shade or warmth for every two hours of outdoor work, ten minutes in a cooler or warmer break room for indoor workers (depending on the weather).
- 3) Medical Monitoring:** Employers shall closely monitor temperatures and implement their workplace heat stress plan.

4) Access to Shade or warmth: Shade/warmth shall be available when the temperature is above or below 80 degrees. Shade/warmth shall accommodate workers so they can sit comfortably. Employees can take cool-down breaks in the shade.

5) PPE: Employers shall provide the necessary protective equipment, including clothing with cooling features, ice vests, fans, A/C, sunscreen, hats, anything deemed reasonable. During the cold, this will include clothing with heating features, gloves, hats, winter coats, anything deemed reasonable.

6) Vehicles: Employees who spend more than 60 minutes in a vehicle daily shall be provided with adequate A/C and adequate heat.

7) Worker Acclimatization: Employers shall provide time for acclimatization of new and returning employees. Employees shall only work 20 percent of their normal duration in the heat/cold and gradually increase work duration over a two-week period.

8) Education and training: The department shall create a training curriculum outlining the signs of heat stress and cold stress and mandate trainings upon hire by the employer.

9) Mandated signage and materials: Shall be made available in any language a worker speaks.

10) Whistleblower protections: Employers shall provide written materials regarding protection from retaliation. Employees who participate in protected action shall not be retaliated against.

These protections are critical, and the bare minimum needed to protect New York workers from injury and illness due to extreme temperatures in the workplace.

I thank you for the opportunity to testify and welcome any questions about the legislation.