

**Submitted Electronically June 9, 2021**



Mr. Jay Withrow, Director  
Division of Legal Support, VPP, ORA, OPPPI, and OWP  
Virginia Department of Labor and Industry  
600 E. Main Street, Suite 207  
Richmond, VA 23219  
jay.withrow@doli.virginia.gov

RE: Comments of the Virginia Farm Bureau Federation on the Heat Illness Prevention Standard [under development] [16 VAC 25 - 210]

Dear Mr. Withrow:

The Virginia Farm Bureau Federation (VFBF) appreciates the opportunity to provide comments on the notice of intended regulatory action regarding a possible statewide heat illness prevention standard. Virginia Farm Bureau is the largest agricultural advocacy organization in the Commonwealth, and represents 35,000+ farmers engaged in nearly every area of agriculture, livestock, and forestry production.

Regardless of farm size, location, or production focus, heat illness prevention is a serious issue, and it is a priority for farms and farm managers. The industry largely follows the NIOSH & OSHA guidelines for the prevention of heat illness and stress, and provide training for both permanent and seasonal workers. Additionally, industry groups have developed guidelines, training, tools, and standards that are used nationally and internationally throughout the supply chain.

Millions of U.S. workers, across dozens of industries, are exposed to heat in their workplaces. Recognizing this diversity and the regulatory challenge it presents, OSHA does not have a specific standard that covers working in hot environments, but instead relies of a General Duty Clause (Section 5[a][1] of the Occupational Safety and Health Act of 1970) that requires employers to provide a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.” A workplace free from recognized hazards includes heat illness, and the OSHA Technical Manual Chapter on Heat Stress establishes that OSHA uses WBGT to determine if a heat hazard was present.

Given the general duty clause in place, and the number of federal and industry-driven heat illness best practices, we believe an additional state standard is not necessary to protect workers from unsafe working environments in which heat illness and stress may be a threat.

Thank you for the opportunity to file these comments. It is our hope that the board will consider our suggestions and weigh both stakeholder feedback and relevant data from verifiable sources to determine if current regulations are sufficient, or if a heat illness prevention standard is necessary to prevent heat-related-injuries. As the process moves forward, we request a representative from Virginia Farm Bureau as well as representatives from the Virginia Agribusiness Council and Virginia Forestry Association be included in any workgroup or panel the Department forms, to roundly represent the agriculture, agribusiness, and forestry industries – the largest combined industry sector in the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Pryor". The signature is stylized and cursive.

Wayne Pryor  
President & CEO  
Virginia Farm Bureau