

**Testimony to the House Committee on Labor and Business  
On SB 907**

**May 10 2023**

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Oregon Environmental Council**

Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Dear Chair Holvey, Vice-Chairs Elmer and Sosa and Members of the Committee-

On behalf of the Oregon Environmental Council (OEC), a nonpartisan, environmental nonprofit that works at the nexus of human health, climate change, and the environment, we would like to express our support for SB 907.

Current OSHA rules allow a worker to refuse work in a very narrow set of circumstances, and can be confusing for workers to follow correctly. SB 907A does not create a new right but rather would clarify the existing right to refuse dangerous work by directing Oregon OSHA to develop rules that align with the federal rule. It would also protect workers from retaliation for exercising this right.

SB 907 serves as connective tissue between existing rules, such as the OSHA heat and smoke rules. As environmentalists, we support this bill because of its nexus between climate change, environmental threats, and threats to worker safety. SB 907 passed out of the state Senate with a bipartisan 21-8 vote on April 13.

**Oregon is currently looked upon as a climate leader and leader in the nation when it comes to worker's rights.**

The state passed some of the most revolutionary worker protections in the nation in the Oregon Occupational Safety and Health Administration (OSHA) rulemakings to protect workers from heat and wildfire smoke exposures in June 2022. Oregon was even ranked #1 in Oxfam's 2022 list of "Best States to Work," and should continue to pave the way as a national leader.<sup>1</sup>

**Having strong worker protections and civil penalties is a form of climate change mitigation.**

Moreover, keeping workers safe in the age of heat and smoke is a form of climate and health mitigation. Because Oregon is predicted to double the number of hot days by

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<sup>1</sup> <https://thehill.com/changing-america/respect/3639250-these-are-the-best-and-worst-states-for-workers-report/>

2040,<sup>2</sup> people working on the frontlines--including in smoke and extreme heat--are at a disproportionate risk of illness and death. Agricultural workers, fishers, forestry workers already account for 20% of heat-related deaths in the United States.<sup>3</sup> And construction workers also have 13 times higher heat-related fatality compared to workers in other industries.<sup>4</sup> There were at least 254 complaints submitted to OSHA after the Summer heat waves between the three days June 24-28 2020 alone.<sup>5</sup>

**SB 907 potentially fills in a gap not addressed by current OSHA heat and smoke rules.**

While OSHA has finalized strong, climate-related rules, the rules do not account nor predict for every situation regarding hazards. For example, the heat and smoke rules do not give directives when heat index is above 116F outside beyond shade, water, and more rest. In the rare and extreme and deadly circumstances a worker must, and should be able to exercise a right to stop working. Or alternatively, leave an active wildfire evacuation zone.

Yet after the deadly PNW heat dome of 2020, two of the businesses where workers died from heat stress, fought the OSHA fines.<sup>6</sup> We must do better. We therefore urge this Committee to move SB 907 forward as a commonsense way to ensure safer practices at workplaces by giving workers the opportunity to make decisions for their health, and to prevent future tragedies.

Sincerely,

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<sup>2</sup> <https://oeconline.org/oha-report-climate-crisis-a-current-and-growing-threat-to-the-health-of-oregonians/>.

<sup>3</sup> <https://www.oregonlive.com/business/2021/06/farmworker-advocates-renew-call-for-extreme-heat-rules-after-oregon-laborer-dies.html>.

<sup>4</sup> <https://pubmed.ncbi.nlm.nih.gov/29389908/>.

<sup>5</sup> <https://www.oregonbusiness.com/article/energy-environment/item/19357-osha-investigating-117-workplace-complaints-made-due-to-heat-wave>

<sup>6</sup> <https://www.oregonlive.com/business/2022/05/two-oregon-businesses-whose-workers-died-during-heat-wave-fight-state-fines.html>.