

Dear Members of the New Jersey Legislature,

On behalf of the undersigned organizations, we write to you in opposition to S-2422/A-3521 (Cryan/Quijano) which would mandate expedited rules to address heat stress for employees in indoor and outdoor environments. This bill is too broad, duplicative, and threatens the ability of businesses of all sizes to operate during warm weather. We respectfully request that lawmakers reject this legislation to allow the forthcoming OSHA standard to apply uniformly across the country.

As employers, we are committed to providing safe workplaces for New Jersey workers that are free of hazards, including extreme heat. This summer, businesses will use proven safety methods and new technologies to recognize the signs of heat stress and change operations to account for heat waves when necessary. This bill does not recognize that, however, and places an overwhelming, one size fits all regulatory burden on business in very different industries that present vastly different risks. Among others, the following are our major concerns.

First, the bill would force employers to stop work during periods of excessive heat unless a worker's duties are essential. This excessive requirement would have a host of unintended consequences, including smaller paychecks for employees, disruptions to the normal course of business, and companies rethinking their decision to do business in our state during the summer. While excessive heat presents a hazard that must be addressed, employers have proven that they can provide safe workplaces for employees during these times. Some of the steps that employers are taking are recommended by the Occupational Safety and Health Administration (OSHA), including increased access to shade, water, and rest, misting fans, moisture wicking clothing, and cooling vests. Some states, including those in warmer climates, have implemented heat illness prevention standards but New Jersey would be the only state with a requirement such as this.

We have grave concerns with this bill providing the Labor Commissioner the authority to issue a stop-work order across a business' entire operation. This bill would allow for the smallest of administrative errors to result in a company shuttering its operations across the state, not just the one accused of a violation. Hypothetically, a business with 100 locations across the state may have to close each establishment and send workers home if the Labor Commissioner issues a stop-work order to one site.

Finally, this bill would be duplicative because federal OSHA, which oversees occupational safety for private employers in New Jersey, is developing a heat standard covering indoor and outdoor workplaces. According to Acting Secretary of Labor Julie Su, OSHA and the Department of Labor could release a proposed heat standard by September.¹ OSHA is also in the midst of a national emphasis program focused on the hazards posed by heat, which directs enforcement resources to this issue.² If New Jersey implements a heat standard, employers will be forced to comply with one set of regulations this year and another set when OSHA implements its own. Our Legislature should be focused on making the regulatory environment easier for businesses to comply with, not more difficult.

We are committed to fostering safe workplaces and will do exactly that this summer and every time there is a spike in temperature. We respectfully request that lawmakers reject this legislation in favor of the forthcoming OSHA heat standard that will apply uniformly across the U.S.

¹ <https://www.youtube.com/watch?v=0Pe-umFxOGc>

² https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf

New Jersey Business & Industry Association
New Jersey Chamber of Commerce
Chamber of Commerce Southern New Jersey
The Brewers Guild of New Jersey
New Jersey Tourism Industry Association
New Jersey Cemetery Association
New Jersey School Board Association
New Jersey Farm Bureau
New Jersey Food Council
New Jersey Apartment Association
New Jersey Association of Counties
New Jersey Coalition of Automotive Retailers
New Jersey Civil Justice Institute
New Jersey Gasoline, C-store, Automotive Association
New Jersey Landscape Contractors Association
National Federation of Independent Businesses
New Jersey Electronic Life Safety Association
Sheet Metal Contractors Association
Greater Northeast Motor Coach Association
Shipping Association of New York & New Jersey
NAIOP
Fuel Merchants Association of NJ
New Jersey Motor Truck Association
New Jersey Restaurant & Hospitality Association
Mechanical Contractors Association of New Jersey
New Jersey Nursery & Landscape Association
New Jersey Green Industry Council
New Jersey Cable Telecommunications Association
National Waste & Recycling Association – NJ Chapter