



WASHINGTON STATE POTATO COMMISSION
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August 15, 2022

Washington State Department of Labor and Industries

RE: Comments Concerning Outdoor Heat Exposure Proposals

Thank you for the opportunity to submit comments on the proposed Outdoor Heat Exposure Rules. Our mission is to support an economically and environmentally sustainable Washington State potato industry by providing strong leadership and innovation and building partnerships to meet the demands of global consumers.

Worker safety is a top priority for Washington growers, and we appreciate the Department's openness to working with stakeholders in finding clarity around rest breaks in high heat. The increase in proposed rest breaks marks a considerable change from the temporary rules. Even amongst our allied industries, workloads vary between members. Considering the proposed changes, providing employers the ability to establish their own work/rest cycles allows for the adjustment of factors that are uniquely viable for each site's work demands and environmental differences. For example, some employees may work from airconditioned vehicles, stepping out of a truck to work on a pivot for 45 minutes and then returning back into the air-conditioned vehicle while moving onto the next outdoor repair.

While the decreased trigger point of 80 degrees will raise the total days affected throughout the summer months, the number of days above the trigger temperature will be particularly dramatic for Eastern Washington potato growers. With the notable decrease in trigger temperature, we would like to better understand the scientific reasoning for such a drop and ask that the Department consider unique geographic differences across our state when considering the current proposal. We are also thoroughly confused as how the Department will develop transparent language around the concept of acclimatizing employees in an abnormally hot work environment.

Additionally, in response to the Department's questions for consideration we received the following feedback from potato growers:

What is important to take into consideration when establishing work/rest cycles for high heat procedures?

- The need for rest is different in each working condition. Pulling weeds or picking produce in the open sun is very different than standing under shade. While the air temperature is high, the radiation received is much lower.

What methods have you used to reduce exposure to heat stress that you have found successful, and when?

- Some methods include starting the workday earlier to finish ahead of high temperatures; using canvas to block the sun on equipment; when possible, given the current labor shortage, hiring additional employees to rotate out of high heat situations.

What concerns do you have regarding worker protection from heat?

- Our growers supply processors that do not shut down. In order to comply with the proposed rules when it hits 105 degrees farms would need to double the workforce to accomplish the same production. On one farm that could add a cost of as much as \$120/ac during harvest.

With the short timeline provided for feedback on the proposed rules and given significant changes that merit review beyond what has been provided, we ask the Department to form stakeholder groups by commodity to provide valuable comprehensive review. Please keep in mind most if not all ag employers are busy in the field growing a crop.

We look forward to the opportunity to continue to work with the Department as the rulemaking process continues.

Thank you for considering our comments.

Sincerely,



Matt Harris
Director of Governmental Affairs
Washington State Potato Commission