



OFFICE OF THE GOVERNOR

SEP 28 2024

To the Members of the California State Senate:

I am returning Senate Bill 1299 without my signature.

This bill would establish a presumption, for purposes of a workers' compensation claim, that a worker's heat-related injury arose out of their employment if their employer failed to comply with the Division of Occupational Safety and Health (Cal/OSHA)'s heat illness prevention standards.

There is no doubt that climate change is causing an increase in extreme temperatures and that California farmworkers need strong protections from the risk of heat-related illness. However, the creation of a heat-illness presumption in the workers' compensation system is not an effective way to accomplish this goal. Current laws establishing, regulating, and enforcing heat illness prevention standards fall under the jurisdiction of Cal/OSHA, not the Division of Workers' Compensation, and the workers' compensation system is not equipped to make determinations about employers' compliance with Cal/OSHA standards.

My administration is protecting Californians from the perils of extreme heat. Our Extreme Heat Action Plan is a comprehensive multi-year strategy to strengthen community resiliency through partnerships and investments in equitable solutions to protect all Californians – especially vulnerable populations such as farmworkers and other outdoor workers. Two years ago, I signed AB 1643 (Rivas) which brings together labor, business, academic, and government stakeholders to study the effects of heat on California's workers, businesses, and the economy. The AB 1643 advisory committee began meeting last June to study the underreporting of heat illnesses and injuries among low-income employees, and methods for minimizing the effect of heat on workers. I also recently signed SB 1105 providing for use of accrued paid sick leave for outdoor agricultural workers to avoid smoke, heat, or flooding conditions created by a local or state emergency.



Cal/OSHA also prioritizes protections for vulnerable workers, especially farmworkers. To bolster enforcement, Cal/OSHA is establishing a new Agricultural Unit that specializes in worker protections and hazards found at agricultural worksites and is opening three new district office locations in Fresno, Santa Barbara, and Riverside. This dedicated unit will increase Cal/OSHA's reach to farmworker communities throughout the Central Valley, where the largest number of farmworkers and their families reside.

Cal/OSHA and the Labor and Workforce Development Agency continue their efforts to increase public awareness to ensure that workers, especially farmworkers, have access to critical and timely information on how to protect themselves from heat illness. Through the California Workforce Outreach Project, our state's labor agencies have partnered with community-based organizations to inform workers of their rights under California labor laws. This program is in its fourth year and has reached tens of thousands of workers through labor rights clinics, door-to-door canvassing, and multilingual messaging.

Finally, through the Rural Strategic Engagement Program, we are creating spaces in farmworker communities where agricultural workers will be able to obtain information about their rights, file claims or complaints, and get access to legal assistance. This is part of our commitment to engage local partners, including labor and community-based organizations, to reduce obstacles in reporting violations by agricultural workers.

I stand firmly committed to continuing to work with the Legislature, and worker advocates, on strengthening safety and health enforcement strategies to ensure aggrieved workers can come forward without fear of retaliation. However, conditioning a workers' compensation presumption on compliance with standards set and enforced by another regulatory division is not an effective way to improve working conditions.

For these reasons, I cannot sign this bill.

Sincerely,

Gavin Newsom

A handwritten signature in black ink, appearing to read "Gavin Newsom", is written over the printed name. The signature is stylized and somewhat illegible due to overlapping lines and a large, sweeping stroke that extends across the bottom of the page.