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BECAUSE AGRICULTURE MATTERS!

To: Assemblyman Anthony Verrelli, Chairman  
and members of the Assembly Labor Committee (W. Sampson, A. Barlas, B. Bergen, J. Danielson, M. Drulis, D. Guardian, G. Hall, A. Quijano, S. Sumter, C. Swift)

From: Allen Carter, NJFB President

A handwritten signature in black ink, appearing to read 'Allen Carter'.

Date: May 13, 2024

Re: "Occupational Heat-Related Illness and Injury Prevention Program" legislation – A.3521

We submit this testimony on behalf of our 6,500 members throughout New Jersey and on behalf of the \$1.49 billion production agriculture industry that constitutes farming in the Garden State.

The issue of heat stress in agriculture is not new inasmuch as it is part of most farm safety best practices recommendations. Farmers will in general use common sense managerial decisions during the several instances during the summer when outdoor daytime temperatures rise to very high levels. Things like rearranging work schedules, providing cool drinking water for hydration needs of workers, added rest breaks and so on are common procedures. New Jersey farmers and their work force have managed the issue of periodic high field temperatures as a normal course of business.

The proposed mandates for employers in this bill, while well-intentioned, are extraordinarily heavy-handed. In the case of our industry, they would likely result in a substantial disruption of farming practices that will harm the ability to farm in New Jersey. The bill seems better suited for industrial and other commercial settings that are not nearly as complicated as raising quality farm commodities for the food supply of the country.

In fact, composing comments on the bill is not an easy task because the broadly stated requirements raise so many questions. Let's review a few as examples of how this bill does not fit New Jersey agriculture:

- Defining excessive heat days: using a combined humidity and heat index of 80 degrees, we estimate that up to half the days from July- September will trigger the bill's coverage.
- "monitor employee exposure to heat": How will this be done? By whom? At what expense? Who keeps the records?
- provide shade or climate-controlled spaces: what examples are contemplated for farm fields? How many and where are they to be located? At what expense?
- limit length of time of heat exposure/provide time to allow workers "to acclimate to the heat they will be exposed to": totally vague and open-ended.
- alert employees when Weather Service forecasts predict a heat wave: how would that be accomplished for workers not residing on the farm? This is an enormous record-keeping mandate.

- increase the number of workers to reduce heat exposure to other workers: how can this be done in the face of chronic worker shortages that already exist?
- provide personal protective devices: who pays? What are the total costs for a farm?
- authority for the DOL to issue fines and / or issue stop work orders if a violation is found for any of the above: The threat of this is unreasonable and contradicts longstanding state policy to support and assist farming in the state. This is completely opposite of the policy encouraging agriculture and farm preservation.

The billion-dollar farm industry is unique in many ways from the rest of New Jersey's economy and state policies should respect that. In the case of fresh produce, managing the development and harvest of those perishable food items requires intricate management skills that factor in heat stress. This bill would greatly interfere with the ability to farm successfully.

In short, this is an impractical and virtually unimplementable program for agriculture.

Despite the many shortcomings in the bill, we are still interested in the topic of improving farm industry-wide worker protection standards for seasonal ag workers regarding heat stress. The Department of Agriculture was established to give cabinet-level status to the farm industry, precisely because of its unique characteristics and many benefits to the state. The land grant institution at Rutgers University called the NJ Agricultural Experiment Station has a faculty of researchers and county-based extension / outreach professionals who for decades have provided advice and training on new farming practices. They can respond to the challenge of devising programmatic worker protection strategies working with the NJDA in partnership with the Department of Labor.

We encourage the Assembly Labor Committee and bill sponsors to recognize that the farm industry will be subject to the upcoming federal OSHA standards for heat stress in agricultural settings. Any need for further employee advisories should be delegated to a jointly developed NJDA-NJDOL guidance plan that draws upon the farm management expertise of the Ag Experiment State / Cooperative Extension resources at Rutgers University.

Thank you for your consideration.

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cc: Seth Hahn, Assembly Majority Office Director  
NJ Department of Agriculture  
NJ Department of Labor  
Rutgers Ag Experiment Station / Cooperative Extension