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BECAUSE AGRICULTURE MATTERS!

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Subject: Heat Stress Bill Opposition (S2422/A3521) – Talking Points

Using a heat index of 80 degrees Fahrenheit is unduly burdensome and unnecessary. This marker sets to encompass the entire summer and part of both spring and fall, the vast majority of New Jersey's growing season.

A 30-day window for farmers to create their heat plans, on a bill enacted in the middle of their busiest season, is extremely unfair and unrealistic. Farmers already have standard operating procedures that serve the intent of the bill, keeping their workers healthy and safe from the heat.

There are so many parts of the bill that are impossible for agriculture to comply with, such as:

- Postponing non-essential tasks until heat conditions subside: This is an essential industry with perishable crops and live animals. Plants need to be tended to and harvested within certain timelines, and livestock requires extra attention during periods of high heat.
- Increasing the total number of workers to reduce the heat exposure of each worker: This is unattainable with the current worker shortage, especially in an industry that utilizes foreign worker visas and is responsible for the housing and transportation of such workers. Housing is not large enough to accommodate extra workers and these visas are secured months in advance (making it completely impossible for this growing season).

The bill's enforcement and penalty provisions include the potential for the imposition of substantial administrative penalties, civil penalties, lawsuits by employees, costs and attorney fee shifting, criminal penalties including imprisonment, and stop-work orders. Stop-work orders during harvest season have the potential of putting farms out of business, as do the fines associated with the onerous record keeping requirements for six-year periods.

The New Jersey Department of Agriculture is in the best position to create a workable standard for the essential industry responsible for food security in the Garden State:

- The agricultural sector supports an interagency effort between the New Jersey Departments of Agriculture, Labor and Workforce Development, and Health (NJDA, NJDOL and NJDOH) when it comes to protecting our labor force from the effects of heat stress.
- The New Jersey Agricultural Experiment Station (NJAES) has been educating farmers and their workforce on heat stress for decades and is currently in the middle of another round of outreach, which includes educational sessions and materials for distribution.
- Additionally, the NJDOH recently released a fact sheet in both English and Spanish providing guidance on identifying heat stress in agriculture as well as how to prevent it.
- The farm industry will also be subject to the upcoming federal OSHA standards for heat stress in agricultural settings.

This bill would create an impractical and virtually unimplementable program for agriculture.