

Testimony of
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Hearing on OSHA's *Heat Injury and Illness Prevention in Outdoor*
***and Indoor Work Settings* proposed rule**

My name is Brian Renfroe and as president of the National Association of Letter Carriers, I represent the voices of the 220,000 active city letter carriers employed by the United States Postal Service who deliver the nation's mail. We work in every city and town in every state and territory of the United States, including in those areas that experience long seasons of stifling heat and humidity.

We are deeply familiar with the risks that working outside in the elements can pose. Due to the strenuous physical nature of our work, letter carriers are among the workers most at risk of heat injury and illness. Many hundreds of letter carriers get sick from the heat each year, and tragically, some have died.

I appear before you today to express NALC's strong support for OSHA's *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings* proposed rule. We believe the proposed rule will be a critical protection for city letter carriers, as well as the millions of other Americans whose work regularly exposes them to hot weather.

This essential workplace safety measure is long overdue, and we applaud OSHA's efforts to finally make it a reality.

City Letter Carriers and Heat

Heat poses a grave risk to city letter carriers. We deliver mail and packages on our designated routes all year long, including in the hottest weeks of summer. Typically, we work at least eight hours a day, including through the peak afternoon heat, and almost entirely alone. Unmitigated exposure to excessive heat can cause heat stress, often resulting in serious injury, illness, or death.

Some carriers, especially in urban areas, walk their entire routes, carrying a heavy mail satchel or pushing a cart full of letters and parcels along city streets. On hot days, they are fully exposed to the heat.

Other carriers deliver mail using a postal vehicle. The Postal Service has promised for years to provide a fully air-conditioned fleet of vehicles, and while new vehicles are coming, most delivery trucks remain without air-conditioning and are poorly ventilated. When these vehicles sit in the sun on hot days, their interiors begin to bake, subjecting the carrier inside to excessive temperatures.

Most often, city carriers park their vehicles at designated points along their routes and deliver mail by foot. These carriers walk up and down the street, carrying packages in their arms and heavy satchels on their shoulders. On hot days, those carriers suffer both the heat inside the truck and the heat outside on the pavement.

As a carrier from Mississippi, I know this danger well. Early on, I had to learn the warning signs of heat illness and how to hydrate throughout the day. But it should not only be on me to protect myself. The Postal Service's lack of adequate protection leads to heat-related sicknesses and injuries all the time.

USPS records show that letter carriers report hundreds of heat injuries annually. However, the actual number is undoubtedly greater, as the Postal Service's productivity-focused culture discourages letter carriers from reporting symptoms, as evidenced, in some cases, with letter carriers being disciplined because of a heat-related injury.

OSHA data on severe injuries indicate that letter carriers suffer from heat disorders at an excessive rate. The nature of the work we do pushes the USPS to top the chart of companies with the highest number of severe heat-related injuries, a category that, as you know, includes at least one night of hospitalization due to conditions such as heat stroke, sunstroke, or hyperthermia.

These injuries can compound.

For example, in July 2021, a letter carrier in Jersey Shore, Pennsylvania, suffered acute kidney damage after delivering mail in high temperatures, and was hospitalized for two days. The first injury made him more susceptible to another, and about a month and a half later the carrier was again working in the heat and experienced severe heat cramps, dizziness, fatigue, and vomiting. He repeatedly notified his supervisor over about three hours, and the supervisor eventually assisted with mail delivery, but did not help the carrier

get to the hospital. Instead, when the carrier clocked off and went to the hospital, he was admitted due to heat exhaustion, acute kidney failure, and atrial fibrillation.

Heat illness does not just sicken my members. On occasion, it kills them.

In July 2012, John Watzlawick of Independence, Missouri, had just returned to duty following a six-week medical absence and began delivering without an opportunity to acclimate to the heat at its worst. After barely making it through his first day, but continuing because of pressure from management, he suffered again the next day and continued until he couldn't. He collapsed while on his route and died the next day. Sadly, before John died, a number of letter carriers in Independence had to undergo treatment and some were hospitalized because of the heat, but because there is no governing rule, the employer took no preventative action.

At least seven letter carriers have died as a result of exposure to heat since 2012.

Tragically, these injuries and deaths are preventable.

While there is a Heat Illness Prevention Program (a HIPPP) in place at the Postal Service, it is insufficient. It does not include the necessary elements that heat safety experts agree are critical to preventing serious illness, injury, and death. USPS management has consistently resisted implementing meaningful heat safety measures, leaving letter carriers unprotected.

USPS Minimizes the Danger of Heat

Over the last decade, NALC has fought fiercely in a number of forums to protect letter carriers from the dangers of heat exposure. We have participated in extensive OSHA litigation against the Postal Service, as well as engaged with the Postal Service directly to try to implement a more robust HIPP that would better protect letter carriers. However, USPS management has repeatedly demonstrated it does not see heat as a serious danger.

In litigation that charged USPS with multiple OSHA citations for exposing letter carriers to extreme heat, USPS witnesses said that the hundreds of heat injuries suffered by letter carriers were “statistically meaningless” and that reported heat-related injuries were “not a major concern.”

Postal management also consistently prioritizes uninterrupted delivery over letter carrier safety. Local management is pressured, and incentivized, to ignore what few protections exist in the current USPS HIPP to achieve their productivity targets and keep labor costs down.

Let me provide you with a typical example:

In June 2016, a Des Moines, Iowa, letter carrier texted her supervisor that she felt unwell, and her supervisor texted back urging her to continue working, and to “do the best you can.” Unable to complete her route, the carrier returned to the post office, vomiting on

the way. When she arrived, her supervisor told her she needed to go back out and finish the route. The carrier was later diagnosed with heat exhaustion.

It is not just the union's opinion that the Postal Service prioritizes productivity over safety. Several Occupational Safety and Health Commission judges have noted the pressure that USPS management puts on letter carriers. One remarked carriers are under "near-constant pressure to complete their routes faster and to discourage them from taking breaks, reporting injuries or illness, or calling in sick." Another observed that the message given to letter carriers by postal management "was clear: heat is not an excuse for performance issues."

Given management's emphasis on uninterrupted delivery, many carriers fear retaliation if they seek a respite from the heat. USPS's own medical expert testified in an OSHA case against the agency that "when workers either reported symptoms or said they wanted extra breaks, they were ... either disciplined or their supervisors became angry."

It is clear that the Postal Service will never implement or uphold adequate protections on its own.

Gross Inadequacy of Current Legal Protections

Current legal protections are also grossly inadequate and do not protect workers.

While the federal OSHA statute has a *general duty* clause that applies nationwide and requires employers to provide workplaces free from recognizable hazards that are likely to cause death or physical harm, it has not been an effective tool for protecting workers from heat hazards across a variety of cases.

NALC's View

A nationwide heat standard that sets clear requirements for USPS and other employers is the only way to truly mitigate the dangers that heat poses. A handful of states have enacted their own standards, but these set differing levels of protection and leave the rest of the country without any.

Overall, NALC believes that OSHA did an exceptional job designing an effective heat safety standard.

We urge OSHA to implement its proposed heat rule in full and offer two minor suggestions to further protect workers.

I would like to highlight three sections that are of critical importance and that must not be scaled back. Lives depend on their full implementation.

No-cost to employees principle and paid breaks

First is the critical importance of the *no-cost to employees* principle (Section (j)) and paid breaks (Section(e)(3)).

NALC has always insisted that the Postal Service pay for the additional breaks that letter carriers take to stay safe, but the agency has refused. Carriers should not have to bear the cost of needed rest breaks any more than a worker in a factory should have to pay for an air ventilation system. Moreover, unless additional breaks are paid, carriers will be reluctant to take them, heightening the risk of heat illness and injury.

This was precisely the case with Eugene Gates, a letter carrier in Dallas, Texas, who collapsed and died in a customer's front yard on a sweltering afternoon when the heat index reached 110 degrees in June 2022. Just one month before his death, Brother Gates received a formal letter of warning from his supervisor for "stationary time" (resting from the extreme heat). This letter reprimanded Brother Gates for taking too long to deliver his route, including for stopping several times on his way back to the station.

NALC strongly supports the requirements that employers bear the full cost of the implementation of heat safety measures and that employers allow, and encourage, employees to take rest breaks and that these breaks be paid.

Acclimatization

Second is the critical importance of a gradual acclimatization protocol.

As OSHA's discussion of the medical evidence in the proposed rule makes clear, proper acclimatization protocols are vital to mitigating the risks of working in the heat.

NALC knows this from bitter experience. The Postal Service's HIPP does not include acclimatization provisions. Nearly all of the heat-related letter carrier deaths have happened to carriers who were returning to work after a period of absence or new to the job.

For example, in July 2018, Peggy Frank of Woodland Hills, California, died of hyperthermia inside her un-air-conditioned mail truck during a heat wave. She had recently completed a three-month medical absence and returned immediately to carrying her normal route on a day when the temperature outside hit 117 degrees. Sister Frank had not been given an opportunity to acclimate to the heat.

Only a month earlier, a brand-new letter carrier, Daniel Rosenbach of Lexington, Kentucky, had died of a heart attack, later proven to be triggered by extreme heat, on his first day delivering a route by himself. Brother Rosenbach also had no chance to acclimate to the heat.

While OSHA's proposed standard allows employers a choice when implementing acclimatization measures for new or returning employees, NALC urges OSHA to adopt only the first option—the gradual exposure protocol—as the default protocol. NALC suggests that OSHA amend Section (e)(7) to require acclimatization through gradual exposure, unless the employer can show that that option would not be practical.

Because gradual exposure likely poses more logistical challenges for employers, we believe that, if given the freedom to choose, most employers will opt for the other—easier

but less protective—option. Indeed, as noted in the proposed standard, when it comes to new employees, gradual exposure is the recommendation of the National Institute for Occupational Safety and Health.

Collective bargaining

Third is the critical importance of preserving employees' rights to collectively bargain over heat safety provisions.

NALC applauds OSHA for promoting employee participation in the formulation of employer heat safety plans. Employees know best how to keep their workplaces safe. Promoting the otherwise-unheard voices of workers is also particularly important at non-union employers.

However, NALC is concerned that unionized employers could misconstrue Section (c)(6) as authorizing them to disregard their responsibility to address workplace safety in collective bargaining, as mandated by the National Labor Relations Act. NALC suggests OSHA amend this section to clarify that nothing in the proposed rule is intended to relieve an employer of its obligations under any applicable collective bargaining law or collective bargaining agreement.

Conclusion

NALC's concern about the risks that heat poses to letter carriers grows every year, as science shows that temperature and heat indices are steadily increasing. According to NASA, 2024 was the hottest year since record keeping began in 1880. The ten warmest years ever recorded have all occurred in the last decade. Outdoor work is undeniably getting more and more dangerous.

To keep letter carriers safe, we strongly support OSHA's *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings* proposed rule and urge its implementation in full.

NALC appreciates the enormous effort that OSHA has devoted to formulating these much needed heat safety standards. We also appreciate the opportunity to provide this testimony. NALC stands ready to assist OSHA in any way appropriate to help move the proposed rule forward.