



February 12, 2025

The Honorable Arthur J. Corvese, Chairman
House Labor Committee
State House
Providence, RI 02903

Re: H.5305, An Act Relating to Labor and Labor Relations – Division of Occupational Health

Dear Chairman Corvese,

The undersigned members of the Rhode Island Business Coalition oppose the passage of H.5305, An Act Relating to Labor and Labor Relations – Division of Occupational Health.

H.5305 requires employers to take special precautions when employees are working in temperatures above 90 degrees or below 32 degrees, including employees that are required to stay in vehicles under these conditions or who work in warehouses. Employees would be entitled to paid rest breaks, adequate shade, warming or cooling stations, drinking water, protective equipment and clothing. An employer found in noncompliance would be subject to compensatory damages and in some cases punitive damages.

Rhode Island employers are currently subject to rules adopted by the federal Occupational Safety and Health Act (OSHA). These rules require every employer in general industry to conduct a hazard assessment to determine the appropriate Personal Protective Equipment to be used to protect workers from the hazards including extreme heat. The National Institute for Occupational Safety and Health (NIOSH) has published criteria for a recommended standard for occupational heat stress. The NIOSH document includes recommendations for employers about how to prevent heat-related illnesses.¹

Finally, the courts have interpreted OSHA's general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard.²

¹ FEBRUARY 2016 DHHS (NIOSH) PUBLICATION NUMBER 2016-106

<https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf?id=10.26616/NIOSH PUB2016106>

² Occupational Safety and Health Administration Employer Responsibilities <https://www.osha.gov/heat-exposure/standards>
The Rhode Island Business Coalition represents 50 industries and 6,280 businesses that employ 231,200 people throughout Rhode Island.

For these reasons, the Coalition members urge this committee to reject the passage of H.5305.

Sincerely,

Associated Builders and Contractors, Rhode Island

East Greenwich Chamber of Commerce

National Federation of Independent Business

North Kingstown Chamber of Commerce

Rhode Island Beverage Association

Rhode Island Builders Association

Rhode Island Business Group on Health

Rhode Island Hospitality Association

Rhode Island Lumber and Building Materials Dealers Association

Rhode Island Manufacturers Association

Rhode Island Marine Trade Association

Rhode Island Mortgage Bankers Association

Rhode Island Partnership for Home Care

Rhode Island Small Business Economic Summit Regulations Committee

Rhode Island Staffing Association

cc. House Labor Committee members