

Excerpts from "Death in the Fields" by Mauricio Pena, The Desert Sun, 2017

Since 2007, 102 heat illnesses have been reported among agricultural workers, averaging about 12 laborers sickened a year. Construction workers are the second most at risk, with 62 confirmed heat-caused illnesses, an average of roughly seven per year, according to state data.

The incident that forced California to confront the danger of heat in the fields occurred on July 28, 2004.

As temperatures crept above 100 degrees, Asuncion Valdivia, 54, collapsed while picking grapes at a vineyard in Kern County. When supervisors called 911, they were unable to provide directions to emergency crews. Valdivia's son Luis, who was working in the same crew, was told by supervisors to take his father to the hospital.

"It was a terribly traumatic incident," said Kashkooli. "Asuncion had got into the car, and as they were driving, he collapsed again and died before he even made it to the hospital."

Days later, Valdivia's son and wife met with UFW officials and called for rules that would mitigate the hazards of working in conditions exposed to the California sun. Efforts to reach the family for this report were unsuccessful.

"They knew nothing could bring their father and husband back but they wanted to help make sure this didn't happen to anyone else again," Kashkooli said.

Following the meeting with Valdivia's family, the UFW led an effort that gained the support of U.S. Rep. Judy Chu, then a California assemblywoman representing Monterey Park. Chu introduced legislation that became 2005's Heat Illness Prevention act.

"Valdivia's death was the tipping point," Chu said. "There had been others who had died of heat-related illnesses but Mr. Valdivia's situation was so poignant, that's why I had to carry the bill."

In July 2005, Chu joined elected officials, UFW members and farmworkers for a rally in the middle of a field in Delano in the Central Valley. With temperatures edging above 100 degrees, they called on then Gov. Arnold Schwarzenegger to act.

Within a week, Schwarzenegger signed the bill into law.

In May, an amendment to the 2005 Heat Illness Prevention Regulation standards took effect. The changes came following discussions and lawsuits prompted by a spate of heat deaths in 2008 and 2009. The updates included:

- Acclimatization periods, where employers are required to closely observe new employees during their first two weeks working in a high heat area
- Shade for all workers on a rest or meal break at 80 degrees, lowered from 85, with at least enough shade to accommodate all workers who remain onsite during meal periods
- Water that is "fresh, pure, suitably cool, and provided to employees free of charge"
- Provide water and shade "as close as practicable" to the workers, and encourage people to take preventative cool-down rest breaks in the shade and to drink water.

Jesus Garcia Gudino, 66, said he's seen a change for the better. While he followed the grape harvest up from Mecca to Bakersfield this year, Gudino said workers were sent home if temperatures passed 100 degrees.

"As soon as it hits 101, you would hear the supervisors telling the foreman on the walkie-talkies 'No more work for the day; it's too hot,'" said Gudino, who has been tilling farms in the Coachella Valley and Bakersfield for more than three decades. "And they're behind you reminding you to drink water."

But, even with the new amendments to the groundbreaking 2005 worker safety law, advocates contend Cal/OSHA lacks the needed number of inspectors.

"The regulations have improved, and are improving with every amendment," said Nicole Marquez, an attorney at Worksafe, a legal service and watchdog organization based in San Francisco that supports immigrant workers. "But Cal/OSHA lacks resources to effectively enforce the regulations."

At 20 years of age, Roberto Mendez swapped Michoacán, Mexico's comfortable climate for the blistering desert of the Coachella Valley. His first job in the U.S. was picking table grapes. Mendez arrived in Mecca in the late 1980s.

"It was a drastic change," said Mendez, now 47. "You're used to moderate weather and you come to a place where it reaches 122 degrees. At first, it's hard and it feels like you can't adjust."

Mendez worked up to 10 hours a day, six days a week to earn enough money for clothes, food and rent.

"You come to try to finish ahead with the opportunities that the country offers you," he said. "But the reality is when you're hungry, you sometimes have to work 10 hours in the fields."

One day in July 2007, while picking grapes in triple digits, Mendez started to feel dizzy and nauseous. He told his foreman and supervisor he wasn't feeling well.

"The supervisor said I was being a fool and that it wasn't true. I went to sit in the shade but it wasn't helping, I felt bad," Mendez said. "I didn't get the help that I needed from the supervisor... the forewoman didn't even get near me to check how I was doing."

He left before the end of his shift. On his way home, he vomited.

"In those seconds, you think it's the end, you don't think the same as a normal person; it's not you, you're suffering a heat stroke. At that point you need the help."

After a short time at home, Mendez went to a clinic in Coachella and then to a doctor across the border in Mexicali. The doctor told him that tests showed his liver was inflamed and cautioned him to cut back on his hours working outside.

When Mendez told his boss, a farm labor contractor, he was rebuffed.

"He said I didn't get sick on the field that day," he said, "and that it was not from the heat."

Mendez was fired and never returned to farming.

"In my opinion it's inhuman to be working in these conditions, because you're risking your life to put food on the table," said Mendez. Today, he is a maintenance worker at St. Anthony Mobile Home Park in Mecca.

Although the laws are better, Mendez said more enforcement is needed to target growers and contractors who fail to comply with the standards.

"People are scared to say anything," Mendez said. "They come and tell me: 'You speak, you can talk for us.' I say I can talk but I need other people to support what I'm saying. It's 2015, and we are still in the same place."

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