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California State Senate

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California Wine Industry
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July 11, 2088

Marko B. Zaninovich
President
Sunview Vineyards of California, Inc.
1998 Road 152
Delano, CA 93215

Dear Mr. Zaninovich:

The reported tragic death of Abdon Felix on Wednesday at Sunview Vineyards raises a number of concerns regarding your company's efforts to protect farm laborers from excessive heat.

It was reported that Mr. Felix had spent the morning and afternoon working in your vineyard and, subsequently, became unconscious in a Sunview Vineyards company car. He was later pronounced dead at Delano Regional Medical Center.

Given that the temperatures in the Valley on Wednesday had risen to over 108 degrees in some areas, it is reasonable to suspect that excessive heat exposure was a possible cause of death.

While I appreciate the fact that investigations into Mr. Felix's death have yet to be completed, I would like to hear firsthand about your company's efforts to meet the spirit and requirements set forth in the State's excessive heat regulations. For example, the excessive heat regulations require each worker be provided with a minimum of 1 quart of water per hour during their entire shift. There is also a provision that mandates that workers have access to shaded rest areas at all times and that all staff and supervisors be trained in identifying and appropriately responding to heat illnesses.

The fact that it was reported that officials at the state's Division of Occupational Safety and Health (Cal/OSHA) said they had not received any reports of any heat-related deaths as of Thursday, certainly shakes my confidence in the State's commitment and ability to enforce the law. This will certainly be a subject of a much larger public policy inquiry directed to the Department.

However, I would like you to take this opportunity to provide me with a detailed response to the following questions related to your company's understanding and implementation of the State's excessive heat regulations.

- 1.) How much water is provided to farm laborers who work on Sunview Vineyards property? California employers are required to provide enough fresh water so that each employee can drink at least 1 quart per hour.
- 2.) Were farm laborers at Sunview Vineyards provided with adequate and accessible water on the day Mr. Felix died?
- 3.) Please describe the type and amount of shaded areas that are provided to farm laborers at Sunview Vineyards. California employers are required to provide workers access to shade for at least 5 minutes of rest when an employee believes he or she needs a preventative recovery period.
- 4.) Please describe the nature and extent of the training employees and supervisors receive regarding heat illness prevention while they are employed or working on Sunview Vineyard property. California employers are required to train all employees and supervisors about heat illness prevention.
- 5.) Are you aware of or do you have any indication as to whether Mr. Felix or his supervisor received training on heat illness prevention?
- 6.) Please provide a copy of the written procedures Sunview Vineyards has developed to comply with the Cal/OSHA Heat Illness Prevention Standard.

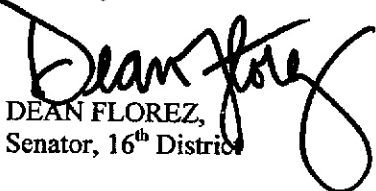
As a resident of Delano, Mr. Felix is a constituent of the 16th Senate District, which I represent. It is my understanding that his death came as a shock to his family given that he had 15 years of experience with field work. Given the circumstance, Mr. Felix's death is a shock to the entire community.

The State's excessive heat regulations are fundamental to ensuring that California's farm laborers are provided the minimum necessities, including sufficient shade and water, to protect basic human health. It is imperative that the members of the Legislature perform oversight into tragic incidents, such as Mr. Felix's death, so that we are confident that farm laborers are provided basic protections required by law.

I thank you in advance for your anticipated cooperation into this important inquiry. Please provide my office with the requested information no later than 12-noon on Tuesday, July 15, 2008.

Should you have any questions regarding this inquiry, or should you require any further clarification, please contact Saul Gomez in my Capitol Office at (916) 651-4016.

Sincerely,


DEAN FLOREZ,
Senator, 16th District

cc: John Duncan, Director, California Department of Industrial Relations
cc: Len Welsh, Chief, California State Division of Occupational Safety and Health
cc: General public