



June 4th, 2020

Senate Interim Committee on Environmental and Natural Resources

Chair Dembrow, members of the committee.

My name is Martha Sonato, I am the Political Director at PCUN- Oregon's Farmworker Union. On behalf of the 6,543 members of PCUN, I am here to provide informational testimony on the current Oregon OSHA agricultural temporary rules and briefly talk about how the pandemic is affecting farmworkers.

PCUN represents farmworkers and Latinx working families in the Mid-Willamette Valley. PCUN, has organized for the rights of farmworkers since the mid-1980's. Our fundamental goal has centered on ending exploitation of farmworkers and its effects.

As COVID-19 began spreading exponentially, it began to disproportionately impact the Latino community. In the most updated OHA daily report, 33% of the Latino community have been impacted by COVID even though they make up only 13% of the state's total population. Members of our Latino community work in essential industries, such as planting, harvesting and packaging fresh fruit and vegetables for the rest of us across the U.S. Farmworkers are essential food supply chain workers that have continued showing up for work—risking their lives every day to continue to feed America, and sustain an economy that brings billions of dollars into Oregon. In Oregon, there are an estimated 100,000 farmworkers (seasonal and migrant), and counting their dependents the number is closer to 170,000. A significant number speak an indigenous language and over 1/3 of farmworkers are women. These workers are the backbone of the nurseries, fresh fruit and vegetables among other crops.

With the COVID-19 pandemic, the social and economic disparities have come to the surface more vividly. From March 2020, while most of us could work remotely and social distance successfully, essential workers such as farm workers, were asked to continue but with little clarity on workplace protections for their safety and health.

The Oregonian reported just yesterday that state officials noted that of the 485 cases (including 6 deaths) related to workplaces, just about 50% were related to food or agricultural industries.¹

These cases include:

- Townsend Farms: Nearly 100 workers at Townsend's labor housing and cannery have tested positive. Some of these workers at Fairview apparently already have contracted

1

<https://www.oregonlive.com/coronavirus/2020/06/almost-500-covid-19-cases-linked-to-workplace-outbreaks-state-discloses-for-1st-time.html>

COVID-19, but at least 51 local workers working at the processing plant in Fairview contracted the disease separate from the labor housing. Duckwall Fruit Company in Hood River this past week, with 6 workers testing positive. Workers are still in the process of getting tested as we speak.

- In WA: Central Washington orchard where dozens of workers have tested positive for COVID-19 as well as multiple meat packing houses.

These documented COVID-19 outbreaks bring in a real urgency to ensure farmworkers have better protections in the workplace.

By now, it is undisputed that farmworkers are subject to a higher risk of infection in the agricultural work setting and their cramped living quarters and it is in the best interest of all of us to ensure there are clear safety regulations in the workplace.

Since March, we've been in ongoing conversations with Oregon OSHA, the governor's office and elected leaders on proactive steps we can take to protect farm workers, especially as we move into the main harvest season across Oregon. PCUN submitted comments in support of the Oregon Law Center's and Virginia Garcia's petition to Oregon OSHA for rulemaking covering three main areas: toilets and hand washing stations, Agricultural labor housing, and transportation provided by employers (see addendum).

On April 28, 2020, Oregon OSHA adopted Temporary Rules that will be enforced beginning June 1 and will last no later than October 24, 2020. We are supportive of the rules— they bring clarity and standards for both the industry and the workers. OR OSHA issued Temporary Rules where other states have not done so and in this way, Oregon led the way. Since the rules were released, we've now had at least one month of preparation which led to the state putting together a significant package of comprehensive support and now protocols for OHA testing to have a chance at reducing the transmission of COVID-19 among workers and avoiding shutting down the agricultural businesses.

I would like to highlight several issues in the three main areas about the OR OSHA Temporary Rules: field sanitation, housing and transportation.

Field Sanitation

The CDC instructs that 20 second handwashing is vital to flattening the curve. For most farmworkers in the fields this is a far reach. The standards in Oregon normally are 1 toilet and handwashing sink for 20 individuals *and these stations can be up to ¼ mile (5 minutes walking)* away from where the workers are working. It takes 10 minutes to go to the station and back which is also the amount of time legally mandated for breaks. Given the reality of how often people must wash their hands during a workday a single tank for twenty individuals is too small to accommodate the amount of time workers must wash their hands and need to take care of bodily functions. We heard directly from farm workers in Woodburn and in Hood River about the necessity for a higher ratio of handwashing stations and toilets. We are glad to see these outdated ratios improve to 1:10 *at least* during the pandemic. In addition, proximity is important, and the new rules require toilets to be located at the entrance or exit to the field or in a completely harvested area, whichever is closer.

By further requiring that these handwashing and bathroom stations be sanitized 3x daily, we are reducing transmission of COVID.

On site agricultural housing

We are pleased that OR OSHA recognized that there must be improved social distancing not only at the worksite but where people live at the labor housing. We are also pleased that they have created rules that require improved sanitation twice a day.

We appreciate the addition of one portable toilet to the camps so the ratio drops from 1:15 per occupants to 1:10.

The labor housing standards do not lend themselves to successful social distancing for farmworkers in general. The square footage that people are living in is 1:40 square feet of sleeping area if there are bunk beds and 1:50 square feet if there are beds. If there is cooking in the room, the ratio is 1:100. The ventilation in the rooms comes through opening a window if possible (but workers are instructed to close those when pesticides are applied within a certain distance of the housing). There are no requirements for indoor plumbing in the rooms. Many daily activities are in shared spaces, such as bathrooms, showers, cooking areas.

The Temporary Rules have taken the same square footage and have asked the housing operators to do what they can to have workers sleep so that their beds are six feet away from each other or if not possible to hang plastic or plywood leaving 28 inches on each side of the bed for an aisle.

Because we understand that many workers cannot social distance given the above scenarios, we have worked collectively for alternative housing sites during this pandemic. Our concern at this point is whether those in the smallest of the rooms (i.e, those in rooms that are 200 square feet or less with up to three other people sleeping in the same room) can successfully social distance under the above requirements—particularly when combined with inadequate ventilation and additional barriers. For these reasons, we support alternative housing sites such as hotels/motels (with no more than 2 unrelated people to a room and no shared beds). We are pleased that the state has made available significant sums of money for this type of housing. When there is insufficient alternative housing available in the community, tents can and should be used for temporary relief for only the most crowded of situations and as a last resort (we are talking about tents that are at least 10x11 for one individual with a solid floor and vents for air conditioning)

Transportation:

We support the provisions for social distancing, facial coverings for passengers and the drivers, as well as cleaning after each trip. We believe there should be *clarity* that those who are housed at alternative sites have a right to obtain transportation to/from work from their alternative site instead of having to shoulder that expense themselves. This portion is not an OR-OSHA rule but a practical aspect that should be taken into account with the funding that will be available to the industry.

Finally, although not part of the OR OSHA rule, testing upon arrival is critical for the farmworkers and coordination efforts for those who need to be quarantined immediately to have identified housing. As the lessons at Townsend Farms show us, we can expect a large number of workers to have COVID-19 upon arrival. This is true whether farmworkers are brought here under the guest worker programs or domestically. Therefore, selecting a cabin here and there may not be

enough to house workers during their recovery period. Those who have contracted COVID-19 should not be housed at the individual tents at the site either. The tents should only be reserved for workers who cannot successfully social distance because of the small square footage and the numbers of persons in their rooms.

We have been working to identify alternative sites for quarantine for the workers, but we need to have coordination so that the workers understand there will not be losing their income should they test positive.

The OHA released an updated list of testing recommendations yesterday and migrant/seasonal farmworkers, upon arrival in Oregon, are on that list.² We are supportive of that approach.

All in all, we are supportive of the current OR-OSHA rules as a strong first step. These are necessary and basic protections for our farmworkers. We are committed to continue working together with different stakeholders— the Governor’s office, legislators, and growers—on financial resource allocation for both workers and growers to ensure compliance and adequate roll out of OR-OSHA rules.

Thank you for the opportunity to provide testimony today on OR-OSHA rules.

Sincerely,
Martha Sonato
Political Director, PCUN

2

<https://www.oregonlive.com/coronavirus/2020/06/coronavirus-testing-now-recommended-for-some-oregonians-without-symptoms-are-you-on-the-list.html>