



Community To Community

Farmworkers who walked out and were then fired from Sarbanand blueberry farm in Whatcom county, Wash., march in protest last summer. A judge has reduced by half the state fine levied against the farm for missed meals and breaks.

Record state farm fine slashed in half by judge

L&I disappointed with reduction in Sarbanand penalty

By DON JENKINS
Capital Press

A record fine levied against a northwest Washington blueberry farm for missed rest breaks and late meals has been cut in half by a judge.

Whatcom County District Judge Pro Tem David Cottingham last week reduced the amount Sarbanand Farms will pay in state and county fines to \$74,825. The state Department of Labor and Industries originally imposed a penalty that totaled \$149,650.

“We’re disappointed in the court’s decision,” L&I spokesman Tim Church said. “Late meals and missed breaks are serious violations that affected hundreds of workers over several days.”

The fine stemmed from investigations L&I began in August 2017 after a sick farmworker, Honesto Silva Ibarra, was taken by ambulance for medical treatment and died four days later at a Seattle hospital of what officials said were natural causes.

Activists accused the farm, owned by California brothers Kewel and Baldez Munger, of mistreating Ibarra, 28, of Mexico and callously firing about 70 farmworkers who staged a one-day protest.

L&I concluded Ibarra’s death was not work-related and that the farm was not at fault. The department also found no evidence to support claims that workers were exposed to pesticides.

L&I did find, based on company records, that workers either missed breaks or received meals late 13 times during a two-week period in July.

Sarbanand did not contest the violations, but did challenge the severity of the penalty, according to court records.

The late meals took place on days that workers were

on the job for at least 11 1/2 hours, according to L&I records. Workers must be given a 30-minute meal period every five hours. The missed breaks occurred on 12- to 13-hour workdays. The law requires 10-minute breaks every four hours.

Sarbanand said in a written statement Wednesday that workers received two rest breaks, but should have received a third.

“The people at Sarbanand Farms take seriously their responsibilities with respect to worker safety and well-being, so in cooperation with L&I, we have updated our meal and rest break policies to ensure continued compliance with all applicable laws and regulations,” a Sarbanand spokesman said.

The Lynden Tribune reported that Cottingham in court cited the farm’s record-keeping in reducing the fine, noting that the records allowed L&I to document the violations.

L&I’s options for penalizing Sarbanand ranged from \$513 to \$2.95 million, depending on how the fine was calculated, according to department records. L&I settled on a fine that a spokesman said was a middle course and that department records said was influenced by publicity over Ibarra’s death and the strike.

L&I announced that the fine was the largest ever imposed by the department for employment standard violations. It was unclear Wednesday whether the reduced fine is still a record.

Sarbanand cooperated with L&I investigators and immediately took steps to prevent future violations, according to L&I records.

The fired workers were Mexican nationals issued H-2A visas to work for Sarbanand. A class-action lawsuit pending in U.S. District Court for Western Washington alleges the workers were wrongfully dismissed, as well as underfed and overworked. Sarbanand says the allegations are unfounded. The lawsuit was filed by Columbia Legal Services and a Seattle law firm.

Solar rules raise potential for controversy

By MATEUSZ PERKOWSKI
Capital Press

SALEM — Oregon energy regulators recently got a preview of some controversies likely to arise over regulating multiple solar arrays as one large facility.

The potential regulations will be debated by a “rulemaking advisory committee,” or RAC, that was approved by Oregon’s Energy Facility Siting Council at its June 29 meeting in Salem, Ore.

When solar projects take up more than 100 acres of farmland or 320 acres of other land, they come under the EFSC’s jurisdiction and are analyzed for noise and environmental impacts, among other factors.

Solar energy on farmland has increasingly become controversial in Oregon as farm and conservation advocates oppose projects they argue will disrupt agricultural productivity.

The RAC will consider whether several solar projects “functionally aggregate” to have the same impact as a larger facility — for example, several arrays in close proximity that are each smaller than 100 acres but together surpass that threshold.



Capital Press File

An Oregon advisory committee will consider new rules for solar installations.

The committee will also decide whether the possibility of such “aggregate” solar facilities would justify new regulations to avoid projects from being broken up into smaller components to avoid EFSC’s current jurisdiction.

One potentially thorny consequence of new rules would be EFSC taking control of projects that would otherwise fall under local government authority.

Counties are more familiar with the local landscape than EFSC officials in Salem and can make decisions more efficiently than that regulatory body, said Don Russell, chairman of Morrow County’s board of commissioners.

“We would be an advocate

for having as much of this done at the local level as possible,” he said.

In Central Oregon, there’s a perception that solar projects will get done faster and in a “business-friendly” manner if they don’t fall under EFSC’s jurisdiction, said Betty Roppe, a council member and mayor of Prineville, Ore.

“We want those things to proceed because we desperately need the electricity,” Roppe said.

Another problem raised at the meeting was unfairness to landowners when one solar facility is developed after another — the first project may not come under EFSC’s purview, but the second one on a neighboring property might.

The council was also urged not to discourage the “co-location” of solar projects that can rely on existing transmission facilities, thus preventing the fragmentation of wildlife habitat.

The scope of the RAC’s mission should be narrow and well-defined, said Rikki Seguin, policy director for Renewable Northwest, a nonprofit that supports renewable energy.

Demand for solar energy is increasing but the potential for new regulation can create uncertainty in the market, Seguin said. “The industry doesn’t have time for another rulemaking that takes years.”

Due to the controversial nature of the rulemaking, the RAC was proposed to have about 25 members representing a variety of interests.

While some councilors and attendees called for additional representatives to be added, the large number of members raised concerns about the committee becoming unmanageable.

“I can’t imagine getting anything scheduled with this many people,” said Marcy Grail, a council member and employee of the International Brotherhood of Electrical Workers.

Firefighters battle central Washington sagebrush fires

By DAN WHEAT
Capital Press

GEORGE, Wash. — Wildfire burned about 3,800 acres of sagebrush and grass between George and Quincy, Wash., on Sunday night, about 24 hours after another fire burned 100 acres some 20 miles to the south along Frenchman Hills.

Neither fire damaged structures or crops or resulted in injuries, said Anthony Leibelt, deputy chief of Grant County Fire District 3 in Quincy.

The causes of both fires are under investigation, Leibelt said, while declining to say either was suspicious.

The Sunday fire started about 5 p.m. in a recreation area on the west side of Quincy Lake, he said.

A vehicle was seen leaving the vicinity but it is not known if it had anything to do with the fire, he said.

Strong wind fanned it quickly southeast along the northern side of Burke Lake.

No roads led close enough for firefighters to initially reach the fire and they hoped Burke Lake would stop it. But the fire jumped the lake and burned south to Evergreen Lake.

The fire jumped that lake also.

It was finally contained at Road 2 Northwest and an irrigation canal about 2 miles northwest of George, he said.

Residents of about 10 homes were temporarily put on evacuation standby, but they did not have to move, he said.

A third fire in the same vicinity about three weeks earlier



Dan Wheat/Capital Press

Firefighters watch a wildfire at the east end of Burke Lake between George and Quincy, Wash., at 5:46 p.m. July 1. They lacked roads to reach the fire until it jumped the lake and spread farther south.

burned 75 acres and was not of suspicious origin, Leibelt said. A firefighter lost a finger in that

fire, he said. “Firefighter safety is a big concern in these rocky areas,”

he said. “Conditions are hot and dry, and with winds off they (fires) go.”

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