

Oregon Farm Bureau petitions for changes to state COVID-19 labor housing rules

By **GEORGE PLAVERN**
Capital Press

SALEM — The Oregon Farm Bureau is asking state regulators to amend emergency COVID-19 protections for migrant and seasonal farmworkers living in agricultural labor camps, arguing the rule as currently written contains serious flaws.

In a petition submitted Jan. 4 to the Oregon Occupational Safety and Health Administration, the Farm Bureau says a significant number of farmworkers are being displaced by reducing housing capacity — which, ironically, potentially increases their exposure to the coronavirus.

“Inexplicably, Oregon OSHA’s rules ... all but ensure that most agricultural occupants will not be able to live on-farm in safe shelter, and instead pushes them to entirely unregulated environments,” the petition states. “Specifically, the prohibition on bunk beds, bed spacing requirements and need for isolation units has drastically reduced the number of employees who can be housed on-farm.”

Samantha Bayer, policy counsel for the Farm Bureau, said the group is asking for Oregon OSHA to adopt amendments that would allow bunk beds; scale back “arbitrary” sanitation requirements; and establish a contingency plan for COVID-19 outbreaks.

“Because our concerns with the current rules have continually fallen upon deaf ears, filing a formal petition is the only way to ensure that agricultural housing providers will have a seat at the table when determining how best to manage their housing and protect their employees during COVID-19,” Bayer said.

Aaron Corvin, a spokesman for Oregon OSHA, said the agency is reviewing the petition.

Oregon OSHA initially adopted temporary housing and field sanitation rules in June 2020, based on a petition from the Oregon Law Center and Virginia Garcia Memorial Health Center, advocating on behalf of farmworkers.

Gov. Kate Brown issued an executive order one day before the rules were set to expire on Oct. 24, extend-



Capital Press File

The use of bunk beds is among the issues discussed in an Oregon Farm Bureau petition seeking changes in OSHA’s COVID-19 rules for housing farmworkers.

ing the housing requirements through at least April 30.

The rule stipulates that beds must be spaced at least 6 feet apart or separated by an impermeable barrier, such as Plexiglass or heavy plastic sheets. Unrelated workers cannot share bunk beds, and those who test positive for COVID-19 must be isolated in their own separate facilities.

Violators may be subject to a Class C misdemeanor, according to Brown’s executive order.

But Bayer said the measures come with a trade-off.

“Yes, you’ve reduced your on-farm capacity and density, but you’ve pushed farmworkers to unregulated living situations where their exposure to COVID-19 is potentially greater,” she said. “Housing capacity and creating more opportunities for safe shelter is one of the biggest deficiencies (in the rule).”

Farms have reported their housing capacity has been cut by as much as 50% in some cases, Bayer said, while others simply opted not to open their labor camps and eschewed hiring their usual migrant workers.

The Farm Bureau’s petition notably calls for bringing back bunk beds, and though it would maintain the distance between beds at 6 feet, that would be measured from the cen-

ter point of each mattress.

Current rules also call for sanitizing high-touch surface areas at least twice per day, and portable toilets at least three times per day. That is not only expensive, Bayer said, but requires farm operators to be in greater contact with workers, potentially increasing their exposure.

The petition, instead, calls for high-touch surfaces and common areas to be cleaned every 48 hours. Workers would be encouraged to clean and sanitize their personal spaces — including bed frames, nightstands, storage spaces and lockers — as much as possible.

“We just don’t feel that robbing employees of their autonomy, and ability to clean their own spaces ... is an appropriate response to COVID-19,” Bayer said.

Finally, the petition includes language for signage, masks, building ventilation and what to do if a worker tests positive. As proposed, the amended rules would come into effect immediately and would sunset at the end of COVID-19 emergency orders.

“We hope this petition shows the state and the public what we already know to be true — Oregon’s farm and ranch families will walk the walk when it comes to protecting the well-being of those who work and live on the farm,” Bayer said.



Associated Press/East Oregonian

A senior citizen receives the Pfizer-BioNTech COVID-19 vaccine at the The Palace assisted living facility Jan. 12 in Coral Gables, Fla. It could be months before vaccines are available for farmworkers.

When to expect COVID-19 vaccines for farm and food workers

By **SIERRA DAWN McCLAIN**
Capital Press

WASHINGTON, D.C. — The COVID-19 vaccine rollout is underway across the West, but it could be months before farmworkers and others in the food sector receive vaccination.

In most Western states, food and agriculture workers will be third or fourth in line for vaccines.

People 65 and older and people with pre-existing health conditions will come first.

The Trump administration originally advised states to put health care workers as the highest-priority group, but the Department of Health and Human Services announced sweeping changes to the plan Tuesday, urging states to prioritize aging people and those with underlying conditions.

Officials say it could take months to vaccinate these groups. Nationwide, about 53 million people are 65 or older and more than 100 million people have high-risk medical conditions, according to the Centers for Disease Control and Prevention.

The new policy created confusion among states that have been following their own timelines. Unless federal regulators decide to enforce the directive, states will maintain freedom to follow original plans. But officials say most states will likely comply with the new recommendations.

Oregon has been in Phase 1a of a four-phase plan, focused on vaccinating health care workers. The Oregon Health Authority, or OHA, estimates this includes between 300,000 and 400,000 individuals. As of Jan. 10, 104,595 vaccinations have already been administered

to health workers.

Under the new plan, the state will move the 764,400 people aged 65 and older to the front of the line Jan. 23.

Oregon will simultaneously vaccinate remaining health workers, along with childcare workers and K-12 school and school district staff — about 110,000 people, according to the state Department of Education.

Then others in Phase 1b will become eligible, including “workers who are in industries essential to the functioning of society” with “substantially higher risk of exposure.” This would include the agricultural sector, but OHA has yet to decide which occupations come first.

Several farm groups, commodity associations and food processing companies have sent letters to Gov. Kate Brown and OHA asking for their workers to receive high priority.

In California, under the new directive, people 65 and older — about 14.8% of the population — will get vaccinated first along with those with underlying health conditions.

Health care workers, about 2.4 million people, will either be second in line or vaccinated simultaneously, which is yet to be decided.

Then will come Phase 1b, which includes “essential” workers in the education, childcare, emergency services and the food and agriculture sectors.

Idaho is sticking close to its original plan. Gov. Brad Little late Tuesday announced that after health care workers, the state will prioritize teachers, school staff, first responders and some other frontline workers between Jan. 13-31 before making doses available to the 65-and-up population Feb. 1-15.

Starting mid-February, the state predicts vaccine rollout will begin for food and agriculture workers.

In Washington state, Tuesday’s directive won’t likely have a significant impact on timing. That’s because, prior to Tuesday, Washington’s health care workers were first in line and aging population second in line.

The new order will just reverse these two groups, and agricultural workers will likely remain in Tier 2 of Phase 1b — approximately third in line.

The Washington Farm Bureau says the state’s COVID-19 vaccination plan has “failure written all over it.”

Agriculture has been working “diligently” to explain the importance of getting the entire agriculture workforce vaccinated as soon as possible, said Bre Elsey, associate director of government relations for the bureau.

She cited the state’s planned arrival dates, rollout dates and implementation delays.

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