

Oregon OSHA adopts emergency rule to protect farmworkers from extreme heat

By **SIERRA DAWN McCLAIN**
Capital Press

SALEM — Oregon OSHA on July 8 adopted an emergency rule related to employees working in extreme heat.

The rule, which comes after a record-setting heat wave that led to one farmworker's death, is intended to protect workers from heat-related death and illness.

The temporary rule is effective immediately and will stay in place for 180 days, or until a permanent rule replaces it. The rule applies not only to farms but to any workplace, indoors or outdoors, where weather could lead to potential heat dangers for workers.

"This rule creates greater clarity for employers about the specific steps that need to be taken to protect workers from heat stress dangers at work," Michael Wood, administrator of Oregon OSHA, said in a statement. "For employees, it further crystalizes their existing rights to protection from heat hazards where they work."

The new rule will make the following changes to workplaces.

When the heat index is equal to or above 80 degrees Fahrenheit, employers are required to provide:

- Access to sufficient shade.

- An adequate supply of drinking water.

When the heat index rises above 90 degrees, all



Sierra Dawn McClain/Capital Press File

The new emergency rules adopted by Oregon OSHA are intended to protect workers.

of the rules for 80 degrees apply and, in addition, employers must:

- Ensure effective communication between an employee and a supervisor is maintained so the employee can report concerns.

- Ensure that employees are observed for alertness and signs and symptoms of heat illness and monitored to determine whether medical attention is necessary.

- Provide a cool-down rest period in the shade of 10 minutes for every two hours of work. These preventive cool-down rest periods may be provided concurrently with any other meal or rest period required by policy, rule or law.

- Develop and implement an emergency medical plan and practices to gradually adapt employees to working in the heat.

Access to shade
To be sufficient, shade must:

- Be provided by any natural or artificial means that

does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

- Either be open to the air or provide mechanical ventilation for cooling.

- At least accommodate the number of employees on recovery or rest periods, so that they can sit in the shade.

- Be located as close as practical to the areas where employees are working.

- Shade present during meal periods must be large enough to accommodate the number of employees on the meal period that remain onsite.

Drinking water

To qualify as an adequate supply of drinking water, it must:

- Be readily accessible to employees at all times and at no cost.

- Enable each employee to consume 32 ounces per hour.

- Be cool (66-77 degrees) or cold (35-65 degrees).

- Drinking water packaged as a consumer product and electrolyte-replenishing drinks that do not contain caffeine (for example, sports drinks) are acceptable substitutes, but should not completely replace the required water.

- Employers must also ensure that employees have ample opportunity to drink water.

All of the above requirements are effective immediately. One requirement, however, does not need to be met until Aug. 1: training.

Training required

No later than Aug. 1, employers must ensure that all employees, including new employees, supervisory, and non-supervisory employees, are trained in the following topics, in a language readily understood, before they begin work in a heat index equal to or in excess of 80 degrees:

- The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing and personal protective equipment.

- The procedures for complying with the requirements of this standard, including the employer's responsibility to provide water, provide daily heat index information, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without fear or retaliation.

Washington sets heat rule for farmworkers

By **DON JENKINS**
Capital Press

Washington farmworkers must have shade handy and more rest breaks when the temperature reaches triple digits under emergency rules announced July 11 by the Department of Labor and Industries.

The rules, effective July 13, respond to a petition from the United Farm Workers. They will apply to construction and other outdoor workers as well and add to existing heat-stress workplace regulations.

The emergency rules came less than two weeks after a record-shattering heat wave across the state. L&I said it modeled them after California regulations and will write a permanent rule for next summer.

Gov. Jay Inslee said the heat reached "catastrophic levels," endangering workers. "Our state has rules in place to ensure those risks are mitigated, however, the real impacts of climate change have changed conditions since those rules were first written and we are responding," Inslee said in a statement.

An Oregon farmworker died of heat-related causes June 26. No deaths or illnesses among farmworkers were reported in Washington, an L&I spokeswoman said Friday.

According to the emergency rules, employers must provide shade "as close as practicable" to workers or some other way of cooling down when temperatures are

100 or above. L&I suggested fans, misters and air conditioners as alternatives to shade.

Also, in triple-digit heat, farmworkers must have 10-minute paid rest breaks every two hours.

"I am very glad to see the shade protection and preventive paid breaks included," UFW campaign director Elizabeth Strater said.

She criticized the rule, however, for setting the threshold at 100 degrees.

"A worker in 99.5 degree heat without shade is a worker in very dangerous working conditions," she said. "I look forward to permanent rule-making that includes medical and public health perspectives."

Agricultural employers already are required to provide water, train workers to avoid heat illnesses and make sure workers suffering in the heat get care.

Republican state Sen. Mark Schoesler, a Ritzville wheat farmer, said he didn't think the Inslee administration needed to add the rules.

Farmers adjusted to the heat by starting earlier and quitting for the day sooner, he said.

"Of course, we adapted to it," Schoesler said. "Government assumes our farmworkers aren't smart enough to drink water."

"If you treat workers poorly you won't have a crew," he said. "If I treated my men poorly, they might all quit and then I'd have a real problem."



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Oregon FFA members learning to grow local solutions

From June 30 through July 2, 33 Oregon FFA members from chapters across the state gathered at Oregon State University's campus for a deep dive on what it means to live to serve. With a national leadership conference in Washington, D.C., canceled for 2021, Oregon FFA seized the opportunity and grew its own program with a local focus to serve Oregon FFA members.

This local experience provided a hands-on learning forum for Oregon FFA members and was available for those who might not normally be able to attend a national conference due to travel, family responsibility or cost. Students participating in Living2Serve discovered their personal strengths and values, identified needs within their home communities and across Oregon, and created plans that will begin tackling those needs, with the help of their local FFA chapter.

Joellen Futrell Wetzler, Oregon FFA Leadership Development Coordinator, said what made this leadership experience unique: "At the completion of the conference, with help from national and local FFA sponsor CHS Inc., students will be able to complete a mini-grant application to compete for funding resources to get the chance to put their community improvement plan into action. Our members need to know that they can positively impact their local communities with collaborative change."

The one-time award from CHS Inc., their 2021 Innovation Grant, will be used to specifically grant \$50-\$1,000 mini service learning grants, which allows them to take this leadership experience beyond experience, speculation and ideas straight into action!

Oregon FFA Foundation is a non-profit 501(c)3 organization. The mission of the Foundation is to coordinate sustainable, long-term funding for agriculture education and Oregon FFA.

Contacts:
Christa Carlon, Stewardship Officer, Oregon FFA Foundation, christa@oregonffa.com, 541-905-3295
Betsy Hartley, Development Officer, Oregon FFA Foundation, betsy@oregonffa.com, 541-231-1472



FFA members at the state Service Learning Conference at Oregon State University.



Facilitator Jason Wetzler presents a workshop for Oregon FFA members at the state Service Learning Conference.

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