

Study: Farmworkers accuse OSHA of shortcomings on COVID

By LYNNE TERRY Oregon Capital Chronicle

SALEM — The past two years have been difficult for everyone, but some 87,000 farmworkers in Oregon have faced some of the worst hardships, with state officials sometimes failing to protect them, according to a report published April 5.

The COVID-19 Farmworker Study involved in-depth interviews with 48 farmworkers from 11 counties statewide, from Marion to Malheur to Jackson counties. Researchers found that while enduring grueling work to get food on Oregon tables, farmworkers often were not provided masks to protect them from getting COVID. The report said they often were not properly informed in their native languages about COVID or where to get vaccinated, didn't have break areas and had to eat in their vehicles.

Inspectors from the Oregon Occupational Safety and Health Administration showed up at workplaces but turned a blind eye to illegal conditions, the report said.

"Workers know that Oregon OSHA is supposed to enforce the rules, but rarely does this happen," the report said. "Not all agricultural and food industry employers practice or enforce masking and distancing, even though it is prescribed by law and workers prefer it."

An OSHA spokesman denied in an email that the agency was lax in enforcing rules, saying it has a history of protecting farmworkers.

According to some estimates, Oregon has the fifth largest farmworker population in the country, right after Washington state. California is first.

The report, which was funded by the Meyer Memorial Trust in Portland, comes two months after emotional hearings during the legislative session over a farmworker overtime bill. Despite strong agricultural industry opposition,



A farmworker on an organic farm. Farmworkers who were interviewed in a new study said OSHA had shortcomings. The agency denies it.

Sierra Dawn McClain/Capital Press

it passed on partisan lines, and is awaiting Gov. Kate Brown's signature. The bill will phase in 40-hour a week overtime pay starting next year.

The interviews with the farmworkers, who were 25 to 65 years old, were conducted between February 2021 through July 2021, including during the summer's heat dome when one farmworker died, the report said.

Ron Mize, professor of ethnic studies and women, gender, and sexuality studies at Oregon State University, worked on the study with researchers from Portland State University and the University of Oregon. Mize said the workers knew that OSHA was supposed to enforce the rules and were confused when it didn't.

"They really struggled with OSHA," Mize told the Capital Chronicle. "They never really felt like they got clear guidance on the rules and the very few times in which they saw inspectors, they were often confused because (the inspectors) said there was nothing wrong and they felt they were in close proximity to one another and there were a lot of issues with social distancing that they could not control."

Agency officials said that

wasn't so.

"It's really important to understand that Oregon OSHA was one of only a few states in the nation to adopt specific COVID-19 rules to reduce the risk in workplaces, and that includes a specific rule addressing the risks in agriculture labor housing," according to an email from Aaron Corvin, OSHA spokesman. "We have extended and updated such protections over time and as the pandemic and public health guidance have evolved. They have included provisions addressing facial coverings, physical distancing, and regular sanitation."

He added: "We regularly engage with stakeholders, and produce and disseminate educational resources and communications serving vulnerable workers in multiple languages, including in high-hazard industries. Our rulemaking processes — including for our heat and wildfire smoke rule projects — have included worker listening sessions."

He said OSHA has bilingual staff and uses language services to speak to workers.

"Oregon OSHA has a long-running focus on serving agricultural and other vulnerable worker populations as part of our safety emphasis programs," Corvin wrote.

Data provided to the Capital Chronicle showed that OSHA issued 22 COVID-related citations to agricultural companies between March 2020 and March 2023. The agency concluded that none of the violations were willful, a finding which can lead to thousands of dollars in fines.

The highest fine for an agricultural company was \$600 to a farm for not following physical distancing rules, among other things. Some agricultural companies cited by OSHA were not fined.

'They do not follow the rules'

Many farmworkers told researchers that their employers ignored COVID rules.

"They do not follow the rules, 6 feet apart as it should be," said a 49-year old farmworker on the north coast and lower Willamette Valley. "They do not give us masks. They gave us a meeting about wearing a mask and being away from others. But the job sometimes requires us to be close. Sometimes they put us close when we cut the cabbage. They don't care if you get sick or infected."

She said farmworkers endure dirty conditions and lack sanitation.

"Sometimes we don't have paper or disinfectant ... even the bathroom is dirty," she said. "We have to go to the office to ask for a roll of paper. They (Oregon OSHA) came but they haven't done anything."

Another farmworker, 33, who works in the nursery business, added:

"One day we were working on the side of the road. We were planting trees. Like 50 of us. Someone called the agency that handles that. They (Oregon OSHA) arrived and saw a lot of people without a mask. And they themselves said that since it was outdoors if they didn't have the masks, there was no problem. Then they just checked the restrooms and counted how many restrooms there were..."

The report says that most farmworkers were willing to get vaccinated and that many did. But it faults state agencies for not following up with support. One-third of those interviewed spoke indigenous languages like Mam from Guatemala or Zapotec from Mexico. The rest spoke Spanish.

"Even when information about particular services or programs was available in their languages, there was no follow-through from agencies or service providers," the report said. "Simply notifying people in Mam or Zapotec, for example, about where farmworkers can get vaccinated or where they can get food assistance is not enough. Additional steps require having service navigators available who can meet or consult directly with them and work with them in their own languages."

COVID outbreaks hit agricultural workplaces, but employers were not transparent about infections, the report said.

"In some cases, farmworkers described these outbreaks as not being reported to employees or being asked to return back to work," the report said. "Some who had fam-

ily members with underlying medical conditions were wary of going to work in the midst of large outbreaks. Employers didn't provide consistent information about what to do if you are sick, if you have been exposed, and whether or not you would get paid if you were quarantined, regardless of whether you were sick yourself."

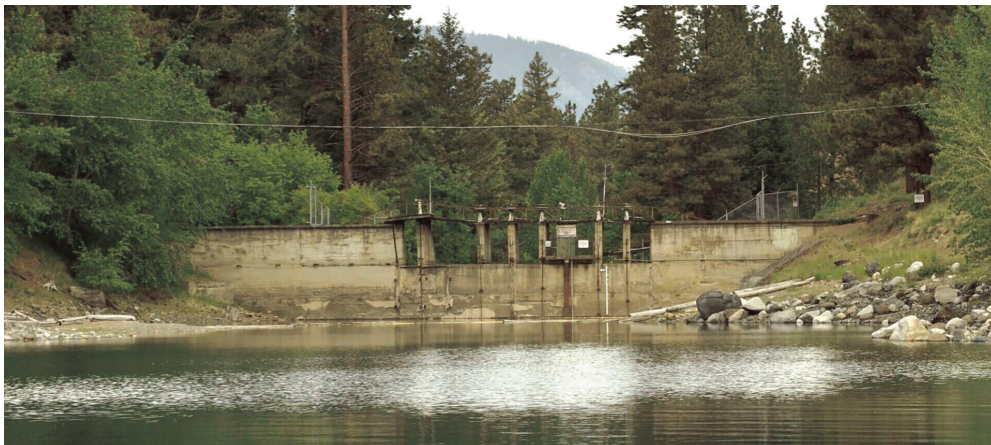
The Oregon Health Authority, which oversaw the state's COVID vaccination campaign, and the state Department of Human Services, which provides medical, food and other assistance to legal residents, did not respond to requests from the Capital Chronicle for comment on the findings in the report.

DHS oversees the food stamp program, which has been a key resource for many farmworkers, the report indicated. But many of the workers did not seek state help, the report said.

"Worried about being labeled as a 'public charge,' some stopped asking for the state and federally funded food assistance such as the Supplemental Nutrition Assistance Program (SNAP) benefits they were entitled to," the report said. "Many never recovered from lost wages and hours of work and continued struggling to pay their bills one year into the pandemic."

The report listed several recommendations, citing some from farmworkers themselves. They said the state should "put inspectors on farms so that they are regularly checking all the operations."

The researchers said farmworkers need culturally sensitive mental health support, better safety net services and better access to legal advice on everything from employment and housing to immigration and obtaining a driver's license. The researchers also called on the state to enforce existing anti-retaliation and workplace protections and conduct random inspections.



EO Media Group File

The price tag to refurbish the Wallowa Lake Dam has soared from the originally estimated \$16 million to about \$21 million, according to the Wallowa Lake Irrigation District, which owns the dam.

Price tag on Wallowa Lake Dam soars

By BILL BRADSHAW
EO Media Group

ENTERPRISE, Ore. — The price tag for rebuilding the Wallowa Lake Dam has jumped to about \$21 million, said Dan Butterfield, president of the Wallowa Lake Irrigation District, leaving the stakeholders wondering where they will get the extra money.

The district, which owns the dam, hopes to break ground on the project in the fall of 2023, after the irrigation season ends that September. The Legislature added \$14 million in state lottery funds to its budget last year for the project, which was originally estimated to cost about \$16 million. Now the district and the other stakeholders have to find the additional money.

"We're going to want to make sure we have the funding lined up before we start. We're not spending any money until we get the \$14 (million)," Butterfield said April 4. "We're going to wait and make sure we have our money before we get started."

Seeking extra funding

"We're going to still have the conversation on what

we do with the gap," Butterfield said. "Right now, we're brainstorming on where else we could get money."

The major stakeholders of the dam include the irrigation district, the Oregon Department of Fish and Wildlife, the Nez Perce Tribe's Department of Fisheries Resources Management and the Confederated Tribes of the Umatilla Indian Reservation. Minor stakeholders also are involved, including the U.S. Fish and Wildlife Service, which has jurisdiction over bull trout; the National Oceanic and Atmospheric Administration; the Oregon Department of Environmental Quality and others.

Ann Rava, spokeswoman for state Sen. Bill Hansell, R-Athena, shed a little light on the funding issue in an email April 4 that the stakeholders met in two separate meetings last week. She referenced a report from Regional Solutions Exchange from last week.

"First, we brought the larger stakeholder group together to talk about progress on all projects within the Wallowa Basin that relate to fish passage or irrigation efficiency," the report

said. "The Oregon Department of Fish and Wildlife announced that they will be able to contribute \$1.25 million toward design and engineering work for both the Wallowa Lake Dam fish passage and the fish passage for the Consolidated Ditch. The Wallowa County Soil and Water Conservation District shared that they will be going after some federal funds related to a downstream project. ... However, the group is still committed to working together and finding the funding to complete the project."

The refurbishment of the century-old dam is intended to improve the spillways, include a fish passage, add more concrete for weight, replace the five conduit gates and to upgrade the electrical system and instrumentation.

Fish passage

One of the major issues in designing the dam is the fish passage.

Butterfield said no agreement on that issue has been reached.

It's up to the engineer, McMillen, Jacobs and Associates of Boise, to determine the type of fish passage that will be included and to finalize the plans for the dam.



HAIL INSURANCE

Crop insurance? Hail yes.

Get hail insurance from the team who knows the crop industry best—Northwest FCS. We work with multiple providers to help you get the best possible coverage at the most competitive price.

Contact a Northwest FCS insurance agent to learn more.

800.743.2125 | northwestfcs.com/cropinsurance

Here to Help You Grow®