

Bird flu strikes backyard flocks in Oregon, Washington

By **DON JENKINS**
Capital Press

Bird flu has been found in backyard flocks in Linn County in Western Oregon and in Pacific County in southwest Washington, animal health officials said May 6.

They are the first detections of the disease this year among domestic birds in the two states. Highly pathogenic avian influenza already had been found in 32 other states, dating back to early February.

Washington State Department of Agriculture veterinarian Danna Dobbs said she had hoped the Northwest would be spared as virus-carrying waterfowl migrated north.

“We were holding our breaths that it would pass the Pacific flyway, but now,

unfortunately, we are all involved,” she said.

The USDA’s Animal and Plant Health Inspection Service laboratory in Ames, Iowa, on May 5 confirmed state tests showing the birds in the two backyard flocks were infected.

Dobbs said the owner of the Pacific County flock had about 100 chickens and turkeys. He reported seeing a crow mixing with the poultry. “The next day, he literally described them dropping like flies,” she said.

The virus showed up the past week in the Linn County flock, killing three geese. Officials said the flock had about 100 birds.

Bird flu has caused the destruction of 37.3 million domestic birds this year, according to the USDA. The virus caused 50 million



Sierra Dawn McClain/Capital Press

Bird flu has been found in backyard flocks in Oregon and Washington.

domestic birds to be killed in 2015, mostly chickens and turkeys euthanized on commercial farms.

Washington and Oregon were the first states to be hit by highly pathogenic influenza in the winter of 2014-15.

bird flu in a backyard flock in Matanuska-Susitna Borough, Alaska, on April 30.

Bird flu has not been confirmed in any commercial poultry farm in Oregon, Idaho, Washington and California. In the West, two commercial farms in Colorado and one in Utah have been infected.

In 2015, bird flu spread swept through large commercial farms as the virus spread from barn to barn on clothes and equipment. This year, the virus appears to be mostly introduced at many points by wild birds infecting domestic birds, officials said.

The virus this year is infecting more wild bird species and killing more, too, said U.S. Geological Survey emerging disease coordinator Bryan Richards.

“There is a lot more virus

out there this time in the environment,” he said.

Richards said that even if the virus burns out this spring, it could reappear in the fall as migratory birds fly south. Europe suffered an outbreak in the spring of 2021. After waning over the summer, the virus came back in the fall.

“I wouldn’t bet against this virus coming back,” Richards said.

The USDA reports bird flu outbreaks to the World Organization for Animal Health and international trading partners. International guidelines call for trade restrictions to be limited to the immediate area of the outbreak.

Officials said Friday they did not know whether the confirmation of bird flu in the two backyard flocks would lead to export restrictions.

In time for summer, L&I breaks out heat rule

By **DON JENKINS**
Capital Press

Washington farmworkers must have 10-minute paid rest breaks every two hours if the temperature reaches 89 degrees or higher under an emergency rule the state Department of Labor and Industries plans to adopt.

The rule will be in effect between June 1 and Sept. 29 and apply to workers who are outside at least 15 minutes in an hour. The trigger for outdoor workers wearing outer clothing, such as coveralls or jackets, will be 77 degrees.

The rule will carry over some emergency rules from last summer’s heat-exposure rule, but also will introduce new requirements, including the mandatory paid breaks.

New workers will also have to be closely watched for 14 days while they become acclimated to the heat. All workers will have to be observed for signs of heat-related illnesses, by sight, voice, text or a “mandatory buddy system.”

Employers will have to provide a shady place to sit and supply “suitably cool” water or sports drinks. Even if workers bring their own water, employers will have to bring water, too.

“You can’t rely on employees bringing their own,” said L&I health and safety specialist Bradley Farrar.

Because it’s an emergency rule, L&I did not have to assess the cost to businesses. A permanent rule requires a financial analysis to lessen the impact on small businesses.

L&I announced nine months ago it would write a permanent rule.

“We wanted to have permanent rule-making, and we did not get that far, so we need to have an emergency rule so that we have protections in place for employees,” said Teri Neely, technical services program manager of the Division of Occupational Safety and Health.

L&I rolled out a draft of the emergency rule Wednesday at an online forum. Department officials said they will take comments until May 15 and then finalize the rule.

Washington Farm Bureau director of government relations Tom Davis criticized the department’s timing and failure to do a cost analysis required of a permanent rule.

“How can they justify an emergency? It gets hot every summer,” he said.

“A lot of farms already have done their safety and heat training,” Davis said. “Our concern is that this could be used as a ‘gotcha’ for farms, and that they come out and find all kinds of violations.”

L&I officials fielded questions Wednesday from a range of employers. The department was unable to answer some questions.

Since employers will be required to train workers to avoid heat exposure, they wanted to know when L&I will hand out training materials.

“Our education and outreach team is currently dili-

gently working on updating all of our training materials and hopefully we will get this out soon,” Farrar said.

L&I officials couldn’t say whether old employees had to undergo the 14-day acclimation period when temperatures reached 89 degrees.

It was also unclear how the acclimation period would apply if temperatures dropped below 89 degrees. It is an “interesting scenario that we may not have walked through,” Farrar said. “I’d say that observation should continue.”

Can a driver after loading or unloading in the heat take the 10-minute mandatory break while driving in an air-conditioned vehicle? Or will the driver have to stay in place while the motor and air conditioner run for 10 minutes?

“I’ll have to look at that scenario a little more closely,” Farrar said.

The rule will limit worker choices. What if a worker wanted to rest in a vehicle with the windows down but without the air conditioner running?

“A vehicle running with air conditioning would meet the requirements of shade. However, a vehicle without air conditioning would not,” Farrar said.

Washington law already requires employers to respond to workers showing signs of heat stress.

The Building Industry Association of Washington said more rules “only add complexity for Washington builders with little or no added protection for workers.”

“We’re also concerned they’re proposing an emergency rule when they started the permanent rule-making process nearly a year ago and had plenty of time to adopt rules under the proper process,” the BIAW said in statement.

Oregon OSHA adopts permanent rules to protect farmworkers from high heat, wildfire smoke

By **SIERRA DAWN MCCLAIN**
Capital Press

SALEM — Oregon OSHA on Tuesday adopted permanent rules intended to protect workers, including farmworkers, from high heat and wildfire smoke.

The rules create additional requirements for employers.

The heat rule creates guidelines around access to shade and cool water, preventive cool-down breaks and prevention plans, information and training. The wildfire smoke rule includes exposure assessments and controls, training and communication.

The heat rule will take effect June 15 and the wildfire smoke rule July 1.

The rules are designed to protect workers who rely on employer-provided housing, including on-farm operations.

The new rules, which have been in development for months, build on the temporary emergency rules Oregon OSHA adopted last summer after a 38-year-old farmworker, Sebastian Francisco Perez, died of apparent heat stroke during the June “heat dome” that enveloped the Northwest.

According to a document Oregon OSHA released to the Capital Press in an email, the new workplace rules are “the most protective of their kind in the United States.”

This was echoed by Ira Cuello Martinez, climate policy associate at the farmworkers union Pineros y Campesinos Unidos del Noroeste, or PCUN, who called the new rules “big victories.”

“The heat and smoke proposed rules are some of the strongest in the nation,” Martinez told the Capital Press shortly before the rules were officially released to the public. “So, these (rules) are very exciting. It’s exciting to see



Curt Kipp/Oregon Association of Nurseries

Nursery workers in a field. Oregon OSHA has created new rules intended to protect farmworkers from heat and smoke.

these changes to improve working conditions for farmworkers.”

In a statement, Gov. Kate Brown called the new rules “a national model for heat and wildfire smoke protections for all workers.”

Some farm groups, however, are concerned.

“The Oregon Farm Bureau is disappointed that OR-OSHA adopted rules that open employers up to significant new liability for heat and smoke events outside their control,” said Mary Anne Cooper, vice president of government affairs at Oregon Farm Bureau. “Many of the proposed requirements will be impossible to apply or leave family farms exposed to penalties and litigation.”

Cooper said that while Oregon OSHA was developing the rules, Oregon Farm Bureau had urged the agency to adopt rules that protected workers but were also doable for employers.

The final rules, she said, could hurt small and family-run farm businesses and are “yet another example of agency overreach by unelected bureaucrats.”

The full text of the rules will be posted on Oregon OSHA’s website this week, but here’s a summary:

shade areas “immediately and readily available” to exposed employees who are outdoors.

- Requires an “adequate supply of drinking water” for exposed employees, with immediate availability, no cost and the opportunity to drink.

- Requires a specific rest-break schedule — when the heat index equals or exceeds 90 degrees Fahrenheit — for preventive cool-down periods. Such breaks are work assignments, with no cost to employees.


- Requires “acclimatization” to gradually adapt employees from other regions to working in heat and to prevent heat illness.

- Requires a heat illness prevention plan and supervisor and employee training.

What the heat rule does:

- Applies to outdoor and indoor (when there is no climate control) work activities, where the heat index equals or exceeds 80 degrees Fahrenheit.
- Requires one or more

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