

OSHA, from page 10

effects of individual pesticides are known, the effects of pesticide mixtures that are often applied have not been adequately researched.

In 2015, the Environmental Protection Agency revised agricultural worker protection standards around pesticides at the federal level. It included in its revisions a law requiring a 100-foot exclusion zone around the pesticide-

spraying equipment, which people would have to vacate during application as the equipment moved across the field.

It's up to each state to decide which rules to fully adopt and which rules to replace with alternative rules. OSHA has proposed that it adopt most as-is, but it has proposed nine alternative administrative rules, including the option for workers to "shelter in place" rather than be forced to vacate the premises every

time pesticides are sprayed. They would need to stay inside only until the pesticide-spraying equipment moved out of their range.

Wood said the EPA rules don't address things like cooking and playground equipment either.

"If drift occurs, if there is a problem, and EPA only solves the immediate issue of worker not standing there in the immediate moment. Eighty to 90 percent of concerns would not be solved by EPA rules," he told the task force.

But, he said, OSHA is in a unique position because it's one of only two jurisdictions in the country that not only oversees rules regarding pesticide spraying, but also oversees worker housing standards.

"I am not excited about our proposal,"

Wood said. "I'd be willing to look at housing standards."

However, housing standards were not included in the final proposal, which is now in the public comment phase, ending Dec. 14. OSHA will likely adopt its new rules shortly thereafter.

Oregon Law Center, again, addressed the governor's Environmental Justice Task Force at its Dec. 2 meeting in Salem. One of the law center's attorneys, Julie Samples, is also a member of the task force. Nargess Shadbeh, who heads the law center's Farmworker Program, joined her.

"We speak from what we hear from farmworkers," Shadbeh said at the meeting, adding that she has been working with these communities for years.

"The health of these individuals at these sites are directly affected," she said, warning the task force that once OSHA adopts rules, they might not change again for many years.

"The proposal, in short, is basically codifying what has been happening for decades in our state," Shadbeh told the task force, "and frankly, no more."

But, she said, "at least we are discussing it."

She and Samples recommended the task force ask OSHA and Gov. Kate Brown to consider adopting EPA's rule related to exclusion zones, and then take some more time to figure out a rule for Oregon to adopt that would truly protect workers. The task force agreed to follow through on their recommendations before the public comment period ends, but it's yet to be seen if its requests yield any results.

"Those labor camps are occupied, to some extent, year-round now, but the height is from May to September," Shadbeh told the room. "We have time."

One day earlier, at a Dec. 1 public hearing for the proposed rules, the Woodburn Grange was filled with farmers and groups representing the interests of farms, forestry and nurseries. There were no migrant farmworkers at the hearing.

All 39 written comments submitted to OSHA up to that point were in favor of

adopting the shelter-in-place rule, and most were signed copies of a form letter that originated on the website of Oregonians for Food and Shelter, an agricultural interest group.

OSHA's Corvin said the agency does not do any direct outreach to people living in labor camps; it relies instead on groups such as the Oregon Law Center to represent them.

All who testified at the grange that day were also in favor of the shelter-in-place rule and criticized only the proposal that trainers, who are typically already certified in pesticide application, go through an additional "train the trainer" training.

Scott Dahlman, an Environmental Justice Task Force member and policy director at Oregonians for Food and Shelter, told the task force, "We want to protect workers as well, but want to make sure it's done in a way that's workable for farmers."

Dahlman pointed out that the proposed rules contain "really clear language" related to pesticide spray drift that indicates that applicators must ensure that pesticides do not come into contact with occupied housing structures.

"We do know that accidental drift occurs," Samples said in response.

"Organic farmers who want to be certified have to present a plan to mitigate drift, and there is nothing in these rules that would require such a plan," she told the task force.

While housing conditions have been improving in many of the registered migrant worker camps across Oregon, thanks to some tax incentive programs and nonprofits focused on the issue, many routinely fall behind housing standards set by OSHA.

Since the start of the year, five farms based in Portland's tri-county area alone have been cited for violations of labor camp housing standards, according to OSHA. They were cited for overcrowding, poor maintenance, exposure to airborne lead, faulty doors and various other violations.

emily@streetroots.org

HOW TO COMMENT

To submit a public comment before the Dec. 14 deadline:

BY MAIL:

Department of Consumer and Business Services at Oregon OSHA
350 Winter St. NE
Salem, OR 97301-3882

BY EMAIL: tech.web@oregon.gov

BY FAX: 503-947-7461

To see a complete copy of the proposed rules, go to osha.oregon.gov. Click on "Rules and laws," then "Proposed rules."

Or call 503-947-7449.

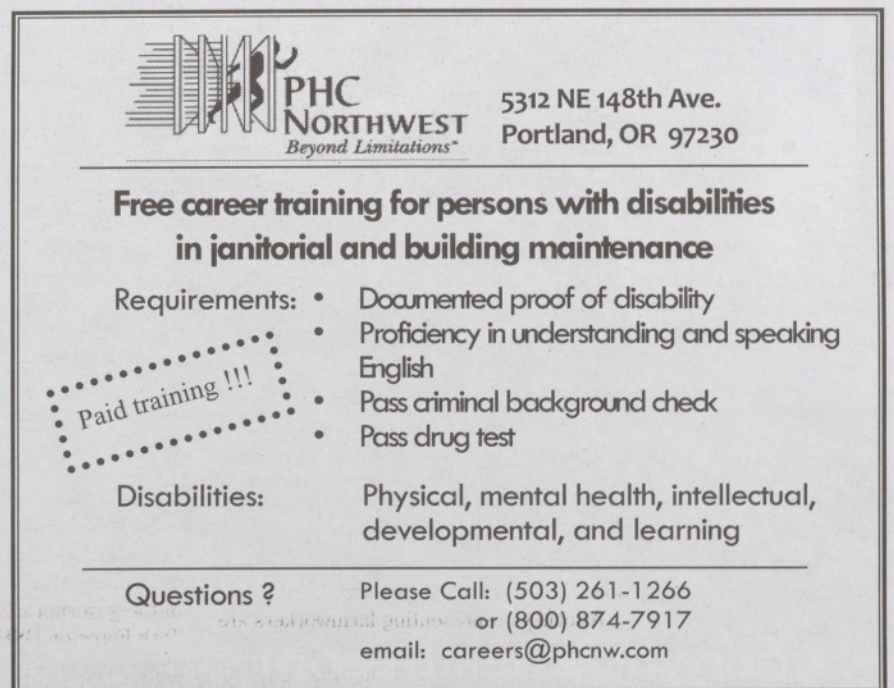


SISTERS OF THE ROAD

ACCESS TO NOURISHING FOOD IS A HUMAN RIGHT

133 NW Sixth Ave
503-222-5694

Open: Tues - Sat, 10 - 2:30
All Are Welcome!



PHC NORTHWEST
Beyond Limitations

5312 NE 148th Ave.
Portland, OR 97230

Free career training for persons with disabilities in janitorial and building maintenance

Requirements:

- Documented proof of disability
- Proficiency in understanding and speaking English
- Pass criminal background check
- Pass drug test

Disabilities: Physical, mental health, intellectual, developmental, and learning

Questions? Please Call: (503) 261-1266 or (800) 874-7917
email: careers@phcnw.com