

FARMWORKERS, from page 4

analysis.

There are no laws currently in effect, either federally or in Oregon, that protect farmworker living areas, such as at the Leary Road Camp, from pesticide spray or drift.

This year, there were 309 registered farm labor camps in Oregon, housing more than 9,200 people. However farm labor advocates estimate there are hundreds of additional unregistered camps.

The EPA's aforementioned economic analysis of farmworker pesticide exposure preceded the agency's updated Agricultural Worker Protection Standard of 2016. Most of the new rules went into effect in January, with others slated for implementation at the beginning of 2018. The rules were intended to further protect farmworkers from pesticide poisoning, and adopted portions included increased training requirements for pesticide applicators.

Oregon's Occupational Safety and Health Administration, or OSHA, however, delayed the adoption of one of the new rules after strong opposition from farmworker advocates who thought it didn't do much to protect workers as it was written.

The rule would create Application Exclusion Zones around areas where pesticides are sprayed. Despite the name, pesticides are not actually prohibited in these zones. The law requires 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. When farmworker housing exists in a zone being sprayed, the rule states that any workers that are in that zone at the time must go inside the housing.

Street Roots first reported on this proposed rule in December (see news. streetroots.org/shelterinplace).

With some orchards and crops sitting close to labor camp housing, there is high potential for the pesticide to drift onto the camp area.

Because of the shoddy conditions found at many of Oregon's farm labor camps, advocates say, pesticide drift can easily seep through cracks in doorways and windows, and also ends up as residue on outdoor eating, cooking, laundry and children's play areas.

In response, OSHA convened an advisory committee of stakeholders, including farmworker advocates, growers and farm industry lobbyists, to assist in drafting a stronger rule that Oregon would adopt in place of the EPA's protection standard.

What followed was six months of contentious meetings in which advocates and growers often engaged in heated exchanges over what the new rules should be.

Some growers argued that because the EPA under President Donald Trump was likely throwing out the new rules anyway, there was no reason for Oregon to add its own version.

OSHA Administrator Michael Wood said the EPA has already taken the initial steps of withdrawing the Application Exclusion Zone rule.

"We have some informal indications that it's likely," he said, "and frankly, looking at the overall regulatory climate in Washington, D.C., their enthusiasm for rule-making of any sort is fairly limited."

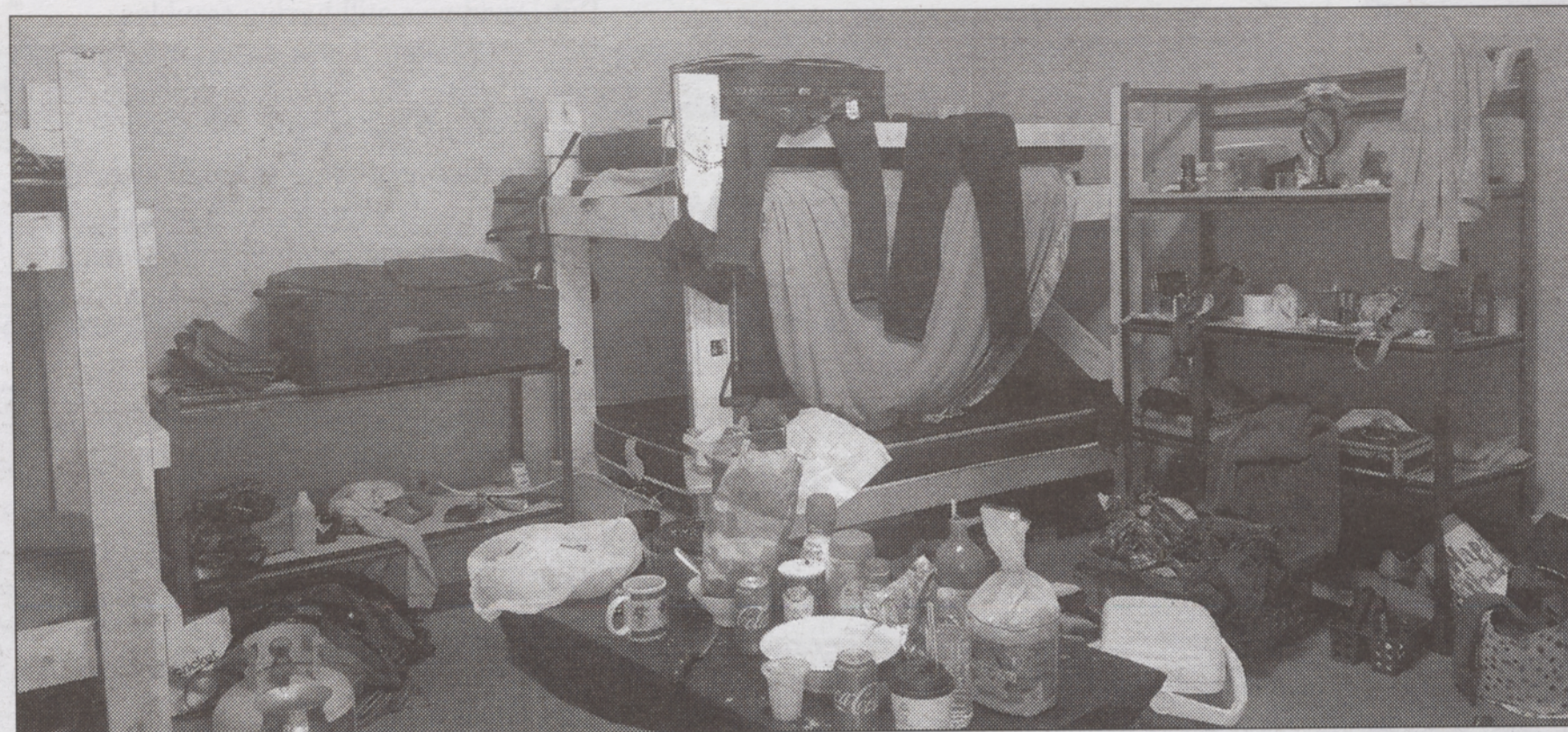


PHOTO BY EMILY GREEN

A crowded room at the E&S Farms worker camp in Woodburn houses six farmworkers. Besides three bunk beds and some shelving, there is little furniture for storage or dining.

Get involved

HUMANELY PRODUCED FOOD

To find out more about the "Responsibly Grown, Farmworker Assured" label, visit equitablefood.org.

OSHA'S PROPOSED RULES

The open comment period for OSHA's proposed rules on the Worker Protection Standard Application Exclusion Zone ends Dec. 15, and a series of public hearings will be held across the state. Closest to Portland will be the hearings in Woodburn: 6 p.m. Nov. 15 at CAPACES Leadership Institute, and 11 a.m. Nov. 16 at the Woodburn Grange.

PUBLIC COMMENT

To submit a public comment to OSHA before the Dec. 15 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

OSHA information: Call 503-947-7449

Regardless, his agency proposed a new set of rules in October. The rules still require workers to shelter in place, however language has been added around securing doors and windows and turning off air intake mechanisms.

The new rules also have the added requirement that workers evacuate housing in an expanded 150-foot distance from the applicator when the pesticide being sprayed requires that the worker spraying it wear a respirator. People must remain evacuated from the area for 15 minutes.

During the final advisory committee meeting in August, an attorney who represents farmworkers at Oregon Law Center, Nargess Shadbeh, had argued that workers should be given alternative housing or motels during evacuations.

While growers said this would be expensive, she argued that health care is expensive too.

"Twice a year, reserve motels," she said. "Some workers are taking it out of their own wages now for their children because they are concerned."

Beyond Toxics Director Lisa Arkin said of the new proposal, "Fifteen minutes is not

adequate because on the label of some of these products they use, there's a no-entry interval of four hours, 12 hours, and some of them even more than 24 hours."

This re-entry interval would still apply to the treated area but would not cover any area that was potentially affected by pesticide drift.

Growers have repeatedly pointed to low rates of reported pesticide drift and to the lack of data on how often drift affects farmworker housing.

At the August meeting, Scott Dahlman told the committee that he had gone through every spray drift investigation over the past three years and there were only two.

"One had drift; one did not," he said. "I know there are barriers to reporting, but it's good to take a look at the numbers we do have."

Dahlman is the policy director at Oregonians for Food and Shelter, whose top donors include agrichemical giant Monsanto and Dow Chemical Co.

Low rates of reported drift had come up at an advisory meeting in April, as well, to which Wood asked, "I think the question is, is all drift reported?"

He went on to explain pesticide drift is a lot like speeding: It's illegal, but it's happening anyway, so it needs to be mitigated.

"Highways aren't designed to only be safe at 65 miles per hour," he said.

Breezes as slow as 9 or 10 mph, as well as other weather factors such as temperatures above 70 degrees Fahrenheit or humidity below 40 percent, can cause pesticides to drift, remain buoyant in the air or evaporate into smaller particles that are easily carried away, according to experts at Oregon State University's Integrated Plant Protection Center.

In addition to the evacuation requirement, OSHA added a provision to the new rules requiring that farmers build storage sheds where workers can store their boots and shoes to prevent them from tracking pesticides into their homes.

Arkin suggested farmers should also be required to offer their residents tarps so they can cover picnic tables and outdoor cooking and play areas.

Advocates say they would also like to see OSHA implement a 100-foot buffer zone around housing where no pesticides can be sprayed at all.

Growers argued that 100 feet was an arbitrary number and that because it would not be the state that bore the costs, any new

rule should be based on data.

In an interview with Street Roots, Wood said a buffer zone is out of the question because there is no precedent for his agency, OSHA, to ban a legal pesticide in a context such as that.

OSHA's authority, while broad, "does not extend to banning any particular work activities," Wood said. "It is, at best, uncertain whether we would have the authority to ban the use of an otherwise legal pesticide within a buffer zone."

In advisory meetings, some growers said sheltering in place made more sense than evacuating if evacuating meant workers would leave only to walk back through the Application Exclusion Zone right after the application.

At the heart of the issue, however, is an industry that relies heavily on pesticides to get the job done.

"We need to find sustainable methods of agriculture," said Arkin, who's been present at every committee advisory meeting. "I know that organic farmers will tell you it can be done. And maybe not all farmers want to go organic, but I think we can certainly be less toxic and more sustainable."

The rule as it's written applies to farmworkers, but protections are also needed for forestry workers, said Carl Wilmsen, director at NW Forestry Workers Center.

"In the survey we did of 150 forest workers in the Rogue Valley in 2011," he said, "half of the workers in our sample said they had worked with pesticides in the previous five years, and 25 percent of these said that they had gotten sick from pesticides."

Of the seven lawsuits PCUN is currently waging against harmful pesticides, one came close to getting chlorpyrifos off the shelves.

"Last year, EPA determined, at the recommendation of their scientists, that the chemical agents in chlorpyrifos were very dangerous to children and pregnant women. Any contact, even from drift, would cause neurological damage in children and in unborn fetus," Ramirez said. "We were negotiating with the EPA to get it banned, and then the election happened."

Now, he said, that decision has been reversed, and PCUN has filed a complaint and is preparing to take the EPA back to court.

"We know that the growers are not making enough money, that in America we eat too cheap," he said, "but for the farmworker, it's not cheap."

See FARMWORKERS, page 10