



Ben Lonergan/East Oregonian

Cars navigate a COVID-19 mass vaccination site at the Sage Center in Boardman on Wednesday, March 24, 2021.

Vaccine: Farmworkers at greater infection risk

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to come get a vaccine.”

It's a workforce that drives the region's economy, but is widely known to place workers, many of whom are Hispanic and Latino, at increased risk of infection.

In Morrow County, Hispanic residents have accounted for 57% of the county's total COVID-19 cases, according to data provided by county health officials earlier this month. About 38% of Morrow County's population is Hispanic, according to 2019 U.S. Census data.

Similar trends have been reported in Umatilla County, where residents reporting Hispanic ethnicity accounted for 41% of the county's total COVID-19

cases in 2020, according to data from the county health department. The population also tested positive at a rate over three times higher than non-Hispanics, the data shows.

Saito said the event was a collaborative effort between a number of groups to immunize a community they recognize as a "priority population."

"We know they're exposed because they have to be close together when they work, and there's been a lot of racism and injustice that's happened over time," Saito said, adding that the "ending health inequities" is part of the state's 10-year plan. "This is one of the ways we're making sure we have an equity focus and that we're looking at those

populations that have been disproportionately infected and who have historically been underserved."

Officials have said working conditions in essential workplaces have been a driving factor behind the pandemic's disproportionate impact on Hispanic communities nationwide.

"We have this whole row of processing plants, so (it's) definitely a high-risk community," Rivera said, looking out at the cars moving swiftly through the clinic, dwarfed by the large industrial facilities in the background.

Because of this, everything down to the scheduling of the daily clinics was geared to accommodate agricultural workers, partly because they often cannot

take time off work to get a shot, Rivera said. He added that the health department engaged in a variety of efforts to inform residents about the clinic, like advertising it on local Spanish radio stations.

Similar efforts are ongoing in Umatilla County, where county health officials have been reaching out to agricultural facilities to bring vaccines to workers while they're on the job.

Umatilla County officials have said they also want to hold similar efforts as the Morrow County clinic, particularly because the state brings more doses with them, which could help with the county's dismal vaccination rates, which remain the lowest in Oregon, according to state data.

Overtime:

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sion makes sense because the work farmworkers do is usually seasonal, with many working long hours during the harvest season and going from farm-to-farm to get in the most work possible before the need dries up later in the year. Unlike in other industries, agricultural employers often pay to house migrant farmworkers, which comes at a significant cost, even though the housing is rustic and cramped compared to standard housing.

But the origins of the overtime exclusion are also steeped in the racism of the Jim Crow era. In the 1930s, Southern lawmakers agreed to support the progressive federal wage and labor legislation only if agriculture workers, at the time many of whom were Black, were exempt from the requirements.

"We can't continue to ignore this," said Rep. Andrea Salinas, D-Lake Oswego, who is one of 11 Oregon Democrats sponsoring the bill. "Looking back at the history of the Fair Labor Standards Act and why agriculture was exempt in the first place, it really was a matter of race. It was a racial injustice meant to keep Black people a part of slave labor. For me, this is about trying to reckon with that past and making sure we are building a future that's more equitable."

To this day, the majority of states do not require that farmworkers receive overtime pay. But there has been some momentum toward changing that over the last five years.

Wage would be based on how much is harvested

California became the first state to require overtime pay for farmworkers in 2016, but didn't begin phasing in the new rules until last year. New York, Minnesota, Hawaii and Maryland have joined California in requiring overtime pay for farmworkers in certain situations. And in November 2020, the Washington



East Oregonian, File

River Point Farms workers plant onion seeds in a field near County Line Road on March 17, 2015, west of Hermiston. A House bill introduced in January would require employers to pay farmworkers overtime if they work more than 40 hours in a week, the same rights that most nonfarm workers in Oregon already enjoy.

Supreme Court ruled that dairy workers were entitled to overtime pay, a decision expected to be applied to the state's entire agriculture industry.

Oregon's bill would require that farmworkers receive time-and-a-half pay for hours they work beyond 40 hours a week, or receive one and a half times their regular price for any overtime hours if they are paid on a piece-rate basis, meaning they earn a wage based on how much they harvest. Workers in food processing facilities are already afforded the right to overtime pay.

Sen. Chuck Thomsen, R-Hood River, who owns a pear orchard, said the bill would ultimately hurt not only farmers, but the farmworkers whom it's intended to help.

He said the workers whom he houses for free at his orchard work long hours six days a week over several weeks while the pears are being harvested. They can also go to other farms during the season to maximize their income at the busiest time of the year. He said he pays workers based on the amount they harvest and that some make upward of \$300 per day during the harvest season.

If the bill passes, he said he will have to limit his employees' weekly hours. That would reduce their weekly earnings.

"People think this will help, but it will actually hurt employees," Thomsen said. "The bill isn't good for the employers or the employees."

'It's not equitable, it's not fair'

A report commissioned by the U.S. Department of Labor found that the average farmworker was making only between \$17,500 and \$19,999 per year in 2016. While many farmworkers are required to receive at least minimum wage, there are some exceptions for small farms. The minimum wage has been increasing slightly in Oregon each year since 2016, with different rates adopted for different parts of the state.

Jenny Dresler, a lobbyist for the Oregon Farm Bureau, said those minimum wage increases have already been squeezing Oregon farmers and that those employers simply can't afford to absorb the added cost of paying their workers overtime.

Approximately 91% of 544 agricultural employers surveyed by the farm bureau said they would be

unable to afford the cost of complying with an overtime mandate without significantly changing their operation. If Oregon lawmakers vote to require overtime pay, Dresler said farmers may have to grow crops that are less labor intensive, replace workers with machines when possible, reduce their workforce, hire new temporary workers so they can limit the schedules of their current employees to 40 hours per week, or even leave Oregon.

Salinas said she is sympathetic to the concerns raised by farmers. She is in the process of introducing an amendment to the bill that would allow Oregon's overtime requirements to be phased in over three years, with overtime pay only being required in the first year when employees work more than 50 hours in a week. She said additional subsidies may be needed to offset the costs for small farms as well.

But she said the concerns of farmers shouldn't stop lawmakers from taking steps to right an injustice.

"We have 174,000 farmworkers that should not be excluded from the ability to get overtime pay," Salinas said. "It's not equitable, it's not fair."

Data: Bill explicitly targets aggregate data

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and in looking at SB 719, he said, there seem to "lot of caveats" to ensure that's the case.

Prior to a March 24 public hearing, the committee received testimony against and for the bill.

Collette Young, administrator of the Oregon Health Authority's Center for Public Health Practice, opposed the bill in a March 15 letter. Using an example of an E. coli outbreak, epidemiologists early on suspect hummus had sickened several people, she explained, but it turned out all six also had eaten spinach, a vehicle for E. coli outbreaks.

"Had we been required to release our statistical compilations prematurely, they would have incorrectly impugned the hummus," she stated.

Also, she continued, "a requirement to respond to a public records request for data in such situations would derail the epidemiologist who was collecting and analyzing the data, slowing the investigation, and delaying the outbreak solution."

Young also argued that releasing "aggregate" data from numerically small populations could lead to the identification of individuals.

"Naming the reportable disease causing a death in a person of a specific age, such as an infant in a small county, would effectively tell what the infant died of to those who know of the death," according to Young. "Correlating relatively uncommon demographic features with diseases, even in aggregate, can betray protected health information."

Young, however, did not explain how someone's health information is private once they are dead. Oregon State Police, for example, routinely identify victims of fatal crashes.

The bill also received plenty of support.

The Oregon Progressive Party and Independent Party of Oregon back the bill, telling the committee in a March 15 letter, "The Oregon Health Authority has been refusing to release key statistics used to justify and monitor reopening of business in the COVID pandemic," including in mid 2020 when the state health agency stopped releasing public daily tallies of new county hospitalizations.

Erin Kissane, co-founder of The COVID Tracking Project and a resident of Astoria, submitted testimony supporting passage of the bill.

"Although Oregon received an 'A' grade in our 2020 state assessments, we have noted several meaningful deficits noted in the state's public COVID-19 data," Kissane stated, including "problems with public testing and case data, as well as deficits in the state's reporting on COVID-19 outbreaks, cases and deaths in nursing

SENATE BILL 719

- Summary: SB 719 provides that certain aggregate data relating to reportable disease investigations are not confidential or exempt from disclosure under public records law unless data could reasonably lead to identification of individual. Declares emergency, effective on passage
- The bill is in the Senate Committee on Health Care.
- Freshman Sen. Deb Patterson, D-Salem, chairs the committee, and Sen. Tim Knopp, R-Bend, is the vice chair. The committee plans to meet for a work session Wednesday, March 31, at 1 p.m. to discuss SB 719 and several other bills.
- For more information, go to olis.oregonlegislature.gov/liz/2021R1/Committees/SHC/2021-03-31-13-00/Agenda.

homes and other long-term-care facilities." Lissane also argued it is troubling the Oregon Health Authority's refuses to provide the aggregate data it uses to produce visuals and arguments about public health interventions

"Without providing access to the data behind such claims," she states, "the OHA is asking members of the public to take its statements on trust — a trust it has not consistently earned."

In a recent example, Kissane referred to *The Oregonian's* reporting on March 13.

The OHA touted that it was allocating 15,000 first doses per week for seniors at the Portland metro area's three mass vaccination sites — and this allocation would increase vaccines available to residents 65 and older in four Oregon counties by "about 50%." But when reporters pressed, according to Kissane, "the OHA eventually conceded that doses at these facilities are not allocated to specific groups of recipients, and that OHA therefore didn't know how many doses had previously been given to seniors, nor how many new doses would be administered to seniors."

And *The Oregonian* reporters found the true week-over-week increase in doses for these facilities was only 19%. Kissane stated Oregon residents deserve access to the data behind OHA's claims.

"SB719 explicitly targets the release of aggregate data that can serve valid public interests without compromising the privacy of the individuals whose vaccinations, illnesses, hospitalizations and deaths are represented in these data," she concluded.

Tom Holt, a lobbyist for the Society of Professional Journalists, also submitted testimony in favor of the bill.

Repairs:

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said city staff recommended widening Byers so moving traffic on the two-way street would have more room to operate. But with Despain only allowing parking on one side of the street for the length of the road, Patterson said the city would widen Despain to allow for on-street parking on both sides of the street.

While widening Despain is in the realm of consideration, Patterson said such a project would come at the discretion of the Pendleton City Council. He added that the city has usually directed the public works department to focus on asphalt projects rather than widening roads, and the city would continue to focus on paving and repairing roads unless told otherwise.

One of the other factors the city has to consider before

moving forward with repairs on Despain is whether it needs to replace water and sewer pipes while doing street repairs.

With some underground infrastructure hovering around the century mark in age, the city has tried to coordinate utility projects with street repair efforts to avoid having to cut into the street multiple times.

Patterson said North Main Street is also on the city's radar for future repairs, but it too has some complicating factors. Extending northward from the Main Street Bridge up the slope of the North Hill, North Main Street is riddled with potholes and cracks in the asphalt.

But the road is unusually wide for a residential street — it's wide enough that the street used to include a small parking lot in the median.

Patterson said the city staff would need to figure out how to repair North Main Street without driving up the cost of paving the wide space.