

From: [David Stone](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworker rules comments
Date: Monday, September 9, 2024 12:54:50 PM

1. Listen to the farmworker advocates. Their recommendations are reasonable
2. The Oregon Farm Bureau always advocates against fair treatment of farmworkers
3. The reason currently available housing is not affordable is because farmworker pay is way too low and is so low due to exemptions from minimum wage laws.
4. Farmers always plea for special treatment, including tax exemptions and subsidies based on the food they provide us.
5. Much of that food is alfalfa that requires massive amounts of scarce water and only feeds horses, which no one (I hope) eats.
6. Farmworkers serve a vital role in providing us with the food we eat.
7. We food consumers need to pay a reasonable amount that supports farmworker needs.
8. This mistreatment of mostly minority farmworkers is a legacy of Oregon racism.

From: [Jon Iverson](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Wednesday, September 25, 2024 9:10:25 AM

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Dear Director Stapleton,

This would eliminate safe, free housing for low-income workers at a time housing costs have sky-rocketed and may not even be available close to where they work. This will put workers at a more disadvantaged situation and cost them money.

Safe worker housing is a priority for all of us. However, regulations should also be reasonable. OR-OSHA's proposed ag labor housing (ALH) rule changes miss the mark in three areas: (1) the timeline to phase-in the rules is not feasible; (2) the rules go far beyond federal OSHA's standard for safe and healthy workforce housing; and (3) the cost of compliance far exceeds the ability of family farmers to pay for them.

OR-OSHA's timeline for implementation is unworkable. In 2008, OR-OSHA provided farms with a 10-year phase in of rule changes to accommodate permitting and construction timelines. However, OR-OSHA phases in this proposal within 0-, 1-, or 2-years! It is unreasonable to expect significant remodels or new construction to be permitted and completed within two years. Instead, farms will have to reduce their housing capacity by 20-50%, forcing workforce shortages at the same time as the ag overtime threshold of 40-hours comes into effect. Ag groups have consistently raised concerns that OR-OSHA is creating a workforce crisis with these rules. OR-OSHA should increase the phase-in timeline to allow time for permitting and construction and to avoid disrupting the agricultural economy.

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OR-OSHA's proposal is so costly, that many farms will be forced to reduce housing capacity and the number of workers they employ because they cannot afford the changes proposed by this rule. The cost of complying with OR-OSHA's proposed rules could run several hundred thousand dollars to millions per operation. This is unreasonable! There are currently over 500 on-farm housing providers, and each one of these farms faces unique challenges in complying with OR-OSHA's proposal. Farms can't just raise their prices in order to pay for the modifications required by this rule; commodity markets don't work that way.

OR-OSHA's proposed rules are NOT a compromise. They will destroy a large segment of Oregon agriculture and eliminate safe housing provided to seasonal workers. OR-OSHA should revert back to the federal standard and implement those modifications on a reasonable timeline; this would ensure that housing is safe and that Oregon's farm and ranch families aren't priced out of business due to regulatory overreach.

Sincerely,

Jon Iverson
32934 S Verna St
Woodburn, OR 97071
jon@woodenshoe.com

From: [Lindsay Douthit](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, September 26, 2024 12:10:14 PM

Dear Director Stapleton,

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Sincerely,

Lindsay Douthit
621 Warmcombe Dr
Dayton, OR 97114
lindsayanddouthit@gmail.com

From: [Glen Oaks](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, September 26, 2024 12:10:19 PM

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Sincerely,

Glen Oaks
5801 SE Bansen Ln
Dayton, OR 97114
forestglenoaks@gmail.com

From: [VLADIMIR Lomen](mailto:VLADIMIR.Lomen@jhnsy.com)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, September 26, 2024 1:40:10 PM

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Sincerely,

VLADIMIR Lomen

29285 SE Highway 212
Boring, OR 97009
VLADIMIRL@JHNSY.COM

From: [Arie deJong](mailto:Arie.deJong)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, September 26, 2024 2:40:20 PM

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Sincerely,

Arie deJong

4721 Harpold Rd
Bonanza, OR 97623
jenneke@windyridge.net

From: [Cheryl Stewart](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Labor housing
Date: Friday, September 27, 2024 8:36:29 AM

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As farmers the cost of everything has gone way up we are doing our best our labor camps have free water electricity and garbage please don't tack more on us growers.

Thank you

Cheryl Stewart

Farmer

Sent from my iPhone

From: [Stacey Miller](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 9:20:14 AM

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Sincerely,

Stacey Miller
19956 Butteville Rd NE
Hubbard, OR 97032
millerhazelnutfarms@gmail.com

From: [Palagea Semerikov](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 9:20:26 AM

Dear Director Stapleton,

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Palagea Semerikov
13015 Kiliam Rd NE
Woodburn, OR 97071
palagea@gmail.com

From: [Susan Gay](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 10:00:17 AM

Dear Director Stapleton,

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Sincerely,

Susan Gay
305 Morton Rd
Hood River, OR 97031
tsriverside@gmail.com

From: [Brenda Frketich](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 10:30:26 AM

[You don't often get email from brenda@kirschfamilyfarms.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Sincerely,

Brenda Frketich

4350 Mahony Rd NE
Saint Paul, OR 97137
brenda@kirschfamilyfarms.com

From: [Alma Siri](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 11:30:21 AM

[You don't often get email from alma@siriandsonfarms.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Director Stapleton,

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Sincerely,

Alma Siri
15772 NE Eilers Rd
Aurora, OR 97002
alma@siriandsonfarms.com

From: [Bob Egger](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 11:30:27 AM

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Sincerely,

Bob Egger

16450 NW Gillihan Rd
Portland, OR 97231
info@thepumpkinpatch.com

From: [Bruce Chapin](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Friday, September 27, 2024 12:10:17 PM

Dear Director Stapleton,

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Sincerely,

Bruce Chapin
9965 Wheatland Rd N
Salem, OR 97303
brucerchapin@gmail.com

From: [Vivian Kirkpatrick-Pilger](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Sunday, September 29, 2024 4:20:21 AM

Dear Director Stapleton,

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Sincerely,

Vivian Kirkpatrick-Pilger
180 Smokey Ln
Grants Pass, OR 97527
vivkirk@yahoo.com

From: [Catherine Hammond](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Sunday, September 29, 2024 8:20:12 AM

Dear Director Stapleton,

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Sincerely,

Catherine Hammond
8129 Clear Creek Rd
Mount Hood Parkdale, OR 97041
ckiyokawa10@gmail.com

From: [MELODI MOLT](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Sunday, September 29, 2024 10:50:14 AM

Dear Director Stapleton,

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Sincerely,

MELODI MOLT
30886 Eben Ray Ln
Burns, OR 97720
melodimolt1972@gmail.com

From: [Jennifer Coleman](mailto:jen@colemanag.com)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Tuesday, October 1, 2024 9:20:17 AM

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Sincerely,

Jennifer Coleman
5235 Keene Rd NE
Gervais, OR 97026
jen@colemanag.com

From: [John Abrams](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Wednesday, October 2, 2024 2:59:40 PM

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Dear Director Stapleton,

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Sincerely,

John Abrams

12475 BAKER CREEK RD
MCMINNVILLE, OR 97128
johnabrams1@frontier.com

From: [Laura Shelton](mailto:laura@hansnelson.com)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, October 3, 2024 8:00:15 AM

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Dear Director Stapleton,

Thank you for the time to read my concerns thoroughly and the work you're doing. We need to be reasonable and support the businesses which are employing these workers.

Safe housing for workers is a top priority for everyone. However, we also need regulations that are reasonable. The proposed changes to the ag labor housing (ALH) rules by OR-OSHA fall short in three key areas: (1) the timeline; (2) alignment with federal OSHA's standard; and (3) the associated costs.

Below we can expand on these three key areas.

OR-OSHA's timeline for implementation is unworkable. In 2008, OR-OSHA provided farms with a 10-year phase in of rule changes to accommodate permitting and construction timelines. However, OR-OSHA phases in this proposal within 0-, 1-, or 2-years! It is unreasonable to expect significant remodels or new construction to be permitted and completed within two years. Instead, farms will have to reduce their housing capacity by 20-50%, forcing workforce shortages at the same time as the ag overtime threshold of 40-hours comes into effect. Ag groups have consistently raised concerns that OR-OSHA is creating a workforce crisis with these rules. OR-OSHA should increase the phase-in timeline to allow time for permitting and construction and to avoid disrupting the agricultural economy.

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Sincerely,

Laura Shelton
31020 SE Waybill Rd
Boring, OR 97009
laura@hansnelson.com

From: [Blynda Barnett](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Thursday, October 3, 2024 9:20:15 AM

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OR-OSHA's proposal is so costly, that many farms will be forced to reduce housing capacity and the number of workers they employ because they cannot afford the changes proposed by this rule. The cost of complying with OR-OSHA's proposed rules could run several hundred thousand dollars to millions per operation. This is unreasonable! There are currently over 500 on-farm housing providers, and each one of these farms faces unique challenges in complying with OR-OSHA's proposal. Farms can't just raise their prices in order to pay for the modifications required by this rule; commodity markets don't work that way.

OR-OSHA's proposed rules are NOT a compromise. They will destroy a large segment of Oregon agriculture and eliminate safe housing provided to seasonal workers. OR-OSHA should revert back to the federal standard and implement those modifications on a reasonable timeline; this would ensure that housing is safe and that Oregon's farm and ranch families aren't priced out of business due to regulatory overreach.

Sincerely,

Blynda Barnett
11330 NE Prescott St
Portland, OR 97220
blyndabarnett@gmail.com

September 26, 2024

To Whom It May Concern,

Root Orchards, a fifth generation Fruit Farm is located in Mosier Oregon. Our family has operated a farm in Mosier since 1878.

We are proud to be able to continue farming and contributing to our community economically, as we struggle to keep our farm operational. Due to the lack of economic mechanization options in our industry; we rely on hand labor for nearly all the growing and harvesting work that is required to successfully grow and harvest our fruit. Due to our high labor needs, we provide on-farm housing to employees and rely on the housing provided by our fellow orchardists in the Mid-Columbia region.

Permanent (year-round), seasonal/migrant, and foreign H2A employees all live and work in the tree fruit orchards located in the Gorge year after year. Approximately two-thirds of the OR-OSHA registered beds in the state of Oregon are located in Hood River and Wasco counties; in 2024, growers registered housing for 6700+ occupants. This does not include the many single-family units that house additional employees along with their spouses and children.

We as an employer have a vested interest in our employees' safety and health. While there may be "bad apples" out there, in general we farmers want to provide our workers and their families with safe and hygienic housing. None of us wants to see our workers injured. We also generally recognize that safe and hygienic living conditions are important for worker productivity and that good living conditions also encourage workers to return to work with our farms year after year.

As farmers, we are subject to a range of rules and regulations. Each time a rule or regulation is added or changed, it impacts our business and the future outlook for farming. While we understand that the Oregon Safe Employment Act charges Oregon OSHA with developing and enforcing standards for employee safety and health, we also understand that the law contemplates that any regulations be reasonable. I have concerns that some of the regulations being proposed—to the extent they actually touch on issues of employee safety and health—are not reasonable, or that the timeline for implementation is not reasonable under the circumstances we farmers face.

First, some of the proposals do not appear to meaningfully impact employee safety and health. Or to the extent they do touch on employee safety and health in some capacity, they are nevertheless unreasonable in the temporary labor housing

context. For example:

- Oregon OSHA is proposing that water pressure in the labor housing water system be at least 20 psi. This is inconsistent with general residential and commercial building standards in the state. In every other situation, the state building code mandates a pressure of only 15 psi. There is no good health and safety reason why the water pressure in labor housing needs to be higher than it is in any other residential or commercial building.
- The agency is proposing to require 21 cubic feet of storage for each occupant in the labor housing. There is no apparent link between employee safety and health and a need for 21 cubic feet of storage space, which is quite a lot of space, considering this is temporary labor housing. In fact, requiring this amount of space would reduce the space in rooms about which the occupants would be able to move, potentially presenting its own dangers. To the extent any specific amount of space is to be mandated, considerably less storage space should be required.
- Oregon OSHA is also proposing to require that one wall-type electrical receptacle be provided for each two occupants in a room. From a safety and health standpoint, the use of a suitable power strip with overcurrent protection (as we understand to be currently allowed) should be sufficient to allow for occupant access to electrical outlets in the habitable areas. If we have to install new electrical receptacles, the costs, in comparison with the comparable use of reliable power strips, would be considerable.

For other proposed regulations, the agency's timeline for implementation is simply unreasonably short, putting undue economic and planning pressures on us. This is particularly true for when we have some housing that is used throughout the year, where construction modifications will result in the labor housing to be vacated for some period of time.

Here are some key areas where growers need more time to implement the proposed changes:

- The agency has proposed transitioning from 40 square feet of space per occupant in double bunked rooms to 50 square feet of space, to be effective in 2027, apparently without any grandfathering in of existing structures as has been done in the past. This change will require the construction of entirely new labor housing and wholesale modifications—basically gutting and remodeling—existing structures, just to maintain existing labor housing capacity. This is not feasible on a two-year timeframe, economically or

practically speaking. While we may be able to use existing structures with reduced capacity, what that means is that there will be a labor housing shortage. We simply will not be able to house all our workers or their families. Simply put, this timeline benefits no one. If space requirements for existing housing is not grandfathered in, growers will need additional time to complete the significant construction that is going to be needed to come into compliance with the new space requirements.

- The agency has proposed several seemingly minor modifications with a proposed effective date of January 1, 2025. These include “safe access” to an upper bunk, providing four-inch mattresses, and providing two burner stoves for each eight occupants. By the time this comment period closes, January 1, 2025 will be less than 2 months away. Sourcing the required materials and getting these changes made on this timetable is simply not feasible. The timetable for making these changes should be pushed out at least an additional year.
- Other more major changes are to be completed by January 1, 2026, including making potentially significant upgrades to HVAC systems to include air conditioning-type equipment, installation of new range hoods for cooking ventilation, and installation of new doors on all of the toilet compartments. Planning and financing major changes to our HVAC systems and installing new ventilation in our kitchen areas within little over a year, in the context of all of the other changes the agency is proposing, puts undue pressures on our businesses. Growers certainly see the value in maintaining cooler air temperatures in labor housing, and we understand that improved ventilation for gas stoves makes sense. We are amenable to these changes, but more time is needed for implementation. With respect to the toilet doors, while this may seem a trivial change, the reality is that the planning and construction of the doors will effectively take toilets out of commission for blocks of time, and this will need to be coordinated with the maintenance of our growing operations.

Finally, there are a number of areas in the proposed rules where clarification of OSHA’s intent would be helpful. For example, here are some questions I have about some of the proposals:

- OSHA has proposed requiring a separate method for

cleaning clothes “contaminated with chemicals.” But what “contaminated with chemicals” means is not specified. Does the agency mean clothes worn by pesticide applicators? Or does this include clothes worn by workers in the orchards even after the clearance time for pesticide application has passed? Also, can growers comply with this “separate method” requirement by mandating running an additional tub rinse cycle after the contaminated clothes are laundered? From the advisory committee meetings, we understand this to be the case, but this needs to be formally clarified in the rule or elsewhere.

- The agency has also proposed requiring a private dressing area in or adjacent to bathing facilities. Does a private shower stall itself qualify as a private dressing area? Or would there need to be a separate area attached to the shower stall for dressing? If new separate areas are needed, that is going to entail significant renovations for which more time would be needed.
- The proposed rule would also require additional “protected food storage” in cooking areas. It is unclear what “protected food storage” means. Can growers comply with this by providing closing tubs or containers for food products? Or does the proposal contemplate that “protected food storage” means closing cabinets or pantry areas? Use of closing tubs or containers is certainly feasible. Requiring cabinets or pantries, on the other hand, would mean extensive additional construction that is simply not feasible on any kind of short timeframe.
- The agency is also proposing that fully enclosed, cleanable mattress covers be used on mattresses. If these mattress covers are used, are growers still permitted to use fumigation for pest-extermination purposes? The proposed rule removes the option for fumigation of mattresses between uses, so it is unclear whether this amounts to a prohibition on fumigation entirely.
- Finally, the agency has used some vague language in the proposed rule, such as requiring that housing be free from “all hazardous conditions” and that the housing sites be free from depressions where standing or pooling water could become a “nuisance.” What does the agency mean by “hazardous conditions”? How about “nuisance” in the

context of standing water? At what point does a puddle of water become a "nuisance"?

We look forward to Oregon OSHA's consideration of our concerns as we move towards new labor housing rules. We are hopeful that the agency considers growers and our businesses in assessing what is "reasonable" in the context of the final new labor housing standards. Labor housing is important to growers and workers alike. We want to be able to continue to provide our workers and their families with safe and hygienic housing. Maintenance of those housing opportunities is only possible, however, if the compliance costs and the timeline for necessary changes comport with the realities of growers' operations. Thank you for the opportunity to comment on the proposed revisions to the agricultural labor housing rules. Sincerely,
Lesley Tamura Chair Columbia Gorge Fruit Growers
Sincerely,

Wade Root, Owner
Cameron Root, Manager

Wade Root

Cameron Root

From: [Greg Addington](mailto:greg@addingtonconsulting.net)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Tuesday, October 8, 2024 8:30:25 AM

[You don't often get email from greg@addingtonconsulting.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Director Stapleton,

Please incorporate my comments below. Safe worker housing is a priority for all of us. However, regulations should also be reasonable. OR-OSHA's proposed ag labor housing (ALH) rule changes miss the mark in three areas: (1) the timeline to phase-in the rules is not feasible; (2) the rules go far beyond federal OSHA's standard for safe and healthy workforce housing; and (3) the cost of compliance far exceeds the ability of family farmers to pay for them.

OR-OSHA's timeline for implementation is unworkable. In 2008, OR-OSHA provided farms with a 10-year phase in of rule changes to accommodate permitting and construction timelines. However, OR-OSHA phases in this proposal within 0-, 1-, or 2-years! It is unreasonable to expect significant remodels or new construction to be permitted and completed within two years. Instead, farms will have to reduce their housing capacity by 20-50%, forcing workforce shortages at the same time as the ag overtime threshold of 40-hours comes into effect. Ag groups have consistently raised concerns that OR-OSHA is creating a workforce crisis with these rules. OR-OSHA should increase the phase-in timeline to allow time for permitting and construction and to avoid disrupting the agricultural economy.

OR-OSHA's proposal goes far beyond federal OSHA's standard for ALH and is not connected to measurable health or safety outcomes. For instance, OR-OSHA exceeds its authority by proposing to restrict where farms and ranches can raise livestock. When questioned, OR-OSHA cited concerns with "bird flu." However, the Oregon Health Authority is clear that avian influenza poses a minimal risk to the public, and there are no documented cases of interspecies transfer in Oregon. This provision is one of many that should be eliminated from the proposal due to inadequate data, and OR-OSHA should align this provision with federal OSHA. Other overreaching provisions—screening, suitable storage, kitchen sinks, handwashing sink ratios, and square footage, among others—should also mirror the federal standard.

OR-OSHA should add back language in sections 16(i) and (j) that acknowledges legacy challenges of pre-1980 constructed housing. The U.S. Department of Labor provides legacy recognition to homes built before 1980, allowing them to follow a separate standard that ensures worker housing is safe. There is no reason for OR-OSHA to eliminate this flexibility provided to operators with older housing. It will simply eliminate affordable housing for workers in Oregon, and there aren't alternatives for seasonal housing in many communities. OR-OSHA should honor legacy building standards that have been accepted for decades.

OR-OSHA's proposal is so costly, that many farms will be forced to reduce housing capacity and the number of workers they employ because they cannot afford the changes proposed by this rule. The cost of complying with OR-OSHA's proposed rules could run several hundred thousand dollars to millions per operation. This is unreasonable! There are currently over 500 on-farm housing providers, and each one of these farms faces unique challenges in complying with OR-OSHA's proposal. Farms can't just raise their prices in order to pay for the modifications required by this rule; commodity markets don't work that way.

OR-OSHA's proposed rules are NOT a compromise. They will destroy a large segment of Oregon agriculture and eliminate safe housing provided to seasonal workers. OR-OSHA should revert back to the federal standard and implement those modifications on a reasonable timeline; this would ensure that housing is safe and that Oregon's farm and ranch families aren't priced out of business due to regulatory overreach.

Sincerely,

Greg Addington

562 50th Ave NW
Salem, OR 97304
greg@addingtonconsulting.net


COMMUNITY DEVELOPMENT DEPARTMENT

511 Washington St, Ste. 101 • The Dalles, OR 97058
 p: [541] 506-2520 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

October 8, 2024

Oregon Department of Consumer and Business Services
 Sarah C. Rew | Oregon OSHA
 P.O. Box 14480
 Salem, OR 97309
[Sent Via Email to: OSHA.rulemaking@dcbs.oregon.gov](mailto:OSHA.rulemaking@dcbs.oregon.gov)

RE: Proposed Amendments to the Agricultural Labor Housing and Related Facilities Rule

Dear Mx. Rew;

Thank you for the opportunity to comment on amendments to the Agricultural Labor Housing and Related Facilities rule.

In Wasco County, we administer two land use planning programs including implementing the Statewide Land Use Planning Program and the Columbia River Gorge National Scenic Area. Many of our orchards, vineyards, and farming operations rely on farm labor housing to support seasonal harvest. During the standard harvest season, our communities see a substantial increase in population with the arrival of seasonal labor. Wasco County, like many other jurisdictions in the state and nation, have complex housing challenges, including accommodating the expansion and contraction of the population in concert with harvest. Agricultural housing helps to take the burden off of communities already working diligently to address housing gaps and rising housing costs, and house seasonal labor. Nearly one half of Oregon's registered labor beds, more than 4,500 beds, are in Wasco County to support, among other crops, cherry harvest.

Wasco County Community Development Department has reviewed the draft revisions to the Agricultural Labor Housing and Related Facilities rule and offer the following comments:

- Many of the new requirements will trigger expansion, replacement, or construction of new buildings that will require a new land use review.
 - For outside the National Scenic Area, our land use permit review times take between three to six months.
 - For inside the National Scenic Area, permit times vary between four months to over a year, depending on resources on the subject parcel.

- For new projects, the timelines are similar, but could require additional analysis depending on the resources on site, proximity to other farming operations, and the scale of the development. This can further increase timelines from several months to over a year.
- These estimated timelines do not include design, construction, consultation ahead of permitting, building codes services review, and review by other agencies including Environmental Health Services and Oregon Water Resources Department.
- Considering the average timelines for approval, it will be challenging for most applicants to meet the required timelines for new standards. Historically, a longer lead time for new agricultural labor housing has been offered to allow for applicants to navigate the complex permitting process.
- Recognizing that many of our orchards historically are on smaller parcels that are, by in large, wholly dedicated to production, the additional square footage per occupant will be challenging for many operations in Wasco County when considering setbacks from other properties, resources, and natural hazard areas. While there may be opportunities for creative solutions long term, in the short term the additional square footage requirements could have significant impact on either land available for production or the number of units for seasonal labor an operation is able to develop.
- It will be important to not be proscriptive with the requirement for adequate lighting to common use facilities to allow land use planning programs, particularly those with additional regulations like the National Scenic Area, to allow for common use facilities. In the National Scenic Area, the lighting must be shielded and generally installed in a way so that it does not impact viewsheds from around the region, and overly proscriptive requirements will make that challenging.

Thank you for your efforts and for considering these comments.

Sincerely,



Kelly Howsley Glover, PhD
Wasco County Community Development Director

cc: Mike Doke, Executive Director, Columbia Gorge Fruit Growers
Tyler Stone, Administrative Officer, Wasco County
Steve Kramer, Chair, Wasco County Board of Commissioners
Dr. Ashley Thompson, Commissioner, Columbia River Gorge Commission

From: [Dave and Dana Meyer](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: ALH rulemaking
Date: Sunday, October 13, 2024 10:50:44 PM

October 12, 2024

Oregon Dept. of Consumer and Business Services

Sarah Rew | Oregon OSHA

PO Box 14480

Salem, OR 97309

Re: Proposed Amendments to the ALH and Related Facilities Rule

Members of Oregon OSHA's Rulemaking Process,

As growers of 170 acres of cherries in The Dalles, OR, we employ five year-round people and also four H2A workers on a 6-month contract during the pre-harvest, harvest and post-harvest season. During harvest we employ about 100 people to hand pick our cherries each year. Our harvest season lasts about 2 months.

We provide Agricultural Labor Housing (ALH) which consists of three buildings built in 1992, 1997 and 2006. Total capacity of all 3 buildings is 110 beds. Each building was built in their respective year to meet both Oregon Building Codes and the ALH rules of OR OSHA. All 3 were upgraded with heat/AC systems in 2017. Over the last 30+ years we have seen our seasonal harvest picking crew move from predominantly single men to a predominantly family workforce. With families comes an inherent bed space inefficiency of 15-25%. Within many family units there are young, non-working children and /or grandparents who cannot work, all of whom utilize bed space for that 2-month harvest period.

We, like other growers in our area, try to push our bed capacity to its maximum knowing that 110 beds filled gives us about 85 workers. Like most other growers in the area, we would like MORE beds available to us, not less.

Section 16L of OR OSHA's ALH proposed rules increases space for each person from 40 ft² (if using bunks, which we do) to 50ft²/person. If our farm had been required to comply with the proposed space requirement in this past 2024 harvest season, we would have lost 50 beds out of 110. This is because most of the people we house are families. Each family group would need to be cut in half and consume two rooms rather than one, leaving half of the beds empty in both rooms. It doesn't matter if the family unit is 4,5,6 or more people, the same principle of breaking each family in half and putting them in 2 rooms would apply anywhere in Oregon. Had we been forced to comply with the new suggested space rules of 16L in the 2024 season, only 55% of our crop would have been harvested. The reduction in beds would equal reduction in harvest. 45% reduction in harvest equates to a 45%

reduction in Gross Revenue. It is that simple and that drastic.

Using a conservative number of \$21,600/bed [(\$180/ft²) (120ft²/person)] represents the replacement cost of each bed lost due to Sec. 16L. This cost includes sleeping, cooking, bathing and laundry. It DOES NOT include heating and AC, beds and bedding, appliances, septic tank and drain field, the permanent loss of income producing ground to build the new structure and a permanent increase in property taxes on the new structure. All in, we are most likely over \$25,000 per bed. The cost for High Rolls Ranch to build back 50 beds would easily be in the range of \$1.2 to \$1.4 Million. This is an unnecessary and incomprehensible expense.

Another issue regarding sec. 16L is if new construction is even possible. Much of High Rolls Ranch and The Dalles area is inside the National Scenic Area. We as growers are very limited by what we can and cannot do within the NSA protections.

There has been NO indication that the current housing we provide in any way presents a danger to the health and safety of those living there. The proposed rule changes are so over reaching and economically damaging we are asking OSHA to change section 16K and 16L to apply only to ALH constructed after 2025 and to provide a legacy for all existing structures which have been designed and built to meet both Oregon Building Codes and OR OSHA ALH rules so that they may continue under current rules, including the 40ft²/person bunk bed exclusion.

Sincerely,

Dave and Dana Meyer

High Rolls Ranch

From: [Ian Chandler](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Comment on Oregon OSHA's proposed Agricultural Labor Housing Rules
Date: Tuesday, October 15, 2024 2:24:14 PM

You don't often get email from ian.p.chandler@gmail.com. [Learn why this is important](#)

Ian Patrick Chandler

2463 Three Mile Rd
The Dalles, OR 97058
(541)993-6339
ian.p.chandler@gmail.com

15 October 2024

Oregon OSHA

320 Winter St. NE 3rd Floor
P.O. Box 14480
Salem, OR 97309-0405

To Whom It May Concern,

My name is Ian Chandler and together with my wife Patricia, we are the owner/operators of CE Farm Management LLC. We are an underserved minority and veteran-owned agricultural business that operates in Wasco County, Oregon. We currently farm approximately 200 acres of cherries and pears. During our cherry harvest we house approximately 50 seasonal employees and two year round employees. Our current capacity of the two labor camps we operate is 62 beds.

My wife Patricia is a native of Nayarit, Mexico and immigrated here when she was 15 years old and together with her family had the very common struggles that immigrants to the United States have to face. That lived experience has shaped our views on equity and social justice to a great extent. As a company and moral human beings, we work hard to always put the wellbeing of our employees as one of our primary objectives. That also has formed the basis of how we work hard to provide safe, comfortable, and dignified seasonal housing for the workforce that helps us each year to grow and harvest our crops. Our labor camps are used seasonally during the months of June and July.

We recognize that there are not sufficient affordable housing options in Wasco County to begin with, let alone house the influx of seasonal workers who come each summer for harvest. We provide our housing completely free of charge to our employees as a benefit to

them, and as a way to ensure that we have a reliable harvest workforce each year. We are proud of the fact that our high quality housing is a draw for return workers every year, and we have built lasting relationships with our employees. All of our units have flush toilets, showers, laundry machines, WIFI internet, air conditioning/heaters, insulation, and adequate cooking space. Our labor housing camps are Oregon OSHA compliant and registered, have had no violations, and no complaints have been submitted to OSHA. Our questions are, what is driving the need for these changes? How will these changes make things safer for our workers? What is being done about unregistered camps?

Given the proposed rule changes we stand to lose approximately 16 beds in total due to the change of 40 sq/ft per occupant to 50 sq/ft per occupant. To further complicate things, we will have to split up some family units and lose additional bed space as a result. To recreate cabin space, restroom facilities, storage space, and cooking space each bed lost will need approximately 120 sq/ft of construction to replace. $16 \text{ beds} \times 120 \text{ sq/ft} = 1920 \text{ sq/ft}$. After surveying local construction contractors in our region of Oregon they have given us a construction estimate of \$180 per sq/ft. That means under the new rules my operation would need to come up with roughly \$345,600 to build housing just to stay at our current capacity. That does not include expansions of existing septic systems, permits, and the loss of revenue incurred by removing agricultural ground to expand our housing footprint. Our small family farming operation cannot afford to build additional housing at this time. In 2023 we had the worst market year in the history of the Oregon cherry industry. It was an economic disaster for our company, yet we made huge efforts to make sure all of our workers did not take a hit to their incomes. It will take the Oregon cherry industry years to recover from 2023. Economically, that makes it nearly impossible to meet the proposed timelines to make the changes to our housing to keep our current capacity.

Our farm and labor housing facilities are located within the Columbia Gorge National Scenic Area, which is an incredibly beautiful place to live and we are blessed. It also makes it an arduous and time consuming place to navigate the construction permitting process and some of the proposed changes to agricultural labor housing may bring us in direct conflict with current land use laws in our area. These laws may in fact prevent us from expanding our agricultural labor housing footprint, meaning the capacity loss may be permanent. Our company could not possibly meet the incredibly short timeframe to investigate, resource, and implement the proposed changes.

In conclusion, while we are sure well intended, the proposed agricultural labor housing changes don't make workers safer or healthier, will be economically disastrous for small farming operations like ours, and in fact make an already severe housing crisis in the state of Oregon even worse. There are no affordable options for an extremely vulnerable migrant and seasonal workforce that needs the money that they make during our harvest season. The result unfortunately will be migrant and seasonal farm workers being forced to pay

inflated rents for short term tenancy in unregulated off-farm housing, sleeping in their vehicles, or sleeping outdoors. This will also put additional pressure on the limited low income housing that is available in Wasco County and displace year round residents. This is not what any of us want for Oregon or our local community. I respectfully request that you incorporate my concerns into the final Agricultural Labor Housing rules.

Respectfully,

Ian P. Chandler

CE Farm Management LLC



Hood River County Community Development

D-27

Planning, Building Codes, Code Compliance & GIS

601 State Street, Hood River OR 97031

ERIC WALKER, DIRECTOR
(541) 387-6840 • plan.dept@hoodrivercounty.gov

SENT VIA EMAIL

October 15, 2024

Oregon Department of Consumer and Business Services

Sarah C. Rew | Oregon OSHA

P.O. Box 14480

Salem, OR 97309

OSHA.rulemaking@dcbs.oregon.gov

RE: Proposed Amendments to the Agricultural Labor Housing and Related Facilities Rule

Dear Sarah:

Hood River County Community Development Department has reviewed the draft revisions to the Agricultural Labor Housing and Related Facilities rule and offer the following comments:

- The County Community Development Department encompasses both the County Planning and Building Departments. Depending on the project involved, one or both of our departments could be involved in reviewing applications and/or issuing permits triggered by some of the proposed rule changes. Many of the improvements identified within the rule would, at least, trigger building permits and inspections. Those improvements requiring the expansion, replacement, or construction of new housing would also trigger a land use review.
- The amount of time it takes for our Building Department to perform a review and issue a building permit depends on the activity proposed. For instance, a permit involving a minor electrical or plumbing system upgrade may be obtained over the counter or through the County's e-permitting system the same day, while other work may require extensive review of building plans and engineering, which can take several weeks.
- Although most interior remodels and other minor improvements do not require land use review by the Planning Department, those involving the expansion or replacement of existing farm labor housing would. Land use reviews involving existing buildings normally take 4 to 6 weeks to process, which usually overlaps with the Building Department's review.
- Should the project add new farm labor housing beyond what already exists, significantly increase capacity of an existing dwelling, or change the use of an existing non-residential building, then a new accessory farm dwelling application would be required. This type of application is an administrative review, which requires notice to adjacent property owners and others, public notice in the local newspaper, a comment period, staff report, and appealable decision. Most administrative land use decisions take 4 to 6 months (sometime longer) to process.

- For projects located within the Columbia River Gorge National Scenic Area (NSA), any development resulting in new ground disturbing activities or exterior façade changes, whether existing or new, will trigger an NSA review. All NSA reviews are administrative decisions. However, by their nature, such reviews often take 6 to 9 months to process given the additional level of analysis, such as a cultural resources evaluation that is completed by USDA – Forest Service staff.

Clearly, the timelines provided above only account for project review and not design and construction, which certainly can extend overall timelines significantly. They also do not account for working with other public and private agencies, such as County Environmental Health, affected special districts (fire and water), and local utilities. Sometimes, the simple act of completing a building permit application can take a few weeks just to obtain required agency signatures, especially for more rural districts with limited staff. These are all factors that should be given consideration when establishing reasonable deadlines for compliance with future rules concerning farm worker housing.

Thank you for your efforts and for considering these comments.

Sincerely,



Eric Walker, Director

Hood River County Community Development

cc: Jennifer Euwer, Chair, Hood River County Board of Commissioners
Allison Williams, Hood River County Administrator
Mike Doke, Executive Director, Columbia Gorge Fruit Growers