

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
lindsayanndouthit@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](#)
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](#)
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

Dear Director Stapleton,

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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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Sincerely,

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

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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

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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

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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](#)
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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Dear Director Stapleton,

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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](#)
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

ROOT ORCHARDS – 1111 Root Road, Mosier, OR 97040

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

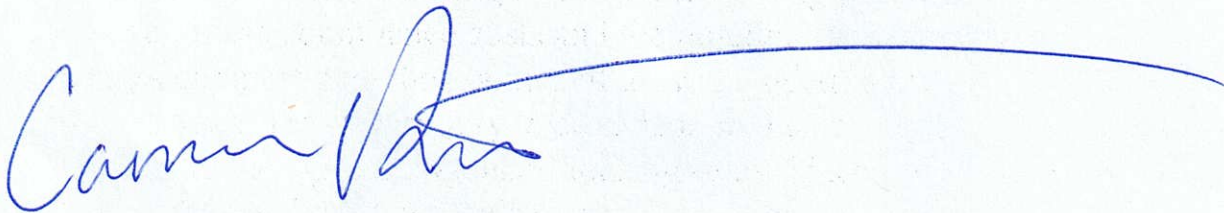
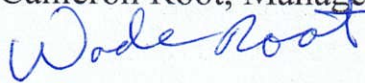
cleaning clothes “contaminated with chemicals.” But what “contaminated with chemicals” means is not specified. Does the agency mean clothes worn by pesticide applicators? Or does this include clothes worn by workers in the orchards even after the clearance time for pesticide application has passed? Also, 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



From: [Greg Addington](#)
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.

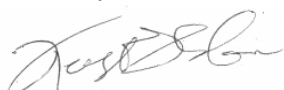
Wasco County Community Development Department has reviewed the draft revisions to the Agricultural Labor Housing and Related Facilities rule and offer the following comments:

- 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

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 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,

A handwritten signature in black ink, appearing to read "Eric Walker", written over a horizontal line.

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



October 16, 2024

Oregon Department of Consumer and Business Services
Sarah Rew | Oregon OSHA
P.O. Box 14480
Salem, OR 97309

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

Dear Ms. Rew,

Agriculture is a significant economic driver in Wasco County; this area is home to many cherry orchards, both large and small. A large part of our county's agricultural workforce is made up of migrant and seasonal workers. In 2018, it was estimated that there were more than 22,000 seasonal or migrant farmworkers in Wasco County, more than any other county in the state.^[1] In reviewing the proposed Agricultural Labor Housing rules, we are concerned that adoption of these rules could lead to closure of many local farms and the elimination of agricultural jobs, which are a critical economic driver for this part of Oregon.

During the harvest season, this area receives a large increase in population with the arrival of seasonal migrant labor and their accompanying family members. These families are in need of housing for the few months each year that they are here. Nearly one half of Oregon's registered labor beds, more than 4500, are in Wasco County to primarily support cherry harvest.

Like many other areas of the state and country, Wasco County faces housing challenges, including accommodating the substantial population changes that occur during harvest. Our available support services are already stretched very thin. On-farm agricultural labor housing helps to significantly reduce the burden in an area where city and county services are already working to address housing gaps and rising housing costs. Ensuring that everyone in Wasco County has access to safe and affordable housing is a top priority for us, and on-farm housing is a critical part of addressing this need. As on-farm labor housing is regulated for health and safety purposes and inspected regularly, we believe it is critical to maintain this housing as one of the few options available to this specific population.

It is estimated that on-farm housing capacity will reduce by 20-50% at each housing location due to the rule changes specifically addressing required square footage per occupant. If on-farm housing is not available in the same capacity, this will force people to utilize whatever accommodations are available. This includes sleeping in cars or tents exacerbating the houseless population that already exists and impacting law enforcement and sanitation services. Or, if people are able to find short-term rentals (motels, rental apartments/houses), they will overcrowd them to share the cost among as many people as



they can. We simply do not have sufficient temporary housing available to support the amount needed during the harvest season.

As Wasco County Commissioners, we are very concerned by the direction Oregon OSHA has taken its proposed ALH rules and the impact on our agricultural community. These proposed rules include numerous provisions that are neither financially feasible nor attainable by the proposed timelines, and they jeopardize workforce housing and the viability of the many multigenerational family farms in our county.

The following proposed rule changes are of utmost concern, as these will have the largest impact to on-farm housing capacity:

16(k): Until December 31, 2026, each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant. Where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.

16(l): Beginning on January 1, 2027, each sleeping room must have at least 50 square feet per occupant, regardless of the use of double bunk beds.

For the health and safety of our community and for the seasonal agricultural laborers and their families, we ask that Oregon OSHA change the proposed rules regarding square footage per person under 16(k) and 16(l) in the following ways:

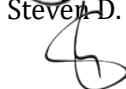
- These rule changes will apply only to new agricultural labor housing built in 2025 and beyond.
- Provide a legacy housing/grandfather allowance for all currently existing structures which have been designed and built to meet both Oregon Building Codes and Oregon OSHA's ALH regulations – to continue under current rules.

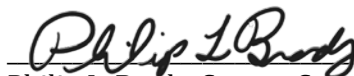
Thank you for your consideration.

Sincerely,

Wasco County Board of Commissioners


Steven D. Kramer, Chair


Scott C. Hege, Vice-Chair


Philip L. Brady, County Commissioner



October 17, 2024

OR-OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,

Thank you for the opportunity to submit comments on the proposed Ag Labor Housing rules. My name is Wade Root, and I am the Production Manager for Duckwall Fruit, which is a fruit packing house in Hood River, Oregon operating for over 100 years. Beyond that, I am also a multi-generational cherry grower for Root Orchards in Mosier, Oregon. Because of my dual role, I can offer insight into the impact of these rules not only from the grower side, but also from a packing house's perspective.

Safe housing is a priority for our family farming operation. With a lack of affordable housing alternatives in the Mid-Columbia district, it is imperative to provide free housing opportunities for our harvest employees. Without it, we couldn't attract quality employees to harvest our highly perishable cherry crop.

With the proposed rules, the short two-year implementation timeframe is problematic. Figuring out the financing needed to comply with these changes takes time when you are dealing with a volatile cherry crop and don't know if you are going to make money, break even or be in the hole in any given year. The more time we have for planning, with the ability to make incremental changes, the better chance we will be able to continue farming into the future.

Furthermore, the current proposed Ag Labor Housing rules implementation period coincides exactly with Ag Overtime reaching its permanent 40-hour threshold. By compounding the regulations, growers are dealing with a perfect storm. Decreasing housing stock at the exact same time we need more labor to harvest our crops is catastrophic from a cost perspective. We simply can't afford the significant cost increase of Ag Overtime.

And, from the packing house perspective, if crops don't get picked at the correct maturity, they will not hold up in storage for the entire marketing window. This means we lose opportunities to sell fruit throughout the season and are forced to sell at potentially inopportune times. Flooding the market to get rid of fruit that can't be stored is not good for anyone. Even more, if there is not enough harvest labor, some crops may not get picked at all. This will lead to a less competitive industry, as we won't be able to provide our share of the market's needs over time.

Please consider revising the Ag Labor Housing rules phase-in timeframe so that it is realistically achievable. Also, consider the impact on packing houses where our perishable products are stored, packed, marketed, and sold. If we can't deliver a strong storable product due to labor shortages, within optimal harvest windows, our entire industry suffers.

Thank you for your consideration and incorporating my concerns in the final draft of the Ag Labor Housing rules.

Sincerely,

A handwritten signature in blue ink that reads "Wade Root". The signature is fluid and cursive, with the first name "Wade" and the last name "Root" clearly distinguishable.

Wade Root
Production Manager, Duckwall Fruit
Owner, Root Orchards



October 18, 2024

OR-OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,

Thank you for the opportunity to submit comments on the proposed Ag Labor Housing rules. My name is Elizabeth Oropeza, and I am Duckwall Fruit's HR Director. We are a fruit packing house located in Hood River, Oregon and this is our 105th operating season. We employ approximately 320 people and process fruit from over 70 fruit growing operations, who in turn employ countless additional people throughout the Mid-Columbia district. Together we support numerous other local businesses who provide components of our supply chain and important services.

I am going to highlight some of the potential labor impacts if the Ag Labor Housing rules go into effect as proposed. On-farm housing supports workers who are also employed at other local businesses. Often farm employees have second jobs, or their spouses and adult children work for other local businesses. Growers could not afford the flexibility offered to these employees and their families if their Ag Labor Housing capacity is decreased. They would have to fill each bed with those only working on the farm. This could cause family separation and create houselessness, as affordable housing is scarce in the Mid-Columbia district. The ripple effect would be felt throughout the entire local economy, including decreased labor available at the packing houses.

This is an example of our delicate Ag ecosystem. We are all reliant on each other for viability. If packing houses don't have adequate labor, fruit quality could suffer. It would take longer to process the fruit, which would affect storability and marketability. The result is the same if there is not sufficient labor in the field. It is the grower who is negatively impacted by receiving less than cost covering returns. Year after year of declining returns is not a sustainable model. Having sufficient labor to harvest and process the crop is an important piece to the puzzle. Decreasing Ag Labor Housing capacity is challenging from a labor perspective.

Furthermore, as a business we see the effects firsthand of our robust regulatory environment in Oregon. Figuring out how to comply is even harder for growers. From Ag Overtime, increased H-2A wage rates, increased taxes and now new Ag Labor Housing rules, the compounding regulatory effect is pushing our small family growers out of business. Choosing to go above the

Federal OSHA standards hurts our local growers and their ability to remain competitive in the industry.

We ask that you consider the ramifications of your proposed Ag Labor Housing rules and their impacts on the displaced Ag worker, the small family farms, packing houses and the industry.

Thank you for your consideration and incorporating my concerns in the final draft of the Ag Labor Housing rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth', with a stylized, flowing script.

Elizabeth Oropeza
HR Director, Duckwall Fruit



October 17, 2024

OR-OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,

Thank you for the opportunity to submit comments on the proposed Ag Labor Housing rules. My name is Sara Duckwall, and I am a third-generation family member of Duckwall Fruit. We are a fruit packing house located in Hood River, Oregon and this is our 105th operating season. We employ approximately 320 people and process fruit from over 70 fruit growing operations, who in turn employ countless additional people throughout the Mid-Columbia district. Together we support numerous other local businesses who provide components of our supply chain and important services.

If these rules go into effect as proposed, our community and the local Ag industry will both be impacted. Time and thoughtfulness should be considered to allow the industry to plan for a soft landing. We are in a housing crisis, and this cannot be underscored enough in the Mid-Columbia district. We simply have limited affordable housing. According to the US Census Bureau, from 2018-2022 median home sale prices in Hood River, County have increased 145%, rent has increased 75% and income has only increased 42%. In the short term, if current Ag Labor Housing capacity is decreased, where will displaced workers in the Ag industry be housed? Will the labor force remain to harvest crops?

If crops can't get picked during their optimal harvest window, storability and marketability are affected, which will negatively impact returns to the grower. Poor fruit quality equals poor prices. Grower profitability, and grower viability, will decrease. We are already seeing grower concentration due to the increased regulatory environment. Our large growers have had to double in size to remain competitive and create a sustainable economy of scale. Small growers simply cannot absorb the increased cost of regulation and maintain their operation due to the heightened financial burden.

The regulatory environment is indirectly asking growers to fold. From Ag Overtime, increased H-2A wage rates, increased taxes and now new Ag Labor Housing rules, the compounding regulatory effect is pushing our small family growers out of business. We see similar tonnage delivered, but from far fewer growers, which speaks of this rapid consolidation. Choosing to go above the Federal OSHA standards hurts our local growers and their ability to remain competitive in the industry.

Put into perspective, the costs for a grower to replace even one bed lost are not viable. The average bin return to the grower in 2023 was \$277. At this figure, and using a profit margin of 7%, it would take over *1,100 bins to build back just one bed lost. This could very well be the profits from a grower's entire crop. It is not hyperbole that housing will be lost.

We ask that you consider the ramifications of your proposed Ag Labor Housing rules and their impacts on the displaced Ag worker, the small family farms, packing houses and the industry.

Thank you for your consideration and incorporating my concerns in the final draft of the Ag Labor Housing rules.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sara Duckwall', with a stylized, cursive script.

Sara Duckwall

Project and Communications Director, Duckwall Fruit

* Estimated cost for growers to build back current housing capacity:
(\$180 per ft²) x (120 ft² per occupant) x (# of beds lost to housing rule changes)
Formula used above: $(180 \times 120 \times 1) / (277 \times .07)$

From: [Rhonda Fischer](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Concern regarding Rule Changes
Date: Saturday, October 19, 2024 5:23:37 PM

You don't often get email from fischer4jc@gmail.com. [Learn why this is important](#)

Good morning,

My name is Rhonda Fischer, and I am writing this letter of concern on behalf of Mark Fischer Orchards, of which I am part owner. My husband Mark and I own a commercial fruit orchard in the Parkdale area of the Hood River Valley. We have circa 60 acres of pears in production and hire up to 24 seasonal employees. We currently own 3 homes that are utilized for our 8 full-time employees. We have no additional “seasonal” labor housing ourselves so remain reliant on other growers in the valley who are making the sacrifice to have temporary housing for migrant or H2A program workers. Thus, we are writing this letter of support to express our solidarity with the concerns of our neighbors and fellow growers who will be impacted deeply by the rule changes currently proposed by Oregon OSHA regarding labor housing.

Safe housing will always be a top priority for fruit growers in the Hood River Valley – both permanent and seasonal. As growers, we are extremely vested in making sure that the housing we offer our workers and oftentimes their families, is safe, healthy, and reliable. Fruit growing is labor intensive and for the most part, cannot be automated. As such, the health of our farms and businesses depends on the hand labor and hard work of the employees who come to work for us. Knowing this, I believe that every grower in the Columbia River Gorge strives to maintain the highest standards in taking care of the people that we rely on.

We, for example, put off the need to adjust our own *personal* housing situation for over a decade so that we could provide a comfortable space for our workers. And through the years, we have continually made upgrades, replaced appliances, etc. to ensure that our worker housing was maintained in the same state of comfort and safety. I know that we have not been alone in this level of sacrifice to provide for the people who work our farms. Though tis true there are operations in existence that don't value their people and make the condition of their labor housing a priority, these are the *exception* and not the norm. It appears that OR-OSHA is capitalizing on a handful of poor examples and attempting to turn subpar labor housing into an industry wide problem which it is not. Our concern with the proposed rule changes are they are shortsighted in nature. These changes will require costly structural changes for many growers in a time where growing costs, weak markets, and weather disasters are already putting the majority of growers out onto a financial limb. In many cases, the rule changes that OR-OSHA is asking growers to accommodate are beyond the federal rules or the standards set by the US Department of Labor. This places undue and unnecessary hardship on growers who are already struggling to make ends meet. These housing rule changes are also asked to be implemented in an unreasonably short period of time considering the time and finances needed for planning and construction. Already reeling from the implementation of the new Ag Overtime rules which come full circle in 2027, growers will be asked to bear the added burden of financing these housing rule changes within the same time frame. This will be a “double hit” financially, one that not all growers will be able to recover from.

There is also the concern of a lack of affordable alternatives for housing in the Columbia River Gorge.

Our workers live in our housing free of charge. Two out of our three labor houses contain families where only the father works the farm. With the reduced capacity that will follow the new rule changes, we will likely be faced with the difficult decision to move the families out to accommodate the additional needed space for our single workers. With an affordable housing crisis both locally and nationally, where will these families go? And what will become of our farms without these workers? In solidarity with other growers who are providing temporary/seasonal housing, I am concerned that many of them will have to turn workers away because they do not have the means to accommodate all of these rule changes. To tie the hands of the growers who are providing temporary housing will have devastating impact on the laborers who depend on the work and on **all** the growers who depend on sharing workforce.

As a wheat farmer's daughter and a fruit grower's wife, I don't believe it is a stretch to say that most farms in the year 2024 are just trying to survive. We *want* to do the right thing by our workforce and the vast majority of growers out there are *already doing* the right thing by providing safe and healthy housing conditions. We are simply asking that OR-OSHA align the new housing requirements more closely to the federal standards for ag labor housing and be reasonable about any imposed timelines for making required changes, recognizing that these changes are going to require a significant sacrifice of time and resources on the part of the grower. Please hear our concerns and be realistic about the impact that these changes will have on the workforce, the growers, and the industry as a whole.

Sincerely,

Rhonda Fischer

Mark Fischer Orchards, Inc.



October 21, 2024

OR-OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,

Thank you for the opportunity to submit comments on the proposed Ag Labor Housing rules. My name is Lina Sanchez, and I am Duckwall Fruit's Director of Export Sales. Duckwall Fruit is a privately held fruit packing house in Hood River, Oregon who has been operating for over 100 years. We are considered a large employer in Hood River County and process fruit from over 70 growing operations. Together we all support numerous local businesses and give back where we are able.

If the Ag Labor Housing rules go into effect as proposed, our community and the local Ag industry will both be impacted. Growers are stating that housing capacity will be diminished. We are concerned about the displaced Ag worker and the implications it has for our crops grown in the Valley.

With no other affordable housing options available to farm workers, it is imperative that growers offer free housing to essential harvest employees. If housing capacities are decreased, growers will be challenged to harvest their crops at maturity levels that packing houses require for fruit storability. Further, if fruit can't get harvested at all it will lead to a less competitive industry, as we won't be able to provide our share of the market's needs over time. We also won't be able to sustain current employment levels as our market share will decrease.

As the Director of Export Sales, I oversee the fruit that leaves our domestic market, which is approximately 30% of the crop. This fruit must be strong, from a storability standpoint, to withstand the longer offshore transit times necessary to reach these export markets. This will be an impossible task for our growers if they lose housing capacity and the associated labor to harvest their crops in a timely manner. As an industry, we will lose the flexibility of the export markets and no longer have access to these important outlets for portions of the manifest that the domestic market will not consume. Our growers will suffer by not receiving a return on a portion of their crops they deliver to us for marketing.

The Ag Industry is a challenge on the best of days. Growers are price takers and subject to market whims. By regulating growers above the Federal OSHA standard, you are hamstringing them further and harming their ability to remain competitive in the industry.

The Ag ecosystem is delicate and our reliance on each other, in every step of the process, is vital for the industry's overall survival. Please consider the ramifications of your proposed Ag Labor Housing rules and their impacts on the displaced Ag worker, the small family farms, packing houses and the industry.

Thank you for listening and incorporating my concerns in the final draft of the Ag Labor Housing rules.

Sincerely,

A handwritten signature in blue ink, reading "Lina Sanchez", with a stylized flourish at the end.

Lina Sanchez
Director of Export Sales, Duckwall Fruit

From: [Lesley Tamura](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Proposed ALH Rule Comment
Date: Monday, October 21, 2024 1:31:57 PM

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

October 21, 2024

Oregon OSHA

Rules Coordinator

osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,
My name is Lesley Tamura, and I am writing on behalf of Tamura Orchards, Inc. We grow pears in Hood River, and provide housing for domestic and foreign employees, housing our domestic occupants year-round and foreign employees through the H-2A visa program for our harvest season. We work hard and invest as heavily as we can to provide safe housing that is well-maintained for our employees' health, safety, and comfort; all at no cost to our employees.

As one of many tree fruit growers in the Mid-Columbia, it is critical that we have housing for our employees. Without being able to offer this, we cannot possibly maintain a sufficient workforce required for our work that relies heavily on hand-labor in an area that struggles with affordable housing. Providing safe housing allows us to be competitive and attract high-quality employees. For this reason, I have invested in such upgrades as installing mini-split units to ensure my employees can maintain comfortable temperatures during the warm summer season. This ultimately cost over \$6,000 per unit, but I felt it was important to guarantee that my employees were able to sleep well during warm nights and be well-rested for physically-demanding work. I know many of my fellow housing providers have made similar investments in the name of employee safety, health, and comfort.

As agricultural employers have made clear to OR-OSHA throughout this entire rule process, alternative housing options are nonexistent for those employees that are forced to relocate due to the reduced housing capacity from some of the proposed rule changes. This housing strain will put even more pressure on our migrant employees who need housing for short-term periods during the harvest season.

While I recognize that state-level OSHA programs are mandated to be at least as effective as the federal standards, Oregon OSHA has chosen, without justification, to exceed both the federal labor housing standards and Oregon building code, in ways that are completely unnecessary and not based on science. The following should align with federal minimum standards, bring Oregon in-line and allow growers time to make the necessary required adjustments:

First, removing the allowance for housing built prior to 1980:

Federal OSHA demonstrated that allowing legacy recognition for older housing is possible by "grandfathering in" square footage requirements for housing built prior to 1980. Prior to the latest draft rules, so did Oregon. This is clear recognition that older housing can be safe and healthy to live in by federal standards without requiring major modifications to square footage that will likely prove to be infeasible. If the federal government recognizes the importance of allowing older housing to remain in use and sees the difficulties of upgrading older housing to current standards, why is OR-OSHA choosing to ignore that recognition?

Second, requiring unreasonable amounts of storage per occupant:

While it is completely reasonable to mandate that each occupant has storage for their personal items, OR-OSHA's rule proposes at least 21 cubic feet of storage per occupant. This isn't feasible in most housing, as there isn't enough wall or floor space to accommodate this amount of wall shelves or storage furniture (dressers, wardrobes, etc.) per person without becoming a safety hazard. Federal OSHA standards related to storage mandates that "sleeping rooms contain suitable storage for clothing and personal articles" without dictating a certain measurement. If OR-OSHA feels it necessary to include a measurement of storage space, it should be far less than 21 cubic feet.

Third, increasing water pressure requirements:

In a glaring overstep, OR-OSHA proposes that ag labor housing is required to provide water pressure at a higher psi than all other residential AND commercial buildings throughout the state. Every other structure with indoor plumbing in Oregon is required to meet a minimum psi of 15, while OR-OSHA is attempting to mandate that we provide a minimum psi of 20 at our labor housing locations. According to Oregon Health Authority, OR Administrative Rule Chapter 333, Division 61, Drinking Water: Water suppliers must maintain a pressure of at least 20 pounds per square inch (psi) at all service connections at all times, with "water suppliers" officially defined (definition 151) as a person, group of persons, municipality, district, corporation or other entity which owns or operates a public water system.

Ag labor housing locations, or any other residential home for that matter, are NOT water suppliers. As residential living locations, we can be held to Oregon Building Code, specifically the Oregon Plumbing Specialty Code, which mandates in section 608.1 that a minimum psi of 15 be maintained at all residential and commercial buildings.

Are all developers that construct housing in Oregon required to go beyond Oregon building code for minimum water psi requirements? Why is ag labor housing unfairly targeted by a state agency when all other housing construction is held to the Oregon Plumbers Specialty Code 608.1 for minimum psi?

This information was presented to OR-OSHA during the Rules Advisory Committee process, and yet still the proposed rules include a requirement that goes beyond what is mandated for every other residential location across the state. **What is the justification for holding us to higher standards?**

Fourth, unreasonable disease reporting requirements:

In the most egregious example of OR-OSHA applying standards above the federal requirements, the disease reporting requirements in section 19 of the proposed housing rules require that ALH operators comply with Oregon Health Authority's' OAR 333-018-0000 and OAR 333-018-0015, which are standards of disease reporting for hospitals, ambulatory surgery centers, long-term care facilities, and other health care facilities. We are NOT medical professionals, nor do our employees live or work in health care facilities. And yet, OR-OSHA thinks it is reasonable to hold us to the same standards as medical professionals working in health care facilities. Are all employers and landlords across Oregon required to adhere to the same disease reporting requirements as hospitals, healthcare facilities and surgery centers? I ask again: **What is the justification for holding us to higher standards than federal OSHA and all other housing providers and employers across the state of Oregon?**

For comparison, here are the federal OSHA standards for reporting communicable diseases (that are reasonable and applicable to our worksites and housing):

[1910.142\(l\)\(1\)](#)

It shall be the duty of the camp superintendent to report immediately to the local health officer the

name and address of any individual in the camp known to have or suspected of having a communicable disease.

1910.142(l)(2)

Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram, telephone, electronic mail or any other method that is equally fast.

Fifth, contradicting Oregon statute to require labor housing to be removed from livestock operations:

OR-OSHA proposes that labor housing be moved at least 500 feet away from livestock operations regardless of what employees in the housing are employed for or their assigned work duties. This directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized. Neither OR-OSHA, nor any other state agency, are allowed to regulate or eliminate an outright permitted use on agricultural lands. OR-OSHA Director Stapleton shared during the fiscal impact advisory committee process that OR-OSHA included this proposed rule due to the risk of bird flu. However, the Oregon Health Authority has confirmed that there have been zero HPAI detections in Oregon dairy cattle, and the current risk to the general public is very low. OR-OSHA has been unable to prove any real threat to health and safety and therefore cannot justify requiring livestock operations to construct entirely new housing. OR-OSHA should focus on health and safety measures with scientific and documented health and safety benefits.

Another issue I want to address is the lack of clarity in some of the proposed rules. When OR-OSHA refuses to provide clarity by codifying language in the rules, it is impossible for housing providers to comply because we don't understand what is required of us. It also creates ongoing problems because inspectors interpret rule language differently, creating different standards based on individual OSHA enforcement officers.

One example of this is the proposed rule that we provide additional electrical receptacles for occupants in sleeping rooms. During Rules Advisory Committee and Fiscal Impact Advisory Committee meetings, OR-OSHA Administrator Renee Stapleton verbally clarified that power strips would be allowed to meet this standard, as long as they are used according to label allowances. However, when asked to update the rule language to reflect this, we were told more than once that OR-OSHA "has no intention of changing the language." This allows for individual inspectors to interpret the rule differently, with some allowing power strips to meet the standard and others requiring that all electrical receptacles be wall outlets. This leads to inconsistent expectations, citations, and expensive penalties for housing providers who have good intentions and truly believe they are appropriately complying. It is not too much to ask that our agencies be transparent in their expectations and consistent in their enforcement of the rules.

Finally, I would like to address the unreasonable and unrealistic implementation timelines attached to these proposed rules. By the time the rules are finalized toward the end of 2024, housing providers will have a maximum of 4-6 weeks, during the holiday season, to implement many of the requirements, including:

- Arranging for water testing to be conducted at an accredited lab and posting results in employees' native language.
- Providing additional "protected" food storage.
- Increasing the number of cooking burners for occupants.

- Constructing methods for access to upper bunk beds (installing ladders, stairs, etc.).
- Providing new mattresses and providing enclosable covers for the mattresses.

Many of the rules require changes to infrastructure in our housing (increasing the number of cooking burners, constructing access methods for upper bunk beds); others require making arrangements with outside services (water testing at accredited labs). Being in compliance in such a short window is not a reasonable expectation.

For other proposed rules that will go into effect as of 2026 and 2027, 1-2 years for making infrastructure changes (expanding housing for increased square footage per occupant, enclosing outdoor kitchens, installing hot water heaters and additional electrical capacity, expanding toilet facilities, making infrastructure changes to bathing and laundry facilities, etc.) that require official plans, construction permits and available contractors to do the work is not realistic. Comments will be submitted separately detailing what housing providers believe are more reasonable timelines, but the proposed timelines need to be changed so they are realistic and allow us the necessary time to be in compliance. Not only should significant structural changes be phased in over a much longer timeframe, they should ONLY apply to significant remodels or new construction.

OR-OSHA needs to re-examine the proposed rules and implement changes so they align more closely to the federal standard, do not exceed Oregon building code requirements, and do not overstep in what is appropriate to expect of us as housing providers and employers. The incredibly short and unreasonable implementation timeline also needs to be extended to ensure that we can realistically achieve the final updated standards.

Please incorporate my concerns into the final draft of the Agricultural Labor Housing rules.

Sincerely,

Lesley Tamura

President

Tamura Orchards, Inc.

From: [Keith Howell](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Fwd: Proposed changes
Date: Monday, October 21, 2024 1:52:10 PM

You don't often get email from howellkeith33@yahoo.com. [Learn why this is important](#)

To whom it may concern,

The additional changes to toilets, housing, water, and cooking are excessive and costly to Oregon farmers that need season labor. OSHA continues to add requirements without consideration of the expense and overhead costs to farmers and ranchers.

Please consider the recommendations from the Columbia Gorge Fruit Growers to the recommended new rules.

Thanks

OSHA.rulemaking@dcbs.oregon.gov

Keith Howell,

Office (541) 386-3334

Dr. Tim Delbridge
Assistant Professor
Department of Applied Economics
Oregon State University
2591 SW Campus Way
Corvallis, OR 97331

October 21, 2024

Rules Coordinator
Oregon OSHA
PO Box 14480
Salem, OR 97309-0405

Re: Oregon OSHA Agricultural Labor Housing (ALH) Rule Proposal

I am an agricultural economist at Oregon State University. My research and Extension program focuses on production and financial outcomes of Oregon farms. I teach undergraduate courses at OSU in agricultural finance, food systems, and economics of business organization.

I am writing to provide my professional opinion on how the proposed ALH rule changes will impact Oregon farms that provide housing to employees. I do not intend to estimate the cost of compliance with the stricter housing requirements. Nor do I intend to take a stance on whether the rule changes are “good” on balance. Rather, I will focus on the likely farm-level impacts of the rule changes given the position of Oregon farms in national and international agricultural markets. In short, costly infrastructure investments required by these ALH policy changes will be difficult for many Oregon farms to absorb, farms will likely not be able to pass these costs on to their buyers in the form of higher prices, and some small farms with limited financial resources may choose to leave farming rather than take on debt to renovate housing facilities.

The Fiscal Impact Statement correctly states that estimating the financial impact of changes in regulations related to employer-provided housing is difficult. Farms vary widely in their current facilities, labor needs, and other operational considerations. Similar farms that are now fully in compliance with regulation may face dramatically different costs to come into compliance with the proposed changes to the ALH rules.

While estimating the precise cost of compliance for different farms and farm types is difficult, anticipating the *direction* of the impact is not. We know that this proposal will require capital expenditure on the part of farms that offer housing to their employees, which tend to include tree-fruit producers and dairy farms, among others. These farms operate in national and global commodity markets in which competing production locations face lower labor costs. If Oregon controlled a large share of the market for a

particular agricultural commodity, state-level policy that increased the cost of producing that commodity could be partially passed on to the consumer with higher prices. Unfortunately, this is not the case for commodities grown by Oregon farms that will be affected by this rule change. Oregon farms will shoulder the cost of these policy changes and the renovation of existing housing facilities that they require.

We also know that large farms are typically more able to adapt to regulatory costs than smaller farms. In a USDA-ERS study, Bovay et al¹. (2018) found that small farms had higher costs of compliance with new food safety requirements than larger farms, as measured as a share of gross sales. Trebbi and Zhang² (2022) analyzed regulatory compliance in many industries, including agriculture, and found that the cost of compliance as share of total labor expenses tends to be lower for large firms. In line with past research and my own work with regulatory compliance costs in Oregon, I would expect this policy to be more harmful to the financial health of smaller family farms than it would be to larger farms. Over time, this leads to further concentration of agricultural production among a small number of very large producers.

The negative effects of the ALH policy proposal would be lessened by grandfathering existing facilities that are currently in compliance or extending the time to comply with the new rules.

These comments are mine and do not reflect the position of Oregon State University.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Delbridge', with a stylized flourish at the end.

Tim Delbridge
Assistant Professor
Applied Economics
Oregon State University

¹ Bovay, J., P. Ferrier, and Z. Chen. 2018. Estimated costs for fruit and vegetable producers to comply with the Food Safety Modernization Act's Produce Rule, EIB-195, U.S. Department of Agriculture, Economic Research Service, August 2018.

² Trebbi, F. and M.B. Zhang. 2022. *The cost of regulatory compliance in the United States* (No. w30691). National Bureau of Economic Research.

VIA EMAIL

MEMORANDUM

TO: Tami Kerr, Executive Director, Oregon Dairy Farmers Association
FROM: Matt A. Heldt
DATE: October 16, 2024
SUBJECT: OR-OSHA Proposed Rule Eliminating Livestock Exemption from
Employer-provided Housing

This memorandum analyzes whether the Oregon Occupational Safety and Health Administration (“OR-OSHA”) must eliminate the livestock exemption that permits employees to live in employer-provided housing within 500 feet of a livestock operation if they work with the animals (OAR 437-004-1120(6)(i)). **In short, no.**

Neither federal rules nor safety risks require OR-OSHA to eliminate the exemption. The U.S. Occupational Safety and Health Administration (“OSHA”) regulations do not require 500 feet between livestock and permanent housing. Also, removing the exemption to address the risk of Highly Pathogenic Avian Influenza (“HPAI”) is unsubstantiated and counter to Oregon’s own risk analysis.

Removing the exemption is an unlawful administrative action.¹ Not only is there no good reason for it, the impact on Oregon dairy farms,² and Oregonian’s access to housing will be substantial. Removing the exemption is harmful, not helpful. By stating two separate justifications publicly and privately for removing the livestock exemption, OR-OSHA demonstrates it really has no justification for the change.

ANALYSIS

I. Federal Law Does Not Require Permanent Housing to be 500 Feet from a Livestock Operation

OSHA regulates **temporary labor camps** in part by requiring that “[t]he principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.” 29 CFR

¹ See *Planned Parenthood Assoc. v. Dep’t of Human Resources*, 297 Or. 562, 565 (1984) (agency rule unlawful if outside agency jurisdiction, a result of improper procedure, contrary to law, or in violation of the Oregon Constitution). See also *Coast Range Conifers, LLC v. Bd. of Forestry*, 339 Or. 136, 145 (2005) (Takings clause applies “to actions that are equivalent to a taking.”).

² This memorandum is written on behalf of the Oregon Dairy Farmers Association and uses dairy farms as an example. This analysis, however, applies to all similar livestock operations where employees are employed on a non-temporary basis and live in permanent on-site housing.

§ 1910.142(a)(2). Although 29 CFR § 1910 does not expressly define “temporary labor camp,” other CFR sections give meaningful context. 29 CFR § 500.20(p)(2) defines “permanent place of residence” as **not including** “seasonal or temporary housing such as a labor camp.” Instead, permanent housing “means a domicile or permanent home.” *Id.* In other words, permanent housing is not subject to the federal OSHA rule.

In fact, OSHA has endorsed that interpretation for years:

29 CFR 1910.142 applies to job related housing that is provided by the employer **on a temporary basis** for workers **not at a permanent location**. This kind of housing is most commonly used in agriculture where migrant laborers from other geographical areas move temporarily into employer provided housing at crop harvesting time.³

Further, the federal OSHA rule serves little purpose as applied to permanent housing. The protections for temporary labor camps that “most **directly** relate to safety and health of employees such as site drainage, shelter, water supply, toilet, laundry, handwashing, bathing and first aid facilities, and refuse disposal” are present in any permanent dwelling that is up to code.⁴

OSHA saw no reason to regulate permanent housing offered by agricultural employers to non-temporary employees. Further, permanent housing is already built to conform to building codes and subject to insurance requirements, ensuring it is safe and livable. Instead, the federal rule was tailored specifically to temporary labor camps. The existing livestock exemption is consistent with, not preempted by, OSHA regulations.

II. HPAI Poses Little Risk, Which Is Not Further Mitigated by Requiring Permanent Housing to be 500 Feet from Livestock

During an August stakeholder meeting, OR-OSHA said it was removing the livestock exemption due to the risk for HPAI. That is not justifiable.

Both The Oregon Department of Agriculture (“ODA”) and Oregon Health Authority (“OHA”) deem HPAI as a low risk to human health. ODA’s current position is that

³ U.S. OCCUPATIONAL SAFETY AND HEALTH ADMIN., Opinion Letter Clarifying the Applicability of 29 CFR 1910.142 (Jul. 23, 1981) (emphasis added).

⁴ U.S. OCCUPATIONAL SAFETY AND HEALTH ADMIN., Opinion Letter on the Enforcement of 29 CFR 1910.142 (Oct. 30, 1992) (emphasis in original).



“[w]hile cases among humans in direct contact with infected animals are possible, the risk to the public remains low.”⁵ Notably, “HPAI has not been detected in Oregon livestock.” *Id.* ODA promulgated rules in April of 2024 further restricting the import of dairy cattle, including additional safeguards to prevent cattle carrying HPAI from entering Oregon. *Id.* OHA is also monitoring the situation and has echoed ODA, finding that “there have been no detections in Oregon dairy cattle” and “the current risk to the general public from HPAI is very low.”⁶

Requiring permanent housing that otherwise fully complies with OAR Chapter 437 (and applicable housing codes) to be at least 500 feet from livestock makes no discernable difference to HPAI safety. Dairy employees living on site work year-round and walk between their homes and the livestock operation on a daily basis, regardless of whether the two are 499 or 501 feet apart. ODA is already regulating the import of out-of-state cattle to prevent HPAI from entering Oregon. Striking the exemption for this purpose does not make sense.

III. Removing the Exemption will Sacrifice Existing Housing and Harms Oregon Families

Unlike the purported justifications for removing the livestock exemption, the potential harm is real; and will be felt by Oregon families. Dairy farmers across Oregon have permanent, on-site housing for many of their employees. This housing is often next to farmers’ own family homes, both within 500 feet of operations.

Removing the exemption upends current federal and state law and puts these permanent dwellings out of compliance with OR-OSHA regulations. Unlike temporary camps, farmers cannot just move the homes on their property. Dairy farmers will be faced with the substantial cost of compliance (and resulting impact on consumers) or the dangers of non-compliance, including penalties (again, with resulting impacts on consumers). Dairy employees who currently live in stable, affordable (often times free) will lose their current homes to an arbitrary rule. This will be devastating to those families, add pressure to the existing housing supply, and arbitrarily distinguish the safety of housing based on employment status (by allowing owners to remain in their homes next to dairies, while declaring workforce housing as unsafe and illegal). Some dairy farms may not survive, ultimately reducing competition and consumer choice. Removing the exemption is bad policy.

⁵ *Highly Pathogenic Avian Influenza (HPAI) in Livestock*, OR. DEP’T OF AGRIC., <https://www.oregon.gov/oda/programs/AnimalHealthFeedsLivestockID/AnimalDiseases/Pages/LivestockHPAI.aspx> (last visited Oct. 15, 2024).

⁶ *Avian Influenza*, Or. Health Auth., [Oregon Health Authority : Avian Influenza : Influenza Surveillance : State of Oregon](#) (last visited Oct. 15, 2024).



CONCLUSION

OR-OSHA has no reason to remove the livestock exemption. Federal law does not preempt it. Safety does not require it. Oregon's dairy families, both owners and employees, will be harmed by it. The livestock exemption should remain in effect for permanent housing.

MAH/mjg

097204\97204\17657768v2



From: [Dan Jarman](#)
To: [STOLFI Andrew * DCBS](#); [STAPLETON Renee M * DCBS](#); [VANWINKLE Theresa A * DCBS](#); [CHARPILLOZ.HANSON Lisa * ODA](#); [ODAY Sean E * DCBS](#)
Cc: [Trevor Beltz](#); [Tami Kerr](#); [Dallum Rocky](#); [Mike Freese \(mfreese@RFlawlobby.com\)](#); [Dale Penn \(dalep@cfmpdx.com\)](#); [Waylon Buchan](#)
Subject: Re: Oregon Dairy Industry meeting
Date: Thursday, October 17, 2024 8:58:26 AM
Attachments: [~WRD0000.jpg](#)
[2024-10-16 Memorandum Re Livestock Exception under OR-OSHA Regulations\(17657768.2\).pdf](#)

Good morning. We are looking forward to our meeting this afternoon at 3:30 pm on the Agricultural Labor Housing and Related Facilities rule.

As we shared, the primary purpose of the meeting is to discuss the importance of providing housing to our “permanent” workforce as a way incentivize employees to come to rural communities to work in the dairy industry. We have great concerns this rule as drafted will significantly hinder that effort.

In preparation for our discussion, we are providing to you a legal memo that outlines our concerns, in particular around the contention that this rule is simply adopting federal guidance on the issue. We believe the agency is misapplying federal regulations regarding “temporary” housing for season workers to housing for permanent, year round workers.

Please note I’m copying ODA Director Lisa Charpiloz Hanson on this email. She has been discussing this issue with our dairy industry partners.

Again, we look forward to our discussion later today. Thank you,

Dan

[Dan Jarman](#)

[Crosswater Strategies](#)

[\(503\) 887-0284 mobile](#)

danj@crosswaterstrategies.com



From: Dan Jarman <danj@crosswaterstrategies.com>

Sent: Monday, October 7, 2024 8:53 AM

To: [STOLFI Andrew * DCBS](#) <andrew.stolfi@oregon.gov>; [STAPLETON Renee M * DCBS](#) <renee.m.stapleton@dcbs.oregon.gov>; [VANWINKLE Theresa A * DCBS](#) <theresa.a.vanwinkle@oregon.gov>; [HILGEMANN Amy K * DCBS](#) <amy.k.hilgemann@dcbs.oregon.gov>

Cc: [Trevor Beltz](#) <tbeltz@tillamook.com>; [Tami Kerr](#) <tami.kerr@oregondairyfarmers.org>; [Dallum Rocky](#) <rocky.dallum@tonkon.com>; [Mike Freese](#) (mfreese@RFlawlobby.com) <mfreese@RFlawlobby.com>; [Dale Penn](#) (dalep@cfmpdx.com) <dalep@cfmpdx.com>; [Waylon Buchan](#) <waylonb@cfmpdx.com>

Subject: Oregon Dairy Industry meeting

Andrew & Rene,

Good morning. I’m writing on behalf of Oregon’s Dairy Industry to ask for a meeting to discuss the Agricultural Labor Housing and Related Facilities rule. My client is the Tillamook County Creamery Association, but the meeting would be with other industry representatives, including the Oregon Dairy Farmers Association that represents most dairy farmers in the state.

We know this rulemaking has been going on while. Many of us have been watching

from a far, especially since most of the previous discussion has been around housing related guidelines for seasonal workers.

The latest rule language is creating some concerns for the dairy industry, and we'd like to spend some time educating you on the nuances of our industry in the state.

We, in particular, would like to discuss how many of our dairy provide single-family homes to our workers as an incentive to come to rural communities – or coastal communities – to work in the dairy industry.

We hope you are willing to meet with us to learn more about Oregon's important dairy industry. Please let us know some options for a meeting in the near future. Thank you, in advance for your willingness to have this conversation. Best regards,

Dan

[Dan Jarman](#)

[Crosswater Strategies](#)

[\(503\) 887-0284 mobile](#)

danj@crosswaterstrategies.com

Image removed by sender.



From: [Jenneke deJong](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Monday, October 21, 2024 5:20:34 PM

Dear Director Stapleton,

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,

Jenneke deJong
4721 Harpold Rd
Bonanza, OR 97623
windyridge.je@gmail.com

From: [karen finley](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules will destabilize Family Farms
Date: Tuesday, October 22, 2024 8:20:20 AM

Dear Director Stapleton,

We already have a workforce housing shortage in our area here around Monroe. Farms are proud of their efforts to support and accommodate a strong and capable farm workforce. Coupled with the ag overtime laws going to 40 hours, we are really feeling the pressure. Our payroll and housing costs are going up and other costs are too. This is a poor time to introduce more instability to Oregon's family farms.

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.

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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,

karen finley
31338 Bellfountain Rd
Corvallis, OR 97333
queenbeehoney.kf@gmail.com

From: [Jake Moore](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Tuesday, October 22, 2024 12:11:21 PM

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

Dear Director Stapleton,

These proposals are an over reach and would devastate our family farm. We are a fifth generation family farm with fourth generation employees. We are one big family that would be broken up.

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.

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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,

Jake Moore
2355 Lacey Dr
Hood River, OR 97031
jmoore@hrecn.net

From: [Marissa Hokenson](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Tuesday, October 22, 2024 1:30:12 PM

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

Dear Director Stapleton,

The purpose of OR-OSHA is to keep people safe. The proposed rules do not address safety, but rather amenities. Employers who follow the current regulations for ALH have created a safe and healthy living quarters for employees at no charge to the employee (FREE Housing). At our housing locations there have been no issues with current amenities not being enough for the comfort of employees living, and the proposed rules in many ways are only about extra amenities. The proposed rules require extra amenities, square footage that is bigger than my college dorm room (that I paid to live in), and extra language noted as Appendix A that has nothing to do with labor housing and is not something the employer is required to do nor has control over. Appendix A should be removed in its entirety due to not being applicable in the scope of Ag Labor Housing.

The proposed rules will greatly impact our farm by requiring us to reduce the number of occupants, which reduces our labor that we require to run and operate our farm. Our farm season is seven months; longer than other operators, and our crops are labor intensive. Labor housing is extremely costly to maintain, we pay the VERY high electric cost from heating to air conditioning. Making the structural changes to our housing to meet the proposed rules on more than eleven houses is an astronomical cost to our farm. There is no need for these changes, there are no safety concerns from instances that make a case for these proposals, this is only based on feelings and perspectives of people that do not work in agriculture, and who have not offered to supply these amenities themselves to farm workers. The proposed rules will harm the farmer, burden the farm with costs that could very well make the farm not profitable. Farmers provide jobs for people which make better local economies for small towns and Oregon. Farmers provide food and fiber for our state, which is good for everyone's basic needs. Why are there so many regulations putting farmers out of business instead of supporting and helping farmers continue to produce food and fiber for humanity?

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.

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Sincerely,

Marissa Hokenson
17031 S Clackamas River Dr
Oregon City, OR 97045
marissa@calfarmsinc.com



Oregon Sweet Cherry Commission
PO Box 55252
Portland, OR 97238
503-274-5458
osweecherry.org

October 21, 2024

Administrator Stapleton,

We the members of the Oregon Sweet Cherry Commission represent a diverse collection of the growers and packers of cherries that are grown in the state of Oregon. We represent an industry made up of countless farmworkers, members of multi-generational family farms, underserved minority farmers, military veteran farmers, and first-generation immigrant farmers. We produce cherries and provide employment to thousands of workers across the state. Many rural communities depend on the economic activity that our industry creates. As a commodity commission under the jurisdiction of the Oregon Department of Agriculture our stated mission is the following, *"The mission of the Oregon Sweet Cherry Commission is to enhance the image of the sweet cherry industry and to increase opportunities for profitability through promotion, education, research, tracking, and commenting on legislation and regulations in accordance with the laws and regulations governing the commission"*. As part of our mission we as a commission feel that it is necessary to comment on the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities that is currently under consideration by the Oregon Occupational Safety and Health(OSHA) Administrative Rule Process.

Over 98% of all sweet cherries that are grown in the state of Oregon are hand harvested by migrant and seasonal farm workers. This harvest season that annually spans the months of June, July, and August requires an influx of over 22,000 migrant and seasonal farm workers that either come from other states, other countries, or other parts of Oregon. In order to not put an undue financial burden on farm workers, our industry started to provide free on farm seasonal agricultural labor housing. This was done as a benefit to farmworkers, and to not overwhelm the limited housing supplies of our local rural communities with a temporary influx of people. This system has incentivized farm workers to make the trip to Oregon to help our industry each year. These farm labor housing units have been under the jurisdiction of Oregon OSHA in order to ensure that they meet safety and health standards.

Our members have participated in the discussions with Oregon OSHA over the past six years with regards to changes to the Agricultural Labor Housing(ALH) standards. While there are many proposed changes that will be costly and difficult for our industry to implement, there is one specific area that not only has the potential to be economically devastating for cherry farmers, but also disastrous to the health and safety of farm workers. This is Section 16 Sub-Paragraph L of the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities. This is the proposed regulation that changes the square footage per inhabitant from the current 40 sq/ft to the new 50 sq/ft per inhabitant. While we are sure well intended, this proposed change and the incredibly short implementation timeline will result in

unintended and negative consequences for the current residents of seasonal agricultural labor housing in our area. After deep discussion and surveys conducted with cherry farmers and farmworkers, we have identified the following risks directly connected to the loss of agricultural labor housing capacity.

1. **Family Separations.** An overwhelming percentage of farmworkers that seasonally occupy agricultural labor housing in Oregon are immigrants from Mexico and Central America. In these cultures family unity is prized and it is not uncommon to have multi-generational families living together. This strong family unit provides support, safety, security, and health for all members young and old. Changes in the capacity of each housing unit will force the separation of family units.
 - Employers will be forced to separate members of single households into multiple separate residences instead of allowing them to stay together. This creates a potential safety risk and a great deal of anxiety if parents are separated from their children.
 - Lack of housing capacity will make it harder to provide housing for employees with children. For example, a housing unit that can currently accommodate a family of 8 may be reduced down to 6 inhabitants. Where do the other 2 family members go? If the farm does not have more housing capacity, do some family members get left behind?
 - With current capacity regulations, it is not uncommon for migrant and seasonal farmworkers to travel to Oregon during the summer bringing both family members who work and others who take care of their children, minors too young to work, or elderly family members who are also cared for. If there is no longer room for everyone, how do farms balance the humanitarian desire to help people with the business necessities of needing enough farm workers to get their crops harvested?
2. **Increase Homelessness in our cherry growing communities.** Harvest workers will still come to our communities because they need the income that they make during harvest even if they do not have a place to stay.
 - Unhoused workers will need to find their own lodging at their own expense in already difficult housing markets in our communities. This changes what was a free benefit to the worker, to something that they need to pay for. This puts the economic burden on the most vulnerable people, the farmworkers.
 - Unhoused farm workers who do not have the economic means to pay for off farm lodging may be forced to sleep in their vehicles and will not have access to adequate cooking and hygiene facilities. This is a safety and health risk to those workers.
 - Seasonal unhoused farm workers will rely increasingly on public facilities and resources to make up for what they no longer have access to on farms due to capacity changes. This will put an increased burden on local agencies and pull resources away from local residents. This will cause tension within our communities and will have to be managed by our local law enforcement and municipal governments.

- Seasonal workers who are lucky enough to find short term rentals in town will be in direct competition with local year round residents for very scarce low income housing in our communities. This passes the cost and hardship on to our local low income year round residents and may have the net effect of raising rents for local people who cannot afford it.
 - Seasonal workers and their families who are forced to find their own housing will not be under the purview of Oregon OSHA and wherever these folks are living will not be governed by the health and safety rules that OSHA enforces to ensure the health and safety of workers. That puts this vulnerable population at risk for their health and safety. Local law enforcement and social services will not have to assume the burden of ensuring the welfare for these individuals. This is a health and safety issue to farm workers.
3. **The loss of employment in our communities.** Our community economies are based in agriculture and the revenue that it brings into our community through the influx of workers and economic activity generated by the crops we grow. If we have less seasonal workers in our communities it affects a wide range of secondary connected industries and social welfare programs.
- If families are unable to bring children with them during harvest because there is no housing available, this will directly impact the funding that goes to organizations like the Oregon Childhood Development Coalition that administers Migrant, Seasonal, and Early Head Start as well as Migrant Education. These are programs that directly affect the health and well being of the children of farm workers. They educate, empower, and provide a safe place for children while their parents are working. These organizations also employ a large percentage of the women of color in our local communities. Less children means less resources for our local programs and will result in job losses.
 - Our local restaurants, supermarkets, and service industries employ local residents that provide services to the influx of seasonal workers that come to our community each year. If that number decreases, so will the need for the local service industry and the desperately needed revenue that the workers bring.
4. **Unaffordability will put family cherry farms out of business.** Costs are rising, farm revenues are decreasing, and family farms do not have sufficient financial resources to build back the housing capacity that will be lost with the change from 40 sq/ft to 50 sq/ft.
- The cherry industry is reeling from climate change related natural disasters that increasingly affect the sustainability of our industry. The heat dome of 2021 and the cherry market collapse of 2023 are two recent examples. That means that working capital levels for most family cherry farms are at all time lows.
 - Family farms are passing through historically difficult economic times. Farming operations are unable to set the prices for the crops they grow and rely on market conditions to set the prices. That means there is no way for farms to generate more revenue to pay additional housing if they lose capacity.

- Borrowing costs are at generationally high levels that make normal operations challenging and make capital improvement expenditures like the construction of additional housing out of reach for most family farms.
- The need for additional investment to build back lost housing capacity creates a barrier to minorities and new families wanting to start farming operations. This sets the stage for large private equity operations and investors from outside our local communities to come in and take over local family farming operations. Private equity run operations put profitability first, and are not always good stewards of the communities. Community connections are lost, and local institutions suffer.

Our commission recognizes that with regards to the square footage requirement that Oregon OSHA wants to meet the Federal OSHA standard of 50 sq/ft per occupant. A solution that would prevent the unintended negative effects that are listed above, would be to allow all current agricultural labor housing units to continue to operate within the current square footage regulations, but require any newly constructed agricultural labor housing units to meet the 50 sq/ft per person federal requirement. These agricultural labor housing units were constructed in accordance with the applicable Oregon OSHA laws and building codes, and followed the intent of the law. This would allow farms to keep current housing capacity, and not be forced to displace farmworkers. There is historic precedence within current OSHA ALH rules (section 16, sub-paragraph J) that allowed for a type of non-conforming use to not lose existing housing capacity. Adding to a statewide housing crisis would be counterproductive to Governor Kotek's executive order directing state agencies to prioritize reducing and preventing homelessness in all areas of the state. Arbitrarily reducing the capacity of existing agricultural labor housing would not benefit farm workers or their families.

Our commission also strongly recommends increased enforcement against unregistered and/or non-compliant agricultural labor housing facilities. Bad actors should not be allowed to have workers in unsafe conditions and do a disservice to the majority of agricultural labor housing operators who work hard to meet OSHA standards for the well being of our incredibly important and valued farm workers. The vast majority of dangerous housing examples that were presented to OSHA during the six year period to formulate the new regulations, were from unregistered agricultural labor housing sites. Members of our industry who are following the law, should not be penalized for the actions of those who operate outside of the law.

In closing, our commission has appreciated the mutually respectful, productive and cooperative relationship that our growers have with Oregon OSHA. We also appreciate the support that our industry has received from the Oregon Department of Agriculture and the office of Governor Kotek as our industry has dealt with natural and market disasters. Please help our industry continue to house the farm workers that are essential to our industry and the state of Oregon. We humbly request that the position of our commission be taken into account when formulating the permanent agricultural labor housing rules.

With respect and gratitude,
 The Oregon Sweet Cherry Commission
www.osweetcherry.org

From: [Randi Alexander-Rolison](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [MORRIS Eric A * ODA](#); [SANDAU Jonathan * ODA](#); [ENG Lindsay * ODA](#); [CHARPILLOZ.HANSON Lisa * ODA](#); [Riley Bushue](#)
Subject: OSCC official comment on Agricultural Labor Housing
Date: Tuesday, October 22, 2024 3:13:02 PM
Attachments: [Letter to Administrator Stapleton.pdf](#)

You don't often get email from randi@osweetcherry.org. [Learn why this is important](#)

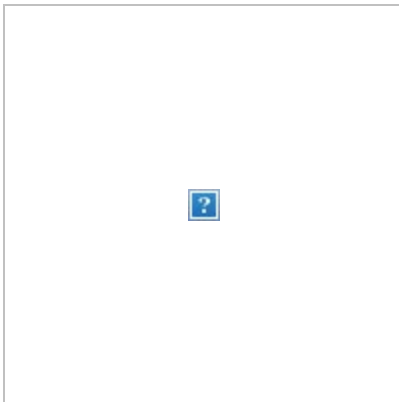
Administrator Stapleton,

As part of the mission of the Oregon Sweet Cherry Commission, we as a commission feel that it is necessary to comment on the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities that is currently under consideration by the Oregon Occupational Safety and Health(OSHA) Administrative Rule Process.

Please see the attached letter.

Thank you for your time and consideration.

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Randi Alexander-Rolison
Administrator
Oregon Sweet Cherry Commission
PO Box 55252, Portland, OR 97238
503-274-5458

From: [Chris Silbernagel, G](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Wednesday, October 23, 2024 5:50:15 AM

Dear Director Stapleton,

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,

Chris Silbernagel
PO Box 951
La Grande, OR 97850
chris@crispcolors.com



October 25, 2024

OR-OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Director Stolfi, Administrator Stapleton, Sarah Rew, and the Oregon OSHA Rules Committee,

Thank you for the opportunity to submit comments on the proposed Ag Labor Housing rules. My name is Ed Weathers, and I am a fourth-generation family member and President of Duckwall Fruit. We are a privately held fruit packing house in Hood River, Oregon who has been operating for over 100 years. Beyond that, I am also a Hood River County Commissioner. Because of my dual role, I am positioned to offer insight into the impact these rules will have on our entire county as well as our family's packing house.

Affordable housing has been identified as a threat to our community. I feel anything that could further decrease housing availability in the Valley is alarming and of great concern. Growers are stating that based on their unique housing layout and configuration, they will lose between 20-50% of their current capacity if these rules are implemented as proposed. I believe we are in a housing crisis and now is not the time to implement regulations to decrease current housing availability.

With no other affordable housing options available to farm workers, it is imperative that growers offer free housing to essential harvest employees. If housing capacities are decreased, growers will be challenged to harvest their crops at maturity levels that packing houses require for fruit storability. Further, if fruit can't get harvested at all it will lead to a less competitive industry, as we won't be able to provide our share of the market's needs over time. We won't be able to sustain current employment levels as our market share will decrease.

In addition, Oregon's regulatory environment is a challenge. We see it from the packing house perspective, but it is even harder for small family farms to withstand the onslaught. From Ag Overtime, increased H-2A wage rates, increased taxes and now new Ag Labor Housing rules, the compounding regulatory effect is pushing our small family growers out of business. Choosing to go above the Federal OSHA standards hurts our local growers and their ability to remain competitive in the industry.

Furthermore, the current proposed Ag Labor Housing rules implementation period coincides exactly with Ag Overtime reaching its permanent 40-hour threshold. By compounding the regulations, growers are dealing with an untenable reality. Decreasing housing stock at the

exact same time more labor is needed to harvest crops is catastrophic from a cost perspective. Growers simply can't afford the significant cost increase of Ag Overtime.

Over the past week you have heard testimony from four of our team members, all from different perspectives. The proposed Ag Labor Housing rules are that impactful to all of us in the Ag industry. Our reliance on each other, in every step of the process, is vital for the industry's overall survival. Please consider the ramifications of your proposed Ag Labor Housing rules and their impacts on the displaced Ag worker, the small family farms, packing houses and the industry.

Thank you for listening and incorporating my concerns in the final draft of the Ag Labor Housing rules.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Weathers', with a long horizontal flourish extending to the right.

Ed Weathers
President, Duckwall Fruit
Hood River County Commissioner

From: [Heidi Geschwill](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Devastate Family Farms
Date: Wednesday, October 23, 2024 11:50:16 AM

Dear Director Stapleton,

I am a farmer in Oregon, and I do not provide worker housing, but I must comment on OSHA's rule proposal on behalf of all agriculture. It appears that OSHA isn't looking for common sense or practical solutions to Oregon's occupational and safety needs. This new housing proposal goes far into the weeds, and has zero to do with what OSHA is supposed to be focusing on. I own rental housing, and my built-to-Oregon code units would not hold up to the ridiculous standard that OSHA wants. Some of my renters CAUSE conditions that would make me out of compliance if I had to use OSHA's new standard. How would an ag employer be protected from the worker?

Going into people's homes and taking pictures? That sounds like uncomfortable territory I would not want to do as a landlord! I don't test my own well water, where does OSHA get off presuming we are all consuming unsafe water? OSHA is going to dictate window scree mesh size? In the general population of Oregon, people are not provided deluxe laundry facilities, in my community it's called the laundromat. The Section 6 site requirements, toilet and shower rules, the heat rules, more and more rules.

I believe that the new proposal has the intention to increase the labor burden on agriculture, and the cost burden on agriculture, and hopefully put farms out of business. That is the direction Oregon agencies have been going, and OSHA is happy to help with the agenda. It's difficult to view it any other way.

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,

Heidi Geschwill
13610 NE Boones Ferry Rd
Woodburn, OR 97071
hidawg@icloud.com

John Holmlund Nursery

29285 SE HWY 212

Boring, OR 97009

(503) 663-6650

October 23rd, 2024

Dear Oregon OSHA Representatives,

I am writing on behalf of John Holmlund Nursery, a multigenerational, family-owned business, to express our concerns regarding Oregon OSHA's proposed updates to the Agricultural Labor Housing (ALH) and Related Facilities rule (OAR 437-004-1120) and the significant challenges these changes would impose on our operations and the agricultural community.

At John Holmlund Nursery, we strive to go above and beyond the expected standards for housing our workforce. We already meet most of the proposed requirements, providing safe, clean, and supportive living conditions for our employees. However, the proposed changes would still have a severe impact on our operations, especially given the older housing we still have in use. The modifications required would involve substantial costs and logistical challenges that could threaten our ability to provide the quality of housing we currently offer.

We rely on H-2A contracts to support our workforce, with housing required from December through September each year. Implementing the proposed modifications during this timeframe would create significant disruptions, potentially reducing our housing capacity and affecting our ability to maintain a consistent workforce. The estimated cost for remodeling our existing housing to comply with the new requirements could range between \$200,000 and \$500,000. This includes expanding square footage per occupant, upgrading plumbing and electrical systems, and increasing the number of restrooms and kitchen facilities.

These proposed regulations would also put at risk the affordable housing we provide to our farm managers and their families, who currently reside on farm-owned properties. This housing arrangement is critical for our team and their well-being, and the new requirements could jeopardize this important benefit.

While we support efforts to improve worker safety, we believe the short phase-in periods of 0 to 2 years are not feasible for many farms, including ours. We respectfully urge Oregon OSHA to extend the timeline for compliance and provide more flexibility for farms with older housing. Aligning these requirements with more realistic timelines and recognizing

the investments already made in existing housing would help ensure that all farms can comply without jeopardizing their workforce or operations.

We strongly urge you to consider revising these rules, ensuring they are fair and achievable for all of Oregon's agricultural community. This is not only crucial for John Holmlund Nursery, but also for many others, especially smaller farms already struggling with economic pressures.

Thank you for considering our concerns. We hope that you will engage with the agricultural community to ensure that these important updates support worker safety while also protecting the future of Oregon's agriculture.

Sincerely,

John Holmlund Nursery

Leah Eiber
Executive Assistant

OR-OSHA

My name is Jeff Heater and my business is Heater Orchards in Wasco County where I grow primarily cherries and some apples. I have no housing on my orchard and rely on cooperating with neighbors and friends that do have housing. I have 2-3 year-round employees and at the peak of cherry harvest can have 50-60 people working. I do not participate in the H2A program but feel I may have to when the domestic pickers have been discouraged from coming here for harvest. A lack of available housing will do that.

The proposed changes in ag labor housing are an example of:

- 1) How Oregon is making it more difficult for many small businesses to stay in business due to increased costs. We do not have the opportunity of setting a price to sell our crops and must accept what the market will bear and for several years been much lower than the cost to produce these crops.
- 2) These increased costs are forcing small farmers like me to consider how much longer we can stay in business and should I look to sell or lease out to a large corporate operation. Does the state of Oregon really want to see the small farmers fail to survive?
- 3) Why none of my 3 adult children want to come back to the farm. They see the poor economics of agriculture and would rather choose a different career that has a less bleak financial future. I have a full-time job off our farm to augment the financial situation of our family's household income. Where is the next generation of farmers coming from?

Oregon has stated many times we are in a housing crisis that has steadily grown worse each year. Reducing the amount of housing that is provided to the ag workers seems like very poor timing for our state. Where will those displaced workers live during our busy harvest season? Growers are providing this housing for free and I doubt anybody else, including the state of Oregon, can give them the same or better.

It is completely outrageous to think this free housing the famers are providing can be increased or modified in the short time-frame that has been proposed. It takes a considerable amount of time to find the capital to make these changes, apply for the appropriate permits, find an available contractor and all the other myriads of details that go into making these changes. I realize Oregon should align with the federal standards of 50 square foot/worker for sleeping area and up to 120 ft when combined with cooking, washing, toilet and laundry. I want to see high quality housing provided to the workers we value and need to return year after year. The future of our farm is to have happy, productive workers coming back every year.

Please take a long look at the ramifications of implementing these new standards.

Jeff Heater

TO: OSHA

DATE: October 23, 2024

FROM: GUSCETTE, JULIA

SUBJECT: New housing area rule proposal

If this new housing rule proposal is enacted, changing sleeping area footage from 40 to 50 sq ft, our brick-and-mortar buildings will become obsolete and unusable. A lot of thought and extra funds went into these buildings as far as material to keep rooms cool in summer and warm in cooler weather. This change would force us to demolish our buildings and rebuild. The cost it would take for us to do this would be detrimental to our lively hood. Our buildings were built with the intentions of never having to replace them, or at least the thought of them lasting for many decades. Not only would this be financially impossible for us to do right now, it would also degrade the trust I have for the OSHA organization. Our buildings were built far better than needed (according to OSHA standards) for the comfort of our workers. Our farm is a family farm and only 20 acres, our works are also part of our farm and family. Having OSHA pass this change would put us out of business, and our workers that come every year out of a job.

Julia Guscette

From: [Jen Coleman](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Proposed ALH Rules
Date: Wednesday, October 16, 2024 4:24:18 PM

You don't often get email from jen@colemanag.com. [Learn why this is important](#)

Please review the following questions I have on the proposed ALH rule changes.

Laundry:

For additional laundry area for contaminated clothes have to be located at the housing site or is a work site location an option?

Water:

Has OSHA created the pictograms for water testing results?

Are owners of ALH allowed to do the translation into the language of occupants?

Has OSHA communicated with all the water testing laboratories in Oregon on the language/pictogram requirement?

Will English be the prevailing version?

Who and how are the levels being set for arsenic and nitrates?

Bathroom Facilities:

Do private changing areas have to equal the number of showers?

Can the shower be have private changing area?

Do the private changing areas have to be attached to the showers?

Do the private changing room have to lock?

Kitchens:

What does protected food storage mean?

Housing:

Do carbon monoxide detectors need to be hard wire in to housing units?

Has a grandfather clause been considered for ALH owners that have complied with changes over the last 20 years with no violation?

Overall some of the proposed changes could be costly to ALH owners. Especially if upgrades have previously been made and loans are not completely paid off. Some of the changes could render some of our units uninhabitable by current ag labor employees. This could increase the homeless population in the Willamette Valley and put more pressure on the outreach services.

Thank you for your consideration

Jennifer Coleman

Sent from [Mail](#) for Windows

From: [Rod Runyon](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Proposed orchard housing changes. Sara Rew Oregon OSHA
Date: Thursday, October 24, 2024 12:29:53 PM

You don't often get email from rrunyon@ci.the-dalles.or.us. [Learn why this is important](#)

Thank you Sara for reading.

There may be some bad actors on the west side of Oregon and they should be addressed individually. That is not the case in the Columbia River Gorge. Our Orchardists have gone above and beyond State laws to take care of the families, who in some cases, have come to this area for generations. I would personally take any doubters on tours. I have spoken to harvest families who work for our Mid Columbia Orchardists. These unnecessary broad changes will have serious economic impacts to Orchardists, harvest families and to Oregon's economy. Please note information below ...

Rod Runyon The Dalles City Council
Ret. Wasco County Commission Chair

[10/24/2024]

Oregon Department of Consumer and Business Services
Sarah Rew | Oregon OSHA
P.O. Box 14480
Salem, OR 97309

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

To Whom It May Concern,

Agriculture is a significant economic driver in Wasco County; this area is home to many cherry orchards, both large and small. A large part of our county's agricultural workforce is made up of migrant and seasonal workers. In 2018, it was estimated that there were more than 22,000 seasonal or migrant farmworkers in Wasco County, more than any other county in the state.^[1] In reviewing the proposed Agricultural Labor Housing rules, we are concerned that adoption of these rules will lead to closure of many local farms and the elimination of agricultural jobs, which are a critical economic driver for this part of Oregon.

During the harvest season, this area receives a large increase in population with the arrival of seasonal migrant labor and their accompanying family members. These families are in need of housing for the few months each year that they are here. Nearly one half of Oregon's registered labor beds, more than 4500, are in Wasco County to primarily support cherry harvest.

Like many other areas of the state and country, we face housing challenges, including accommodating the substantial population changes that occur during harvest. Our available support services are already stretched very thin. On-farm agricultural labor housing helps to significantly reduce the burden in an area where city and county services are already working to address housing gaps and rising

housing costs. Ensuring that everyone in The Dalles has access to safe and affordable housing is a top priority for us, and on-farm housing is a critical part of addressing this need. As on-farm labor housing is regulated for health and safety purposes and inspected regularly, we believe it is critical to maintain this housing as one of the few options available to this specific population.

It is estimated that on-farm housing capacity will reduce by 20-50% at each housing location due to the rule changes specifically addressing required square footage per occupant. If on-farm housing is not available in the same capacity, this will force people to utilize whatever accommodations are available. This includes sleeping in cars or tents, exacerbating the houseless population that already exists and impacting law enforcement and sanitation services. Or, if people are able to find short-term rentals (motels, rental apartments/houses), they will overcrowd them to share the cost among as many people as they can. We simply do not have sufficient temporary housing available to support the amount needed during the harvest season.

The Dalles City Council members are very concerned by the direction Oregon OSHA has taken its proposed ALH rules and the impact on our agricultural community. These proposed rules include numerous provisions that are neither financially feasible nor attainable by the proposed timelines, and they jeopardize workforce housing and the viability of the many multigenerational family farms in our county.

The following proposed rule changes are of utmost concern, as these will have the largest impact to on-farm housing capacity:

16(k): Until December 31, 2026, each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant. Where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.

16(l): Beginning on January 1, 2027, each sleeping room must have at least 50 square feet per occupant, regardless of the use of double bunk beds.

For the health and safety of our community and for the seasonal agricultural laborers and their families, we ask that Oregon OSHA change the proposed rules regarding square footage per person under 16(k) and 16(l) in the following ways:

- These rule changes will apply only to new agricultural labor housing built in 2025 and beyond.
- Provide a legacy housing/grandfather allowance for all currently existing structures - which have been designed and built to meet both Oregon Building Codes and Oregon OSHA's ALH regulations – to continue under current rules.

Thank you for your consideration.

Sincerely,

Rod Runyon

The Dalles City Council

Retired Wasco County Commission Chair

Sent from my iPhone

Sent from my iPhone

From: ally@everyactioncustom.com on behalf of [Ally Harris](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 12:34:55 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

These improved provisions affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes. But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Ally Harris
Portland, 97202-3903

From: jontoshiolee@everyactioncustom.com on behalf of [Jonathan Lee](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 12:41:45 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Jonathan Lee
Portland, 97221-1986

From: [Scott Sutton](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: farmworker housing rule
Date: Thursday, October 24, 2024 2:42:42 PM

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

Please take another look at the potential new housing rules. On our ranch all of the housing for our employee's is built next to the barn and horse pens. They were built that way on purpose so we can keep on eye on livestock from our widows.

Thanks
Concerned ranch worker.

From: [Patrick FitzGerald](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworker Housing Rule Proposal
Date: Thursday, October 24, 2024 3:07:37 PM

You don't often get email from fitzfarms8490@gmail.com. [Learn why this is important](#)

To whom it may concern,

"Oregon OSHA is updating its [farmworker housing rule](#). In addition to many rules that would reduce housing capacity and impose expenses on orchards, nurseries and other farms, the proposed rule would **remove the exemption that allows workers to live in housing within 500 feet of "livestock operations."** if adopted the rule *eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job* and would be effective January 1, 2026."

As written above, this rule proposal is unnecessary and would add additional cost to operators of livestock operations.

Please kill this proposal at the committee level.

Thank you,

Patrick A. FitzGerald, Member
FitzGerald Farms, LLC dba FitzGerald Corrals
8490 NW Moores Valley Rd
Yamhill, Or. 97148
Distributor of Livestock Handling Systems and Ranch Animal Health Products
on the web at "www.fitzfarms.com"
(503) 662-4832
(808) 896-1549-cell

My name is Delinda Anderson, and I am writing on behalf of Polehn Farms Inc. We grow Cherries and pears in The Dalles, we provide housing for 3 domestic permanent/year-round employees, and Their families. We also provide housing for an additional 282 seasonal employees each year. We also participate in the H2A program and house/employ 6 foreign employees each year. In total, we have a current capacity of 288 in our existing labor housing.

The tree fruit industry is different from other ag industries in Oregon – most of our work cannot be automated and we rely on hand labor because we do not have any other choice.

- I value my employees and work hard to provide safe and healthy housing for them and their families.
- I have a vested interest in my employees' safety and health; without housing, I cannot recruit the workforce I need to grow and harvest my crop(s).
- While there are "bad apples" out there (as in every industry) that should be held accountable for sub-par housing, in general the ag industry recognizes that safe and hygienic living conditions are critical to worker productivity.
- Having safe housing also helps us to be competitive and attract high-quality employees.

We have worked diligently to update and improve our housing over the past 10+ years. New shower houses and toilet facilities have been built in the past 3 years. We have up graded infrastructure to accommodate existing OSHA housing rules. Such as electrical, Gass lines, insulation, Dry wall and new bunk beds and mattresses. We have also remodeled the cabins to meet the current OSHA rules.

- My concerns about some of the proposed rules are not limited to the high cost, I am also concerned about the short 2-year implementation timeline given by OR-OSHA.

We are limited on space, Zoning and The Columbia River Gorge National Scenic Area Act to do more. We are also limited on adding septic systems. Money is also a big issue.

- Requiring such huge structural changes to labor housing facilities within only 2 years is not a reasonable or realistic timeline. It will take that long to get through the permit processes.
- I need a reasonable amount of time to go through the planning and construction phases in a way that does not have

a hugely negative impact on currently available housing.

- Significant structural changes should be phased in over a much longer timeframe and should apply to significant

remodels or new construction.

- The proposed timeline ends in 2027, the same year that Ag Overtime reaches the permanent 40-hour threshold.

o Our housing capacity will be reduced while we need additional employees to avoid the significant cost increase for overtime pay.

- On-farm housing is regulated and inspected, and it is affordable for our employees –it is often completely free.

- Often, we house families where only one member of the family works on-farm, while other members (spouse, adult children, etc.) work in other industries. We may have to prioritize housing for employees only.

- o Families that have built lives here may have to relocate

- Farm employees will be forced to find off-farm housing in an area where no affordable housing options exist.

- o No housing options for short-term housing used by the thousands of migrant workers that come only for a few months of the year during harvest season

- o No community-based housing available

- Migrant workers that follow the harvest season may not come due to lack of available on-farm housing; those that do come will sleep in cars, in tents, or packed into cheap motel rooms with many others to share the cost.

Each farm's housing is unique in layout, capacity, and features. We will be impacted in different ways, but nearly

everyone with employee housing will lose capacity between 20% - 50%

By increasing the square footage from 40ft to 50sf we will be losing 65 beds.

With the new changes in the sink and toilet ratios we will be losing another 10 people.

This would be 75 LOST BEDS

We have done remodeling to meet the current housing rules. Now you are asking us to remodel again. We do not have the space or infrastructure to increase housing to meet the new rules. We also have housing in the scenic act area, Protected waterways, orchards and other farms with livestock. Which limits us with expansion. Also, cost is a big factor we are still paying for the last upgrades.

WE have a generational workforce. This will force us to focus more on productive workers in our housing. This will impact families financially as not everyone will not be able to live and work on our farm.

- Approximately how much will it cost you to build back to capacity?

75 workers x \$180 per square foot x 120 per occupant = \$1,620,000.00. This is the cost to build above ground structures to hold the 75 additional occupants. This does not include the air conditioners, additional septic systems, Beds and storage and the other changes to the rules.

- OR-OSHA is required to be “as effective as” federal OSHA rules. However, they are not required to go beyond federal rules. OR-OSHA should align with federal rules so that our housing requirements are consistent with other states. When OR-OSHA goes beyond federal rules, we are less competitive as an industry. By requiring housing rules that go beyond the federal standards, we are at a large disadvantage.

- OR-OSHA should allow for legacy recognition of housing constructed prior to 1980.

- o Federal OSHA updated housing rules in 2022 but chose to “grandfather” in square footage requirements in housing built prior to 1980. This is recognition that housing built prior to 1980 can still be considered safe and healthy to live in by federal standards without having to make major modifications to square footage.

- o OR-OSHA wants to go far above and beyond federal OSHA by removing this allowance for housing built prior to 1980.

- o U.S. Department of Labor recognizes the importance of allowing older housing to remain in use and the difficulties of upgrading older housing to current standards; Oregon should as well.

We have housing constructed prior to 1980. That houses 282 occupants in these units.

- OR-OSHA should align with federal minimum requirements for storage:

- o Section 16(i) requires at least 21 cubic feet of storage for each occupant. This isn’t feasible in most housing, as there isn’t enough wall or floor space to accommodate this without becoming a safety hazard. Providing 21 cubic feet of dressers, closets, wall shelves, etc. would take up additional space inside the unit(s) and leave less room for occupants.

- o Federal OSHA requires that sleeping rooms contain suitable storage for clothing and personal articles; OR OSHA should align with this to ensure that occupants have sufficient storage for personal items but not requiring such a massive amount that is not feasible.

Conclusion:

- OR-OSHA needs to align the new housing requirements more closely to the federal standard for ag labor housing so that we can provide safe and healthy housing to our employees who do not have other housing options.

- OR-OSHA needs to revise the proposed rules to ensure the phase-in timeline is realistically achievable.

- o If the timeline is not adjusted to be more reasonable, a workforce shortage will be created for many farms.

- o This proposal requires those of us that provide safe and affordable housing to spend hundreds of thousands

- o or even millions of dollars if we hope to employ the same number of workers in 2027.

- Please incorporate my concerns into the final draft of the ALH rules.

Ken & Liz Polehn

2690 Three Mile Rd.

The Dalles, Oregon 97058

October 24, 2024

Our names are Ken and Liz Polehn, owners of K&L Orchards. We grow Cherries in The Dalles. We are a small grower at about 45 acres. We have integrated the operation of our property with my husband's family business to achieve economies of scale necessary in today's agribusiness world. Through our association with Polehn Farms, we provide housing for 3 domestic permanent/year-round employees, and Their families. We also provide housing for an additional 282 seasonal employees each year. We also participate in the H2A program and house/employ 6 foreign employees each year. In total, we have a current capacity of 288 in our existing labor housing.

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This would be **75 LOST BEDS, 75 LOST JOBS**. Perhaps more, as losing beds in our camps may necessitate splitting families up to house them, possibly losing even more space due to lack of flexibility.

With the proposed loss of 26.5% of our temporary seasonal housing comes potential to lose a commensurate portion of our crop. The cherry crop in Wasco County is typically valued at around 66 million annually, meaning Wasco County alone potentially will lose 17.5 million to our local economy.

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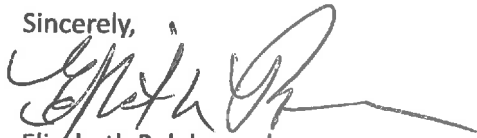
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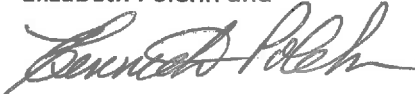
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Sincerely,

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Elizabeth Polehn and

A handwritten signature in black ink, appearing to read 'Kenneth Polehn', with a long horizontal flourish extending to the right.

Kenneth Polehn

From: parkermedford@everyactioncustom.com on behalf of [David Medford](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 4:33:25 PM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
David Medford
Tigard, 97223

From: marrs_cynthia@everyactioncustom.com on behalf of [Cynthia Marrs](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 4:41:44 PM

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

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Sincerely,
Cynthia Marrs
Junction City, 97448-9345

From: orensha366@everyactioncustom.com on behalf of [Lindsay Moore](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 4:43:46 PM

[You don't often get email from orensha366@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Sincerely,
Lindsay Moore
Portland, 97212

From: livingstonjohn@everyactioncustom.com on behalf of [John Livingston](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:36:21 PM

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

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Sincerely,
John Livingston
Salem, 97306-1432

From: eshyouthod@everyactioncustom.com on behalf of [Adama Hamilton](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 4:54:13 PM

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

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Adama Hamilton
Ashland, 97520-2041

My name is Lorrie Fricke, and as a longtime employee I am writing on behalf of Polehn Farms Inc. We grow Cherries and pears in The Dalles, we provide housing for 3 domestic permanent/year-round employees, and Their families. We also provide housing for an additional 282 seasonal employees each year. We also participate in the H2A program and house/employ 6 foreign employees each year. In total, we have a current capacity of 288 in our existing labor housing.

The tree fruit industry is different from other ag industries in Oregon – most of our work cannot be automated and we rely on hand labor because we do not have any other choice.

- They value their employees and work hard to provide safe and healthy housing for them and their families.
- They have a vested interest in their employees' safety and health; without housing, we cannot recruit the workforce we need to grow and harvest our crop(s).
- While there are "bad apples" out there (as in every industry) that should be held accountable for sub-par housing, in general the ag industry recognizes that safe and hygienic living conditions are critical to worker productivity.
- Having safe housing also helps us to be competitive and attract high-quality employees.

They have worked diligently to update and improve our housing over the past 10+ years. New shower houses and toilet facilities have been built in the past 3 years. We have up graded infrastructure to accommodate existing OSHA housing rules. Such as electrical, Gas lines, insulation, Dry wall and new bunk beds and mattresses. We have also remodeled the cabins to meet the current OHSA rules.

- My concerns about some of the proposed rules are not limited to the high cost, I am also concerned about the short 2-year implementation timeline given by OR-OSHA.

We are limited on space, Zoning and The Columbia River Gorge National Scenic Area Act to do more. They are also limited on adding septic systems. Money is also a big issue. Climate changes along with the market changes have had a negative impact on revenue. Placing such an extra financial burden on these farms affects all of us who work in the industry.

- Requiring such huge structural changes to labor housing facilities within only 2 years is not a reasonable or realistic timeline. It will take that long to get through the permit processes.
- We need a reasonable amount of time to go through the planning and construction phases in a way that does not have a hugely negative impact on currently available housing.
- Significant structural changes should be phased in over a much longer timeframe and should apply to significant remodels or new construction.
- The proposed timeline ends in 2027, the same year that Ag Overtime reaches the permanent 40-hour threshold.
 - o Our housing capacity will be reduced while we need additional employees to avoid the significant cost increase for overtime pays.

- On-farm housing is regulated and inspected, and it is affordable for our employees –it is often completely free.

- Often, we house families where only one member of the family works on-farm, while other members (spouse, adult children, etc.) work in other industries. We may have to prioritize housing for employees only.

- o Families that have built lives here may have to relocate

- Farm employees will be forced to find off-farm housing in an area where no affordable housing options exist.

- o No housing options for short-term housing used by the thousands of migrant workers that come only for a few months of the year during harvest season

- o No community-based housing available

- Migrant workers that follow the harvest season may not come due to lack of available on-farm housing; those that do come will sleep in cars, in tents, or packed into cheap motel rooms with many others to share the cost. Many of our workers are generational families that come every year, and we will lose those workers and future generations of workers if we can no longer house them.

Each farm's housing is unique in layout, capacity, and features. We will be impacted in different ways, but nearly everyone with employee housing will lose capacity between 20% - 50%

By increasing the square footage from 40ft to 50sf we will be losing 65 beds.

With the new changes in the sink and toilet ratios we will be losing another 10 people.

This would be 75 LOST BEDS That is 26% of our housing.

We have done remodeling to meet the current housing rules. Now you are asking us to remodel again. We do not have the space or infrastructure to increase housing to meet the new rules. We also have housing in the scenic act area, Protected waterways, orchards and other farms with livestock. Which limits us with expansion. Also, cost is a big factor we are still paying for the last upgrades.

We have a generational workforce. This will force us to focus more on productive workers in our housing. This will impact families financially as not everyone will be able to live and work on our farm.

- Approximately how much will it cost you to build back to capacity?

75 workers x \$180 per square foot x 120 per occupant = \$1,620,000.00. This is the cost to build above ground structures to hold the 75 additional occupants. This does not include the air conditioners, additional septic systems, Beds and storage and the other changes to the rules.

- OR-OSHA is required to be "as effective as" federal OSHA rules. However, they are not required to go beyond federal rules. OR-OSHA should align with federal rules so that our housing requirements are

consistent with other states. When OR-OSHA goes beyond federal rules, we are less competitive as an industry. By requiring housing rules that go beyond the federal standards, we are at a large disadvantage.

- OR-OSHA should allow for legacy recognition of housing constructed prior to 1980.

- o Federal OSHA updated housing rules in 2022 but chose to “grandfather” in square footage requirements in housing built prior to 1980. This is recognition that housing built prior to 1980 can still be considered safe and healthy to live in by federal standards without having to make major modifications to square footage.

- o OR-OSHA wants to go far above and beyond federal OSHA by removing this allowance for housing built prior to 1980.

- o U.S. Department of Labor recognizes the importance of allowing older housing to remain in use and the difficulties of upgrading older housing to current standards; Oregon should as well.

We have housing constructed prior to 1980. That houses 288 occupants in these units.

- OR-OSHA should align with federal minimum requirements for storage:

- o Section 16(i) requires at least 21 cubic feet of storage for each occupant. This isn't feasible in most housing, as there isn't enough wall or floor space to accommodate this without becoming a safety hazard. Providing 21 cubic feet of dressers, closets, wall shelves, etc. would take up additional space inside the unit(s) and leave less room for occupants.

- o Federal OSHA requires that sleeping rooms contain suitable storage for clothing and personal articles; OROSHA should align with this to ensure that occupants have sufficient storage for personal items but not requiring such a massive amount that is not feasible.

Conclusion:

- OR-OSHA needs to align the new housing requirements more closely to the federal standard for ag labor housing so that we can provide safe and healthy housing to our employees who do not have other housing options.

- OR-OSHA needs to revise the proposed rules to ensure the phase-in timeline is realistically achievable.

- o If the timeline is not adjusted to be more reasonable, a workforce shortage will be created for many farms.

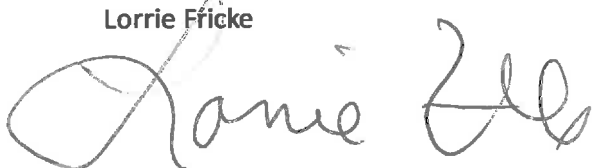
- o This proposal requires those of us that provide safe and affordable housing to spend hundreds of thousands or even millions of dollars if we hope to employ the same number of workers in 2027.

These changes trickle down and affect everyone who makes a living in this industry.

- Please incorporate my concerns into the final draft of the ALH rules.

Thank You,

Lorrie Fricke

A handwritten signature in dark ink, appearing to read "Lorrie Fricke", with a stylized flourish at the end.

From: jjkof1@everyactioncustom.com on behalf of [Joel Kay](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 5:00:26 PM

[You don't often get email from jjkof1@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Joel Kay
Portland, 97222-4362

From: oregonsoma@everyactioncustom.com on behalf of [Janet H](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 4:55:59 PM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Janet H
North Bend, 97459-9493

From: labby.oregon@everyactioncustom.com on behalf of [David Labby](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 5:14:43 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
David Labby
Portland, 97211

From: [sugarkat](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: (No Subject)
Date: Thursday, October 24, 2024 5:16:14 PM

You don't often get email from sugarkat@protonmail.com. [Learn why this is important](#)

please amend proposed rule of housing distance from work places

Sent with [Proton Mail](#) secure email.

From: howeird3@everyactioncustom.com on behalf of [Howard Shapiro](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 5:22:46 PM

[You don't often get email from howeird3@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for your attention to this urgent matter.

Sincerely,
Howard Shapiro
Portland, 97201-6312

From: momoneal77@everyactioncustom.com on behalf of [Maureen O'Neal](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 6:55:14 PM

[You don't often get email from momoneal77@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for your attention to this urgent matter.

Sincerely,
Maureen O'Neal
Portland, 97223-8981

From: brad@everyactioncustom.com on behalf of [Brad Reed](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 7:51:03 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Brad Reed
Milwaukie, 97222

From: Thurstonferreri@everyactioncustom.com on behalf of [Hannah Ferreri](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 8:03:45 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Hannah Ferreri
Portland, 97217-4887

From: [Carmen Oakes](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Amend proposal
Date: Thursday, October 24, 2024 8:06:49 PM

You don't often get email from carmenoakes61@gmail.com. [Learn why this is important](#)

Preserve current livestock housing.

Carmen Oakes

From: kbdresist@everyactioncustom.com on behalf of [Kristina DiTullo](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 8:08:45 PM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Kristina DiTullo
Portland, 97202-3408

From: lara.plachta@everyactioncustom.com on behalf of [Lara Martinez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 8:15:24 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Lara Martinez
Portland, 97213

From: mariahball@everyactioncustom.com on behalf of [Charlotta Ball](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 8:26:40 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Charlotta Ball
Hillsboro, 97123

From: [Bill Drewien](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Stop the nonsense!
Date: Thursday, October 24, 2024 8:28:47 PM

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

This 500 foot no housing proposal is ludicrous! Why don't you take care of our cities where homeless people are camping in our parks, under bridges and even on private property, but you do nothing. Our cities are/becoming cesspools as you allow deification, theft, raping, murder, drugs and muggings on our citizens as you turn a blind eye. I would prefer living within 500 feet of a barn, corrals or chicken Koop any day to what our cities are becoming. Get your priorities right and stop harassing our country cousins with this nonsense.

Sincerely,
Bill Drewien
2712 Prescott street
Medford, Oregon 97504

Sent from my iPad

From: mrданaweintraub@everyactioncustom.com on behalf of [Dana Weintraub](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 8:36:16 PM

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

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OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Dana Weintraub
Beaverton, 97003-4249

From: rhettlawrence@everyactioncustom.com on behalf of [Rhett Lawrence](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 24, 2024 9:20:42 PM

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Rhett Lawrence
Portland, 97217-2024

From: mmoore@kpmcsolutions.com
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: OAR 437-004-1120 Agricultural Labor Housing and Related Facilities
Date: Friday, October 25, 2024 6:02:00 AM
Attachments: [image001.jpg](#)

You don't often get email from mmoore@kpmcsolutions.com. [Learn why this is important](#)

We provide housing for our employees and their families. At this time at least two of our houses, which we have spent considerable time and money in renovating over the past 2 years since we acquired our ranch, are within 500 feet of areas we feed and tend livestock. One family that works on our ranch and that has their cattle on our ranch, as well as another employee that works on our ranch, live in those two houses. However, those two houses would no longer be usable under the proposed rule changes for OAR 437-004-1120. Our ranch is remote thus there are currently no other options for our team to live unless they purchase or rent housing 10-plus miles away and then commute to our ranch. This change in lifestyle will drastically impact their families and the lifestyle they were promised by us in coming to our ranch.

Significantly changing rules of this nature without considering the cost and impact to families at ranches like ours is devastating, especially without providing any warning, time to adapt, or exceptions. Please reconsider that 500 foot rule change.

Regards,
Michael Moore
President
816.674.7390



From: [John Moore](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: mmoore@kpmcsolutions.com; [Becky Kingen](#); joekingen@gmail.com
Subject: OAR 437-004-1120
Date: Friday, October 25, 2024 6:21:18 AM
Attachments: [MooreFans_Primary_4C_Horiz_Cropped.jpg](#)

You don't often get email from john.moore@moorefans.com. [Learn why this is important](#)

Subject: Request to Reconsider Proposed 500-Foot Rule Change for OAR 437-004-1120

I am reaching out regarding the proposed changes to OAR 437-004-1120, specifically the requirement for housing to be located at least 500 feet from areas where livestock are fed and tended. This rule change will have a significant impact on our employees, their families, and the operation of our ranch.

Our team has invested considerable time and resources into renovating employee housing on our property since acquiring the ranch two years ago. At least two of these houses, where our employees and their families currently reside, are within 500 feet of designated livestock areas. These two homes house a family and another employee, all integral to our ranch operations and local community. Given the remoteness of our ranch, there are currently no alternative housing options nearby. Requiring our team members to live over 10 miles away would disrupt their daily lives and the lifestyle we committed to providing when they joined our ranch.

The proposed rule change would effectively render these homes unusable, resulting in substantial financial loss for us, while imposing a disruptive commute and lifestyle change for our employees and their families. Implementing such significant rule changes without considering their impact, cost, or offering flexibility for unique situations is deeply concerning, especially when families' lives and livelihoods are affected.

We respectfully request that you reconsider or modify the 500-foot rule to provide flexibility for rural ranches like ours. Consideration of exceptions or phase-in periods would allow families and operations like ours to adapt while maintaining the promised quality of life for our employees.

Thank you for your attention to this matter, and we are hopeful that a more balanced solution can be reached.

Best regards,
John Moore
Member
Double M Becker Ranch

Phone: 660 376 3568 Ext 515

Fax: 660 376 2909

E-mail: jm@moorefans.com



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From: joiespelund@everyactioncustom.com on behalf of [Joyce Espelund](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 6:31:37 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Joyce Espelund
Lebanon, 97355-9100

From: gordymolitor@everyactioncustom.com on behalf of [Gordy Molitor](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 8:12:27 AM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Gordy Molitor
Portland, 97219-4458

From: [Gail Case](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Worker Housing
Date: Friday, October 25, 2024 8:26:20 AM

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

Please reconsider the rule changes to Ag Housing. It is already very expensive but very necessary for those of us who need H2A workers during harvest.

Thank you for your consideration.

Bill Case
Bill Case Farms Inc.

From: [Amy Kaser](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Labor Housing Rules
Date: Friday, October 25, 2024 8:31:59 AM

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

I would like to comment on the proposed labor housing rule in regards to employee housing near livestock operations. Many ranches and farms provide on farm housing to their employees as an employment benefit. When these old farm houses were built, they usually had a barn and a corral placed nearby. I see no reason that these facilities would render the housing to be unsafe. The ability to provide housing is essential toward attracting and retaining employees. Please consider leaving the exception that *"labor housing can be within 500-feet of livestock operations if that is part of their job"*

We strive to create a safe working environment for our employees at all times. If we can't provide housing for them because of this rule, it would create an undue hardship for our farm and many others.

Thank you for your consideration,

--

Amy Kaser
Kaser Diamond K, Inc.
541-993-7560

From: wmusseriv@everyactioncustom.com on behalf of [William M. Musser IV](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 9:09:27 AM

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

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
William M. Musser IV
Portland, 97212-2535

OR-OSHA Representatives,

As the President/CEO of a large packing facility in Hood River, I feel it is important that I express my concerns over the proposed changes to the OR-OSHA Farm Labor Housing Rules. There is great concern in the local agricultural community that some of the proposed rule changes will have a negative impact on local growers and, in some cases, may prove to be economically and logistically impossible to implement. The agricultural industry in the Hood River Valley is a critical component of the local economy and any disruption of this industry will have a ripple effect through the entire area. Many businesses, from farm supply stores to grocery stores, depend on a vibrant, successful agricultural community. I implore that you carefully consider the impact some of these proposed changes will have on local agricultural producers and on the local economy. Many livelihoods depend on your decision.

The Hood River Valley is a major producer of pears, cherries, apples, and blueberries. All of these crops require significant hand labor to prune, thin, and harvest. Technology to accomplish these tasks simply does not exist at this time. As a result, hundreds of permanent, seasonal, and H2A employees perform these tasks every year. Their knowledge and skill are critical to the successful management of the valley's crops, and the successful marketing Hood River's agricultural commodities. Growers understand and appreciate the value that this labor force provides for their operations.

A major benefit that many Hood River growers have provided to this labor force is on-farm housing. Producers offer these units to their employees at very reduced rates, often free of charge. This housing resource is critical for our agricultural workforce. Our local area does not have the capacity to handle this volume of workers in off-site housing. Hood River's limited land base and growing population have severely impacted the volume of housing available for all the members of our community. At the time of this letter, there are 17 rental units available in Hood River and 11 units available in the Bingen/White Salmon area. The lowest monthly rent for these units is \$1050 per month with the highest being \$3800. Obviously, both the volume and cost of these units would not satisfy the needs of our local agricultural workforce.

On-farm agricultural housing is carefully regulated and inspected by several government agencies. Area producers take the responsibility of providing housing very seriously and strive to offer safe, healthy housing for their employees. It should be noted that agriculture is one of the only industries that offers on-site housing for their employees. Without this benefit, workers would have a very difficult time finding housing and many would likely end up living outdoors. No one wants to see that scenario.

In addition to the direct farm labor that is housed in on-farm housing, many other businesses benefit from this housing resource. Construction firms, landscaping companies, and food service businesses all benefit from workers they employ that are residents of on-farm housing. The agricultural processors in Hood River Valley are no exception. Both farm employees and their family members are an important part of our business work force. Processing fruit is still very labor intensive, and a significant part of that labor force comes from farm labor and their families. This unique relationship helps keep the Hood River community vibrant and diverse.

The concern expressed to me by producers is the lack of flexibility of some of the proposed rule changes. Things like water pressure requirements, personal storage requirements, electrical outlet requirements, HVAC requirements, etc. will be difficult to attain and, in many cases, are in excess of federal regulations. The local agricultural community asks that these requirements be kept at federal standards. Requiring

more stringent standards will put Oregon producers at a disadvantage to other growing regions and could make our local industry unsustainable. A major concern is the proposed increase of occupant square footage from 40 sqft. to 50 sqft. While this may seem to be a minor change, complying with this rule change will have a major impact on the number of workers growers can house in their existing units. It is estimated that our local producers will lose 20% to 50% of their available housing capacity. It is important to note that on-farm housing has been built in compliance with existing requirements. To suddenly change all this to another standard seems unfair and will result in a tremendous economic burden for producers. It is vitally important that any regulation change of this nature provide legacy recognition for housing constructed prior to the rule change. In good faith, growers constructed on-farm housing in accordance with published rules, and to not "grandfather" these structures would seem unfair and excessive.

In closing, I welcome the chance to express my concerns, and the concerns of our local producers, have with some of the changes that are being proposed, and in the lack of flexibility in imposing some of these changes. I have spent my entire career in the agricultural industry, and I have found agricultural producers to be fair, thoughtful employers. Agriculture is a rewarding but difficult industry. Our job is to feed the world while also being good stewards of the land, and treating hard working employees with respect and compassion. I have found that the vast majority of producers are truly concerned about the impact they have on the land and the people who work for them. I ask that the OR-OSHA listen to the concerns of the agricultural producers and find a thoughtful, reasonable compromise to some of the potentially devastating changes that are being proposed. A healthy, vibrant agricultural industry is critical for the Hood River Valley, and we should all do everything we can to make sure agricultural producers and workers have a bright, sustainable future.

Best Regards,

Robert Wymore

President/CEO

Diamond Fruit Growers



OREGON
BUSINESS
& INDUSTRY



OREGON
ASSOCIATION OF
NURSERIES™



TO: OR-OSHA
osha.rulemaking@dcbs.oregon.gov

RE: Ag Labor Housing Rules

FR: Columbia Gorge Fruit Growers
Oregon Farm Bureau
Oregon Dairy Farmers Association
Oregon Business & Industry
Oregon Association of Nurseries

October 25, 2024

On behalf of the above agricultural organizations, we offer the below comments specific to implementation dates for various components of the Ag Labor Housing Rules. Please refer to our substantive comments for each of the sections, however, we ask you rely on the below proposed timelines in red for each of these rules to take effect. Growers and farmers across Oregon need meaningful time to bring housing in line with these new proposed standards. Some will take longer than others; and frankly some are just not feasible at all and flagged as such. At a minimum, the baseline for all rules must be no sooner than July 1, 2025. If rules are adopted this winter as is expected, we need time to complete a grower season, existing contracts, and just general logistics of identifying, hiring and affording the remodeling and on-farm changes needed to come into compliance.

OR-OSHA Proposed Rule Implementation Dates	Agricultural Groups Requested Implementation Dates
Charging Occupants Clarify the list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool water (pay-per-use toilets, pay-per use bathing facilities, or any other method of paying for individual service requirements are currently prohibited). Coin-operated laundry would remain an option for employers to use as a supplement so long as the minimum laundry requirements required by the rule are provided for free. Implementation: January 1, 2025	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.

Definitions Do not count privies toward toilet ratios (currently counted in toilet ratios). Implementation: January 1, 2026	Implementation: No recommended change
Housing Registration Remove exception that housing provided for non-food crops were not required to register (current registration applies only to crops harvested for food). Implementation: January 1, 2025	Implementation: January 1, 2026
Housing Registration Require sites in initial registration to have no hazardous conditions (registration is currently provided when site is substantially in-compliance). Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Housing Registration Submit water testing results to Oregon OSHA with annual registration application (no current requirement). Implementation: January 1, 2025	Implementation: January 1, 2026 To allow time to find accredited laboratories for water testing, complete testing and receive results in time for registration renewal, agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Site Requirements <ul style="list-style-type: none"> • Clarifies that structures to be free from nuisance materials and have adequate drainage. • Housing sites must be well-drained and free from depressions in which water may become a nuisance. • Require secure storage of toxic materials used for work activities 30-feet from any housing. • Clarifies the need to provide adequate exterior/walkway lighting to common use facilities at night. • Ensure forks, driveways, buildings, and housing units are properly marked. Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with these new requirements to allow time to address necessary changes and to ensure there is no interruption in housing registration.
Site Requirements Remove livestock care exception. Implementation: January 1, 2026	Implementation: Not feasible as currently drafted. This directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized.

	Neither OR-OSHA, nor any other state agency, are allowed to regulate or eliminate an outright permitted use on agricultural lands. The Oregon Health Authority has confirmed there have been zero HPAI detections in Oregon dairy cattle, and the current risk to the general public is very low. There is no threat to health and safety and therefore no justification for this new requirement.
Site Requirements Provide one electrical outlet per occupant in sleeping areas Implementation: January 1, 2026	Implementation: January 1, 2028 OR-OSHA has verbally stated that power strips will be allowed to satisfy this rule but that they “have no intention of including that in the rule language.” If the ability to use power strips to satisfy this requirement is not codified in final rules, this requirement needs a longer effective date due to infrastructure changes required for construction and electrical work to install additional wall receptacles.
Water <ul style="list-style-type: none"> Water supply must be tested by an accredited laboratory when not from a public water system. Add arsenic and nitrates to well water testing frequency for all wells provided as part of employee housing. Post water testing results in language of occupants or pictograms. Clarifies that per occupant potable water requirements do not include the requirements for other rules, for example, heat illness prevention or field sanitation. Implementation: January 1, 2025	Implementation: January 1, 2026 Housing operators need clarity that accredited labs exist within a reasonable distance and that OR-OSHA has provided a template for providing testing results in pictogram form; depending on this information, this requirement may need additional time beyond January 2026.
Water Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi) Implementation: January 1, 2026	Implementation: Not feasible as drafted. Oregon Health Authority requires a minimum psi of 20 for <u>ONLY</u> water suppliers (defined as municipalities, districts, corporations or other entities which own or operate a PUBLIC water system). Ag labor housing is not a water supplier. All other residential and commercial buildings are required to provide a minimum psi of 15, as stated in Oregon Building Code (specifically, Oregon Plumbing Specialty Code, which mandates a minimum psi of 15 in section 608.1). There is <u>NO justification</u> for requiring us to provide a higher psi than all other residential and/or commercial buildings in Oregon.
Bathing Facilities	Implementation: January 1, 2027

<p>Provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants.</p> <p>Implementation: January 1, 2026</p>	<p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Bathing Facilities</p> <p>Provide a private changing room for a shower area that meets the needs of the occupants.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2028</p> <p>Many bathing facilities do not have the space to create private changing areas. To expand bathing facilities to make room for private changing areas, major construction may be needed. Additional time is necessary for the planning, permitting and construction process.</p>
<p>Hand Washing Facilities</p> <p>Provide paper towels near the sink or basin with a trash receptacle nearby.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Hand Washing Facilities</p> <p>Handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>A ratio tied to occupants is not feasible, especially when other sinks do not count toward the requirement. If this remains in the final rule, housing providers need at least 10 years for implementation due to the infrastructure changes: construction, installation of plumbing, etc.</p>
<p>Laundry</p> <p>Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Laundry</p> <p>Provide separate method for cleaning contaminated clothes from other clothes.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Need additional clarity</p> <p>We need additional clarity on how OR-OSHA defines “contaminated.” Most employees are not allowed in treated areas until the Re-Entry Interval is concluded; does entering an area after an REI count as “contaminated”? Until clarity is provided and codified in final rule, we cannot provide a feasible implementation timeline because we will not know the extent to which a separate method will be needed.</p>
<p>Toilets</p> <p>Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets.</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for</p>

Implementation: January 1, 2025	implementation, the baseline for all rules should be no sooner than July 1, 2025.
Toilets Require a 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender. Implementation: January 1, 2026	Implementation: January 1, 2027 Installing additional toilets (with the construction, plumbing and septic work that goes with it) requires more than one year.
Showers Provide solid doors for shower compartments. Implementation: January 1, 2026	Implementation: January 1, 2027 Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.
Toilets Locate privies (e.g. an outhouse) more than 200 feet from facilities. Implementation: January 1, 2026	Implementation: No recommended change This implementation should apply to newly constructed privies; any new privies should be located 200+ feet from facilities.
Living Areas <ul style="list-style-type: none"> Clarify that living areas must be “structurally sound” (currently must be safe and in good repair). Remove cots as an allowable bed option. Require mattresses to be at least 4 inches thick. Add safe access to the top bunk such as ladders or stairs. Prohibit workers from sleeping in the same bed if that is not their preference. Provide cleanable mattress covers. Prohibit fumigation as a mechanism to clean mattresses. Implementation: January 1, 2025	Implementation: January 1, 2026 To allow housing providers time to plan and save funds to replace cots, purchase new mattresses, and especially for the larger project of constructing stairs or ladders for safe access to top bunks, additional time is needed.
Living Areas <ul style="list-style-type: none"> Use chemicals in accordance with label for insect/rodent control. Require notification of the availability of a space heater (no current requirement). Implementation: January 1, 2025	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.
Living Areas Explicitly require gas burners to vent outside. Implementation: January 1, 2026	Implementation: January 1, 2028

	The infrastructure changes required to install ventilation systems will require more time than is currently proposed.
Living Areas Provide lockable storage for personal effects. Implementation: January 1, 2026	Implementation: No recommended change
Living Areas Provide 21 cubic feet of storage for each occupant or family unit. Implementation: January 1, 2026	Implementation: Not feasible as drafted The amount of storage proposed is not a reasonable or realistic amount; there is not enough floor space (for dressers, wardrobes, etc.) or wall space (for wall shelves) to accommodate this amount of storage space per person. This requirement far exceeds the federal requirement that “sleeping rooms contain suitable storage for clothing and personal articles.”
Living Areas Provide at least 50 square feet per bed in sleeping rooms with bunk beds. Implementation: January 1, 2027	Implementation: January 1, 2037 The major construction to expand housing to create additional square footage and/or build new housing to make up lost capacity will require time for planning, permitting, construction, installation of electrical/plumbing/septic systems, etc. Expecting this to be completed in only 2 years is unreasonable and unrealistic.
Fire Protection Install carbon monoxide detectors. Implementation: January 1, 2025	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.
Kitchens <ul style="list-style-type: none"> • Provide refrigerator capable of maintaining 40 degrees. • Provide adequate and protected food storage area. Implementation: January 1, 2025	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.
Kitchens Provide 2 cook burners per 8 occupants or 2 family units, whichever is more. Implementation: January 1, 2025	Implementation: January 1, 2028 Due to the large infrastructure changes required for providing additional cooking appliances (and therefore additional space and electrical capacity in cooking facilities), more time is needed for planning, permitting, construction, etc.
Kitchens Provide plumbed sinks with hot and cold water near food preparation area.	Implementation: Should apply to new housing; for current housing, January 1, 2037

Implementation: January 1, 2027	This requirement goes far above the federal OSHA requirement and should only apply to new housing. If implemented in the final rules, it will be very difficult to achieve in the short timeframe proposed. Given the need to install sinks, water heaters, upgrade electrical capacity and possibly remodel to create additional space for sinks and water heaters, this is a more long-term project
Kitchens Provide kitchens that are enclosed/ indoors or screened. Implementation: January 1, 2027	Implementation: Should apply to new housing; for current housing, January 1, 2037 This requirement goes far above the current federal requirement with no justification for doing so. It should apply to newly constructed or majorly remodeled housing only. If applied to current housing, housing providers need additional time for the major construction required to enclose outdoor kitchens.
Kitchens Do not count sinks in toilet rooms toward sink requirements in Implementation: January 1, 2027	Implementation: January 1, 2037 All sinks should count toward the sink requirement rather than separating them. If this remains in the final rules, housing providers will need a much longer timeline (10+ years) for construction, installation, electrical/plumbing/septic system work needed.
Heat Illness Prevention Maintain indoor temperature of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees. Implementation: January 1, 2026	Implementation: January 1, 2028 HVAC systems and/or mini-splits will be necessary to satisfy requirement. Housing providers will need at least 3 years for planning, installation, and electrical capacity upgrades. This requirement should be dependent on grant funding available.
Elimination of pre-1980 housing allowance Eliminates allowance for pre-1980 housing to provide occupants with 60 ft ² and requires 100 ft ² Implementation: January 1, 2025	Implementation: Not feasible as drafted This requirement needs to align with the federal standard, which allows for the legacy housing allowance without a change in square footage required per occupant. Federal rules recognize a separate standard for pre-1980 housing, and Oregon should as well.
Disease Reporting Align disease reporting with the Oregon Health Authority's (OHA) most current rules. The text of the referenced OHA rules is in the newly created Appendix A . Implementation: January 1, 2025	Implementation: Not feasible as drafted While we understand that this is not a new provision, and that disease reporting relates to employee safety and health, this rule places an unreasonable burden on non-medical employers to take action that is well outside their areas of expertise. To the extent any communicable disease rule is needed, OR-OSHA

	<p>should consider instead adoption of a simple rule such as that laid out in the federal standards at 29 CFR 1910.142(/). A simple rule such as that is reasonable. A rule suggesting that labor housing employers should have some sort of highly specialized knowledge of specific communicable diseases and when a disease might be a “suspect case” under regulations applicable to healthcare providers is not.</p>
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A STRONG VOICE FOR OREGON'S WORKERS

Tan Perkins
Deputy Political and Legislative Director
Oregon AFL-CIO
tan@oraflcio.org
10/25/24

To: Department of Consumer and Business Services/ Oregon OSHA

Subject: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

I appreciate the opportunity to provide comments on the proposed rulemaking regarding Agricultural Labor Housing and Related Facilities

My name is Tan Perkins and I am here on behalf of the Oregon AFL-CIO. We represent over 300,000 working people and their families. We are invested in this issue because as a Labor Federation we care deeply about *all* workers having the ability to thrive, support their families, and have safe living conditions.

I support the current proposed rule because:

As a state, we must improve the living and working conditions of up to 15,000 farmworkers and their families in Agricultural Labor housing.

People living in labor housing have been waiting for real improvements for far too long. Regulations on ALH are outdated and have undergone *minimal revision*. We back OR-OSHA's proposed rules to make things better for them.

After more than six years of discussions with farmworker advocates, farmers, industry representatives, and OR-OSHA, the proposed rules from OR-OSHA bring some improvements for farmworkers and their families. While these rules don't completely reflect what farmworkers asked for, they still make things safer and healthier. We think these changes are a step in the right direction and support the following points

- Labor camp residents need enough space for their health, after the pandemic we learned how important airflow is to prevent disease. We support OR-OSHA's efforts to increase space requirements but believe they should go further. While Oregon allows 40 square feet per person, **the federal**

standard has been 50 for a long time. We urge OR-OSHA to adopt a minimum of 100 square feet per occupant, especially since that's already required in areas where workers cook and live. Medical experts say this is essential for their health.

- We support OR-OSHA's rule that sleeping rooms must stay at 78 degrees or cooler when the outside temperature feels like 80 degrees or more. Having the ability to sleep in a room that is cool and comfortable should be a basic requirement, and can drastically improve a person's ability to be rested.

While we appreciate that the new rules aim to help, we're worried that some parts don't go far enough in addressing what farmworkers really need and what research backs up. These are top pressing concerns for us:

Laundry facilities

- Farmworkers and their families need to be able to wash their clothes. Many of them work seven days a week, and if there aren't laundry machines at the camps, they often spend their precious rest time traveling to town and waiting to use laundromats. OR-OSHA's proposed laundry rules don't do enough to help. They let camp operators choose between providing machines or tubs, but both options are inadequate. For example, if workers do laundry in the evening, there just aren't enough facilities for everyone.
- We urge OR-OSHA to improve these rules by requiring laundry machines and getting rid of wash tubs and trays, which are hard to use and don't clean clothes as well. We appreciate the changes being made, but we think the ratios still need more improvement.

Heat Illness Prevention

- We urge OR-OSHA to rethink its rules for when the heat index hits 95 degrees or higher. Right now, they only require sleeping areas to be 15 degrees cooler than the outside temperature, which isn't enough to keep workers safe. In parts of Oregon, temperatures can reach 105 degrees, meaning those areas would still be at 90 degrees inside, which is way too hot for resting. Sleep experts suggest keeping sleeping areas below 70 degrees, so 90 degrees is far from safe. After a long day working in the heat, it's dangerous for workers to try to rest in such high temperatures.

Conclusion:

We recognize that there will be costs associated with meeting these proposed regulations, but it's essential to put those costs into context. Many labor camps already have facilities that comply, so they'll need little to no adjustments. Most of these costs will be one-time expenses, and operators will likely opt for the most affordable options to meet the requirements. The fiscal impact statement outlines a range of costs, but many of those options won't be utilized. Additionally, camps may have underused or vacant spaces that can be adapted to meet any new space requirements. There are also public funding sources available to support growers in making necessary changes. Ultimately, these regulations will help create a more equitable environment for employers who prioritize safe and healthy housing for their workers.

Friday, October 25th, 2024

Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

VIA VIRTUAL PUBLIC HEARING AND ELECTRONIC SUBMISSION

SUBJECT: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120

I am a Senior Paralegal with the Oregon Law Center, and this October marks 22 years of my commitment to advocating for farmworkers across the state. My work focuses on providing representation, education, and advocacy on issues affecting this vital community. I am submitting this public comment to highlight the ***urgent need for improvements in employer-provided labor housing***, as a significant portion of agricultural workers currently live in substandard conditions permitted by the current state regulations. My lived-experiences as a former farmworker, having lived in an employer-provided housing in the late 90s, and now serving farmworkers, including visiting hundreds of labor camps across the state, puts me in a good space and time to elevate worker's concerns and the ***urgent request to do more to protect agricultural workers living in employer-provided housing***. To better understand the issues, and analyze the proposed regulations, we need to step back and understand the living conditions of these workers during the harvest season.

Oregon has over 400 registered labor camps that house several thousand farm workers, and many domestic workers migrate from California, Washington, and within Oregon who bring their families. These camps can accommodate anywhere from a few people to as many as 200 or 300. While some labor camps are located away from areas treated with pesticides, many others are not, leaving residents exposed to pesticide applications nearby, with a strong possibility of drift or residues covered on their doors, windows, outdoor toilets and sinks. In some instances, making their way into their living areas.

Workers and children have to wake up in the middle of the night to use the outdoor restroom, or mothers wake up before sunrise to prepare meals using outdoor burners, uncertain if there are pesticides drifted onto their buildings and burners and counters around the camp (some workers have reported finding white residues on their burners and window seals, while others have described waking up to pesticide drift entering their cabins). After the workday, exhausted workers, due to the nature of the work, return to the labor camps



Oregon Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

Woodburn Farmworker Office
Physical Address: 999 N. Cascade Dr.
Woodburn, OR 97071
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Woodburn, OR 97071
Ph: 503-981-0336
Fax: 503-981-0373

to initiate another burdensome daily routine hoping to have immediate access to facilities only to find that they still have to wait long hours to have access to the shower, cooking area, and laundry facilities.

To better protect workers from pesticide exposure, Oregon OSHA must mandate enclosed cooking areas and establish a buffer zone around labor camps. I have heard too many stories of workers cooking and preparing meals in unsafe and unhealthy conditions allowed by the current inadequate housing regulations. The lack of any buffer between labor camps and the fields is harmful to workers and their family members, which often include those of very young and old age. If this is not addressed in this rulemaking process, we are paving the way for these kids to have long-term health effects. It is a matter of public health concern.

The increase in square footage from 40 to 50 square feet is long overdue, as Oregon OSHA has not adhered to Federal OSHA's provisions for many years. This adjustment is necessary because the space serves not just as sleeping quarters for workers and their families but also as their temporary home and living space. This is where people can shut the door and call it their space for sleeping and resting. Any common areas away from this location do not belong to any one family or person as there is no privacy. People need to understand that farmworker labor camps come in all sorts of shapes and sizes, but the majority are not like apartment units. The sleeping room at times is all people have to do all their personal space (sleeping, change of clothes, reading a letter, charging their personal cell phones, keep their food, and eating their food).

In 2023, I spoke with a group of high school students who were playing accordion and guitar at one of the many labor camps I visited last summer. They traveled from California with their parents and younger siblings to work picking cherries. They shared their frustrations about the cramped living conditions. They had to combine their bunk beds to create more space which also served them to prevent their younger siblings from falling while sleeping. They also mentioned the fears and concerns of having to walk outside to use the restroom in the middle of the night and no lights inside the porta-potties, so they had to rely on their phone for lighting. Considering the bunk beds that measure approximately 38 inches by 80, it leaves them with little room for their personal belongings that are essential, whether that is work clothes, tools, personal cleaning products, kids' toys, and other belongings. Not to mention their sleeping area, Workers need at least 100 square feet to sleep, cook, and eat in these rooms, which is the standard now, but camp operators have avoided this by moving their cooking areas outside the rooms to unenclosed areas, which has allowed them to use this loophole to stay at 40 square feet for years. Please note that moving the burners outside and not increasing the space to 100 square feet is something that the operators have had 16 years so far to comply with but we are now only considering an increase from 40 to 50 square feet.

Finally. I hope that the final rules will allow at least the following changes:



Oregon Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

Woodburn Farmworker Office
Physical Address: 999 N. Cascade Dr.
Woodburn, OR 97071
Mailing Address: PO Box 297
Woodburn, OR 97071
Ph: 503-981-0336
Fax: 503-981-0373

- *Laundry 1:15 and not 1:30 if that is for machines.*
- *Square footage at least 50 square feet per person*
- *Burners that are more than 2 for two families or 8 people.*
- *Handwashing sinks that are immediately (next to) not a walk of 100 feet by the food preparation area.*
- *Required enclosed cooking area by October 2025 for people.*
- *At least some kind of setbacks between people where the residents eat and live and the treated fields.*

When analyzing if these rules go far enough to protect workers, or their family members, we have to consider these living realities, and conditions. ***I urge Oregon OSHA to go further now, and not wait until the next generation of farmworkers occupy these spaces to make small incremental changes to these rules.*** Addressing the underlying structural factors contributing to disadvantage is crucial for supporting workers living in employer-provided housing and alleviating the additional burdens they continue to face.

Thank you,

Valentin Sanchez

PARALEGAL AND COMMUNITY EDUCATOR
OREGON LAW CENTER

From: matthewkennethbenedict@everyactioncustom.com on behalf of [Matthew Benedict](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 11:36:53 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Matthew Benedict
Burien, 98166-2021

From: [Sharla Richards](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: LOST BEDS !
Date: Friday, October 25, 2024 11:39:07 AM

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Federal OSHA Ag Labor Housing Rules included a 2022 update and the federal agency and the US Dept of Labor recognized the importance and vitality of housing built prior to 1980 as should Oregon OSHA. Adding these cost prohibitive square footage requirements will cause a 35% reduction in ag labor housing available for our farm. We utilize single family dwellings with many bedrooms that are just under 100 square feet. Currently we house two occupants in these rooms. The changes in this square footage from 40 to 50 will reduce those rooms by 50%. There is no solution to adding more square footage to each room. We offer safe and healthy living environments for our team. The permits and inspections and costs associated with this square footage change are too far reaching. We purchased farm houses based on the requirements that existed and still exist under Federal Agencies. OSHA must recognize the 40 square foot requirement and allow the "prior to 1980" square footage to continue forward. This is not a hardship on the team member and provides ample living space as the feds and USDA agree. Oregon OSHA should represent all entities in the agriculture segment of Oregon.

Please consider all the increases in cost to agriculture for family farms. Increasing H2A wages, 30% plus increase in other inputs, full implementation of ag overtime and increased pressure from world markets. You cannot increase the square footage without a huge hit to farmers and seasonal workers. THERE WILL BE LOST BEDS!

Sharla Froerer

From: [Jody Holmes](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworker housing rule
Date: Friday, October 25, 2024 11:45:24 AM

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Dear Sirs,

I am writing to inform you that I am opposed to the proposed rule that would prohibit housing farm workers from being housed within 500 feet of livestock operations. I am a ranch owner in Ashwood, OR, and my house that I live in with my two kids and husband is within 500 feet of our corrals, cattle feedlot, and multiple horse pens where I keep livestock. I don't know why this rule is proposed, but I desire to be this close to my animals for security reasons, and ease of accomplish work. This entire summer I had two mares right outside my back yard, less than 30 feet from my back door, and it was the ideal location to house them, and convenient for me to keep and eye on them and feed them. If I as an owner see no problem having my family in close proximity to livestock operations, why wouldn't it be ok for hired farm workers? If there are safety or living condition concerns, they should be addressed in other ways rather than a broad rule covering not placing houses close to livestock.....

Thanks,

Jody Holmes

From: [Sharla Froerer](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: WORKERS HURT
Date: Friday, October 25, 2024 12:04:55 PM

You don't often get email from sharla@froererfarms.com. [Learn why this is important](#)

Many agencies and law centers believe they know better than the seasonal workers just what is needed for the seasonal and agriculture team members. For example, the agencies fought for years for the overtime pay for ag workers. Most of the H2A workers would prefer to work all available hours since they are away from home and in the US to earn as much money as possible during the season. Now the farmer must limit their hours of available work to avoid extreme cost at overtime pay. This has required more seasonal workers, working fewer hours in the work week. Thus the need for more available housing, at the same time you are crushing the ag labor housing square footage and reducing available housing. Are these advocates for farm workers really checking on real world situations.

Substandard and dangerous housing should be addressed by OHSA enforcement and not across the board for those who consistently provide safe and healthy housing environments. This new regulation will result in less jobs for seasonal workers, due to the unavoidable fact of lost beds. There is no scientific reason to change the Oregon requirements from 40 to 50 square footage.

The state is overburdening the agriculture community in too short of period of time. Consider the short timing intertwined with implementation of overtime pay, record low commodity prices, and unrealistic remodel costs. There is no reasonable method to add 20 square footage to a bedroom in a single family dwelling. Workers are protected well under the current Oregon rules and the recently updated Federal OSHA Ag Labor Housing Rules in 2022 and UDOL. agree. Keep the regulations at 40 square feet and keep housing available for farm workers !
Robin Froerer

From: danavisse@everyactioncustom.com on behalf of [Dana Visse](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 12:24:52 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
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3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Dana Visse
Portland, 97202-8340

From: [Becky Auker](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Housing
Date: Friday, October 25, 2024 12:49:08 PM

this rule is unnecessary and will risk families access to their current housing. Please amend.

[Yahoo Mail: Search, Organize, Conquer](#)

**Rules Coordinator
PO Box 14480
Salem, OR 97309-0405**

osha.rulemaking@dcbs.oregon.gov

RE: Public Comment on Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

To Whom it May Concern:

I am Dr. Jennifer Martinez-Medina. I am currently an assistant professor at Willamette University. I write the following comments in my personal capacity. For nearly a decade, I have closely observed issues concerning farmworker occupational conditions. Most recently I served as the co-principal investigator for the Oregon COVID-19 Farmworker Study (OR COFS). Further, my most recent scholarship focuses on the impacts of climate change and pesticide exposure.

I am writing to provide a public comment on the Agricultural Labor Housing and Related Facilities proposed rules.

A frequent narrative revealed by farmworkers is the prolonged exposure to toxic chemicals. In dozens of interviews, surveys, and focus groups, farmworkers identify health hazards caused by inadequate setback in employer-provided housing, pesticide drift in vicinal proximity, residue, and/or improper notification of pesticide use. In particular, the lack of distance from labor camp housing and orchards jeopardizes the public health of the full family, including risking the development and well-being of children.

Implementing regulations that further protect farmworker labor circuits living on labor camps is critical. Oregon is home to 174,000 permanent, migrant, seasonal farmworkers, and their families (OHA 2021). During the spring and summer, thousands of migrant farmworkers travel from California and Washington into Oregon to provide an essential labor force to our multimillion-dollar agricultural industry. The growing mechanisms of industrial agriculture, such as the use and application of pesticides and fertilizers, means farmworkers who may seek refuge for shade under a tree on the worksite or in the orchard next to their labor housing can face significant health risks to farmworkers.

Farmworkers navigate multiple crises that emanate from their shelter and home. Nationally, farmworkers continue to earn less than \$25,000 annually and one-third have family incomes below the poverty line (NAWS, 2023). In the OR COFS survey of 300 farmworkers across the state, 73% of the farm labor force lived in an apartment. They experienced significant economic stress, with 60% reporting difficulty paying for

housing. As inflation continues to rise, many farmworker families are making decisions to find cheaper alternatives to housing. Living in employer-provided housing is becoming an increasingly attractive option for those agricultural families seeking additional housing stock.

This is particularly true for a growing share of women and Indigenous people serving in agriculture. The rise of Indigenous farmworkers, hailing from various highlands in Mexico and Guatemala, have also experiences exacerbated inequalities. These demographic changes call to attention the need to provide better linguistic communication to ensure farmworkers can protect themselves in these housing conditions. In the surveyed sample, 50.3% (151 farmworkers) identified as women and 49.7% (149 farmworkers) as men. Studies estimate that up to 40 percent of Oregon's 174,000 farmworkers and families especially in the hand harvest crops are Indigenous. These farmworkers have minor children under their care. Many bring their children, who live in employer-provided housing, and accept the barest of conditions as acceptable to obtain work in the fields. They often report staying silent in the face of pesticides spray or residue applied in immediate proximity. Some may not know of the dangers without proper and relevant training. Yet, most of these workers understand the dangers and feel they have no other choice.

Farmworkers demand safe onsite and offsite working conditions. This demand can only be met with a regulatory framework that prioritizes the safety and health of farmworkers. A framework that comes alive when it is enforced. I urge Oregon OSHA to implement a setback of at least 100 feet between where people eat and sleep. Pesticide plane targeted fields require a more extensive buffer. This would provide essential protections like those given to most industry workers. Such a measure is crucial for safeguarding the health and well-being of farmworkers and their families. We should not wait any longer for the number of complaints from farmworkers to rise. The grievance driven system creates many barriers in reporting. The signal and time to do something is now.

Further, the current 1:50 square foot ratio is insufficient, especially given the design of many employer-provided housing units, which fail to protect residents from airborne pollutants adequately. I urge Oregon OSHA to further consider the livability of families on labor camps. This should include enclosed kitchen areas to mitigate health exposures. The current and proposed regulations do not mandate kitchens that are enclosed, leading to challenges such as increased potential for pesticide drift into cooking spaces and a higher risk of foodborne illnesses when there is no running water in the areas people cook. Addressing these concerns is essential to ensure the health and safety of farmworkers and their families.

Additionally, in an environmental justice workshop with farmworkers across the Willamette Valley, farmworkers report elevated levels of exposure to toxic chemicals, often without notice. Farmworkers reported not having access to safe areas to eat during their lunch break. Restrictive lunch breaks that range 10-20 mins, make it impossible for farmworkers to find a site away from occupational chemical hazards.

“My job is packing and planting pine trees...We don't have a place to eat... we just have to go out to eat. Pesticides are near the fences of the place where we are eating. This is dangerous.”

—Farmworker Woman

This governing body must ensure employers provide safe dining areas for employees and children on the job and at the employer provided housing on farms. Implementing rules for real enclosure of kitchen can be beneficial. Further, I also recommend that the agency strengthen enforcement of pesticide notice. Farmworkers often state that pesticide is used in the workplace without notice.

“Sometimes the ranchers or the neighbors do not warn before spraying pesticides. He kicks out the bosses and supervisor who are there. [He] does not kick us out. When it's time for lunch, we must wash our hands. We go out looking for water and soap so that we can wash our hands and eat. It is not possible.”

—Farmworker Man

Finally, during the pandemic, many farmworkers reported being housed in hotels as farm labor housing. Farmworkers also experience key issues with this form of farm labor housing. Many reported not having access to a kitchen where they could make culturally relevant meals. Many farmworkers found themselves spending a substantial portion on their income on meals that they had to procure from surrounding restaurants. This is also an issue that must be addressed.

I urge Oregon OSHA to again implement and enforce a policy that can make the agency a leading model for other states to follow.

Sincerely,

Jennifer Martinez-Medina, PhD

From: [Michael Mullejans](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Removal of exemption allowing farm workers to live close to livestock operations
Date: Friday, October 25, 2024 1:51:37 PM

You don't often get email from michael_mullejans@yahoo.com. [Learn why this is important](#)

Dear Sir, Madam:

The proposed update of the farmworkers housing rule would greatly complicate matters, and make it illegal for grooms and trainers to, for example, live above or next to horse stables.

There are numerous "apartment barn" configurations where owners, employees or trainers can live directly above the horse stalls and tack rooms. This update or amendment would greatly hamper the functioning of horse farms and horse breeding operations, where for example foaling mares need to be monitored 24/7.

Thank you for your consideration.

Michael Mullejans
1534 Wyatt Ct SE
Stayton, Oregon 97383

From: [Stephanie Farquhar](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Agricultural Labor Housing and Related Facilities
Date: Friday, October 25, 2024 3:56:32 PM
Attachments: [image.png](#)

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

October 25 2024

Department of Consumer and Business Services

Oregon OSHA

PO BOX 14480

Salem OR 97309-0405

Email – OSHA.rulemaking@dcbs.oregon.gov

Re: Proposed Amendments to Agricultural Labor Housing and Related Facilities

To the Department of Consumer and Business Services:

I am writing today to provide public comment regarding the Proposed Amendments to Agricultural Labor Housing and Related Facilities.

I am Dr. Stephanie Farquhar, a Professor and an Associate Dean at the School of Public Health at the University of Washington-Seattle. I have worked on migrant farmworker issues for over two decades as a researcher, practitioner, and advocate. My first 12 years as Professor and farmworker researcher was in Oregon at Portland State University/Oregon Health and Science University where I partnered with Oregon Law Center, PCUN, and Farmworker Justice.

From 2004-2013, I served as an Investigator on three federally funded projects focused on the health and safety of indigenous farmworkers in Oregon. Through that work, I analyzed surveys and focus group data documenting farmworkers' workplace health and safety concerns.

In 2006, project partners surveyed 150 farmworkers, many of whom lived in employer-

provided housing.^[1] Notably, 65% of workers surveyed said that their general health was “fair” or “poor”, which is much lower than the general U.S. Hispanic population. Throughout our work, there were recurring themes, but one that stands out, and is best expressed using the

words of a farmworker is this: “For us field workers, there is no protection.”^[2]

The proposed amendments do nothing to challenge that notion, as they are mostly cosmetic changes. For example, the changes to the laundry provision would allow a camp operator to provide laundry tubs or trays in the ratio of 1:25 or to provide laundry machines in the ratio of 1:30 (all beginning January 1, 2026), but it is unclear if the proposed rules means that a separate machine or tub must be provided. In our 2006 study, those who lived in employer-provided housing were less likely to have access to laundry facilities (22%) than who lived in other types of housing (43%). **The small or no ratio change will have little effect on access to laundry for labor housing occupants.** Farmworkers asked for 1 machine for 15 people and the rules should reflect that very basic request.

As another example, **the proposed amendments make no changes to the ratio for the**

showers—yet, as we found, **workers had to wait 36 minutes upon returning from work to bathe**—and “indigenous workers reported living in significantly more crowded housing conditions than Latino workers (6.4 vs. 4.6 people in household, $p < 0.01$), which may contribute to increased waiting times for showers.”¹ Additionally, farmworkers asked to have installed toilets with solid doors – a basic dignity. For some reason you have paused on providing this for 3 more years?

As a Professor, I teach my public health and medicine students each day the importance of protecting and caring for each other. We are truly in this together and we owe a great deal to those who work the most arduous and least respected jobs in the United States. Farmworkers living in employer provided housing are concerned about basic needs—laundry, bathing, cooking. We are asking farmworkers, those who have very little control in their workplace and report no safe place where they can make requests, to bear the biggest burden. This runs counter to everything we teach in public health and medicine.

Regulations that prioritize workers are absolutely critical. **I imagine none of us who are writing or receiving these letters would thrive in the conditions we have handed to farmworkers.**

Despite years of providing data and working in partnership to develop regulations that improve living and working conditions of Oregon farmworkers, the proposed regulations fall short in protecting the very basic living conditions that most other populations in the United States enjoy. I urge you to make meaningful adjustments that will make a difference in the lives of farmworkers and their families.

Sincerely,



Stephanie A. Farquhar, PhD
Professor and Associate Dean
School of Public Health
University of Washington-Seattle

^[1] Farquhar, S.A., et al., *Occupational Health and Safety Status of Indigenous and Latino Farmworkers in Oregon*. Journal of Agricultural Safety and Health, 2009.

^[2] Farquhar, S.A. et al., *Promoting the Occupational Health of Indigenous Farmworkers*, J of Immigrant Min. Health, 2008.

From: [Mary Jo Davies](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farm Worker Housing
Date: Friday, October 25, 2024 5:04:01 PM

You don't often get email from maryjodavies@hotmail.com. [Learn why this is important](#)

I am writing to ask the committee to reconsider the 500 ft rule for farm worker housing. This will be devastating for many farmers & ranchers. OSHA already has many rules in place for farm labor housing. The housing and the livestock facilities are permanent. It is not something that can just happen without extensive planning & huge expenses. This is a very unnecessary overreach on the part of OSHA. PLEASE take this out of your plan.

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: [Donna DeMoss](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Housing on farms
Date: Friday, October 25, 2024 5:24:45 PM

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

We need to be able to have housing on farms.
Thank you,
Donna DeMosd
Sent from my iPhone

From: marquezlizbeth21@everyactioncustom.com on behalf of [Liz Marquez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Friday, October 25, 2024 10:23:49 PM

[You don't often get email from marquezlizbeth21@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Liz Marquez
Salem, 97301

From: Anasally2023@everyactioncustom.com on behalf of [Ana Gonzalez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 7:33:12 AM

[You don't often get email from anasally2023@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Ana Gonzalez
Hillsboro, 97423

From: mcfarlandgarrett1@everyactioncustom.com on behalf of [Garrett McFarland](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 7:47:14 AM

[You don't often get email from mcfarlandgarrett1@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for your attention to this urgent matter.

Sincerely,
Garrett McFarland
Nampa, 83687-5142

From: [Rebecca Newell](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farm worker housing shutdown
Date: Saturday, October 26, 2024 8:02:25 AM

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

Dear OSHA

Strike the rule forbidding housing within 500 feet of farm animal operations. It is a terrible burden on our agricultural community, virtually unnecessary to the health and well-being of farm owners and workers. It appears an illogical answer to a problem that does not exist except those who apparently hate farms, animal ownership and the good care of these farm homes and their livestock! Don't be the foe of our farmers and ranchers who work so hard to serve us! In this time they have enough to deal with! They don't deserve this terrible rule! Get it out of your regulations!

FYI: I am not a farmer, nor represent a company or agricultural business. I am a *citizen* angered at such thoughtless decisions from OSHA that will RUIN people!!

Sincerely,
Rebecca K. Newell, Oregonian

From: ucfknight@everyactioncustom.com on behalf of [Karen Caudillo](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 8:17:56 AM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Karen Caudillo
Portland, 97202

From: [Mariann Deering](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farm housing rule changes
Date: Saturday, October 26, 2024 8:25:03 AM

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

Please please please do not modify the farm housing rule to require housing to be 500 feet from a stable or corral. How are we supposed to keep an eye on our animals if we can't be close to them. Part of my housing I offer to others includes lower rent because I need them to keep track of my animals.. If you change this, you were going to be adding to the already mounting homeless community, or housing that is affordable, that exists in Oregon.

Thank you.

Mariann Deering
Clackamas county
Sent from my iPad

From: [Neila Whitney](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: 300" housing/live stock proposal
Date: Saturday, October 26, 2024 8:57:28 AM

You don't often get email from pasoneila47@gmail.com. [Learn why this is important](#)

I urge you to amend your current proposal on livestock being 500' from housing. This is not necessary. It would preclude many farm owners from access to their own, now existing homes. For example, my 20 acre rectangular pasture parcel used for livestock, with the house 300' from the corral, squeeze shoot, and horse stalls, is already quite a walk for me, at age 77. It is not feasible to move my house & outbuildings further apart than they already are. It is plenty sanitary the way it is set up now.

Please re-think & amend your proposal. It is not really helpful.

Respectfully,
Neila & Ken Whitney
pasoneila47@gmail.com
37755 S Blair Rd, Molalla, OR 97038
Molalla, Oregon

From: lopeze3@everyactioncustom.com on behalf of [Emileni Lopez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 9:33:48 AM

[You don't often get email from lopeze3@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for your attention to this urgent matter.

Sincerely,
Emileni Lopez
Mount Angel, 97362

From: ianjs@everyactioncustom.com on behalf of [Ian Shelley](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 9:47:44 AM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Ian Shelley
Portland, 97225-6902

From: nachurgrl@everyactioncustom.com on behalf of [Heidi Hartman](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Saturday, October 26, 2024 11:42:06 AM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Heidi Hartman
Bend, 97701-5032

From: [Wendy Ebster](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: STOP more housing restrictions!!!
Date: Saturday, October 26, 2024 12:02:56 PM

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

Ridiculous - there's no other way to label it!!!

Just STOP with housing restrictions -ESPECIALLY for people under paid, under poverty line, and needed by farmers & ranchers.

WTF are the advocates thinking??!

Thank you

GRAY ORCHARDS INC
5125 CRUSHER DR
PARKDALE, OR 97041

October 27, 2024

My name is Linda Gray and I am owner and president of Gray Orchards Inc. We grow pears in Parkdale which is located in Hood River County. We provide housing for two permanent/year-round employees and their families, and an additional 16 seasonal employees each year. In addition, we also participate in the H2A program and house 4 foreign employees each year. In total, we have a current capacity of 20 in our existing labor housing.

Safe housing has always been a top priority at Gray Orchards as it attracts quality labor and helps us harvest our fruit within the time guidelines set by our industry. Every season we check continuously to make sure our housing is safe, clean and sound. Seven years ago, we built a kitchen complete with new appliances, bathroom with shower, and a laundry room to enhance our existing bathroom/showers to serve twelve employees.

Tree fruit is different from other ag industries in that we have set times to harvest to ensure maximum quality. Pears and other tree fruit crops are delicate making automation of most jobs impossible so we have to rely on recruiting hand labor. This is a reality and not a choice for us. As you can see, housing is important to us.

OSHA's proposed rules are expensive to comply with, but along with that the proposed timeline for implementation, 2 years, is unrealistic if I have to remove trees that bring income to create space for building or remodeling. We need a longer time to navigate the construction process. **Please think about this: OSHA's proposed timeline ends the same time that Ag Overtime reaches the permanent 40 hour week threshold. We will have to increase our employee base to avoid the huge cost increase of overtime at the same time we lose beds!**

Our on-farm housing is free, and is inspected. With the square footage increase I will lose 30% of my capacity when I have to downsize due to the new proposal. Workers will have nowhere to go. Hood River County is experiencing a huge increase in lack of rental availability. There are no living options for short term or community-based migrants that come for just a few months harvest. Both of our permanent employees have families where only the husband works year around. They have both school aged and children that work outside the farm. If my capacity is reduced, I may have to prioritize housing to those only working on the farm. So there goes my foreman, because he won't be separated from his family. These employees have built their lives here. Their children go to schools here.

The majority of my housing was constructed pre-1980. It is sound and safe and healthy. With the proposed rules it would cost approximately \$130,000 to bring my housing up to where I can have the same number of employees. I would have to make room for more storage space as well as re-wire to accommodate air conditioning.

OR-OSHA should align with Federal OSHA standards. Our industry is at a huge disadvantage and less competitive when OR-OSHA goes beyond Federal OSHA's standards. Please keep the grandfathered square footage so that older housing may continue to be used.

Please consider my concerns into the final draft of the ALH rules.

Sincerely, Linda Gray

From: danie.7@everyactioncustom.com on behalf of [Danno Mannino](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Sunday, October 27, 2024 1:33:47 PM

[You don't often get email from danie.7@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Danno Mannino
Medford, 97501-4405

DOG RIVER RANCH LLC – PARKDALE, OREGON

October 27, 2024

To: OR-OSHA Rule-making Staff:

I am a pear and apple farmer with orchards in Hood River and Wasco counties. As a larger grower in the Mid-Columbia, I rely on about 8 year-round employees, and 130 H2A workers. I house all my workforce, which is a very expensive and committing activity. I will be expanding my housing to address the increasing need for more employees in the coming years. I expect to house over two hundred H2A employees in the next two years. Given these numbers, any changes to housing rules have an outsized impact on my operation.

The newly proposed rules run the gamut from completely reasonable to unnecessary and extremely difficult and expensive to implement. I agree with all of the proposals that are related to health and safety issues (the reasons that OSHA exists). Where things become an improvement in lifestyle, I have a difficult time with the cost and logic of implementation. Examples of proposals that I can accept and understand include the Site Requirements (6c, 6e, 6h, 6j, 6p). I don't love, but understand, the water testing requirements – they are a valid health issue (7a, 7b). The requirements for laundry machines or wash basins are acceptable, providing that we can use the same machines or basins for separate contaminated loads; separate machines for work clothes are completely difficult to incorporate into existing housing spaces and are totally unnecessary (11a, 11e). Other proposals, such as adequate refrigerators and cooking burners, are acceptable.

That said, the draft rules have several very problematic rule changes. I have always provided my employees with quality living spaces, primarily apartments that allow relatives and friends to live together with privacy and personal space. I do not have large communal labor camps. It costs much more to have my set up, but my workers really appreciate the arrangement. Because of how I created my housing, I will address the biggest concerns I have with the new rules.

Changing the number of toilets to 1 per 10 occupants is acceptable if we can supplement the existing toilets with portable toilets adjacent to the housing. Adding additional toilets into existing bathrooms (inside apartments) is not viable – and would reduce my currently approved occupancy by 8 people.

Changing the hand washing sink ratio to 1 sink per 6 occupants, but not allowing kitchen sinks to count towards the ratio, is very problematic. I would need to tear open my bathroom walls to add the plumbing for sinks that really don't fit anywhere. I already have a sink adjacent to each toilet. I do not understand the reasoning for going past that ratio. This rule change alone would cost me about \$4000 to implement – and with more cramped bathrooms and no plausible benefit to the workers.

Rule 16i is really hard to understand and even harder to implement. 21 cubic feet is an enormous amount of storage (per person) to place in a bedroom that may have 4 inhabitants. I do not know how OR-OSHA defines “occupant or family unit” – do brothers or cousins qualify to reduce the amount of storage? What will be the impact of so many dressers or similar in a room that needs to maintain safe egress from doors and windows? I am all for providing storage for employees (I already do) – but 6-8 cubic feet per person is far more reasonable.

Changing the sleeping room to 50 square feet per occupant (regardless of bunkbeds) is a real problem for my operation. As a farmer and business owner, I have to make long term, expensive decisions, based on a set of rules. For instance, four years ago, I built a brand-new apartment building for my workers. The five-unit building can house (under current rules) 49 employees. It cost me \$740,000 to build (\$15,000 per worker). All but two bedrooms were designed around the 160 square foot size to house four workers apiece. This rule change would cost me 12 workers in that building (a \$181,000 loss of value and utility). Combined with my other housing units, this proposal would cost me 37 beds. Nothing about this rule solves a health or safety issue.

While all the above-mentioned concerns are problematic to my operation, the change in square footage from 40 to 50 per person is the most terrifying to me. Just maintaining existing beds would cost me hundreds of thousands of dollars to accomplish. That money

must come from somewhere. Most likely, my employees will see their extra hours cut, their bonuses erased, and other benefits eliminated. No one wins in this arrangement.

If all these draft rules become law, I will have to re-envision how I approach my housing. I will shift from smaller apartments, where all my workers have been living with their closest friends and relatives, towards large, open space (privacy-free), military-style barracks, where I can be in compliance with all of the rules – to the clear detriment of my employees.

Please focus the OR-OSHA housing rule updates around health and safety issues (the charter of OSHA). The proposed rules that address lifestyle goals championed by “labor advocates” are going to backfire on all of workers, just like the new overtime rules will.

Thank you for taking the time to read my comments. Please reach out to me if you would like any further information or insight. I am a strong believer in the need for OR-OSHA to exist and help make workplaces in Oregon safe for all. I would simply like the department to focus on its primary mission.

Thank you again,

Gorham Blaine

Dog River Ranch LLC

gorhamblaine@gmail.com

541-806-0065

From: jackieq515@everyactioncustom.com on behalf of [Jacqueline Quiroz](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, October 28, 2024 8:39:17 AM

[You don't often get email from jackieq515@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Jacqueline Quiroz
Lafayette, 97127-9669

From: millerjkate@everyactioncustom.com on behalf of [Kate Miller](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, October 28, 2024 8:39:35 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Kate Miller
Lake Oswego, 97034-3843

From: jaqalthehybrid@everyactioncustom.com on behalf of [janna piper](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, October 28, 2024 8:40:23 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
janna piper
Portland, 97293-5072

From: kelly@everyactioncustom.com on behalf of [Kelly Castagnaro](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, October 28, 2024 8:44:20 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes. But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Kelly Castagnaro
Portland, 97227-1121

From: [Kerns Rainbow Ranch](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Please DO NOT financially devastate the ranchers & farmers again.
Date: Monday, October 28, 2024 9:51:15 AM

You don't often get email from krr@rconnects.com. [Learn why this is important](#)

OSHA,

I know you do not understand the agriculture business and the families who bring food to your tables. But if you impose new ruling that *eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job*. That would be a devastating to the agriculture communities around the state.

Anyone wanting to impose this rule has no idea of the ranching & farming business/lifestyle. Farmers & ranchers care far more about there employees/family members then you can ever know. Persons who try to make a rule about something they don't know about is wrong in so many ways.

Cathy

Kerns Rainbow Ranch, Inc

Sent from [Mail](#) for Windows



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NURSERIES™



TO: OR-OSHA
osha.rulemaking@dcbs.oregon.gov

RE: Ag Labor Housing Rules

FR: Columbia Gorge Fruit Growers
Oregon Farm Bureau
Oregon Dairy Farmers Association
Oregon Business & Industry
Oregon Association of Nurseries
Oregon Cattlemen's Association

October 25, 2024

On behalf of the above agricultural organizations, we offer the below comments specific to implementation dates for various components of the Ag Labor Housing Rules. Please refer to our substantive comments for each of the sections, however, we ask you rely on the below proposed timelines in red for each of these rules to take effect. Growers and farmers across Oregon need meaningful time to bring housing in line with these new proposed standards. Some will take longer than others; and frankly some are just not feasible at all and flagged as such. At a minimum, the baseline for all rules must be no sooner than July 1, 2025. If rules are adopted this winter as is expected, we need time to complete a grower season, existing contracts, and just general logistics of identifying, hiring and affording the remodeling and on-farm changes needed to come into compliance.

OR-OSHA Proposed Rule Implementation Dates	Agricultural Groups Requested Implementation Dates
Charging Occupants Clarify the list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool water (pay-per-use toilets, pay-per use bathing facilities, or any other method of paying for individual service requirements are currently prohibited). Coin-operated laundry would remain an option for employers to use as a supplement so long as the minimum laundry requirements required by the rule are provided for free.	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.

Implementation: January 1, 2025	
Definitions Do not count privies toward toilet ratios (currently counted in toilet ratios). Implementation: January 1, 2026	Implementation: No recommended change
Housing Registration Remove exception that housing provided for non-food crops were not required to register (current registration applies only to crops harvested for food). Implementation: January 1, 2025	Implementation: January 1, 2026
Housing Registration Require sites in initial registration to have no hazardous conditions (registration is currently provided when site is substantially in-compliance). Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Housing Registration Submit water testing results to Oregon OSHA with annual registration application (no current requirement). Implementation: January 1, 2025	Implementation: January 1, 2026 To allow time to find accredited laboratories for water testing, complete testing and receive results in time for registration renewal, agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Site Requirements <ul style="list-style-type: none"> • Clarifies that structures to be free from nuisance materials and have adequate drainage. • Housing sites must be well-drained and free from depressions in which water may become a nuisance. • Require secure storage of toxic materials used for work activities 30-feet from any housing. • Clarifies the need to provide adequate exterior/walkway lighting to common use facilities at night. • Ensure forks, driveways, buildings, and housing units are properly marked. Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with these new requirements to allow time to address necessary changes and to ensure there is no interruption in housing registration.
Site Requirements Remove livestock care exception.	Implementation: Not feasible as currently drafted.

<p>Implementation: January 1, 2026</p>	<p>This directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized. Neither OR-OSHA, nor any other state agency, are allowed to regulate or eliminate an outright permitted use on agricultural lands. The Oregon Health Authority has confirmed there have been zero HPAI detections in Oregon dairy cattle, and the current risk to the general public is very low. There is no threat to health and safety and therefore no justification for this new requirement.</p>
<p>Site Requirements Provide one electrical outlet per occupant in sleeping areas</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2028 OR-OSHA has verbally stated that power strips will be allowed to satisfy this rule but that they “have no intention of including that in the rule language.” If the ability to use power strips to satisfy this requirement is not codified in final rules, this requirement needs a longer effective date due to infrastructure changes required for construction and electrical work to install additional wall receptacles.</p>
<p>Water</p> <ul style="list-style-type: none"> • Water supply must be tested by an accredited laboratory when not from a public water system. • Add arsenic and nitrates to well water testing frequency for all wells provided as part of employee housing. • Post water testing results in language of occupants or pictograms. • Clarifies that per occupant potable water requirements do not include the requirements for other rules, for example, heat illness prevention or field sanitation. <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2026</p> <p>Housing operators need clarity that accredited labs exist within a reasonable distance and that OR-OSHA has provided a template for providing testing results in pictogram form; depending on this information, this requirement may need additional time beyond January 2026.</p>
<p>Water Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi)</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Not feasible as drafted.</p> <p>Oregon Health Authority requires a minimum psi of 20 for <u>ONLY</u> water suppliers (defined as municipalities, districts, corporations or other entities which own or operate a PUBLIC water system). Ag labor housing is not a water supplier. All other residential and commercial buildings are required to provide a minimum psi of 15, as stated in Oregon Building Code (specifically, Oregon Plumbing Specialty Code, which mandates a minimum psi of 15 in section 608.1). There is <u>NO justification</u> for requiring us to provide a higher psi than all other residential and/or commercial buildings in Oregon.</p>

<p>Bathing Facilities Provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Bathing Facilities Provide a private changing room for a shower area that meets the needs of the occupants.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2028</p> <p>Many bathing facilities do not have the space to create private changing areas. To expand bathing facilities to make room for private changing areas, major construction may be needed. Additional time is necessary for the planning, permitting and construction process.</p>
<p>Hand Washing Facilities Provide paper towels near the sink or basin with a trash receptacle nearby.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Hand Washing Facilities Handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>A ratio tied to occupants is not feasible, especially when other sinks do not count toward the requirement. If this remains in the final rule, housing providers need at least 10 years for implementation due to the infrastructure changes: construction, installation of plumbing, etc.</p>
<p>Laundry Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Laundry Provide separate method for cleaning contaminated clothes from other clothes.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Need additional clarity</p> <p>We need additional clarity on how OR-OSHA defines “contaminated.” Most employees are not allowed in treated areas until the Re-Entry Interval is concluded; does entering an area after an REI count as “contaminated”? Until clarity is provided and codified in final rule, we cannot provide a feasible implementation timeline because we will not know the extent to which a separate method will be needed.</p>
<p>Toilets</p>	<p>Implementation: July 1, 2025</p>

<p>Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets.</p> <p>Implementation: January 1, 2025</p>	<p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Toilets</p> <p>Require a 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Installing additional toilets (with the construction, plumbing and septic work that goes with it) requires more than one year.</p>
<p>Showers</p> <p>Provide solid doors for shower compartments.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Toilets</p> <p>Locate privies (e.g. an outhouse) more than 200 feet from facilities.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p> <p>This implementation should apply to newly constructed privies; any new privies should be located 200+ feet from facilities.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Clarify that living areas must be “structurally sound” (currently must be safe and in good repair). Remove cots as an allowable bed option. Require mattresses to be at least 4 inches thick. Add safe access to the top bunk such as ladders or stairs. Prohibit workers from sleeping in the same bed if that is not their preference. Provide cleanable mattress covers. Prohibit fumigation as a mechanism to clean mattresses. <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2026</p> <p>To allow housing providers time to plan and save funds to replace cots, purchase new mattresses, and especially for the larger project of constructing stairs or ladders for safe access to top bunks, additional time is needed.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Use chemicals in accordance with label for insect/rodent control. Require notification of the availability of a space heater (no current requirement). <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Living Areas</p>	<p>Implementation: January 1, 2028</p>

<p>Explicitly require gas burners to vent outside.</p> <p>Implementation: January 1, 2026</p>	<p>The infrastructure changes required to install ventilation systems will require more time than is currently proposed.</p>
<p>Living Areas</p> <p>Provide lockable storage for personal effects.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Living Areas</p> <p>Provide 21 cubic feet of storage for each occupant or family unit.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Not feasible as drafted</p> <p>The amount of storage proposed is not a reasonable or realistic amount; there is not enough floor space (for dressers, wardrobes, etc.) or wall space (for wall shelves) to accommodate this amount of storage space per person. This requirement far exceeds the federal requirement that “sleeping rooms contain suitable storage for clothing and personal articles.”</p>
<p>Living Areas</p> <p>Provide at least 50 square feet per bed in sleeping rooms with bunk beds.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>The major construction to expand housing to create additional square footage and/or build new housing to make up lost capacity will require time for planning, permitting, construction, installation of electrical/plumbing/septic systems, etc. Expecting this to be completed in only 2 years is unreasonable and unrealistic.</p>
<p>Fire Protection</p> <p>Install carbon monoxide detectors.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <ul style="list-style-type: none"> • Provide refrigerator capable of maintaining 40 degrees. • Provide adequate and protected food storage area. <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <p>Provide 2 cook burners per 8 occupants or 2 family units, whichever is more.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2028</p> <p>Due to the large infrastructure changes required for providing additional cooking appliances (and therefore additional space and electrical capacity in cooking facilities), more time is needed for planning, permitting, construction, etc.</p>
<p>Kitchens</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p>

<p>Provide plumbed sinks with hot and cold water near food preparation area.</p> <p>Implementation: January 1, 2027</p>	<p>This requirement goes far above the federal OSHA requirement and should only apply to new housing. If implemented in the final rules, it will be very difficult to achieve in the short timeframe proposed. Given the need to install sinks, water heaters, upgrade electrical capacity and possibly remodel to create additional space for sinks and water heaters, this is a more long-term project</p>
<p>Kitchens Provide kitchens that are enclosed/ indoors or screened.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p> <p>This requirement goes far above the current federal requirement with no justification for doing so. It should apply to newly constructed or majorly remodeled housing only. If applied to current housing, housing providers need additional time for the major construction required to enclose outdoor kitchens.</p>
<p>Kitchens Do not count sinks in toilet rooms toward sink requirements in</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>All sinks should count toward the sink requirement rather than separating them. If this remains in the final rules, housing providers will need a much longer timeline (10+ years) for construction, installation, electrical/plumbing/septic system work needed.</p>
<p>Heat Illness Prevention Maintain indoor temperature of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2028</p> <p>HVAC systems and/or mini-splits will be necessary to satisfy requirement. Housing providers will need at least 3 years for planning, installation, and electrical capacity upgrades. This requirement should be dependent on grant funding available.</p>
<p>Elimination of pre-1980 housing allowance Eliminates allowance for pre-1980 housing to provide occupants with 60 ft² and requires 100 ft²</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: Not feasible as drafted</p> <p>This requirement needs to align with the federal standard, which allows for the legacy housing allowance without a change in square footage required per occupant. Federal rules recognize a separate standard for pre-1980 housing, and Oregon should as well.</p>
<p>Disease Reporting Align disease reporting with the Oregon Health Authority's (OHA) most current rules. The text of the referenced OHA rules is in the newly created Appendix A.</p>	<p>Implementation: Not feasible as drafted</p> <p>While we understand that this is not a new provision, and that disease reporting relates to employee safety and health, this rule places an unreasonable burden on non-medical employers to take action that is well outside their areas of expertise. To the extent any</p>

Implementation: January 1, 2025	<p>communicable disease rule is needed, OR-OSHA should consider instead adoption of a simple rule such as that laid out in the federal standards at 29 CFR 1910.142(/). A simple rule such as that is reasonable. A rule suggesting that labor housing employers should have some sort of highly specialized knowledge of specific communicable diseases and when a disease might be a “suspect case” under regulations applicable to healthcare providers is not.</p>
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My name is Delinda Anderson and I am writing on behalf of Anderson Fruit Inc. We grow Cherries in, The Dalles, We provide housing for 3 domestic permanent/year-round employees, and Their families. We also provide housing for an additional 93 seasonal employees each year. We also participate in the H2A program and house/employ 5 foreign employees each year. In total, we have a current capacity of 98 in our existing seasonal labor housing.

The tree fruit industry is different from other ag industries in Oregon – most of our work cannot be automated and we rely on hand labor because we do not have any other choice.

- I value my employees and work hard to provide safe and healthy housing for them and their families.
- I have a vested interest in my employees' safety and health; without housing, I cannot recruit the workforce I need to grow and harvest my crop.
- While there are "bad apples" out there (as in every industry) that should be held accountable for sub-par housing, in general the ag industry recognizes that safe and hygienic living conditions are critical to worker productivity.
- Having safe housing also helps us to be competitive and attract high-quality employees.

We built new seasonal housing for 93 workers in 2011 and 2012, to meet the 2008 to 2018 phase in standards. We worked diligently with Oregon OSHA to build the housing. The cost was \$815,000. We had to take out a loan and are still paying on that loan.

I feel that because this camp is a new camp built to the 2008 to 2018 standards, we should be Grand Fathered In. and not have to change to the new proposed rules. We do not have the space or resources to accommodate buildings for the 19 additional beds we will lose.

- My concerns about some of the proposed rules are not limited to the high cost and lack of space I am also concerned about the short 2-year implementation timeline given by OR-OSHA.

We are limited on space and Zoning to do more. We are also limited on adding additional septic systems. Money is also a big issue. As well as Government regulations.

- Requiring such huge structural changes to labor housing facilities within only 2 years is not a reasonable or realistic timeline. It will take that long to get through the permit processes.
- I need a reasonable amount of time to go through the planning and construction phases in a way that does not have a hugely negative impact on currently available housing.
- Significant structural changes should be phased in over a much longer timeframe and should apply to significant remodels or new construction, and new construction built to the 2008 to 2018 phase in should be Grand fathered in.
- The proposed timeline ends in 2027, the same year that Ag Overtime reaches the permanent 40-hour threshold.

o Our housing capacity will be reduced at the same time that we need additional employees to avoid the

significant cost increase for overtime pay.

- On-farm housing is regulated and inspected, and it is affordable for our employees –it is completely free.

- Often, we house families where only one member of the family works on-farm, while other members (spouse, adult children, etc.) work in other industries. We may have to prioritize housing for employees only.

- o Families that have built lives here may have to relocate

- Farm employees will be forced to find off-farm housing in an area where no affordable housing options exist.

- o No housing options for short-term housing used by the thousands of migrant workers that come only for a few months of the year during harvest season

- o No community-based housing available

- Migrant workers that follow the harvest season may not come due to lack of available on-farm housing; those that do come will sleep in cars, in tents, or packed into cheap motel rooms with many others to share the cost.

Each farm's housing is unique in layout, capacity, and features. We will be impacted in different ways, but nearly everyone with employee housing will lose capacity between 20% - 50%

Cost to Build Back to Full Capacity:

By increasing the square footage from 40sf to 50 sf we will lose 19 beds. The other rule changes will adversely affect the number of people we can house.

19 Workers will lose their jobs that their families rely on to boost their annual income.

capacity: $\$180 \times 120 \times 19 = \$410,400$ cost to build above-ground structure to hold 19 additional occupants. Not including infrastructure and we don't have the space to put these buildings.

When we lose the 19 beds, we will also lose 20% of our production. WE usually pick 2,200,000 lbs of Cherries at \$.80 per pound which = \$352,000 of lost revenue annually. In 10 years, that is \$3,520,000 lost.

- o \$180 per square foot has been provided by multiple contractors as a fairly accurate cost for all above-ground construction. This includes foundation, floor, walls, roof, above-ground electrical and plumbing; DOES NOT include septic system/drain field, appliances, furniture, HVAC, etc.

- o The 120 ft 2 per occupant includes 50 ft2 for sleeping area plus additional square footage needed when adding capacity, including bathing, toilet and handwashing facilities, cooking facilities, laundry facilities, etc.

Align with Federal Standards:

- OR-OSHA is required to be “as effective as” federal OSHA rules. However, they are not required to go beyond federal rules. OR-OSHA should align with federal rules so that our housing requirements are consistent with other states. When OR-OSHA goes beyond federal rules, we are less competitive as an industry. By requiring housing rules that go beyond the federal standards, we are at a large disadvantage.

- OR-OSHA should allow for legacy recognition of housing constructed prior to 1980. And housing built during the 2008 to 2018 phase in period.

- o Federal OSHA updated housing rules in 2022 but chose to “grandfather” in square footage requirements in housing built prior to 1980. This is recognition that housing built prior to 1980 can still be considered safe and healthy to live in by federal standards without having to make major modifications to square footage.

- o OR-OSHA wants to go far above and beyond federal OSHA by removing this allowance for housing built prior to 1980 and the phase in period meet the 2008 to 2018 phase in period.

- o U.S. Department of Labor recognizes the importance of allowing older housing to remain in use and the difficulties of upgrading older housing to current standards; Oregon should as well.

I do not have any housing built prior to 1980. My housing was all new construction for the 2008 to 2018 phase in period.

- OR-OSHA should align with federal minimum requirements for storage:

- o Section 16(i) requires at least 21 cubic feet of storage for each occupant. This isn’t feasible in most housing, as there isn’t enough wall or floor space to accommodate this without becoming a safety hazard. Providing 21 cubic feet of dressers, closets, wall shelves, etc. would take up additional space inside the unit(s) and leave less room for occupants.

- o Federal OSHA requires that sleeping rooms contain suitable storage for clothing and personal articles; OROSHA should align with this to ensure that occupants have sufficient storage for personal items but not requiring such a massive amount that is not feasible.

Conclusion:

- OR-OSHA needs to align the new housing requirements more closely to the federal standard for ag labor housing so that we can provide safe and healthy housing to our employees who do not have other housing options.

- OR-OSHA needs to revise the proposed rules to ensure the phase-in timeline is realistically achievable.

- o If the timeline is not adjusted to be more reasonable and the 2008 to 2018 phase in is not Grand Fathered in this will create a workforce shortage for our farm.

o This proposal requires those of us that provide safe and affordable housing to spend hundreds of thousands or even millions of dollars if we hope to employ the same number of workers in 2027.

- Please incorporate my concerns into the final draft of the ALH rules.

My name is Delinda Anderson, and I am writing on behalf of Polehn Farms packing House. We Pack Cherries in The Dalles, OR, and rely on housing from our farm housing for 20 seasonal packing house employees each year. We also hire 45 local domestic seasonal workers in the packing house, who rely on this job to boost their annual income.

Our crops are market driven and we do not set the prices we have estimated needing to cover these costs.

1. Reduced Workforce Impacts Harvest Schedules

- Due to not having other housing options in the Mid-Columbia area, on-farm housing is the primary housing for farm employees.
- On-farm housing also subsidizes housing for other local industries; often farm employees have second jobs, or their spouses and adult children work in other local businesses. Therefore, the housing rule updates will have a ripple effect on the local economy.
- A reduced housing capacity means a reduced workforce. The ability to harvest crops within the permitted timeframe, due to lack of workforce, will be negatively impacted. If crops cannot be harvested in time, this impacts our industry's ability to provide enough product to produce buyers domestically and in global markets. We become less competitive.
- In addition, if fruit isn't harvested in the optimal window, it cannot be stored properly and sold throughout the marketing season. The fruit will go bad and can't be sold, impacting the ability of the entire industry to survive.

2. Cost vs. Income

- Estimated cost for growers to build back to current housing capacity: The housing we use for Packing House workers will decrease by 75 beds if the new rules go through. At 75 workers x \$180 per square foot x 120 per occupant = \$1,620,000.00, this is the estimated cost for Polehn Farms to build above ground structures to hold the 75 additional occupants. This does not include the air conditioners, additional septic systems, Beds and storage and the other changes to the rules.
- Because of this change and pending cost, Polehn Farms will not have housing for the 20 packing house workers. There are not enough domestic workers with the skill set we need to replace those 20 workers. Therefore, Polehn Farms may not be able to run the packing house. This will impact the workers, Polehn Farms, The Town, County and the State due to the decrease in available work.
- The proposed changes will be at 26.5% loss in our housing and revenue, equaling lost jobs and lost production. With the lost production, Polehn Farms will not be able to pick 775,000.00 lbs. of fruit out of the 2,921,751 lbs. picked this year at \$1.30 per pound revenue. $775,000.00 \times \$1.30 = \$1,007,500.00$ in lost revenue.
- To compare cost of housing construction to average returns on Ag industry's unpredictable income year-to-year means that growers do not have funds for such large infrastructure changes in the time needed to be completed in the short timeframe provided by OSHA (all changes will be in effect as of 1/1/2027 in proposed rules).

3. Expanded Housing = Reduced Production

- If growers must expand housing or construct new housing, this will force them to remove trees from production to create space for the increasing infrastructure.
- Reduced production impacts income long-term (timeline for fruit trees to arrive at maturity/full production potential).

4. Grower Viability

- Smaller orchards cannot absorb the increased cost of regulations and sustain their operation due to financial burden. Most Smaller orchards function off operating loans. One bad year has the potential to shut down or bankrupt an orchard. Severely increasing the housing infrastructure demand has the extreme possibility for the same result.
- Consolidation has become more prevalent, with smaller farms being leased/sold to the few that are growing larger.

5. Compounding Regulatory Impacts on the Industry

- Between Ag Overtime, increased taxes, higher wages (H2A AEWR, etc.) and ag labor housing rules, there is a compounding effect impacting our ability to survive in this industry.
- If Oregon housing rules go far beyond what is required by federal OSHA housing standards, this reduces the ability to be competitive.

Personal Impact on Polehn Farms:

We are one of the few, and continually decreasing, family owned and operated farms. Polehn Farms has been in operation for 80 years, if the new rules for housing along with the new overtime rules, Polehn Farms in its entirety may cease to exist and most likely be taken over by a conglomerate.

From: [Kim McCarrel](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworkers housing rule
Date: Monday, October 28, 2024 3:30:48 PM

You don't often get email from kim@nwhorsetrails.com. [Learn why this is important](#)

I am writing to protest the changes to the farmworkers' housing rule that would prohibit housing within 500 feet of a livestock operation. This rule, as written, will create a tremendous hardship for many ranching employees who will be forced out of their homes, not to mention increasing operating expenses for ranchers, horse boarding operations, etc.

Nobody should have to live near a reeking feed lot, of course, and I applaud your efforts to improve the quality of life for farmworkers by protecting them from abuse. But the rule makes no allowance for the size or type of operation. For example, I live in a very nice home only 300 feet from my horses' corral and pasture, but I am not negatively impacted by this proximity in any way. Manure is removed daily, wood chips keep the dust down, and it's wonderful to be able to look out the window and watch my horses. Yet if I were an employee instead of an owner, your rule would force me out of my house. Or it would force me to spend thousands to move the horse corral and stop using the pasture near my house, And if I couldn't use the pasture within 500 feet of my house, I would lose my water rights for those acres.

Here are other examples of your rule being absurdly applied. My neighbor's chicken coop is less than 500 feet from her house, but her 10 chickens don't impact her quality of life. Another neighbor's cow pasture is less than 500 feet from their house. The few cows they are raising don't create a health hazard for them. And yet, if they were ranch hands instead of the property owners, the proposed rule would force these neighbors out of their homes.

Another neighbor has a very nice apartment in the loft of their barn that they rent out in exchange for the tenant helping with the irrigation chores and doing odd jobs around the place. The barn apartment is less than 500 feet from the horse corral, stalls, and pasture where the neighbor's three horses are kept. Your rule would force the tenant to move out and find another place to live (with much higher rent) and would rob the neighbor of the help they need to keep their property in good repair.

None of this makes any sense to me at all. Please modify the language of the proposed rule to take into account the type and scope of livestock operations to which this rule would apply. As written, the rule will adversely affect small operations like my neighbors and me and would protect farmworkers from hazards that don't exist.

Kim McCarrel
64495 Old Bend Redmond Hwy.
Bend, OR 97703

From: [Bearl Seals](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: farm housing
Date: Monday, October 28, 2024 3:55:13 PM

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

Keep the exemption for farm housing. Considering the homelessness, & housing shortages, it seems insane to be thinking of regulating already existing farm housing. Bearl Seals Sun Valley Jersey Farm

From: ejkushner@everyactioncustom.com on behalf of [Ed Kushner](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, October 28, 2024 4:08:03 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Ed Kushner
Portland, 97239

From: [Scott Ruby](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Please Protect Housing for Livestock and Dairy Farm Employees
Date: Monday, October 28, 2024 6:29:25 PM

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

Hello OR-OSHA Rulemaking Committee,

I am an Oregon dairy farmer, and I would like to humbly urge you to please reject the elimination of the livestock exemption for ag labor housing for the following reasons:

- Many dairy farms provide permanent housing for their families and their employees. Housing is extremely limited in rural Oregon and moving permanent homes is not an option. Those farm family members and farm employees depend on that housing to have a viable place to live.
- Federal law differentiates permanent housing from “temporary labor camps” near livestock operations. This is an important distinction.
- There’s no worker protection or safety justification for eliminating OR-OSHA’s proposed removal allowing for housing near livestock.
- The proposed change could eliminate houses that have been used for decades; some for more than 100 years. It could impact family members of the owners and their employees who make their livelihood from the farm.
- PLEASE protect housing for livestock and dairy workers and keep the current law. Please reject the elimination of the livestock exemption for ag labor housing.

Thank you,
Scott Ruby

Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Department of Consumer and Business Services/Oregon OSHA,

I am writing to provide public comments on Oregon OSHA's Agricultural Labor Housing and Related Facilities proposed rules. First, it is important to note the legacy of systemic racism against migrant and seasonal farmworkers in the United States, stemming from long-standing exploitative labor practices and discriminatory policies that disproportionately affect a largely Latinx and indigenous farmworker community. Historically, policies like the exclusion of agricultural labor from the Fair Labor Standards Act (FLSA) denied farmworkers key labor protections such as overtime pay, minimum wage standards, and the right to unionize. Farmworkers also often face disproportionately unsafe working and housing conditions, exposure to pesticides, and inadequate access to healthcare, which in turn are compounded by immigration policies that render many undocumented or temporary migrant workers vulnerable to exploitation and deportation.

Language barriers, fear of retaliation, and the threat of deportation further silence complaints by workers coupled with limited access to legal recourse. These issues reflect a legacy of systemic racism that devalue and endanger farmworker communities, trapping them in a continuous cycle of poverty, economic instability, and ill health.

The current legal framework (both nationally and in Oregon) provide limited protections for farmworkers and their families. The Fair Labor Standards Act (FLSA) still excludes farmworkers from overtime pay protections. While former Governor Brown signed a bill into law phases out the state's agricultural overtime pay exemption, its implementation remains uncertain.¹ During the COVID-19 pandemic, Oregon farmworkers experienced significant loss of work, while remaining unaware of relief funding provided to other groups by state and federal agencies, and uncertain of their ability to access COVID-related testing and care.² Collectively, these laws and policies leave farmworkers without access to many fundamental protections that workers in other sectors rely on, sustaining conditions of economic vulnerability and marginalization.

Farmworkers also often endure disproportionately poor housing conditions characterized by overcrowding, unsanitary environments, and a lack of basic amenities.³ Many farmworkers live in employer-provided housing, which is frequently substandard and overcrowded, with multiple families or unrelated individuals sharing small spaces or congregated housing, leading to health risks and a lack of privacy. Usually located on or near farms, housing units (often lacking reliable

¹ Oregon farmer says she can't afford to pay workers overtime, now that it's required. Available at: <https://www.kgw.com/article/news/local/the-story/oregon-farm-worker-overtime-agriculture-industry-law-blueberry/283-e0140bfd-d2e8-4c83-8b5d-edbf2110517f>

² Oregon COVID-19 Farmworker Study. Available at: https://cirsinc.org/wp-content/uploads/2021/10/COFS_Report2021_ENG_FULL-compressed.pdf

³ Quandt, S. A., Brooke, C., Fagan, K., Howe, A., Thornburg, T. K., & McCurdy, S. A. (2015). Farmworker housing in the United States and its impact on health. *New Solutions: A Journal of Environmental and Occupational Health Policy*, 25(3), 263-286.

access to sufficient clean water, heating, cooling, or proper sanitation facilities) can expose residents to pesticide drift, dust, and machinery noise.⁴ Seasonal and migrant farmworkers, are often bound to temporary housing arranged by their employers, making it difficult for them to advocate for better conditions or move elsewhere without risking losing their jobs. Additionally, because housing options are often limited, farmworkers face inflated rental costs for inadequate, deteriorating housing.⁵ Barriers like language, immigration status, and isolation from urban areas further limit farmworkers' ability to report substandard housing. Current laws and regulations perpetuate unsafe and unhealthy living environments for farmworkers, failing to implement essential protections for workers and their families. Children of farmworkers are significantly impacted. Research has found that living near pesticide applications leads to increased wheeze⁶ and asthma⁷ symptoms, and reduced cholinesterase levels (which can lead to neurodevelopmental deficits.⁸ Given the current and proposed OSHA regulations, poor housing conditions and close proximity to pesticide drift and residue will likely remain a significant threat to the health and wellbeing of farmworkers and their families.

Hence, I urge OSHA to consider implementation of bolder standards, including creating a buffer area around farmworker housing unit to at least a setback of 100 feet, which would provide a level of protection like those afforded to other non-farmworker communities. Such a measure is crucial for safeguarding the health and well-being of farmworkers and their families, which in turn has benefits for farm-owners and the broader agricultural sector in Oregon.

In addition, the current 1:50 square foot ratio for living space standard and the lack of enclosed kitchen areas are insufficient (given that many of the employer-provided housing units fail to protect residents from airborne pollutants adequately). I urge Oregon OSHA to provide at least 100 square feet per occupant with some consideration for lower square footage if small children as occupant, and mandate indoor ventilated kitchens, to reduce potential for pesticide drift into cooking spaces, and risk of foodborne and pesticide-related illnesses. A glaring provision in these rules is respect or attention to a living area for a family or workers to relax. It is unclear whether sleeping rooms are also living areas and eating areas or there is to be additional space for a private eating place for a family or workers after a long day.

In conclusion, Oregon OSHA has a unique opportunity to truly improve the housing and living standards for farmworker communities across the state. The proposed regulations, while needed,

⁴ Castillo, F., Mora, A. M., Kayser, G. L., Vanos, J., Hyland, C., Yang, A. R., & Eskenazi, B. (2021). Environmental health threats to Latino migrant farmworkers. *Annual review of public health*, 42(1), 257-276.

⁵ Holden, C. (2002). Chapter 6. Bitter Harvest: Housing Conditions of Migrant and Seasonal Farmworkers. In *The human cost of food: Farmworkers' lives, labor, and advocacy* (pp. 169-195). University of Texas Press.

⁶ Van Horne, Y. O., Johnston, J. E., Barahona, D. D., Razafy, M., Kamai, E. M., Ruiz, B. C., ... & Farzan, S. F. (2024). Exposure to agricultural pesticides and wheezing among 5–12-year-old children in the Imperial Valley, CA, USA. *Environmental Epidemiology*, 8(5), e325.

⁷ Schwartz, N. A., Von Glascoe, C. A., Torres, V., Ramos, L., & Soria-Delgado, C. (2015). “Where they (live, work and) spray”: Pesticide exposure, childhood asthma and environmental justice among Mexican-American farmworkers. *Health & place*, 32, 83-92.

⁸ Quandt, S. A., Smith, S. A., Arcury, T. A., Chen, H., Hester, K., Pope, C. N., ... & Laurienti, P. J. (2023). Comparing Longitudinal Measures of Cholinesterase as Biomarkers for Insecticide Exposure Among Latinx Children in Rural Farmworker and Urban Nonfarmworker Communities in North Carolina. *Journal of Occupational and Environmental Medicine*, 65(12), 1077-1085.

are a partial step to tackle the inequitable conditions farmworkers face every day. I urge OSHA to consider the higher standard measure suggested above, which will benefit both farmworkers and farm-owners across the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel López-Cevallos', with a stylized flourish at the end.

Daniel López-Cevallos, PhD, MPH
Associate Professor
Department of Health Promotion and Policy
University of Massachusetts Amherst
Former faculty (2012 – 2022) Oregon State University

My name is Dan Ericksen. My wife and I own Ericksen Family Farms, LLC, a 70 acre cherry orchard in The Dalles, Oregon. Cherries are our only crop, producing 400 to 500 ton of hand picked, mostly fresh market fruit which must be harvested within approximately three weeks or becomes unmarketable due to over maturity. Our crew is made up of, primarily, people that return year after year, many of them leave many of their belongings stored in their cabin because they expect to return. Some have been with us for decades.

Housing situation:

Our camp is utilized to its maximum capacity annually which is necessary to complete the harvest in the required time frame. Most of the housing was constructed in the 1980's to meet the 40 sq ft per occupant rule (16.L). The proposed change to 50 sq ft per occupant reduces the available bed count a minimum of 20% from 104 to 83. We have no feasible way to replace those lost beds (employees) and we cannot successfully harvest the crop without them.

Alternatives:

- (1) Those that are told they will no longer have a place live may decide not to come. Historically, our harvest is a slack time for agricultural employment in California and the northwest cherry crop is a lucrative alternative (our average piece rate compensation, including the teens that come with their families, is over \$20.00/hr. meaning a family of five may be making as much as \$100/hr) to having no income while waiting for the next seasonal work to start.
- (2) Groups may come to work and look for housing that they can rent while in the area. The Dalles has a housing shortage and the rent for even minimal housing is expensive if it can even be found. If 20 to 30 percent of the 5,000 to 6,000 migrant workers that arrive here annually in the summer are all looking for local housing, there will be tremendous pressure on an already tight market. This competition will have a very negative impact locally on residents of our area searching for their own housing.
- (3) Those that come and do not find housing but want an opportunity to make money before returning to their homes will be forced to live out of their vehicles or make shanty camps to sleep in. This is the epitome unregulated, unhealthy, unsafe, and unsanitary conditions. They become a part of the homeless population that drains resources from social services and policing.
- (4) And there is of course, the desire of advocates that want to improve worker conditions which for most of us will require new construction. For some that may be feasible, but for many like myself, it is not. I have recently retired from operating but still own the farm and would like to keep it in the family. I have leased it to my long time foreman to give him a true career opportunity. As a retiree, I am not willing (or maybe I should say, my wife is not going to let me) commit \$500,000 of our retirement money on new construction at the end of our careers and my lessee has no way to finance a capital improvement on property that he does not own. This puts us in the proverbial "rock and a hard place" with no feasible alternates.

The proposed changes to OSHA Labor Housing Regulations include a variety of upgrades that are meant to improve the conditions for agricultural laborers. Many will require some time and money to implement and those that can be accomplished without requiring huge capital expenditures are acceptable, whether we agree with them or not. But those that require prohibitively large capital expenditures in order to maintain our current operations are not acceptable. It is completely unreasonable for the State to implement a rule that contradicts the rule that has been in place for 50 years, that farmers have relied on to make major investments, and that has a high probability of driving many family farms out of business. There has to be some nexus between the benefit of imposing a new regulation and the cost of compliance. I have not seen or heard of the health or safety concerns, or even the subjective improved level of comfort, that these changes actually provide and yet the implementation of the 50 sq ft requirement will have tremendous negative impacts on farmers in Wasco County.

From this information, it should be easy to determine that conditions will not be improved for the 20%, or 30%, or 40% of employees that will no longer have housing. Those that can no longer come to The Dalles, those that come but have their earnings spent on expensive rental housing, or those that end up with no housing would most likely all prefer that the current standard should be allowed to continue.

From this information, it should also be easy to determine that the burden put on family farms and smaller operations will likely be more than they can afford. Oregon prides itself on a tradition of “family” farms and at the same time imposes more and more regulation that threatens the very viability of those farms. The only fair and reasonable solution that can alleviate the burden facing both migrant workers and family farms would be to allow labor camps that have been registered and approved under the current OSHA regulations to continue to operate under those same rules and to require all new construction to meet the new standard.

From: modusoperandi2@everyactioncustom.com on behalf of [Niall Carroll](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Tuesday, October 29, 2024 10:56:53 AM

[You don't often get email from modusoperandi2@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Niall Carroll
Astoria, 97103

From: cehottle@everyactioncustom.com on behalf of [Charles Hottle](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Tuesday, October 29, 2024 10:57:03 AM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Charles Hottle
Mcminnville, 97128-3934

From: kima@everyactioncustom.com on behalf of [Ally K](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Tuesday, October 29, 2024 10:57:26 AM

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

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1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

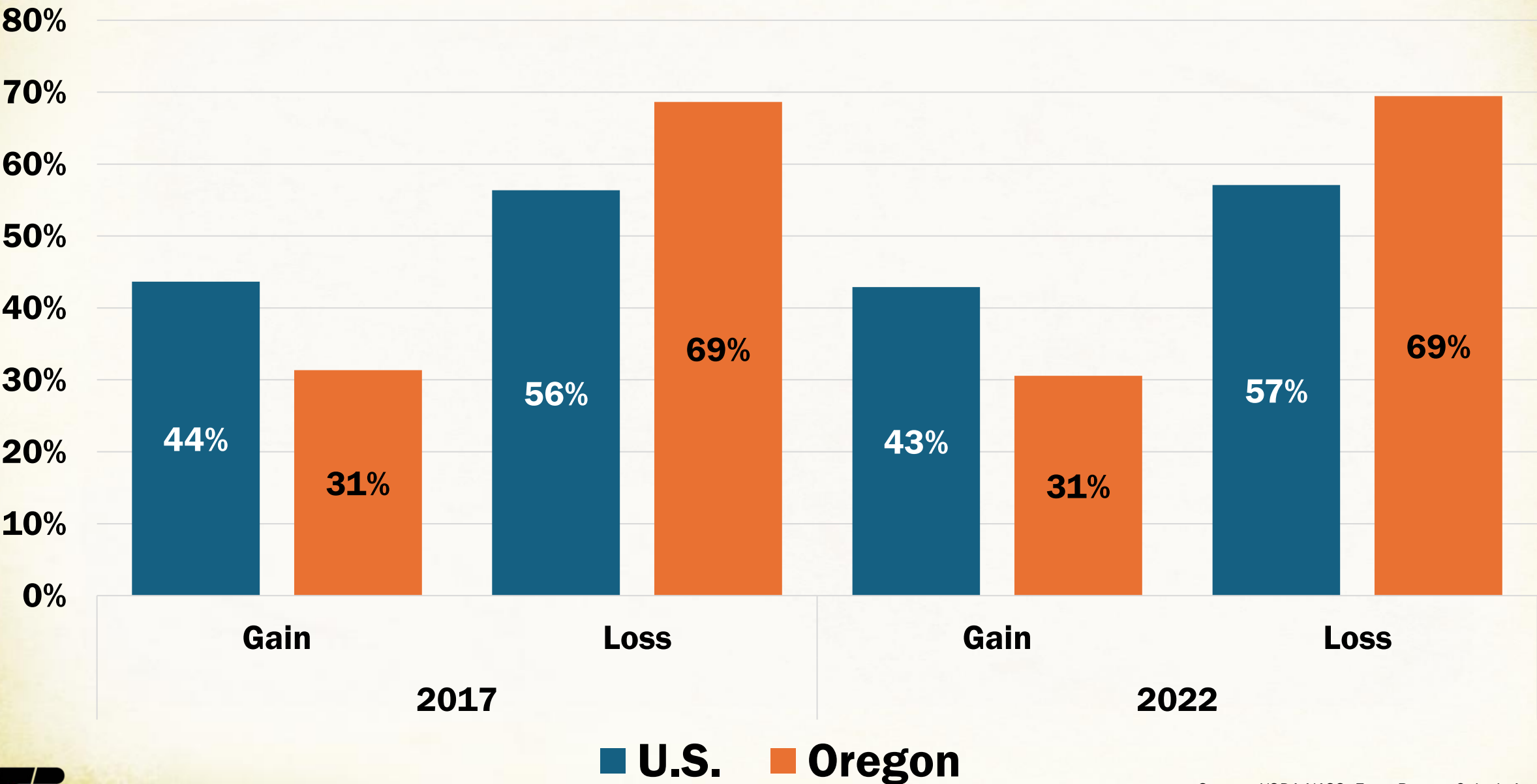
I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Ally K
Walla Walla, 99362

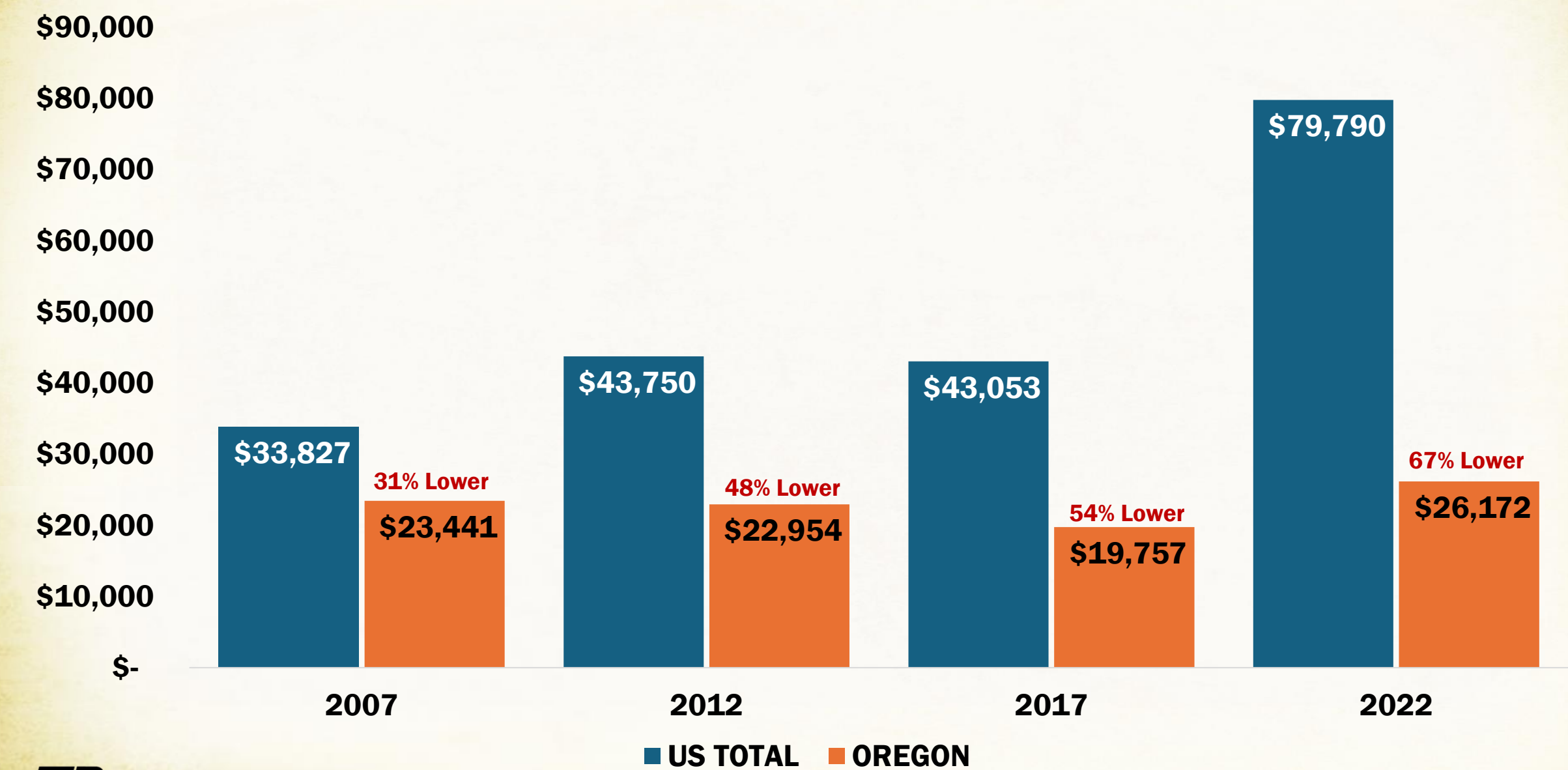
PERCENT OF OPERATIONS WITH A GAIN OR LOSS | OREGON AND U.S. TOTAL

Net cash loss or gain



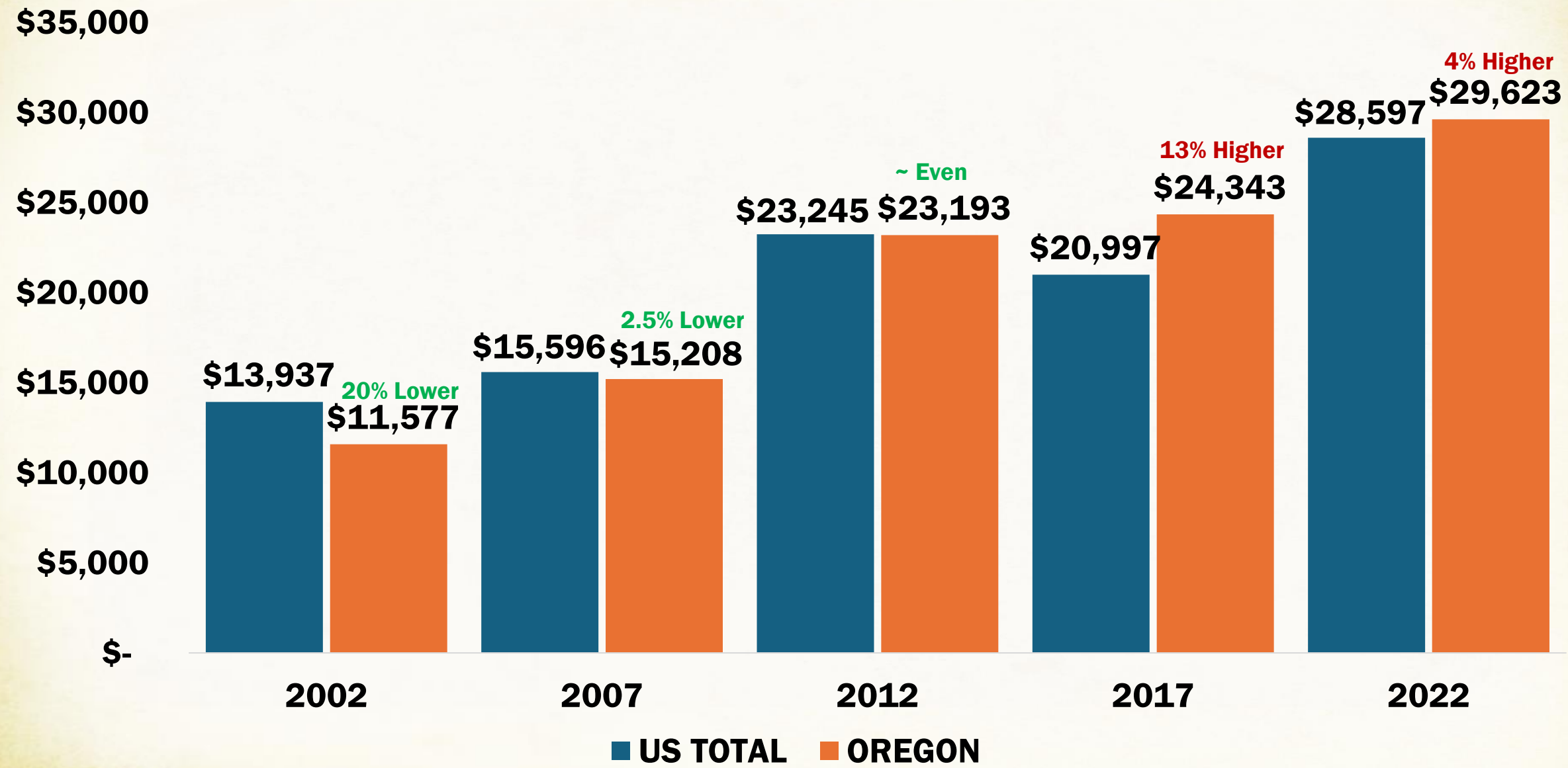
NET CASH INCOME BY OPERATION | OREGON AND U.S. TOTAL

Average dollars per operation



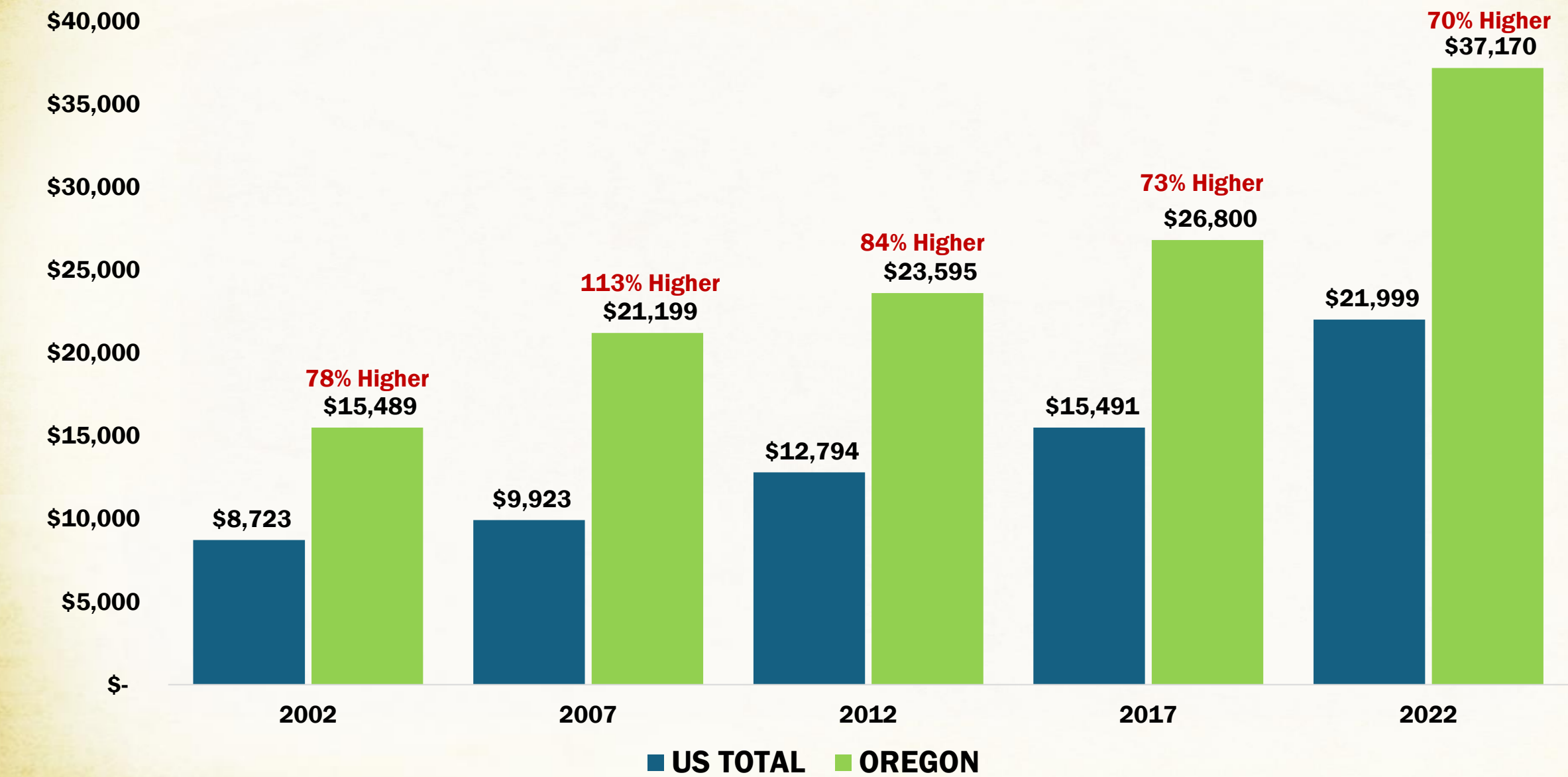
AVERAGE NET CASH LOSS | OREGON AND U.S. TOTAL

By operation | For operations reporting a loss



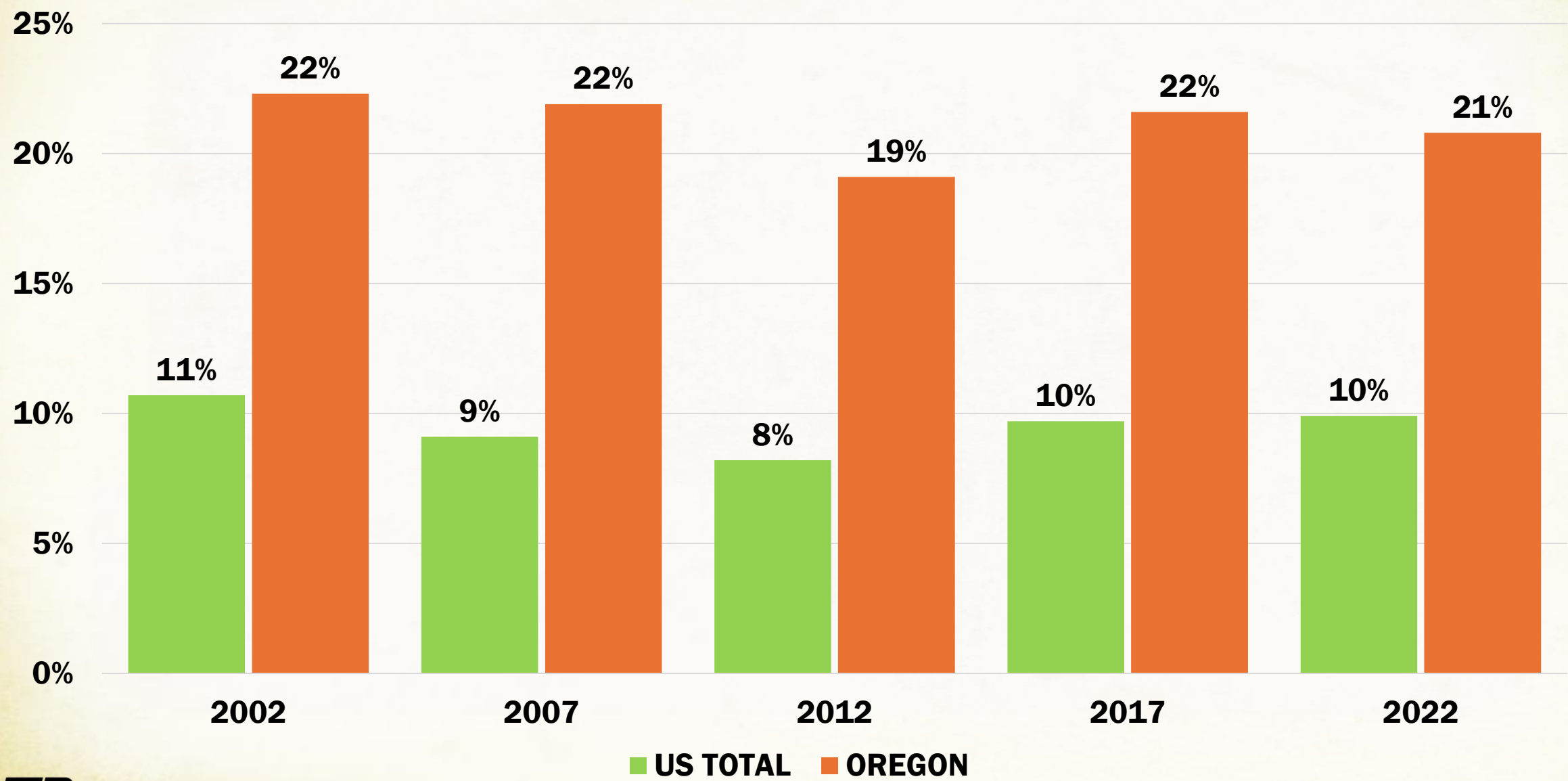
LABOR EXPENSES PER OPERATION | OREGON AND U.S. TOTAL

Average dollars per operation | Hired labor | U.S. Ag Census



LABOR AS PERCENT OF TOTAL EXPENSES | OREGON AND U.S. TOTAL

U.S. Ag Census





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TO: OR-OSHA
osha.rulemaking@dcbs.oregon.gov

RE: Ag Labor Housing Rules

FR: Columbia Gorge Fruit Growers
Oregon Farm Bureau
Oregon Dairy Farmers Association
Oregon Business & Industry
Oregon Association of Nurseries
Oregon Cattlemen's Association

October 25, 2024

On behalf of the above agricultural organizations, we offer the below comments specific to implementation dates for various components of the Ag Labor Housing Rules. Please refer to our substantive comments for each of the sections, however, we ask you rely on the below proposed timelines in red for each of these rules to take effect. Growers and farmers across Oregon need meaningful time to bring housing in line with these new proposed standards. Some will take longer than others; and frankly some are just not feasible at all and flagged as such. At a minimum, the baseline for all rules must be no sooner than July 1, 2025. If rules are adopted this winter as is expected, we need time to complete a grower season, existing contracts, and just general logistics of identifying, hiring and affording the remodeling and on-farm changes needed to come into compliance.

OR-OSHA Proposed Rule Implementation Dates	Agricultural Groups Requested Implementation Dates
Charging Occupants Clarify the list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool water (pay-per-use toilets, pay-per use bathing facilities, or any other method of paying for individual service requirements are currently prohibited). Coin-operated laundry would remain an option for employers to use as a supplement so long as the minimum laundry requirements required by the rule are provided for free.	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.

Implementation: January 1, 2025	
Definitions Do not count privies toward toilet ratios (currently counted in toilet ratios). Implementation: January 1, 2026	Implementation: No recommended change
Housing Registration Remove exception that housing provided for non-food crops were not required to register (current registration applies only to crops harvested for food). Implementation: January 1, 2025	Implementation: January 1, 2026
Housing Registration Require sites in initial registration to have no hazardous conditions (registration is currently provided when site is substantially in-compliance). Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Housing Registration Submit water testing results to Oregon OSHA with annual registration application (no current requirement). Implementation: January 1, 2025	Implementation: January 1, 2026 To allow time to find accredited laboratories for water testing, complete testing and receive results in time for registration renewal, agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Site Requirements <ul style="list-style-type: none"> • Clarifies that structures to be free from nuisance materials and have adequate drainage. • Housing sites must be well-drained and free from depressions in which water may become a nuisance. • Require secure storage of toxic materials used for work activities 30-feet from any housing. • Clarifies the need to provide adequate exterior/walkway lighting to common use facilities at night. • Ensure forks, driveways, buildings, and housing units are properly marked. Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with these new requirements to allow time to address necessary changes and to ensure there is no interruption in housing registration.
Site Requirements Remove livestock care exception.	Implementation: Not feasible as currently drafted.

<p>Implementation: January 1, 2026</p>	<p>This directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized. Neither OR-OSHA, nor any other state agency, are allowed to regulate or eliminate an outright permitted use on agricultural lands. The Oregon Health Authority has confirmed there have been zero HPAI detections in Oregon dairy cattle, and the current risk to the general public is very low. There is no threat to health and safety and therefore no justification for this new requirement.</p>
<p>Site Requirements Provide one electrical outlet per occupant in sleeping areas</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2028 OR-OSHA has verbally stated that power strips will be allowed to satisfy this rule but that they “have no intention of including that in the rule language.” If the ability to use power strips to satisfy this requirement is not codified in final rules, this requirement needs a longer effective date due to infrastructure changes required for construction and electrical work to install additional wall receptacles.</p>
<p>Water</p> <ul style="list-style-type: none"> • Water supply must be tested by an accredited laboratory when not from a public water system. • Add arsenic and nitrates to well water testing frequency for all wells provided as part of employee housing. • Post water testing results in language of occupants or pictograms. • Clarifies that per occupant potable water requirements do not include the requirements for other rules, for example, heat illness prevention or field sanitation. <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2026</p> <p>Housing operators need clarity that accredited labs exist within a reasonable distance and that OR-OSHA has provided a template for providing testing results in pictogram form; depending on this information, this requirement may need additional time beyond January 2026.</p>
<p>Water Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi)</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Not feasible as drafted.</p> <p>Oregon Health Authority requires a minimum psi of 20 for <u>ONLY</u> water suppliers (defined as municipalities, districts, corporations or other entities which own or operate a PUBLIC water system). Ag labor housing is not a water supplier. All other residential and commercial buildings are required to provide a minimum psi of 15, as stated in Oregon Building Code (specifically, Oregon Plumbing Specialty Code, which mandates a minimum psi of 15 in section 608.1). There is <u>NO justification</u> for requiring us to provide a higher psi than all other residential and/or commercial buildings in Oregon.</p>

<p>Bathing Facilities Provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Bathing Facilities Provide a private changing room for a shower area that meets the needs of the occupants.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2028</p> <p>Many bathing facilities do not have the space to create private changing areas. To expand bathing facilities to make room for private changing areas, major construction may be needed. Additional time is necessary for the planning, permitting and construction process.</p>
<p>Hand Washing Facilities Provide paper towels near the sink or basin with a trash receptacle nearby.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Hand Washing Facilities Handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>A ratio tied to occupants is not feasible, especially when other sinks do not count toward the requirement. If this remains in the final rule, housing providers need at least 10 years for implementation due to the infrastructure changes: construction, installation of plumbing, etc.</p>
<p>Laundry Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Laundry Provide separate method for cleaning contaminated clothes from other clothes.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Need additional clarity</p> <p>We need additional clarity on how OR-OSHA defines “contaminated.” Most employees are not allowed in treated areas until the Re-Entry Interval is concluded; does entering an area after an REI count as “contaminated”? Until clarity is provided and codified in final rule, we cannot provide a feasible implementation timeline because we will not know the extent to which a separate method will be needed.</p>
<p>Toilets</p>	<p>Implementation: July 1, 2025</p>

<p>Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets.</p> <p>Implementation: January 1, 2025</p>	<p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Toilets</p> <p>Require a 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Installing additional toilets (with the construction, plumbing and septic work that goes with it) requires more than one year.</p>
<p>Showers</p> <p>Provide solid doors for shower compartments.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Toilets</p> <p>Locate privies (e.g. an outhouse) more than 200 feet from facilities.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p> <p>This implementation should apply to newly constructed privies; any new privies should be located 200+ feet from facilities.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Clarify that living areas must be “structurally sound” (currently must be safe and in good repair). Remove cots as an allowable bed option. Require mattresses to be at least 4 inches thick. Add safe access to the top bunk such as ladders or stairs. Prohibit workers from sleeping in the same bed if that is not their preference. Provide cleanable mattress covers. Prohibit fumigation as a mechanism to clean mattresses. <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2026</p> <p>To allow housing providers time to plan and save funds to replace cots, purchase new mattresses, and especially for the larger project of constructing stairs or ladders for safe access to top bunks, additional time is needed.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Use chemicals in accordance with label for insect/rodent control. Require notification of the availability of a space heater (no current requirement). <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Living Areas</p>	<p>Implementation: January 1, 2028</p>

<p>Explicitly require gas burners to vent outside.</p> <p>Implementation: January 1, 2026</p>	<p>The infrastructure changes required to install ventilation systems will require more time than is currently proposed.</p>
<p>Living Areas</p> <p>Provide lockable storage for personal effects.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Living Areas</p> <p>Provide 21 cubic feet of storage for each occupant or family unit.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Not feasible as drafted</p> <p>The amount of storage proposed is not a reasonable or realistic amount; there is not enough floor space (for dressers, wardrobes, etc.) or wall space (for wall shelves) to accommodate this amount of storage space per person. This requirement far exceeds the federal requirement that “sleeping rooms contain suitable storage for clothing and personal articles.”</p>
<p>Living Areas</p> <p>Provide at least 50 square feet per bed in sleeping rooms with bunk beds.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>The major construction to expand housing to create additional square footage and/or build new housing to make up lost capacity will require time for planning, permitting, construction, installation of electrical/plumbing/septic systems, etc. Expecting this to be completed in only 2 years is unreasonable and unrealistic.</p>
<p>Fire Protection</p> <p>Install carbon monoxide detectors.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <ul style="list-style-type: none"> • Provide refrigerator capable of maintaining 40 degrees. • Provide adequate and protected food storage area. <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <p>Provide 2 cook burners per 8 occupants or 2 family units, whichever is more.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2028</p> <p>Due to the large infrastructure changes required for providing additional cooking appliances (and therefore additional space and electrical capacity in cooking facilities), more time is needed for planning, permitting, construction, etc.</p>
<p>Kitchens</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p>

<p>Provide plumbed sinks with hot and cold water near food preparation area.</p> <p>Implementation: January 1, 2027</p>	<p>This requirement goes far above the federal OSHA requirement and should only apply to new housing. If implemented in the final rules, it will be very difficult to achieve in the short timeframe proposed. Given the need to install sinks, water heaters, upgrade electrical capacity and possibly remodel to create additional space for sinks and water heaters, this is a more long-term project</p>
<p>Kitchens Provide kitchens that are enclosed/ indoors or screened.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p> <p>This requirement goes far above the current federal requirement with no justification for doing so. It should apply to newly constructed or majorly remodeled housing only. If applied to current housing, housing providers need additional time for the major construction required to enclose outdoor kitchens.</p>
<p>Kitchens Do not count sinks in toilet rooms toward sink requirements in</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>All sinks should count toward the sink requirement rather than separating them. If this remains in the final rules, housing providers will need a much longer timeline (10+ years) for construction, installation, electrical/plumbing/septic system work needed.</p>
<p>Heat Illness Prevention Maintain indoor temperature of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2028</p> <p>HVAC systems and/or mini-splits will be necessary to satisfy requirement. Housing providers will need at least 3 years for planning, installation, and electrical capacity upgrades. This requirement should be dependent on grant funding available.</p>
<p>Elimination of pre-1980 housing allowance Eliminates allowance for pre-1980 housing to provide occupants with 60 ft² and requires 100 ft²</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: Not feasible as drafted</p> <p>This requirement needs to align with the federal standard, which allows for the legacy housing allowance without a change in square footage required per occupant. Federal rules recognize a separate standard for pre-1980 housing, and Oregon should as well.</p>
<p>Disease Reporting Align disease reporting with the Oregon Health Authority's (OHA) most current rules. The text of the referenced OHA rules is in the newly created Appendix A.</p>	<p>Implementation: Not feasible as drafted</p> <p>While we understand that this is not a new provision, and that disease reporting relates to employee safety and health, this rule places an unreasonable burden on non-medical employers to take action that is well outside their areas of expertise. To the extent any</p>

Implementation: January 1, 2025	<p>communicable disease rule is needed, OR-OSHA should consider instead adoption of a simple rule such as that laid out in the federal standards at 29 CFR 1910.142(/). A simple rule such as that is reasonable. A rule suggesting that labor housing employers should have some sort of highly specialized knowledge of specific communicable diseases and when a disease might be a “suspect case” under regulations applicable to healthcare providers is not.</p>
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Cooper Family Orchards

2270 Dry Hollow Rd

The Dalles, OR 97058

(541)288-6773

cooperorchards1869@gmail.com

To OR OSHA Rulemakers

My name is Stacey Cooper and I am writing on behalf of Cooper Family Orchards. We grow fresh Cherries and Pears in The Dalles, Oregon. Cooper Orchards has been doing business in Oregon since 1869, I am a fifth generation grower to run our operation. As with any business that has survived 150+ years we must continue to evolve and invest into our properties. Over the last 50 years we have had to make major investments in housing the migrant workforce that we depend on for harvesting our crops. We needed to provide safe, temporary 4 to 6 week housing to our migrant workforce. We built temporary no cost to employee housing using the current at time of build, OSHA regulations and building codes. The OR OSHA regulation demands that we change to the current regulations, unlike building codes, once the building is complete you're in compliance unless major changes are made. When it comes to major structural changes there should be a grandfather consideration provided. This is the second time that OR OSHA has opened the housing rules since I moved home in 1999 to start involving myself into the family farm. The 2008 rule making had a 10 year grace period on major structural items, which gave growers time to plan and save for major capital investments. This current housing rule change is only allowing 1 to 2 year compliance on many expensive and timely structural changes. As an employer it is essential to provide a safe work and living environment. We depend on these workers. Some of the investments we have made over the years go beyond the rule. We do this to keep our staff happy and willing to return year after year. We also have to balance out an investment into housing that we only use 4 to 6 weeks of the year. We also need to invest into our year round employees and into our operation. The housing regulation that requires structural changes put a huge financial and time burden on our operation. These are resources that are becoming very difficult to find especially after three of the toughest years that anyone can remember.

To address the timeline on the proposed rule changes nothing should be required until 2026. Rule making is still in process in November 2024. That is an impossible timeline for growers needing housing in January. For our operation needing housing in June.

Everything asked of 2025 will still be a challenge. Example the water sampling and understanding when that will need to be submitted in order to register housing. We have closed our camps until spring. Water is off to prevent damaging pipes. So this needs to be cleared up in the language. A water sample taken in the spring is good for a year? So when registering my housing in January of 2027 can I use the May of 2026 sample and so on for the next years going forward. Also posting these results in pictograph or language will take OSHA time to develop the posters. The other example is carbon monoxide detectors. The easy part is buying 50 new combo fire alarms/ carbon monoxide units at a cost of \$2500. Instead of plugging them in the wall and taking up a plug I will do the practical thing and replace the fire alarms. The challenge will be having time to get them all installed which will require labor and maybe an electrical upgrade.

The 2026 rules to be implemented: first toilets at my current capacity I will need to add 4 toilets. Honestly I will use Port a Potties to supplement my flush bathrooms. I am guessing with the choice of a flush toilet and a port a potty, they will just be there to satisfy the number needed and a waste of money and space. To build another flush facility is cost and septic prohibitive. This is a rule that should align with Federal OSHA. Laundry will also take time to construct or modify an existing building.

Sleeping Rooms: To comply with the regulation our cabins will need to be insulated, which was in our plan, to make the air conditioner already installed work more efficiently. Unfortunately with 3 consecutive years of crop or market failure we have prioritized our year round employees and maintaining a work force instead of layoffs. This project will cost our operation approximately \$80,000 for material and labor. This labor cost is in house labor, so we will need to pull labor resources away from the Orchard. So having the dollars and the time to get the project done in 2 years will be a strain on our operation. At the same time that we are upgrading the cabins we also need to install storage to meet the 21 square cubic storage, plus lock boxes. An estimate on those 2 items is an additional \$15,000 at a minimum if it is one per family unit. If the rule is per person it would be at a cost of \$50,000. OSHA needs to define what an electrical receptacle actually means. An electrician says a receptacle is one plug, a duplex is 2 plugs.

The 2027 effective date for the major structural changes is not feasible. Our farm sits in the Columba Gorge scenic zone. This alone to get permission to build on our site is at least 9 months out and that does not include the rest of the permitting process that will have to happen. The proposed rule of 50 sq ft per person, will reduce my capacity by 18%. This is 40 either employees or their family (children, grandma that cooks for them) that will no longer have housing. They will either be left at home in California or families will have to provide their own housing at their cost. We believe in having family come and either work together or come as support for the worker. With the onset of AG Overtime going to 40 hours and time sensitive crops to be picked, we may have to make

the difficult choice to no longer house **non workers**. To add back the housing we will lose with the square footage change is around \$750,000.

Kitchens: In 2017 we decided to move our kitchens outside so we could be in compliance with the last rule changes. It took our family a long time to decide how best to make that move. It was important to us to maintain the amount of people we could put in the housing and make the cooking outside comfortable for our employees. We did not want to just stick a stove outside. We redesigned the front of the cabins with better covered porches and extended the roof over the outside area. Then we half walled all the way around, to provide a wind and dust barrier. Leaving half the wall open for air movement and ventilation. To screen my kitchens the cost is approximately \$16,000

Sinks: This is the most frustrating proposed rule in the fact that sink rules are located in 2 locations of the rules. The federal is 1 sink per 6 occupants which is reasonable if all sinks that are available can be counted. Sinks adjacent to the toilet facility should be in a ratio of 1 toilet to 1 sink which is standard in most dormitories and commercial buildings.. Sinks located near food prep areas are important, not only to keep people healthy but also happy with their living situation. If I am required to increase handwashing sinks only to comply, at my current capacity I will need to add 16 handwashing sinks to my housing. Cost of just the 16 sinks is around \$3,500, this does not include the added septic capacity. These sinks will have to be located at the toilet facilities so a compliance officer would count it as a handwashing sink. I would like to locate these sinks near the food prep area. This I feel is what the advocates really were asking for, having these hot and cold water sinks near where food is being prepped to reduce the chance of cross contamination. So I implore OR OSHA to reconsider the sink rules and allow all sinks to be counted to align with federal OSHA at the 1 to 6 ratio.

To end this letter I appreciate the chance to comment on these proposed rules. Cooper Family Orchards strives to provide a safe environment for our employees. Housing is not the business that we want to be in. Unfortunately the lack of local seasonal workers has made housing part of our business model. We are fortunate that we only need to house people for a very short amount of time, 4 to 6 weeks. The majority of our seasonal workers come from California. This is a filler job for them while they wait for produce to ripen in California. Many of them bring their families, since it is school break. When they leave, many of them leave household items that they expect to return to next summer. Most of our seasonal workers return to their homes for the remainder of the year. Our community has embraced this flux of seasonal workers, By providing daycare and school for older children. The community health organizations provide on and off farm clinics. Their budgets depend on the number of people they see. If these ratio rules go into effect our choice to provide housing to nonworkers will have to change. With that so will the family environment we hope to create.

Affordable housing for any employee is becoming a huge issue, and the needs are becoming greater to house long term employees. These changes will make it increasingly difficult to handle both needs.

In conclusion I have inserted numbers throughout this letter but to sum up a few of the major cost:

Carbon Monoxide detectors \$2,500 plus labor

Rental Toilets \$3,000 per year plus cleaning

Or minimum \$10,000 for flush toilets prefabbed plus installation

Insulation \$80,000

Storage \$15,000 per family unit or \$50,000 per person

Screens \$16,000

Sinks for handwashing \$3,500 for 8 plus

Septic upgrade \$15,000

Total cost for just these changes is around \$135,000 minimum.

If we have a per person storage \$170,000

This does not include the \$750,000 to replace square footage.

Total \$885,000

Thank you for your time

Stacey Cooper

Owner / Operator

October 29, 2024

To: Oregon Occupational Safety and Health Administration
From: Oregon Health Authority Drinking Water Services (DWS)
Re: OHA comments on amendments to Agricultural labor housing and related facilities rules

Submitted via email: osha.rulemaking@dcbs.oregon.gov

Dear Rules Coordinator:

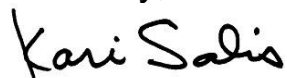
I hereby submit comments on Oregon Occupational Health and Safety Administration's amendments to the Agricultural and Labor Housing and Related Facilities rules:

1. OAR 437-004-1120(4)(m). Defining "potable" as water that meets OAR 333-061 is overly burdensome. There are 300 pages of regulations, from monitoring of over 90 contaminants to various plans to source construction standards. Consider simplifying these requirements while still being protective of public health by defining Potable water as water that is monitored as prescribed in (7)(b) and does not exceed standards specified in [new section in 7 as suggested in comment #6 below].
2. OAR 437-004-1120(5)(b)(E) Suggested edit for your consideration: Each year, for housing with non-public water systems, the registration form must include proof of annual testing of water in accordance with subsection (7)(b) for ~~[nitrates, Escherichia coli (E.Coli), and total coliform]~~ **coliform bacteria and nitrates** from an accredited laboratory.
3. OAR 437-004-1120(6): Consider adding that chemicals must not be stored in the wellhouse.
4. OAR 437-004-1120(7)(a) Noting that this requirement may be more stringent than the plumbing code. Consider aligning these rules with plumbing code, which is what also applies for these facilities (the piping and pressure requirements of 333-061 do not apply to these facilities).

5. OAR 437-004-1120(7)(b): Consider these edits: Except for water that comes from a public water system, the water supply must be tested by an accredited laboratory as ~~[often as needed to [assure]ensure a potable water supply;]~~ follows and the results of the analysis posted as specified below:
 - a. (A) Have an arsenic analysis completed on the water at least once;
 - b. (B) Have a coliform bacteria ~~[an Escherichia coli (E. coli), total coliform,]~~ and nitrate analysis completed on the water at least ~~[every 12 months]~~annually; and (note: OAR 437-004-1120(5)(b)(E) refers to annual monitoring so should be consistent)
 - c. (C) Post the most recent results of the water analysis in the housing in the language of the workers, or, in lieu of translating lab results, post a pictogram that conveys the same information.
6. OAR 437-004-1120(7). Maximum allowable levels of coliform, nitrate, and arsenic have not been mentioned. Rather than refer to the extensive 333-061 requirements in the definition of potable, consider adding a new sub-section in (7) such as: E.Coli must be absent. Nitrate may not exceed 10 ppm, and arsenic may not exceed 10 ppb. If these levels are exceeded, water must be treated or provided from an alternate source meeting these standards.
7. OAR 437-004-1120(7)(g). Consider specifying that the water in portable containers must come from a public water system or other potable source.
8. OAR 437-004-1120(18)(b)(F). Specify that potable water must be provided at food preparation areas: ... plumbed sinks with potable hot and cold water....

Thank you for the opportunity to provide comments. Please feel free to reach out if you would like to discuss these comments further.

Sincerely,



Kari Salis, PE
Technical Manager
OHA-Drinking Water Services
503-785-3158
karyl.l.salis@oha.oregon.gov

From: [Wasco County Farm Bureau](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [Lesley Tamura](#)
Subject: ALH rule making.
Date: Tuesday, October 29, 2024 8:47:44 PM

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Wasco County Farm Bureau

2121 Dry Hollow Rd.

The Dalles, Oregon 97058 October 29, 2024

My name is Ken Polehn, President of Wasco County Farm Bureau. Wasco County grows Sweet Cherries, Wheat and Cattle primarily.

I am a cherry and pear orchardist. The tree fruit industry is different from other ag industries in Oregon –all of our work cannot be automated and we exclusively use hand labor because we do not have any other choice or means to deliver an edible product. Typically the wheat or cattle industry doesn't house employees. If so just a handful as compared to the sweet cherry industry.

- Farm Bureau members value their employees and work hard to provide safe and healthy housing for employees and their families.
- Growers have a vested interest in their employees' safety and health; without housing, Orchardist cannot recruit the workforce they need to grow and harvest our crop(s).
- While there are "bad apples" out there (as in every industry) that should be held accountable for sub-par housing, in general the ag industry recognizes that safe and hygienic living conditions are critical to worker productivity.
- Having safe housing also helps us to be competitive and attract high-quality employees. Our members have worked diligently to update and improve our housing over the past years. New shower houses and toilet facilities have been built. Many have upgraded infrastructure to accommodate existing OSHA housing rules. Such as electrical, Gas lines, insulation, Dry wall and new bunk beds and mattresses. We have also remodeled the cabins to meet the current OSHA rules.
- My concerns about some of the proposed rules are not limited to the high cost, I am also concerned about the short 2-year implementation timeline given by OR-OSHA. We are limited on space, Zoning and The Columbia River Gorge National Scenic Area Act to do more. We are also limited on adding septic systems. Money is also a big issue.
- Requiring such huge structural changes to labor housing facilities within only 2 years is not a reasonable or realistic timeline. It will take that long to get through the permit processes.
- we need a reasonable amount of time to go through the planning and construction phases in a way that does not have a hugely negative impact on currently available housing.
- Significant structural changes should be phased in over a much longer timeframe and should apply to significant remodels or new construction.
- The proposed timeline ends in 2027, the same year that Ag Overtime reaches the permanent 40-hour threshold. Our housing capacity will be reduced from current enrollment, while we need additional employees to avoid the

significant cost increase for overtime pay.

- On-farm housing is regulated and inspected, and it is affordable for our employees –it is on my farm completely free.
- Often, we house families where only one member of the family works on-farm, while other members (spouse, adult children, etc.) work in other industries. We may have to prioritize housing for employees only.
 - o Families that have built lives here may have to relocate
- Farm employees will be forced to find off-farm housing in an area where no affordable housing options exist.
 - o No housing options for short-term housing used by the thousands of migrant workers that come only for a few weeks of the year during harvest season
 - o No community-based housing available
- Migrant workers that follow the harvest season may not come due to lack of available on-farm housing; those that do come will sleep in cars, in tents, or packed into cheap motel rooms with many others to share the cost. Living in conditions ADVERSE to our already acceptable and appreciated by our employees for temporary housing.

Each farm's housing is unique in layout, capacity, and features. We will be impacted in different ways, but nearly

everyone with employee housing will lose capacity between 20% - 50%

By increasing the square footage from 40ft to 50ft we will be losing hundreds beds.

With the new changes in the sink and toilet ratios we will be losing more people.

This would be hundreds of LOST BEDS, and LOST JOBS. Perhaps more, as losing beds in our camps may necessitate splitting families up to house them, possibly losing even more space due to lack of flexibility.

With the proposed loss of 26.5% on my farm, of our temporary seasonal housing comes potential to lose a commensurate portion of our crop. The cherry crop in Wasco County is typically valued at around 66 million annually, meaning Wasco County alone potentially will lose 17.5 million to our local economy.

Many growers have done remodeling to meet the current housing rules. Now you are asking us to remodel again. We do not have the space or infrastructure to increase housing to meet the new rules. We also have housing in the scenic act area, protected waterways, orchards and other farms with livestock. Which limits us with expansion. Also, cost is a big factor we are still paying for the last upgrades.

WE have a generational workforce. We have families who are coming back to work for the third generation who have literally seasonally worked for us for three generations.

This will force us to focus more on productive workers in our housing. This will impact families financially as not everyone will not be able to live and work on our farm.

- Approximately how much will it cost you to build back to capacity?

75 workers x \$180 per square foot x 120 per occupant = \$1,620,000.00. This is the cost to build above ground structures for our small family farm, to hold the 75 additional occupants. This does not include the air conditioners, additional septic systems, Beds and storage and the other changes to the rules.

- OR-OSHA is required to be “as effective as” federal OSHA rules. However, they are not required to go beyond federal rules. OR-OSHA should align with federal rules so that our housing requirements are consistent with other states. When OR-OSHA goes beyond federal rules, we are less competitive as an industry. By requiring housing rules that go beyond the

federal standards, we are at a large disadvantage.

- OR-OSHA should allow for legacy recognition of housing constructed prior to 1980.
 - o Federal OSHA updated housing rules in 2022 but chose to “grandfather” in square footage requirements in housing built prior to 1980. This is recognition that housing built prior to 1980 can still be considered safe and healthy to live in by federal standards without having to make major modifications to square footage.
 - o OR-OSHA wants to go far above and beyond federal OSHA by removing this allowance for housing built prior to 1980.
 - o U.S. Department of Labor recognizes the importance of allowing older housing to remain in use and the difficulties of upgrading older housing to current standards; Oregon should as well.

We have housing constructed prior to 1980. That houses workers and there families in these units.

- OR-OSHA should align with federal minimum requirements for storage:
 - o Section 16(i) requires at least 21 cubic feet of storage for each occupant. This isn’t feasible in most housing, as there isn’t enough wall or floor space to accommodate this without becoming a safety hazard. Providing 21 cubic feet of dressers, closets, wall shelves, etc. would take up additional space inside the unit(s) and leave less room for occupants.
 - o Federal OSHA requires that sleeping rooms contain suitable storage for clothing and personal articles; OR-OSHA should align with this to ensure that occupants have sufficient storage for personal items but not requiring such a massive amount that is not feasible.

Conclusion:

- OR-OSHA needs to align the new housing requirements more closely to the federal standard for ag labor housing so that we can provide safe and healthy housing to our employees who do not have other housing options.
- OR-OSHA needs to revise the proposed rules to ensure the phase-in timeline is realistically achievable.
 - o If the timeline is not adjusted to be more reasonable, a workforce shortage will be created for many farms. Creating a deficit of earned income and paid taxes in our area.
 - o This proposal requires those of us that provide safe and affordable housing to spend hundreds of thousands, or even millions of dollars if we hope to employ the same number of workers in 2027, just on my small family farm.
- Please incorporate my concerns into the final draft of the ALH rules.

Sincerely,

Kenneth Polehn

President Wasco County farm Bureau.

From: [Allison Hertel](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: comments on the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities
Date: Tuesday, October 29, 2024 10:20:17 PM

You don't often get email from hertel.allison1@gmail.com. [Learn why this is important](#)

Dear OSHA,

My name is Allison. I appreciate the opportunity to submit comments on the Proposed changes to Agricultural Labor Housing published over the course of this spring, summer, and fall. As a born and raised Oregonian from Multnomah County, who has "farm sat" (like housesitting but with a farm) all over the NW corner of the State, earned my degree at Portland State, and looks forward to doing agricultural business in the state, I am writing to comment on the proposed changes regarding the distance of human housing from agricultural facilities.

As you know, many homes in Oregon are historic. With over 37,000 total farms and millions of livestock in the state, many farmers, especially cattle facilities such as dairies and ranches, rely on the ability of their families and their workers to dwell in existing safe housing, much of which was built for the ancient security measure of living close to animals, so you could hear if a problem broke out at all hours. In many equine facilities, it would not be uncommon for housing to be attached to a stable, again, for security, as horses are often the highest dollar amount per animal of any livestock, and remaining close helps ensure their safety. Rural farms often do not have the option of more modern methods of security, as wifi, ethernet, power, etc. are often unstable or unavailable. This means that families and workers living close to the animals they care for is still a crucial component of modern rural agriculture.

I can not count the number of times myself or friends have known immediately about issues in our barns at 2 or 3 in the morning, because we were close enough to hear. 500 feet is too far away to hear the sounds of an animal in trouble (prey animals like livestock are often very quiet in distress so they don't attract predators), someone sneakily stealing, or the first snaps and crackles, as well as smells, of fire. As my own family looks for our own farm in Oregon, suitable properties for modern commercial agriculture are extremely limited as it is, and this change would further reduce not only the number of available properties but also our ability to grow them into thriving businesses.

The proposed rule change to require housing, even new housing, to be over 500 feet from animals not only puts limits on the acreage size of farms that can benefit from worker housing, as the smallest farms simply won't have space, but also removes the necessary security of having people close to the animals, and would result in unnecessary losses.

500 feet does not make sense for anything. Even in the name of sanitation, 200 feet has been shown to be sufficient, but many farms have existing facilities even closer, and have operated for decades, if not over a century, without sanitation issues. For fire and disaster protection, homes and other industrial facilities are permitted in cities nationwide as close as both sides of a firewall in some instances. The data simply does not support such a distance as 500 feet and frankly, any distance requirement should be removed entirely as long as other safety and sanitation checks are in place such as proper waste disposal.

The sweeping and rapid change would place an impossible burden on farmers to move perfectly good barns or homes, or forego their use, leading to their inability to farm and/or farm at scale without worker help. It would reduce the utility of historic properties. This would further lead to greater reduction in Oregon's agricultural output and increase the lack of local and regional food available to Oregonians. As barns have an average lifespan of around 40 years before they need major repair, a more reasonable change would be to slowly move barns and homes apart over the coming decades. 2 years for this level of change is insane. The proposed change itself is ridiculous, and I suspect stems from a lack of understanding of how farmers get farming done.

If you still consider it a reasonable change after any and all comments you have gotten, please go help a rancher or dairy farmer, that houses workers as well as their own family, for a week, in January, before coming to a decision.

RE: ALH Rule Changes-Impact on Cheri Davis Cherry Orchard, The Dalles, OR

Dear OR-OSHA:

My name is Cheri Davis and I operate the Cheri Davis Cherry Orchard on Skyline in The Dalles, OR which is in the Columbia Gorge Scenic. I employ over 100 people for seasonal harvest work bringing in revenue for the State of Oregon.

Safe housing, free of charge for our workers is imperative since my workers help make our operations productive. Machines cannot do the work my employees perform. I have invested significant amounts of time money in assuring housing for my workers is such that it is safe and the pay for the work will attract them. The OR-OSHA requirements would cause my Orchard to lose 16 beds which is 24% to 50% of worker housing when considering families will have to go into two dwelling s instead of one because of change from the 40 sq ft rule going to 50 sq ft. And, at a cost of \$21,000/bed loss, this amounts to a loss of \$336,000 for basic building of new housing for seasonal workers. This is housing (i.e., a business asset), that sits empty the rest of the year (i.e., does not bring in income and wastes valuable capital resources). The OR-OSHA approach will split up worker families separating mothers and fathers from each other and their kids which is not a safe situation. This is not in the best interests of my workers. In addition, by continually adding these unnecessary costs to my Orchard, OR-OSHA puts the success of my Orchard business in jeopardy. And could cause my Orchard to go bankrupt and cost workers good paying jobs. Should that happen, my Orchard would not provide tax monies to the local, state, and federal governments and the workers would not provide income to the local and state governments. No income for businesses and workers and no income for local and state governments. Also, the permitting for these changes to the living facilities would not be feasible given the lengthy building permitting process for the Columbia Gorge Scenic Area in which my Orchard resides.

I ask OR-OSHA to stop trying to punish the few bad apples by applying blanket requirements across the industry that exceed federal OSHA requirements. What is the independent, documented, peer reviewed research data available for public review justifying this change in worker living conditions? If there is none, as stated by OR-OSHA at the October 17 meeting, then it's inappropriate for OR-OSHA to increase the envelope of its purview. If OR-OSHA continues down this path, it will soon find that employers have left the state and OR-OSHA will have no one to oversee and no one to gather tax monies from to pay OR-OSHA expenses. Farmers CAN move to other states to do their farming. In addition, adding to the Federal OSHA requirements adds unnecessary cost to my Orchard product(s). With high inflation ongoing, OR-OSHA does not need to add unnecessary costs to folks' food bills. I ask that OR-OSHA retract this unreasonable housing law addition.

Thank you for listening and for retracting this farm housing law addition.

Cheri Davis, Orchard owner, The Dalles, OR 97058

From: [Cody](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: H2A proposed change
Date: Wednesday, October 30, 2024 10:09:14 AM

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I wanted to correspond with you all to urge you to reconsider the proposed agriculture housing ban on housing within 500 feet of livestock facilities. I understand the reasoning behind this proposal but believe it not to be practical. At least, I believe current housing should be exempt. Thank you for your consideration,
Cody Davies

From: lopeze3@everyactioncustom.com on behalf of [Emileni Lopez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Wednesday, October 30, 2024 12:24:23 PM

[You don't often get email from lopeze3@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Emileni Lopez
Mount Angel, 97362

LINDA A. MCCAULEY, PHD, RN, FAAN, FRCN

Dean of Emory University Nell Hodgson Woodruff School of Nursing

Telephone: (404) 727-7976

Email: Linda.mccauley@emory.edu

EDUCATION

Dates	Degree	Institution and Location	Area of Expertise
1988	PhD	University of Cincinnati Cincinnati, OH	Environmental Health and Epidemiology
1979	Master of Nursing	Emory University Nell Hodgson Woodruff School of Nursing (NHWSN) Atlanta, GA	Parent-Child Nursing
1971	Bachelor of Science	University of North Carolina Chapel Hill, NC	Nursing

LICENSES & CERTIFICATIONS

Dates	Type	License Number
Current	Registered Nurse	048556
Current	Collaborative Institutional Training Initiative (CITI Program) Certification	1726867

HONORS & AWARDS

Date	Name of Award	Awarding Organization
2023	Healthcare Heroes Award	Atlanta Business Chronicle
2023	Grantee Highlights	Partnerships for Environmental Public Health (PEPH)
2022	Ada Sue Hinshaw Nurse Scholar Award	Friends of the National Institute of Nursing Research
2020	Honorary Fellow	Royal College of Nursing

LINDA A. MCCAULEY, PHD, RN, FAAN, FRCN

2019	Academic-Practice Partnership Award	American Association of Colleges of Nursing
2018	Women Who Mean Business Award	The Atlanta Business Chronicle
2017	Alumni of the Year Award	University of North Carolina School of Nursing
2016	Charles R. Hatcher Award for Excellence in Public Health	Emory University Rollins School of Public Health
2016	Nurse Researcher Hall of Fame	Sigma Theta Tau International
2014	Certificate of Appreciation	National Academy of Medicine
2009–2017	Who's Who in Health Care	Atlanta Business Chronicle
2009	Hewlett Award for Innovation in International Offerings	University of Pennsylvania
2008	Women and Power in the New World Fellowship	Harvard University Kennedy School of Government
2007	Fellowship	American Academy of Occupational Health Nurses
2006	Slack Publishing Golden Pen Award	American Association of Public Health Nurses
2002	Mary Louise Brown National Research Recognition Award	American Association of Occupational Health Nurses
2001	Fellow of the American Academy of Nursing	American Academy of Nursing

1987–1988	Post Baccalaureate Faculty Grant Award	US Department of Health and Human Services
1986	Summer Research Fellowship	University of Cincinnati College of Nursing and Health
1986	Barbara Brodie Nursing History Fellowship	University of Virginia School of Nursing
1985	Tenure	University of Cincinnati College of Nursing and Health
1979	Graduation with Distinction	Emory University NHWSN
1978	Trainee for Graduate Study	Emory University NHWSN
1967–1971	Scholarship for Undergraduate Study	March of Dimes

PROFESSIONAL EXPERIENCE

Dates	Title	Institution
2009–Present	Dean Professor of Nursing Doctoral Advisor	Nell Hodgson Woodruff School of Nursing, Emory University
2009–Present	Professor of Environmental and Occupational Health	Rollins School of Public Health, Emory University
2009	Adjunct Professor of Nursing in the Associated Faculty	University of Pennsylvania School of Nursing
2006–2009	Associate Scholar for the Center for Clinical Epidemiology and Biostatistics	University of Pennsylvania School of Medicine

LINDA A. MCCAULEY, PHD, RN, FAAN, FRCN

	Faculty for the Center for Excellence in Environmental Toxicology	
2004–2009	Associate Dean for Research Nightingale Professor of Nursing	University of Pennsylvania School of Nursing
2004–2009	Professor of Public Health	University of Pennsylvania School of Public Health
2002–2009	Adjunct Professor of Psychology	Portland State University Department of Psychology
1998–2004	Professor for the Department of Population-Based Nursing & the Office of Research Development and Utilization	Oregon Health Sciences University
1996–2004	Scientist at the Center for Research on Occupational and Environmental Toxicology	Oregon Health Sciences University
1994–1996	Visiting Scientist at the Center for Research on Occupational and Environmental Toxicology	Oregon Health Sciences University
1992–1996	Adjunct Associate Professor for the Department of Environmental Health	University of Cincinnati College of Medicine
1988–1996	Professor and Director of Occupational Health Nursing	University of Cincinnati College of Nursing and Health
1982–1985	Associate Professor	University of Cincinnati College of Nursing and Health
1979–1982	Assistant Professor	University of Cincinnati College of Nursing and Health
1976–1978	Associate Chair of the Parent and Child Department	Georgia Baptist Medical Center

1972–1975	Nursing Instructor	Jewish Hospital School of Nursing
1971–1972	Staff Nurse	Holy Name of Jesus Hospital

GRANTS & FUNDING

Research Grants

Grant: Center for Children’s Health Assessment, Research Translation and Combating Racism (CHARTER)

[MPIs: **McCauley, L.** and Ahn, G.]

Grant number: 1P2CES033430-01

Role: Contact PI and Center Director

Funding agency: NIH, NIEHS

Amount: \$4,000,000

Period: 2021-2026

Grant: Occupational Heat Exposure and Renal Dysfunction

[MPIs: **McCauley, L.**, **Hertzberg V.**, **Sands, J.**]

Role: PI and Program Director

Grant number: R01OH0117820100

Funding agency: NIOSH, CDC

Amount: \$2,278,165

Period: 2019–2023

Grant: Center for Children’s Health, the Environment, the Microbiome, and Metabolomics (C-CHEM2), Administrative Supplement

[PI: **McCauley, L.**]

Role: PI and Program Director

Grant number: 5P50ES02607104

Funding agency: NIH, National Institute of Environmental Health Sciences (NIEHS)

Amount: \$84,998

Period: 2018–2019

Grant: Georgia Clinical Translational Science Alliance (GaCTSA)

[PI: Taylor, W. R.]

Role: Core Director

Grant number: 1UL1TR00237801

Funding agency: NIH, National Center for Advancing Translational Sciences (NCATS)

Amount: \$8,161,473

Period: 2017–2022

Grant: Southeastern Coastal Center for Agriculture Health & Safety: Pilot
Heat Stress and Biomarkers of Renal Disease

[PI: **McCauley, L.**]

Role: PI - Subaward from University of Florida

Grant number: U54OH01123002S1

Funding agency: CDC, NIOSH

Amount: \$426,875

Period: 2017–2019

Grant: Center for Children's Health, the Environment, the Microbiome, and Metabolomics
(C-CHEM2)

[MPI: **McCauley, L., Ryan, P.**]

Role: Contact PI and Center Director

Grant numbers: NIEHS P50ES026071 & EPA 83615301

Funding agency: NIH, NIEHS, EPA

Amount: \$5,023,117

Period: 2015–2019

Grant: The Girasoles (Sunflower) Study

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: 5R01OH01065704

Funding agency: CDC, NIOSH

Amount: \$2,125,428

Period: 2014–2018

Grant: Atlanta Clinical and Translational Science Institute Renewal

[PI: Stephens, D.]

Role: Core Director

Grant number: 2KL2TR000455-06 & 5KL2TR000455-07

Funding agency: NIH, National Center for Research Resources

Period: 2012–2017

Grant: Pregnancy Health Among Florida Farmworkers

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: R21OH009830

Funding agency: CDC, NIOSH

Amount: \$1,186,516

Period: 2009–2013

Grant: Prevent and Reduce Adverse Health Effects of Pesticides on Indigenous Farmworkers

[PI: Shadbeh N.]

Role: Scientific Director

LINDA A. MCCAULEY, PHD, RN, FAAN, FRCN

Grant number: Including 1R24MD00279801, 5R24MD00279802, R524MD00279804
Funding agency: NIH, National Center for Health Disparities and Minority Research
Amount: \$3,191,676
Period: 2008–2015

Grant: Community Universal Research Enhancement Program
[PI: Richmond, T.]
Role: Co-Investigator
Funding agency: University of Pennsylvania
Period: 2008–2009

Grant: Neurotoxic Superfund Chemicals and Biomarkers
[PI: Spencer, P.]
Grant number: 1P42ES10338
Funding agency: NIH, NIEHS, EPA
Amount: \$1,209,821
Period: 2000–2007

Grant: Clinical and Translational Science Award Program
[PI: Stephens, D.]
Role: Co-Investigator
Grant number: PHS5UL1RR025008
Funding agency: NIH, National Center for Research Resources
Period: 2007–2012

Grant: National Children's Study: Philadelphia Vanguard Center
[PI: Culhane, J.]
Grant number: 275201100003C101
Funding agency: Children's Hospital of Philadelphia
Amount: \$12,505,496
Period: 2009–2012

Grant: Biomarkers of Pesticide Toxicity Among Teen Farmworkers
[PI: **McCauley, L.**]
Role: Principal Investigator
Grant number: 1R01OH00805701, 7R01OH00805702, 5R01OH00805703, 5R01OH00805704
Funding agency: NIOSH
Amount: \$893,619
Period: 2003–2005

Grant: Genes and Environment: New Education to Involve Communities
[PI: **McCauley, L.**]
Role: Principal Investigator
Grant number: R25ES1208901

LINDA A. MCCAULEY, PHD, RN, FAAN, FRCN

Funding agency: NIH, NIEHS

Amount: \$1,028,104

Period: 2004–2007

Grant: Community Based Prevention/Intervention Project Assessing Health Effects:
Non-English-Speaking Children

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: 5P42ES01033803

Funding agency: NIH, NIEH

Amount: \$100,818

Period: 2002–2003

Grant: Oregon Fatality Assessment and Control Evaluation (FACE) Project

[PI: Heumann, M. & Rischitelli, G.]

Role: Investigator

Grant number: R25ES1208901

Funding agency: CDC, National Institute for Occupational Safety and Health

Amount: \$594,357

Period: 2002–2006

Grant: Reducing Pesticide Exposure in Minority Families

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: Including 1R21ES00870701, 5R21ES00870702, 5R21ES00870703

Funding agency: NIH, NIEHS

Amount: \$3,198,997

Period: 1996–2004

Grant: Partnerships in Surveillance and Prevention

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: Including R01OH0398401 & 5R01OH00398402

Funding agency: CDC, NIOSH

Amount: \$830,850

Period: 2000–2003

Grant: Pesticide Training for Adolescent Migrant Farmworkers

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: R01OH0423001, 5R01OH00423002

Funding agency: CDC, NIOSH

Amount: \$453,000

Period: 2000–2001

Grant: Epidemiological and Clinical Evidence for Residual Organophosphate Neurotoxicity

[PI: Spencer, P.]

Role: Co-Investigator

Funding agency: U.S. Department of Defense

Amount: \$1,626,255

Period: 1997–2000

Grant: Health Outcomes in Adolescent Minority Farmworkers

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: R21ES08707

Funding agency: CDC, NIOSH

Amount: \$96,000

Period: 1997–1998

Grant: Environment, Veterans' Health, and Gulf War Syndrome

[PI: Bourdette, D. & Spencer, P.]

Role: Co-Investigator

Grant number: R21ES08707

Funding agency: Department of Veterans Affairs

Amount: \$2,496,500

Period: 1994–2000

Grant: Perinatal Alcohol Users: Identification and Intervention

[PI: Shortridge, L. & Kenner, C.]

Role: Co-Principal Investigator

Grant number: R21ES08707

Funding agency: CDC

Amount: \$536,500

Period: 1992–1994

Grant: Menstrual Function in Nurses Exposed to Antineoplastic Drugs

[PI: Shortridge, L.]

Role: Principal Investigator

Grant number: 5R03OHO238302 & 1R03OH00238301

Funding agency: NIOSH

Amount: \$29,442

Period: 1987–1988

Grant: Potential Health Hazards Associated with Occupational Exposure to Cancer

Chemotherapeutic Agents [PI: Shortridge, L. & Valanis, B.]

Role: Co-Principal Investigator

Grant number: R03OHO238302

Funding agency: Oncology Nursing Society
Amount: \$4,905,88
Period: 1985–1986

Educational, Training, or Program Grants

Grant: Summer Mentorship in Environmental Health Sciences for High School and Undergraduate Students [PI: **McCauley, L.**]

Role: Program Director

Grant number: 2009R25ES016146

Funding agency: NIEHS

Amount: \$59,395

Period: 2008–2009

Grant: Environmental Toxicity, Nutrition and Child Behavior Problems Project: A Field Research Learning Experience in Interdisciplinary Offerings in China
[PIs: Liu, J., Pinto-Martin, J., & **McCauley, L.**]

Role: Co-Investigator

Funding agency: University of Pennsylvania Office of the Provost

Period: 2008

Grant: Practicing Community Nursing in Botswana
[PI: **McCauley, L.**]

Role: Program Director

Funding agency: University of Pennsylvania Office of the Provost

Period: 2008

Grant: Innovation in International Offerings for Students: Cameroon Water Initiative Project
[PI: **McCauley, L.**]

Role: Program Director

Funding agency: University of Pennsylvania Office of the Provost

Period: 2007

Grant: Post-Doctoral Nurse Scientist Training
[PI: **McCauley, L.**]

Role: Principal Investigator

Funding agency: Agency for Healthcare Research and Quality

Amount: \$15,000

Period: 2006

Grant: Graduate Education in Occupational and Environmental Health
[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: 5T01OH00841704, 2T01OH00841703

Funding agency: NIH, NIOSH

Amount: \$264,000

Period: 2007–2008

Grant: Initiative for Minority Students: Bridges to the Doctorate

[PI: Keane, A.]

Role: Co-Investigator

Grant number: Including 1R25GM07530701, 5R25GM07530702

Funding agency: NIH, National Institute of General Medical Sciences

Amount: \$625,128

Period: 2005–2008

Grant: Training Project Grant-NIOSH Occupational Health Nursing

[PI: **McCauley, L.**]

Role: Principal Investigator

Grant number: Including T01OH00841701

Funding agency: NIOSH

Amount: \$211,496

Period: 2005–2006

Grant: Agricultural Safety & Health Education Program

Role: Co-Project Director

Funding agency: NIOSH

Amount: \$64,000

Period: 1991–1992

Grant: Occupational Health Nursing ERC Training Grant

[PI: **McCauley, L.**]

Role: Program Director

Funding agency: NIOSH

Amount: \$478,818

Period: 1989–1994

PUBLICATIONS

Doctoral Dissertation

Shortridge, L. (1988). The effects on menstrual function associated with occupational exposure to antineoplastic drugs (Unpublished Dissertation). *Department of Environmental Health, University of Cincinnati*. Cincinnati, OH

Dissertation Supervisor: Barbara Valanis, DrPH, RN, FAAN

Peer-Reviewed Publications

- Fisher, E., Thomas, R., Choi, I., McCauley, L. (2024). What PIs want when hiring a clinical research coordinator. *Journal of Clinical and Translational Science*, 8(e89): 1-5.
10.1017/cts.2024.505
- Haynes-Ferere, A., Muirhead, L., Hayes, R., **McCauley, L.** (2024). Distance accelerated BSN program improving access to nursing education in communities across the US. *JPN*. In proof.
- Swan, B., Dupree Jones, K., Hayes, R., Kaligotla, L., McDermott, C., Rodriguez, J., **McCauley, L.** (2024). Reject the practice readiness myth—Ask if health systems are ready for nursing graduates instead. *Nursing Outlook*. In proof.
- Choi, I., Kwon, S., Rojewski, J., Hill, J., Kim, E., Fisher, E., Thomas, R., & **McCauley, L.** (2024). Conceptualization, development, and early dissemination of eMPACT™: A competency-based career navigation system for translational research professionals. *Journal of Clinical and Translational Science*, 8(1), E2. doi:10.1017/cts.2023.693
- Suarez, J. J., Elon, L., Rangel-Rodriguez, A., Xiuhtecutli, N., Houser, M. C., Hertzberg, V., **McCauley, L.**, Sands, J. M., & Chicas, R. C. (2023). A pilot study examining the use of ultrasound to measure intravascular volume status in agricultural workers in a field-based research setting. *Journal of Occupational and Environmental Medicine*, 65(8), 685–688. <https://doi.org/10.1097/JOM.0000000000002880>
- Chicas, R.C., **McCauley, L.** (2023) International telepsychological services for latino immigrants in the USA. *Int J Ment Health Addiction*. <https://doi.org/10.1007/s11469-023-01103-0>
- McCauley, L.**, Burke, S., Hayes, R., & Sedatole, K. (2023). 2022 Emory Business Case for Nursing Summit: What has changed in the past year. *Nursing Outlook*. 101998.
10.1016/j.outlook.2023.101998
- Pappas, S., Brosius, W., Hayes, R., Lawrence, M., McMichael, B., Zimmermann, D., **McCauley, L.** (2023). Maximizing the potential value of the nursing workforce. *Nursing Outlook*. 102016.
10.1016/j.outlook.2023.102016
- Albu, I., Elon, L., Xiuhtecutli, N., **McCauley, L.**, & Chicas, R (2023). Retention of Agricultural Workers Participating in a Renal Longitudinal Study. *Journal of Agromedicine*, DOI: 10.1080/1059924X.2023.2246966
- Chicas, R., Wang, Y., Weil, E. J., Elon, L., Xiuhtecutli, N., Houser, M., Jones, P., Sands, J., Hertzberg, V., **McCauley, L.**, Liang, D. (2023, October). The impact of heat exposure on biomarkers of AKI and plasma metabolome among agricultural and non-agricultural workers. *Environment International*, 180(108206). <https://doi.org/10.1016/j.envint.2023.108206>

Muirhead, L., Martyn, K., Hayes, R., Owens, M., Cimiotti, J., **McCauley, L.** (2022). Diversity in nursing and challenges with the NCLEX-RN. *Nursing Outlook*, S0029-6554(22)00106-3. DOI: 10.1016/j.outlook.2022.06.003

McCauley L. A. (2022). Superheroes can be experts too: The importance of nurses to public health policy. *American Journal of Public Health*, 112(S3), S218–S219. <https://doi.org/10.2105/AJPH.2022.306841>

Monsen, K. A., Waters, C. M., & **McCauley, L. A.** (2022). Public health nurses: The most essential single factor. *American Journal of Public Health*, 112(S3), S213. <https://doi.org/10.2105/AJPH.2022.306885>

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Chicas, R., Suarez, J., Elon, L., Xuihtecutli, N., Houser, M., Berra, L., Sands, J., Herzberg, V., & **McCauley, L.** (2022, March). Hydration interventions among agricultural workers: A pilot study. *Journal of Occupational and Environmental Medicine*. DOI: 10.1097/JOM.0000000000002531

Fisher, E., Thomas, R. S., Higgins, M. K., Williams, C. J., Choi, I., & **McCauley, L. A.** (2021). Finding the right candidate: Developing hiring guidelines for screening applicants for clinical research coordinator positions. *Journal of clinical and translational science*, 6(1), e20. <https://doi.org/10.1017/cts.2021.853>

Fisher, E., Thomas, R., Higgins, M., Williams, C., Choi, I., **McCauley, L.** (2021, September). Finding the right candidate: Developing hiring guidelines for screening applicants for clinical research coordinator positions. *Journal of Clinical and Translational Science*, 6(1): e20. DOI: <https://doi.org/10.1017/cts.2021.853>

Im, E.O., Shakashita, R., Geum Oh, E., Tsai, H., Chen, C., Lin, C., **McCauley, L.** (2021, July). COVID-19 and nursing research across five countries/regions: Commonalities and recommendations. *Research in Nursing and Health*, 44(5): 758-766. <https://doi.org/10.1002/nur.22171>

Mutic, A. D., Barr, D. B., Hertzberg, V. S., Brennan, P. A., Dunlop, A. L., & **McCauley, L. A.** (2021). Polybrominated Diphenyl Ether Serum Concentrations and Depressive Symptomatology in Pregnant African American Women. *International journal of environmental research and public health*, 18(7), 3614. <https://doi.org/10.3390/ijerph18073614>

Chicas, R., Xuihtecutli, N., Houser, M., Glastra, S., Elon, L., Sands, J. M., **McCauley, L.**, & Hertzberg, V. (2021). COVID-19 and Agricultural Workers: A Descriptive Study. *Journal of immigrant*

and minority health, 10.1007/s10903-021-01290-9. Advance online publication. <https://doi.org/10.1007/s10903-021-01290-9>

- Mac, V., Elon, L., Smith, D., Tovar-Aguilar, A., Economos, E., Flocks, J., Hertzberg, V., **McCauley, L.** (2021, February). A modified physiological strain index for workplace-based assessment of heat strain experienced by agricultural workers. *American Journal of Industrial Medicine*. <https://doi.org/10.1002/ajim.23230>
- Im, E.O., Sakashita, R., Lin, C.C., Oh, E.G., Tsai, H.M., Kunaviktikul, W.,...**McCauley L.** (2021, February). Commonalities in nursing perspectives among 6 countries/regions. *ANS Adv Nurs Sci*. doi: 10.1097/ANS.0000000000000358
- Phillips, R. L., Jr, **McCauley, L. A.**, & Koller, C. F. (2021). Implementing High-Quality Primary Care: A Report From the National Academies of Sciences, Engineering, and Medicine. *JAMA*, 325(24), 2437–2438. <https://doi.org/10.1001/jama.2021.7430>
- Smith, D., Mutic, A., Mac, V. V. T., Hertzberg, V. S., & **McCauley, L. A.** (2021). Analyzing the predictors of health care utilization in the agricultural worker population using decision tree analysis: Does language matter? *Public health nursing (Boston, Mass.)*, 38(1), 56-63. <https://doi.org/10.1111/phn.12826>
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- Gary, R., Rogers, M., Demisse, L., Hayes, R., **McCauley, L.** (2020, August). The Emory-Addis Ababa PhD in Nursing Program: A sustainable model for strengthening research capacity in Ethiopia. *Journal of Professional Nursing*. DOI: <https://doi.org/10.1016/j.profnurs.2020.08.004>

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- Pappas, S., Hayes, R., & **McCauley, L.** (2020, June). Implementation of new era strategic initiatives across an academic health center. *Nurse Leader*, 18(3): P237-242. DOI: <https://doi.org/10.1016/j.mnl.2019.10.004>
- McCauley, L.**, Broome, M. E., Frazier, L., Hayes, R., Kurth, A., Musil, C. M., Norman, L. D., Rideout, K. H., Villarruel, A. M. (2020, May). Doctor of nursing practice (DNP) degree in the US: Reflecting, readjusting, and getting back on track. *Nursing Outlook*. DOI: <https://doi.org/10.1016/j.outlook.2020.03.008>
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- Mac, J., Tovar-Aguilar, J., Elon, L., Economos, E., Hertzberg, V., & **McCauley, L.** (2019, July). Elevated core temperature in Florida fernery workers: Results of a pilot study. *Workplace Health Safety*. DOI: <https://doi.org/10.1177/2165079919849466>
- Rojewski, J. W., Choi, I., Hill, J. R., Ko, Y., Walters, K., Kwon, S., & **McCauley, L.** (2019, July). Career orientation and perceived professional competence among clinical research coordinators. *Journal of Clinical and Translational Science*: 1-11. DOI: 10.1017/cts.2019.385
- Chicas, R., Mix, J., Mac, V., Flocks, J., Dickman, N. E., Hertzberg, V., & **McCauley, L.** (2019, June). Chronic kidney disease among workers: A review of the literature. *Workplace Health & Safety*, 67(6). DOI: 10.1177/2165079919843308
- McCauley, L.** & Pappas, S. (2018, October–December). Perspectives on a system partnership: Academia and practice at Emory University. *Nursing Administration Quarterly*, 42(4): 297–298. DOI: 10.1097/NAQ.0000000000000315
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- De Castro, A. B., **McCauley, L.**, & Hone, O. (2017, November–December). Work, health, and nursing research. *Nursing Research*, 66(6): 417–418. DOI: 10.1097/NNR.0000000000000246
- Simpson, R. L. & **McCauley, L.** (2017, October–December). Guest editorial. *Nursing Administration Quarterly*, 41(4): 286–297. DOI: 10.1097/NAQ.0000000000000255
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EDITORIAL LEADERSHIP

Report & Proceeding Reviews

Publication

Role

National Academies of Sciences, Engineering, and Medicine. (2024).	Editor and Committee Member
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Health Risks of Indoor Exposure to Fine Particulate Matter and Practical Mitigation Solutions. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27341>

National Academies of Sciences, Engineering, and Medicine, Health and Medicine Division. (2022). <i>Implementing high quality primary care: Rebuilding the foundation of healthcare.</i> Washington, DC: National Academies Press.	Editor
National Academies of Sciences, Engineering, and Medicine, Health and Medicine Division. (2021). <i>Systematizing the one health approach in preparedness and response efforts for infectious disease outbreaks.</i> Washington, DC: National Academies Press.	Reviewer
National Academies of Science, Engineering, and Medicine: Health and Medicine Division. (2017). <i>Developing affordable and accessible community-based housing for vulnerable adults: Proceedings of a workshop.</i> Washington, DC: National Academies Press. DOI: https://doi.org/10.17226/24787	Report Review Coordinator
National Academies of Science, Engineering, and Medicine (2016). <i>Health risks of indoor exposure to particulate matter: Workshop summary.</i> Washington, DC: National Academies Press. DOI: https://doi.org/10.17226/23531	Report Review Coordinator
National Academy of Sciences, Engineering, and Medicine. (2016). <i>Interagency report on the impacts of climate change on human health in the United States.</i> Washington, DC: National Academies Press. Access: https://health2016.globalchange.gov	Reviewer
National Academy of Medicine. (2015). <i>Vital signs: Core metrics for health and health care progress.</i> Washington, DC: National Academies press. Access: https://bit.ly/32YFSTo	Reviewer
Institute of Medicine. (2013). <i>Report on potential health risks to DOD firing-range personnel from recurrent lead exposure.</i> Washington, DC: National Academies Press. Access: https://www.nap.edu/read/18249/chapter/1	Report Review Committee Monitor
Institute of Medicine. (2013). <i>Review of the Department of Labor's Site Exposure Matrix (SEM) Database.</i> Washington, DC:	Reviewer

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| National Research Council. (2012). <i>Potential health risks to DOD firing range personnel from recurrent lead exposure</i> . Washington, DC: National Academies Press. DOI: https://doi.org/10.17226/18249 | Report Review
Committee Monitor |
| National Research Council. (2012). <i>Review of studies of possible toxic effects from past environmental contamination at Fort Detrick: A letter report</i> . Washington, DC: National Academies Press. Access: https://www.nap.edu/read/13375/chapter/1 | Reviewer |
| National Academy of Sciences. (2011). <i>Improving health in the United States: The role of health impact assessment</i> . Washington, DC: National Academies Press. Access: https://www.ncbi.nlm.nih.gov/books/NBK83534/ | Reviewer |
| Institute of Medicine. (2011). <i>Critical needs and gaps in understanding prevention, amelioration, and resolution of Lyme and other tick-borne diseases: The short-term and long-term outcomes (Workshop report)</i> . Washington, DC: National Academies Press. Access: https://www.nap.edu/read/13134/chapter/1 | Review Coordinator |
| Institute of Medicine. (2009). <i>Workshop: Workshop on personal protective equipment for healthcare workers in the workplace against novel H1N1 Influenza A</i> . Washington, DC: National Academies Press. | Reviewer |

Grant Reviews

Dates	Grant and Funding Agency	Role
2020	Oral, Dental, and Craniofacial Sciences Study Section Funding Agency: NIH	Scientific Reviewer
2015	Grant: Occupational Safety and Health Education Research Center Funding Agency: NIOSH	Peer Review Board Member
2014	Grant: CDC Prevention Research Centers Program: Special Interests Projects, RFA-DP-14-0010101SUPP14	Peer Reviewer

	Funding agencies: CDC, National Center for Chronic Disease Prevention, Health Promotion and Prevention Research Centers	
2013, 2017, 2018, 2019	Grant: Institutional Clinical and Translational Science Award	Grant Reviewer
	Funding agencies: Department of Health and Human Services, NIH, NCATS, NIAID	
2012	Grant: NIOSH Training Project Grant	Review Chair
	Funding agencies: NIOSH, CDC	
2011	Grant: Seed Grant Selection	Grant Reviewer
	Funding Agency: Healthcare Innovation Program-ACTSI Seed Grant Selection Committee	
2011	Grant: NIEHS Virtual Consortium for Translational and Transdisciplinary Environmental Research Program	Review Consultant
	Funding agency: NIEHS	
2011	Grant: NIH Center for Scientific Review, Early Career Reviewer Program	Ad Hoc Reviewer
	Funding agency: NIH	
2010–2012	Grant: NIH Center for Scientific Review, Community-Level Health Promotion Study Section	Review Chair
	Funding Agency: NIH	
2008–2010	Grant: NIH Center for Scientific Review, Community-Level Health Promotion Study Section	Charter Member
	Funding agency: NIH	
2005–2006	Grant: NIH Center for Scientific Review, Community-based Participatory Research Review Group	Review Chair
	Funding agency: NIH, EPA	

2005	Grant: NIH Center for Scientific Review, Health of the Population (HOP) Integrated Review Group Funding agency: NIH	Ad Hoc Reviewer
2002–2003; 2005, 2007, and 2009	Grant: P30 Environmental Health Centers Grant Funding agency: NIEHS	Review Consultant
2002–2006	Grant: Pre-Doctoral Fellowship Award for Minority Students and Students with Disabilities Funding agency: NIH Center for Scientific Review Special Emphasis, NIOSH	Review Panelist
2002	Grant: Proposals on Agricultural Safety and Health Training Funding agency: U.S. Department of Agriculture	Review Consultant
2002	Grant: Intramural Proposals for Women’s Health Funding agency: Yale University	Review Consultant
2001–2005	Grant: Proposals on Military Deployment Health Funding agency: American Institute of Biological Sciences	Review Consultant
1999– Present	Grant: Special Emphasis Award Panel Review Funding agency: NIEHS	Review Consultant
1997; 2000– 2008	Grant: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Grants for Educational Programs in Occupational Safety and Health Funding agency: NIOSH	Review Consultant
1989–2001; 2004–2008	Grant: Educational Resource Centers and Special Projects Grant Funding agency: NIOSH	Site Visitor and Review Consultant

Journal Review/Boards		
Dates	Journal	Role
2013–Present (Per request)	<i>AAOHN Workplace Health & Safety Journal</i>	Editorial Board Member
2011-2013	<i>Journal of the American Association of Occupational Health Nursing</i>	Editorial Board Member
2007–Present (Per request)	<i>Journal of Agricultural Safety and Health</i>	Associate Editor
2006–Present (Per request)	<i>Lancet</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>American Journal of Public Health</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>American Journal of Epidemiology</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>Journal of Occupational and Environmental Medicine</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>Journal of Health Care for the Poor and Underserved</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>Regulatory Toxicology and Pharmacology</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>Journal of Environmental Research</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>Journal of Public Health Nursing</i>	Ad Hoc Reviewer
2006–Present (Per request)	<i>American Journal of Industrial Medicine</i>	Ad Hoc Reviewer
2004–Present (Per request)	<i>Journal of Agromedicine, Haworth Medical Press</i>	Review Board Member
2004–2017	<i>Environmental Health Perspectives</i>	Associate Editor

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1985–1994

*Journal of Perinatal and Neonatal Nursing, Aspen
Publications*

Review Board
Member

SPEECHES & PRESENTATIONS

International Speeches & Presentations

Im, E. O., Sakashita, R., Oh, E., Tsai, H., Chen, C., Lin, C., & **McCauley, L.** (2021, July). *COVID-19 and Nursing Research in the U.S., Taiwan, Japan, South Korea, and Hong Kong*. Oral Presentation. The Sigma Theta Tau International 32nd International Nursing Research Congress, Virtual.

McCauley, L. (2019, July). *International and interprofessional models of doctoral education in nursing*. Presentation, Sigma Theta Tau International, 30th International Nursing Research Congress, Calgary, Alberta.

Hertzberg, V. S., Elon, L., Mac, V., Mutic, A., Peterman, K., Mutic, N.,... & **McCauley, L.** (2016, September). *Functional data analysis of core body temperature in responses to environmental heat stress*. Presentation, International Society for Environmental Epidemiology, 28th Annual Conference, Rome, Italy.

McCauley, L., Mutic, A., Elon, L., Williams, B., Tovar, A., Economos, E.,... & Hertzberg V. (2016, September). *Heat-related illness in agricultural workers*. Presentation, International Society for Environmental Epidemiology, 28th Annual Conference, Rome, Italy.

McCauley, L. (2014, November). Presentation, National Association of Nigerian Nurses in North America, 5th Scientific Conference, New York, NY.

Mac, V., Runkle, J., Semple, M., Tovar-Aguilar, A., Economos, J., & **McCauley, L.** (2013, December). *Characterizing heat-related illness in Central Florida fernery workers: A pilot study*. Poster presentation, Sigma Theta Tau International Honor Society, 42nd Biennial Convention, Indianapolis, IN.

McCauley, L., Economos, J., Flocks, J., Mac, V., Tovar-Aguilar, A., & Kelley, M. (2012, March). *Reproductive hazards and female agricultural workers*. Poster presentation, International Labour Organization, 30th International Congress on Occupational Health, Cancun, Mexico.

DeCastro, B., Wachs, J., **McCauley, L.**, & Campbell, K. (2011). *Next steps for OHN: International view*. Panel discussion, American Association of Occupational Health Nurses, 2011 Global Summit: Health and Safety of Workers at Home and Around the World, Atlanta, GA.

Jaeger, J. & **McCauley, L.** (2011, August). *Who is managing risk in the nanotechnology workplace?* Poster presentation, University of Massachusetts Lowell, 5th International Symposium on Nanotechnology: Occupational Safety and Health, Boston, MA.

National Speeches & Presentations

McCauley, L. (2023, July). National Environmental Justice Advisory Council Work Group on Farm Workers and Pesticides. [Consulted on “charge” from the Environmental Protection Agency. Presentation and workshop.] Virtual event.

McCauley, L., Pittman, P., Vogt, M., Zangardi, M. (2022, May). *Shoring up the Nursing Workforce: What Policies Can Get Us Back on Track?* Bipartisan Policy Center, virtual event.

Emory Nell Hodgson Woodruff School of Nursing and Goizueta Business School. (2022, March). *The Business Case for Nursing Summit*. [Event leader, host, speaker, moderator.] Hybrid in-person/virtual event.

McCauley, L., Chin, M., Rowe, J., Whelan, E., Lawson, S. (2021, July). *The Future of Nursing 2020-2030 Webinar Series*. National Academies. <https://bit.ly/3ubpZJW>

Conway, P., Ganguli, I., **McCauley, L.,** Olayiwola, J. N., Whelan, E. M., Werner, R. M. (2022, February). *Reforming Primary Care for a 21st Century Health Care System*. The Leonard Davis Institute of Health Economics at the University of Pennsylvania Wharton School of Business, Virtual Webinar.

Corsi, R. (January, 2022). *Indoor Exposure to Fine Particulate Matter and Practical Mitigation Approaches: Proceedings of a Workshop* [**McCauley, L.,** Planning Committee Member]. Oral Presentation. The EPA Indoor Air Quality Science Webinar Series, Virtual.

McCauley, L. (2021, December). *Notes From the Field: Pivoting a Research Program to Climate Change*. Presentation, National Institutes of Health, National Institute of Environmental Health Sciences, Web presentation.

McCauley, L. (2021, November). *Implementing High Quality Primary Care: Incorporating Geriatrics into Primary Care*. NEPQR RNPC Quarterly Meeting. Presentation, Nursing Education and Practice Branch, Division of Nursing and Public Health, Bureau of Health Workforce, Health Resources and Services Administration, Web Meeting.

McCauley, L. (2021, September). *Implementing High-Quality Primary Care: Rebuilding the Foundation of Health Care*. Panel, American Association of Colleges of Pharmacy, webinar.

McCauley, L. (2021, January). *Building Trust & Community Around Maternal-Infant Environmental Health*. SACIM Meeting Panel on Environmental Contributions to Infant and Maternal Health, Virtual.

McCauley, L. (2020, September). *From Florence to fossil fuels: Nursing has always been about environmental health*. CANS 2020 State of the Science Congress: The Environment’s Impact on Health, Virtual.

McCauley, L. (2020, September). *Conversations in academic and science do's and don'ts*. Miami Clinical and Translational Science Institute. Virtual.

McCauley, L. (2020). *Nursing doctoral education in 2020: Embracing our challenges and seizing opportunities*. Presentation, American Association of Colleges of Nursing, Doctoral Education Conference, Naples, Florida.

McCauley, L. & Pappas, S. (2019, October). *New era initiatives: Results of a strategic partnership*. Presentation, American Association of Colleges of Nursing, Fall Academic Nursing Leadership Conference, Washington, DC.

McCauley, L. (2019, September). Speaker and sponsor, 2019 Invitational Conference on the State of the DNP, Emory University, Atlanta, GA.

McCauley, L. (2019). *Academia and practice plenary: Innovative solutions to advance healthcare transformation*. Panelist, American Association of Colleges of Nursing, 2019 Academic Nursing Leadership Conference: Moral Courage, Agility, and Resiliency, Washington, DC.

McCauley, L. (2019, March). *Children's environmental health centers: Touching communities through meaningful engagement*. Presentation, Children's Environmental Health Network, Webinar.

McCauley, L. (2019, January). *Opportunities and challenges to research doctoral education in nursing for 2030*. American Academy of Colleges of Nursing, Doctoral Education for 2030: Tailoring Approaches for the Needs of the Profession and Population, Naples, FL.

McCauley, L. (2018, December). *Experiences coordinating large prospective research studies: A researcher perspective on report-back*. Partnerships for Environmental Public Health Conference, Durham, NC.

McCauley, L. (2018, December). *Health effects of heat stress*. Presentation, American Geophysical Union, 2018 AGU Annual Conference, Washington, DC.

Chicas, R., Mac, V., Tovar, A., Hertzberg, V., & **McCauley, L.** (2018, November). *Targeted heat-adaptive interventions for Florida agricultural workers*. Poster and oral presentation, American Public Health Association, 2018 Annual Meeting and Expo, San Diego, CA.

McCauley, L. (2018, October). *Academia and practice plenary: Innovative solutions to advance healthcare transformation*. Panelist, American Association of Colleges of Nursing Organizational Leadership Network, 2018 Academic Nursing Leadership Conference: The Enduring Nature of Personal and Professional Balance, Washington, DC.

McCauley, L. & Pappas, S. (2018, October). *Addressing urgent workforce issues*. Invited panelist, American Association of Colleges of Nursing, AACN Joint Dean-CNO Meeting, Washington, DC.

McCauley, L. (2018, October). *Perspectives from a new center: Moving transdisciplinary research teams along the translational framework continuum*. EPA/NIEHS Children's Environmental Health Research Centers Annual Meeting, Durham, NC.

McCauley, L. & Choi, I. (2018, July). *Translational workforce development*. Presentation, Georgia Clinical & Translational Science Alliance, Leadership Council Meeting, Atlanta, GA.

McCauley, L. (2018, April). Invited participant, National Academics of Sciences, Engineering, and Medicine, Advisory Committee for The Environmental Health Matters Initiative. Washington, DC.

McCauley, L. & Choi, I. (2018, April). *Translational workforce development*. Presentation, Georgia Clinical & Translational Science Alliance, Leadership Council Meeting, Atlanta, GA.

Mac, V., Flocks, J., Mix, J., Elon, L., Mutic, A., Tovar-Aguilar, A.,...& **McCauley, L.** (2018, March). *Physiologic and environmental monitoring of heat hazards in the Girasoles Study of Florida Farmworkers*. Presentation, 2018 North American Agricultural Safety Summit, Scottsdale, AZ.

McCauley, L. (2018, February). *Seizing the opportunity to lead and shape the future of health care*. Presentation, American Association of Colleges of Nursing, 2018 Graduate Nursing Student Academy Conference, Atlanta, GA.

McCauley, L. (2018, February). *Transition to education*. Presentation, American Association of Colleges of Nursing, 2018 Graduate Nursing Student Academy Conference, Atlanta, GA.

Mac, V., Flocks, J., Mix, J., Elon, L., Mutic, A., Tovar-Aguilar, A.,...& **McCauley, L.** (2017, November). *Physiologic and environmental monitoring of heat hazards in the Girasoles Study of Florida Farmworkers*. Presentation, American Public Health Association, 2017 Annual Meeting, Atlanta, GA.

Mix, J., Elon, L., Mac, V., Hertzberg, V., Elon, L., Economos, J.,...& **McCauley, L.** (2017, November). *Prevalence of metabolic syndrome in a vulnerable farmworker population*. Presentation, American Public Health Association, 2017 Annual Meeting, Atlanta, GA.

McCauley, L. (2017, June). *Dehydration status and heat related symptoms in Florida farmworkers*. Presentation, Centers for Disease Control and Prevention & the National Institute for Occupational Safety and Health, Expanding Research Partnerships: State of the Science Conference, Denver, CO.

McCauley, L., Mutic, A., & Woldeyohannes, H. (2017, April). *Maternal-child health, the environment, and the microbiome*. Session presentation, Children's Environmental Health Network, Children's Environmental Health Translational Research Conference: New Challenges, Arlington, VA.

McCauley, L. (2017, April). *What the science says: How the Environmental Protection Agency (EPA) matters to children's health*. Congressional briefing, US House of Representatives, Washington DC.

Peterman, K., Mutic, A., Flocks, J., Mac, V., Economos, J., & **McCauley, L.** (2016, December). *Pathways to health in vulnerable populations: CBPR as a health screening intervention*. Poster presentation, NIEHS, 2016 NIEHS Fest, Research Triangle, NC.

McCauley, L. (2016, November). *Overview and preliminary data: Center for Children's Health, the Environment, the Microbiome, and Metabolomics*. Committee briefing, US Environmental Protection Agency Children's Health Protection Advisory Committee, Washington, DC.

McCauley, L. (2016, October–November). *Fidelity, collaboration, communication, and conflict resolution: Evaluating a CBPR Model to reduce occupational risks among female farmworkers*. Presentation, American Public Health Association, 2016 APHA Annual Meeting & Expo, Denver, CO.

McCauley, L. (2016, October–November). *Patterns of heat-related illness symptoms among farmworkers in Central Florida*. Presentation, American Public Health Association, APHA 2016 Annual Meeting & Expo, Denver, CO.

McCauley, L. (2016, October–November). *Research participation and health insight: A heat-related illness (HRI) study among Florida farmworkers*. Abstract & roundtable presentation, American Public Health Association, APHA 2016 Annual Meeting & Expo, Denver, CO.

Mutic, A., Paul, S., Mutic, N., & **McCauley, L.** (2016, April). *Predictors of US healthcare utilization by agricultural workers: A NAWs secondary analysis poster presentation*. Poster presentation, American Association of Occupational Health Nurses, Jacksonville, FL.

McCauley, L. (2015). *Impacting the future of medical education*. Panelist, Institute for the Future of Medical Education, Colloquium on the Future of Medical Education, Stanford, CA.

McCauley, L. (2015). Invited participant, Executive Office of the President, Council on Environmental Quality, White House Roundtable Discussion on Health Impacts of Climate Change, Washington, DC.

Campbell, K. L., Mac, V., Tovar, A., Economos, E., Baker, B., & **McCauley, L.** (2015, November). *Association of skin rashes with work environment and personal behaviors in female farmworkers*. Poster presentation, American Public Health Association, 143rd APHA Annual Meeting, Chicago, IL.

Mutic, A., Mac, V., Economos, E., Tovar, A., & **McCauley, L.** (2015, November). *Heat-related illness symptoms and prevention practices in Central Florida*. Poster presentation, American Public Health Association, 143rd APHA Annual Meeting, Chicago, IL.

Tovar, J., **McCauley, L.**, Economos, E., Mac, V., Resende, R., & McDermott, R. J. (2015, November). *Community health workers' research, education, and advocacy: Experience of the field in the context of community-based participatory research projects*. Roundtable session, American Public Health Association, 143rd APHA Annual Meeting, Chicago, IL.

McCauley, L. (2015, June). Invited participant, Capitol Hill briefing, Federation of Associations of Schools of Health Professionals, Washington, DC.

McCauley, L. (2015, April–May). *Focus on farm worker family health program*. Presentation, Interprofessional Education Collaborative, Building Interprofessional Education for Population Health Faculty Development Institute, Herndon, VA.

Mac, V., Runkle, J., Tovar, J., Semple, M., Economos, J., & **McCauley, L.** (2014, May). *Turning up the heat: Defining risk factors for HRI using physiologic biomonitoring in Florida fernery workers*. Poster presentation, American Association of Occupational Health Nurses Annual Meeting, Dallas, TX.

McCauley, L. (2014, May). *Challenges in moving forward with 21st Century occupational and environmental health nursing*. Presentation, American Association of Occupational Health Nurses, 2014 National Conference, Dallas, TX.

McCauley, L. (2014, April). *Reflections on nursing and leadership*. Presentation, Preventive Cardiovascular Nurses Association, 20th Annual Symposium, Atlanta, GA.

Tovar, A., Economos, J., Runkle, J., Flocks, J., & **McCauley, L.** (2013, November). *Popular and scientific knowledge translation to reduce occupational risks among female*

farmworkers. Panel session, Society of Environmental Toxicology and Chemistry, North American 34th Annual Meeting, Nashville, TN.

Mac, V., Runkle, J., Tovar, A., Semple, M., Economos, E., & **McCauley, L.** (2013, November). *Feasibility of physiologic biomonitoring of occupational heat-related illness in Central Florida farmworkers*. Poster presentation, American Public Health Association, 141st APHA Annual Meeting, Boston, MA.

Runkle, J., Economos, J., Tovar, A., Flocks, J., & **McCauley, L.** (2013, November). *Workplace exposure to fungicides: A reproductive hazard for women working in agriculture*. Poster presentation, American Public Health Association, 141st APHA Annual Meeting, Boston, MA.

Runkle, J., Flocks, J., Tovar, A., Economos, J., & **McCauley, L.** (2013, September). *Occupational exposure to Mancozeb: A reproductive hazard for women working in agriculture*. Poster presentation, Association of Reproductive Health Professionals, 2013 Reproductive Health Meeting, Denver, CO.

Mac, V., Runkle, J., & **McCauley, L.** (2012, December). *Secondary use of a migrant farmworker database: Moving towards a learning healthcare system*. Poster presentation, NIH National Health Disparities Conference, Bethesda, MD.

Tovar-Aguilar, A., Economos, J., Trevino, A., Higgins, M., Mac, V., Flocks, J.,...& **McCauley, L.** (2012, October). *Characterization of hazardous working conditions for female farmworkers of childbearing age*. Poster presentation, American Public Health Association, 140th APHA Annual Meeting, San Francisco, CA.

Tovar-Aguilar, A., Economos, J., Trevino, A., Higgins, M., Mac, V., Flocks, J.,...& **McCauley, L.** (2012, March). *Characterization of hazardous working conditions for female farmworkers of childbearing age*. Poster presentation, National Institute of Environmental Health Sciences, NIEHS Partnerships for Environmental Public Health Annual Meeting, Bethesda, MD.

Shadbeh, N., **McCauley, L.**, Samples, J., Ruiz, V., & Higgins, M. (2011, November). *Pesticide knowledge among indigenous farmworkers*. Poster presentation, American Public Health Association, 139th APHA Annual Meeting, Washington, DC.

McCauley, L., Economos, E., Flocks, J., Kelley, M., & Tovar, A. (2011, October). *Using community-based participatory research to assess and address job-associated hazards in pregnant farmworkers in Florida*. Poster presentation, American Public Health Association, 139th APHA Annual Meeting, Washington, DC.

McCauley, L., Shadbeh, N., Muniz, J., Higgins, M., & Samples, J. (2011, October). *Improved pesticide safety training and reduced pesticide exposure: Results of a biomarker study*.

Poster presentation, American Public Health Association, 139th APHA Annual Meeting, Washington, DC.

McCauley, L., Kelley, M., Economos, J., Flocks, J., & Carrasquillo, N. (2011, September). *Using community-based participatory research to assess and address job-associated hazards in pregnant farmworkers in Florida*. Poster presentation, National Institute of Occupational Safety and Health, NIOSH First National Conference on Eliminating Health and Safety Disparities at Work, Chicago, IL.

Shadbeh, N., **McCauley, L.**, Muniz, J., Samples, J., & Higgins, M. (2011, September). *Improving safety training to reduce indigenous nursery workers' pesticide exposure: A community-based participatory research study*. Poster presentation, National Institute of Occupational Safety and Health, NIOSH First National Conference on Eliminating Health and Safety Disparities at Work, Chicago, IL.

McCauley, L. (2011, July). *Climate change, the indoor environment, and health*. Presentation, Environmental Protection Agency, Children's Health Protection Advisory Committee Plenary Meeting, Washington, DC.

McCauley, L. (2011, May). *Health burden of indoor air pollution on women and children in developing countries*. Invited participant, Department of Health and Human Services, Arlington, V.A.

McCauley, L. (2011, May). *Endless possibilities: Occupational health nursing and healthcare reform*. Catherine Dempsey Lecture, American Association of Occupational Health Nurses, 2011 National Conference, Atlanta, GA.

McCauley, L. (2011, April). *Environmental health: Importance for nursing and healthcare*. Presentation, Alliance of Nurses for Healthy Environments, 2nd Annual Environmental Health Conference for Nurses, Atlanta, GA.

McCauley, L. (2011, March). *Environmental threats and vulnerable populations: Pesticide exposures and health effects*. Presentation, Centers for Disease Control and Prevention, Cancer Prevention Across the Lifespan Workgroup, Atlanta, GA.

McCauley, L. (2010, December). *Human health: Molecules to mankind*. Session Chair, Predictive Health Institute, 6th Annual Symposium on Predictive Health, Atlanta, GA.

McCauley, L. (2010, November). *Pesticides and farmworker research: Current work and future directions*. Presentation, National Legal Aid and Defender Association, 2010 National Farmworker Law Conference, Atlanta, GA.

McCauley, L. (2010, October). *Gene/Environment Interactions*. Facilitator, OppNet (NIH's Basic Behavioral and Social Sciences Opportunity Network), OppNet Workshop:

Expanding Opportunities in Basic Behavioral and Social Science Research, Washington, DC.

McCauley, L. (2010, September). *A workshop to obtain input on the Gulf Long-Term Follow-Up Study for Oil Spill Cleanup Workers and Volunteers*. Invited participant, Institute of Medicine, Workshop to Review Federal Response to the Health Effects Associated with the Gulf of Mexico Oil Spill, Tampa, FL.

McCauley, L. (2010, July). *Nanomaterial and worker health: Medical surveillance, exposure registries, and epidemiologic research*. Invited participant, Centers for Disease Control and Prevention & the National Institute for Occupational Safety and Health, CDC/NIOSH Research Conference, Keystone, CO.

McCauley, L. (2010, June). *Assessing the human health effects of the Gulf of Mexico Oil Spill*. Invited research committee member, Institute of Medicine, IOM June 2010 Workshop, New Orleans, LA.

McCauley, L., Kelley, M., Economos, J., Flocks, J. & Carrasquillo, N. (2010, April). *Using community-based participatory research to assess and address job-associated hazards in female farmworkers in Florida*. Poster presentation, Partnerships for Environmental Public Health, Inaugural Partnerships for Environmental Public Health Program Meeting, Research Triangle Park, NC.

Butterfield, P. & **McCauley L.** (2009, November). *Portraits of mass consumption*. Facilitators, American Association of Colleges of Nursing, AACN Conference: National Nursing Initiatives Addressing Sustainability and Environmental Health, Atlanta, GA.

McCauley, L. (2008, April). *Genetic surveillance and screening of workers: Ethical, legal, and social implications*. Presentation, American Association of Occupational Health Nurses, 2008 AAOHN Symposium & Expo, Salt Lake City, UT.

McCauley, L. (2008, April). *Nanotechnology is coming: What you need to know*. Presentation, American Association of Occupational Health Nurses, 2008 AAOHN Symposium & Expo, Salt Lake City, UT.

McCauley, L. (2007, November). *Incentives for mentoring: Transforming institutional culture*. Presentation, Department of Health & Human Services, Women in Biomedical Science Careers Conference, Bethesda, MD.

McCauley, L & Arcury, T. (2001, November). *Pesticide research: Methodological issues in community-based research*. Presentation, National Institute of Environmental Health Sciences, NIEHS Environmental Justice and Community-Based Prevention/Intervention Research Annual Grantee Meeting, Lowell, MA.

McCauley, L. (2000, October). *Pesticides and neurotoxicity*. Invited participant, National Institute of Environmental Health Science, NIEHS Environmental Justice and Community-Based Prevention/Intervention Research Annual Grantee Meeting, Scientists' Breakout Session, Seattle WA.

McCauley, L. (2000, March). *Successful models of community-based participatory research*. Presentation, National Institutes of Health & and the National Institute of Environmental Health Science, 2000 NIH/NIEHS Conference, Washington DC.

Arcury, T., Quandt, S., & **McCauley, L.** (1999). Facilitators, National Institute of Environmental Health Science, NIEHS Workshop on Community-Based Research with Agricultural Communities, Chicago, IL.

McCauley, L. (1999, April). *Toxicology of chemical mixtures in the workplace and environment*. Presentation, American College of Occupational and Environmental Medicine, American Occupational Health Conference, Orlando, FL.

State and Regional Speeches & Presentations

McCauley, L. & Pappas, S. (2019, October). *Academic-practice partnerships: Making the journey together*. Presentation, 2019 Annual Unity Conference, United Advanced Practice Registered Nurses of Georgia, Atlanta, GA.

McCauley, L. (2019, February). *Heat stress and biomarkers of renal disease*. Presentation, Southeastern Coastal Center for Agricultural Health and Safety, Webinar.

Chicas, R., Mix, J., Mac, V., & **McCauley, L.** (2018). *Barriers to heat-related illness prevention in Florida farmworkers*. Podium presentation, Southern Nurses Research Society Conference, Atlanta, GA.

McCauley, L. (2018, September). *Chemical exposures and health effects in agricultural communities*. Presentation, AgriSafe Nurse Scholar, Webinar.

McCauley, L. (2017, March). *Bridging climate & health: Strengthening research and engagement*. Panelist, University of Michigan, Ann Arbor, MI.

Mutic, A., Paul, S., Mutic, N., & **McCauley, L.** (2016, April). *Predictors of US healthcare utilization by agricultural workers: A NAWs secondary analysis poster presentation*. Poster presentation, Emory University Fellow's Day, Atlanta, GA.

McCauley, L. (2015). *Heat-related illness webinar*. Panelist, Southeastern Coastal Center for Agricultural Health and Safety, 2015 Community Stakeholder Advisory Board Meeting.

- McCauley, L.** (2015, June). Invited participant, Milken Institute School of Public Health at George Washington University, Workshop on Health and Climate Change: Prepare the Next Generation of Health Professionals, Washington, DC.
- McCauley, L.** (2014, April). *Future of nursing: Campaign for action*. Keynote presentation, Northside Hospital, Certified Nurses Day Celebration Luncheon, Atlanta, GA.
- McCauley, L.** (2013, March). *Challenges that arise in a changing global stage*. Keynote presentation, University of Puerto Rico Medical Sciences Campus, 33rd Annual Research and Education Forum, Rio Piedras, PR.
- McCauley, L.** (2012, October). *Female agricultural workers: Ergonomic hazards, heat stress, and pesticide exposures*. Keynote presentation, University of Cincinnati, Pilot Research Projects Symposium, Cincinnati, OH.
- McCauley, L.** (2012, May). *The IOM Future of Nursing Report and the summit initiatives*. St. Joseph Hospital Association Nurse Leadership Conference, Atlanta, GA.
- McCauley, L.** (2012, April). *The future physician: Education; U.S. Healthcare: What's broken and how to fix it*. Presentations, Emory-GA Tech Healthcare Innovation Program, Healthcare Innovation Symposium II: Health Policy and the Future Physician, Atlanta, GA.
- McCauley, L.** (2011, November). Invited participant, Technical Workgroup for the Head Start Health Manager Descriptive Study, Rand Corporation, Washington, DC.
- McCauley, L.** (2011, November). *Pregnancy health among Florida farmworkers*. Presentation, Wake Forest University Medical School, Farmworker Research Team Meeting, Winston-Salem, NC.
- McCauley, L.** (2011, October). *Farmworker women and reproductive hazards*. Presentation, Wake Forest University School of Medicine, Center for Worker Health Research Seminar, Winston-Salem, NC.
- McCauley, L., Kelley, M., & Tovar, A.** (2011, October). *Pregnancy health among Florida farmworkers*. Workshop presentation, Migrant Clinicians Network, 24th Annual East Coast Migrant Stream Forum, West Palm Beach, FL.
- McCauley, L.** (2010, December). Invited presentation, Emory Preparedness and Emergency Response Research Center, Journal Club, Atlanta, GA.
- McCauley, L.** (2010, November). *Deepwater Horizon Oil Spill: Population effects and nursing perspectives*. Presentation, Nurses and Environmental Health Workshop, Mobile, AL.

McCauley, L., Curran, J., Warner, J., & Seydel, L. (2010, May). *CNN's Toxic America with Sanjay Gupta, MD*. Panel discussion, CNN and Emory University, Atlanta, GA.

McCauley, L. (2010, May). *NIH funding and strategies for community researchers: Thinking through the process*. Presentation, USF Health & Moffitt Cancer Center, Biennial Cancer, Culture & Literacy Conference, Clearwater Beach, FL.

McCauley, L. (2010, March). *Sustainable practices in healthcare*. Presentation, Emory University, Environmental Health Conference for Nurses, Atlanta, GA.

McCauley, L. (2009, December). *Gender differences in environmental health threats*. Mary Lynn Morgan Lecture, Emory University, Atlanta, GA.

McCauley, L. (2009, February). *The pros and cons of conducting doctoral research in nursing at home versus abroad*. Presentation, University of Pennsylvania, Symposium on Transcultural and Transnational Research in Nursing, Philadelphia, PA.

McCauley, L. (2008, March). *Community-based participation research with migrant farmworkers: Reflections from the field*. Presentation, University of North Carolina at Chapel Hill, Chapel Hill, NC.

McCauley, L. (2008, March). *Community-based research models: Advantages and pitfalls (Results of a research program with migrant farmworkers)*. Presentation, Drexel University, Philadelphia, PA.

McCauley, L. (2008, February). *Community-based research models: Advantages and pitfalls (Results of a research program with migrant farmworkers)*. Presentation, University of Louisville, Louisville, KY.

McCauley, L. (2006, March). *Genes in the workplace: The right fit?* Organizer and presenter, Georgetown Law Center, co-sponsored by the University of Pennsylvania, Johns Hopkins School of Public Health, and the Oregon Labor and Research Center, Washington, DC.

Arcury, T. & **McCauley, L.** (2004, September). Facilitators, Wake Forest University School of Medicine, Pesticide Exposure Comparable Data Conference, Winston-Salem, NC.

PROFESSIONAL AND UNIVERSITY SERVICE ACTIVITIES

Membership in Professional Organizations

Dates	Name of Organization
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2015–Present	Southern Nursing Research Society
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2013–Present	VISTAGE Group
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2012–Present	Georgia Association of Nursing Deans and Directors
2012–Present	Georgia Nursing Leadership Coalition
2010–Present	National League of Nursing
2009–Present	American Nurses Association and Georgia Nurses Association (Division of ANA)
2008–Present	National Academy of Medicine (Formerly the Institute of Medicine)
2004–Present	American Public Health Association
2003–Present	American College of Occupational Environmental Medicine
1998–Present	International Society for Environmental Epidemiology
1995–Present	American Academy of Nursing
1988–Present	American Association of Occupational Health Nurses

Board and Committee Positions		
Dates	Boards and Committees	Role
2023–2025	National Research Council, Governing Board Project Approval Committee	Member At-Large
2023–Present	National Academies of Sciences, Engineering, and Medicine, Health and Medicine Division	Chair
2023–2025	National Academy of Medicine, National Research Committee, Governing Board Project Approval Committee	Member At-Large
2023–Present	National Academies of Sciences, Engineering, and Medicine’s Committee to Conduct a Feasibility of Assessing Veteran Health Effects of Manhattan Project (1942-1947) Related Waste	Chair
2022–2026	National Institute of Nursing Research Initial Review Group	Member
2022–Present	National Academy of Medicine, Finance Committee	Member
2021–Present	National Academy of Medicine, Governing Council	Elected Member

2021–Present	Committee on the Health Risks of Indoor Exposures to Fine Particulate Matter and Practical Mitigation Solutions	Member
2021–Present	National Academy of Medicine, Membership Diversity Committee	Member
2020–Present	Environmental Protection Agency’s Children’s Health Protection Advisory Committee	Member
2020–Present	University of Miami School of Nursing and Health Studies Academic Review Committee	Inaugural Member
2019–Present	National Academy of Medicine, Implementing High Quality Primary Care Committee (IOM/NAM member since 2013, see below)	Co-Chair
2019–Present	Advisory Board of the Center for Professionalism & Value in Health Care	Member
2018–Present	Social Mission Metrics Initiative National Advisory Board, George Washington University	Member
2016–Present	Center for AIDS Research Executive Advisory Board at Emory University	Member
2017–2018	Robert Wood Johnson Foundation Clinical Scholars Program	Mentor
2017–Present	Global Consortium on Climate and Health Education Advisory Council	Member
2016–2023	Children’s Environmental Health Network Advisory Board	Member
2016–Present	AACN-VA Liaison Committee	Member
2016–Present	GA Brain Trust for Babies Advisory Committee	Member
2015–Present	NIEHS Brown University Superfund Research Advisory Board	Member

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2015–2018	Atlanta Birth Center Board of Directors	Member
2014–2016	NIEHS Core Centers Evaluation Advisory Subcommittee of the National Advisory Environmental Health Science (NAEHS) Council	Member
2014–2018	Robert Wood Johnson Foundation Nurse Faculty Scholars Mentorship Program	Mentor
2014–2015	Advisory Group for the Gulf Research Program	Member
2014	Gulf Research Program Health Opportunity Analysis Workshop Planning Committee	Member
2014–Present	Migrant Clinician’s Network Scientific and Strategic Planning External Advisory Board	Member
2013–Present	American Academy of Nursing Environmental Health	Expert Panelist
2013–2019	Institute of Medicine/National Academy of Medicine, Board of Population Health	Member
2013–2017	National Advisory Environmental Health Science Council	Member
2013–2015	Board of Directors for the Southern Regional Education Board (SREB)	Member
2012–Present	Dean’s Nursing Policy Coalition	Member
2011–2012	The Piedmont Center for the Health and Safety of Agricultural Workers and their Families External Advisory Committee	Member
2011–2016	Farmworker Justice Occupational Health and Safety Project Advisory Committee	Member
2011–Present	Pacific Northwest Agricultural Safety and Health (PNASH) Center Scientific Advisory Committee	Member
2010–2012	American Association of Colleges of Nursing Environmental Sustainability Task Force	Member
2009–2012	Farmworker Health and Safety Institute External Advisory Committee	Member

2009–2013	IOM Roundtable on Environmental Health Sciences, Research, and Medicine	Member
2008–Present	National Biosurveillance Advisory Subcommittee to the Director of the CDC	Member
2008–2010	NIOSH Occupational Health Nursing Task Force	Member
2007–2010	National Institute of Occupational Health and Safety	Board of Scientific Counselors
2006–2018	External Advisory Board for the North Carolina Occupational Health Nursing Program (OSHERC) at the University of North Carolina at Chapel Hill	Member and Chair

Research Advisement and Support			
Dates	University	Student	Role
2016–2020	Nell Hodgson Woodruff School of Nursing (NHWSN)	R. Chicas	Chair
2016–2018	NHWSN	J. Mix	Post-Doc Mentor
2014–2020	NHWSN	A. Mutic	Chair
2012–2014	NHWSN	J. Runkle	Post-Doc Mentor
2011–2016	NHWSN	V. Mac	Chair
2011–2012	NHWSN	T. Marin	Chair
2008–2009	University of Pennsylvania School of Nursing	R. Nailon	Post-Doc Mentor
2006–2011	University of Pennsylvania School of Nursing	V. Pak	Member
2006–2007	University of Pennsylvania School of Nursing	V. Dickson	Member
2004–2005	University of Pennsylvania School of Nursing	A. Euges	Chair

2002–2004	Oregon Health and Science University (OHSU) School of Nursing	S. Shapiro	Chair
2002–2004	OHSU School of Nursing	N. Findholt	Chair
2001–2010	OHSU Department of Toxicology	J. Muniz	Member
2000–2010	OHSU School of Nursing	M. Beltran	Chair
1993–1994	University of Cincinnati College of Nursing & Health	K. Martin	Chair
1992–1994	University of Cincinnati Department of Environmental Health	D.S. Jayawaidena	Member
1991–1995	University of Cincinnati	D. Hess	Member
1991	University of Cincinnati Department of Environmental Health	C. Cheeks	Member
1990	University of Cincinnati Department of Geography	K. Sherm	Member

National and International Grant Consultation

Grant: Characterization of Heat-Related Illness in Central Florida

PI: Vac, V.

Grant number: 1F31NR01461101

Funding agency: National Institute of Nursing Research Initial Review Group

Period: 2013–2016

Grant: Lead Exposure, Externalizing Behavior, and Neurobiological Mediating Factors

PI: Liu, J.

Grant number: R01ES018858

Funding agency: National Institute of Environmental Health Sciences

Period: 2010–2015

Grant: Community Partnered Response to Intimate Violence

PI: Glass, N.

Grant number: R01NR00877101A1

Funding agency: National Institute of Nursing Research

Period: 2004–2008

Grant: Promoting Occupational Health among Indigenous Farmworkers

PI: Shadbeh, N.
 Grant number: R250H00833402
 Funding agency: NIH, NIOSH
 Period: 2004–2008

Emory University Activities		
Dates	Activity	Role
2017–Present	Woodruff Health Sciences Center Interprofessional Education and Collaborative Practice Council	Chair
2017	Search Committee for Dean of Emory College	Member
2017	Search Committee for Vice Provost of Strategic Enrollment Management	Chair
2017	Search Committee for Dean of Emory School of Medicine	Co-Chair
2015–Present	Strategic Enrollment Plan Steering Committee	Member
2015	Emory Brand Advisory Committee	Member
2015	Search Committee for Executive Vice President for Business & Administration	Member
2014–Present	Healthy Emory Steering Committee	Chair
2014	Search Committee for Dean of Emory Goizueta School of Business	Chair
2012–Present	UHC/AACN Nurse Residency Advisory Board	Member
2012	Advisory Committee to the Institute for Developing Nations	Member
2012	Advisory Committee to the Woodruff Health Sciences Center for Health in Aging	Member
2010–Present	Office of Sustainability Initiatives Faculty Advisory Council	Member
2010–Present	Research Advisory Council	Member

2010–Present	Atlanta Clinical & Translational Science Institute Executive Council	Member
2010	Environmental Health Ethics Steering Committee	Member
2010	Search Committee for Program Director, Physical Therapy Division	Search Committee Member
2009–Present	Integrated Health Sciences Center at Emory (EHSCE) Internal Advisory Board	Member
2009–Present	Atlanta Clinical & Translational Science Institute Leadership Committee	Member
2009–Present	Global Health Institute Advisory Committee	Member
2009–Present	Woodruff Health Sciences Executive Committee	Member
2009–Present	Administrative Council	Member
2009–Present	Council of Deans	Member
2009–2010	Research Strategic Plan Executive Committee	Member
2009–2010	Atlanta Clinical & Translational Science Institute Executive Oversight Council	Member

University of Pennsylvania Activities

Years	Activity	Role
2007–2009	Environmental Sustainability Committee	Member
2007–2009	Center for Public Health Initiatives Advisory Committee	Member
2007–2009	Master of Public Health Program Advisory Committee	Member
2006	Search Committee for Vice President of Research	Member
2006–2009	Provost Staff Conference Subcommittee	Member
2006–2009	Center for Environmental Excellence in Toxicology	Member
2006–2009	University Honorary Degree Committee	Member

2005	Lindback Junior Faculty Minority Awards	Reviewer
2004–2009	Provost’s Council on Research	Member
2004–2009	Vice Provost Council on Corporate Partnerships	Member
2004–2009	University Research Foundation Review Committee	Member

University of Pennsylvania School of Nursing Activities

Years	Activity	Role
2007–2009	Research Directors’ Committee	Member
2006–2009	Technology Innovation Advisory Group	Member
2005–2009	Undergraduate Course Directors’ Committee	Member
2004–2009	Personnel Committee	Member
2004–2009	Dean’s Coordinating Committee	Member
2004–2009	Dean’s Advisory Committee	Member
2004–2009	Doctoral Admissions Committee	Member
2004–2009	Master’s Program Directors’ Committee	Member
2004–2009	Research Committee	Member
2004–2009	Long Term Space Committee	Member
2004–2006	Web Advisory Committee	Member
2004–2006	Ad Hoc Space Committee	Member
2004–2005	Colket Chair Search Committee	Chair

Oregon Health and Science University Activities

Years	Activity	Role
2000–2004	OHSU Faculty Senate	Executive Committee Member
2000–2001	OHSU Faculty Senate	President
2000–2004	OHSU Scientific Integrity Committee	Member

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1999–2000; 2002–2003	OHSU Faculty Senate Awards Committee	Member
1997–2004	OHSU Faculty Senate	Representative
1997–2004	OHSU Policy Advisory Committee	Member



EMORY

NELL HODGSON
WOODRUFF
SCHOOL OF
NURSING

Office of the Dean

October 30, 2024

Department of Consumer and Business Services
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405

Re: Proposed Amendments to Agricultural Labor Housing and Related Facilities

I am writing in my capacity as an environmental health scientist with more than 25 years of research focused on pesticide effects on human health, environmental justice, and women's and children's health. Coincidentally, I am also attending a meeting of the Children's Health Protection Advisory Committee of the Environmental Protection Agency in Washington, DC. The topic of the meeting is the importance of cumulative impact assessment regarding environmental exposures and social stressors. The work the EPA is doing is very impressive, particularly their alignment with policy initiatives and protecting vulnerable communities.

The EPA is discussing their framework that cumulative impact is the totality of exposures to combinations of chemical and non-chemical stressors and their effects on health and quality of life outcomes. I raise this issue in light of the current policy changes in Oregon that would allow aerial spraying of pesticides in close proximity to housing in rural agricultural areas in Oregon. Cumulative impact explicitly recognizes that exposures (singular spraying events) cannot be viewed as singular health impact events. Children and families residing in housing close to agricultural fields will be exposed to repeated toxic events over time. Cumulative impact also recognizes that housing for agricultural workers and their families is often substandard with little protection from outside elements such as heat, health events, hygiene and cooking facilities. There is simply no way that "sheltering in place" is a protective method for children, pregnant women, and other vulnerable populations.

These marginalized populations that play such an important role in our food production should not be placed in the position of fearing homelessness if they protest that the protections are being planned in Oregon are insufficient. Further, the time periods established to protect workers reentering agricultural fields were never designed to protect residential members with vulnerable children. When housing is allowed with zero distance between pesticide "treated areas" and the residence, children are at risk. Years of research in Oregon, California, and Washington documented that children are exposed to pesticide residues that are in the home. Some of these residues are carried into the home by workers, but recent work on indoor air quality has shown that encroachment of outdoor air pollution into home environments is the major determinant of the quality of indoor air.

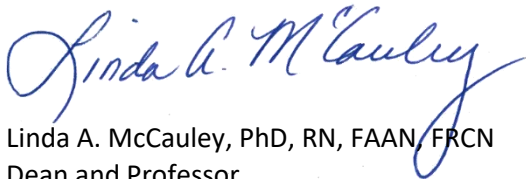
Emory University
1520 Clifton Road, NE
Atlanta, Georgia 30322-4201

404.727.7976
www.nursing.emory.edu

The work that EPA and environmental scientists on cumulative risk assessment is based on the need to protect our most vulnerable populations and that exposures children receive over time will eventually affect how they do in school and future employment potential. Furthermore, pregnant women, many of whom work in agricultural are especially vulnerable to the pesticide exposure they may have.

I strongly recommend that a more comprehensive risk assessment of the proposed rule be conducted. Particularly I suggest that the EPA in your region be allowed to provide input into the safety of the proposed policy on vulnerable pregnant women and young children.

Best regards,



Linda A. McCauley, PhD, RN, FAAN, FRCN
Dean and Professor

From: [Rachel K M](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [Oregon Horse Council](#)
Subject: Comments on Proposed Amendments to Farm Worker Housing Rules
Date: Wednesday, October 30, 2024 1:35:07 PM

You don't often get email from rachel@equinelegalsolutions.com. [Learn why this is important](#)

Good afternoon. I'm an attorney who has served the equine industry for over 20 years. I'm writing to object to the proposed change to OAR 437-004-1120(6)(h) that would prohibit locating employee housing within 500 feet of livestock operations. On working horse farms, it is VERY common to have employees who live on site in apartments located in barns and in mobile homes that are very close to barns. Some of these accommodations are quite nice, commonly called "barndominiums." Being very close to (or inside of) barns is an advantage for the worker, because they are more likely to be able to hear any commotion that might indicate a problem, and when checking on horses in the middle of the night or in inclement weather, they don't have to go very far. Implementation of the 500' requirement, if enforced, would put most large horse farms out of business. It's already very difficult for them to find reliable workers, and if the farm cannot offer those workers housing due to the fact the housing available is within 500' of or inside a barn, it would be next to impossible to attract and retain workers.

Sincerely,
Rachel Kosmal McCart
[Equine Legal Solutions, PC](#)
(866) 385-2972

Keith Cunningham-Parmeter
Robert E. Jones Professor of Advocacy and Ethics
Lewis & Clark Law School
10101 S. Terwilliger Blvd.
Portland, OR 97219
(503) 768-6640
keithcp@lclark.edu

October 30, 2024

Department of Consumer and Business Services/Oregon OSHA
PO Box 14480
Salem, OR 97301-0405

Via email to: OSHA.rulemaking@dcbs.oregon.gov

RE: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Thank you for the opportunity to comment on Oregon OSHA's Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities ("Proposed Amendments").¹ I am a law professor at Lewis & Clark Law School who teaches labor and employment law. My research focuses on antidiscrimination law and the legal regulation of contingent workers, including migrant farmworkers. These comments are written in my personal capacity and do not reflect the views of Lewis & Clark College.

Prior to becoming a law professor, I represented farmworkers as a staff attorney with the Oregon Law Center. In that capacity, I visited numerous farm labor camps and saw firsthand the dangers that pesticide exposure poses to workers who reside in agricultural labor housing ("labor housing" or "on-farm housing"). As a lawyer representing farmworkers, I also filed complaints with Oregon OSHA for pesticide-related incidents that violated the Worker Protection Standard (WPS).² Additionally, I have authored scholarship that critically examines pesticide exposure among migrant farmworkers.³

I am deeply concerned with Oregon OSHA's Proposed Amendments, which will fail to adequately protect residents of labor housing from pesticide exposure. For instance, the Proposed Amendments

¹ OAR 437-004-1120, OAR 437-002-0142.

² 40 CFR 170 et seq.

³ Keith Cunningham-Parmeter, *A Poisoned Field: Farmworkers, Pesticide Exposure, and Tort Recover in an Era of Regulatory Failure*, 28 NYU REV. LAW & SOC. CHANGE 431 (2004).

would continue Oregon OSHA's unlawful practice of allowing workers to "shelter in place"⁴ during pesticide applications, even though the U.S. Environmental Protection Agency (EPA) has stated explicitly that "sheltering-in-place for employees *in any structure* is not an option"⁵ In addition, despite previous public assurances from Oregon OSHA that the agency would examine the feasibility of establishing no-spray buffer zones around labor housing, the Proposed Amendments fail to evaluate the potential costs and benefits of such a plan. Finally, the Proposed Amendments violate the mandates of the Oregon Administrative Procedures Act (APA)⁶ by failing to assess the disproportionate adverse health impacts that housing-related pesticide exposure poses to Oregon's predominately nonwhite, low-income farmworker population. In light of these serious concerns, Oregon OSHA should engage in an appropriate analysis of the foregoing issues prior to finalizing the Proposed Amendments.

I. On-Farm Housing and Pesticide Exposure

Pesticide exposure poses a well-known health hazard to farmworkers.⁷ Each year, an average of 57.6 out of every 100,000 agricultural workers report acute pesticide poisoning, illness, or injury.⁸ Pesticide drift (i.e., when "droplets or dust move away from the target site"⁹) represents a primary source of exposure for farmworkers.¹⁰ This common form of pesticide exposure generates illness-related risks that are 145 greater for farmworkers, as compared to other workers.¹¹ Acknowledging these dangers, Oregon OSHA has observed that Oregon farmworkers face a "meaningful risk of exposure to pesticides in the workplace," and that "off-target pesticide drift remains a genuine risk to farmworkers and their families .

⁴ OAR 437-004-6405.

⁵ Worker Protection Standard Application Exclusion Zone (2024), <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>.

⁶ ORS § 183.335(2)(b)(F).

⁷ Comments by Earthjustice, U.S. Environmental Protection Agency, Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments, at 6, 88 Fed. Reg. 15,346 (May 12, 2023) (citing JBS INT'L, FINDINGS FROM THE NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS) 2019-2020: A DEMOGRAPHIC AND EMPLOYMENT PROFILE OF UNITED STATES FARMWORKERS, at i (2022)) (hereinafter "Reconsideration of the Application Exclusion Zone Amendments").

⁸ Reconsideration of the Application Exclusion Zone Amendments, *supra* note 7, at 6 (citing Geoffrey M. Calvert et al., *Acute Pesticide Poisoning Among Agricultural Workers in the United States, 1998–2005*, 51 AM. J. INDUS. MED. 883, 888 (2008)).

⁹ Oregon OSHA, Worker Protection Standard: Application Exclusion Zone—FAQs, at 1, <https://osha.oregon.gov/news/notices/Documents/wps-aez/WPS-AEZ-FAQ-070218-R2.pdf>.

¹⁰ Farmworker Justice, Comments on the Reconsideration of the Application Exclusion Zone Amendments; Docket EPA-HQ-OPP-2022-0133, at 1 (May 12, 2022), (citing Washington State Department of Health, Pesticide Data Report Washington State: 2010 – 2011 Agency Data (June 2023), available at https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=2010%20-%202011%20Pesticide%20Data%20Report%20June2013_191bcdfa-25ac-42f8-ab08-0458ff86692a.pdf)).

¹¹ Reconsideration of the Application Exclusion Zone Amendments, *supra* note 7, at 21 (citing Soo-Jeong Lee et al., *Acute Pesticide Illnesses Associated with Off-Target Pesticide Drift from Agricultural Applications*, 119 Env't Health Persps. 1162, 1163 (2011)).

...¹² Consistent with this finding, one NIOSH-funded survey of Oregon agricultural workers found that roughly one-third of responding farmworkers had been accidentally sprayed with pesticides.¹³

The danger of becoming ill from pesticide exposure does not go away once workers exit the fields. As Oregon OSHA has acknowledged, many adult agricultural laborers and their children reside in on-farm housing that is located near fields.¹⁴ Too often, pesticides enter these housing units and injure residents. For example, one study of labor housing in North Carolina identified structural problem in units, including holes in the walls, which allowed pesticides to enter kitchens and other living areas.¹⁵ Pesticide residue may last longer inside farmworker housing due to a lack of exposure to rain, sunlight, or other causes of degradation.¹⁶ Additional pesticide-related health risks exist outside of the units as well. For example, the Proposed Amendments would allow cooking facilities to be located in adjacent shelters with mesh openings, thereby heightening the risk of pesticide application contamination to food and cooking surfaces.¹⁷

The children and adults who live in labor housing face an increased risk of pesticide exposure from pesticide drift.¹⁸ For example, one study of agricultural pesticide poisonings found that of 643 reported incidents of pesticide drift and 2,945 associated illnesses, 44.5 percent of these exposures occurred in places where the victims resided.¹⁹ In sum, pesticide drift poses an ongoing risk to farmworkers, and pesticide exposure within on-farm housing constitutes a significant share of this risk.

II. The Proposed Amendments Erroneously Fail to Study the Benefits of Creating No-Spray Buffer Zones Around Labor Housing

Oregon OSHA has recognized the dangers created by “exposure to workers outside the application area,” including exposure inside “worker housing.”²⁰ Despite the agency’s acknowledgement of this

¹² OREGON OSHA, EXPLANATION OF RULEMAKING, PESTICIDE WORKER PROTECTION STANDARD: APPLICATION EXCLUSION ZONES 3 (June 29, 2018) (hereinafter “2018 EXPLANATION OF RULEMAKING”),

<https://osha.oregon.gov/OSHArules/comments/comments-and-decisions-AO2-2018-wps-aez.pdf>.

¹³ Farquhar, et al. *Occupational Conditions and Well-Being of Indigenous Farmworkers*, 98 AM. J. OF PUB. HEALTH 1956, 1958 (2008) (reporting results of Oregon farmworker survey funded by the National Institute of Occupational Safety and Health (NIOSH); see also Cunningham-Parmeter, *supra* note 3, at 444 (discussing data on pesticide exposure among Oregon farmworkers).

¹⁴ See Emily Green, *Letting Farmworkers ‘Shelter in Place’ During Pesticide Use Raises Concerns*, STREET ROOTS (Dec. 10, 2016) (“[A]gency spokesperson Aaron Corvin noted, ‘We would anticipate that many agricultural employers have housing facilities near crop areas where pesticides are applied.’”); see also Oregon Law Center, Public Comment on Pesticide Worker Protection Standard: Application Exclusion Zone (Dec. 2016) (discussing the proximity of labor housing to fields and orchards); Farmworker Justice, *supra* note 10, at 8-9.

¹⁵ Farmworker Justice, *supra* note 10, at 8-9.

¹⁶ *Id.* at 9.

¹⁷ 2024 AMENDMENTS TO AGRICULTURAL LABOR HOUSING, *supra* note 21 (discussing “screening requirements” for cooking facilities); see also Farmworker Justice, *supra* note 10, at 9 (discussing the risk of pesticide contamination to cooking surfaces).

¹⁸ Reconsideration of the Application Exclusion Zone Amendments, *supra* note 7, at 1-8.

¹⁹ *Id.* at 21 (citing Soo-Jeong Lee et al., *Acute Pesticide Illnesses Associated with Off-Target Pesticide Drift from Agricultural Applications*, 119 ENV’T HEALTH PERSPS. 1162, 1163 (2011)).

²⁰ Oregon OSHA, *supra* note 9, at 2 (“[T]he risk of unintended exposures, due to chemicals drifting away from the target site, can create exposure to workers outside the application area. In the case of worker housing, such exposure can also involve the workers’ family members.”).

serious danger, however, Oregon OSHA has failed to fully assess the plausibility of creating no-spray buffer zones around labor housing. This inaction is especially glaring given that Oregon OSHA publicly committed to study this very issue in 2018. As Oregon OSHA acknowledges in the Proposed Amendments, “During a rulemaking process in 2018 on pesticides, worker advocates raised concerns about the application of pesticides within a certain distance to [labor housing] In response, Oregon OSHA committed to conducting a comprehensive review of the [labor housing] rules using a rulemaking advisory group.”²¹ Despite this commitment, however, the amendments proposed here say nothing about “application of pesticides within a certain distance” of labor housing—the very issue that Oregon OSHA vowed to study six years ago.²² Accordingly, any attempt to finalize the Proposed Amendments, without first analyzing the impact of “application of pesticides within a certain distance” of labor housing—a subject that in 2018 Oregon OSHA committed to studying—would constitute arbitrary agency action.

In its 2018 Explanation of Rulemaking for Application Exclusion Zones (AEZs), Oregon OSHA acknowledged that it had not reviewed agricultural buffer zones in other states.²³ If properly examined, Oregon OSHA would find that California provides a promising model. The California Department of Pesticide Regulation (DPR) enforces the Worker Protection Standard (WPS), through a process known as “pesticide safety program equivalency.”²⁴ The DPR delegates its WPS-related and other enforcement responsibilities to fifty-five County Agricultural Commissioners (CACs) throughout the state.²⁵ These CACs are charged with ensuring compliance with various WPS mandates, including hazard communication, training, personal protective equipment, and restricted entry intervals. In sum, just as Oregon OSHA handles the WPS enforcement responsibilities of the Oregon Department of Agriculture (ODA) as the EPA designee, CACs in California handle the bulk of WPS enforcement actions on behalf of the state’s DPR.²⁶

As part of California’s pesticide regulatory framework, the DPR establishes “buffer zones to protect people or wildlife near treated fields.”²⁷ These buffer zones represent a form of use restriction and are implemented through pesticide permit conditions.²⁸ Notably, numerous CACs in California have used this power to create buffer zones around labor housing. For example, the CAC in Kern County has created buffer zones for certain aerial applications around “occupied labor camp[s].”²⁹ The Solano County CAC has established buffer zones around “sensitive sites,” and has listed “[f]armworker housing,” as an

²¹ OREGON OSHA, PROPOSED COMPREHENSIVE AMENDMENTS TO AGRICULTURAL LABOR HOUSING AND RELATED FACILITIES 90 (Sept. 5, 2024) (hereinafter “2024 AMENDMENTS TO AGRICULTURAL LABOR HOUSING”).

²² *Id.*

²³ 2018 EXPLANATION OF RULEMAKING, *supra* note 18, at 53 (“Neither workplaces nor employer-provided housing (in agriculture or in other industry sectors) are addressed by the provisions in other states that Oregon OSHA has reviewed.”).

²⁴ CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION, A GUIDE TO PESTICIDE REGULATION IN CALIFORNIA 64-65 (2017 Update), <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

²⁵ *Id.* at 3 (discussing the relationship between DPR and CACs).

²⁶ 2018 EXPLANATION OF RULEMAKING, *supra* note 18, at 17 (discussing the relationship between EPA, ODA, and OR OSHA with respect to WPS enforcement).

²⁷ CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION, *supra* note 27, at 52-55.

²⁸ *Id.* at 129.

²⁹ Kern County, General Permit Conditions, <http://www.kernag.com/ep/forms/kern-general-permit-conditions-2020.pdf>.

example of a “sensitive site.”³⁰ Likewise, the CAC in Riverside County has set buffer zones around “occupied onsite employee housing” and “occupied structure[s]”³¹

Extending these protections beyond the boundaries of employee housing, other CACs have created buffer zones around *all* occupied spaces. For example, the Kern County CAC prohibits the use of Aluminum and Magnesium Phosphide “within 100 feet of a building that is or may be occupied by people”³² Imperial County has created a one-hundred-foot buffer zone for aerial applications around “inhabited properties”³³ Other CACs have created buffer zones for certain pesticides or certain application methods around “occupied rural dwellings” and “occupied structure[s].”³⁴

Admittedly, California’s unique regulatory framework differs from Oregon’s. Unlike Oregon OSHA, California’s DPR retains authority to create permit conditions that limit pesticide use. It is through this permitting authority that the DPR has created buffer zones—a power to establish permit conditions in Oregon that lies with the ODA.³⁵ Noting its lack of authority in this space, Oregon OSHA has said that it “does not consider itself to have the statutory authority necessary to adopt a buffer zone requirement prohibiting the application of legal pesticides by legal means to a crop – or a portion of a crop – for which the pesticides are approved.”³⁶

But this claim ignores Oregon OSHA’s inherent authority to regulate the *location* of labor housing. Thus, rather than create a buffer zone through pesticide use restrictions, Oregon OSHA could require labor housing to be sited a safe distance away from pesticide application sites. In other words, while permit conditions are the province of ODA, the situs and safety of on-farm housing is the province of Oregon OSHA. The agency has acknowledged this power: “Oregon OSHA *does* believe it has the authority to address issues with regard to the siting of agricultural labor housing.”³⁷ Indeed, the Proposed Amendments attempt to exercise this very authority by creating a buffer zone between labor housing and livestock. Specifically, the Proposed Amendments mandate that “labor housing” must *not* be located “within 500-feet of livestock operations.”³⁸ If Oregon OSHA has the authority to prescribe the distance between labor housing and livestock, then the agency could also exercise this power to separate labor housing from pesticide application sites.

³⁰ Solano County Agricultural Commissioner, Best Practices Covering Use of Pesticides Near Sensitive Sites, <https://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=42274>.

³¹ Riverside County Permit Conditions (on file with author).

³² Kern County, General Permit Conditions, <http://www.kernag.com/ep/forms/kern-general-permit-conditions-2020.pdf>

³³ Imperial County, Restricted Materials Permit Conditions, <https://agcom.imperialcounty.org/wp-content/uploads/2024/07/2024-25-RMP-Conditions.pdf>.

³⁴ San Luis Obispo Restricted Materials Permit Conditions (on file with author); Yolo County Conditions and Regulations Covering the Use of Restricted and Non-Restricted Materials, <https://www.yolocounty.org/home/showpublisheddocument/78127/63833734>.

³⁵ See, e.g., ORS 634.306 (vesting ODA with authority to “[e]stablish restrictions, methods and procedures in the storage, transportation, use or application of restricted-use pesticides or highly toxic pesticides in order to protect humans”); ORS 634.322 (vesting ODA with authority to “establish limitations and procedures deemed necessary and proper for the protection of persons” on “[u]ses and applications”).

³⁶ 2018 EXPLANATION OF RULEMAKING, *supra* note 18, at 54.

³⁷ *Id.* (emphasis added).

³⁸ 2024 AMENDMENTS TO AGRICULTURAL LABOR HOUSING, *SUPRA* NOTE 21.

If Oregon OSHA continues to refuse to study buffer zones, then ODA should study creating use restrictions through permit conditions. Rather than continue to abdicate responsibility to one another, the agencies should analyze and implement buffer zones, whether that is through regulating the location of on-farm housing (Oregon OSHA) or regulating the use of pesticides (ODA). After study, the agencies ought to propose buffer zone requirements and submit the proposals for public comment. The fact that Oregon OSHA has promised to study this issue for six years but has failed to do so constitutes arbitrary agency action.

III. Oregon OSHA's 'Shelter in Place' Rule Violates the WPS and the Proposed Amendments Fail to Correct This Violation

Oregon OSHA follows a federally-approved workplace safety and health plan which, among other issues, sets minimum compliance requirement for employer-provided housing.³⁹ As such, Oregon OSHA has jurisdiction to regulate employer-provided housing.⁴⁰ Exercising this authority, Oregon OSHA has registered over 400 agricultural housing units, which shelter approximately 10,000 farmworkers and their families each year.⁴¹ As with any OSHA-approved state plan, Oregon's plan must be "at least as effective" as federal OSHA's regulations.⁴² Given that the federal rules establish a floor (not a ceiling) for protection, Oregon OSHA has acknowledged that "[n]othing in [the] federal statute prevents Oregon OSHA from adopting and enforcing standards that are more stringent or protective than federal OSHA standards."⁴³

In addition to retaining jurisdiction over labor housing, Oregon OSHA is also responsible for enforcing the EPA's Worker Protection Standing (WPS).⁴⁴ In 2015, the EPA began amending the WPS to establish Agricultural Exclusion Zones (AEZs), which today under federal law require workers to stay at least twenty-five feet away from pesticide application sites.⁴⁵ These federal AEZs can extend to one hundred feet, depending on the application method and spray quality.⁴⁶ Regardless of the distance, however, federal law makes clear that workers cannot "remain in . . . an application exclusion zone"⁴⁷

Despite the WPS's clear prohibition against workers remaining in an AEZ, Oregon OSHA inexplicably allows workers to "remain in an enclosed agricultural structure" within an AEZ.⁴⁸ Far from providing protections that are at least as effective as federal law, Oregon OSHA allows sheltering in place even though the EPA explicitly bars this very act. In its 2024 updates to the AEZ rules, the EPA provided an exemption to farm owners and their immediate families, allowing this group "to remain inside enclosed

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Oregon OSHA, Agricultural Labor Housing, <https://osha.oregon.gov/pages/topics/agricultural-labor-housing.aspx>; Shannon Sollitt, *Oregon Housing Bill Includes \$5M for On-Farm Housing Improvements*, STATEMAN J. (March 27, 2023) (estimating residency numbers in on-farm housing).

⁴² 29 U.S.C. § 667.

⁴³ 2024 AMENDMENTS TO AGRICULTURAL LABOR HOUSING, *supra* note 21.

⁴⁴ 2018 EXPLANATION OF RULEMAKING, *supra* note 18, at 17 (discussing the relationship between EPA, ODA, and OR OSHA with respect to WPS enforcement).

⁴⁵ U.S. Environmental Protection Agency, Worker Protection Standard Application Exclusion Zone (2024), <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>.

⁴⁶ *Id.*

⁴⁷ 40 CFR 170.405(a)(2).

⁴⁸ OAR 437-004-6405.

structures or homes in the AEZ during pesticide applications.”⁴⁹ Noting that this exemption applied only to farm owners’ immediate family members, the EPA emphasized that “sheltering-in-place for *employees* in any structure is *not* an option under this exemption.”⁵⁰ Thus, the EPA has made clear that farm owners can shelter in place, but that “sheltering-in-place for employees in any structure is not an option”⁵¹

In its 2018 explanation of rulemaking, Oregon OSHA said that the agency could make a “credible argument” as to why its shelter-in-place rule was “equivalent,” to federal standards even though “the Oregon rule is less stringent than the existing federal rule.”⁵² Despite this bold claim, Oregon OSHA offered no evidence at the time to justify this assertion. Today, even though Oregon OSHA allows farmworkers to “shelter in place” in labor housing and even though the EPA bars the practice “in any structure” (except for an owner’s immediate family),⁵³ the Proposed Amendments erroneously fail to bring Oregon into compliance with the federal rules. As such, Oregon OSHA’s regulations conflict directly with federal requirements.

IV. Oregon OSHA Failed to Study the Disparate Racial Impact that Pesticide Exposure in Labor Housing Poses to Oregon’s Predominately Nonwhite Farmworker Population

In adopting the Proposed Amendments, Oregon OSHA has failed to study the adverse health impacts that residential pesticide exposure poses to Oregon’s predominantly nonwhite farmworker population. The Proposed Amendments state:

Recognizing the historical and systemic racial inequities that have disproportionately affected communities of color, Oregon OSHA is dedicated to incorporating racial equity into its rulemaking. Oregon OSHA acknowledges that Latinx, Indigenous, Asian, Pacific Islander, Black, and other communities of color make up the majority of Oregon’s agricultural workforce, putting them at disproportionate risk of working and living in unsafe, unhealthy, and unsanitary conditions. This rule seeks to strengthen worker protections in employer provided housing, providing a safe and healthy place to rest and sleep so they can adequately recover, especially from labor intensive working conditions in agricultural settings.⁵⁴

The Oregon APA requires agencies to explain “*how* adoption of the rule will affect racial equity”⁵⁵ Failing to comply with this mandate, the Proposed Amendments say nothing about the potential disparate health effects that the state’s predominately nonwhite farmworker population may experience if Oregon OSHA continues its unlawful “shelter in place” rule, or, alternatively the health benefits that this group may experience from creating buffer zones around labor housing. It is understandable that Oregon OSHA

⁴⁹ Worker Protection Standard Application Exclusion Zone (2024), <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone> (noting that although immediate family members of a farm operator can “shelter in place,” employees themselves cannot).

⁵⁰ *Id.* (emphasis added).

⁵¹ *Id.*

⁵² 2018 EXPLANATION OF RULEMAKING, *supra* note 18, 17.

⁵³ Worker Protection Standard Application Exclusion Zone (2024), <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>.

⁵⁴ 2024 AMENDMENTS TO AGRICULTURAL LABOR HOUSING, *supra* note 21.

⁵⁵ ORS 183.335(2)(b)(F) (requiring agencies to provide statements “identifying how adoption of the rule will affect racial equity in this state”) (emphasis added).

Keith Cunningham-Parmeter, Robert E. Jones Professor of Advocacy and Ethics

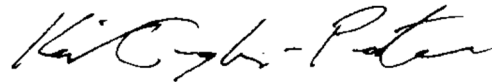
Comment on Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

was unable to explain “*how* adoption of the rule will affect racial equity,”⁵⁶ given that the agency failed to report even basic demographic data about the racial and ethnic backgrounds of the affected groups, nor the disparate health-related effects that these groups bear from pesticide exposure in labor housing.

Recent data from the *National Agricultural Workers Survey* estimate that sixty-three percent of farmworkers in the United States were born in Mexico, and that seventy-eight percent of farmworkers identify as Hispanic.⁵⁷ Indeed farmworkers constitute a majority low-income, nonwhite population who suffer disproportionately from workplace pesticide exposure.⁵⁸ In light of these realities and the unique health risks posed by on-farm housing, it is incumbent upon Oregon OSHA to study the potential disparate impacts that these risks pose to Oregon’s predominately nonwhite farmworker population. It does not appear that Oregon OSHA has assessed this issue and therefore likely has an inaccurate understanding of the substantial benefits that buffer zones could bring to Oregon’s farmworker population.

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Cunningham-Parmeter". The signature is fluid and cursive, with the first name "K." and last name "Parmeter" being the most legible parts.

Keith Cunningham-Parmeter

Robert E. Jones Professor of Advocacy and Ethics

⁵⁶ *Id.* (emphasis added).

⁵⁷ Reconsideration of the Application Exclusion Zone Amendments, *supra* note 7, at 6-7 (citing JBS INT’L, FINDINGS FROM THE NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS) 2019-2020: A DEMOGRAPHIC AND EMPLOYMENT PROFILE OF UNITED STATES FARMWORKERS, at i (2022)), <https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%2016.pdf>).

⁵⁸ *Id.* at 19.

Elda Dorado Valenzuela
Lead recruiter of the
Migrant Education Program
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Salem, Oregon 97309-0405

My name is Elda Dorado and I work for the Education Services District (ESD)
with the Migrant Education Program.

I am the lead recruiter for this program in the year 2024 for Wasco, Sherman and Gilliam
counties.

I recruited 320 families that have students that meet the requirements to receive services that
are offered by the ESD Migrant Education Program.

These students that are with the 320 families were recruited from the local orchard housing that
is provided by the orchards. These students age range from kindergarten to 7th grade. These
students go to class and are taught reading, writing and math. These classes are just like a
normal classroom situation at any school. The Migrant Education Program offers breakfast and
lunch to the students. They also go on field trips to educate the student about things outside of
the classroom.

Of the 320 families that receive services 441 students were involved in the Migrant Education
Program. Of that 441 students there were 82 that did not go to class. These 82 students are
involved in the Migrant Education Program by the instructors going to the orchard housing. This
program is called STEAM which stands for Sciences, Technology, Engineering, Art and Math.
The teachers bring the topics to present to students. All topics are age appropriate. The summer
school program was from June 20 to July 26 for the 2024 season. There were 60 paid
employees involved in that Migrant Education Program for this season.

It has come to my attention through general conversation that rule changes are proposed for
the orchard housing in the State of Oregon. I went online to the OSHA website to read about
those rules changes. It seems like change is always taking place.

After reading the list of changes that are proposed, one rule about the square footage change that is proposed could have a negative effect on families that are employed in agriculture. With that square footage being increased causes the family of say 4 people to be legally housed one year. Then the next year with the new rule on square footage, all of the 4 family members can not legally stay in this same housing.

So, in this situation with 4 family members being housed; What is the farmer going to do to resolve this situation? He can propose to split up the family so they are not in the same room. Another solution that I see happening and possibly accelerating is the farmers not hiring families. One must realize that in many situations the family has one or two people working while there are young children that are not working.

So my question to you at laboral camp rule making session are you thinking about what decision the farmer will make.

What I think will happen is the farmer is not going to build more housing to employe families where one or two are working and the children are not working. Is the farmer spend thousands or millions of dollars to house people that are not working? What do you think the farmer will do?

In conclusion, I see families being turned away from employment because of how many children they have. So the farmer will hire a single person rather than a family. One step farther, I see domestic labor being turned away from employment and just hire through the H2A program.

So now, I come to the conclusion that our Migrant Education Program will not be needed because families will not be hired. So what will happen to my 59 other co-worker in families after the proposed rule changes on square footage goes into effect. All the families want to be productive members of society. Your ruler changes on square footage for a person that you see as beneficial to one person will actually have a negative effect in the long term.

Sincerely Yours,
[Elda Dorado](#)Valenzuela

From: lienjud@everyactioncustom.com on behalf of [Judith Lienhard](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 8:18:26 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
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3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Judith Lienhard
Portland, 97225-2567

October 30, 2024

Dear Sir,

My name is Neil Watanabe and I am a third-generation orchardist in Hood River County. My major crop is summer and winter pears. I provide labor housing to one employee in registered labor housing throughout the entire year. I can currently house up to 6 people under today's regulations. During the harvest season I often hire anywhere from 12 to 24 employees; many of these workers live on other farms and often in labor housing. I am writing to express my concerns regarding the proposed Oregon OSHA's Agricultural Labor Housing regulations. I would like to address just a few of my concerns.

I believe it is safe to say that many growers/business owners that will be impacted by these upgrades are concerned about the financial burden that these rules will cause and the deadline when these upgrades must be implemented.

From my own personal experience, the cost of construction for a particular project has increased by well over one third since the Covid pandemic. Some obvious reasons include supply and labor shortage. Some of the supply demands have declined since the pandemic but I have yet to see a drop in cost. I recently had a farm structure built and the contractor had difficulty finding labor, supplies, and we both had to deal with increased cost of nearly everything (construction workers, electricians, plumbers, etc.). All of these took considerable time. The new structure also increased my insurance rate for appropriate coverage.

The vast majority of growers that I know who house employees make steady and ongoing improvements to their labor housing in addition to standard maintenance. I have often thought that the people who write the rules have good intentions but may or may not be aware of how it directly impacts a business. It is relatively easy to suggest a policy if they do not have to implement it or pay for it. I believe in a safe workplace and safe place to live. A clean, well-lit place should represent a physical space that provides order, comfort, and safety with regards to labor housing and is something that we strive for, and yet where does the cost and responsibility of the upgrades lie? Obviously the responsibility will lie with the business owner; it is the business owner who must deal with increasing cost of production, increasing competition from foreign competitors who do not have the same standard as us, increasing taxes, increasing energy cost, increasing wages, the lowering of hours to qualify for mandatory overtime pay for a perishable crop which is heavily influenced by weather, and the increasing responsibility that comes with providing safe labor housing of quality to assist employees seeking work in a country where agricultural labor is become harder and harder to find.

I state the obvious in that there is no minimum return for the produce we create. As a family-run agricultural business we have no safety net to buffer our minimum. Hood River County is

undergoing ongoing change and I am fearful that agriculture (specifically tree fruits) is an industry in decline specific to this area.

As previously stated, I have labor housing and it is occupied by a single resident. It has been my intention over the past several years not to offer this simply due to increased regulation and seemingly minimal responsibility of the employee. I have kept my labor housing open **just for him** else he could very well be homeless. In fact, when I tried to close it years ago, he asked me if he could sleep in his car on my property. This employee's work is seasonal only.

The proposed rules will impact both large and small growers alike if they choose to supply labor housing. You may be interested to know that there are many growers whose family members take other jobs to supplement their income for their personal household. I am a third-generation orchardist and those that came before me could make a decent wage from the farm alone; this is now not always the case. I have taken a job in healthcare to supplement my income as the farm income is simply not reliable. I will probably be able to accommodate the proposed change should I continue to keep my labor housing open and only house the previously mentioned, single employee, but I am sure some growers may opt to close their labor housing, and not necessarily by choice. Interestingly if they do, where will these employees go? It certainly can't help the homeless situation and the fact that ***the cost to live in Hood River is in the top 10 most expensive cities to live in nationwide (New York Times, 2024)***. By keeping the cost of labor housing affordable to operate, the facilities provide housing for those of lesser means and to live in the county where their presence and employment does positively impact the local economy.

I will retire from farming in the near future. It is probable that the proposed Oregon OSHA Agricultural Labor Housing rules, if adopted, will then not directly impact me. My concern will be for the Oregon farming families and their agricultural employees that they house. Regrettably, I feel at the current rate both will be in decline.

Thank you for your time and consideration. Please incorporate my concerns.

Sincerely,

Neil Watanabe
4475 Chamberlain Drive
Hood River, OR 97031

Reference: Hood River and Astoria are among the 10 most expensive towns in the country, according to a recent study featured in a New York Times article. Sep 23, 2024
Portland, Oregon KGW

Dr. Ashley Thompson
Assistant Professor
Department of Horticulture
400 E Scenic Dr.
The Dalles, OR 97058

October 25, 2024

Oregon Department of Consumer and Business Services
DCBS Director Andrew Stolfi, OR-OSHA Administrator Renée Stapleton, and Sarah Rew
P.O. Box 14480
Salem, OR 97309

RE: Oregon OSHA Agricultural Labor Housing (ALH) Rule Proposal

To Whom It May Concern,

I am an extension tree fruit horticulturalist at Oregon State University and an Oregon Governors' Appointee to the Columbia River Gorge Commission. My positions provide me with a unique perspective on the Oregon OSHA AHL proposed rules. As the extension horticulturalist for Wasco and Hood River counties I work closely with economists to develop enterprise budgets for cherry and pear producers in the region. I also engage with farm owners and farmworkers routinely. As a Columbia River Gorge Commissioner with deep ties to agriculture, I recognize the challenges farm owners in the National Scenic Area will face if they must build new housing. I am extremely concerned by the potential ramifications of the Oregon OSHA proposed AHL rules.

1. **The high cost of compliance could drive small farms out of business.** The proposed rules will require significant capital expenditure on the part of farms that offer free housing to their employees. Small farms are less capable of shouldering the burden of regulatory costs, such as those outline in this proposal. Since 2017, the number of farms in Wasco and Hood River County had decreased by 23% and 14%, respectively. This is likely due to consolidation driven by economic factors, including the cost of regulatory burden, increased prices of agronomic inputs and increased wages, and stagnant grower returns. For example, the average price per pound (\$0.85) that cherry growers received in 2022 was the same price they received in 2012. With current market conditions, many farmers cannot afford to meet the requirements in the proposed ALH rule. As a result, I believe that small family farms will face increased pressure to sell or lease their properties to larger entities, further consolidating the industry and pushing many families out of farming altogether.

2. **The proposed timeline.** Many of the new requirements would necessitate expansion or new construction, leading to lengthy permitting timelines—often between three to six months outside of the National Scenic Area and four months to over a year within it. These timelines, alongside additional requirements for design, construction, and interagency reviews, pose significant challenges. Requirements for additional square footage per occupant may further strain agricultural land availability, reducing space for production or limiting housing capacity for seasonal workers. Finally, lighting requirements should remain flexible, especially within the Scenic Area where strict lighting regulations preserve regional viewsheds. Overly prescriptive standards could impose significant compliance burdens, impacting both agricultural operations and land use planning efficacy.
3. **Oregon has a housing crisis and reducing farmworker housing will intensify this crisis in rural communities.** Everyone deserves access to safe and affordable housing. I believe the proposed rules will reduce the number of workers in safe housing condition. It is estimated that on-farm housing capacity will reduce by 20-50% at each housing location due to the rule changes specifically addressing required square footage per occupant. If on-farm housing is not available in the same capacity, this will force people to utilize whatever accommodations are available. This includes sleeping in cars or tents, exacerbating the houseless population that already exists and impacting law enforcement and sanitation services. Or, if people can find short-term rentals (motels, rental apartments/houses), they will overcrowd them to share the cost among as many people as they can. Currently, there is simply not enough temporary housing to meet the seasonal demand during harvest, and these changes would only intensify this shortage.

To support the health and safety of our community and farmworkers and their families, I believe OR OSHA should consider the following:

- **Apply new rules only to agricultural labor housing built in 2025 and beyond:** This phased approach will allow existing operations to adjust to new standards without disrupting established housing arrangements.
- **Implement a legacy housing/grandfather clause** for all current structures that were designed and constructed in compliance with Oregon Building Codes and Oregon OSHA's ALH regulations, allowing them to continue under the existing rules. This provision will protect housing made in accordance with previously established standards and reduce potential housing shortages. It is my understanding that this would also be consistent with the US Department of Labor ETA Housing Safety and Health Checklist, which "grandfathered" in housing built prior to the OSHA Housing and Safety Checklist.

Most farmers are committed to providing safe and secure agricultural labor housing and take pride in the quality of accommodations they offer. I strongly encourage OR OSHA to focus on enforcing existing ALH regulations and to take action against operations with substandard housing conditions or unregistered camps before implementing additional regulations.

These comments are mine and do not reflect the position of Oregon State University or the Columbia River Gorge Commission.

A handwritten signature in black ink, reading "Ashley Thompson". The signature is written in a cursive, flowing style.

Ashley Thompson, Ph.D.
Assistant Professor of Horticulture
Oregon State University

October 31, 2022

Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

Dear Department of Consumer and Business Services/Oregon OSHA,

I am writing this letter to voice my concerns regarding the proposed changes Oregon OSHA has made for agricultural labor housing in the state of Oregon. I am a family physician who has provided health care to Oregon Farmworkers in Washington County for over 14 years. Through my clinical experience and as the daughter of seasonal farm workers myself, I bring a deep understanding of the issues farmworker families face.

Most recently, I have been made aware that there are still no rules regarding the distance required between fields sprayed with pesticides and housing where families are living. I am particularly concerned about the harmful effect of pesticides on young children. On my visits to labor housing, I have observed children playing outside of their family's room, without any clear delineation as to where the field starts.

As a physician, I constantly stress the importance of physical activity and outside free play for good health. Unfortunately, for my farmworker patients, due to the proximity of labor housing to the fields, outside play means playing in or near a field that has been recently sprayed with pesticides. Studies have shown that asthma prevalence is generally low for children of Mexican descent as compared to other ethnic and Latino subgroups, however, this is not the case for children of farmworkers who live in agricultural labor housing, in these children, the prevalence of asthma is higher and one reason is the lack of environmentally safe places for children to exist and play.¹ These chronic exposures to pesticides have critical implications for long term health, including higher risks of cancer, developmental delays, and learning disabilities. Families are often placed in hard positions, let children play outdoors and get their daily recommended physical activity, but risk pesticide exposure, or stay indoors to reduce pesticide exposure, but miss out on the health benefits of physical activity and outside play. It is well known that physical activity reduces risk of obesity, diabetes, and heart disease, but recently there is a growing body of evidence that links sedentary lifestyle with impaired social, emotional and cognitive well-

¹ Schwartz, N. A., Von Glascoe, C. A., Torres, V., Ramos, L., & Soria-Delgado, C. (2015). "Where they (live, work and) spray": Pesticide exposure, childhood asthma and environmental justice among Mexican-American farmworkers. *Health & place*, 32, 83-92.

being. The consequences of pesticide exposure go beyond day-to-day life and extend to the blood biomarkers of children living in labor camps.²

As a practicing physician for almost 18 years, I am committed to helping my patients lead healthy lives where they can thrive and be self-sufficient. However, I now understand that good health is not solely a result of the care that I provide them, but the environment in which they live, work, and play. For this reason, I urge you to take concrete action to truly help reduce risk of pesticide exposure to families by including rules in these proposed changes that address the proximity of the labor camps to fields and orchards that are regularly sprayed with pesticides.

Warm regards,

Eva Galvez, MD

Eva Galvez, MD

Hillsboro, OR

² Quandt, S. A., Smith, S. A., Arcury, T. A., Chen, H., Hester, K., Pope, C. N., ... & Laurienti, P. J. (2023). Comparing Longitudinal Measures of Cholinesterase as Biomarkers for Insecticide Exposure Among Latinx Children in Rural Farmworker and Urban Nonfarmworker Communities in North Carolina. *Journal of Occupational and Environmental Medicine*, 65(12), 1077-1085.

From: bcshelby@everyactioncustom.com on behalf of [BC Shelby](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:35:06 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

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It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
BC Shelby
Portland, 97209-3464

From: angieheide@everyactioncustom.com on behalf of [angie Heide](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:35:25 AM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
angie Heide
Portland, 97214

From: rubydeb5@everyactioncustom.com on behalf of [Debra Smith](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:35:38 AM

[You don't often get email from rubydeb5@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Debra Smith
Milwaukie, 97267-2955

From: dianeluck@everyactioncustom.com on behalf of [Diane Luck](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:35:53 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Diane Luck
Portland, 97212-2524

From: raumenerahatzad@everyactioncustom.com on behalf of [Raumene Rahatzad](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:36:07 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Raumene Rahatzad
Portland, 97229-6393

From: tykieh@everyactioncustom.com on behalf of [Scott Kennedy](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 10:36:19 AM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Scott Kennedy
Salem, 97303

From: [Howard Ranch](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farm Worker Housing
Date: Thursday, October 31, 2024 10:36:36 AM

You don't often get email from tbhoward1974@gmail.com. [Learn why this is important](#)

Please amend the ag labor housing rule. I have lived on our ranch for over 50 years. Our houses have their own water supply, so not share with the livestock barn or corrals. The corrals are strategically placed to be able to check on the animals during the night. When it's -20 degrees below, it makes life so much easier to just walk to the barn. Our animals are better cared for, than if we had to travel 500 feet to get there. In cold weather the vehicles may not start, and if we have to walk the 500 feet in the night, it could mean a greater risk for us , resulting in the animals being put into danger.

Please consider these problems. There is a really good reason that houses are nearer to barns and corrals than it would seem.

Submitted sincerely, Barbara Howard

Brenna Turner
21026 NE Interlachen Ln.
Fairview, OR 97024
brenna2_14@yahoo.com
Oct. 31, 2024

Oregon Occupational Safety and Health Administration (OSHA)
C/O Sarah Rew
350 Winter Street NE
Salem, OR 97301

Dear Oregon OSHA ALH Advisory Group,

I am writing to express my concerns regarding the recent amendments to the agricultural labor housing regulations, specifically the proposed increase in the square footage requirement from 40 sq. ft. to 50 sq. ft. per occupant. I was raised on a cherry orchard in Wasco County, and recently inherited a part of the farm. While I understand the intention to align with federal standards, I believe that this change could lead to significant unintended and negative consequences for current residents of seasonal agricultural labor housing in our communities. The financial implications of these changes will likely also destroy any opportunity for my siblings and me to continue farming as the next generation.

1. Family Separations

A substantial percentage of seasonal farmworkers in Oregon are immigrants from Mexico and Central America, where family unity is deeply valued. The proposed changes will force employers to separate family members, creating safety risks and emotional distress. For instance, a family of eight currently living in a single unit may be forced to divide into multiple residences, which could lead to anxiety, particularly for parents and their children. Furthermore, if housing capacity is reduced, farms may struggle to accommodate families, potentially leaving some members without shelter.

2. Increased Homelessness

As harvest workers continue to come to our communities, the lack of available housing will force many to seek lodging at their own expense in an already strained housing market. Unhoused workers may resort to living in their vehicles, lacking access to proper hygiene and cooking facilities, which poses serious health and safety risks. Additionally, the burden on local agencies to support these individuals will increase and there will be direct competition with local year-round residents for the very scarce low-income housing currently available, leading to tensions within our communities. Any workers and their families forced to find their own housing will not be under the purview of Oregon OSHA, and the facilities that they stay in will not be governed by the health and safety rules that OSHA enforces to ensure the health and safety of workers. This puts an already vulnerable population at additional risk.

3. Economic Impact and Employment Loss

The agricultural sector is vital to our local economies, and a decrease in seasonal workers will impact not only farming operations but also secondary industries, such as local restaurants and service providers. Moreover, if families cannot bring their children due to housing shortages, it will directly affect organizations like the Oregon Childhood Development Coalition, leading to job losses and a decline in community resources.

4. Threat to Family Farms

Rising costs and decreasing revenues are already challenging for family farms. The proposed changes may render it financially impossible for these farms to meet new housing capacity requirements. Farming operations are unable to set the prices for their crops and rely on market conditions to set prices. That means that there is no way for farms to generate more revenue to pay for additional housing if capacity decreases. The burden of increased investment could drive smaller, family-owned operations out of business, paving the way for larger, profit-driven entities to take their place, ultimately eroding our community connections.

Proposed Solution

To mitigate these unintended consequences, I urge you to allow existing agricultural labor housing units to continue operating under the current square footage regulations, while requiring new constructions to comply with the 50 sq. ft. per person standard. This compromise would help maintain current housing capacity, preventing the displacement of farmworkers and aligning with Governor Kotek's executive order directing state agencies to prioritize reducing and preventing homelessness statewide.

Thank you for considering these points. I believe that together, we can find a solution that prioritizes the welfare of our agricultural workers and the sustainability of our local communities. I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Turner". The ink is dark and the signature is fluid, with a large initial 'B' and a trailing flourish.

Brenna Turner

From: Rev. Connie Yost
President, Farm Worker Ministry Northwest
PO Box 86185
Portland, OR 97266
503-385-2135
Fwm-nw@nfwm.org

October 31, 2024

To: Department of Consumer and Business Services/ Oregon OSHA

Subject: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Introduction

I appreciate the opportunity to provide comments on the proposed rulemaking regarding Agricultural Labor Housing and Related Facilities.

I am the President of Farm Worker Ministry Northwest, representing the Faith Community of the Pacific Northwest as we advocate for and support farm workers in Washington, Oregon and Idaho, and nationally as a member organization of National Farm Worker Ministry.

I support the current proposed rule because it is our moral imperative to support farm workers who work so hard for so little. Farm workers deserve to work and live in safe conditions. I have personally seen some of the deplorable housing for farm workers in Oregon in which people must cook on rusty stoves, are open to pesticide spray, are overcrowded, etc. These rules are urgently needed!

- *As a state, we must improve the living and working conditions of up to 15,000 farmworkers and their families in Agricultural Labor housing.*
- *Agricultural workers are the backbone of the agricultural industry, without their labor and contributions, the crops wouldn't be picked.*
- *It is past time that we hold ALH to improved standards. Farmworkers, like all of us, deserve a kitchen to cook their meals, protection from pesticides, flush toilets, security when using bathing and toilet facilities, laundry machines to help decrease the exposure to pesticides.*

People living in labor camps have been waiting for real improvements for decades. Regulations on ALH are decades old and have undergone *minimal revision* since then. We back OR-OSHA's proposed rules to make things better for them.

After more than six years of discussions with farmworker advocates, farmers, industry representatives, and OR-OSHA, the proposed rules from OR-OSHA bring some improvements for farmworkers and their families. While these rules don't completely reflect what farmworkers asked for, they still make things safer and healthier. We think these changes are a step in the right direction and support the following points:

- Labor camp residents need enough space for their health, especially after the pandemic showed how important airflow is to prevent disease. We support OR-OSHA's efforts to increase space requirements but believe they should go further. While Oregon allows 40 square feet per person, **the federal standard has been 50 for a long time**. We urge OR-OSHA to adopt a minimum of 100 square feet per occupant instead of just 50 square feet, especially since that's already required in areas where workers sleep, live and cook.

**The industry appears to have successfully dismissed the proposal for a minimum of 100 square feet per person, now arguing that the state should not even adhere to the federal requirement of 50 square feet. They are continuously seeking special exemptions that compromise the health and safety of workers who must operate in cramped conditions on farms. This call for exceptional treatment cannot be justified by the argument that the state has historically neglected farmworkers, nor should this situation continue indefinitely. 40 square feet is unacceptable as contrary to the federal provisions that Oregon must meet and could exceed.*

- Water testing: Farmworkers and their families need safe drinking water, but many worry about the quality due to its color, smell, and taste, and some have even gotten sick from it. This stress leads many to spend their limited income on bottled water. To address these issues, we support OR-OSHA's proposed rules to require testing of private wells consistent with OHA r for arsenic, E coli, total coliform, nitrates, and arsenic. Operators must clearly share test results in understandable ways. and ensure there's enough water pressure for washing off pesticide residue and other basic needs.
- Workers need safe showers in private stalls in common facilities, so we support rules that require operators to provide private dressing rooms near showers and locking shower stalls for privacy. Putting a lock on the main door to a shower facility is not enough.
- We appreciate OR-OSHA's decision that one toilet for every 15 people isn't enough and that solid doors are needed for privacy. We support the new rule for one toilet for every 10 people to ensure easy access and better health for workers and their families. Hard plastic chemical toilets should not count as part of that count.
- We support OR-OSHA's plan that requires labor camp operators to provide proper cooking facilities by January 1, 2027, along with adequate food storage and enclosed cooking areas to help keep workers healthy. Attention must be made as to where the essential components of a cooking facility are in relation to where people live and sleep.
- We support OR-OSHA's rule that sleeping rooms must stay at 78 degrees or cooler when the outside temperature feels like 80 degrees or more.
- We support prohibiting labor housing within 500 feet of livestock operations to keep workers safe and meet federal standards, especially in light of recent disease outbreaks linked to animals.

However, we really hope OR-OSHA will not just go ahead with these changes, but also make them even stronger and do it quickly. Workers and their families deserve to live in safe and healthy places. While we appreciate that the new rules aim to help, we're worried that some parts don't go far enough in addressing what farmworkers really need and what research backs up. These are top pressing concerns for us:

Pesticide exposure: Proximity of housing to fields

- The proposed regulations don't adequately protect workers from pesticide exposure, especially since many labor camps are extremely close to trees that are sprayed. Some are just feet away from where families live, eat, and play, creating serious health risks. We're urging Oregon OSHA to establish a minimum 300-foot buffer between housing and any fields sprayed with pesticides. At the very least, there should be a buffer zone for new housing construction. If that can't happen, aerial spraying should be limited to 300 ft away from the housing, as it could lead to imprecise application and increased exposure. Right now, the rules leave workers at risk, forcing them to stay inside or walk through what amounts to potential treated areas within 15 minutes of application. We really need stronger protections to keep farmworkers and their families safe.

- Especially in areas where it's windy and hilly, like the gorge, it's very important that there be added protection. This is where $\frac{2}{3}$ of the labor housing is located.

Kitchens

- We support OR-OSHA's plan to require enclosed cooking facilities at labor camps. Right now, many cooking areas are outside and unprotected, forcing workers to deal with pesticide drift, dust, and harsh weather while trying to cook. It's tough enough without having to fight against the wind, cold, or rain. We think the enclosures should be stronger than just mesh screens, as those don't really keep out all the elements or the pesticide risks or heat.
- Most labor camps have some type of cooking equipment such as burners, some sinks, refrigerator, and picnic table, but it's really important for workers and their families to have immediate access to running water as they prepare the foods involving raw ingredients and do not have cross contamination and they have cooking burners at more than two burners for two families or 8 people near where they live and eat.
- Many workers need more than two burners to cook their meals quickly, especially when they all have to eat before starting work at 5 am.
- We also think there should be enough food storage and prep areas, and we want OR-OSHA to explain what "adequate" really means so workers can store enough food for the week. We're glad OR-OSHA recognizes that workers need sinks with hot and cold water for food prep since they've been dealing with poor washing facilities for too long. But we really urge them to make sure those sinks are close to cooking areas because "reasonable distance" could end up being too far and make it hard for workers to wash their hands or food.

Laundry facilities

- Farmworkers and their families need to be able to wash their clothes. Many of them work seven days a week, and if there aren't laundry machines at the camps, they often spend their precious rest time traveling to town and waiting to use laundromats. OR-OSHA's proposed laundry rules don't do enough to help. They let camp operators choose between providing machines or tubs, but both options are inadequate. For example, if workers do laundry in the evening, there just aren't enough facilities for everyone.
- We urge OR-OSHA to improve these rules by requiring laundry machines and getting rid of wash tubs and trays, which are hard to use and don't clean clothes as well. We appreciate the changes being made, but we think the ratios still need more improvement.

Heat Illness Prevention

- We urge OR-OSHA to rethink its rules for when the heat index hits 95 degrees or higher. Right now, they only require sleeping areas to be 15 degrees cooler than the outside temperature, which isn't enough to keep workers safe. In parts of Oregon, temperatures can reach 105 degrees, meaning those areas would still be at 90 degrees inside, which is way too hot for resting. Sleep experts suggest keeping sleeping areas below 70 degrees, so 90 degrees is far from safe. After a long day working in the heat, it's dangerous for workers to try to rest in such high temperatures.

Conclusion

We recognize that there will be costs associated with meeting these proposed regulations, but it's essential to put those costs into context. Many labor camps already have facilities that comply, so they'll need little to no adjustments. Most of these costs will be one-time expenses, and operators will likely opt for the most affordable options to meet the requirements. The fiscal impact statement outlines a range of costs, but many of those options won't be utilized. Additionally, camps may have underused or vacant spaces that can be adapted to meet any new space requirements. There are also public funding sources available to support growers in making necessary changes. Ultimately, these regulations will help create a more equitable environment for employers who prioritize safe and healthy housing for their workers.

Thank you.



Oregon Cattlemen's Association

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October 31, 2024

Department of Consumer and Business Services

Oregon OSHA

PO BOX 14480

Salem OR 97309-0405

Sent via Email – OSHA.rulemaking@dcbs.oregon.gov

Attn: Rules Coordinator

The Oregon Cattlemen's Association (OCA) is the state's largest trade association focused on improving and protecting Oregon's cattle industry comprised of 11,000 ranchers who are disbursed across the state in every county and raise 1.1 million head of cattle annually. OCA's mission is to promote environmentally and socially sound ranching practices and to protect our families who raise beef for consumers in Oregon and across the globe. Ranching isn't just a job, it's a way of life. Housing for ranchers, their multi-generation operators, and their employees is often provided for free, next to their barns, pens, stables and animals.

OR-OSHA's proposed removal of the existing exemption of its "livestock care exemption" could be devastating for many people in our state who live on ranches, work daily with cattle, use horses, and raise other livestock and animals. On-ranch housing isn't just affordable, it is often the only viable option for employees whose alternative housing options may be miles away from the ranch and worksite.

The proposed rule, specifically the removal of the livestock care exemption, is overly broad, unclear in its application, far more expansive than federal restrictions for temporary labor camps near livestock operations, and entirely unnecessary. We request that OR-OSHA reject the proposed change and maintain existing law for livestock housing.

The Proposed Rule is Overly Broad.

The proposed definition of "livestock operations"¹ is so broad (it's literally unlimited) and includes many types of existing, permanent housing. There are possibly thousands of homes throughout the state where employees on ranches (whether part-owners, family members, others) live. This could be a home connected to or adjacent to a stable, a barn, a milking parlor, a feeding trough, a scale or anything used in the ranching business. Further, the language includes the ambiguous qualifier "not limited to" meaning any other type of livestock facility could automatically disqualify existing housing under the rule, without clear notice or an ascertainable standard. OR-OSHA's broad definition of operations, coupled with the blanket removal of allowance for housing within 500 feet would apply to untold existing housing sites (sites constructed, permitted and compliant with a litany of state and local laws). OR-OSHA could simply maintain the existing exemption for our members, their families and the employees who care for livestock year-round and in their everyday occupation.

The Proposed Rule is Unclear in its Application.

Our members are uncertain which homes this rule could apply to. The proposed 500 foot setback from "livestock operations" may apply to owners who live next to their own operations and other occupants of similar homes regardless

¹ Any place, establishment or facility with pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Proposed OAR 437-004-1120 (4)(h)

of ownership. An owner's personal dwelling is not specifically exempted, and the rule specifically applies to "all labor housing sites owned, operated, or allowed to operate on property" OAR 437-004-1120. "Labor housing site" is not defined in the rule, and the rule does not specifically exempt farm or ranch owners. The rule does not distinguish between an employee's dwelling and an owner's, and given the multitude of potential business structures and entities used by ranching enterprises, it's impossible to tell when and whom the rule applies to if they provide labor to the livestock operation. The rule itself lacks the clarity required to either comply, or define whether an existing home would be deemed prohibited under OR-OSHA Rules.

The rule is also inconsistent with ORS chapter 658, which, in part, regulates "farmworker camps." Chapter 658 specifically exempts any "single, isolated dwelling occupied solely by members of the same family, or by five or fewer unrelated individuals." ORS 658.705(7)(a). Further, there are likely other rules for allowable housing on land zoned for exclusive farm use, protections against condemnation or takings and a myriad of other laws that may supersede the rule that aren't specifically referenced. OR-OSHA should either provide specific guidance on these questions and conflicts with state statute, or just simply remove the proposed change to the livestock care exemption. Finally, the proposed rule possibly conflicts with existing permitted uses of agricultural land, raising the question of whether an OR-OSHA Rule can supersede land-use laws (which often are the only pathway for new construction and housing in rural communities for farm families and workers).

The Proposed Rule is Far More Expansive Than Federal Rules.

Federal OSHA guidance focuses narrowly on "temporary labor camps" that are near permanent livestock operations and where there are sanitary risks when sleeping and preparing food near livestock. OR-OSHA can apply a more stringent standard than federal rules, but in this case, OR-OSHA's proposal appears to apply to permanent housing, not camps, where there are not sanitary concerns when cooking and sleeping in a permanent, permitted home, as many of our members, their families and their employees live (and have lived for decades!).

The Proposed Rule is Unnecessary.

There is simply no reason to prohibit existing housing because of its proximity to livestock. Ranchers live next to their stables where horses are kept. They live near corrals. They live near pens. They live next to other farm animals their children or students raise for 4H or other purposes. All circumstances that could be prohibited under the proposed rule. During a public meeting in August, OR-OSHA staff claimed the rule change was necessary due to potential risk of disease: a claim which is misleading and counter to Oregon Health Authority or Oregon Department of Agriculture guidance. OR-OSHA has not made a published finding on the basis for this rule change. Given the vast number of families and workers living near livestock and working with them every day, there is simply no safety justification for prohibiting this type of housing.

Conclusion

For the aforementioned reasons, we request that OR-OSHA amend the proposed rule and maintain the current livestock care exemption. To do otherwise would be devastating to our industry's current access to limited housing in rural, frontier, remote areas and in every county in Oregon.

Sincerely,

OREGON CATTLEMEN'S ASSOCIATION



Matt McElligott, President



Tammy Dennee, Executive Director



Cherry Growers & Packers

October 31, 2024

Department of Consumer & Business Services
Oregon OSHA
PO Box 14480
Salem, OR 97309-0405
Sent Via Email to: OSHA.rulemaking@dcbs.oregon.gov

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

To whom it may concern:

My name is Mike Omeg and I am the fifth generation of my family to farm in the Columbia Gorge. I am the Director of Operations at Orchard View Cherries in The Dalles. We grow and pack cherries from our 3,500-acre farm with a team of approximately 75 full time employees, 70 H2A workers (April – September), and 1000+ seasonal domestic workers during harvest. Our harvest season is approximately two months, beginning in early June and finishing at the end of July.

Orchard View provides free on-farm housing for both our H2A workers and our non-local seasonal domestic workers. This housing consists of 318 individual units at 19 registered facilities located in The Dalles and Mosier. Units range in capacity from 1 to 14 occupants, with a total capacity of approximately 1,733 occupants. This represents a significant percentage of the available on-farm labor housing registered in Oregon. We have been actively involved in the Agricultural Labor Housing Advisory Committee for many years. The health and safety of our employees is of the utmost importance to me and our farm, and our entire team strives to provide safe and healthy housing for our employees and their families.

We request that Oregon OSHA consider the following concerns related to the proposed amendments to the current housing regulations.

These proposals will put significant economic pressure on our farm at a time when the cherry industry in Oregon has experienced multiple consecutive years of significant losses. These include weather induced crop disasters in 2021 (July heat dome) and 2022 (late snow on blossoms), the worst market year in Oregon history in 2023, and a smaller than average crop exacerbated by heat damage in 2024. Each of these events has significantly lowered the working capital available to housing operators to finance these proposed changes. I am aware that there are government tax credit programs designed to assist housing operators in building or upgrading their housing. However, these programs require the housing operator to pay the construction costs up front and then be awarded tax credits. When funds are not available up front, it is not possible to complete the project. In addition, tax credits can only be used in years when the farm has positive net income. Therefore, these kinds of programs, while well intended and appreciated, are not a feasible option for financing housing projects.

The timeline for implementation is also unreasonably short, exacerbating further the financial impacts of the rule changes. A short timeline for compliance raises concerns about the ability of housing operators to complete the necessary work. Any changes requiring permitting can add months to the planning process. Rule changes effective 1/1/2025 are especially difficult to comply with, as this date is barely two months away.

The proposal to increase the required square footage per person using bunk beds from 40sqft to 50sqft will be particularly difficult for housing operators, as this change will require them to either reduce capacity or build/expand current housing. Reducing capacity is a significant concern as it lowers the number of people able to work at the farm during the harvest season, thereby lowering the amount of fruit able to be harvested each day. Since cherries are a time sensitive crop with a limited harvest window any fruit not able to be harvested in a timely manner is unable to be harvested at all. This results in lost income potential for both Orchard View and the worker. At Orchard View, a capacity reduction would result in the loss of 381 beds (22% of total beds). If a bed is unable to be replaced, it will result in a loss of revenue of nearly \$14,000/bed annually. This number is based on the average value of the fruit the average worker harvests. This equates to \$5.33M in lost revenue every year. This loss is not sustainable.

The lost capacity will also have a direct impact on our non-local seasonal workforce. Many of our workers travel with their families, including children and elderly family members. At Orchard View, these non-working housing occupants account for 20% of beds annually. With fewer beds available, Orchard View will not be able to provide housing for as many families as in the past. However, we will still need the same number of workers. The Dalles has a significant and well-known housing shortage. What limited housing there is available is very expensive. If we are unable to provide housing for our workers and their families, they will be forced to either pay inflated rents for a short-term rental or hotel room, or find other alternatives such as camping or living out of their vehicle.

To avoid these situations, the lost beds would need to be replaced by either expanding the current housing or building additional new housing. The timeline to complete new/expanded housing is not short and includes the entire planning process - design, consultation, land use permit review, building codes review and agency reviews (e.g. Environmental Health Services & Oregon Water Resources) – and the actual construction of the housing. Land use permit reviews for projects outside the National Scenic Area in Wasco County can take anywhere between three and six months. If the project is within the National Scenic Area, the permit review can take as long as a year. It is also important to note that not all applications get approved.

The cost to replace the beds will also be significant. When Orchard View last completed a new housing project (2017) the cost per square foot, including septic systems and all amenities, was approximately \$250/square foot. Using replacement cost inflation data from the Insurance Information Institute, the cost to build the same facility in 2024 would be approximately \$339/square foot. If Orchard View was to replace the lost beds in a similar facility it would cost approximately \$6.46M. We simply cannot afford to build this additional housing at this time. This makes it impossible to meet the proposed 1/1/2027 timeline and maintain our current capacity. Historically, rule changes with this large of an impact have been implemented over a much longer timeframe.

We would also propose that changes to any ratio (burners, toilets, laundry, etc.) or required amenities (personal storage, sink location, etc.) begin at the same time as any proposed changes to capacity (square footage). The ratios, amenity requirements, and capacity are directly related. Having ratio changes go into effect prior to capacity changes will require housing operators to spend limited funds on changes that may no longer be necessary after the capacity changes take effect at a particular housing facility.

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

Sincerely,



Mike Omeg
Director of Operations
Orchard View, Inc.
mike.omeg@orchardview.com

Hello my name is Andrew Halliday, and I am writing this on behalf of Upland Fruit Co. Inc. I grow Pears and Cherries in Parkdale Oregon, and am the 4th generation to come back to work the family orchard. I house 6 families and 5 single individuals year round, at no cost to them. All utilities are provided along with housing for free. I also house and employ 4 to 8 H2A seasonal ag employees depending on the year. I am writing to comment on the Ag Labor Housing rule changes.

For generations my operation has provided housing which exceeds both the state and federal rules for ag labor housing. I as an employer have always strived to keep our labor housing in a condition that I would be willing to live in it myself, as I did live in my own labor housing for the first two years that I was back working on the farm. As I stated earlier, I currently house 6 families in my labor housing - three of which are second generation employees, meaning we have had multiple families choose to raise a third generation of their own families on our family farm. We have also been fortunate enough to provide employment and housing to many other individuals who worked with us all the way up through their retirement, and have been able to watch their kids go on to work in various other industries. Many of our employee's spouses work in other places in our community including packing houses, health care, banking, service industries, and education. All of our employees also work on various other farms throughout the Hood River Valley when our orchard is out of season or has no work available.

These are just a few examples of how important ag labor housing is to the community of Hood River, as my farm is far from the only operation who has stories like these. Most farmers are in full compliance with the current rules and are continually trying to go above and beyond them in order to provide the best housing possible but we are constantly facing new pressure from multiple fronts, along with bureaucratic pressures from organisations like OSHA. We are part of a very labor intensive industry that doesn't lend itself to automation (meaning we are dependent on needing employees), various political pressures such as new Agricultural Labor Laws, record inflation, and we are all price takers for the commodities that we grow - meaning that we have zero say over the prices that we get paid for our fruit. In addition to all of those hurdles, overbearing and ambiguous rule making will only make it harder to provide quality housing for families, individuals, and seasonal workers.

I would encourage Oregon OSHA to align closer to the federal rulemaking, to be reasonable with their timelines and to be more clear in their rulemaking, not just with how they phrase their rules, but also in explaining their reasons for why they are changing rules and how those changes to rules actually pertain to health and safety. Excessive rule making that is worded ambiguously makes it harder for farmers who are in compliance to remain in compliance, and the few farms that are out of compliance will only remain out of compliance. The current timeline would also force a large amount of quality farm housing to potentially be out of compliance even though the farms are trying to comply with OSHA rulemaking. The Hood River County Planning Department has already put out notices that approval for any type of permits will be a time consuming process and can take months to get approval, the limited options for contractors will mean waiting in long lines for various jobs, and it will also seriously increase the cost to the farms to be able to be in compliance.

Ambiguous rules are such as the below:

“Water Supply 7A”: stating that water must be at 20 PSI at outlet regardless of the number of outlets in use - is a clear example of ambiguous rulemaking that goes beyond state building / plumbing codes which calls for 15 PSI. My local water district follows the state plumbing codes and is 15 PSI at our outlets. While this may seem like a small detail I would like to expand on why this rule is an ambiguous and problematic one. Firstly, I do not get to set the PSI for my water outlets, that is set by my local water district. Secondly, when asked why the PSI needed to be raised to 20 PSI, OSHA was not able to provide a reason as to why farm labor housing would need to exceed the current Oregon plumbing codes when every other private home / business / industry in the state does not need to be at a higher PSI. The current infrastructure in our community cannot meet this new requirement and would need to be updated by our local water district which would most likely be an undertaking that would require millions of dollars of investment to fix, which would then raise the drinking water rates not just for labor housing but for the community at large, and that would be extremely detrimental for low income households.

“Toilet Facilities 12eB”: lowering the ratio per toilet from 1 toilet per 15 occupants to 1 toilet per 10 occupants, also has no clear health and safety reasoning. Many of the Restroom and shower facilities in our labor camps were built under previous labor housing rules and in the past have been grandfathered into compliance. Lowering the ratio without a clear health and safety reason will cost growers tens of thousands of dollars if they are even able to expand current restroom facilities onto existing drain fields, or hundreds of thousands of dollars in order to build new restroom facilities. For the growers unable to afford the cost of new infrastructure, they will be forced to lower their occupancy levels on their labor housing registry. A drop in occupancy levels would force many operations to choose between trying to maintain a local work force or relying more heavily on the H2A program, most likely ending up in the reduction of places to live for local work forces and their families. According to an article published in the New York Times on September 23rd, 2024 - Hood River is ranked 7th for towns in the US with the most expensive median home price for towns with populations between 10,000 to 50,000 people, along with 6 other towns in Oregon ranking in the top 50 in the U.S. Any sort of displacement of local employees due to OSHA rule changes, single or with a family, would most certainly create extreme financial hardships, most likely requiring valuable community members to not just leave the county but possibly even the state due to the incredibly high housing prices / rent levels in the state.

“Site Requirement 6j”: states that at least one wall type electrical receptacle must be provided for every two occupants in each room that is used for sleeping. The question raised around this rule is whether or not surge protector power strips would be able to be used to meet this requirement. OSHA has verbally confirmed that power strips would be in compliance with the rule, however, the rule is not currently written that way and when pressed, OSHA admitted they have no intention of making that allowance clear within the written OSHA housing rules. While the rule is simple, and there seems to be an easy and cost effective fix available which makes this seem like a rule that everyone can agree upon, the problem is that an inspector who is going by the written rules could tell growers that a power strip is not technically allowed as a fix for a lack of outlets within a sleeping area which would then result in large amounts of electrical work needing to be done on buildings. Housing rules should not be left up to subjective points of views of the individual representing the state during inspections, instead they should be as objective as possible in

how they are written so that there is no question whether or not labor housing is in compliance with said rule.

This letter specifically points out these three rules but I could spend pages and pages breaking down the many costly, burdensome, unclear, and subjectively stated rules that have been drafted for this round of rulemaking. It seems to me that OSHA has no desire to take the time to make a set of rules for ag labor housing that will stand the test of time, instead it seems that the organization is more interested in consistently setting moving goal posts. That stand by OSHA will do nothing but continue to make it harder and harder for farms to offer any on-farm labor housing, will make it almost impossible for hard working families to stay in their local communities, and it makes it seem as if OSHA is trying to help push small independent farms out of business so that they don't have to deal with as many entities when it comes to enforcement. OSHA will consistently tell you that they don't have the power to truly go out and enforce the current labor housing rules on the handful of farms that are out of compliance with current state rules, so it begs the question - why are they passing more rules that will more than likely drive even more farm labor housing out of compliance?

If the goal is to create quality housing for on farm labor housing, I ask OSHA to once again, align more with the federal rules, give growers adequate time tables that allow for the industry to be able to be in compliance of rules that are passed, and to start going after unregistered labor housing which are not in compliance with OSHA rather than focusing on creating new, arbitrary, and ambiguous rules for the registered farms to have to try and keep implementing.

"Bureaucracies force us to practice nonsense. And if you rehearse nonsense, you may once find yourself the victim of it." - Laurence Gonzales

Thank you,

Andrew Halliday
Upland Fruit Co. Inc.

From: fwm-nw@everyactioncustom.com on behalf of [Rev. Connie Yost](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:27 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Rev. Connie Yost
Portland, 97230-8212

From: carolschrist@everyactioncustom.com on behalf of [Carol Christ](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:17 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Carol Christ
Dallas, 97338

From: cilramir@everyactioncustom.com on behalf of [Cierra Ramirez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:28 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Cierra Ramirez
Sacramento, 95816

From: bbyrdpdx@everyactioncustom.com on behalf of [Barbara Byrd](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:29 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Barbara Byrd
Portland, 97206-8456

From: tesswier@everyactioncustom.com on behalf of [Tess Wier](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:29 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Tess Wier
Corvallis, 97330

From: ahayes8@everyactioncustom.com on behalf of [Oliver Hayes](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:30 PM

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Sincerely,
Oliver Hayes
Corvallis, 97330-9538

From: mvensnyder@everyactioncustom.com on behalf of [Valerie Snyder](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:31 PM

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

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Thank you for your attention to this urgent matter.

Sincerely,
Valerie Snyder
Forest Grove, 97116-1025

From: alexis.b.mcc@everyactioncustom.com on behalf of [Alexis McCauslin](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:32 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Alexis McCauslin
Portland, 97266-1922

From: mjthiel1090@everyactioncustom.com on behalf of [Mary Thiel](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:32 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Mary Thiel
Portland, 97266-5650

From: shailipar@everyactioncustom.com on behalf of [Shaili Parekh](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:33 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Shaili Parekh
Portland, 97211-3474

From: judith82340@everyactioncustom.com on behalf of [Judith Beck](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:33 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Judith Beck
Portland, 97225-1470

From: mikagregory@everyactioncustom.com on behalf of [Emily Gregory](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:34 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Emily Gregory
Oregon City, 97045-9509

From: annturnerpx106@everyactioncustom.com on behalf of [Ann Turner](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:35 PM

[You don't often get email from annturnerpx106@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Thank you for your attention to this urgent matter.

Sincerely,
Ann Turner
Portland, 97211-5770

From: daleklambert@everyactioncustom.com on behalf of [Kirk Lambert](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:57:36 PM

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

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Sincerely,
Kirk Lambert
Portland, 97206-1804

From: maryking219@everyactioncustom.com on behalf of [Mary King](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:59:21 PM

[You don't often get email from maryking219@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Mary King
Portland, 97214

From: a.biophilliac@everyactioncustom.com on behalf of [Carolyn Latierra](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:59:22 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
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Thank you for your attention to this urgent matter.

Sincerely,
Carolyn Latierra
Portland, 97212-3637

From: brent_rocks@everyactioncustom.com on behalf of [Brent Rocks](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 1:59:49 PM

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

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Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Brent Rocks
Portland, 97201-6132

From: CIERRABUER@everyactioncustom.com on behalf of [Cierra Buer](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 2:00:26 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Cierra Buer
Powell Butte, 97753-1730

From: claire.prihoda@everyactioncustom.com on behalf of [Claire Prihoda](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 2:00:27 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Claire Prihoda
Portland, 97205-1563

From: dianamoonsong@everyactioncustom.com on behalf of [Diana Bailey](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 2:00:27 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
Diana Bailey
Roseburg, 97470

From: [Juan Vazquez](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Comments to Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities
Date: Thursday, October 31, 2024 2:58:35 PM

You don't often get email from juanvaz@maocorp.com. [Learn why this is important](#)

To Whom It May Concern:

My name is Juan M. Vazquez, and I am the H2A Program Manager and Director of Human Resources for Mount Adams Fruit. I am submitting comments on behalf of our affiliate companies, Elk Mountain Ranches and Merritt Orchards. We grow apples, pears, and cherries in Hood River, and cherries in The Dalles. Elk Mountain and Merritt provide housing for seven year-round orchard employees and an additional 5-10 seasonal orchard employees. We employ and house 32 H2A workers in Hood River for 10 months out of the year, but lease additional housing from other growers for our H2A workers. In The Dalles, we have farmworker housing for 100 local workers and lease up to 25 of these beds each year to small local growers during the cherry harvest season, which lasts approximately one month.

Safe Housing is Our Top Priority

We strive to provide safe, functional, and well-maintained housing for all our employees. Our housing team is dedicated to maintaining our employee housing, and each year, we spend around \$10,000 on maintenance, repairs, cleaning, and upgrades to prepare the housing for the following year. We register our housing with Oregon OSHA and inspect it before workers occupy the units. Tree fruit orchard work cannot be automated as it can in other industries, so we rely heavily on hand labor. Unfortunately, farm labor in the Columbia River gorge area is very scarce due to the high cost of living, which is why we prioritize offering safe, healthy housing as an incentive for our employees and their families. Being unable to provide free housing significantly hinders our ability to attract and retain qualified workers essential to growing and harvesting our fruit.

In 2023, we added new housing in Hood River to accommodate more workers needed for cherry, pear, and apple harvests. However, we still do not have sufficient housing, and most of our workers are housed in Washington State and commute to Hood River daily.

Farmworker Housing is Scarce, and These Regulations Will Reduce Availability

Given that our Hood River housing is new, it essentially meets the new requirements, though we will need to add additional storage space for each occupant. We estimate this project will cost about \$3,000.

However, our housing in The Dalles is older and will require more time and capital investment to comply with the proposed new requirements. For instance, adding a private

dressings area and a locking shower stall for every 10 occupants, as well increasing the number of sinks and toilets, will require restructuring the existing bathroom facilities. We estimate that these renovations alone will cost between \$30,000 and \$50,000. The new requirements for cooking and dining facilities will also require a substantial investment, as moving the cooking facilities to an enclosed space will require building a new kitchen facility. Based on our experience building similar kitchens in our Washington State housing camps, this project is estimated to cost between \$80,000 and \$100,000. This is a huge expense, especially considering we only use this housing facility for one to two months each year during cherry harvest season.

We firmly believe all employer-provided housing should be safe, sanitary, and in good condition, allowing farmworkers to live comfortably and with dignity. However, imposing these requirements on older facilities that were not designed to accommodate additional toilets, sinks, bathroom stalls, or indoor kitchens is impractical and very costly.

Given the current financial challenges facing the industry, we may not be able to make these substantial investments, potentially forcing us to close down the camp until we are in a financial position to make such an investment. This would reduce the number of available beds in The Dalles by 100. Many growers will face similar challenges because a lot of the housing camps were built decades ago with designs compliant at the time, but under the new rules they will not meet the requirements. Consequently, instead of improving housing conditions, these regulations may inadvertently reduce the availability of employer-provided housing. Small growers who lack the capital to invest in farmworker housing will also be affected, as they rely on renting from other growers. Without sufficient housing, workers may be forced to find their own accommodations and bear the cost of rent themselves.

We urge you to reconsider these new rules to avoid a decrease in the housing available to farm workers, and to support farmers who depend on farm labor to grow and harvest fruit in Oregon.

If you have any questions or need additional information, please feel free to contact me.

Best regards,

--

Juan M. Vazquez
H2A Program Manager/ Director of Human Resources
(509) 281-0968
juanvaz@maocorp.com





30 October 2024

Oregon Department of Consumer and Business Services
DCBS Director Andrew Stolfi, OR-OSHA Administrator Renée Stapleton, and Sarah Rew
P.O. Box 14480
Salem, OR 97309

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

To Whom It May Concern,

Agriculture is a significant economic driver in Wasco County and legacy business in our region. This area is home to many cherry orchards, both large and small, all of which are supported by migrant and seasonal labor. In 2018, it was estimated that there were more than 22,000 seasonal or migrant farmworkers in Wasco County, more than any other county in the state.¹ The Port of The Dalles is concerned that adoption of the proposed rules will lead to closure of many family run, local farms and the elimination of agricultural jobs, which are a critical economic driver for this part of Oregon. Cherries are Oregon's ninth-most valuable crop. Most of the cherries go to fresh market uses, and that is worth \$63,150,000 in value. A small percentage of cherries are processed, adding an additional \$5 million in value to Oregon's cherry crop.²

During the harvest season, this area receives a large increase in population with the arrival of seasonal migrant labor and their accompanying family members. These families are in need of housing for the 15 to 30 days each year that they are here. Nearly one half of Oregon's total registered labor beds, more than 4500, are in Wasco County and primarily support the cherry harvest.

Like many other areas of the state and country, Wasco County is facing housing challenges, including accommodating the substantial population changes that occur during harvest. On-farm agricultural labor housing helps to mitigate the temporary housing need during the cherry harvest. As on-farm labor housing is regulated for health and safety purposes, and inspected regularly, it is critical to maintain this housing as one of the few options available to this specific population.

It is estimated that on-farm housing capacity will be reduced by 20-50% at each housing location due to the rule changes and the proposed square footage required per occupant. By the numbers, that equates to removing between 900 and 2,250 beds. If on-farm housing is not available in the same capacity, these 900 - 2,250 workers will utilize whatever accommodations are available which could be cars, tents, or overcrowded rentals.

Oregon land use has strong provisions to support and protect our agricultural heritage, family farms and existing fruit industry, and part of that protection limits the amount of housing that can be built on farmland. Wasco County simply does not have sufficient temporary housing available to support the amount needed during the harvest season without the existing on-farm option. Many aspects of farming

¹ <https://www.oregon.gov/oha/HPA/HP-PCO/Documents/2018%20Updates%20to%20MSFW%20Enumeration%20Studies%20Report.pdf>

² <https://a-z-animals.com/blog/discover-oregons-top-most-valuable-crops/>



require less labor, but harvest still requires a large, temporary workforce to get the cherries from the trees to the market in a very short window of time.

The Port of The Dalles is very concerned by the direction Oregon OSHA has taken with its proposed ALH rules and the impact those rules will have on our agricultural community. These proposed rules include numerous provisions that are neither financially feasible, nor attainable, by the proposed timelines. Additionally, they jeopardize existing workforce housing and the economic viability of the many multigenerational family farms in our county.

For our farms, the following proposed rule changes are of utmost concern, as these will have the largest impact to local on-farm housing capacity:

- *16(k): Until December 31, 2026, each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant. Where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.*
- *16(l): Beginning on January 1, 2027, each sleeping room must have at least 50 square feet per occupant, regardless of the use of double bunk beds.*

For the health and safety of our community, and for the seasonal agricultural laborers and their families, we ask that Oregon OSHA change the proposed rules regarding square footage per person as follows:

- *These rule changes will apply only to new agricultural labor housing constructed after December 2025, and*
- *Grandfather all currently existing structures, which have been designed and built to meet both Oregon Building Codes and Oregon OSHA's ALH regulations, and to allow these structures to continue under current rules.*

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Klaas".

Andrea Klaas, Executive Director

My name is Nick Anderson, I work at my family's orchard. We grow cherries in The Dalles, Oregon, our camp currently holds 93 people; of that 93 people, only about 70- 75 are work for us and the rest are non-working family members. We built our camp in 2011 and 2012 and worked very closely with OR OSHA when designing and building to meet your 2008 rule change that had a 10-year phase in period. And now, between 2018 and 2024 you are once again doing a major update of the rules. Farmers are already struggling; every cost has gone up, the only thing that has not gone up is our revenue. We are heavily burdened with new regulations every year from the various government entities. This has to stop. If you want family farms in Oregon, then you need to work with us and not against us.

These proposed rule changes are not all simple asks. A few examples; "just add a sink", "adding square footage", "requiring x amount of personal lockable storage." These are all big changes to existing buildings that require major construction and or expanding of current septic systems. When you buy a house in Oregon you don't have to comply with all the new building codes that change about every three years, why are we required to keep changing our very nice free labor housing that is registered with OR OSHA and has never had a complaint against our facility? How do these changes you want to impose on us fix the real problem..... UNREGISTERED LABOR HOUSING?

You are certainly aware that Oregon is in a huge housing shortage, Wasco County and Hood River County do not have enough available and affordable housing to fill the need. If you take away any amount of housing from what we currently provide, people will be forced to sleep in hotels, cars, tents, etc. That helps no one, certainly not the labor housing occupants you are trying to protect. The unreasonable rules you are imposing are actually hurting the very people you're trying to help. The people that claim to be advocates pushing OR OSHA to make all these changes to "help" the worker does not understand or realize they are in fact directly hurting the employee and farmer. Examples include loss of wages for workers, loss of housing, loss of revenue for the state of Oregon due to less production, etc.

Due to how our housing is configured, we will lose 19 employee beds with the 50 square ft. rule change. How do I tell certain families that have been coming to our farm to harvest with us that I can no longer house them due to your rule changes? With the 19 beds lost by 120 square feet needed per person at a cost of \$180 per square foot, it will cost me over \$400,000 (which does not include the cost of septic, water service, permitting, electrical service, etc. I cannot expand where our current labor housing is without having to remove production areas in order to build back to my current housing capacity. Due to agricultural overtime laws, I already need more employees during the harvest season. Reducing my housing capacity will further reduce my ability to employ enough people. The only options I have available to me are to either remove land from production to try to create space for housing (which reduces my revenue even further so I cannot cover my expenses let alone afford to build housing), or to sell to a larger corporate farm that is more capable of absorbing the cost of this type of over-regulation.

If OR-OSHA is going to keep moving the goal posts for us to be in compliance, then it is only fair that they (along with the so-called "labor advocates") contribute to the cost of making these changes.



THE DALLES AREA
CHAMBER OF COMMERCE
"This Chamber Means Business"

October 28, 2024

Oregon Department of Consumer and Business Services
DCBS Director Andrew Stolfi, OR-OSHA Administrator Renée Stapleton, and Sarah Rew
P.O. Box 14480
Salem, OR 97309

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

To Whom It May Concern,

As the voice of our local business community, The Dalles Area Chamber of Commerce is deeply concerned about the proposed amendments to Oregon OSHA's Agricultural Labor Housing rules. Agriculture, particularly our fruit orchards, is a cornerstone of Wasco County's economy, and these amendments stand to jeopardize the viability of our local farms and orchards, placing them at a substantial disadvantage.

Wasco County's agricultural sector depends on seasonal and migrant labor, especially during the cherry harvest. It is estimated that over 22,000 seasonal farmworkers come to our region, making Wasco County one of the most labor-intensive agricultural areas in Oregon. To accommodate these workers, our local orchardists provide essential on-farm housing, which has long been a practical, regulated solution that eases the strain on city and county housing resources during peak seasons. Nearly half of Oregon's registered agricultural labor beds, over 4,500, are located here in Wasco County, primarily to support the cherry industry.

The proposed changes to labor housing, specifically the requirements under **16(k)** and **16(l)** concerning square footage per occupant, would drastically reduce on-farm housing capacity by an estimated 20-50%. If enacted, these rules would limit available housing options, forcing laborers to seek alternative, often inadequate, accommodations, or even to sleep in vehicles and tents. With limited affordable, temporary housing options in Wasco County, this would place immense pressure on local law enforcement and sanitation services, worsening an already challenging housing landscape.

For our members, many of whom run family-owned farms that span generations, compliance with these costly and extensive new requirements would be financially devastating. Unlike other residential and commercial construction, which is held to the standards in place at the time of construction, agricultural labor housing is continually subjected to shifting regulations without any grandfathering provisions. This creates a moving target for our local farmers, straining resources and threatening the livelihood of our agricultural community. The inability to meet these requirements would force many farms to cease operations or risk forcing their employees out of safe, on-farm housing.

We respectfully ask that Oregon OSHA consider the following revisions to the proposed rules:

1. **Apply the square footage requirements only to newly constructed agricultural labor housing after 2025**, allowing existing housing that has met previous Oregon Building Codes and ALH regulations to remain in use.
2. **Establish a grandfather clause for current housing structures** to prevent imposing excessive costs on long-standing facilities that already adhere to stringent health and safety standards.

The Chamber fully supports measures that genuinely enhance the health and safety of agricultural workers; however, it is crucial these measures are based on substantial health and safety data and are feasible for implementation. If adopted as currently written, these amendments will severely disrupt our agricultural sector, harming Wasco County's economy and reducing housing options for our seasonal workforce.

Thank you for considering our community's unique needs and the essential role that agricultural labor housing plays in supporting our economy and workforce.

Sincerely,

Lisa Farquharson
President / CEO
The Dalles Area Chamber of Commerce



October 31, 2024

Submitted via email: osha.rulemaking@dcbs.oregon.gov

Oregon OSHA
PO Box 14480
Salem, OR 97309-0405

Re: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities Rule in Division 4, OAR 437-004-1120

To Whom It May Concern:

Farmworker Justice (FJ) submits these comments in response to Oregon OSHA's (OR-OSHA) Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities Rule. FJ is a national organization whose mission is to empower farmworkers and their families to improve their living and working conditions, immigration status, occupational safety and health, and access to justice. We work with national and state-based organizations, including Oregon-based organizations PCUN, Oregon Law Center, and Northwest Workers' Justice Project on policy advocacy, litigation, and community-based programs.

FJ strongly supports the effort to update Oregon's regulations on agricultural labor housing and improve conditions for the thousands of farmworkers and their family members living in labor housing across the state.¹ Farmworkers are essential members of Oregon's communities and economy. The migratory worker population, made up of families and individuals, often live in on-farm agricultural labor housing with little control over their living and working conditions. The housing conditions of workers and their families, such as overcrowding, lack of hygiene facilities, and inadequate access to air conditioning and/or filtered air, contribute to poor health outcomes.

Adoption of new agricultural housing rules presents a rare opportunity to make some improvements to living conditions and long-term health outcomes for Oregon's farmworkers and

¹ <https://www.statesmanjournal.com/story/news/local/2022/08/29/oregon-task-force-grapples-with-state-of-farmworker-housing-migrant-workers-osha-violations/65459198007/> (OLC estimates approximately 10,000 farmworkers and their families live in labor housing)

their children, many of whom now reside in such housing for months and not weeks and some year-round. In alignment with other farmworker advocacy organizations in Oregon, FJ supports the proposed regulations and provides recommendations to further strengthen its protections for migratory farmworker and their families. We strongly support changes in the rules such as eliminating the exception allowing certain workers to live within 500 feet of livestock operations, annual water testing for nitrates and E. coli, and requiring carbon monoxide detectors in all sleeping areas. However, the proposed amendments miss important opportunities to improve the substandard housing conditions that undermine the health and safety for farmworkers and their children. Our recommendations to address some of these gaps are detailed below.

Heat Illness Prevention

Oregon has been a national leader in implementing rules to protect outdoor and indoor workers from heat stress and is one of the few states to extend some heat-related protections to labor housing. FJ strongly supports continued recognition of the need for cooling in labor housing in the proposed amendments, particularly the provisions requiring that sleeping rooms be maintained at 78 degrees Fahrenheit. We are disappointed, however, that the proposed rule allows for maintenance of sleeping rooms and living areas at temperatures only 15 degrees lower than outdoor heat when the heat index is at or above 95 degrees Fahrenheit. In areas of Oregon that regularly see temperatures at or above 105 degrees during the summer, the proposed regulations would allow the maintenance of sleeping areas at 90 degrees Fahrenheit. Temperatures in this range for prolonged periods are not tolerable and adversely affect the health of farmworkers and their children, increasing the likelihood of heat illness and resulting in worse productivity.² Allowing temperatures this high in areas where workers rest and sleep is counterproductive, undermining the effectiveness of Oregon's other heat illness prevention measures. We urge OR-OSHA to continue its leadership in heat illness prevention by requiring employers to provide efficient air conditioning and sufficient insulation that will maintain temperatures at or below 78 degrees Fahrenheit during high heat days to effectively allow workers to recover from daytime heat.

Protecting Workers from Pesticide Exposure

² Martell Hesketh et al., Heat Related Illness Among Workers in Washington State: A Descriptive Study Using Workers' Compensation Claims, 2006-2017, 63(4) Am. J. Indus. Med., 300, 308 (2020); Joanne C. Sandberg et al., Association Between Housing Quality and Individual Health Characteristics on Sleep Quality Among Latino Farmworkers, 16(2) J. Immigrant & Minority Health, 265-72 (2014), <https://pubmed.ncbi.nlm.nih.gov/23161266/>; Sara A. Quandt et al., Heat Index in Migrant Farmworker Housing: Implications for Rest and Recovery From Work-Related Heat Stress, 103(8) Am. J. Pub. Health, e24, e24 (2013), <https://pubmed.ncbi.nlm.nih.gov/23763392/>; Michelle Tigchelaar, David S. Battisti & June T. Spector, Work Adaptations Insufficient to Address Growing Heat Risk for U.S. Agricultural Workers, 5(19) Env'tl. Res. Letters, 094035 (2020), <https://pubmed.ncbi.nlm.nih.gov/33133229/>.

Farmworkers have among the highest levels of pesticide exposure of any population group.³ Not only are farmworkers exposed while applying pesticides or working with treated crops, but harmful pesticide residue makes its way into their homes on clothing, work equipment, and through drift from nearby fields, exposing children via contaminated dust and debris.⁴ Studies have found that pesticides and pesticide metabolites are associated with a variety of negative health outcomes including lower birth weights, neurological problems, and increased risk of diabetes, among others.⁵ Although Oregon has implemented some pesticide protections for occupants of labor housing, these measures do not sufficiently address the risk of drift facing farmworker families who live near the fields. Stronger regulations are needed to make measurable improvements in pesticide exposure of farmworkers and their children.

A. Implementing the Worker Protection Standard

For years, FJ partnered with the Oregon Law Center, PCUN, and Salud Medical Center to develop trainings and raise awareness about the Worker Protection Standard (WPS) with a focus on indigenous farmworkers. Through focus groups and surveys of workers—particularly those living in labor housing—we learned that there was a vast need for not only training but also the means to accomplish practical aspects of the rule and implement what workers had learned. Although the WPS advises various strategies to limit pesticide exposure and avoid bringing harmful debris and residue home, occupants of labor housing told us they lacked the ability to put these strategies into practice. For example, while the WPS advises showering immediately after returning home from work and interacting closely with one's children and family members, farmworkers pointed out that it is usually impossible to shower immediately upon arrival home because they share limited shower facilities (the amended rules after years of waiting made no change to the shower ratios per occupants at one shower for every 10 people). Likewise, it is often impossible to wear clean work clothes daily as advised by the WPS without access to a washer and dryer. Washing pesticide-contaminated work clothes separately from other items is similarly difficult or impossible with just one shared washing machine for up to 30 people or one laundry tub for every 25 people. We understand these same provisions have been on the books for some decades. Under the amended rules, following the WPS guidelines will continue to be impossible for most farmworkers in labor housing. FJ strongly encourages OR-OSHA to improve required laundry facilities and shower ratios in the final regulation.

B. Proximity of Labor Housing to Pesticide-Treated Fields and Orchards

³ Donley, N., Bullard, R.D., Economos, J. et al. Pesticides and environmental injustice in the USA: root causes, current regulatory reinforcement and a path forward. *BMC Public Health* 22, 708 (2022). <https://doi.org/10.1186/s12889-022-13057-4>.

⁴ Curl CL, Fenske RA, Kissel JC, Shirai JH, Moate TF, Griffith W, et al. Evaluation of take-home organophosphorus pesticide exposure among agricultural workers and their children. *Environ Health Perspect.* 2002;110:A787–A792. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241133/>.

⁵ Donley et al.

Oregon is unique in that much of the agricultural labor housing where migratory and seasonal farmworkers and their children live is located within or very close proximity to fields and orchards. Many of these fields and orchards are regularly sprayed with pesticides, potentially exposing farmworkers and their families to harmful chemicals both through drift and residue that remains on surfaces of so many outdoor sinks, toilets, food preparation areas and windows for days or weeks after application. According to Oregon's farmworker advocates, there is not any concrete evidence that there is monitoring or enforcement of post application review of any of the labor housing within the AEZ to determine whether there is immediate clean-up of any potential drift or residue. This too is left up to the workers at the labor housing.

We urge OR-OSHA to require buffers or setbacks of at least 300 feet between labor housing and pesticide applications to fields and orchards. Nationally, a number of states and counties require buffers between certain pesticide applications and sensitive sites such as schools, hospitals, or residences.⁶ In Oregon, the only regulations that protect labor housing from pesticide drift are provisions of the AEZ that impose a 25-150 foot no-entry zone *during* pesticide applications.⁷ The AEZ was primarily designed to protect nearby workers, however, and is inadequate to prevent residents of labor housing because it expires after just 15 minutes. Even when a pesticide label imposes a restricted-entry interval that prevents workers from reentering treated areas for twelve or more hours, families are expected to shelter in place at the cabins within the application exclusion areas or return to the labor housing. Neither Oregon's AEZ rules nor these proposed rules for agricultural labor housing deal concretely with the high potential of unintended off target drift into housing and facilities that are completely within the application exclusion zone. Required buffers around labor housing are essential to reduce the harmful impacts of pesticide drift where farmworkers live.

Adequate Access to Toilet and Handwashing Facilities

Workers require access to adequate toilet and handwashing facilities to ensure the practice of hygienic practices that protect their health and the health of their families and co-workers. We support the elimination of the use of outhouses or pit toilets to fulfill the ration of toilet facilities. However, we believe that portable toilets are inadequate alternatives to plumbed toilets as they generally do not permit adequate ventilation, privacy, or temperature control. We strongly recommend OR-OSHA require camp operators to provide plumbed toilets to occupants, preferably within their living quarters.

Further, we support the requirement to locate handwashing facilities adjacent to toilet facilities, and to separate where people in a congregated environment wash their hands after using the toilets from where they wash dishes and draw their water for washing raw products to consume. However, we are concerned about allowing the facilities to be "a reasonable distance" from toilets or general use sinks from food preparation areas. Based on our experience, we believe that

⁶ See chart

⁷ See OAR 437-004-6405 – 6406.

this broad definition could be misinterpreted to the detriment of workers. We urge OR-OSHA to take out “reasonable distance” from this section and require camp operators to place handwashing facilities immediately adjacent to or within the toilet facilities. We also urge OR-OSHA to require that sinks for cooking areas and food preparation be within a few feet of where people prepare their food rather than up to 100 feet away.

In certain aspects, Oregon is a leader when it comes to protecting the health and safety of farmworkers. It is past time to improve its labor housing regulations. These regulations are an important opportunity to further demonstrate the state’s leadership and the value it places on the health of its residents. FJ supports OR-OSHA’s proposed agricultural labor housing regulations and urges the adoption of the recommendations outlined in these comments and shared by other farmworker advocates to ensure the strongest protections for Oregon’s migratory farmworkers and their families.

We appreciate the opportunity to comment on these proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexis Guild", written in a cursive style.

Alexis Guild
VP, Strategy and Programs
Farmworker Justice

From: parkermedford@everyactioncustom.com on behalf of [David Medford](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Thursday, October 31, 2024 9:28:50 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
David Medford
Tigard, 97223-7316

Benjamin Synon
5020 Mill Creek Road
The Dalles, Or 97058

OR-OSHA Ag Labor Housing.
Rulemaking Committee
350 Winter St NE
3rd floor
P.O Box 14480
Salem, Or 97309-0405

My name is Benjamin Synon and I have cherry orchard in The Dalles Oregon. We provide seasonal housing for harvest employees at no charge to them. One of are buildings was built in 1964. We have continually up-graded our housing just as a person needs to do the same in the orchard. I do think it is important to hire families and accommodate them for employment

The Labor Camp Rule changes that are proposed to go into effect in the years 2025, 2026 and 2027 add up to an enormous financial commitment in a short period of time. Maybe there are some growers / farmers that have been proactive and have 4 inch or greater mattresses and covered the mattresses with full covers. Maybe some farms have insulated the building and installed air conditioning. If a farm has not accomplished some of this housing changes proactively before the rule changes that are proposed to go into effect the financial hurdle is enormous for the proposed list of improvements to all be completed in 3 years.

In the Hood River and The Dalles farming community most harvest seasons last 4 or 5 weeks at most. Then most of these buildings sit idle until next year's harvest season. The greater concern I have is the 2027 requirement that 50 sq.ft. space per person is instituted instead of leaving the existing 40 sq.ft. requirement on existing buildings. Farmers, in good faith, built buildings according to the specifications laid out by Or / OHSA. Now with a "stroke of the pen " it is proposed to be 50 sq.ft. per person for sleeping area.

The existen buildings are now inefficient and they are maybe only a few years old. For example; a 40 sq.ft. per person times three occupants will equal 120 total square footage under the existing rules. The proposal of 50 sq.ft. per person by 2027 would require 150 sq.ft. for 3 people. So, either move walls, wiring and possible plumbing to meet the square footage requirement for 3 people or leave the building "as is " and only two occupants would be allowed in the room and have 20 extra square feet for 2 people. So now we see that " dead space " is happening to some extent through all the housing.

How does a person accomplish all these proposed changes in 3 years? First question to answer: is the money there to make these changes in three years? What does that farmer's banker say? How much can you afford to do to meet the proposed rule changes? Should I remove part of the production of the crops to have less employees, is one option. A farmer may

have to tell some employees not to come because housing is not available on the farm. Maybe people will come anyway and live out they car !

I think the proposed square footage rule change will have the largest negative impact on families. Most of the time young couples come with one or two young kids. So, let's look at a scenario that is possible with the proposed square footage rule changes. Let's say the construction cost on a new building is \$170 per square foot multiplied that by 50 square feet per person requirement, this equals \$ 8500 per person this doesn't include the kitchen area. Now, a family wants to work, but only that dad is able to work because there are two young kids and a wife. The kids didn't go to in-classroom instruction. So in this simple scenario, the farmer will spend (4 people times \$ 8500 per person) which equals \$34,000. This is for just one working employee in this family situation !! Not including the kitchen area.

It doesn't matter whether it is a private sector business or government, there is always a budget involved. If you were the manager of the business what is the solution for the farmer? My guess is the farmer will hire single males or even go with H/2A employees. What is the alternative employment option for the families?

It seems the most logical solution to the square footage proposed change is to leave the existing building square footage at 40 sq.ft. Per person. Do all the other up-grades to the existing building over time. Then going forward one would require new buildings to be 50 sq.ft.per person. This will eliminate all of that "dead space" left in existing buildings.

Families and others that come in groups will not be affected at all if we leave existing buildings at 40 sq.ft. per person. One should be careful not to destroy what we are trying to help through regulations. We need to support our families, domestic work force and the family farms.

Sincerely Yours,
Benjamin Synon

From: [Carol Grimwood](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworker Housing
Date: Thursday, October 31, 2024 11:52:51 PM

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Hello,

I am writing to request amendment to the proposed rule regarding distance setbacks for farm worker housing. The effects of the proposed elimination of the 500 foot distance between housing and livestock operation on a property has not been thoroughly assessed for unintended consequences to farming and ranching in Oregon. The proposal has not adequately addressed effects on existing housing and could possibly result in forced abandonment of family housing. The interpretation of "housing" may prevent assuring the health and safety of vulnerable livestock by distancing monitoring efforts by owners and/or staff. Distancing lengthens response time to anything from a birthing emergency to extinguishing a fire.

Agriculture big and small plays a significant economic role in Oregon, and the economic ripple effect of well intended but inadequately assessed rules can be irreversibly detrimental.

At this time retaining the exemption for agriculture housing within 500 feet of livestock operations is the right thing to do.

Carol Grimwood
Salem, Oregon 97302

COMMENTS REGARDING OR-OSHA RULEMAKING, NOVEMBER 1 2024

Jennifer Euwer
Valley Crest Orchards
Parkdale, Oregon

I raise pears and cherries in the Hood River Valley. We house 16 year round employees and their families at no cost to the employees. All utilities including internet service are provided at no cost. Many spouses and family members work elsewhere in the community.

In addition to our regular crew we employ and house 6 H2 employees during pear harvest.

Our business has spent hundreds of thousands of dollars building new OSHA approved housing in the past 10-15 years. We have complied with every upgrade. It is not the least bit reasonable or fair for OSHA to continue to increase costly regulations for those of us complying with the current rules, using the justification that others are still out of compliance.

Our employees' wellbeing has always been a top priority. They work hard, show up every day to make sure we have a crop to pick in the fall, care deeply about their families, and deserve decent housing and working conditions. That has always been the case and we have always managed our orchard with that in mind. It leads to success for them and for our business.

Once upon a time OSHA needed to bring our industry into compliance. We are now largely in compliance, especially in the Mid Columbia, and especially in the tree fruit industry. But the regulations have gone from helpful and reasonable to absurd. *Worse, it appears that no matter how well we comply with current rules, no matter how much money we spend, there will be endless calls for us to spend our limited funds on housing upgrades.* At the same time our payroll costs have gone up 30% or more over the past 5 years. The prices we receive for our commodities, pears and cherries, have not changed. Our profit margin has all but disappeared.

OR-OSHA is required to be "as effective as" federal OSHA rules. When Oregon OSHA goes beyond that they put labor intensive agriculture at a major disadvantage vis-a-vis fruits from other states, not to mention other countries. Walk into any grocery store and you will see more and more of our fresh produce coming from countries without any of the labor or environmental regulations we have in the US. Apparently the farmworkers in those countries are not of concern to regulators in Oregon and we support the labor practices in those countries with every purchase of an imported produce item in Oregon.

OR-OSHA needs to align the new housing requirements more closely to the federal standards for ag labor housing, and to revise the proposed rules to ensure the phase-in timeline is realistically achievable.

Please incorporate my concerns into the final draft of the ALH rules.

From: [Brett Seward](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Amendment to OAR 437-004-1120 (6)(h)
Date: Friday, November 1, 2024 11:21:19 AM
Attachments: [image001.png](#)

You don't often get email from bseward@treetopranches.com. [Learn why this is important](#)

October 28, 2024

OR-OSHA

Salem State Planning Office

350 Winter St. NE, Room 430

Salem, OR 97301-3882

Via E-Mail OSHA.rulemaking@dcbs.oregon.gov

Re: Amendment to OAR 437-004-1120 (6)(h) dated 09/05/2024

Agricultural Labor Housing and Related Facilities

To whom it may concern:

Tree Top Ranches is a beef cattle ranching operation with ranches and employees across SE Oregon. If we are required to [re]locate housing 500 feet or more away from barns, pens, scales, water troughs, etc. we would need to rebuild nearly all our facilities at significant cost, environmental impact and reduction in safety.

Ranches have been *purposely and traditionally* configured so that barns, calving barns, tack rooms, sheds, corrals, pens and scales are near ranch residences. We *want* to be near these places. This is not just for convenience, but because we and our employees need to see and hear what is happening in these areas. Our scales are used only a few days each year and we want to see how loading and shipping is progressing; we want to be near pens where sick or injured animals are being cared for. We want to be near barns when weather or wildfire threaten people and animals; we want to have horse corrals nearby to feed, water and keep an eye on horses and other animals and their young; we want calving barns close by. And we want to be nearby for meals and rest breaks. It makes no sense to have to walk (or drive) 500 or 1000 feet away from these crucial activities.

In our areas cell service is poor or non-existent. Conventional telephones and radios are often our only means of communication. These are based in our homes, not 500 or 1000 feet away. The ability to see, hear and communicate is critical.

Requiring that residences be located away from our livestock operations would result in a condition that is significantly LESS safe for people and the animals for which we care.

This Proposed Rule section as currently drafted is unnecessary, vague and dangerous. We urge you to reconsider this Proposed Rule change.

Respectfully,

TREE TOP RANCHES, LP

Brett Seward

Oregon Operations Ranch Manager

P.O. Box 3021, Princeton, OR 97721

541/493-2706



Brett Seward

Tree Top Ranches

Po Box 3021

Princeton, Or 97721

541-493-2706 O

208-739-5655 C

From: [Wendler, Jeff](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: OSHA Removal of Livestock Housing Exemption
Date: Friday, November 1, 2024 11:57:32 AM

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To the Oregon OSHA Office:

Thank you for the opportunity to provide comments on the proposed updates to the Ag Labor Housing Rule, which includes changes to the exemption allowing livestock employees to live within 500 feet of a livestock operation.

I am the General Manager of Livestock Operations at Threemile Canyon Farms, a dairy and crop farming operation in Boardman, OR. In my role, I oversee all aspects of our dairy — from animal health to waste management to employee safety. I am also a licensed veterinarian and have worked with large animals my entire career.

While I appreciate the agency's concern for the safety and well-being of agricultural workers and its desire to update its policies, I believe some of proposed changes do not reflect an appreciation of the realities of working in agriculture in the state of Oregon. Like many dairies in Oregon, Threemile Canyon Farms provides housing for team members and their families. In Eastern Oregon, housing is extremely limited and, as such, can be quite expensive. For those reasons, our employees in farm-provided housing need it and appreciate the accommodations we offer.

Covered under this new requirement would be a very broad swath of "livestock operations," which could include smaller family farms where housing is located within an easy walk of the animals under their care. It is likely that these farmhouses have been there for decades and that adequate measures have been taken to make sure the tenants of those homes are safe. In addition to overseeing the dairy for Threemile, I have a small beef cattle operation at my home. For 18 years, I have been able to manage both of those roles because my cattle are located close to my house where I can manage the herd. In my professional opinion, I don't see a worker protection or safety justification for changing the rules.

I would like to express my opposition to the proposed rule change that would prohibit workers from living within 500 feet of livestock operations and encourage Oregon OSHA to maintain the current rules.

Thank you,
Jeff Wendler

From: [Molly Mulkey](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 1:20:19 PM

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

Dear Director Stapleton,

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Molly Mulkey
11575 Airlie Rd
Monmouth, OR 97361
molly@mulkeyfarms.com

October 30, 2024

To Whom It May Concern,

Our family pear orchard in Hood River has been in operation since 1955. Now operated by the third generation of farmers, our labor-intensive pear commodity relies heavily on the housing we provide to employees in the beautiful yet unaffordable Columbia River Gorge. We have three individual single-family houses, each of which is provided free of rent, utilities, and maintenance. The occupants of each house include one employee, their spouse, and their children. The company is supporting the housing needs of 18 people year round, only 3 of which are employees of the company. All combined amongst the three individual residences, we have 3 full-time employees, 3 spouses, and 12 children/dependents. In addition to our full-time employees, we also have one house used seasonally by 10 H-2A employees for approximately 8 weeks per year. We have had the same group of H-2A employees return for pear harvest for up to 11 years in a row and consider them a critical part of our operation.

We value our employees and take great pride in providing accommodations that they can be proud of and comfortable living in with their spouse and children. We have made numerous upgrades in all of the housing over the years including flooring replacement to remove carpeting, new roofs, HVAC systems, septic and drain fields, windows, and appliances. Our H-2A housing has been upgraded with air conditioning, cable TV, and WiFi.

I am very concerned with the significant changes in language that make recent remodeling and structural changes to housing that benefit the living experience of the employee now without value in the new language proposed. The proposed language in 16l reads; *Beginning January 1, 2027, each **sleeping room** must have at least 50 square feet per occupant regardless of the use of double bunk beds. Do not use triple bunks.*

Our H-2A house remodel includes a 400 square feet living room with a couch, oversized recliners, and a TV with DISH's Spanish language cable TV package provided. That 400 square feet is of great value to the living experience of the occupants, but will now be of zero value in terms of meeting rule 16(l). We would need to move the walls constructed in the past 10 years to gain space in the sleeping rooms to meet the new requirement. It causes us to pause and ask the question, are our future remodeling projects worth the time and cost when new rules will override their value in another 10 years? This does not promote or encourage housing upgrades and remodeling when the value may be completely negated in the near future. I do not feel this is the message Oregon truly wishes to send to its farmers, "remodel at your own risk." I would question whether making the needed square footage changes to these rooms would positively impact employee safety and health. Employees would lose the large living room area in lieu of additional square footage in the sleeping rooms. Limiting the square footage calculation to sleeping rooms only and requiring significant structural changes to meet the proposed requirement are not just costly but time consuming endeavors.

In lieu of costly remodeling projects, another option on the table is to utilize the housing we already have in a different way. Instead of housing a family with 1 employee and their spouse and children, it may become impossible to ignore that the single family home we provide them could potentially house multiple employees, eliminating the need to complete costly remodeling projects to either increase the square footage of a bedroom or add another sink to a bathroom in another housing location. The concern becomes what will a future set of proposed rules bring? If we make structural changes now to meet 50 square feet per person in a sleeping room, will that number change again and require another remodel in the future? It is important to note that Federal OSHA updated housing rules in 2022, but chose to grandfather in square footage requirements for housing built prior to 1980. Federal OSHA

recognized that housing built prior to 1980 is still safe and healthy to live in by federal standards without requiring major modifications to square footage. Oregon OSHA's proposal in 16l leaves employers questioning if it is more worthwhile to make a significant and costly change to one house that may not be acceptable in the future, or is it better to rethink how the current manifest of housing is being utilized?

It is a horrible position to be placed in as an employer and I genuinely hope that the proposed rules are modified before acceptance to consider that the impacts are not simple or straightforward for employers. I feel sick at the thought of having to make decisions like this.

Oregon OSHA needs to recognize that our current housing provides a safe and healthy environment for employees. If Oregon OSHA believes that is not true in 100% of the Ag Labor housing in Oregon, there are other methods to ensure compliance other than increasing current requirements that result in significant changes to our presently acceptable, annual inspected housing. The proposed rules need to be revised, and the timeline for phase-in should be adjusted so that employers can make the decisions and actions needed to realistically achieve the new requirements.

Thank you for your consideration,

Erin Roby
Red Barn Orchards, Inc.
Hood River, Oregon



November 1, 2024

Via Email

TO: Lisa Appel
Rules Coordinator
Department of Consumer and Business Services/Oregon OSHA
PO BOX 14480
Salem OR 97309-0405

FROM: Trevor Beltz, Manager Government Relations, Tillamook County Creamery Association

Re: Comments on Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Dear Ms. Appel:

Tillamook County Creamery Association (TCCA) is a 115-year-old farmer-owned, farmer-led cooperative that prides itself on its commitment to its stakeholders and natural resources. This commitment extends from farms to facilities and throughout its supply chain. TCCA works hard to be good neighbors and stewards of the land and is a Certified B Corporation®. In keeping with these values, we are writing to express our strong opposition to the proposed changes to agricultural labor housing (ALH) regulations. We are deeply concerned that the proposed rules will significantly reduce available housing for our members and agricultural workforce, exacerbating an already critical housing shortage in Tillamook County and other rural areas across the state.

OR-OSHA's proposed rule exceeds federal OSHA standards without providing additional protections for workers. The agency's approach—applying standards meant for temporary labor camps to permanent, employer-provided housing—goes beyond federal requirements and imposes undue burdens on Oregon's agricultural



TILLAMOOK COUNTY CREAMERY ASSOCIATION
4185 Highway 101 North, Tillamook, Oregon 97141
TILLAMOOK.COM



operations. Federal OSHA differentiates between temporary labor camps and permanent workforce housing, recognizing that each type of housing serves distinct functions and involves different risk profiles. OR-OSHA's proposal to combine these distinct categories is both unwarranted and likely to have a devastating effect on housing availability in rural communities.

Permanent, on-site housing provided by farmers is essential in rural areas like Tillamook County, where housing stock is already far below what is needed. Half of our member-owners have employees living on-site in workforce housing, and a different group of around half provide housing on another farm site. According to a 2017 Tillamook County housing study¹, the county has an affordable housing gap of 437 units for low-wage households alone. Further, the 2019 Analysis² projected that to meet future population and economic growth, Tillamook County will need 2,305 to 2,603 new housing units over the next 20 years. This demand includes approximately 1,692 owner-occupied and 911 renter-occupied dwellings. The proposed 500-foot restriction on housing near livestock operations would effectively eliminate many essential agriculture workforce housing options, as moving established homes is neither feasible nor practical and is not as simple as moving a modular home to a different location. Such a reduction in housing would severely limit our farmers' ability to attract and retain a stable workforce, undermining both local employment and the broader agricultural economy.

For decades, the livestock exemption has allowed farmers to provide safe, regulated housing to their employees. Permanent housing on farms is often located near livestock areas by design, enabling both convenience and safety for workers who must be close to the animals they care for. In some cases, farmers purchase neighboring properties to expand their operations and utilize the existing farmhouses on these properties for their employees. It is also common for single-family residences to be built next to farmer owner residences. OR-OSHA's proposal to eliminate this exemption overlooks the critical role of proximity in effective and

¹https://www.tillamookcounty.gov/sites/default/files/fileattachments/housing_commission/page/57834/housingstudy_002.pdf

²https://www.tillamookcounty.gov/sites/default/files/fileattachments/housing_commission/page/57834/tillamook_hna_final_report_v2.pdf





efficient farm operations. Furthermore, this exemption is supported by building codes and insurance requirements, which ensure that permanent housing on farms is safe and habitable. Eliminating this exemption would remove housing from farm families and farmworkers alike, ultimately harming the very people these regulations seek to protect.

The effects of this rule will extend far beyond individual farming operations. In areas with limited housing, such as Tillamook County, any reduction in housing availability for farmworkers will add stress to an already constrained housing market, displacing families and worsening the community's housing crisis. The 2017 and 2019 Tillamook County housing reports both highlighted the urgent demand for affordable housing, particularly for low-wage households and families. With rural housing resources already stretched to meet forecasted population growth and rising demand, this rule risks further destabilizing the local housing landscape. TCCA, alongside other agricultural organizations, has worked tirelessly to support sustainable solutions for housing and workforce stability in Oregon. We believe that OR-OSHA should be focused on supporting, rather than undermining, these efforts.

We respectfully urge OR-OSHA to reconsider the proposed rule and retain the livestock exemption for agricultural labor housing. Based on research by the Oregon Dairy Farmers Association, no other state OSHA agency has applied this federal 500-foot setback rule governing temporary housing to permanent housing offered by agriculture employers. Oregon would be the sole outlier if this rule provision is put in place. We ask OR-OSHA to be consistent with other states. Thank you for considering our perspective. We hope that OR-OSHA will take these concerns seriously and work with Oregon's agricultural community to find balanced solutions that genuinely protect worker safety and preserve vital workforce housing.



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November 1, 2024

Oregon Department of Consumer and Business Services
Sarah C. Rew | Oregon OSHA
P.O. Box 14480
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OSHA.rulemaking@dcbs.oregon.gov

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

Dear Sarah:

Thank you for the opportunity to provide comments in response to the Agricultural Labor Housing and Related Facilities rule revisions Oregon OSHA ("OR-OSHA") formally proposed via publication on its website on or about September 5, 2024. Please consider the following comments submitted by Columbia Gorge Fruit Growers, an association of over 400 growers and 20 shippers of tree fruit in and around the Columbia River Gorge area. Our grower membership ranges in size from smaller, family run orchards with fewer than 10 employees impacted by the proposed labor housing rules to larger operations with, at times, hundreds of employees or their family members impacted by the proposed rules.

Columbia Gorge Fruit Growers participated in the rules advisory committee ("RAC") meetings that preceded publication of the formal proposed rule. While we appreciated the ability to participate in that process and we welcome some of the changes that emerged from discussions during the RAC process, the association remains deeply concerned with the general reasonableness and economic impacts of various aspects of the proposed rules on growers' operations. In addition, the association and its membership are perturbed by the proposed deadlines for implementation of several of the proposed rules given the current economic milieu, the nature and extent of construction and other projects that would be necessary to come into compliance, and the current realities of construction planning and execution timelines. Finally, notwithstanding extensive participation in the RAC process, Columbia Gorge Fruit Growers and its members have significant ongoing questions as to the intent of some of the proposed rule and request clarification as to the proposed applicability of the rules before they become effective. Each of these various areas of concern will be addressed in turn.

- 1. Some of the proposed rules exceed OR-OSHA's authority to regulate in a manner that is reasonably necessary to render the workplaces safe and healthful.***

OR-OSHA's statutory authority permits the agency to "fix *reasonable* standards and prescribe and enforce *reasonable* orders" for employee safeguards and other means of protection "as may be

necessary to carry out all laws relative to the protection of the life, safety and health of employees.” ORS 654.035(1)(b). Similarly, and relevant to the agricultural labor housing standards, the agency is authorized to “[f]ix and order *reasonable* standards for the construction, repair and maintenance of places of employment and equipment that will render them safe and healthful.” ORS 652.035(1)(c). The requirement for “reasonableness” is not trivial, and this requirement does not exist in a vacuum. Reasonableness can and should be judged in relation to other similar regulatory provisions, whether in the employee safety context or otherwise, in Oregon or in other similarly situated jurisdictions. Reasonableness should also be judged with some reference to federal standards. Although the agency must have a program that is “at least as effective” as federal OSHA’s program, and although OR-OSHA is not strictly prohibited from adopting more stringent standards, that does not mean that the standards adopted should be untethered from federal standards entirely. Rather, reasonableness should be judged in part by reference to any comparable federal standards. Further, reasonableness should be evaluated in the context of the economic impacts to the regulated community. Indeed, the Administrative Procedures Act, ORS Chapter 183, specifically mandates that the agency seek input on “whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.” 183.335(2)(b)(H). And reasonableness can and should also be judged in relation to common sense.

Under the circumstances, several of the proposed rules go beyond what is reasonably necessary to protect employee safety and health. Aspects of the proposed rules thus exceed OR-OSHA’s authority to regulate. Among the proposed rules are the following key examples of areas where the proposed regulation is not reasonably tied to employee safety and health:

- Proposed OAR 437-004-1120(6)(j) would require employers to provide “at least one wall-type electrical receptacle for every two occupants in each room that is used for sleeping.” While the agency has not proposed outright eliminating the use of extension cords or plug strips (which would still be allowed under OAR 437-004-1120(6)(k)), OAR 437-004-1120(6)(j) apparently contemplates that plug strips cannot satisfy the proposed one-receptacle-per-two-occupant requirement. There should be no safety and health reason why plug strips that are properly protected with overcurrent devices (*i.e.*, fuses or circuit breakers) cannot be used to satisfy what electrical power demands exist in a *sleeping room*. Sleeping quarters are not places where high-wattage devices that might require their own receptacle are used. Rather, power usage in sleeping quarters is limited to small devices drawing low wattage, like cellular phones. There should be no safety or health reason why properly protected plug strips cannot be used to satisfy the expected power demands in sleeping quarters. In short, it is not reasonably necessary to employee safety and health that occupants of sleeping quarters have their electrical power needs met by means other than properly protected plug strips.¹
- Proposed OAR 437-004-1120(7)(a) would require that all farm employers (regardless of size) be held to standards applicable to public water systems, through incorporation by reference of OAR Chapter 333, Division 61. Such a requirement unreasonably burdens smaller farm employers with regulations that are otherwise only applicable to entities that clearly meet the definition of water supplier or whose operations clearly meet the definition of a public water system. Farm employers should be held to standards applicable to water suppliers or public water systems *only if they meet the definition of a water supplier or otherwise operate a public water system as*

¹ If the agency nevertheless adopts this rule, Columbia Gorge Fruit Growers would request that any such new rule not go into effect until January 1, 2028, at the earliest, for reasons discussed in Section 2, below.

defined under OAR 333-61-0020. Holding other employers responsible would represent an undue economic burden on those smaller employers.

- Proposed OAR 437-004-1120(7)(a)(B)–(C) would also require that the water delivered at agricultural labor housing be at least 20 PSI at the outlet end, while Oregon code requires that water delivery at essentially any other residential outlet meet just a 15 PSI standard. While OAR Chapter 333, Division 61 requires a public water supplier to guarantee 20 PSI pressures *at the service connection*—i.e., the main supply line into a premises, even the Chapter 333/Division 61 “water supplier” rules do not mandate 20 PSI pressures “at the outlet end of all water lines” as the OR-OSHA proposed rule would do. Rather, it is Oregon building codes that govern pressures at the *outlet ends*. Under the building codes, specifically, Oregon Plumbing Specialty Code section 608.1, only 15 PSI pressures are needed for residential and commercial structure water outlets. There is no justifiable reason why a greater water pressure is needed at the outlet ends of agricultural labor housing than would be needed in any other residential or commercial building’s water outlets in the state. It is simply unreasonable to impose upon employers providing labor housing a requirement that a higher water pressure be maintained for resident employees than pressures that are otherwise deemed safe for the rest of the general public living in homes, apartments, and the like governed by the Oregon Plumbing Specialty Code pressure requirements. Again, “reasonableness” does not exist in a vacuum. If 15 PSI is safe enough for the living quarters for the general public, what safety-related reason exists to mandate 20 PSI outlet pressures for the living quarters in labor housing? Columbia Gorge Fruit Growers submits there is none.
- OAR 437-004-1120(10)(a) and (18) would require separate sinks for handwashing and kitchen use, with an employer not being able to count a kitchen sink towards the section (10)(a) 1:6 sink to occupant ratio after January 1, 2027. Again, there is no good safety or health reason why a kitchen sink cannot reasonably be used for handwashing as well (and thus count towards a minimum number of sinks for handwashing). Both at home and at non-agricultural work, people very frequently use kitchen sinks to wash their hands in their day-to-day lives. Prohibiting the counting of a kitchen sink to establish a minimum number of handwashing sinks effectively ignores this reality without any basis in reason or common sense.²
- Proposed OAR 437-004-1120(16)(i) would mandate that employers provide at least 21 cubic feet of storage for each occupant or family unit in the labor housing. During the RAC process, no health or safety reason was given to justify the purported need for 21 cubic feet of storage space. Twenty-one cubic feet is quite a lot of space. In some circumstances, e.g., where employees are living in labor housing on a longer-term basis, 21 cubic feet may make sense. But given that the labor housing in question is, very frequently, temporary in nature, mandating this much storage space across the board makes little sense. Indeed, in the more transient employee scenarios that occur during harvest seasons, much of the 21 cubic feet of storage space is likely to go unused. Moreover, mandating 21 cubic feet of storage space would necessarily reduce the space for employees and others to move around or use for other purposes in the living quarters, presenting its own dangers. Federal OSHA does not have a

² In the event OR-OSHA decides to move forward with this rule notwithstanding the disconnect with the reality of how and where people wash hands, Columbia Gorge Fruit Association would request that any such provision not be implemented until 2037 to allow for ample time for capital construction projects, for reasons discussed in Section 2, below.

comparable storage space requirement. In fact, federal OSHA has no storage space requirement at all. There is thus no clear need for OR-OSHA to regulate storage space, either. Considering all of the above, it is simply not *reasonably necessary* to employee safety and health to impose upon employers a requirement that 21 cubic feet of storage space be provided in all cases.

- Although not a true new provision, proposed OAR 437-004-1120(20), which relates to labor housing employer disease reporting requirements, is also unreasonable under the circumstances and warrants modification.³ Columbia Gorge Fruit Growers understands that OAR 437-004-1120(20) reflects little more than an administrative renumbering or reworking of a requirement that already exists in current OAR 437-004-1120(22), with information in the “note” part of the existing paragraph (22) being moved to a new “mandatory Appendix A.” However, a review of this rule with an emphasis on the clearly “mandatory” aspect of the new appendix has given rise to clear concerns the association and its membership have about this disease reporting requirement. While we understand that disease reporting relates to employee safety and health, this rule places an unreasonable burden on non-medical employers to take action that is well outside their areas of expertise.

The rule in question cross-references two Oregon Health Authority rules, OAR 333-018-0000 and OAR 333-018-0015. In both of those sections, there is clearly and unambiguously a heavy emphasis on individuals in the healthcare industries and special knowledge only those in the healthcare industries would have. The only part of OAR 333-018-0000 that could even possibly be held to apply to anyone outside the healthcare industry world is the following provision:

Where no health care provider is in attendance, any individual knowing of such a case [of any of the diseases, infections, or conditions listed in OAR 333-018-0015] shall report in a similar manner [*i.e.*, within the timeframes listed in OAR 333-018-0015]. An individual required to report reportable diseases who is unsure whether a case meets the definition of a suspect case as that is defined in OAR 333-017-0000 should err on the side of reporting it if the suspected disease, infection, or condition is one that:

- a) Is required to be reported immediately or within 24 hours under OAR 333-018-0015;
- b) Is highly transmissible; or
- c) Results in serious or severe health consequences.

But, in context, even the above provision implies a high level of knowledge of communicable diseases. In that regard, the section cross-referenced therein, OAR 333-018-0015, lists a number of *highly specific* diseases or pathogens, the details of which only one with particular expertise in communicable disease or epidemiology could possibly know. In short, highly specialized knowledge, well beyond what any agricultural labor employer could reasonably be expected to know, is needed to properly comply with the terms of OAR 333-018-0000 and 333-018-0015, which are referenced in proposed OAR 437-004-1120(20). This rule places an unreasonable burden on labor housing employers to even *attempt* compliance.

To the extent any communicable disease rule is needed, OR-OSHA should consider instead adoption of a simple rule such as that laid out in the federal standards at 29 CFR 1910.142(*l*). A

³ OAR 437-004-1120(18)(a)(I) cross-references this section and the proposed “Appendix A,” and should thus be modified, as well.

simple rule such as that is reasonable. A rule suggesting that labor housing employers should have some sort of highly specialized knowledge of specific communicable diseases and when a disease might be a “suspect case” under regulations applicable to healthcare providers is not.

2. *Other proposed rules place unreasonable implementation timelines on labor housing operators.*

Reasonableness is not limited to the question whether it is appropriate to adopt a new safety standard at all. The reasonableness of new regulations is also at issue in the context of the timeline for implementation of costly new rules. This is particularly true in the context of rules requiring the wholesale modification (or new construction) of capital improvements. As noted above, the Administrative Procedures Act, ORS Chapter 183, specifically mandates that the agency seek input on “whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.” 183.335(2)(b)(H). Here, a slower phase-in of the rules’ applicability can achieve the substantive goals of many of the proposed rules, and yet also meaningfully reduce the negative economic impacts the rules will have on regulated growers and other labor housing operators.

The proposed amendments to OAR 437-004-1120 include a number of new regulations that would require agricultural labor housing operators—the association’s growers—to invest in and quickly implement significant capital improvements to labor housing or risk noncompliance with the new regulations. The agency is proposing that the agricultural labor housing community implement significant new changes to existing structures (or build new structures) within a few short years at a time and in an environment where planning, financing, permitting, and building (or sourcing materials) is likely to take considerably longer than the agency’s proposed timeframes would allow for. The short-term result would be a significant temporary labor housing shortage at a time when general housing is also in short supply. This would benefit no one. In fact, because growers may well be forced to shut down or otherwise limit use of existing labor housing while the construction “catches up” with the regulations, employees and/or their families could find themselves in substantially less safe and healthful conditions than currently exist in the labor housing our members have.

To mitigate the problems associated with the disconnect between when the proposed rules are to go into effect and when labor housing operators would realistically be able to come into compliance with the new rules, OR-OSHA should extend the implementation timeframes across the board. Columbia Gorge Fruit Growers proposes the following dates for implementation (to the extent the identified sections are ultimately adopted):

- Proposed OAR 437-004-1120(16)(k) (proposed 50 square foot per occupant requirement): effective no earlier than January 1, 2037;
- Proposed OAR 437-004-1120(9)(d) (proposed private dressing areas): effective no earlier than January 1, 2028, unless the intent of the rule is such that a private shower stall itself can serve as the private dressing area;
- Proposed OAR 437-004-1120(12)(j)(B) (proposed solid doors for toilet compartments): effective no earlier than January 1, 2027;
- Proposed OAR 437-004-1120(16)(d)(D) (proposed requirement for range hoods or other ventilation): effective no earlier than January 1, 2028;
- Proposed OAR 437-004-1120(18)(b) (proposed minimum of two burners per eight occupants): effective no earlier than January 1, 2028;

- Proposed OAR 437-004-1120(23)(c) (proposed cooling requirements for indoor spaces): effective no earlier than January 1, 2028;
- Proposed OAR 437-004-1120(16)(f)(B) (proposed four-inch mattresses): effective no earlier than January 1, 2026; and
- Proposed OAR 437-004-1120(16)(f)(F) (proposed “safe access” for upper bunks): effective no earlier than January 1, 2026.

3. *Other proposed rules are vague and require clarification before compliance can be mandated.*

Constitutional due process requires that regulations not be so vague that the regulated community is deprived of the ability to reasonably understand the substantive requirements of the rule. Several of the proposed rules are sufficiently vague that Columbia Gorge Fruit Growers or its members are unclear, at best, as to what the proposal would, in fact, require. The association respectfully requests that the agency consider amending these provisions to clarify what, in fact, is required, or that the agency publish a binding program directive further explaining the contours of the proposed rules.

The key rules for which Columbia Gorge Fruit Growers has questions as to the meaning or intent are as follows:

- Proposed OAR 437-004-1120(5)(b)(B): This vague proposal would require labor housing sites to be “free from all hazardous conditions.” What “hazardous conditions” means in this context is undefined. As such, it is potentially limitless, with the potential inclusion of hazards both small and large, controllable and uncontrollable. Such an expansive regulation that very well could include the hazards of day-to-day life does not comport with OR-OSHA’s statutory charge.
- Proposed OAR 437-004-1120(6)(c): This proposed provision would require adequate drainage on labor housing sites and would stipulate that the site be “free from depressions in which water may become a nuisance.” “Nuisance,” in general, is a legal term of art. Not all “nuisances” constitute safety or health hazards that should be subject to regulation. From the context of the proposed rule, it would appear that the intent is for “nuisance” to be assessed subjectively in some way. As such, the proposed rule is impermissibly vague. Within the context of the safety and health nature of these rules, Columbia Gorge Fruit Growers would interpret “nuisance” to imply the existence of a health or safety hazard that would be reasonably anticipated to give rise to injury or illness, such as a large puddle obscuring a tripping hazard. Clarification with respect to the agency’s intended use of “nuisance” (or the re-writing of the proposed rule to use different terminology and/or a clearer, more objective standard) is needed.
- Proposed OAR 437-004-1120(6)(e): This provision would require that all “toxic materials used in work activities” be stored in a “locked and secured location” at least 30 feet from labor housing and related structures. What is meant by “toxic materials used in work activities” is unclear. Is this intended to include all pesticides and other chemicals used in farm operations? How about cleaners used to clean the labor housing area? How about gasoline, diesel fuel, or propane? Would these fuels need to be stored in a “locked and secured location”? If so, does that mean that storage tanks external to farm buildings are not an acceptable location? Considerable additional detail is needed so that the regulated community can understand the full intent of this proposal.

- Proposed OAR 437-004-1120(7)(b)(C): This proposed rule contemplates use of a pictogram to show the results of water analysis. Columbia Gorge Fruit Growers respectfully requests that OR-OSHA publish a sample pictogram that would be acceptable for use as an adjunct to the final rule.
- Proposed OAR 437-004-1120(9)(d): This proposal calls on employers to “provide a private dressing area in or adjacent to bathing facilities that meets the needs of the occupants.” The clause “that meets the needs of the occupants” is sufficiently vague and subjective as to be meaningless. It purports to leave up to individual employees or occupants what sort of private dressing area would be compliant (*i.e.*, what sort of dressing area would “meet [their] needs”). This cannot be the intent of the rule. Further, while the association believes that an occupant should be able to use a private shower area as the private dressing area so as to comply with this rule—it is a “private dressing area in . . . bathing facilities”—the rule is worded in such a way that the soundness of this interpretation is unclear. Clarification as to the intent of this rule is needed.⁴
- Proposed OAR 437-004-1120(9)(e): This proposal would require provision of a “locking shower stall” for every 10 occupants. Clarification is needed as to what is meant by “locking.” If a bathroom is set up as single-use (*i.e.*, includes, *e.g.*, a single toilet, sink, and shower within a locking room), is it sufficient that the exterior door of the single-use bathroom lock? In larger bathing areas with multiple shower stalls, is it sufficient that a shower door latch shut (and be openable only from the inside), or must there be some positive locking mechanism?
- Proposed OAR 437-004-1120(11)(e): This proposed rule would require that laundry facilities “provide for separate method for cleaning clothes that are contaminated with chemicals.” There are two problems with this proposed rule: First, “contaminated with chemicals” is not defined. Columbia Gorge Fruit Growers would interpret this to mean clothes worn by individuals who are chemical handlers, mixers, or applicators, and that it would not apply to workers who might be incidentally exposed to low levels of chemicals through entry into an orchard or other treated area after an appropriate re-entry period has passed. The agency’s intent in this regard should be clarified. In addition, during the RAC process, agency representatives suggested that the “separate method” could be satisfied by requiring employees to run a rinse cycle in an empty washing machine after cleaning contaminated clothing or by cleaning a utility sink basin after washing contaminated clothing. If correct, this should be clarified either in the final rule itself or by way of a binding program directive published along with the final rule.
- Proposed OAR 437-004-1120(12)(e)(B): This proposed rule provides that employers must provide “at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing, provide no less than two toilets if there are two or more occupants if the toilet facilities are common use; and ensure all toilets provide privacy.” At the RAC meetings, Columbia Gorge Fruit Growers understood a minimum of two toilets to be required *only if both genders were represented in the occupant group*. The proposed rule suggests, however, that

⁴ If the agency does not intend for a private shower stall itself to count as a private dressing area “in or adjacent to bathing facilities,” additional time for compliance with this proposed rule would be needed. In that case, the association would propose that the effective date be no earlier than January 1, 2028, for the reasons discussed in section 2, above.

there is a two toilet minimum even in situations where there are less than ten employees and they are all of the same gender (*e.g.*, where the occupant group is comprised of three men). As such, the two toilet minimum seems to be at odds with the 1:10 ratio when considering situations where there are fewer than 10 employees. To the extent this is correct, the association questions the reasonableness of the regulation as applied to low-occupant situations and/or questions the health/safety need for multiple toilets in a situation involving few occupants of the same gender.

- Proposed OAR 437-004-1120(18)(b): OR-OSHA has proposed a requirement for “additional protected food storage” in food preparation areas. What is meant by “additional protected food storage” is unclear. Columbia Gorge Fruit Growers interprets this to mean, *e.g.*, closable containers (such as “Tupperware” or OXO “Pop” containers) to hold dry goods or other foods. If the agency’s intent is for “additional protected food storage” to mean some sort of enclosed pantry space, the association would believe that to be unreasonable under the circumstances. At minimum, in that case, significant additional time would be needed to come into compliance with any such “pantry” type requirement.
- Proposed OAR 437-004-1120(16)(g): This proposed rule requires that mattresses be in a “fully enclosed cleanable cover.” Under the current rule, labor housing employers have used fumigation to clean mattresses between occupants. Fumigation has been deleted from the proposed rule, however, giving rise to the question whether it may still be used for extermination purposes in appropriate circumstances. Provided that the mattresses are within fully enclosed cleanable covers, are labor housing operators still permitted to use fumigation to accomplish pest control/extermination when needed?

Thank you again for the opportunity to comment on and solicit further clarification concerning the proposed agricultural labor housing rules. Should you have any questions about these comments, please do not hesitate to contact the association. Columbia Gorge Fruit Growers looks forward to future engagement with OR-OSHA on this ongoing rulemaking.

Best regards,

A handwritten signature in blue ink, appearing to read "Mike Doke", with a long horizontal flourish extending to the right.

Mike Doke
Executive Director
Columbia Gorge Fruit Growers



November 1, 2024

Department of Consumer and Business Services
Oregon OSHA
P. O. Box 14480
Salem, OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov

Dear Rules Coordinator:

On behalf of Harry and David, LLC and its subsidiary, Bear Creek Orchards, Inc. (collectively, “Harry & David”) please consider these comments regarding Oregon OSHA’s proposed changes to the Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120.

Harry & David is one of Oregon’s premier companies and an economic anchor in Southern Oregon. In addition to creating premium food and gifts, we are one of the primary agricultural producers in the Rogue Valley. As an employer, community member and food producer, the safety of our employees, our neighbors and our customers is a top priority. We therefore support rules that ensure that farm workers in Oregon have access to safe housing.

We urge OR-OSHA to carefully consider the costs, the challenges and the timing for implementing its proposed rules. In Harry & David’s case (as with many other growers), we provide comfortable and safe housing to our migrant workforce during the harvest and pruning seasons. As such, our housing is only used on a temporary, seasonal basis. We hope that you will consider the significant impact these proposed rules would have on temporary housing – which, for Harry & David, is only used each year for 4-6 weeks at peak capacity (during harvest), and for 12-15 weeks at partial capacity (during pruning).

Our comments below highlight some components of the proposed rule that will present significant costs or other challenges in modifying our existing housing. In some cases, we have proposed potential implementation dates that more closely align with the practical reality for making significant structural changes. A number of our below implementation date proposals also align with those proposed in comments submitted jointly by agricultural trade associations.

We also note that the federal Occupational Safety and Health Administration housing regulations do not apply to seasonal housing that was built before April 3, 1980. Instead, the Wage and Hour Division of the United States Department of Labor, which is responsible for conducting housing inspections under the Migrant and Seasonal Agricultural Worker Protection Act (“MSPA”), applies the Employment and Training Administration’s (“ETA”) agricultural housing regulations to MSPA-covered housing. (*See* 29 CFR 500.132, 20 CFR 654.400 et seq.) As indicated below, we suggest that OR-OSHA also apply the ETA agricultural regulations to MSPA-covered housing built before April 3, 1980, where applicable.

We offer the following comments in response to OR-OSHA’s Proposed Rule Changes to OAR 437-004-1120:

OR-OSHA Proposed Rule (Including OR-OSHA Proposed Implementation Date)	Harry & David Response
<p>Site Requirements:</p> <p>Provide one electrical outlet per occupant in sleeping areas. (OR-OSHA Proposed Implementation Date: January 1, 2026)</p>	<p>Adding electrical outlets to existing sleeping areas would require significant time and costs for planning, construction and permitting/approval. In the alternative, we request that OR-OSHA either:</p> <ol style="list-style-type: none"> 1) allow growers to meet electrical receptacle ratios using power strips instead of additional electrical outlets; <p>OR</p> <ol style="list-style-type: none"> 2) a) provide an exception for ETA-compliant housing that was constructed prior to April 3, 1980, per 29 CFR 500.132; <p>AND</p> <ol style="list-style-type: none"> b) for all other housing, extend the implementation date to <u>January 1, 2028</u>.
<p>Water:</p> <p>Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi). (OR-OSHA Proposed Implementation Date: January 1, 2026)</p>	<p>This new requirement is unnecessary and would involve significant costs, especially for facilities using domestic wells. Furthermore, the 2025 timeframe for implementation is far too short. Existing domestic well systems may not be equipped to meet the proposed requirements, and would require upgrades to wells, pumps and/or holding capacity.</p> <p>If this rule is implemented, we request that the implementation date be extended to <u>January 1, 2028</u>.</p>
<p>Bathing Facilities:</p> <ul style="list-style-type: none"> • Provide a private dressing area in or adjacent to bathing facilities that meets the needs of the occupants. (OR-OSHA Proposed Implementation Date: January 1, 2027) • Provide at least one locking shower stall ... for every 10 occupants. (OR-OSHA Proposed Implementation Date: January 1, 2026). 	<p>The requirement for a “private dressing area (...) that meets the needs of the occupants” is unclear and requires further definition. Also, even with additional clarity, these proposed rules will require significant time and costs for planning, construction and permitting/approval.</p> <p>If these rules are implemented, we request that the implementation dates be extended to <u>January 1, 2028</u>.</p>

OR-OSHA Proposed Rule (Including OR-OSHA Proposed Implementation Date)	Harry & David Response
<p>Laundry:</p> <p>Provide separate method for cleaning “contaminated” clothes from other clothes. (OR-OSHA Proposed Implementation Date: January 1, 2026).</p>	<p>“Contaminated” is not defined. For the purposes of clarity and compliance, the proposed rule should include a reasonable and clear definition of “contaminated”.</p>
<p>Living Areas:</p> <p>Provide 21 cubic feet of storage for each occupant or family unit. (OR-OSHA Proposed Implementation Date: January 1, 2026)</p>	<p>The proposed rule will reduce housing capacity, and the increased storage requirement should not apply to housing that is only occupied on a temporary, seasonal basis. At a minimum, we request that OR-OSHA provide an exception for ETA-compliant housing that was constructed prior to April 3, 1980, per 29 CFR 500.132.</p>
<p>Living Areas:</p> <p>Provide at least 50 square feet per bed in sleeping rooms with bunk beds. (OR-OSHA Proposed Implementation Date: January 1, 2027)</p>	<p>Increasing the square footage requirement will result in the loss of housing capacity. The proposed rule should not apply to housing that is only occupied on a temporary, seasonal basis. At a minimum, we request that OR-OSHA provide an exception for ETA-compliant housing that was constructed prior to April 3, 1980, per 29 CFR 500.132.</p> <p>If the exception is not allowed, this proposed rule will require major construction to either expand housing and/or build new housing in order to meet this increased square footage requirement and make up for lost capacity. In either case, the proposed rule would require significant time and costs for planning, construction and permitting/approval. It is unrealistic to expect that this could be achieved within two years.</p> <p>If the rule is implemented, we request that the implementation date be extended to <u>January 1, 2037.</u></p>

We appreciate OR-OSHA’s consideration of these comments.

Respectively submitted,



Edward E. Ford III
COO Gourmet Food Brands

From: [Ken Goe](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Purposed OSHA Labor Housing Rules
Date: Friday, November 1, 2024 3:55:59 PM

You don't often get email from kgoe1915@gmail.com. [Learn why this is important](#)

Hello,

I am Ken Goe, President of Gorge Orchard Enterprise. I am fourth generation farmer and our son is farming with us and he is the fifth generation to work the land and provide food for the world.

We currently grow pears, cherries and apples in the Hood River Valley.

We provide housing for 11 permanent year round employees and an additional 52 seasonal employees each year.

Our year round employees have growing families. They go to school here and are an important part of our unique community. We provide safe and secure housing for them. They are a part of our orchard family. Hopefully, they will be able to continue living here in the valley.

As you probably are aware, Hood River Valley is lacking housing for seasonal workers. Workers come to Hood River because we can provide housing for them while they are working. Hood River Valley is a tourist community with no low cost motels or even campgrounds to stay at.

An example would be with the proposed rules changes, our 52 employees would be reduced to 41 employees, losing 11 employees to housing. Farm families will be living in their cars and not have adequate hygiene and cooking facilities. Their safety and welfare will cause a burden to law enforcement and social services, taking away from the community needs. We will not be able to get our fruit picked in time, causing negative economic impact on not just us, but to the Hood River Valley community who depend on the orchard industry supplying employment.

Building any new labor housing for the loss of employees within the timeline ending 2027, will impact loss of jobs and relocation of employees and families. The expense will devastate farmers and will cause selling of precious orchard land. The smaller farmer will lose their land to larger corporate farm companies.

We strongly feel the current housing should be as the Federal OSHA ruling in 2022. Prior built housing before 1980 should be considered grandfathered in.

I feel that OR-OSHA needs to standardize the new housing requirements to match the federal standard for ag labor housing. This will secure housing to our employees who otherwise would not have a place to live.

When finalizing the draft of the ALH rules, please use our comments and concerns.

Kenneth Goe

President

Gorge Orchard Enterprise

M. Goe and Son, Inc.

3501 Ehrck Hill Road

Hood River, Oregon 97031

(541) 490-2310

County Commissioners

Kevin Cameron, Chair
Danielle Bethell
Colm Willis



Chief Administrative

Officer
Jan Fritz

MARION COUNTY BOARD OF COMMISSIONERS

October 31, 2024

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (OR-OSHA)
350 Winter St NE, 3rd Floor
Salem, OR 97301

Re: Proposed Amendments to Agricultural Labor Housing Rules and Their Potential Negative Impact on Marion County's Agricultural Community

Dear Oregon OSHA Rules Advisory Committee,

The Marion County Board of Commissioners writes to express our concern regarding OR-OSHA's proposed amendments to the regulations on Agricultural Labor Housing and Related Facilities. As representatives of a region where agriculture is not only a vital part of the economy but also a way of life, we believe the proposed rule changes could impose significant and unintended burdens on our local farmers, ranchers, their employees, and their families.

Marion County farmers and ranchers face existing land-use restrictions due to Oregon's Exclusive Farm Use (EFU) zoning, which limits the development of farmland and already imposes stringent requirements on agricultural operations. The removal of the "livestock care exemption" in OR-OSHA's proposed rule could add yet another layer of regulation that conflicts with these existing land-use laws, causing disruption and uncertainty for our agricultural community.

The Oregon Cattlemen's Association (OCA), which represents over 11,000 ranchers statewide, has voiced strong concerns that these rule changes would impose substantial barriers for ranchers who provide essential housing to their families and workers. Ranching and farming families often rely on proximity to their livestock for effective management and care, and providing on-site housing is not only affordable but essential, especially in rural areas where alternative housing may be miles away. For many of our farmers and ranchers, such housing arrangements are indispensable and align with longstanding practices that ensure the welfare of both livestock and the families who raise them.

Furthermore, the proposed rule, which broadly defines "livestock operations," would apply a 500-foot setback that could impact existing homes on farms and ranches across the state. Many of these dwellings were constructed in compliance with the current state and local codes and were legally permitted. **Grandfathering existing structures into the new rule could provide much-needed relief for those who would otherwise be subject to costly and unnecessary adjustments.**

The rule also lacks clarity regarding its application, particularly for personal dwellings owned by ranchers or farmers. As currently drafted, it's unclear whether these family homes would be subject to the same regulations as temporary labor camps, which federal law only applies in limited circumstances for safety reasons. Permanent on-site housing, built to code and occupied by

individuals with direct roles in ranch and farm operations, should not be unnecessarily subjected to these restrictions.

In addition to the concerns outlined, we believe the proposed regulations may inadvertently displace farmworkers by regulating their housing away. Agricultural labor housing is already limited, and further restrictions could drive up costs or make compliance unattainable for smaller farms. Without affordable, on-site housing, farmworkers who play an essential role in sustaining our agricultural economy could be forced to seek alternative employment or housing further from their workplaces, creating a strain on both employers and employees. As agricultural employers are increasingly challenged by labor shortages, restricting essential housing options may only exacerbate workforce availability, undermining Oregon's agricultural sector and displacing the very individuals who contribute to its success. We urge OR-OSHA to carefully evaluate the impact on farmworkers' housing security to ensure this vital workforce is supported, not hindered, by these proposed rules.

We strongly urge OR-OSHA to consider the unique needs of Marion County's agricultural community. Rather than applying an overly broad approach that may inadvertently threaten the housing security of agricultural families and workers, **we encourage maintaining the livestock care exemption and grandfathering existing agricultural housing.** Such considerations would safeguard housing options for those whose livelihoods depend on close, affordable proximity to their work.

Thank you for your time and consideration on this matter. We appreciate OR-OSHA's dedication to worker safety and urge you to amend the proposed rule to better reflect the realities of Oregon's agricultural community.

Sincerely,



Kevin Cameron
Chair



Danielle Bethell
Commissioner



Colm Willis
Commissioner

From: [Rich Kortge](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 4:10:11 PM

Dear Director Stapleton,

These proposed rule changes will play a big role in our agricultural workers lives and income potentials. If we are unable to house workers they will still want the work leaving them displaced. We have never had any complaints regarding the housing we provide as it is nice and sufficient. Not only do these rules effect the workers they will greatly effect the farmers and limit us in the work and food we provide for our communities.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Rich Kortge
2390 THREE MILE RD
THE DALLES, OR 97058
richkortge@gmail.com

From: [Tiffany Davis](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 4:10:14 PM

Dear Director Stapleton,

These proposed rule changes will inadvertently displace agricultural workers and ultimately affect their income potentials. These rules will also change the landscape of agriculture in Oregon and push small family farms out as compliance becomes more difficult. Our housing that we provide is adequate and nice housing.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms to reduce their housing capacity by 20-50%, forcing workforce shortages at the same time as the ag overtime threshold of 40-hours comes int

Sincerely,

Tiffany Davis
1716 E 12th St
The Dalles, OR 97058
tiffanydavis7635@gmail.com

From: [Dana Estensen](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 4:10:22 PM

Dear Director Stapleton,

As an ag employer, worker safety is very important to us. But regulations need to be reasonable. OR-OSHA's proposed ag labor housing (ALH) rule changes miss the mark in three areas: (1) the rules go far beyond federal OSHA's standard for safe and healthy workforce housing; (2) the cost of compliance far exceeds the ability of Oregon's farm and ranch families to pay for them; and (3) the timeline to phase-in the rules is not feasible. This proposed rule is unnecessary and could force many people working on dairies and other livestock operations out of their current homes.

OR-OSHA's proposal goes far beyond federal OSHA's standard for ALH and there are no measurable health or safety outcomes. OR-OSHA exceeds its authority by proposing to restrict where farms and ranches can raise livestock. Though OR-OSHA cited concerns with "bird flu", 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 one example is one of many provisions that should be eliminated from the proposal due to inadequate data, and OR-OSHA should align this provision and other overreaching provisions with federal OSHA.

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. These rules will force many farms 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.

OR-OSHA's timeline for implementation is unworkable, unreasonable and unaffordable. Letters to OR-OSHA from planning commissions highlight the challenge of remodeling or new construction within two years but the letters seem to have been disregarded. Agriculture does not have the ability to raise prices on their commodities to pay for the new requirements.

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. 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 proposed rules are NOT a compromise. There is no worker protection or safety justification for eliminating OR-OSHA's proposed removal allowing for housing near livestock. 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.

PLEASE protect housing for livestock and dairy workers and KEEP THE CURRENT LAW! Reject the elimination of the livestock exemption for ag labor housing.

Sincerely,

Dana Estensen
555 Loar Rd SE
Silverton, OR 97381
daesten@aol.com

From: [Sheryl Kuipers](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 4:10:23 PM

Dear Director Stapleton,

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms to reduce their housing capacity by 20-50%, forcing workforce shortages at the same time as the ag overtime threshold of 40-hours comes int

Sincerely,

Sheryl Kuipers
4030 HIGHWAY 101 S
TILLAMOOK, OR 97141
sheryl.kuipers@gmail.com

From: [Robin Froerer](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 4:10:24 PM

Dear Director Stapleton,

Please don't make changes above federal regulations, you are going to force the Oregon farmer out of business. By making these changes, we all want safety for workers. But I think you have went overboard. And forgotten common sense thinking.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Robin Froerer
661 Columbia Ave
Nyssa, OR 97913
rfroerer@gmail.com



November 1, 2024

Ms. Sarah Rew
Rules Coordinator
Department of Consumer and Business Services/ Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
OSHA.rulemaking@dcbs.oregon.gov

Re: Proposed update to Agricultural Labor Housing and Related Facilities rule, Division 4, OAR 437-004-1120

Dear Ms. Rew:

Thank you for the opportunity to provide comments in response to Oregon OSHA's ("OR-OSHA") proposed update to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120.

For the record, Oregon Farm Bureau Federation ("OFB") is the state's largest general agricultural association, representing over 6000 farm and ranch families across Oregon. We write to share significant concerns with OR-OSHA's proposed rules, which are neither economically feasible for employers nor practical. As proposed, the rules would negatively impact the lives of hundreds of farm and ranch families and the workers they employ.

OFB takes workplace safety very seriously. In 2001 OFB developed the FEELDS program ("Farm Employer Education & Legal Defense Service"), which focuses on helping farmers and ranchers understand and comply with state and federal regulations regarding labor and safety practices. Through education, resources and support, FEELDS empowers agricultural producers to meet requirements while maintaining sustainable operations. Ensuring compliance with these regulations is critical for promoting worker safety and avoiding costly penalties, making the FEELDS program an essential tool for the agricultural community in Oregon.

Part of OFB's service model is ensuring that members have access to FEELDS and other tools to support workplace safety and compliance. To that end, OFB supports pragmatic amendments to OR-OSHA's Agricultural Labor Housing ("ALH") rules that demonstrably improve workplace health and safety and are feasible and cost effective. However, many of the provisions proposed by OR-OSHA don't meet the

basic test of a measurable improvement to worker health or safety. The proposed rule lacks the science and data needed to support the numerous changes proposed to on-farm housing. Instead, employers are left wondering why OR-OSHA proposes modifications to existing housing so far in excess to regulations promulgated by federal OSHA, which were updated in 2022, or the federal ETA rules.¹²

OFB urges OR-OSHA to revise the proposed ALH rule to ensure that it does not lead to unintended consequences for employers or farm employees. Amendments should provide reasonable and fair implementation timelines, align with recent federal OSHA updates, recognize the federal ETA for pre-1980 housing, eliminate overreaching provisions related to livestock care, and clarify ambiguities which create unnecessary liability for farms. As drafted, the proposed ALH rules are unnecessarily expensive. It should be the goal of OR-OSHA to draft rules that are scientifically sound and financially feasible for its constituents. This proposal misses the mark.

Astronomical financial impacts to family farms and ranches

OR-OSHA assumes that farmers and ranchers who provide workforce housing will simply build more housing (or relocate structures) to comply with the reductions in housing capacity proposed in the rule. The agency acknowledges that there is a significant cost impact on farms, and in its rulemaking summary, OR-OSHA states that it plans to, *“provide technical assistance to support the Oregon Department of Agriculture in providing \$5 million in grant funds to growers for existing on-farm housing compliance with the rule change. In addition, a commitment to support additional funding for infrastructure improvements once the existing grant funding is exhausted.”* However, OR-OSHA cannot commit future Legislatures to funding its proposed changes, particularly when faced with a “cuts” budget. OR-OSHA’s plan to support additional funding does nothing to blunt the fiscal impact of these rule changes. Further, the \$5 million allotted by the Legislature in 2023 only applies to non-H-2A employers and is barely a drop in the bucket when considering that many farms face over \$1 million in compliance costs individually. Employers will be on the hook for the massive expense of complying with the rule, and OR-OSHA’s “plan” to advocate for additional future funds does not solve the cost equation today.

OR-OSHA’s proposal isn’t grounded in the economic reality borne by farm and ranch families in Oregon and will accelerate the loss of small and mid-sized farms. Many of these proposed modifications to the ALH rules will add significant costs to farms that have been operating at a loss for several years in a row. As was shared during the rules advisory committee (“RAC”) and fiscal impact advisory committee (“FIAC”), Oregon’s regulatory burden is very high compared to the rest of the country. Our members are becoming increasingly less competitive in the marketplace. According to the USDA, labor costs in Oregon are at least 70% higher than the U.S. average and have been for the last two decades. In 2022, net cash income for Oregon’s farm and ranch families was 67% below the national average,

¹ <https://www.dol.gov/agencies/whd/osha-housing-checklist>

² <https://www.dol.gov/agencies/whd/eta-housing-checklist>

and 69% of Oregon's farms reported operating at a net loss. These shocking statistics are not anecdotal but are reflected in the most recent National Agricultural Statistics Service survey.³ OR-OSHA is proposing modifications to existing ALH that many family farmers and ranchers will be unable to afford.

On-farm housing operators who are unable to afford to make the structural changes proposed by OR-OSHA will be required to reduce the capacity of the housing they provide seasonally to employees to comply. On-farm housing is the only OR-OSHA regulated and inspected housing in the state that is affordable, and in many circumstances free, to agricultural workers. For H-2A employers, housing is required, but for many farms, on-farm housing is offered as an incentive to recruit workers during the harvest season. Many communities across Oregon lack access to alternative, affordable housing, and seasonal farm workers will avoid the region altogether if free housing isn't available. Without sufficient workforce housing, this rule will reduce agricultural production, creating a workforce shortage for many subsectors of agriculture. For instance, increasing the floor space per occupant for sleeping rooms from 40 to 50 square feet will have an immediate impact of reducing available workforce housing across the state by 20-50%. Requiring hot and cold water for kitchen sinks will require electrical updates that are cost prohibitive, leading to an estimated reduction in housing capacity of 50% on some farms. This translates to a 50% reduction in workers during the critical time of harvest.

To summarize, OR-OSHA's costly proposal has economy-wide implications. Many workers already struggle to find housing, especially in areas like Hood River or Southern Oregon where the job market is strong, and the available housing market does not exist. To make matters worse, OR-OSHA's most cost-prohibitive provisions go into effect in 2027 – the same year as agricultural overtime reaches 40 hours – leaving farms scrambling to find housing for workers on order to harvest crops and get them to market. OR-OSHA is creating an impossible situation with these rules.

Phase-in amendments over a reasonable period

Many of the proposed modifications to current housing structures need a much longer on-ramp than just a few weeks or years. Some modifications will require major construction or remodeling which involves hiring contractors, obtaining permits, securing loans and passing inspections, all of which take time and capital. Local county planning departments have submitted comments describing how unrealistic the agency's proposed timelines are, and OFB echoes these concerns. OFB also has heard from employers in the mid-Willamette Valley who have conditions on their agricultural labor housing that disallow new construction or the substantial remodel of ALH. These operations will be unable to make any changes that require new construction due to local land use laws, and OR-OSHA must recognize that even with appropriate phase-in timelines, many of its proposed compliance options are not feasible due to local land use regulations or enactment of Senate Bill 85.

³ <https://www.nass.usda.gov/Publications/AgCensus/2022/>

OFB requests that significant structural modifications be phased in over a minimum period of 10 years, like the 2008 ALH amendments, so that on-farm housing providers have meaningful time to make the mandated modifications. This includes changes to square footage in sections 16 (k), which increase the square footage requirement in bunk rooms to 50 square feet from 40 square feet. If OR-OSHA decides to keep provisions in the final rule that exceed the federal OSHA standard (or federal ETA), those provisions should apply only to significant remodels or new construction, not to existing housing. In their comments on October 17, Pineros Y Campesinos Unidos del Noroeste noted that many of the proposed rule changes are “amenities,” and OFB agrees (particularly for those provisions that exceed the federal standard). However, we do not believe it is an appropriate use of agency authority to price farmers out of doing business in Oregon for the purpose of providing better amenities to employees. OR-OSHA’s authority is rooted in health and safety, and the final ALH rules and implementation timeline should clearly reflect that. Please refer to the attached coalition memo on phase-in dates for OFB’s comments on the issue.

Additionally, OR-OSHA’s proposal to enact ALH modifications on January 1, 2025, will take place during the middle of several H-2A contracts that begin in December 2024. Under the proposed rule, these employers will find themselves out of compliance with several rule provisions in January 2025, despite certification of their housing for H-2A in 2024 and occupancy of their housing in December. An employer who certifies housing for H-2A workers under one standard should not be subject to rule changes during the contract period, and OR-OSHA should provide farms with sufficient time to implement the proposal without disrupting contracts or the upcoming growing season. This principle should apply throughout the phase-in period of the rule.

Align with federal ALH standard

USDOL adopted rules in 2022, which updated standard for H-2A and seasonal workforce housing. OFB urges OR-OSHA to align its proposed ALH rule, where possible, with the federal ALH rule to minimize the fiscal burden on Oregon farmers and ranchers. OR-OSHA should reconsider the following provisions, which will create an uncompetitive regulatory environment for local farms if left unaddressed.

Electrical receptacle

During the FIAC process, Director Stapleton directed FIAC members to provide comments to the agency regarding OR-OSHA’s proposed language in section 6(j). OFB reiterates our request that the agency revise the language in section 6(j) to allow growers to meet the new electrical receptacle ratio with power strips instead of requiring the addition of an electrical receptacle for every two occupants to be added to sleeping rooms. The latter option is costly and not feasible in some units due to the age of the buildings or structural challenges. Currently, and as interpreted by attorneys, the rule does not allow for the use of power strips as a compliance option, despite clearly allowing power strips in the fiscal impact

statement. It is worth noting that, as drafted, this provision goes well beyond Oregon's electrical code and exceeds federal OSHA's standard in 29 CFR 1910.142(g) without a clear health or safety rationale. OR-OSHA should update language in the rule to reflect the fiscal impact statement. If that is not the agency's intent, then it should revert to the federal standard.

Water pressure

In section (7)(a), OR-OSHA requires water pressure to be no less than 20 psi, as opposed to 15 psi. Oregon Health Authority ("OHA") requires a minimum psi of 20 for water suppliers (defined as municipalities, districts, corporations or other entities which own or operate a public water system), but agricultural labor housing is not a water supplier, nor are farms. All other residential and commercial buildings in Oregon are required to provide a minimum psi of 15, as stated in Oregon Building Code (Oregon Plumbing Specialty Code, which mandates a minimum psi of 15 in section 608.1). OR-OSHA provides no justification for requiring ALH to provide a higher psi than all other residential and/or commercial buildings in Oregon, and it should revert to the original rule, which aligns with Oregon building codes. For context, federal OSHA simply requires "normal operating pressures" in 29 CFR 1910.142(c).

Toilets

OR-OSHA increases the toilet ratio to 1:10 for occupants without a direct nexus to health or safety in section 12(d)(A). OFB appreciates that OR-OSHA's proposal allows for the use of port-a-potties to meet the new standards, as opposed to requiring the addition of new, plumbed toilets. However, this compliance option comes at a cost to housing providers, and OR-OSHA fails to provide data to support the increase to toilet ratios. We reiterate our concern that OR-OSHA should not force family farms and ranches to incur costs simply because it can. In the absence of data that justifies the proposed mandate and associated expense, OR-OSHA should revert to the federal standard in 29 CFR 1910.142(d).

Storage

OR-OSHA should align with the federal minimum relating to storage requirements. Section 16(i)'s requirement of at least 21-cubic feet of suitable storage for each occupant or family isn't feasible in most ALH housing, as there often is not enough wall or floor space in bunk rooms to accommodate the proposed mandate. OR-OSHA should align the proposed rule with federal OSHA, which requires that sleeping rooms contain suitable storage facilities for clothing and personal articles (29 CFR 1910.142(b)). Anything beyond the federal standard will reduce a farm's ability to provide housing to workers and is not data driven.

Sinks

Section 18(b) requires substantial investment in sink infrastructure that many growers will be unable to afford. OR-OSHA significantly increases the handwashing sink ratio, which is currently 1:6, by proposing that kitchen sinks no longer are counted towards the handwashing sink ratio and requiring that kitchen sinks be

plumbed for hot and cold water. Section 18(b)(F) and section 10(a) unnecessarily prohibit kitchen sinks from counting towards handwashing sinks for the purposes of meeting the ratio of 1:6 handwashing sinks. For over 50 years, growers have made significant investments in housing in line with OR-OSHA regulations and building codes. They did so in good faith, and with this proposal, OR-OSHA makes a substantial amount of that infrastructure obsolete without a health or safety nexus. This proposal will reduce housing capacity for many operations across the state. OR-OSHA should align the sink ratio with the federal requirement in 29 CFR 1910.142(f): “Handwashing facilities are provided in the ratio of 1 wash basin per family shelter or 1 wash basin for every 6 persons in shared facilities.”

OFB believes Section 18(b)(F) should be eliminated. The requirement of “hot water” represents significant diversion from the federal standard in 29 CFR 1910.142(i), and for many older units, it is too costly to install water heaters due to limited electrical capacity. Also, this proposal is not based on science, as the CDC is clear that hot water is not necessary to remove germs during handwashing. In fact, according to the CDC, warm and cold water remove the same number of germs from your hands, “water itself does not usually kill germs; to kill germs, water would need to be hot enough to scald your hands.”⁴ This provision should be removed, as it is not based in science and mandates retrofits that require significant investments (or may not be feasible due to the age of the on-farm housing).

These provisions are overly burdensome and unreasonable. If the agency moves forward with either proposal related to sinks, they should apply new requirements to new construction only.

Screening

In section (18)(b)(L), OR-OSHA proposes rules far and beyond the federal standard without justification. OR-OSHA adds a new requirement that beginning January 1, 2027, cooking facilities must be in buildings or shelters that are enclosed or screened to prevent infestation by any animals or insects. The layout of many existing outdoor kitchens on cabins prevents screening in the way envisioned by the rule. Federal OSHA only applies screening to common use cooking areas in 29 CFR 1910.142(b), but OR-OSHA goes a step further to require screened cooking areas in every cabin and housing unit, even where the layout of the space is not feasible. OR-OSHA shouldn’t force family farms to incur costs simply because it can. Screening requirements should align with the federal standard. As drafted, this provision is not reasonable.

Disease reporting

OR-OSHA overreaches in section (18)(b)(J) and section (20) by assigning farm and ranch families the same responsibilities as health care providers in Appendix A. How does an individual who is untrained in health care “know” when a disease is no longer communicable in section (18)(b)(J)? And even more alarming, how should farm employers comply with section (20): “*Disease Reporting. In accordance with*

⁴ <https://www.cdc.gov/clean-hands/about/index.html>

mandatory Appendix A of this rule, the operator must comply with the Oregon Health Authority's OAR 333-018-0000: Who Is Responsible for Reporting and OAR 333-018-0015: What Is to Be Reported and When?" There is no reference to farms or farm employers in the OHA rule in Appendix A, so it is impossible to know what our members would be responsible for reporting and what administrative procedures farmers – with no health care license – would be required to create and implement. Our members cannot and should not be responsible for determining an individual's disease status, nor can we ask a licensed health care provider to share HIPAA-protected information after examination. OR- OSHA should eliminate Appendix A and align disease reporting requirements with federal OSHA in 29 CFR 1910.142(l). This provision is not reasonable.

Farm and ranch families built worker housing to the existing requirements at the time; they did so with an expectation that the state would recognize the investment they made to build compliant housing. It is unfair and punitive of OR-OSHA to propose such a substantial increase in sinks and other infrastructure and amenities and provide growers with only two years to comply. Existing housing should be legacied into this proposal, if these provisions are to remain, and OR-OSHA's rules should apply only to significant remodels or new construction. This is especially the case as OR-OSHA failed to provide a clear health and safety justification for the proposed amendments above.

Recognize federal ETA standard

OFB urges OR-OSHA to recognize legacy ALH housing constructed prior to 1980, as allowed by the U.S. Department of Labor under its ETA standard.⁵

OR-OSHA significantly departs from U.S. Department of Labor ("USDOL") by eliminating the legacy recognition of older housing in section 16(i) and (j). USDOL provides a separate compliance pathway for ALH that was constructed prior to 1980 – ETA housing (29 CFR 500.132). The ETA housing standard recognizes the challenges posed by older construction and sets a separate safety standard for pre-1980 constructed housing. Specific to square footage ratios, the ETA allows housing providers who have made historic investments to continue to provide 40 sq. feet per occupant for double bunks and 60 sq. feet per occupant for combined living areas. This standard continues to apply federally, despite federal OSHA's ALH rule updates in 2022. Sections 16(i) and (j) should maintain their reference to the ETA (and update it to reflect the federal ETA qualifier of pre-1980 housing), which is the separate standard for older construction that is recognized by USDOL. The U.S. Department of Labor recognizes the value of older housing, and OR-OSHA should too. As drafted, OR-OSHA's ALH rule all but guarantees the closure of multigenerational family farms due to an inability and/or expense of remodeling these older homes.

Remove expansive livestock-related provisions

⁵ <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-500/subpart-D/subject-group-ECFR4daf5023ad4b415/section-500.132>

In section 6(h), OR-OSHA proposes that labor housing cannot be located with 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties. OFB encourages OR-OSHA to review the legal memo prepared by Tonkon Torp regarding the proposed regulation of livestock operations to better understand the detrimental impact the agency's proposal would have on livestock producers and workers. Specifically, OR-OSHA should not apply the ALH rules to permanent housing, as federal OSHA's rules apply specifically to temporary, seasonal worker housing and H-2A employee housing. It should be noted that OR-OSHA's own ALH enforcement registry excludes permanent housing.⁶

OFB is concerned about the proposed scope of this provision, which is much broader than the federal standard. OR-OSHA's definition of livestock operations is overreaching, and as drafted, it would prohibit farm families from raising animals for educational purposes, such as 4-H and FFA, since livestock operations are broadly defined in section (4)(h) as: *"any place, establishment or facility with pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards..."* OR-OSHA's far-reaching rule puts rural families in an impossible position; either they can provide housing to workers, or their children can raise animals. This seems unfair to rural Oregonians and out of touch. We encourage the agency to step back from this provision due to its consequences on farm and ranch families.

Finally, the amendment in section 6(h) directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized. Neither OR-OSHA, nor any other state agency or local government, is allowed to regulate or eliminate an outright permitted use on agricultural lands. Further, OR-OSHA Director Stapleton shared in the initial fiscal impact advisory committee meeting that OR-OSHA included the provision in the rules due to the risk of bird flu. The OHA and Oregon Department of Agriculture ("ODA") have confirmed that the current risk to the public from HPAI is very low.⁷ As recommended above, OR-OSHA should eliminate this amendment and instead focus on safety measures with scientific and documented health and safety benefits.

Address liability concerns

OR-OSHA should add back the verbiage, "major fraction thereof," in sections referencing calculating the ratio of laundry machines, toilets, and sinks to prevent employers from purchasing additional equipment for very minor overages. For example, if the ratio is 1:30 for a washing machine, a second machine should only

⁶ [DCBS - Report Catalog \(state.or.us\)](https://dcbs.state.or.us/report-catalog)

⁷ <https://www.oregon.gov/oha/ph/diseasesconditions/communicabledisease/diseasesurveillancedata/influenza/pages/avian-influenza.aspx#:~:text=The%20current%20risk%20to%20the%20general%20public%20from%20HPAI%20is%20very%20low>

be required when the number of employees exceeds a significant fraction of 30, not for minor increments like 31 employees. This should be applied throughout the final rule, as it was in previous ALH rules.

Section (6)(c) requires housing sites be “free from depressions in which water may become a nuisance.” OFB requests that OR-OSHA define the threshold for “nuisance” in this section and not leave that interpretation to the subjectivity of a compliance officer. Also, sections (5)(b)(B) and (5)(c)(C) change the threshold for registration and compliance from “substantially in compliance with all applicable safety and health rules” to “free from all hazardous conditions.” The new standard is subjective and could apply to any hazard that is perceived by an agency representative. OR-OSHA should revert back to the threshold of “substantially in compliance with all applicable health and safety rules” or at a minimum connect its authority to “health and safety rules” as opposed to imposing liability for “all hazardous conditions,” which are not necessarily within the agency’s purview.

Additionally, OFB requests clarity on the process to “decontaminate” washing tubs and machines in section (11)(e): *“Beginning January 1, 2026, all laundry facilities must provide for separate method for cleaning clothes that are contaminated with chemicals; some examples could include using multiple tubs, trays, or running clothes in separate wash cycles, or sending out the contaminated clothing for commercial laundry.”* What does it mean for an article of clothing to be contaminated? Most employees are not allowed in treated areas until the Re-entry Interval (“REI”) is concluded. If an employee enters an REI, is their clothing considered contaminated? Is this rule specific to pesticide handlers and applicators? There needs to be a clear regulatory standard here. OR-OSHA should first determine the definition of “contamination” and then point workers and housing operators to scientifically supported protocols to address that specific risk. Other considerations include the formulation (i.e. emulsifiable concentrates, granulars, and wettable powders, among others) and concentration of the pesticide. The EPA-approved label is a good reference point, and much of the risk is addressed by the Worker Protection Standard.

To summarize, OFB urges OR-OSHA to revise the proposed rules to ensure that the phase-in timeline is achievable to avoid creating a workforce shortage for farms that cannot meet the 0-, 1- or 2- year timeline proposed in the rules. As drafted, this proposal is unnecessarily punitive against farm and ranch families, requiring operations who provide affordable, temporary workforce housing to spend hundreds of thousands or millions of dollars to employ and house the same number of workers in 2027 as they do today. That’s not an appropriate use of agency power, and it will make it difficult for small family farms to continue to operate in Oregon.

OFB also urges OR-OSHA to align its proposal more closely to the recently updated federal standard for ag labor housing. Most of the provisions outlined above are prohibitively expensive because OR-OSHA proposes rules that go so far beyond the federal OSHA standard and federal ETA for pre-1980 constructed housing. By

taking this approach, OR-OSHA loses the connection to worker health and safety and seems to be proposing rules just because the agency believes it can. This proposal is not a compromise. These regulations go far beyond the federal standard, seemingly without concern for the financial impact on multigenerational farms and ranches in Oregon or the impact on workforce housing. OR-OSHA also should clarify language where it imparts unreasonable liability on its constituents.

OFB respectfully requests that OR-OSHA incorporate these concerns into the final ALH rule amendments. As drafted, this proposal jeopardizes workforce availability since it renders a significant amount of existing ag labor housing unusable.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be 'JD' followed by a long horizontal stroke.

Jenny Dresler
Oregon Farm Bureau Federation



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ASSOCIATION OF
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TO: OR-OSHA
osha.rulemaking@dcbs.oregon.gov

RE: Ag Labor Housing Rules

FR: Columbia Gorge Fruit Growers
Oregon Farm Bureau
Oregon Dairy Farmers Association
Oregon Business & Industry
Oregon Association of Nurseries
Oregon Cattlemen's Association

October 25, 2024

On behalf of the above agricultural organizations, we offer the below comments specific to implementation dates for various components of the Ag Labor Housing Rules. Please refer to our substantive comments for each of the sections, however, we ask you rely on the below proposed timelines in red for each of these rules to take effect. Growers and farmers across Oregon need meaningful time to bring housing in line with these new proposed standards. Some will take longer than others; and frankly some are just not feasible at all and flagged as such. At a minimum, the baseline for all rules must be no sooner than July 1, 2025. If rules are adopted this winter as is expected, we need time to complete a grower season, existing contracts, and just general logistics of identifying, hiring and affording the remodeling and on-farm changes needed to come into compliance.

OR-OSHA Proposed Rule Implementation Dates	Agricultural Groups Requested Implementation Dates
Charging Occupants Clarify the list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool water (pay-per-use toilets, pay-per use bathing facilities, or any other method of paying for individual service requirements are currently prohibited). Coin-operated laundry would remain an option for employers to use as a supplement so long as the minimum laundry requirements required by the rule are provided for free.	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.

Implementation: January 1, 2025	
Definitions Do not count privies toward toilet ratios (currently counted in toilet ratios). Implementation: January 1, 2026	Implementation: No recommended change
Housing Registration Remove exception that housing provided for non-food crops were not required to register (current registration applies only to crops harvested for food). Implementation: January 1, 2025	Implementation: January 1, 2026
Housing Registration Require sites in initial registration to have no hazardous conditions (registration is currently provided when site is substantially in-compliance). Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Housing Registration Submit water testing results to Oregon OSHA with annual registration application (no current requirement). Implementation: January 1, 2025	Implementation: January 1, 2026 To allow time to find accredited laboratories for water testing, complete testing and receive results in time for registration renewal, agricultural operations need at least 1 year to cycle through annual registrations with this new requirement to ensure there is no interruption in housing registration.
Site Requirements <ul style="list-style-type: none"> • Clarifies that structures to be free from nuisance materials and have adequate drainage. • Housing sites must be well-drained and free from depressions in which water may become a nuisance. • Require secure storage of toxic materials used for work activities 30-feet from any housing. • Clarifies the need to provide adequate exterior/walkway lighting to common use facilities at night. • Ensure forks, driveways, buildings, and housing units are properly marked. Implementation: January 1, 2025	Implementation: January 1, 2026 Agricultural operations need at least 1 year to cycle through annual registrations with these new requirements to allow time to address necessary changes and to ensure there is no interruption in housing registration.
Site Requirements Remove livestock care exception.	Implementation: Not feasible as currently drafted.

Implementation: January 1, 2026	This directly conflicts with ORS 215.253, and it should be removed before the proposed rule is finalized. Neither OR-OSHA, nor any other state agency, are allowed to regulate or eliminate an outright permitted use on agricultural lands. The Oregon Health Authority has confirmed there have been zero HPAI detections in Oregon dairy cattle, and the current risk to the general public is very low. There is no threat to health and safety and therefore no justification for this new requirement.
Site Requirements Provide one electrical outlet per occupant in sleeping areas Implementation: January 1, 2026	Implementation: January 1, 2028 OR-OSHA has verbally stated that power strips will be allowed to satisfy this rule but that they “have no intention of including that in the rule language.” If the ability to use power strips to satisfy this requirement is not codified in final rules, this requirement needs a longer effective date due to infrastructure changes required for construction and electrical work to install additional wall receptacles.
Water <ul style="list-style-type: none"> • Water supply must be tested by an accredited laboratory when not from a public water system. • Add arsenic and nitrates to well water testing frequency for all wells provided as part of employee housing. • Post water testing results in language of occupants or pictograms. • Clarifies that per occupant potable water requirements do not include the requirements for other rules, for example, heat illness prevention or field sanitation. Implementation: January 1, 2025	Implementation: January 1, 2026 Housing operators need clarity that accredited labs exist within a reasonable distance and that OR-OSHA has provided a template for providing testing results in pictogram form; depending on this information, this requirement may need additional time beyond January 2026.
Water Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi) Implementation: January 1, 2026	Implementation: Not feasible as drafted. Oregon Health Authority requires a minimum psi of 20 for <u>ONLY</u> water suppliers (defined as municipalities, districts, corporations or other entities which own or operate a PUBLIC water system). Ag labor housing is not a water supplier. All other residential and commercial buildings are required to provide a minimum psi of 15, as stated in Oregon Building Code (specifically, Oregon Plumbing Specialty Code, which mandates a minimum psi of 15 in section 608.1). There is <u>NO justification</u> for requiring us to provide a higher psi than all other residential and/or commercial buildings in Oregon.

Bathing Facilities Provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants. Implementation: January 1, 2026	Implementation: January 1, 2027 Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.
Bathing Facilities Provide a private changing room for a shower area that meets the needs of the occupants. Implementation: January 1, 2027	Implementation: January 1, 2028 Many bathing facilities do not have the space to create private changing areas. To expand bathing facilities to make room for private changing areas, major construction may be needed. Additional time is necessary for the planning, permitting and construction process.
Hand Washing Facilities Provide paper towels near the sink or basin with a trash receptacle nearby. Implementation: January 1, 2025	Implementation: July 1, 2025 Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.
Hand Washing Facilities Handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment. Implementation: January 1, 2027	Implementation: January 1, 2037 A ratio tied to occupants is not feasible, especially when other sinks do not count toward the requirement. If this remains in the final rule, housing providers need at least 10 years for implementation due to the infrastructure changes: construction, installation of plumbing, etc.
Laundry Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided. Implementation: January 1, 2026	Implementation: No recommended change
Laundry Provide separate method for cleaning contaminated clothes from other clothes. Implementation: January 1, 2026	Implementation: Need additional clarity We need additional clarity on how OR-OSHA defines “contaminated.” Most employees are not allowed in treated areas until the Re-Entry Interval is concluded; does entering an area after an REI count as “contaminated”? Until clarity is provided and codified in final rule, we cannot provide a feasible implementation timeline because we will not know the extent to which a separate method will be needed.
Toilets	Implementation: July 1, 2025

<p>Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets.</p> <p>Implementation: January 1, 2025</p>	<p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Toilets</p> <p>Require a 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Installing additional toilets (with the construction, plumbing and septic work that goes with it) requires more than one year.</p>
<p>Showers</p> <p>Provide solid doors for shower compartments.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2027</p> <p>Attaching doors to already-existing shower stalls with curtains will require contractors to retro-fit doors. This will require additional time, especially when considering that many housing operators will need to retro-fit doors onto multiple shower stalls at various locations.</p>
<p>Toilets</p> <p>Locate privies (e.g. an outhouse) more than 200 feet from facilities.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p> <p>This implementation should apply to newly constructed privies; any new privies should be located 200+ feet from facilities.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Clarify that living areas must be “structurally sound” (currently must be safe and in good repair). Remove cots as an allowable bed option. Require mattresses to be at least 4 inches thick. Add safe access to the top bunk such as ladders or stairs. Prohibit workers from sleeping in the same bed if that is not their preference. Provide cleanable mattress covers. Prohibit fumigation as a mechanism to clean mattresses. <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2026</p> <p>To allow housing providers time to plan and save funds to replace cots, purchase new mattresses, and especially for the larger project of constructing stairs or ladders for safe access to top bunks, additional time is needed.</p>
<p>Living Areas</p> <ul style="list-style-type: none"> Use chemicals in accordance with label for insect/rodent control. Require notification of the availability of a space heater (no current requirement). <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Living Areas</p>	<p>Implementation: January 1, 2028</p>

<p>Explicitly require gas burners to vent outside.</p> <p>Implementation: January 1, 2026</p>	<p>The infrastructure changes required to install ventilation systems will require more time than is currently proposed.</p>
<p>Living Areas</p> <p>Provide lockable storage for personal effects.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: No recommended change</p>
<p>Living Areas</p> <p>Provide 21 cubic feet of storage for each occupant or family unit.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: Not feasible as drafted</p> <p>The amount of storage proposed is not a reasonable or realistic amount; there is not enough floor space (for dressers, wardrobes, etc.) or wall space (for wall shelves) to accommodate this amount of storage space per person. This requirement far exceeds the federal requirement that “sleeping rooms contain suitable storage for clothing and personal articles.”</p>
<p>Living Areas</p> <p>Provide at least 50 square feet per bed in sleeping rooms with bunk beds.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>The major construction to expand housing to create additional square footage and/or build new housing to make up lost capacity will require time for planning, permitting, construction, installation of electrical/plumbing/septic systems, etc. Expecting this to be completed in only 2 years is unreasonable and unrealistic.</p>
<p>Fire Protection</p> <p>Install carbon monoxide detectors.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <ul style="list-style-type: none"> • Provide refrigerator capable of maintaining 40 degrees. • Provide adequate and protected food storage area. <p>Implementation: January 1, 2025</p>	<p>Implementation: July 1, 2025</p> <p>Due to the rules being finalized at the end of 2024 and providing a maximum of a few weeks for implementation, the baseline for all rules should be no sooner than July 1, 2025.</p>
<p>Kitchens</p> <p>Provide 2 cook burners per 8 occupants or 2 family units, whichever is more.</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: January 1, 2028</p> <p>Due to the large infrastructure changes required for providing additional cooking appliances (and therefore additional space and electrical capacity in cooking facilities), more time is needed for planning, permitting, construction, etc.</p>
<p>Kitchens</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p>

<p>Provide plumbed sinks with hot and cold water near food preparation area.</p> <p>Implementation: January 1, 2027</p>	<p>This requirement goes far above the federal OSHA requirement and should only apply to new housing. If implemented in the final rules, it will be very difficult to achieve in the short timeframe proposed. Given the need to install sinks, water heaters, upgrade electrical capacity and possibly remodel to create additional space for sinks and water heaters, this is a more long-term project</p>
<p>Kitchens Provide kitchens that are enclosed/ indoors or screened.</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: Should apply to new housing; for current housing, January 1, 2037</p> <p>This requirement goes far above the current federal requirement with no justification for doing so. It should apply to newly constructed or majorly remodeled housing only. If applied to current housing, housing providers need additional time for the major construction required to enclose outdoor kitchens.</p>
<p>Kitchens Do not count sinks in toilet rooms toward sink requirements in</p> <p>Implementation: January 1, 2027</p>	<p>Implementation: January 1, 2037</p> <p>All sinks should count toward the sink requirement rather than separating them. If this remains in the final rules, housing providers will need a much longer timeline (10+ years) for construction, installation, electrical/plumbing/septic system work needed.</p>
<p>Heat Illness Prevention Maintain indoor temperature of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees.</p> <p>Implementation: January 1, 2026</p>	<p>Implementation: January 1, 2028</p> <p>HVAC systems and/or mini-splits will be necessary to satisfy requirement. Housing providers will need at least 3 years for planning, installation, and electrical capacity upgrades. This requirement should be dependent on grant funding available.</p>
<p>Elimination of pre-1980 housing allowance Eliminates allowance for pre-1980 housing to provide occupants with 60 ft² and requires 100 ft²</p> <p>Implementation: January 1, 2025</p>	<p>Implementation: Not feasible as drafted</p> <p>This requirement needs to align with the federal standard, which allows for the legacy housing allowance without a change in square footage required per occupant. Federal rules recognize a separate standard for pre-1980 housing, and Oregon should as well.</p>
<p>Disease Reporting Align disease reporting with the Oregon Health Authority's (OHA) most current rules. The text of the referenced OHA rules is in the newly created Appendix A.</p>	<p>Implementation: Not feasible as drafted</p> <p>While we understand that this is not a new provision, and that disease reporting relates to employee safety and health, this rule places an unreasonable burden on non-medical employers to take action that is well outside their areas of expertise. To the extent any</p>

<p>Implementation: January 1, 2025</p>	<p>communicable disease rule is needed, OR-OSHA should consider instead adoption of a simple rule such as that laid out in the federal standards at 29 CFR 1910.142(/). A simple rule such as that is reasonable. A rule suggesting that labor housing employers should have some sort of highly specialized knowledge of specific communicable diseases and when a disease might be a “suspect case” under regulations applicable to healthcare providers is not.</p>
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Worker Advocate Comments on “Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities”

November 1, 2024

Dear Administrator Stapleton and Oregon OSHA,

Thank you for the opportunity to provide comments on the “Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities” regarding OAR 437-004-1120. Oregon must ensure that farmworkers and their families have access to safe and healthy on-farm housing. We appreciate Oregon OSHA’s commitment to strengthening farmworker housing rules. We support the improvements in these proposed amendments. We wish to see all agencies in Oregon providing services to farmworkers join together consistently and bring their area of expertise to the collaboration. Farmworkers and the future generations of this state will suffer if we do not have organized and timely agency collaboration.

Farmworkers are essential members of Oregon’s communities. Oregon depends on these workers to help grow and process food and other agricultural products throughout the state. Farmworkers are also parents, neighbors, community leaders, and consumers. Many of these workers live in on-farm Agricultural Labor Housing. Employers economically benefit from providing housing to workers by having a ready workforce immediately adjacent to the crops needing to be picked. See *Bobadilla-German v. Bear Creek Orchards, Inc.*, 641 F.3d 391 (9th Cir. 2011).

Farmworkers are people of all ages, with the average age increasing. Some live in on-farm housing for short periods. Others live in on-farm housing year-round. Many workers travel with their children served by Oregon’s many migrant Head Start and other migrant education programs. Some of the children living in the migrant housing also work in agriculture. Children can harvest as young as 12 years old. Many workers and their families migrate from within Oregon. Others come to Oregon from California, Arizona, and other states and countries. Some workers and their families have migrated to Oregon for decades.

A substantial percentage of Oregon’s agricultural workers are Spanish-speaking and from Latine communities. Many workers speak MesoAmerican languages like Mixteco and Mam. Any gaps in labor camp housing protections disproportionately and adversely impact people of color communities. The catastrophic impact of the pandemic and chronic health disparities faced by these communities will only be compounded if gaps in protections against serious threats to workers’ health, like pesticide drift or indirect exposure, high heat, smoke, overcrowding, and lack of access to sanitary and hygienic food preparation areas, sinks and toilet facilities are not adequately addressed.

Labor camp occupants have shared their priorities on improvements and waited decades for comprehensive improvements. We support OR-OSHA’s proposed regulations that improve conditions. We urge OR-OSHA to not only adopt the changes it proposed but seriously

consider strengthening the proposed regulations without further delay so that workers and their families can live and rest in places that are safe and not cause or threaten to cause them harm. We appreciate that many of the components of the proposed rule attempt to move toward this goal, but are concerned that the proposed changes to OAR 437-004-1120 fall short in several key areas that farmworkers have prioritized and where science agrees with them. We detail our support and concerns below.

Gap: Inadequate Reduction of Pesticide Exposure

One of the areas in which the proposed regulation fails to protect workers is the standards regarding pesticide application and drift. The Worker Protection Standard applying to on-farm housing is insufficient. At this time, many tree canopies sprayed with pesticides literally touch labor camp housing walls and roofs. Many others are within 50 feet or less of occupied labor housing, clotheslines, sinks, tables where families eat, and areas where workers store kids' toys. This is compounded by inadequate requirements for measuring and protecting against the extent to which pesticide residue may enter camp housing through window, door, and wall seams.

One of the safest ways to reduce pesticide exposure is to require a minimum distance between camp facilities and trees sprayed with pesticides. While we understand that operators may need time and resources to reconfigure camp locations, keeping workers and their families safe from known dangers requires such actions. We again request that Oregon OSHA require a setback of at least 300 feet between housing and fields regularly sprayed with pesticides while the labor camps are occupied. If such a setback is not included, we ask that aerial and air blast application of pesticides not be allowed within 300 feet of housing. The application within 300 feet would need to be done manually or at least by more controlled methods than airplane and air blast applications. Aerial application is often the method given the topography of concentrated agricultural areas in fields between mountainous areas or the hills. This type of application is most problematic based on the agencies' own records. In such applications, the accuracy of targeted spraying can be compromised. We consistently hear of pesticide exposure from farmworkers at labor housing. This is farmworkers' top concern. These rules do little to address those grave concerns.

Something needs to be done to address the likelihood of repeated exposure to toxic pesticides at labor housing in Oregon. The current AEZ provisions in Oregon under the WPS standard are inadequate and leave workers exposed to pesticides in the fields and in their homes. Workers are required to "shelter in place" or walk out to await the sprayer to go by and then go through the areas with a high potential of indirect drift back to their room. The AEZ was never contemplated for circumstances in which workers and their children live in the orchards being sprayed. Housing is different here in Oregon. We need to have this issue specifically addressed as part of a comprehensive approach to labor camp safety. These issues are concretely within the jurisdiction of OR OSHA. The fact that other agencies have a role does not diminish the need for OR OSHA to address its responsibility.

Gap: Need for More Community-Based Housing for Migrant Workers

We ask OR-OSHA and the state of Oregon to look beyond strengthening agricultural labor housing standards and support increasing community-based housing for migrant agricultural workers. Workers often prefer community-based housing. On-farm housing is often isolated from community, commercial, and recreation centers. Employers have a high level of control over occupants in on-farm housing. Workers' movements and guests are often closely monitored. Community-based housing allows workers and their families greater access to services and community life and allows workers to work for different employers and/or leave an abusive employer. We understand many growers would join in supporting this request for additional state funding support for community-based migrant housing for workers and their families at low or no charge. If strategically located, such housing can support multiple rural communities.

Comments on Specific Provisions

I. Exclusions (Section 2)

Increasingly, agricultural employers are housing workers in motels. Some housing operators and employers try to avoid compliance with labor housing rules by arguing that such facilities provide similar housing on a limited commercial basis, leaving workers with inadequate housing. The proposed change in this section will help to clarify the intent and ensure that housing in motels will ONLY exempt those facilities operating "commercially on a regular basis" and provide the same terms to workers such as access to laundry machines, breakfast or kitchenettes, and recreation areas where available.

II. Charging Occupants for items (Section 3)

We support OR-OSHA's proposed explicit prohibitions on charging occupants for items such as toilet paper, soap, and laundry facilities.

III. Definitions (Section 4)

We have several requests that OR-OSHA clarify definitions of terms to ensure and encourage compliance as indicated in the section related to the substance of the protection. We have made suggestions in various sections below regarding additional definitions we suggest.

IV. Site Requirements (Section 6)

We support OR-OSHA's proposed requirement that camp operators keep the grounds "free from the nuisance of" various substances and that sites are well-drained and free from depressions. We also support the proposed obligation to store toxic materials in locked and secure locations to ensure that children are kept safe.

We further support prohibiting labor housing within 500 feet of livestock operations. (Section 6)(h). This is necessary to be at least as effective as federal regulations and to keep workers safe. See 29 CFR 1910.142 (a)(2). Recent outbreaks of infectious diseases related to animal production support maintaining at least this distance.

We support the proposed regulations requiring operators to properly mark the road forks between public roads and labor camp housing and each building and unit. This is necessary to allow emergency vehicles, such as ambulances, to arrive promptly and without unnecessary delay, directly from the road to the camp and to the particular unit if an occupancy needs emergency assistance. (Section 6(p))

OR-OSHA's proposed regulations to require at least one outlet for every two occupants recognize the common, modern usage of cell phones and other electric items that need to be plugged in. (Section 6(j)). Workers and their families must have access to working cell phones for their safety. Often, other appliances and fixtures share the same outlet where cell phones charge. Many labor camps do not have an accessible landline for the workers and workers' cell phones assuming they can have reception are their only connection possible. Cell phones are used not only for communication with family and friends but often also to receive emergency and hazard notices including AEZ notices.

V. Water Supply and Testing (Section 7)

Farmworkers and their families, like all of us, need ample, safe drinking water. Many workers express concern that the water at labor camps is unsafe because of its color, odor and taste, which doesn't even include hazards that cannot be tasted. Many workers have complained of having felt sick and even sought medical attention for illnesses they understood to have been caused by drinking water at the labor camp. They also express concerns about the effects of long-term exposure to harmful pollutants in their drinking water. Their worry about the quality of the water can contribute to chronic stress. Many workers use part of their very limited income to purchase bottled water because of these worries. Some of the worry is caused by the inability to understand test results. For these reasons, improvements regarding water supply, testing, and communication are required.

We support OR-OSHA's proposed regulations to:

- Require testing of water (except for water coming from a public water system) for arsenic, E coli, total coliform, and nitrates (7)(b);
- Require camp operators to post results visually or in language occupants use (7)(b)(C);
- Increase psi requirements to ensure that water pressure is adequate to wash off pesticide residue and meet basic needs (7)(a).
- Clarify that ample potable water supply for occupants is in addition to water requirements for other regulations (7)(c).

We ask that the regulations be strengthened in the following ways:

- Require testing of total coliform, E coli, and nitrate during occupancy as that is the time when the water systems must be operating adequately to provide safe drinking water to occupants. We request OR-OSHA to require testing for total coliform, E coli, and nitrates two times - once before occupancy and once during occupancy, and possibly, additional times after certain events, like flooding.
- Require a higher psi than 20 and do not allow operators to have systems that supply less than 20 psi. Most building experts suggest an ideal water pressure of 40 to 60 and OSHA requires at least 30 psi for safety showers. These showers serve a similar function to safety showers and should have the same requirement for strong water pressure.
- Require more than 35 gallons of water per day per occupant. A brief shower required to wash off pesticide residue will exhaust that amount within a couple of minutes.

VI. **Bathing Facilities (Section 9)**

Workers need adequate, private shower facilities for safety and health. We support requiring operators to “provide a private dressing room “in or adjacent to bathing facilities that meet the needs of the occupants.” We also support the requirement to require locking shower stalls. We urge OR-OSHA to require that EACH shower stall have a locking mechanism. We also urge OR-OSHA to further narrowly define “adjacent” to ensure that the goal of providing privacy is met.

VII. **Laundry Facilities (Section 11)**

Farmworkers and their families need to clean their clothes. Workers must present for harvest each day with fresh clothes at the request of their employers working to comply with Good Agricultural Practices. Agricultural workers often work seven days per week during the season. If machines are not provided at the labor camps, workers often take precious rest time to travel to town and wait and pay to use machines at laundromats. OR-OSHA’s proposed laundry regulations do not adequately protect workers. They give camp operators the option to either provide laundry machines or laundry tubs. Both options involve inadequate ratios, even if workers do laundry once each week. If workers do laundry between the hours of 5 pm to 8 pm each evening, conservatively taking one hour for each worker, there are inadequate facilities whether the operator provides machines at 1:25 or laundry tubs at 1:30. (Section 11(a)).

We ask OR-OSHA to strengthen the proposed regulations by **requiring the provision of laundry machines** and disallowing wash tubs and trays. Handwashing in tubs and trays is hard work, and does not clean as deeply as a machine. We are glad to see the movement in the required ratio, but we advocate for further improvement of the required ratio.

We appreciate OR-OSHA’s recognition of the importance of washing work clothes separately from clothes worn outside work and clothes worn by babies and children. We ask OR-OSHA to remove the option of having workers run clothes in separate wash cycles. If this option is permitted, many operators would choose this less costly option and essentially place the burden

of compliance on the worker to take the additional time needed to wash their work clothes in a separate wash cycle. There is simply no time for workers to run an empty cycle between loads, and it will not be done. Adequate washing machines are essential for workers to protect themselves from pesticide exposure. (Section 11(e)).

VIII. Toilet Facilities (Section 12)

We applaud OR-OSHA's recognition that one toilet for every 15 occupants is inadequate and that solid doors (and not curtains) are needed to ensure privacy. We support the proposed regulation requiring one toilet for every 10 occupants. Oftentimes, workers and their families need to utilize the facilities within narrow periods of time. Having easy access to facilities is needed to protect the health of residents.

IX. Portable and Chemical Toilets and Privies (Section 13)

We support the proposed regulations eliminating the use of outhouses or pit toilets to fulfill the ratio of toilet facilities. (Section (4)(o)).

We ask OR-OSHA to *not* permit portable toilets to count toward the minimum number of toilets needed to be provided because they generally do not permit adequate ventilation, privacy, or temperature control and are dangerous for small children. We ask OR-OSHA to require camp operators to provide plumbed toilets to occupants, preferably within their living quarters.

To the extent provision of portable toilets is permitted, we support the requirement to “[l]ocate handwashing facilities with water, soap and disposable paper towels adjacent to or a reasonable distance to such toilet facilities.” We urge OR-OSHA to require that the handwashing facilities be immediately adjacent to or within the toilet facilities. We are concerned that a reasonable distance without a narrow definition will be misused such that the rule becomes meaningless.

X. Living Areas (Section 16)

We support OR-OSHA proposing regulations to require that living areas be “structurally sound.” While the surrounding regulatory language helps to give some context to this term - requiring that the shelter protect occupants from the elements - we ask OR-OSHA to further define what is required for a shelter to be “structurally sound” and in particular, ask that the definition include sufficient guidance such as testing housing for air changes per minute, to ensure that the structure (interior and exterior walls, seams, roofs, window construction) protects occupants from pesticide drift, excess temperature, wildfire smoke, etc. (Section 16(a)). Strategic use of air purifiers could also address some of these concerns at the labor housing.

Workers need adequate beds and mattresses to have sufficient rest after days of strenuous physical labor. OR-OSHA's proposed regulations increasing mattress depth and requiring covers, cleaning of covers and a method to safely access top bunks move towards this goal. We are disappointed that bunk beds continue to be permitted. (Section 16(f)).

We support OR-OSHA's proposed requirement for operators to provide 21 cubic feet of storage and that part of the storage be lockable. Agricultural workers living in labor housing need a secure place to keep their valuables, including money and personal identity documents, and other belongings. Without secure storage, workers face the chronic stress of worrying whether they will lose their earnings or their identity documents while working or in their time away from the camp or the actual damage caused by such loss additionally causing conflict between occupants. (Section 16(i)).

Labor camp occupants need adequate space for their health. The pandemic clearly demonstrated the need for sufficient square footage for each occupant for airflow and prevention of the spread of respiratory contagious diseases. The recent threats of bird flu newly remind us why agricultural labor camps especially require sufficient space per occupant. We support OR-OSHA's strengthening of the square footage requirements per occupant but note that it does not go far enough. It is important to remember that while in Oregon OSHA allows a 40 sq feet at the federal OSHA level that number has been at 50 sq feet for decades in bunk bed rooms. See *29 CFR 1910.142 (b)(2)*. Based on the language of the regulations, Oregon has been less effective than the federal rules on this regulation. We urge OR-OSHA to consider 100 square feet per occupant in each sleeping room, particularly if that room is essentially all the living area allowed for the housing occupants. The rules already require 100 square feet per occupant where workers cook, live, and sleep. Medical experts state that this is the minimum to preserve the health of congregate housing occupants. (Section 16(k) and (l)).

XI. Fire Protection (Section 17)

We support OR-OSHA's proposed regulations to require operators to provide working carbon monoxide detectors in each area where workers sleep. This is a relatively inexpensive, simple step that can save workers' lives. It is important to require this whether or not there exists a source of carbon monoxide as sources can be easily brought into sleeping areas. (Section 17(c)). We understand this is what Oregon requires for rental housing elsewhere.

XII. Cooking and Eating Facilities and Equipment (Section 18)

We support OR-OSHA's requiring labor camp operators to provide cooking or food preparation facilities or equipment beginning January 1, 2027. While almost all labor camps provide some such facilities, ensuring that workers and their families have what they need to prepare meals is imperative for their health. These facilities must include refrigerators that keep perishable food adequately cool. While we support OR-OSHA's improving the ratio of cooking burners to occupants, it does not go far enough. Many workers use two or more burners to prepare meals - such as meat, rice, and beans. Workers often only have the same limited time frame in which to cook their meals. For example, all of the workers in a camp may need to prepare breakfast and lunch before work starts at 5 am. Thus, asking 8 people to share 2 burners is insufficient to meet their needs. (Section 18(b)).

We support OR-OSHA's proposed rules requiring operators to provide adequate food storage shelves and food preparation areas to preserve their health. We ask OR-OSHA to further define "adequate" to ensure workers have enough space to store at least a weekly food supply. (Section 18(b)(D)).

We thank OR-OSHA for recognizing the basic, hygienic need for labor camp occupants to have access to plumbed sinks with hot and cold water when preparing their foods. For too long, labor camp occupants have had to prepare food far from running water - preventing them from adequately washing their hands or meat or produce during the food preparation process. Occupants have had to use labor camp sinks for multiple, incompatible purposes such as, for example, washing hands after going to the bathroom, cleaning chicken, laundering pesticide-laden clothing, and bathing babies in the same sink. (Section 18(b)(F)).

We urge OR-OSHA to further strengthen the proposed regulations by requiring operators to provide the sinks "in food preparation areas" or at least narrowly define "reasonable distance" such as to no more than 10 feet from such areas. We are concerned that "reasonable distance" is excessively vague and would permit sinks to be such a distance to discourage occupants from using them during cooking such as when there are no sinks in the housing and allowance for the running water to be up to 100 feet away.

We support OR-OSHA's proposed requirement to enclose cooking facilities. At this time, many labor camp's cooking areas are outside, unenclosed. Occupants need to endure the challenges of cooking with pesticide drift and dust regularly blowing across their cooking vessels and blowing out their burners' flames. They must cook under high heat, high wind, cold weather, and rainy conditions. We ask OR-OSHA to require that the enclosures be more than mesh screens. Screens do not adequately protect occupants against all of the elements and unsafe conditions, particularly pesticide drift. (Section 18(b)(L)).

XIII. Heat Illness Prevention in Labor Housing (Section 23)

We deeply value OR-OSHA's recognition of the necessity to protect labor camp occupants against the dangers of resting and sleeping under high heat conditions. Heat illnesses are potentially deadly. Workers and their families must be provided housing that allows the cooling of their body temperatures after work to allow them to rest and recover. We support OR-OSHA's proposed regulation that sleeping rooms must be able to "maintain an indoor temperature of 78 degrees Fahrenheit or less . . . whenever the heat index outside the housing unit is at or above 80 degrees Fahrenheit."

However, we urge OR-OSHA to revise its approach when the heat index is at or above 95 degrees. The current proposal of only requiring operators to maintain sleeping room temperatures 15 degrees lower than the outdoor heat index is inadequate to protect workers. Areas in Oregon are regularly seeing temperatures of 105 degrees or higher. In the case of 105 degrees, the current proposed regulations would only require maintaining sleeping areas at 90 degrees Fahrenheit. Many sleep experts recommend sleeping area temperatures of below 70

degrees. 90 degrees falls far outside of that range. After a day of work in the heat, it is dangerous to rest in a dwelling that is 90 degrees or hotter. It is a reasonable approach to require housing operators to take some steps such as insulating the walls to assist with cooling of the rooms, instead of summarily allowing workers to try to live and function at 90 degrees and above during their resting periods.

Climate change disproportionately impacts communities of color. The failure to protect workers and their families against high heat in labor camp housing furthers this disparity.

Conclusion

We understand that there will be costs associated with compliance with these proposed regulations. The costs listed in the fiscal impact statement must be understood in context. Many camps already have facilities that comply with the proposed regulations and will need few, if any, adjustments. Many costs will be one-time costs. Many operators may choose the lowest-cost alternatives to comply. The fiscal impact statement includes a fuller range of cost options, many of which will not be chosen. Many camps have underutilized or empty facilities that will be able to be used to accommodate any shifting of occupancy needed to meet any increased square footage requirements. There are public funding sources available to assist growers to make needed changes. These requirements will help create a more level playing field for those employers providing safe and healthy housing to their workers.

Most importantly, protecting the safety and health of workers and their families in this housing is imperative and invaluable. We cannot allow some additional costs to cause us to put lives at risk. The fiscal impact statement does not include the continued costs to people's lives if such changes are not implemented, including but not limited to: the costs of treating pesticide-caused cancers, chronic stress, long-term health impacts caused by lack of adequate rest, food-borne illnesses, lack of access to sanitary cooking, toilet and bathing facilities, and lack of access to emergency services.

We have the opportunity to show that Oregon values the health of all of the people who live here, including migrant and seasonal farmworkers and their children. We encourage you to seize this opportunity and further strengthen protections.

Thank you for your work on this issue,







Rogue
Climate



community
alliance of
tenants

ONA Oregon
Nurses
Association
Caring for Oregon



uniteoregon





Comments on Oregon OSHA's Proposed Rules to Agricultural Labor Housing

Submitted by:

**The Oregon Law Center Farmworker Program, in collaboration
with hundreds of farmworkers who are impacted by these rules
daily.**

*These comments present the voices of
farmworkers with years of pleas for
improved health and safety in the
employer provided housing.*

Friday, November 1st, 2024

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November 1, 2024

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VIA ELECTRONIC SUBMISSION ONLY

SUBJECT: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120

“I just wanted to say that we come from California. Many people from here come with our children. We just want to work. What we want please is where we stay to have better conditions in which to be able to wash our clothes. The workers have to buy the washing machines, not the owner. We would also like the stoves closer to the cabins because they are too far away to make food. We make a lot of trips[back and forth]. We also wanted, this is for the children, for us to be able to live better. It is very hot inside the cabins, some of us must buy, some people, an air conditioner because it is very small and hot [inside]. We would like to know if they could install an air conditioner or if not, if there is way to have it be cooler or whatever so that the children who can now neither be inside nor go to bed...”

“Solo quería decir que venimos de California. Muchas personas de aquí venimos con nuestros hijos. Solamente queremos trabajar. Queremos que si por favor donde nos quedamos tengan mejores condiciones para poder lavar nuestra ropa. Nosotros los trabajadores tenemos que comprar las lavadoras y no el dueño del campo. También quisiéramos que si por favor pusieran las estufas más cercas de cada uno en su cabina porque está muy lejos para hacer comida. Damos muchos viajes. También queríamos, eso es por los niños, por nosotros para poder vivir mejor. Hace mucho calor adentro de las cabinas, tenemos que comprar, unas personas un aire acondicionado por lo mismo que está muy chiquito y caliente. Queríamos saber si nos podían poner un aire acondicionado o no se poder tenerlas más frescas o lo que sea para poder estar por los niños que no se puede ni estar adentro ni acostar uno que ya viene muy cansado del trabajo sin comer sin y muy temprano que nos levantamos...”

-Farmworker, Registered Labor Camp, Columbia Gorge, Oregon

“When there is a lot of wind you can’t cook because too much of the smell gets here and then the same wind shuts off the stove burners and you can’t cook. So, then we end up going out to buy food because we can’t cook here outside. When they spray the smell comes, there is a lot of smell here and we can’t [cook]. And it’s like we get congested, everyone here.”

“Cuando hace mucho aire no se puede cocinar poque llega mucho aroma y luego el mismo viento nos apaga la estufa y no se puede cocinar y ya salimos mejor a comprar un lonche porque no se puede cocinar aquí afuera. Cuando esprayen si llega el aroma, pero mucho aroma aquí, y no podemos, y como que nos mormamos todos aquí...”

- Farmworker, Registered Labor Camp, Wasco County, Oregon

“[T]he risk of unintended exposures, due to chemicals drifting away from the target site, can create exposure to workers outside the application area. In the case of worker housing, such exposure can also involve the workers’ family members.”

-Administrator of Oregon OSHA, at the conclusion of rulemaking on the Application Exclusion Zone (2018)

I. Roadmap

The Oregon Law Center (OLC) submits these comments regarding the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120 based on years of outreach, advocacy, and lived experiences of many staff members. We have divided our comments into four sections: 1) background; 2) major substantive health and safety areas that need improvement and that the proposed rules (still) do not address; 3) our comments on the proposed rules, and 4) steps towards a comprehensive approach. Throughout our submission, we have included the words of farmworkers, as they are the ones who guide our work. We have also included pictures of labor camp conditions. All pictures are from registered labor housing operations. These pictures and quotes detail the realities of workers all over the state to document some of the conditions while awaiting these proposed rules. Finally, we included comments from farmworkers in their original form as exhibits to ensure their voices were heard because many occupants of agricultural labor housing could not make the Fall hearings.

II. Background

OLC is a nonprofit organization that provides free civil legal help to low-income Oregonians to achieve justice by providing a full range of the highest quality civil legal services. We have ten regional offices, in largely rural counties across the state to better serve low-income communities. OLC’s Farmworker Program and its predecessor organization have provided legal services to Oregon’s migrant and seasonal farmworkers for over forty years,

devoting a substantial portion of its resources to community education to farmworkers, particularly indigenous farmworkers. The OLC's Farmworker Program, and its sister organization Legal Aid Services of Oregon (LASO), have a long history of visiting migrant and seasonal farmworkers at labor camps to deliver services, resources, and creating dedicated, top-notch staff. Collectively, we have held thousands of small listening sessions across the state over many years to learn the needs and priorities of migrant and seasonal farmworkers. The farmworker occupants of labor housing, not their supervisors, are and will remain the source of guidance for our priorities including recommendations for improvements to agricultural labor housing (ALH). We also have dedicated hundreds of hours of support and information in dozens of agricultural advisory meetings with Oregon OSHA and labor housing operators. Over the past twenty years, some OLC advocates have participated in almost all Oregon OSHA advisories regarding farmworkers' occupational health and safety needs but particularly with respect to ALH and the proposals around the application exclusion zone (AEZ). We do understand the industries' economic pressures and wish for them to succeed but the economic burden should not outweigh the health and safety of farmworkers who, for too long, have been asked to just make do in substandard conditions that are injurious to their health and safety. Farmworkers do not need any more delays but rather a truly comprehensive approach to allow them and their children the opportunity to live and exist in safe and healthy housing while they work the fields and harvest the crops in Oregon.

III. Proposed Rules Fail to Address Farmworkers' Major Concerns

A. Proximity of Labor Housing to Fields and Orchards

Many of Oregon's registered employer-provided labor housing sits next to or even in the middle of fields and orchards. The safety and health of the occupants of that labor housing is inevitably tied to what happens in the fields surrounding them. When examining the occupational health and safety of migrant and seasonal farmworkers, it is a fiction to separate the workplace from agricultural labor housing. The previous Oregon OSHA administrator admitted this when writing an explanation about the adoption of rules in 2018 concerning the AEZ in context of labor housing:

Oregon OSHA has reviewed that scientific record...[and] reached the following conclusions about the general risks faced by farmworkers and their families in relation to pesticides:

- Pesticides, as a group, represent a hazard to those exposed to them, although the exact nature of those hazards – as well as the degree of



certainty about those hazards – varies from pesticide to pesticide (and particularly between classes of pesticides).

- Farmworkers, in particular, remain at meaningful risk of exposure to pesticides in the workplace.
- **Off-target pesticide drift remains a genuine risk to farmworkers and their families, even if its extent cannot be fully enumerated.**
- **Existing rules do not fully eliminate the risks or provide workers with the necessary information to do so.**
- **The provisions of the rule as adopted can be expected to further reduce, although not eliminate, those risks.**

Michael Wood, former Oregon OSHA Administrator, Explanation of Rulemaking for Pesticide Worker Protection Standard: Application Exclusion Zones¹, at 3 (emphasis added).

He added that **“the risk of unintended exposures, due to what is typically referred to as unintended “drift”, can create exposure to workers outside the application area. In the case of worker housing, such exposure can also involve the workers’ family members.”**² (emphasis added). Because of the labor housing operators’ objections to any interference with their practices of pesticide applications and their claims of devastating economic impacts of prohibiting any application, more comprehensive protection of workers at the labor housing was postponed to when the rules for agricultural labor housing would be considered.³ Farmworkers were told that protection against potential drifting into and around their housing would be better addressed when Oregon OSHA next considered the improvement of the labor housing standards. The labor housing standards were set for review and consideration of proposed rules in 2019.⁴ Farmworker Advocates were also told that more comprehensive protections for labor housing would be visited when the state adopted heat stress rules because it was only at the Farmworker Advocates’ great insistence that Oregon OSHA adopted heat stress rules in the labor housing.⁵

What has ensued is that for at least six years, farmworker advocates have reminded Oregon OSHA of its responsibility to address off-target drift onto the housing and outdoor facilities such as toilets, sinks, and cooking areas and Oregon OSHA has downplayed the central issue that was left unresolved by the AEZ rules: the protection of occupants who must shelter in place or walk outside the housing depending on the applicators’ use of respirator per the label.⁶ Now, occupants are faced with the disappointing realization that the current proposed

¹ <https://osha.oregon.gov/OSHArules/comments/comments-and-decisions-AO2-2018-wps-aez.pdf>

² *Id.*, at 30, quoting Oregon OSHA’s Statement of Need.

³ *Id.*, at 75, citing public comments from 2017 expressing concern over ALH rules.

⁴ See *Oregon OSHA Ag Labor Housing Advisory Committee Notes, November 30, 2018*

⁵ See *Oregon OSHA Ag Labor Housing Advisory Committee Notes, 2021, 2022 (worker representative)*

⁶ Oregon OSHA, convinced that the existing labor housing was not protective of the occupants during application of pesticides with respiratory hazards, created rules that would require workers and their families to leave the housing and stand outside 150 feet during

rules still have no requirements for a setback nor buffer nor more significant structural changes to the labor housing that sits adjacent to or in the orchards or fields. Farmworker occupants of labor housing face daily risks of pesticide exposure, among other cumulative environmental hazards, and this exposure⁷ is not theoretical.⁸

1. Application Exclusion Zone

While Oregon adopted the application exclusion zone provisions (AEZ), it did not follow the federal rule in all parts. In Oregon, all labor housing occupants⁹ must leave the AEZ when the pesticide label requires the handler to wear a respirator, and the pesticide is applied by air blast or aerially or the spray quality is smaller than medium. In this instance, the AEZ extends 150 feet from the application equipment. Occupants may not return until 15 minutes after the equipment passes. On the other hand, workers and other labor housing occupants can either remain in labor housing or leave the housing when the pesticide label does not require the applicator to wear a respirator, and the pesticide is applied by air blast sprayer or aerially or the spray quality is smaller than medium.¹⁰ If the adopted AEZ provisions were viewed as inadequate for protection of labor housing to shelter in place in 2018, without any notable concrete changes for protection of the farmworkers and their families, why are those rules suddenly just good enough now? Is Oregon OSHA prepared to change its AEZ adopted rules of 2018 to allow farmworkers and their families to shelter in place when the respirator is required for the applicator? We are concerned because Oregon OSHA's response to this serious health and safety hazard for farmworkers and their families as occupants of onsite employer provided housing appears to be arbitrary.

Furthermore, Oregon OSHA committed to tracking whether the AEZ protected

application (discussed more below) see, <https://osha.oregon.gov/OSHArules/comments/comments-and-decisions-AO2-2018-wps-aez.pdf>, at 9.

⁷ Quandt, S. A., Smith, S. A., Arcury, T. A., Chen, H., Hester, K., Pope, C. N., ... & Laurienti, P. J. (2023). Comparing Longitudinal Measures of Cholinesterase as Biomarkers for Insecticide Exposure Among Latinx Children in Rural Farmworker and Urban Nonfarmworker Communities in North Carolina. *Journal of Occupational and Environmental Medicine*, 65(12), 1077-1085.

⁸ Schwartz, N. A., Von Glascoe, C. A., Torres, V., Ramos, L., & Soria-Delgado, C. (2015). "Where they (live, work and) spray": Pesticide exposure, childhood asthma and environmental justice among Mexican-American farmworkers. *Health & place*, 32, 83-92.

⁹ Oregon OSHA opened another year of rulemaking in 2017 because it hesitated to adopt additional protections for farmworkers. EPA modified the WPS at the federal level (40 CFR 170) in the November 2, 2015. In response, Oregon OSHA initiated the rulemaking process working with an advisory committee - including representatives of labor, employers, grower organizations, and government and nonprofit agencies, and other stakeholders - and reviewed extensive public comments received both orally at three public hearings held around the state, and in written format following formal proposal in late 2016. Oregon OSHA adopted most of the modified rules initiated by the EPA as well as several Oregon-initiated rules due to the unique circumstances for employers in Oregon. As part of that rulemaking, Oregon OSHA said it "will reconsider some details of the 2016 WPS proposal through a separate public rulemaking process centered on the Application Exclusion Zone (AEZ.) To give more time to fine-tune those provisions and to ease the transition to the modified rule requirements, Oregon OSHA is delaying implementation of the modified standard until Jan. 1, 2018. The expected result will be a revised proposal initiated in 2017, in time for it to take effect with the other modified sections of the WPS on Jan. 1, 2018." [Adopted changes to the Worker Protection Standard in Agriculture](#)

¹⁰ OAR 437-004-6405(3)

farmworkers in their housing. Oregon OSHA also promulgated a rule that required employers to correct and clean immediately any off-target drift. It is now apparent that there were no serious attempts to track the implementation of the AEZ rules, including rules related to drift, at labor housing. Despite the protests of the burden of the AEZ rules, which resulted in a variance option, no such variances were ever requested.¹¹ As Oregon OSHA delayed issuing long-overdue changes to the minimum standards for agricultural labor housing, the agency also took no concrete steps to ensure compliance with the minimal and insufficient protections under the AEZ's rules.

Based on our review of public records, Oregon OSHA issued no violations during the six-year period of 2018-2024 for failure to adhere to the 25 to 150-foot AEZ and just two violations for failure to clean up pesticide drift from labor housing sites—a key requirement of the AEZ rules.¹² In total, just five violations involved labor housing, with the remaining violations issued for failure to provide required information and one incident in which aerial applicators sprayed workers at a labor camp.

We are deeply concerned that Oregon OSHA appears to have taken so few proactive measures to monitor and enforce the AEZ, particularly related to protecting the occupants of agricultural labor housing. The agency does not appear to specifically track incidents that violate provisions of the AEZ and those that involve labor housing. The WPS violations identified in Oregon OSHA's enforcement records are heavily focused on violations of recordkeeping, informational, and training requirements, rather than violations of the no-entry zone or cleanup provisions. Only one violation mentions testing for pesticide residue. Yet we know from outreach conducted at labor camps and our conversations with occupants that pesticides are regularly sprayed in the surrounding fields and orchards, often well within 50 feet or less of the labor housing and its scattered basic facilities, such as sinks (please see the sketch of the labor camp in Exhibit 141, and photos provided with these comments).

We understand that enforcement of the WPS and AEZ does not fall solely within the authority of Oregon OSHA. The Oregon Department of Agriculture (ODA) also investigates and issues violations for pesticide drift. At our request, ODA¹³ provided case summaries of enforcement actions from January 1, 2016, through March 11, 2024, that involved both a complaint and pesticide drift. During that time frame, there were 176 cases filed, divided into two categories: enforcement actions that resulted in a notice of violation (NOV) and enforcement actions that resulted in civil penalties (CP). Twenty-three of the cases resulted in both NOV and CPs. The county with the most drift cases was Yamhill (22), followed by Lane (17), Jackson (16), Clackamas (13), Marion (12), Douglas (12), Benton (12) and Washington (10). All other counties had fewer than 10 cases.

¹¹ Email from Renee Stapleton to Nargess Shadbeh, 2/21/2024, stating that Oregon OSHA confirmed that it received no request for a variance on the AEZ.

¹² OAR 437-004-6406(1)

¹³ [S-7.pdf](#) (ODA enforcement of WPS in Oregon-as to the pesticide label)

These records showed only two drift investigations involving labor housing and one involving an Oregon Child Development Coalition (OCDC) property, with one each in Marion, Malheur, and Wasco counties. While the numbers may seem to indicate that agricultural labor housing is not affected by drift, the truth to anyone paying attention is that any drift is simply underreported.¹⁴ There are various explanations for the underrepresentation in the data. First, ODA enforcement is largely complaint-driven, either directly or through referrals from Oregon OSHA or PARC, meaning that for investigations to happen, someone must file a complaint. As evidenced in the data, most of the complaints were made by either residential neighbors or neighboring property owners/growers. When ODA receives these complaints, they focus on sampling the complainant's property and determining evidence of drift. They are not typically expanding their sampling size to nearby properties (except to establish other possible sources) without additional complaints. This could mean that even if there is labor housing nearby, the housing itself is not tested unless it is to aid in determining evidence of drift.

Second, many of these complaints had varied timelines. For example, some instances of drift were reported as the spray was happening, but in other instances damage to crops was the only indicator that drift had occurred. Many occupants of labor housing may not know that they have a right to report drift or may be scared to do so, even if they see the drift happening, which is not always seen visually. They also may not know that damage to the crops they are picking or vegetation near housing is an indication that drift has occurred, leading to fewer reports overall. So, while the ODA has jurisdiction to address the issue of pesticide drift, their agency's reach does not go far enough to protect occupants of labor housing; this leaves a gap in protection where Oregon OSHA must step in.

2. Buffer Zones

In 2018, Oregon OSHA committed to a comprehensive review of the labor housing rules to address the issues raised including but not limited to the lack of a buffer zone between the labor housing and the pesticide application exclusion zone (discussed above). Unfortunately, now six years later, still nothing has been done to address the real dangers of pesticide exposure within agricultural labor housing sites. During this year's comprehensive review and updates to the labor housing rules, Oregon OSHA has not included anything that addresses the need for a wider buffer zone, better communication practices, or even an explanation for why Oregon's rule falls short of the new federal requirement.¹⁵

¹⁴ Oregon OSHA, Explanation of Rulemaking, Pesticide Worker Protection Standard: Application Exclusion Zones 46-48 (June 29, 2018), <https://osha.oregon.gov/OSHArules/comments/comments-and-decisions-AO2-2018-wps-aez.pdf> (summarizing research on underreporting of pesticide drift).

¹⁵ Letter from Nargess Shadbeh to Ted Bunch, Oregon OSHA (June 10, 2024) regarding OLC Comments on Oregon OSHA's Application Exclusion Zone for the Worker Protection Standard Rule in connection with OR OSHA's review under ORS 183.405.

In the 2018 comment period for the proposed AEZ, farmworker advocates urged Oregon OSHA to impose a no-spray buffer around labor housing sites. In the six years since the agency's own investigation records describe how the proximity of labor housing to fields and orchards exposes residents:

- “A complaint was received regarding a suspected exposure to labor housing occupants. Workers reported multiple cases of stomach pain and diarrhea shortly after they began harvesting cherries. Their labor housing unit was located near both a vineyard and cherry orchard on the same property. Workers believed pesticide applications occurred because the workers could hear tractors at night and were concerned that their outdoor cooking areas had been exposed to pesticide contaminated dust blowing from the vineyard.”¹⁶
- “a) For employees at risk of contact injuries by pesticide residue on the outside walls of an agricultural labor housing (ALH) unit, the employer did not ensure that drift was properly cleaned up after making contact with the structure.”¹⁷
- “a) At the time of the inspection, the employer did not ensure that the . . . labor camp was properly cleaned up after a drift event involving malathion which occurred on July 15, 2023. Surface wipe samples, taken of the labor housing units located at [the labor camp], indicated the presence of malathion. The surfaces that tested positive for the presence of malathion on July 25, 2023, included but were not limited to, the sink outside of housing unit 17A and the picnic table outside of housing unit 14A. The surfaces that tested positive for the presence of malathion on August 10, 2023, included but were not limited to, the window air conditioning unit for housing unit 12A, the window air conditioning unit for housing unit 14A, and the window air conditioning unit for housing unit 9A.”¹⁸

Occupants of the housing are not always aware of the actual time a pesticide application may happen next to their cabin or room. There may be a posting but no assurance that all the camp occupants are aware of the information posted. At times, the occupants only know that it is happening because of the sound of equipment. When they are notified, there is very little that they can do to protect themselves and their families. Their belongings might be hung outside to dry, and they are expected to cook on stoves that have remained outside unenclosed. Occupants are often told that if there are too many complaints, the housing will be shut down, or that the owners will go out of business. During the recent hearings that Oregon OSHA held for these proposed rules, various owners, or their representatives, shared that they would not be able to house families should the proposed rules move forward

¹⁶ Oregon OSHA, Pesticide Emphasis Program Annual Report Federal Fiscal Year 2018, 8.

<https://digitalcollections.library.oregon.gov/nodes/view/33609?keywords=pesticide+program+report&highlights=WyJwZXN0aWNpZGUiLlCJwcm9ncmFtIiwicmVwb3J0Ii0%3D&lsk=3f98fbd963358fec2862437c556a6d4>

¹⁷ Oregon OSHA, *Spreadsheet of Inspection and Violation History Relating to the Worker Protection Standards January 1, 2018 - February 16, 2024, "Violations" Q-128 (on file with authors).*

¹⁸ *Id.* At Q-380.



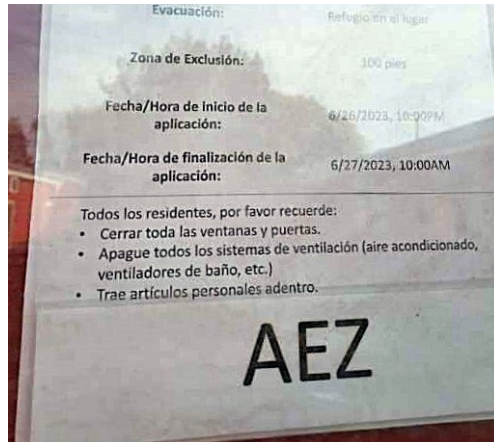
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(specifically regarding the proposed square footage requirement). This same messaging is provided to occupants and thus thwarts any desire to file complaints or speak up about their concerns, such as:

- “When there is a lot of wind you can’t cook because too much of the smell gets here and then the same wind shuts off the stove burners and you can’t cook. So then we end up going out to buy food because we can’t cook here outside. When they spray there is a lot, but a lot, of smell here and we can’t. And it’s like we get congested, everyone here.”
 - *Cuando hace mucho aire no se puede cocinar porque llega mucho aroma y luego el mismo viento nos apaga la estufa y no se puede cocinar y ya salimos mejor a comprar un lonche porque no se puede cocinar aquí afuera. Cuando esprayen si llega el aroma, pero mucho aroma aquí, y no podemos, y como que nos mormamos todos aquí.*
- **Farmworker, Wasco County**
- “My preference is that when the bosses apply something strong, that they take us somewhere else where there is food, water and beds.”
 - *Mi preferencia es cuando aplican los patrones algo fuerte [pesticidas] que nos lleven a otro lugar en un lugar donde hay comida, agua y cama.*
- **Farmworker, Hood River County**
- “Well, that they tell us when the danger is over from the chemicals and that the boss gives us information.”
 - *Bueno, pues que nos avisen cuando ya paso el peligro del químico y que nos de información el patron.*
- **Farmworker, Hood River County**



Oregon OSHA’s proposed housing rules show no concrete changes to protect farmworkers and their families living in employer-provided housing. Throughout the advisory committee process, advocates identified several measures to protect occupants from drift: improved insulation of buildings, ensuring structural soundness, enclosure of cooking areas, provision of air purifiers,¹⁹ and a setback or buffer between housing sites and areas sprayed with pesticides.

The current proposed changes address none of these concerns, except for the addition of the phrase “structurally sound” to the general requirement that living areas be safe, stable, and in good repair under the present proposed rules. By 2027, cooking areas must be enclosed “or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests”—a requirement that makes no mention of pesticide drift or methods to protect outdoor cooking implements from drift. Additionally, the mention of the use of mesh screens to help enclose the cooking areas is inadequate and provides little to no protection from high winds and pesticides. The use of mesh was never viewed as a substitute for enclosure of cooking facilities but rather in 2009 was introduced to screen windows, doors and openings. Such broad use of mesh as an enclosure stands the intent of the federal rule on its head.

The rules, as they are currently proposed, do not consider the years of work that was supposed to go into advancing the protections for workers and improving the clarity for employers. We urge Oregon OSHA to revisit their commitments from 2018 and address the concerns that have been raised. There are devastating health implications if this is not done.

Examples of Proximity:

¹⁹ This approach was utilized during COVID due to the size of the labor housing units, see [Notice of Amended Rules Addressing the COVID-19 Workplace Requirements for Employer-Provided Labor Housing](#). On June 30, 2021, Oregon OSHA filed a temporary amendment to the rule (AO 4-2021), which updated its requirements to better align with current information concerning COVID-19 transmission.



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B. Registered Labor Housing Will Not Protect Farmworkers Against Drift

It is instructive to review Oregon OSHA's efforts in 2016 to bring its rules related to the federally created AEZ up to the federal standards. Oregon OSHA's administrator at the time explained the discussion and concerns of the stakeholders:

Much of the public comment on the 2016 proposal focused on the AEZ



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requirements, with employers and their representatives generally supporting it as a more workable approach than evacuation and with workers and their representatives generally opposing it and calling for greater protection for workers and their families when pesticides were applied near worker housing. Criticism of the specific provisions of the rule focused on the failure to mirror the EPA requirements and the lack of a clear standard for the **“tightly constructed”** language used in the proposed rule. Opponents of the change were concerned, for example, that employers might mistakenly conclude that all registered housing would qualify, even if the structure were not constructed in a manner that would minimize airflow into the building.²⁰

(Emphasis added). Oregon OSHA added the term “structural soundness” to the proposed regulation but there is very little in the proposed regulation that explains what structural soundness means apart from what was already in the regulation regarding the protection of the workers against the elements and rodents. Oregon OSHA claimed that its current rules were assuming that all registered housing is already structurally sound and as a result, no fiscal impact was identified with this provision. During this process, Farmworker Advocates requested information from the Oregon Building Codes:

We request that the section on structural soundness must be strengthened to assure that the structures that the agency relies on for protection of farmworkers and the occupants are indeed a shelter for such workers rather than a mere mask.

We encourage Oregon OSHA to review and evaluate the recommendation from Dr. Eddie Kasner’s comments expanding on the idea of air purifiers to allow for not only the reduction of one airborne hazard, such as communicable respiratory diseases, but also to address the risk of particles of off-target drift that the air purifiers could help reduce in the living and sleeping areas.²¹ One solution offered by science already that could be employed, is to evaluate the airflow into the housing and then test at the time of housing registration and in regular intervals.

²⁰ Explanation of Rulemaking for Pesticide Worker Protection Standard: Application Exclusion Zones, 5 (2018).

²¹ Incidentally this also addresses the potential risks associated with smoke that is a constant concern with increasing frequency, intensity, and duration of heat conditions and climate change.

1. Need to: Address High Heat, Air Quality in Sleeping and Living Areas, and Improve Sound Structures. OAR 437-004-1120(16)(a), (23), Note: sensors may be considered beyond the rules proposed at this point but concrete solution

In certain instances when it is required for the safety and health of the farmworker occupants of employer-provided housing, Oregon OSHA does have the broad authority to require certain equipment. When labor housing is near the fields and orchards where pesticides are sprayed, there should be a requirement to enhance air quality in living and sleeping areas by installing HEPA or activated carbon air filters, energy-efficient air conditioners with air purification features, and air quality sensors both inside and outside. These sensors should monitor at least particulate matter (PM_{2.5}) to ensure proper air cleaning. To aid this process, operators should insulate walls, ceilings, and siding thoroughly and seal all windows, doors, and joints to prevent drafts and leaks, while incorporating adjustable ventilation systems that allow for natural cooling during cooler periods.

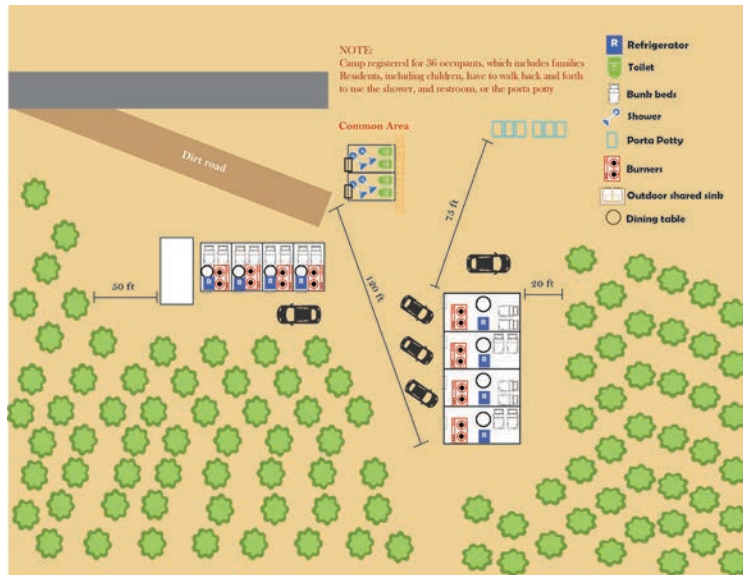
We note the exclusion from the smoke regulation for enclosed areas, and employment of a similarly protective measure should also assist in protection of migrant and seasonal farmworkers while the housing operators in the fields continue to apply pesticides near their housing. See for example:

A) Enclosed buildings and structures in which the air is filtered by a mechanical ventilation system and the employer ensures that windows, doors, bays, and other exterior openings are kept closed, except when it is necessary to open doors to enter or exit.²²

If employer-provided housing is next to fields that are routinely sprayed with pesticides, then the occupants must be protected by enclosed buildings where the air is filtered by mechanical ventilation. Additionally, as part of the registration of the labor housing, there should be a requirement that living areas are indeed structurally sound and when tightly closed allow limited admission of outside air along with air purification systems.

²² OAR 437-004-9791(1)(a)(A)

C. Where is the kitchen?



In the proposed rules, Oregon OSHA blended the common kitchen and individual cooking without any specification as to where these are to be in relation to where the workers sleep and live-- just wherever on the sites will do. There is also no specification of what is required in a cooking facility if the entire labor camp has these provisions in the required ratio. This has caused confusion among growers and frustration among workers as to what this means in reality--both for the protection of farmworkers and the expenses involved. While labor camp facilities are offered in all sorts of configurations, this does not prevent Oregon OSHA from identifying concrete parameters of what should be included in a cooking facility and the distance between each of these items to each other and the distance to a person's sleeping space, which is the most private space, if any, for the occupants. What items that should be included in a kitchen or cooking space are not difficult to imagine—a stove, sink, refrigerator, counter, and storage space.

Some existing registered labor camps have self-contained units with a toilet, kitchen, bathroom, and shower along with a living area and sleeping area all in one place—and these units do not have to have a wall between the shower and the toilet if this unit is shared by a family. It cannot be that there is no definition as for what constitutes a kitchen. And if Oregon OSHA needs assistance, the definition of a kitchen for residential care facilities (congregate facilities) is: “Each unit must have a kitchen area equipped with a sink, refrigerator, a cooking appliance that can be removed or disconnected, space for food preparation, and storage space.”²³

²³ [Residential Care/Assisted Living Compendium: Oregon.](#)

D. Areas Where the Current Rules Fall Below Federal Standards

1. Square footage requirements

Oregon OSHA's current rules require a minimum of 50 square feet of floor space per occupant in sleeping rooms but only 40 square feet when using double bunk beds, which are widely used in agricultural labor housing throughout the state. Providing just 40 square feet of floor space per person leads to cramped housing with workers crowded together in small spaces used for both sleeping and storing personal belongings. In some cases, these small, cramped sleeping quarters also serve as workers' primary place to eat, relax, and socialize. Studies have found that living in cramped or overcrowded conditions increases rates of depression, anxiety, and social withdrawal and can allow the spread of infectious diseases.²⁴ Among farmworkers living in labor housing, researchers found that crowded conditions were associated with depressive symptoms and increased instances of interpersonal aggression.²⁵

Oregon's current space requirements are not just outdated and reminiscent of the overcrowded conditions of the Bracero Program and other early farmworker housing, they are worse than recommended standards from nearly 70 years ago. As early as the 1950s, the President's Committee on Migratory Labor proposed language requiring at least 70 square feet of floor space for a first occupant and 50 square feet for each additional occupant (with less space required in house trailers). For families, the Committee proposed at least two rooms for each family comprised of two adults and at least one child 10 years or older.²⁶ In Oregon, Regulations and Standards for Labor Camps adopted by the State Board of Health in 1956 include a recommended standard of at least 50 square feet of floor area per occupant in sleeping areas.²⁷

Current federal rules governing agricultural labor housing also require that sleeping rooms have "at least 50 square feet of floor space for each occupant" with a ceiling height of at least seven feet, regardless of bed type.²⁸ This standard—which has remained unchanged for decades and does not improve on recommendations from the 1950s—is still more than the 40 square feet required in Oregon. Oregon OSHA's proposed change to require 50 square feet for all sleeping quarters is the bare minimum necessary to eventually bring Oregon in line with minimum federal standards for agricultural labor housing.

2. Storage areas for food and in sleeping quarters

²⁴ Quirina Vallejos et al, Migrant Farmworkers' Housing Conditions Across an Agricultural Season in North Carolina, *Am J Ind Med*. 2011 July ; 54(7): 533–544 (summarizing research on effects of overcrowding).

²⁵ Quandt et al, Farmworker Housing in the United States and Its Impact on Health, *New Solutions: A Journal of Environmental and Occupational Health Policy*, 2015, Vol. 25(3) 263–286, 271.

²⁶ The President's Committee on Migratory Labor, "Suggested Language for Regulations of Agricultural Labor Camps," U.S. Government Printing Office, 1956.

²⁷ Oregon State Board of Health: Occupational Health Section, "Regulations and Standards for Labor Camps," 1956.

²⁸ 29 C.F.R. § 1910.142 (Lexis Advance through the Oct. 21, 2024 issue of the Federal Register)

Federal standards state that “suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes” and that “[s]anitary facilities shall be provided for storing and preparing food” in common cooking facilities or in rooms where workers cook, live, and sleep.²⁹

Under Oregon OSHA’s existing rules, there is no requirement for lockable personal storage, just “suitable” storage such as shelves or cabinets. Rules for common cooking facilities state that “Food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material[.]”³⁰ We believe that the rule changes to require lockable storage for personal belongings and food storage in common cooking facilities are in keeping with the minimum federal standards.

IV. Section by Section Comments on Oregon OSHA’s Proposed Rules

A. Application

OR OSHA Proposed Rule Change:³¹

(1)(a) These rules apply to any place, or area of land, where there are living areas, manufactured or prefabricated homes or dwellings or other housing provided by a farmer, farm labor contractor, agricultural employer or other person in connection with the recruitment **or employment** of workers on an agricultural establishment.

OLC Comments: We support this change because it includes not just recruitment but employment consistent with the statute.

B. Application of Rules

OR OSHA Proposed Rule Change:

(2) These rules do not apply to: (a) hotels or motels that provide similar [~~housing~~]**accommodations** commercially **on a regular basis** to the public on the same terms as they do to workers.

²⁹ 29 C.F.R. § 1910.142 (Lexis Advance through the Oct. 21, 2024 issue of the Federal Register)

³⁰ OAR 437-004-1120(18)(a)(D)

³¹ We have inserted Oregon OSHA’s proposed rules with italics, underlines and bold as in the proposed rules. When OLC has proposed changes to the proposed rules, we have used those same markers and included proposed edits using asterisks.

OLC Comments: We support this change because it clarifies that the scope of this exemption is narrow and applies only when workers are provided such accommodation on the same terms as members of the public. This must include the amenities allowed for guests such as access to laundry machines, or access to a pool. Farmworkers are often told that they are prohibited from using such services.

C. Charging Occupants for Required Services

OR OSHA Proposed Rule Change:

(3) Charging occupants for required services. Operators may not charge for services required by this rule (OAR 437-004-1120). This prohibits pay-per-use **for** toilets, ~~[pay-per-]~~**toilet paper, soap for handwashing, use of** bathing facilities, **laundry facilities, cool potable water** or any other method of paying for individual service requirements.

OLC Comments: We support this change because workers living in agricultural labor housing should not be charged for the basic facilities related to health and hygiene.³²

D. Definitions

OR OSHA Proposed Rule Change:

(4) (m) Potable water is water meeting the bacteriological and other requirements ~~[of]~~**prescribed by the [Public]Oregon Health Authority for Drinking Water under OAR Chapter 333** Division ~~[of the Oregon Department of Human Services-]~~**61.**

OLC Comments: We support the actualization of agency names in these rules in order to provide for better compliance.

OR OSHA Proposed Rule Change:

(4)(o) Privy is the same as outhouse or pit toilet but is not the same as portable toilets. **Beginning January 1, 2026, the use of an outhouse or pit toilet or privy does not fulfill the ratio of toilet facilities for the purpose of compliance with agricultural labor housing requirements.**

OLC Comments: We support the change to ensure that a privy will no longer count toward the required ratio of toilet facilities. However, the privies should be closed—not just excluded from required toilet ratios. Privies become health hazards for occupants of labor housing if they are left unattended. We also propose changing the rule to take effect in 2025 given that—as currently proposed—portable toilets will still

³² The no charge for use of laundry facilities dates to the explanation of the rules in 2008 effective 2009.

count toward the toilet facility ratio so compliance will not pose a significant burden on providers of agricultural labor housing.

Proposed Change:

(4)(o) Privy is the same as outhouse or pit toilet but is not the same as portable toilets.

Beginning January 1, **2025, the use of an outhouse or pit toilet or privy does not fulfill the ratio of toilet facilities for the purpose of compliance with agricultural labor housing requirements **and any existing outhouse or pit toilet or privy must be closed.****

OR OSHA Proposed Rule Change:

(4)(r) Sanitary means free from agents that may be injurious to health **or hygiene**.

OLC Comments: We support this change as it aligns more closely with the regularly accepted definition of sanitary.

OR OSHA Proposed Rule Change:

(4)(t) Toilet [~~room~~]**facility** is a room in or on the premises of any labor housing, [~~with toilet facilities~~]
~~facilities~~] for use by employees and occupants of that housing.

OLC Comments: Allowing for a toilet facility to be “in or on the premises” in the rules, means that housing will continue to allow for outdoor toilet facilities which are less safe than requiring the toilet facilities be within the living areas of workers. These facilities are less safe because workers and their families—including young children—must travel outdoors at night to access these facilities.

Proposed Change: (4)(t) Toilet [~~room~~]**facility** is a room ****within**** the premises of any labor housing, [~~with toilet facilities~~]
~~facilities~~] for use by employees and occupants of that housing.

E. Housing Registration Requirements

OR OSHA Proposed Rule Change:

(5)(a) ORS 658.750 requires the operator of Agricultural Labor Housing and Related Facilities to register such housing with Oregon OSHA as in **subsection (5)(b)** below, except the following as defined by ORS 658.705:

(A) Housing occupied solely by members of the same family, **or**

(B) Housing occupied by five or fewer unrelated persons[~~, or~~].

[~~(C) Housing on operations that do not produce or harvest farm crops (Oregon OSHA considers “production of crops” to mean production of farm crops for sale”).~~]

OLC Comments: We support this change in that it narrows the exemption from registration requirements by requiring labor housing operators to register with Oregon OSHA regardless of the type of agricultural operation.

(b) Each year, before occupancy, or if occupied year-round annually by February 1, the operator [~~or employer~~] must register agricultural labor housing and related facilities with Oregon OSHA as set out below.

(A) The operator must contact Oregon OSHA at least 45 **calendar** days before the first day of operation or occupancy of the housing and related facilities[~~. Instructions and additional information will come later by mail~~].

(B) If the housing and related facilities were not registered in the previous year, the operator must call Oregon OSHA to request a consultation visit to the housing. Oregon OSHA will register housing and related facilities not previously registered only after a pre- consultation that finds the housing or facility to be [~~substantially in compliance with all applicable safety and health rules~~]. **free from all hazardous conditions**.

OLC Comments: We object to the proposed language because “free from all hazardous conditions” is a low bar that does not guarantee workers even the most basic health and safety standards. We are especially concerned that “hazardous conditions” will be interpreted in line with violations that Oregon OSHA considers “serious” because the agency currently categorizes most violations of these rules as “other” (non-serious) even when they significantly impact the lives of workers and their families. For example, in Oregon OSHA’s report of the top 25 standards violated related to labor housing in 2024, only 11 of the 135 violations were classified as “serious” with the remaining 124 violations described as “other.”³³ Of the 12 violations of the standards related to fire protection for agricultural labor housing, just one was classified as “serious” despite the fact that these standards set out basic requirements for working smoke detectors, fire extinguishers, and means of emergency exit.

Registering housing facilities so long as they are free from “hazardous conditions” could potentially allow workers and their families to live in health and safety conditions that fall well below the basic standards set out in these rules. Oregon OSHA lacks the time and resources to regularly inspect all labor housing, so violations present at the time of registration are likely to persist. We urge that operators seeking

³³ Oregon OSHA Top 25 violations in labor housing table available at <https://www4.cbs.state.or.us/ex/imd/reports/rpt/index.cfm?ProgID=OIS8052>.

to register housing facilities be required to comply with all rules regarding health and safety. Alternatively consider defining that free from hazards does not necessarily mean a “serious” violation and that many hazards that could be classified under “other” would also be hazardous condition for which a labor housing site must correct to obtain final registration.

Proposed Change: (B) If the housing and related facilities were not registered in the previous year, the operator must call Oregon OSHA to request a consultation visit to the housing. Oregon OSHA will register housing and related facilities not previously registered only after a pre- consultation that finds the housing or facility to be ****in compliance with all applicable safety and health rules.****~~[substantially in compliance with all applicable safety and health rules.]~~

OR OSHA Proposed Rule Change:

(C) If there were significant changes in the circumstances of the housing or facilities since the last registration, **and the housing is intended to be occupied, the operator must report to Oregon OSHA at least 45 calendar days before operation.** Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.

OLC Comments: We support this change in that it requires continued communication with OR OSHA on changes in the circumstances of the housing. However, we object to the language of “significant changes” in that it allows for discretion on the part of the operators and lacks clarity.

Proposed Change: If there were *****any modifications***** in the circumstances of the housing or facilities since the last registration, **and the housing is intended to be occupied, the operator must report to Oregon OSHA at least 45 calendar days before operation.** Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.

OR OSHA Proposed Rule Change:

(E) Each year, for housing with non-public water systems, the registration form must include proof of annual testing of water in accordance with subsection (7)(b) for nitrates, Escherichia coli (E. coli), and total coliform from an accredited laboratory. The initial registration request must also include water sampling results for arsenic from an accredited laboratory.



OLC Comments: We support the requirement to test non-public water systems for nitrates, E. coli, total coliform, and arsenic. However, testing requirements should reflect recommendations that nitrate testing be completed twice a year in the spring and fall—once during the dry season and once during the wet season—to account for seasonal fluctuations.³⁴ Testing requirements for arsenic should also reflect current Oregon State University recommendations of yearly testing for treated water and testing at least every three years for untreated water.³⁵

Proposed Change: (E) Each year, for housing with non-public water systems, the registration form must include proof of annual testing of water in accordance with subsection (7)(b) for ~~nitrates,**~~ Escherichia coli (E. coli)**,** and total coliform ~~**and bi-annual testing for nitrates**~~ from an accredited laboratory. The ~~**annual**~~ initial registration request ~~**form**~~ must also include water sampling results for arsenic from an accredited laboratory.**

OR OSHA Proposed Rule Change:

(5)(e)(B) The protest must include the name, address and phone number of the individual, ~~[-or]~~ **or their representative** filing it.

OLC Comments:

We support this change in that it allows representatives to file a protest on the behalf of interested parties.

F. Site Requirements

OR OSHA Proposed Rule Change:

(a) The grounds of labor housing and related facilities must be ~~[substantially]~~ free from **the nuisance of** wastewater, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.

OLC Comments: We support this change in that it clearly delineates the requirement for there to be no wastewater, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak or poison ivy.

(b) During housing occupancy, grass, weeds and brush must be cut back at least 30 feet from buildings.

³⁴ Oregon State University, “Nitrate in Your Drinking Water” June 2023,

<https://extension.oregonstate.edu/sites/default/files/documents/12581/be-well-project-nitrate-your-drinking-water-em-9400.pdf>.

³⁵ Oregon State University, “Arsenic in Your Drinking Water” June 2023,

<https://extension.oregonstate.edu/sites/default/files/documents/12581/be-well-project-arsenic-your-drinking-water-em-9401.pdf>.

(c) All housing site land **including the structures of the related facilities** must have adequate drainage. The site must not be subject to flooding when occupied. ~~[(d) Adequately dispose of the waste]~~ **Housing sites must be well-drained and free from depressions in which** water ~~[and food waste under outside water hydrants]~~ **may become a nuisance.**

OLC Comments: We support these changes which address the drainage needs present at labor housing.

~~[(e)]~~(d) The operator of labor housing is responsible for the maintenance and operation of the housing and its facilities.

OR OSHA Proposed Rule Change:

~~[(f)]~~(e) Store all toxic materials **used in work activities** such as pesticides, fertilizers, paints and solvents in a ~~[safe place]~~ **locked and secured location at least 30 feet from any housing or related facilities at the labor housing. If the storage of these materials creates a fire hazard, keep any grass or brush cleared at least 30 feet around any such storage area.**

OLC Comments: We support this change in that it provides for a safer environment in labor housing. However, we would propose that the distance between these dangerous materials and the housing be increased. Allowing for potentially hazardous and flammable materials to be near multiple rows of housing can be extremely dangerous.

Proposed Change: ~~[(f)]~~(e) Store all toxic materials **used in work activities** such as pesticides, fertilizers, paints and solvents in a ~~[safe place]~~ **locked and secured location at least ***100*** feet from any housing or related facilities at the labor housing. If the storage of these materials creates a fire hazard, keep any grass or brush cleared at least 30 feet around any such storage area.**

OR OSHA Proposed Rule Change:

~~[(g)]~~(f) Do not leave empty pesticide containers such as drums, bags, cans, or bottles in the housing area **and related facilities.**

OLC Comments: We support this change because it recognizes that labor housing is often scattered across multiple structures including outdoor kitchens and portable toilets. All these areas are accessed regularly by farmworkers and their families, including children, and should be free from pesticide containers.

OR OSHA Proposed Rule Change:

~~[(i)]~~(h) Do not locate labor housing within 500 feet of livestock operations unless the employees in the housing are employed to tend or otherwise work with the animals.
Beginning January 1, 2026, labor housing cannot be located within 500 feet of livestock

operations regardless of what employees in the housing are employed for or their assigned work duties.

[Note: This does not apply to animals owned by the housing occupants.]

OLC Comments: We support this proposal to eliminate the exemption that allowed certain occupants to live within 500 feet of livestock operations.

OR OSHA Proposed Rule Change:

(j) Beginning January 1, 2026, at least one wall-type electrical receptacle must be provided for every two occupants in each room that is used for sleeping.

OLC Comments: We support requiring at least one wall-type electrical receptacle for every two occupants in sleeping rooms. Workers rely on mobile phones or other electronic devices to use the internet, access essential services (including emergency services if needed), and to contact family and friends. Housing operators must provide enough wall outlets for charging electronic devices and to provide adequate light. We also note that in many instances, sleeping rooms are also workers' primary space to live and eat, so providing sufficient wall outlets in these rooms is particularly important.

OR OSHA Proposed Rule Change:

(m) Provide a ceiling or wall-type electric light in toilet [~~rooms, lavatories,~~] **facilities**, shower or bathing rooms, laundry rooms, hallways, stairways, the common eating [~~area~~]**areas, dining halls**, or other hazardous dark areas.

(o) Provide enough light in corridors and walkways to **common use facilities to** allow safe travel at night.

OLC Comments: Providing light should extend to more than just common use facilities. Workers are often expected to store belongings in their cars and might need to go retrieve them at night.

Proposed Changes: (o) Provide enough light in ***all*** corridors and walkways including to **common use facilities to** allow safe travel at night.

OR OSHA Proposed Rule Change:

(p) Each housing site must have its street numbers displayed to be easily visible to responding emergency vehicles on public highways or roads. **Ensure that road forks and driveways between the public access road and housing site are properly marked, and that each building and unit used to house workers is properly marked.**

OLC Comments: We support this change because agricultural labor housing is often not well marked and located out of view from main roadways. It is essential that emergency and other necessary services can reach occupants without delay when needed.

G. Water Supply

“Me gustaría que las cabinas tuvieran agua más cerca”

(I would like it if the water was closer to the cabins)

-Farmworker, Hood River County

OR OSHA Proposed Rule Change:

(a) All domestic water furnished at labor housing and related facilities must conform to the standards of the ~~[Public Health Division of the Oregon Department of Human Services. The site water system must supply at least 15 psi at the outlet end of all water lines regardless of the number of outlets in use.]~~ **Oregon Health Authority for Drinking Water under OAR Chapter 333 Division 61 and:**

~~[(b) Have a bacteriological analysis done on the water before occupancy and]~~

(A) Until December 31, 2025, the site water system must supply at least 15 pounds per square inch (PSI) at the outlet end of all water lines regardless of the number of outlets in use;

(B) Beginning January 1, 2026, the site water system must supply at least 20 PSI at the outlet end of all water lines regardless of the number of outlets in use; and

(C) Beginning January 1, 2026, no system can supply less than 15 PSI, and for any system that provides at least 15 PSI but less than 20 PSI, the operator must document the system’s limitation in writing through an appropriately qualified professional.

OLC Comments: We support the change to require a minimum of at least 20 PSI given that this is generally the minimum required for water suppliers in OAR Chapter 333 Division 61. Given the limited number of showers, sinks, and laundry facilities at the labor housing in congregated areas, occupants must often perform their daily tasks at the same time. Workers have been frustrated because they cannot shower, clean, do laundry at the same time and often find themselves staying up late to do these tasks. We are disappointed that the increase on psi is so limited after so long of keeping it much lower than needed. It is doubtful that the lower psi is saving money; instead, it is just causing needless frustration.

OR OSHA Proposed Rule Change:

(b) Except for water that comes from a public water system, the water supply must be tested by an accredited laboratory as often as needed to [assure]ensure a potable water supply[, except when the water comes from a community water system.]and the results of the analysis posted as specified below:

(A) Have an arsenic analysis completed on the water at least once;

(B) Have an Escherichia coli (E. coli), total coliform, and nitrate analysis completed on the water at least every 12 months; and

(C) Post the results of the water analysis in the housing in the language of the workers, or, in lieu of translating lab results, post a pictogram that conveys the same information.

OLC Comments: We support the requirement to test non-public water systems for nitrates, E. coli, total coliform, and arsenic. However, testing requirements should reflect recommendations that nitrate testing be completed twice a year in the spring and fall—once during the dry season and once during the wet season—to account for seasonal fluctuations.³⁶ Testing requirements for arsenic should also reflect current Oregon State University recommendations of yearly testing for treated water and testing at least every three years for untreated water.³⁷ We are also in support of pictograms that convey the results of the water analysis.

Proposed Changes: (A) Have an arsenic analysis completed on the water at least once **every three years or at least every 12 months if using a water treatment system;**

(B) Have an Escherichia coli (E. coli); and** total coliform**,and nitrate** analysis completed on the water at least every 12 months **and have nitrate analysis completed every 6 months**, and....**

OR OSHA Proposed Rule Change:

(c) Provide [enough]ample potable water in the labor housing area for drinking, hand washing, bathing and domestic use. An ample supply is at least 35 gallons of water per day per occupant[-] and is in addition to any water requirements related to other applicable

³⁶ Oregon State University, “Nitrate in Your Drinking Water” June 2023,

<https://extension.oregonstate.edu/sites/default/files/documents/12581/be-well-project-nitrate-your-drinking-water-em-9400.pdf>.

³⁷ Oregon State University, “Arsenic in Your Drinking Water” June 2023,

<https://extension.oregonstate.edu/sites/default/files/documents/12581/be-well-project-arsenic-your-drinking-water-em-9401.pdf>.

Oregon OSHA rules; some examples may include heat illness prevention, field sanitation, and general sanitation.

OLC Comments: We support the clarification that the minimum potable water in the rule is in addition to any water requirement in other applicable rules, such as heat illness prevention and field sanitation.

H. Bathing Facilities

“Privacidad de baños.”

(Privacy in the bathrooms)

-Farmworker, Wasco County



~~[(b) Provide](b) [at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy. (c)]~~ Separate common use bathing facilities used for both sexes in the same building by a solid, non-absorbent wall extending from the floor to the ceiling.

OLC Comments:

A wall separating common use bathrooms does not provide adequate privacy for workers nor does it address the need for a discreet area for families to bathe their children.

Proposed Change:

Require separate bathing facilities in separate buildings with an adjacent area that allows for the storing of dry clothes and ample space for bathing of young children.

OR OSHA Proposed Rule Change:

(d) Beginning January 1, 2027, provide a private dressing area in or adjacent to bathing facilities that meet the needs of the occupants.

OLC Comments:

We strongly oppose the delay of a private dressing area to January of 2027. While a private dressing area is supported, the language “that meet the needs of the occupants” is vague and places the burden on workers to establish their needs. Providing clear directions would prevent the vast array of possibilities for these spaces.

Proposed Change:

(d) Beginning *January 1, 2025***, provide a private dressing area in or ***directly*** adjacent to bathing facilities*** ~~that meet the needs of the occupants***.~~**

(e) Additional requirements for bathing facilities:

(A) Until December 31, 2025, provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.

(B) Beginning January 1, 2026, provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants or fraction thereof.

I. Hand Washing Facilities

“Por favor, más lavadores y secadores queremos 1 lavadora 1 secadora para cada 15 personas.”

(Please, more washers and dryers, we want 1 washer and 1 dryer for every 15 people)

-Farmworker, Wasco County



(10) Hand washing facilities.

(a) Provide at least one hand washing sink or basin with hot and cold water under pressure for every 6 occupants or fraction thereof. Each 24 linear inches of “trough” type sink with individual faucets counts as one basin. When each living unit does not have hand washing facilities, locate common use facilities either close to the toilet facilities or close to the sleeping places. **Beginning January 1, 2027, this handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.**

(b) In common use facilities, ~~[do]~~ **paper towels must be provided near the sink or basin. Do not use a single common towel. [If you provide paper towels, there must be a]** **A container for [their] paper towel disposal must be provided near each common use handwashing facility.**



(a) Provide laundry trays, tubs, or machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30. **Beginning January 1, 2026, provide laundry machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30; or provide laundry tubs or trays with plumbed hot and cold water in the combined ratio of 1 for each 25 occupants or each part of 25.**

(e) Beginning January 1, 2026, all laundry facilities must provide for separate method for cleaning clothes that are contaminated with chemicals; some examples could include using multiple tubs, trays, or running clothes in separate wash cycles, or sending out the contaminated clothing for commercial laundry.

OLC Comments:

Until 2009, the following was the rule: “NOTE: Paragraph (a) is effective April 1, 2009. Until then the old rule applies which reads: 437- 004-1120(11) (a) When public laundry and drying facilities are not available within 5 miles, the housing must have readily accessible laundry and drying facilities. (b) Laundry facilities in the housing area must have trays or tubs, plumbed with hot and cold water in the ratio of 1 for each 25 occupants” By only requiring a wash tub for 25 people or 1 for 30 for laundry, Oregon OSHA has shifted the burden to workers, who despite the 2009 change, are still having to go into town to do their laundry or purchasing their own machines, as you can see from the comments submitted by farmworkers as part of this submission.

J. Toilet Facilities

“Que pusieron más baños/más cercas....poner luses para ir al baño está muy oscuro de perdida 2 lamparas....”

(That they put more bathrooms/closer....put lights, to go to the bathroom, it is very dark, at least two lights)

-Farmworker, Wasco County

“Baños porque somos como 10 personas por 1 baño”
 (Bathrooms because we are like 10 people per bathroom (toilet))
-Farmworker, Columbia Gorge



OR OSHA Proposed Rule Change:

(c) Maintain a usable, unobstructed path or walkway free of weeds, debris, holes or standing water from each living area to the common use toilet facilities. **The walkway must have adequate lighting during hours of low light.**

OLC Comments: We support requiring adequate lighting but would encourage more clarity in the language of the rule.

Proposed Change: (c) Maintain a usable, unobstructed path or walkway free of weeds, debris, holes or standing water from each living area to the common use toilet facilities. **The walkway must have adequate lighting during ***all hours***.**

[Provide](e) **Toilet facility ratios:**

[(d)](A) Until December 31, 2025, provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Toilets must assure privacy. 12 (B) **Beginning January 1, 2026, provide at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing, provide no less than two toilets if there are two or more occupants if the toilet facilities are common use; and ensure all toilets provide privacy.**

[(e) Clean](f) Ensure that common use toilet facilities **are cleaned** daily or more often when needed to maintain sanitation.

(B) Provide a **solid** door or curtain so the toilet compartment is private. **Beginning January 1, 2026, curtains are no longer permissible for privacy.**(b) Privies must be at least 100 feet from any living area or any facility where food is prepared or served. **Beginning January 1, 2026, privies must be at least 200 feet from any living area or any facility where food is prepared or served.**

(e) Locate handwashing facilities with water, soap and disposable paper towels adjacent to or a reasonable distance to such toilet facilities. Portable handwashing facilities are acceptable. A container for paper towel disposal must be provided near each handwashing facility.

K. Living Areas

“Sheetrock on walls”

-Farmworker, Wasco County

“Tener camas cómodos y singulares para poder dormir bien.”

(Have comfortable and individual beds to sleep well)

-Farmworker, Wasco County



OR OSHA Proposed Rule Change:

(a) Keep all living areas **structurally sound**, safe and in good repair structurally and stable on their foundations. They must provide shelter for the occupants against the elements and protect the occupants from ground and surface water as well as rodents and insects.

OLC Comments:

Please see comments above in Section III B regarding structurally sound.

Proposed Changes:

(c) For living areas without a working permanent heating system or heaters, the [ALH] housing operator must supply portable heaters at no cost to the occupant **and notify occupants of their availability**. These heaters must be capable of keeping the temperature in the living area at a minimum of 68 degrees. Heaters must meet these requirements:

(D) All gas appliances and gas piping must comply with the Oregon state building code in effect at time of installation and the manufacturer's instructions. **Beginning January 1, 2026, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.**

OLC Comments: None.

(f) Provide beds[;] **or** bunks [or cots] for each occupant[and suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit.].

(A) The [camp]**housing** operator must provide a mattress [or pad] for each bed or bunk.

(B) [~~If you provide foam pads, they~~]**Mattresses furnished by the operator** must be [~~thicker than 2~~]**at least 4** inches **thick**.

[~~(C) Do not provide uncovered foam pads.~~]**(C) Clean each mattress cover before each new occupant use, and before each season's occupancy.**

(D) Mattresses [~~or pads~~] must not sit on the floor.

(E) The sleeping surface must be at least 12 inches above the floor.

(F) When provided, bunks must include a method for safe access to the upper bunk.

(G) Occupant shall not be forced to share a bed.

OLC Comments: While we support the clear requirement that occupants shall not be forced to share a bed, without addressing the need for adequate space in agricultural labor housing units there will be no other option for occupants.

(H) If requested by the occupants, the housing operator may provide one bed with a mattress for an adult couple in a relationship. This mattress must be at least full size.

(g) Mattresses [~~or pads~~] furnished by the [~~camp~~] operator must be clean, in good repair, **in a fully enclosed cleanable cover**, and free from insects and parasites.

OLC Comments: We support the removal of pads being acceptable in the place of mattresses, we would also support the addition of further clarification that these fully enclosed cleanable covers should be sanitized between occupants.

[~~(A) Fumigate mattresses or pads, used uncovered, or treat with an effective insecticide before each season's occupancy. If you provide covers, clean them before each season's occupancy.~~
~~(B) Store mattresses or pads]~~ **Mattresses must be stored** in a clean, dry place.

(h) Space the beds[~~;~~] **or** bunks[~~or cots~~] so that there is enough room to allow for rapid and safe exiting during an emergency.

(i) Suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit must be provided. Beginning January 1, 2026, provide at least 21 cubic feet of suitable storage for each occupant or family unit; some examples include wall cabinets, shelves, dressers, and similar provisions. A portion of this storage must be lockable and capable of securing small personal effects; some examples include a wallet, identification documents, mobile phone, and other similar materials.

OLC Comments: We urge further clarification about where the storage space can be located; occupants are often asked to move around the labor housing site to multiple different facilities, if the storage space is located away from the actual unit this would be yet another place they would have to go to access regular services.

Note: Do not count children 2 years old and younger when calculating square footage requirements in subsections (j), (k), and (l).

[~~(i)~~]**(j) In living areas [built after August 1, 1975,] where workers cook, live, and sleep, provide at least 100 square feet per occupant.**

[~~(j)~~] ~~In living areas built before August 1, 1975, where workers cook, live and sleep, provide at least 60 square feet per occupant.]~~



Oregon Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

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(k) ~~[Each]~~ **Until December 31, 2026, each** sleeping room without double bunk beds must have at least 50 square feet of floor space per ~~[employee]~~ **occupant**. Where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.

(l) Beginning ~~[on]~~ January 1, ~~[2018 all agricultural labor housing, where workers cook, live and sleep in the same area,]~~ **2027, each sleeping room** must ~~[provide 100]~~ **have at least 50** square feet ~~[per occupant]~~.

(m) For units built after April 3, 1980 at least one-half the required ~~]~~ **of** floor space ~~[in each living area]~~ **per occupant regardless of the use of double bunk beds. Do not use triple bunks.**

(m) Living and sleeping areas must have a minimum ~~[ceiling height]~~ of 7 ~~[feet. Floor space with a ceiling height less than 5 feet does not count toward the minimum required floor space.]~~ ~~(n) Beginning on January 1, 2018 only areas with a 7]-foot[ceiling height will count toward the required square footage of any living or sleeping area. Housing built or remodeled between January 26, 2009 and January 1, 2018 must have minimum 7 foot]-high ceilings for the space to count toward any required square footage.~~

~~([p])~~ **o** Provide windows or skylights with a total area equal to at least 10 percent of the required floor area. At least one-half (nominal) the total required window or skylight area must be openable to the outside. Adequate mechanical ventilation **or air conditioning system** may substitute for openable window space **if it does not limit safe exit from the space during an emergency in accordance with section (17) of this rule.** Not more than one-half the required space can be met with skylights. Openable, screened windows in doors count toward this requirement.

~~([q])~~ **p** Before occupancy clean all living areas and eliminate any rodents, insects, and animal parasites. **Products must be used according to the requirements of the label.**

OLC Comments: We urge clarification be added to this rule to specify that occupants themselves should not be expected to eliminate the rodents, insects, and animal parasites themselves.

L. Fire Protection



OR OSHA Proposed Rule Change:

(c) While occupied, where workers sleep must have a working approved carbon monoxide detector installed in accordance with the manufacturer's instructions.

OLC Comments: We support this change to require a working, approved carbon monoxide detector in all sleeping rooms.

M. Cooking and Eating Facilities and Equipment

"...la cosina que se cubra el viento y lluvia y el sol no se pueden consinar así..."
 (the kitchen, that they cover it, the wind, and the rain, and the sun, one cannot cook like that")
-Farmworker, Columbia Gorge

"Soy un trabajador agrícola por muchos años y he vivido en campos de cabina. He cocinado afuera de las cabinas con estufas afuera de las cabinas y hay ocasiones que hace aire y el aire nos apaga las estufas. Los baños están muy retirados y tenemos que ir hasta los baños para agarrar agua lavar los tomates, los trastes, y es un problemita y algo molesto de cómo vivir y como no tenemos donde vivir, tenemos que sufrir sobre cómo nos tienen allí viviendo..."

(I am an agricultural worker (for many years), and I have lived in cabins in the camps. I have cooked outside with stoves outside the cabins, and there are occasions then the wind comes and hits the stoves. The bathrooms are far away, and we have to go to the bathrooms in order to get the water to wash the tomatoes, the dishes, and this is a problem, and it is bothersome living like this, and since we don't have anywhere to live, we have to suffer over how they have us there living...)

-Farmworker, Columbia Gorge



OR OSHA Proposed Rule Change:

(18) ~~[Common-use cooking]~~ **Cooking** and eating facilities and equipment.

(a) ~~[When]~~ **Until December 31, 2026,** when provided, ~~[common-use]~~ cooking or food preparation facilities or equipment must have the following:

(A) ~~[A gas or electric refrigerator,]~~ **Adequate number of refrigerators for occupant use that are** capable of keeping food at or below ~~[41]~~ **40** degrees~~[F.]~~ **Fahrenheit.**

(B) A minimum equivalent of two cooking burners for every ~~[40]~~ **8** persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate ~~or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.~~

~~Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.~~

~~2~~ or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.

~~[(18)(a)(C) - (20)(a)(B) deleted except for above sentence.]~~

Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.

(C) No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose.

(D) Food **preparation and storage:**

(i) Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; **all of these areas must be** made of or finished with smooth, non-absorbent, cleanable material.; **and**

(ii) Additional protected food storage.

(E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping ~~[place.]~~**areas.**

~~[b](F) [A refrigerator]~~**Refrigerators** and ~~[stove]~~**stoves** or hot ~~[plate]~~**plates must always be** in working condition.

~~[(e)]~~**G** Clean the facilities **and equipment** before each occupancy.

(b) Beginning January 1, 2027, cooking or food preparation facilities or equipment must be provided and have the following:

(A) Adequate number of refrigerators for occupant use that are capable of keeping food at or below 40 degrees Fahrenheit.

(B) A minimum equivalent of two cooking burners for every 8 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material. Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.

OLC Comments: While we support the rule change that addresses the need for refrigerators, we are opposed to the delay of over two years. We are also opposed to a ratio of two cooking burners for every 8 persons. This would mean that multiple families would be expected to share burners and would be inadequate for how labor housing is structured. Preparing food for a family or groups of workers requires more burners.

Proposed Changes: (B) A minimum equivalent of *four*** cooking burners for every 6 persons. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.**

(C) No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose.

OLC Comments: We support this rule change in that it addresses a dangerous reality within labor housing.

(D) Food preparation and storage: (i) Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; all of these areas must be made of or finished with smooth, non-absorbent, cleanable material; and

(ii) Additional protected food storage.

(E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping areas.

OLC Comments: We support the changes above in that it provides for a living arrangement that is more suitable for the health and safety of workers and occupants.

(F) Beginning January 1, 2027, plumbed sinks with hot and cold water and an adequate number of faucets to service the occupants in food preparation areas or within a reasonable distance adjacent to such areas. Plumbed sinks in or adjacent to food preparation areas do not count toward the required ratio for handwashing facilities in section (10) of this rule.

OLC Comments: While we support this change, the delayed application requires farmworker occupants to wait for necessary protections, yet again.

(G) Refrigerators and stoves or hot plates must always be in working condition.

OLC Comments: We support this change and propose that this and all other changes in this section be implemented beginning in January of 2025.

(H) Clean the facilities and equipment before each occupancy.

OLC Comments: We support this additional rule and propose that the rule go further to indicate the need not only to clean the facilities but to sanitize them.

Proposed Changes: (H) Clean *and sanitize*** the facilities and equipment before each occupancy.**

(I) Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or sleeping area.

OLC Comments: We support this change in that it encourages the structuring of labor housing that promotes privacy.

(J) If the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease as listed in Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the cooking facility until the disease is no longer communicable.

OLC Comments: While it is reasonable to limit access to cooking facilities if an operator is aware that someone preparing, cooking or serving food has a communicable disease, the proposed rule does not address the need for that person to have access to food while they are recovering. If an occupant is coming to work on their own, they may not have the ability to ask someone else to help them prepare meals.

Proposed Change: (J) If the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease as listed in Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the cooking facility until the disease is no longer communicable *and provide other alternatives for occupant to receive access to food***.**

(K) Buildings must have heating capable of keeping the facility at 68 degrees Fahrenheit or more during use.

OLC Comments: We support this rule change in that it provides for a better environment while occupants are cooking, which can at times be early in the day or late at night.

(L) Beginning January 1, 2027, cooking facilities must be in buildings or shelters that are enclosed or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests and doors, windows, screen walls, and openings, if any, must have screens of 16 mesh or smaller.

OLC Comments: We are opposed to this change in that it does not go far enough to address the basic needs of workers. Allowing for screening in cooking facilities does not address the risk of pesticide exposure, the high winds that prevent burners from staying on

and the increased work it takes to maintain a sanitary cooking area. The two-year delay is yet another way that this rule change is insufficient.

(M) When operating a dining hall, the facility must also comply with the 2005 edition of the U.S. Food and Drug Administration (FDA) Food Code. Note: Follow Division 4, Agriculture when it differs from the FDA Food Code. The code is available at: <https://www.fda.gov/food/fda-foodcode/food-code-2005> or contact the Oregon OSHA Resource Center at 800-922-2689 or in Salem 503-378-3272.

N. Heat Illness Prevention in Labor Housing

“Tener aire acondicionado en las cabinas para poder dormir mejor en tiempo de calor.”
 (Have air conditioners in the cabins to sleep better when it is hot)

--Farmworker, Wasco County

“Gustaría tener aire acondicionado porque cuando hace calor se ocupa”
 (I would like to have air conditioning because when it is hot it is necessary)

--Farmworker, Wasco County



(b) Minimizing Heat in Housing Units. [H] **Until December 31, 2025, if** rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must take the following steps:

(c) Beginning January 1, 2026, rooms where people sleep must be able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means) whenever the heat index



outside the housing units is at or above 80 degrees Fahrenheit but less than 95 degrees Fahrenheit.

(d) Beginning January 1, 2026, when the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be able to be maintained at a temperature at least 15 degrees Fahrenheit lower than the outdoor heat index.

Note: For example, when the outdoor heat index is 105 degrees Fahrenheit, the indoor temperature must be maintained at or below 90 degrees Fahrenheit.

OLC Comments: While we strongly support inclusion of heat-related provisions in the proposed rules, the current proposal does not adequately protect occupants of labor housing from high indoor temperatures. The current proposal would allow spaces where workers sleep to reach a heat index of 90 degrees Fahrenheit. This threshold permits unacceptably high temperatures in the spaces where farmworkers are expected to rest and recover from physically demanding work in high outdoor temperatures. While Oregon OSHA has made important progress protecting workers from heat stress and heat illness while working, the lack of protections for farmworkers who return home to labor housing without air conditioning undermines these efforts. Studies suggest that high temperatures affect sleep quality and recovery rates and that the impacts of heat exposure are cumulative.³⁸ Adequate air conditioning and is therefore not only a health and safety issue, but also important for workers' productivity. We oppose the inclusion of the phrase "other reliable means" because it leaves cooling to the discretion of operators who may not be aware of how hot the temperature reaches within the housing.

Proposed Change: (c) Beginning January 1, 2026, rooms where people sleep must be able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means) whenever the heat index outside the housing units is at or above 80 degrees Fahrenheitbut less than 95 degrees Fahrenheit.**
(d) Beginning January 1, 2026, when the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be able to be maintained

³⁸ Austin E., Kasner E., Seto E., Spector J. Combined Burden of Heat and Particulate Matter Air Quality in WA Agriculture. J Agromedicine. 2020 Jul 30;1-10.

Fleisher, et al., Public Health Impact of Heat-Related Illness Among Migrant Farmworkers, 44(3), Am. J. Prev. Med., 199-206 (2013).
Hesketh et al., Heat Related Illness Among Workers in Washington State: A Descriptive Study Using Workers' Compensation Claims, 2006-2017, 63(4) Am. J. Indus. Med., 300, 308 (2020).

Quandt et al., Heat Index in Migrant Farmworker Housing: Implications for Rest and Recovery From Work-Related Heat Stress, 103(8) Am. J. Pub. Health, e24, e24 (2013), <https://pubmed.ncbi.nlm.nih.gov/23763392/>;

Smith, et al., Heat Stress and Kidney Function in Farmworkers in the US: A Scoping Review, 2022 Apr; 27(2): 183-192, J. Agromedicine.

at a temperature at least 15 degrees Fahrenheit lower than the outdoor heat index.

Note: For example, when the outdoor heat index is 105 degrees Fahrenheit, the indoor temperature must be maintained at or below 90 degrees Fahrenheit.**

OLC Comments: We object to the further delay of this necessary protection for workers. When Farmworker Advocates fought for more protections for labor housing occupants against heat in the employer provided housing, temporary provisions were promulgated, and the promise of more protective provision was made.³⁹ While this change is in the right direction, it allows for a delay over a year and does not factor in the health impacts of having to live and sleep in housing that is not adequately cooled. There are also more efficient cooling and air purification units that are available that should be required instead of subjecting workers to temperatures of 90F or above in their only private space areas.

V. Steps Toward a Comprehensive Approach

Farmworkers have waited decades for a comprehensive approach to significantly improve labor housing in Oregon. We have examined what has transpired in the past and now we turn to what lessons we can learn from the past. Protracted delay without careful strategic monitoring does not end well for migrant and seasonal farmworkers. In 1989, Oregon granted all housing operators until 1995 to rehabilitate their existing labor housing in rural areas to the standards of the Oregon OSHA rather than building codes to receive registration under the state's new Agricultural Labor Camps, ORS 658.705 et seq. That provision was set to sunset in 1995 but as of one year ago the regulatory provisions adopting the 1989 bill still were in operation with a mix of the original and newer language. The Building Codes Department (BCD) has proactively now agreed to update the rules to match their practices. Yet still, one cannot be blamed for being concerned as to whether the correct provisions were adhered to related to ALH. The statutory scheme at that time was that any permanent year-round habitation for ALH was to be located within city limits, and any temporary or seasonal ALH could be located outside city limits⁴⁰. The statute also provided for a lower rehabilitation standard for non-complying, pre-existing ALH outside of city limits. This exemption for a lower rehabilitation standard was part of the sunset in 1995, but the rehabilitation term remained in some parts of the bill. Currently any rehabilitation would be required to comply with the state building code as reconstruction, repair, or alteration, and to the extent of the

³⁹ [comments-and-decisions-AO3-2022-alh-heat-rules.pdf](#) [Oregon OSHA explained that cooling and ventilation areas in labor housing provisions would be coming].

⁴⁰ Email Communications from DCBS Staff to Nargess Shadbeh, beginning May 10, 2024 and spanning to August 8, 2024.

new work being proposed. The bill included directives for BCD to do rulemaking, and our current rule was based in part on that 1989 bill, including the terms rehabilitation and distinction about city limits. BCD committed to updating its rules following the completion of Oregon OSHA's rulemaking.⁴¹

Another example of where the delay was counterproductive to farmworkers was the remarkable creativity of housing providers in defying the square footage requirement. In 2008, federal OSHA required that those rooms where people cook, live and sleep must have 100 square feet per person, and the square footage would not count below a certain ceiling height. Because of anticipated permit issues and the costs involved, Oregon OSHA granted nearly ten years for that rule to go into effect. While many operators complied, many took a short cut and simply moved the cooking spaces that were inside the room to the rows of burners right outside the door. These makeshift cooking areas without adequate access to water, cooling or enclosures stay with us to this day.

There appears to be little oversight of Oregon OSHA's labor housing regulation by the Oregon Health Authority who should assess accurately the safety and health impacts, as well as the potential costs to the state from this rule, now that Oregon Health Plan (Healthier Oregon) covers low-income people. The fiscal impact statement accompanying this rulemaking is very detailed, but Oregon OSHA devoted only one paragraph to how this proposed rule would affect racial equity in Oregon. Also, it does not appear that Oregon OSHA considered that this rule would likely undermine and work in direct contradiction to the Oregon Health Authority's stated goal of increasing health equity in Oregon.

In addition, registration of labor housing must involve an evaluation of how it protects its occupants against the cumulative effects of environmental hazards such as heat, off target drift, and smoke. We recommend that a close review of the scientific research—including the submissions that are included with this submission.

It is past time to adopt a regulatory standard to address a buffer zone. Oregon OSHA must promulgate rules to address buffer zones around sensitive areas such as labor housing. We ask the Oregon OSHA to protect farmworkers and their families at labor housing by imposing no-spray buffers around farmworker housing and all the living areas. The current proposal does not add any further protections than those adopted in 2018 for farmworkers and their families. These changes are long overdue and backed by scientific evidence of their effectiveness in protecting the lives and livelihoods of countless farmworkers. We urge Oregon OSHA to take the lead in making these changes a reality.

Thank you,

⁴¹ Id.



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Table of Authorities⁴²

Declarations

Declaration of Dr. Marc Lipsitch, *Harvard T.H. Chan School of Public Health Center for Communicable Disease Dynamics*, submitted May 5, 2020 regarding Oregon Temporary rule 437-001-0749, [Declaration of Dr. Marc Lipsitch and Emma Accorsi regarding Oregon Temporary rule 437-001-0749 – Center for Communicable Disease Dynamics](#)

Scientific articles

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Kasner et al., Spray drift from a conventional axial fan airblast sprayer in a modern orchard work environment, 62 *Annals Work Exposures & Health* 1134, 1143 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7104543/pdf/wxy082.pdf>

⁴² We did not cite to all these articles in our comments, but we did to some. The remainder of the articles are provided because we believe they are important when examining the health and safety of farmworkers in labor housing.

Kasner EJ, Fenske RA, Hoheisel GA, Galvin K, Blanco MN, Seto EYW, Yost MG. Spray Drift from a Conventional Axial Fan Airblast Sprayer in a Modern Orchard Work Environment. *Annals of Work Exposures and Health*. 2018 Nov 12;62(9) 1134-1146.

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Smith, et al., Heat Stress and Kidney Function in Farmworkers in the US: A Scoping Review, 2022 Apr; 27(2): 183-192, J. Agromedicine.

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Tigchelaar, David S. Battisti & June T. Spector, Work Adaptations Insufficient to Address Growing Heat Risk for U.S. Agricultural Workers, 5(19) Env'tl. Res. Letters, 094035 (2020), <https://pubmed.ncbi.nlm.nih.gov/33133229/>

Exhibits

Please see comments (written, audio and video) from farmworkers, separately attached or provided via a ZIP file. These files are marked Exhibits 1 – 141.

- Check on the Kitchen
- check that everything works still
- bathrooms inside housing
- air condition
- Kitchen inside house

Exhibit 1

Por Favor mas
Lavadoras y
Secadoras
queremos
1 Lavadora
1 Secadora
Por cada 15
Personas

Exhibit 2

baños por que somos como lo persona
para 1 baño y luego la cocina que
se cobra el viento y la lluvia y el sol
nose puede cosinar asi labadores y secadores
notamos nada de eso por que uno bine le
muy lejos y para poderles esta uno de la
sus trabajos por venir alluderles y la
compañia no piensa en eso piensa que
eso que pidimos es muy poquito
nose es lo que pensamos ~~en~~ mucha
personas nose si aqui ay ya tiempo este
por que aqui trabajamos todos los
dias sin des canso en California nos
pagan tambien en medio dia que aqui no
ay eso nose taven tenemos como 15 años
que no nos aumentan nada por nuestro trabajo

Exhibit 3

23- Julio-2019

Soy una familia que ha venido a trabajar a esta Compañía llamada Orchard, nos ha gustado el trato que nos dan como trabajadores, lo único que pediríamos, es que las cocinas sean adaptada de tal manera que no contamine los alimentos, por salud de nosotros como familias trabajadoras, ya que en la temporada de la cosecha hace viento y los pesticidas pueden contaminar los alimentos. y si se pudiera tener unas lavaderas no importaría que nosotros pagáramos el servicio.

Esperando una respuesta favorable a nuestra petición sin afectar a la empresa ya que es una empresa muy responsable en el cuidado de sus trabajadores.

Exhibit 4

Seria Mejor poner proteccion en
La ESTUFAS como tejado y una
pader por el aire porque mucho
aire y mucho polvo en la cocina o
sea en la ESTUFA porque puede
caer ~~en~~ en los Alimentos que cocina
uno puede dañar el estomago o el
Organismo porque se puede enfermar
La gente seria Algo Mejor isiera al
mejor y bueno

Exhibit 5

yo quiero que nos ayuden
a poner un baño adentro de las
cabinas por que denode queramos ir al baño
tambien poner aire porque adentro
ase mucho calor.

Exhibit 6

- Privacidad de Baños

Exhibit 7

mejor sueldo de
las botes
Subir de precio

Exhibit 8

7/10/2019

air conditioners

windows

sheet rock on walls

washers/doors

Exhibit 9

Gustaria tener
aire acondicionado
porque cuando hacen
calor se ocupa

Telefono de Emergencia
para casa o la escuela
y avisar.

Exhibit 10

• Muy caliente en
las cabinas

• Tabadoras

• telefono porque
no di servicio

Exhibit 11

2. Tener aire acondicionado en las cabinas para poder dormir mejor en tiempo de calor.

Exhibit 12

#10

Que pusieran mas
baños / mas cercas

poner luces para
ir al baño esta
muy oscuro de
perdida 2 lamparas

Tambien me gustaria
que pusieran Aire
acondicionado

3. Tener camas cómodas y singulares
para poder dormir bien.

Exhibit 14

1. Hola lo que ami me gustaría
del rancho donde vivo es que
tengamos mejoras en poder
cocinar adentro de las cabinas
las razones x que hay mucho
polvo y no es sano para nosotros
y x que madrugamos mucho para
cocinar. tambien me gustaría que
nos pusieran mas baños para mujeres
y mejores regaderas. gracias

Exhibit 15

Megostaria que las
Cabinas tubieran agua mas
seca y que incluyeran
baños

Exhibit 16

10 Julio 2018

Yo [REDACTED] soy trabajadora Agrícola y lo único que quiero es descansar en un lugar fresco, pero no tenemos aire acondicionado en el campo donde estamos instalados. Una de las necesidades que tenemos aquí es que necesitamos un aire acondicionado y no tener que gastar \$250.00 en uno propio.

Otra de las necesidades que tenemos en los campos es tener un teléfono de línea terrestre. Porque en la área donde vivimos no hay señal para los teléfonos celulares.

Gracias

Sinceramente,

[REDACTED]

Exhibit 17

Worker Feedback regarding Housing Conditions

When asked workers who live in employer-provided housing, what is one thing you would like to see improved regarding the employer-provided housing conditions, workers told us the following^{1, 2}:

Multnomah/Clackamas Counties

- Kitchens and bathrooms inside the labor housing [units]
- Showers inside the unit
- Grills/stoves for workers to cook, refrigerators
- More personal space—there are four (4) beds in the living room (individual beds)
- Additional bed bug controls

Marion/Polk Counties

- A place to dry clothes other than porch rails
- Beds away from the kitchens (beds in the living areas with no separation from the kitchen)
- The employer wants every cabin to have 4 workers, so it is not possible for 2 families to share a cabin when they have children.
- Fans in the cabins because not all cabins have fans.
- To not be charged for electricity or other utilities
- Stoves inside the housing
- Ventilation in the showers
- Actual walls between rooms inside of a plastic mesh
- Kitchens inside [the cabins or housing units]
- Air conditioning
- Showers connected to living areas (inside houses), must walk to shower area
- To not have to pay rent
- Not have to walk to bathrooms
- Actual doors to sleeping areas, not garage doors with no screens
- More space—bunk beds are too close, six (6) people per room

Wasco/Hood River Counties

- More space-crowded rooms

¹ Responses have been translated by the Oregon Law Center

² All responses are from the Summer of 2024

- Bathrooms are too far from the living areas and there is limited lighting on the paths, must use own flashlights (repeat comment)
- Improved mattresses
- Stoves are outside-the wind is problematic, and mice eat food (multiple people said stoves are outside and they want the stoves inside because the wind makes it difficult to cook, and there is an odor of pesticides)
- Need more sinks (repeat comment)
- There is only a tub available for laundry-need a [washing] machine
- Air conditioning (repeat comment)

These transcriptions are provided along with video and audio comments submitted on behalf of workers living in registered labor housing throughout the state of Oregon. The title of each section below corresponds to the title of the file where the transcription came from.

Exhibit 20 – Worker Comment 1

Soy un trabajador Agrícola por muchos años y he vivido en campos de cabina He cocinado afuera de las cabinas con estufas afuera de las cabinas y hay ocasiones que hace aire y el aire nos apaga las estufas. Los baños están muy retirados y tenemos que ir hasta los baños para agarrar agua lavar los tomates, los trastes, y es un problemita y algo molesto de cómo vivir y como no tenemos donde vivir, tenemos que sufrir sobre cómo nos tienen allí viviendo. Y me gustaría que cambiaran algo las cosas de la forma de vivir de nosotros los campesinos. Mas que nada los baños estuvieran más cómodos adentro, la cocina adentro de la casa, o de la cabinita. Algo más cómodo.

Exhibit 21 – Worker Comment 2

Pues el año pasado nosotros vinimos a otro lugar y allí nosotros teníamos un baño, cocina, aire acondicionado adentro. Este año nos tocó venir a otro lado que nada más tenemos un ventilador en las cabinas, los baños están afuera, para bañar esta un poquito lejos, la cocina esta afuera donde tenemos que cocinar todo, pero en donde venimos este año está mejor el trabajo. Dónde venimos el año pasado, el trabajo era un poquito más malo.

Exhibit 22 - Worker Comment 3

Bueno, pues que nos avisen cuando ya paso el peligro del químico y que nos de información el patrón.

Exhibit 23 - Worker Comment 4

Mi preferencia es cuando aplican los patrones algo fuerte [pesticidas] que nos lleven a otro lugar en un lugar donde hay comida, agua y cama.

Exhibit 24 - Worker Comment 5

Mother requesting washer dryer to protect children-baby sound in background.
Hola buenas tardes. Tengo una petición para ustedes a ver si nos pueden ayudar, Nosotros como trabajadoras en estos campos, estamos teniendo muchos problemas con lavar la ropa aquí en este lugar. Esta muy corto los lavaderos y nos gustaría que nos pudieran proveer algunas máquinas para lavar y secar la ropa ya que para nosotros nos cuesta mucho trabajo viajar a la ciudad para lavar la ropa y también gastamos dinero para lavar y para secar. De igual manera pues gasolina también diaria porque hay que usar la ropa al siguiente día ya que aquí en este lugar hay mucho polvo, no hay pasto, hay mucho polvo y se cuele adentro de la cabina entonces toda la ropa se nos ensucia muy fácilmente. Yo tengo tres niños y a diario necesito estarlos cambiando dos o tres veces al día por lo mismo que ellos salen al baño, o salen a lavarse las manos, de igual manera si quieren jugar un rato afuera entran muy sucio porque hay mucho polvo, hay mucha tierra, y no puedo mantenerlos limpios. Ya han tenido problemas con la vía respiratoria con cosas que están expuestos entonces yo procuro tenerlos limpios. Por eso me da trabajo de ir a la ciudad y lavar la ropa diariamente. Me gustaría que si nos pudieran proveer lavadoras aquí ya que no soy la única. Hemos muchas mujeres que ocupan lo mismo.

Exhibit 25 - Worker Comment 6

Lo que iba explicar es que este, pues nosotros estamos trabajando aquí en la Cherry, cereza, y todo está bien, él trabajó, y todo, pero lo único que no está bien es en donde estamos viviendo. Es en una cabina donde no tiene cooler y es de puro metal. Las tejas son de metal y lo único es que está muy caliente, uno no puede descansar así de día porque hace mucho calor. Cuando uno llega de trabajar pues uno tiene ganas de descansar porque uno llega cansado de trabajar porque se levanta uno muy temprano y lo que quiere uno es llegar y descansar. No puede uno descansar en la cabina porque hace mucha calor, no nos tienen cooler. Yo me tengo que dormir acá afuera en la huerta, en el suelo, y pues yo lo que quería es que si pudieran ponernos aire acondicionado porque si la verdad no se puede vivir así aquí en esas condiciones. Si nos pudieran hacer el favor la verdad si se puede por favor si se los agradeciera mucho.

Exhibit 26 - Worker Comment 7

Pues me gustaría que aquí, por ejemplo, en las viviendas donde estamos se siente ese calor y no tienen aire acondicionado y ahorita que esta frio se siente mucho el frio.

Exhibit 27 - Worker Comment 8

Soy un trabajador de campo. En junio, no me acuerdo de la fecha, fue en mes de junio, estábamos desahijado, yo con 12 trabajadores. Paso un tractor esprayando una línea de químicos, insecticidas, como unas tres líneas como no nos dimos cuenta para que era. Nos pasó eso en este año en este rancho. Lo que les puedo decir pues ojalá hubiera un poco más atención en esto para todos los trabajadores que habíamos aquí en estados unidos.

Exhibit 28 - Worker Comment 9

Solo quería decir que venimos de california. Muchas personas de aquí venimos con nuestros hijos. Solamente queremos trabajar. Queremos que si por favor donde nos quedamos tengan mejores condiciones para poder lavar nuestra ropa. Nosotros los trabajadores tenemos que comprar las lavadoras y no el dueño del campo. También quisiéramos que si por favor pusieran las estufas más cercas de cada uno en su cabina porque está muy lejos para hacer comida. Damos muchos viajes. También queríamos, eso es por los niños, por nosotros para poder vivir mejor. Hace mucho calor adentro de las cabinas, tenemos que comprar, unas personas un aire acondicionado por lo mismo que está muy chiquito y caliente. Queríamos saber si nos podían poner un aire acondicionado o no se poder tenerlas más frescas o lo que sea para poder estar por los niños que no se puede ni estar adentro ni acostar uno que ya viene muy cansado del trabajo sin comer sin y muy temprano que nos levantamos. Los niños casi no los tenemos adentro, luego mejor nos sentamos afuera con los niños, o nos vamos un rato como al parque donde está un poco más fresco o al rio o así pero como está cansado, uno no tiene ganas de estar con ellos jugando, mejor uno se queda allí echarse una siesta allí debajo de los árboles.

Exhibit 29 - Worker Comment 10

[The comment from this family arose because they were living in a tiny cabin with a stove inside. Due to the lack of insulation, ventilation, and not enough living space inside the cabin, the family preferred having the cooking stove outside the cabin to alleviate from all these challenges].

We are a big family, and we would like more windows, clean beds, we would like a separate place to cook, so when we sleep, we want to take a nap, we could be ok, have more windows so there could be air so the bag don't get in because right here there not much windows, and we would love to have more windows....In the day is very hot. I take care of my little brothers and is very hot for them to sleep, and they start to cry, and sometimes they get sick because it's too hot. My mom's opinion is she would like to have a different place to cook because she does not like to cook inside the cabin because it is too hot.

Exhibit 30 - Worker Comment 11

[A mother with children speaking about challenges of outdoor stoves, heat, and not enough showers, and her children who have to wake up early to go to OCDC].

A mí me gustaría que mejoraran las estufas porque sería mejor que estuvieran adentro porque la mayoría de las estufas que están afuera se apagan con el viento y no tienen mucho fuego que como las que están adentro. Eso me gustaría que las viviendas tuvieran aire acondicionado por los niños y por la temperatura del calor que aumenta a veces de repente. Y que también los baños mejoren las regaderas que haiga más como para las mujeres y niño porque algunas terminamos bañándonos como hasta las 10 de la noche cuando somos más mujeres y los niños que asisten a las escuelas también.

Exhibit 31 - Worker Comment 12

Cuando hace mucho aire no se puede cocinar porque llega mucho aroma y luego el mismo viento nos apaga la estufa y no se puede cocinar y ya salimos mejor a comprar un lonche porque no se puede cocinar aquí afuera. Cuando esprayan si llega el aroma, pero mucho aroma aquí, y no podemos, y como que nos mormamos [nasal congestion/irritation] todos aquí.

Note from OSHA staff:

Below are links to the audio files referenced in the transcriptions of the previous page submitted by the Oregon Law Center on Friday, November 1, 2024, as part of their comments on the Proposed Agricultural Labor Housing rule.

[D-205 Exhibit 20 - Worker Comment 1](#)

[D-205 Exhibit 21 - Worker Comment 2](#) – Audio extracted from video

[D-205 Exhibit 22 - Worker Comment 3](#)

[D-205 Exhibit 23 - Worker Comment 4](#)

[D-205 Exhibit 24 - Worker Comment 5](#)

[D-205 Exhibit 25 - Worker Comment 6](#)

[D-205 Exhibit 26 - Worker Comment 7](#)

[D-205 Exhibit 27 - Worker Comment 8](#)

[D-205 Exhibit 28 - Worker Comment 9](#)

[D-205 Exhibit 29 - Worker Comment 10](#)

[D-205 Exhibit 30 - Worker Comment 11](#)

[D-205 Exhibit 31 - Worker Comment 12](#) - Audio extracted from video



Exhibit 032



Exhibit 033



Exhibit 034



Exhibit 035

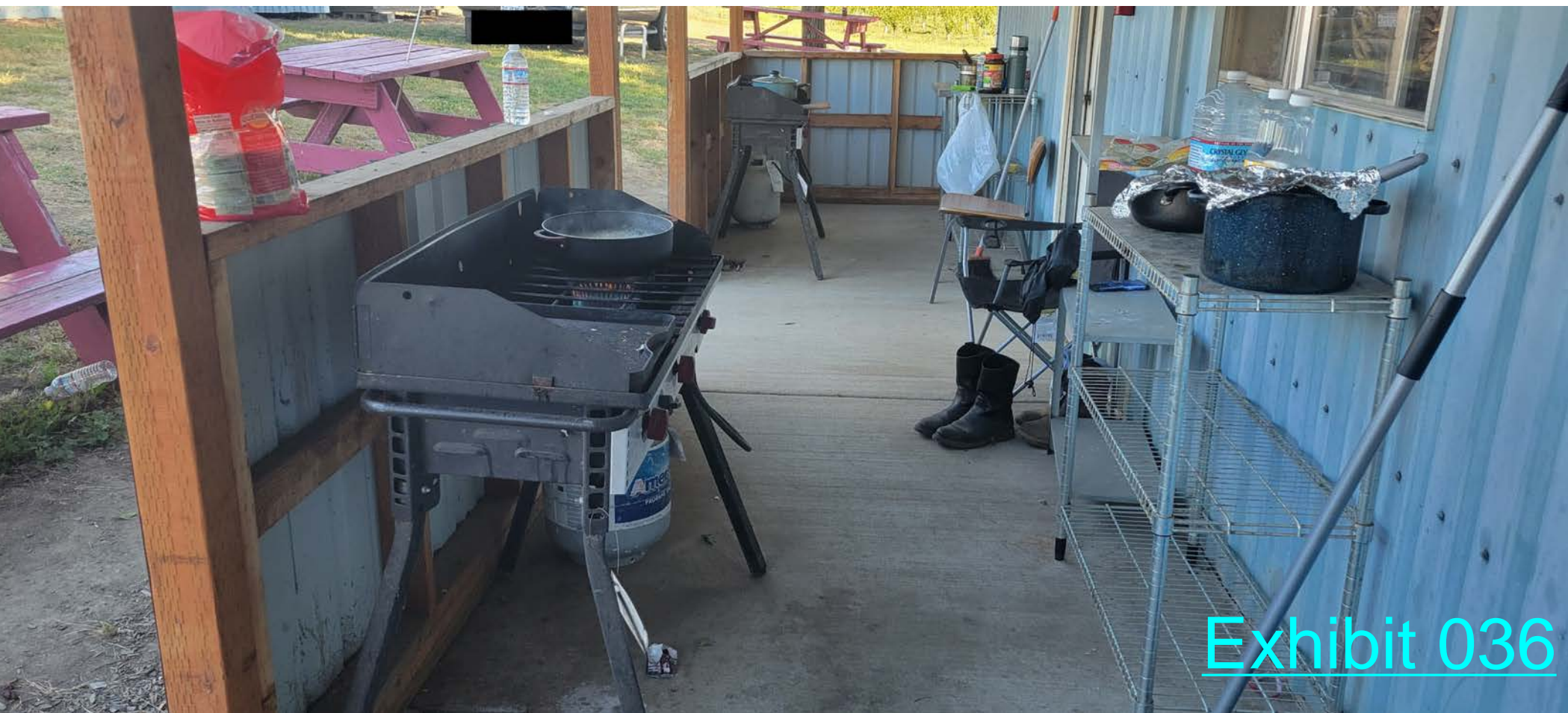


Exhibit 036



Exhibit 037



Exhibit 038



Exhibit 039



Exhibit 040



Exhibit 041



Exhibit 042

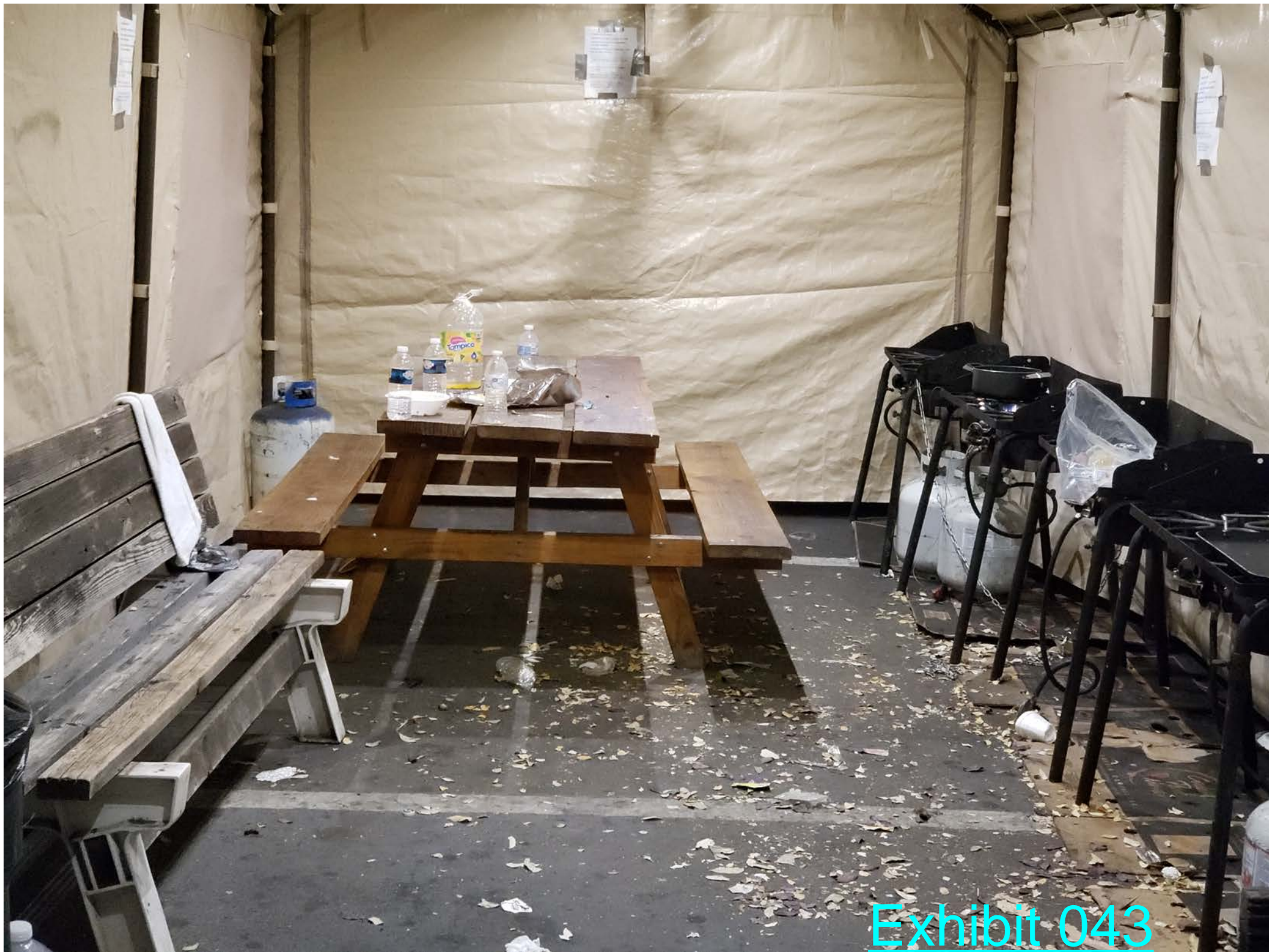


Exhibit 043



Exhibit 044



Exhibit 045



Exhibit 046



Exhibit 047



Exhibit 048



Exhibit 049



Exhibit 050



Exhibit 051



Exhibit 052

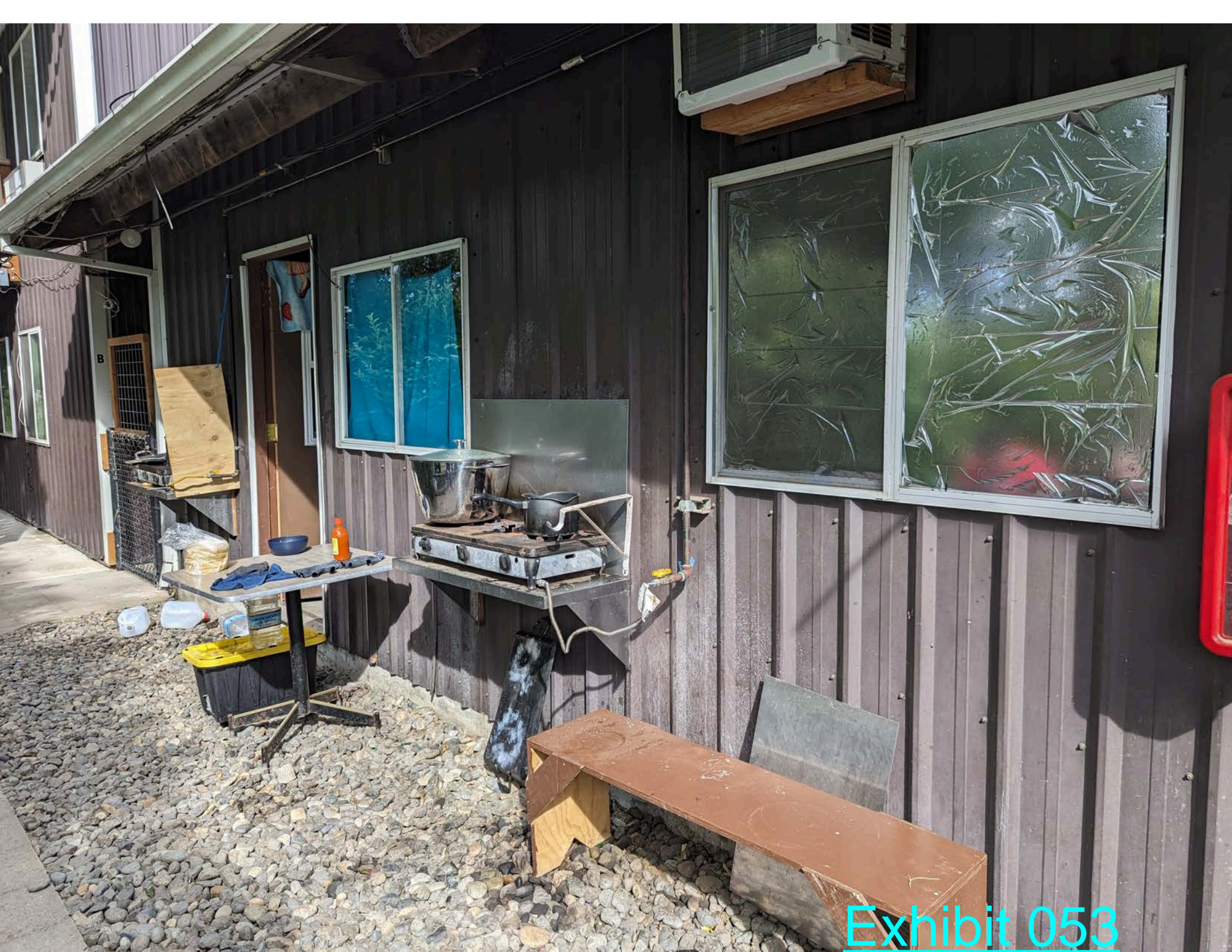


Exhibit 053

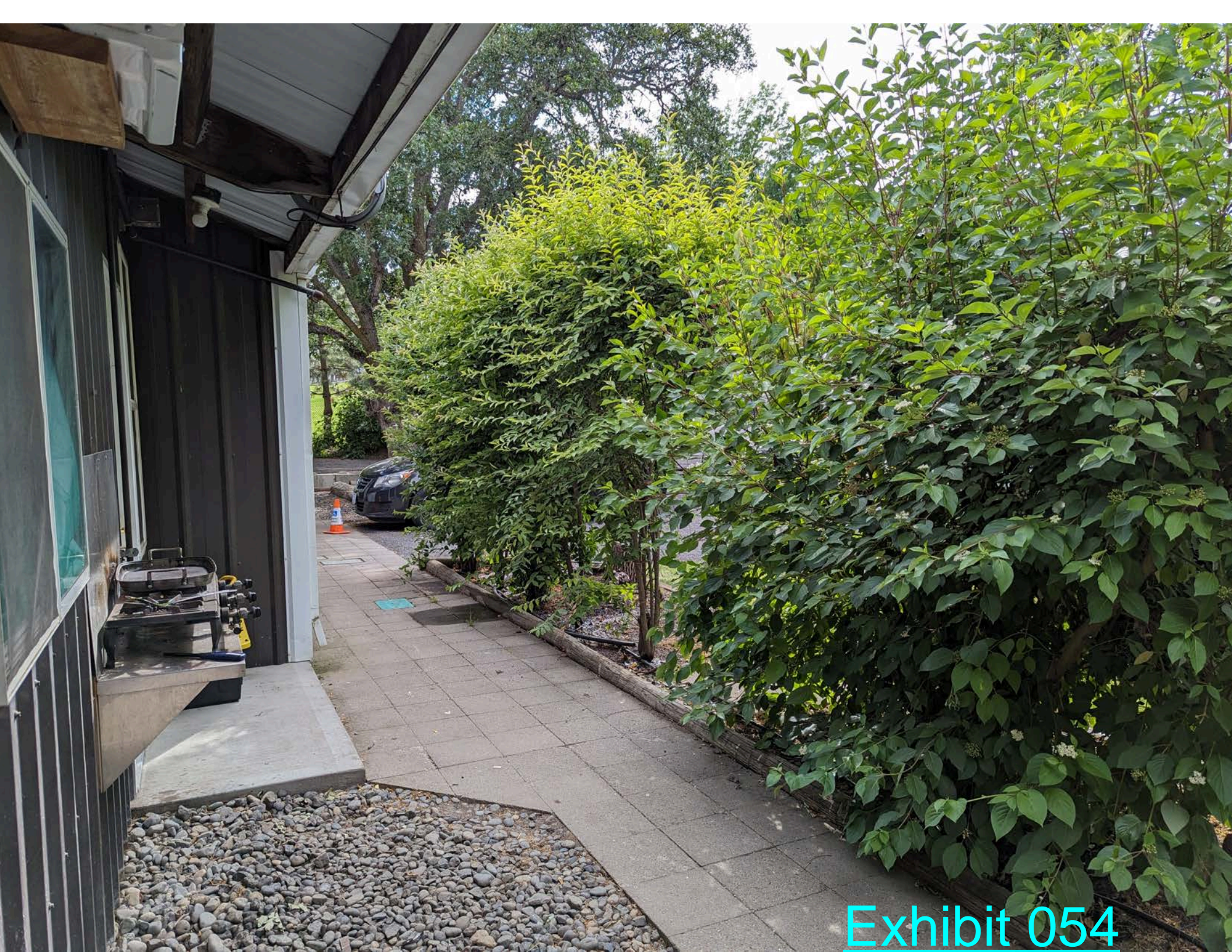


Exhibit 054

Trying to cook – battling winds



Exhibit 055



Exhibit 056



Exhibit 057



Exhibit 058



Exhibit 059



Exhibit 060



Exhibit 061



Exhibit 062

DO NOT REMOVE
By Order of
The State
Fire Marshal

FULL WT.
D.O.T. CERT. # D566

**Fire Dog
Extinguisher
Service**

Parkdale, OR 97041
(541) 352-1042
1-800-961-0591

LICENSE NO. _____
SERVICED BY _____

<input checked="" type="checkbox"/> ABC (DRY CHEM)	<input type="checkbox"/> WATER
<input type="checkbox"/> BC (DRY CHEM)	<input type="checkbox"/> LOADED STREAM
<input type="checkbox"/> CARBON DIOXIDE	<input type="checkbox"/> PURPLE K (PK)
<input type="checkbox"/> AFFF/FFFP	<input type="checkbox"/> HALOTRON
<input type="checkbox"/> FE-36	<input type="checkbox"/> HALON 1211
<input type="checkbox"/> CLASS D	<input type="checkbox"/> WET CHEM
<input type="checkbox"/> WATER MIST	<input type="checkbox"/> INERGEN
<input type="checkbox"/> HALON 1301	<input type="checkbox"/> CLEAN AGENT
<input type="checkbox"/> FE-13	<input type="checkbox"/> FM200
<input type="checkbox"/> SYSTEM	<input type="checkbox"/> FIRE HOSE

VOID 1 YR. FROM MO. PUNCHED; SYSTEMS 6 MOS.

SERVICED		NEW		RECHARGED	
JAN.	FEB.	MAR.	APR.	MAY	JUN.
JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.

☐ 2008/2009 ☒



Exhibit 064



Exhibit 065



Exhibit 066



Exhibit 067



Exhibit 068



Exhibit 069



Exhibit 070



Exhibit 071



Outside wash basin
cold water only

Exhibit 072



Exhibit 073



Exhibit 074



Exhibit 075



Exhibit 076

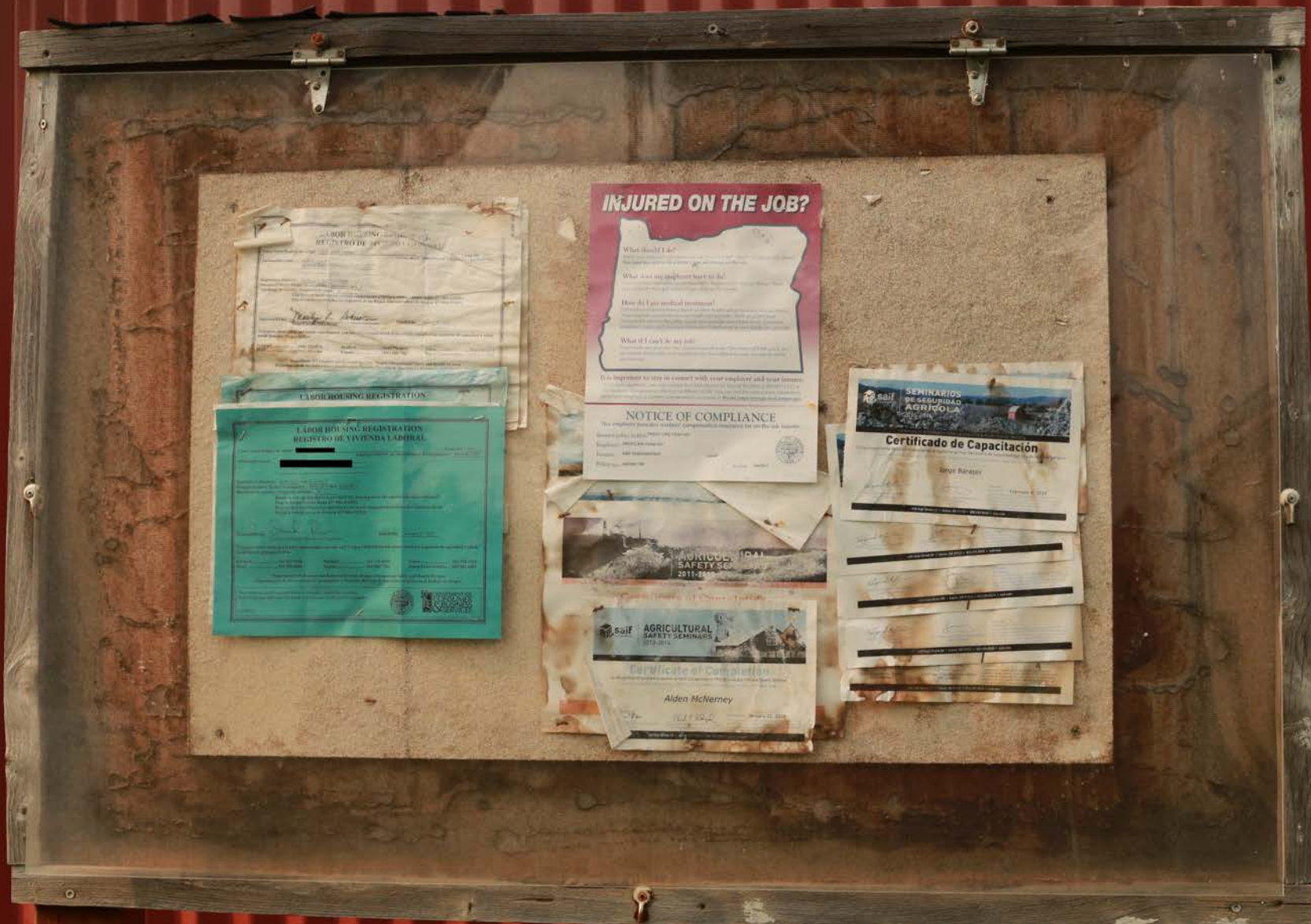


Exhibit 077

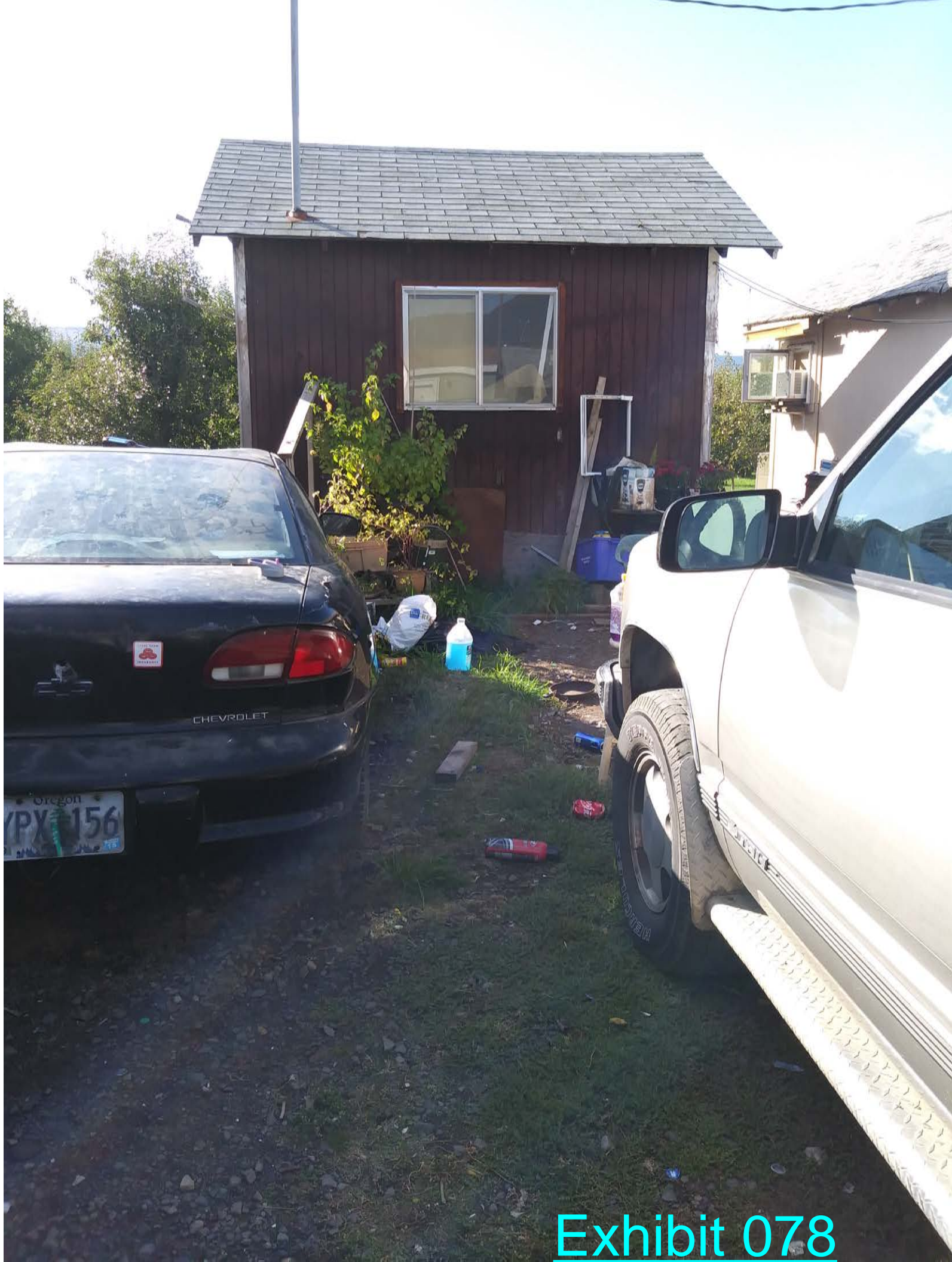


Exhibit 078



Exhibit 079



Exhibit 080



Exhibit 081



Exhibit 082



Exhibit 083



Exhibit 084



Exhibit 085



Exhibit 086



Exhibit 087



Exhibit 088



Exhibit 089



Exhibit 090



Exhibit 091



Exhibit 092



Exhibit 093



20200421_update_ALH

Occupants/site

● <6

● 6-25

● 26-75

● >75

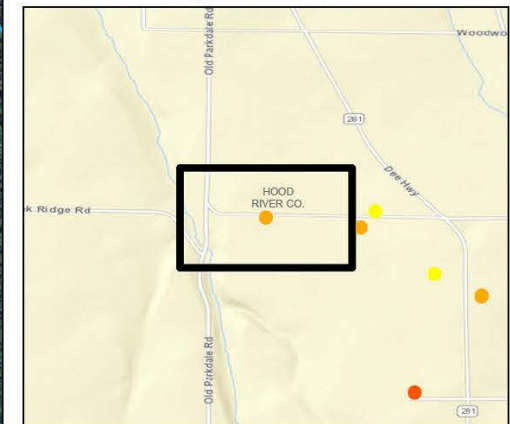
○ 100 ft from point

○ 150 ft from point

□ COUNTY

Num Oc: 20

map location in black



0 800 Feet

12/9/2020

Exhibit 094



Exhibit 095

20200421_update_ALH

Occupants/site

- <6
- 6-25
- 26-75
- >75

○ 100 ft from point

○ 150 ft from point

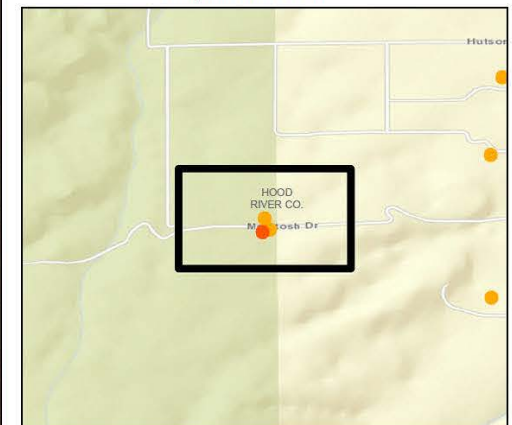
 COUNTY

Num Oc: 0

Owner:

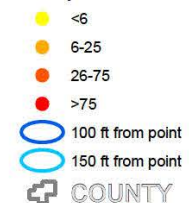
H-2A:

map location in black



0 800 Feet

12/9/2020



Owner: [REDACTED]
[REDACTED]

map location in black

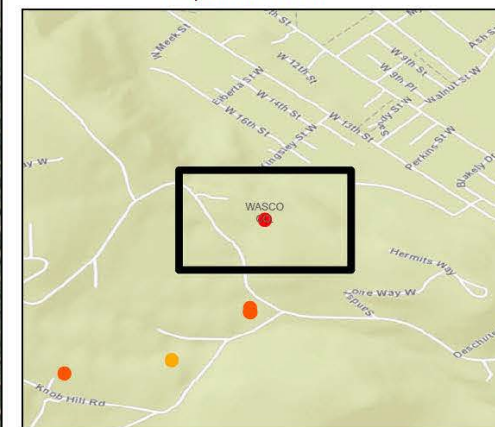




Exhibit 098



Exhibit 099



Exhibit 100



Exhibit 101

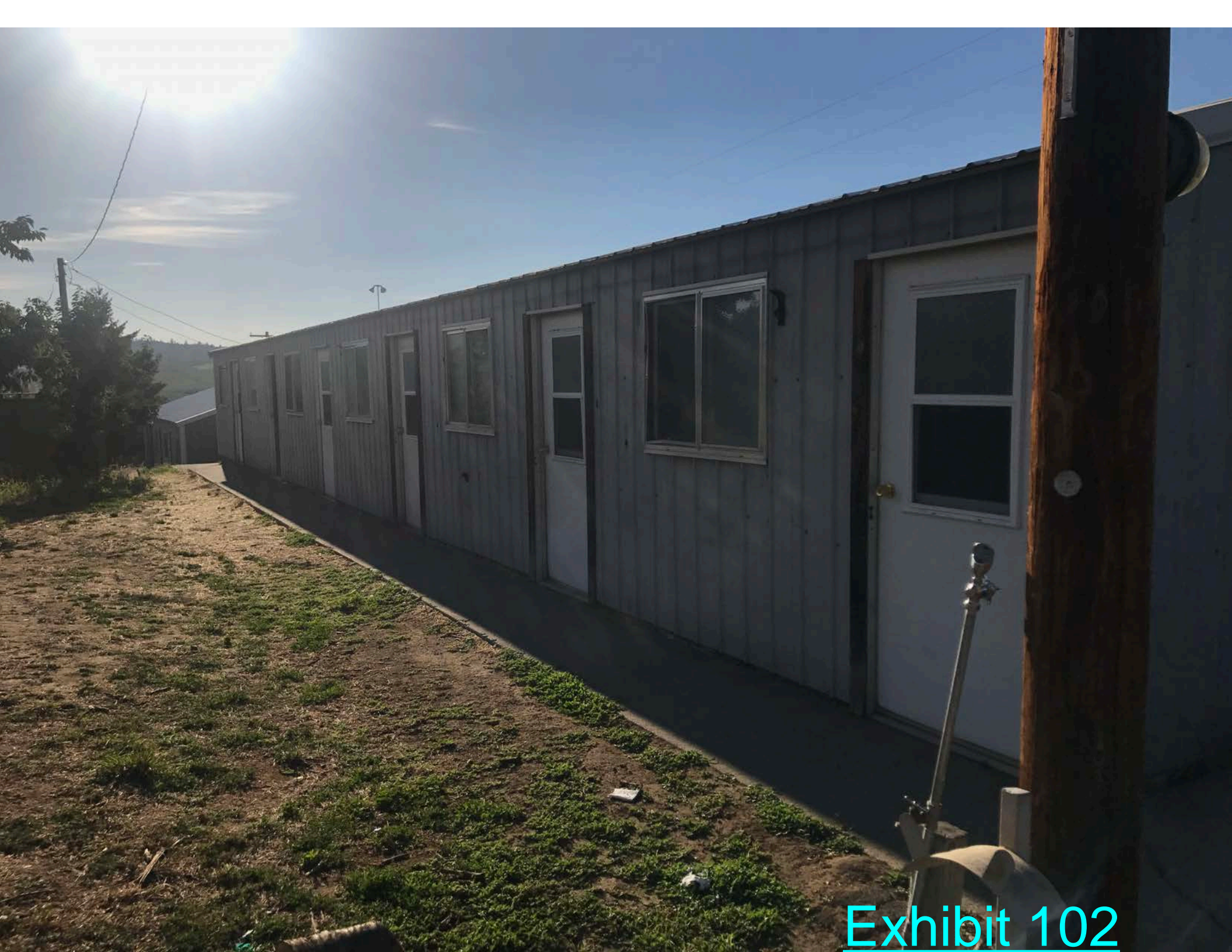


Exhibit 102



Exhibit 103



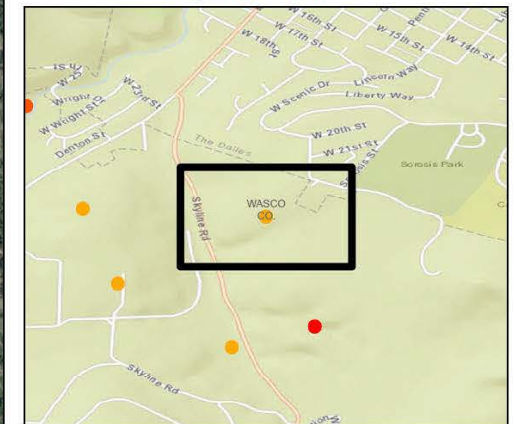
Exhibit 104



Exhibit 105

 COUNTY

map location in black



12/9/2020



Exhibit 107



Exhibit 108



Exhibit 109



Exhibit 110



Exhibit 111



Exhibit 112



Exhibit 113



Exhibit 114



Exhibit 115





Exhibit 117



Exhibit 118



Exhibit 119



Exhibit 120

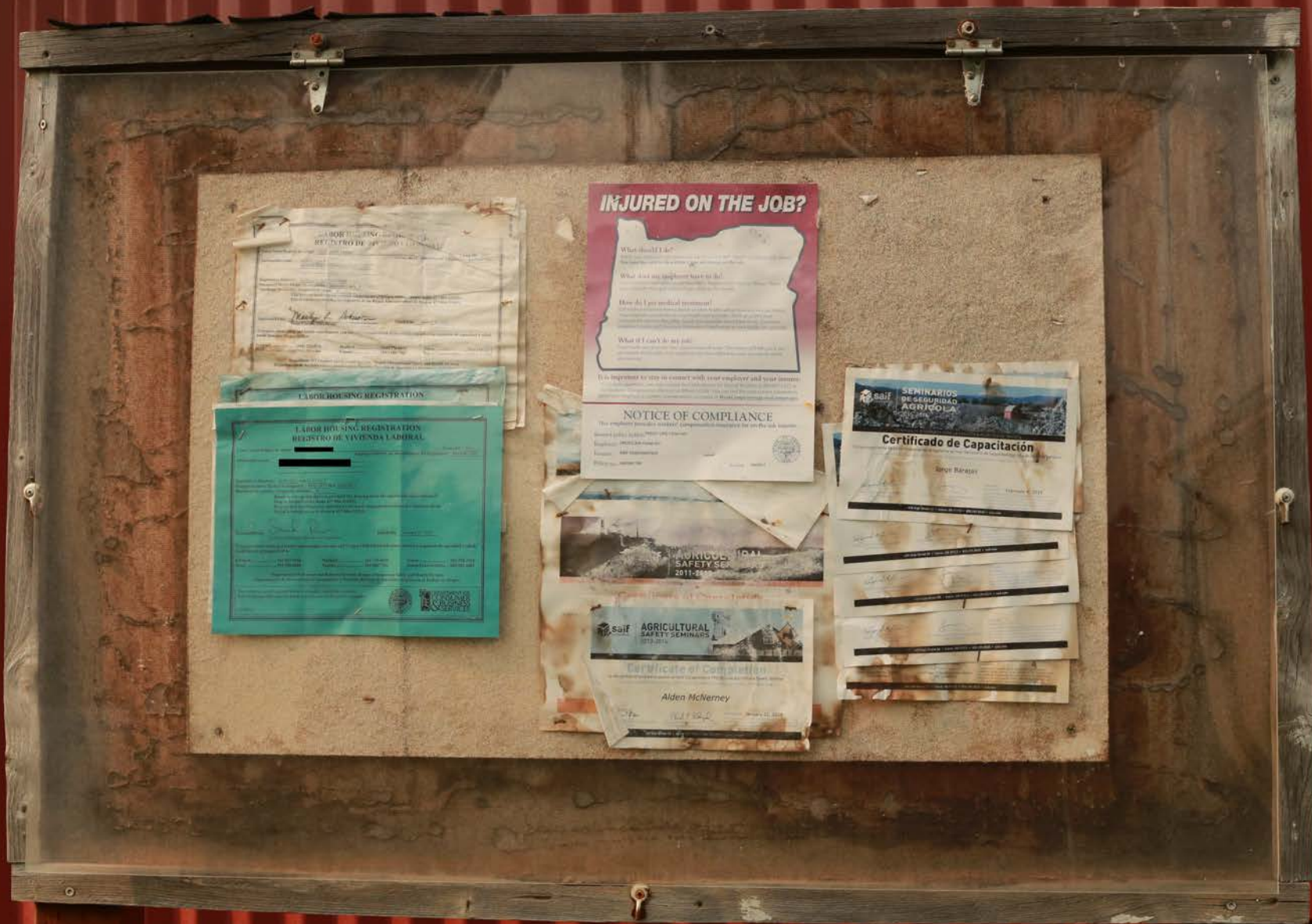


Exhibit 121



Exhibit 122



Exhibit 123



Exhibit 124



Exhibit 125



Exhibit 126



Exhibit 127



Exhibit 128



Exhibit 129



Exhibit 130



Exhibit 131



Clothes lines & proximity to orchard

Exhibit 132



Exhibit 133



Exhibit 134



Exhibit 135



Exhibit 136



Exhibit 137



Exhibit 138



Exhibit 139

Evacuación:	Refugio en el lugar
Zona de Exclusión:	100 pies
Fecha/Hora de inicio de la aplicación:	6/26/2023, 10:00PM
Fecha/Hora de finalización de la aplicación:	6/27/2023, 10:00AM




Todos los residentes, por favor recuerde:

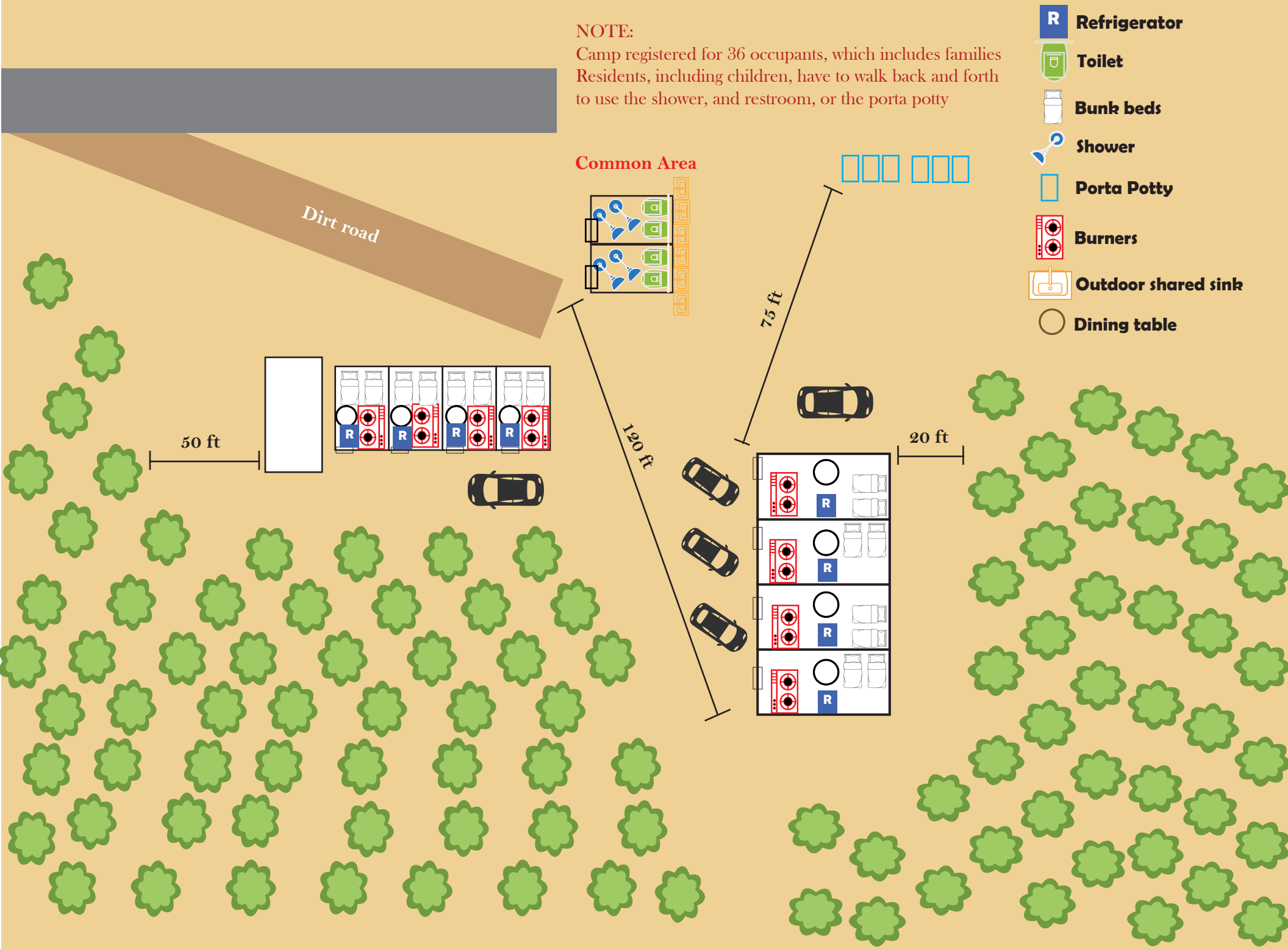
- Cerrar toda las ventanas y puertas.
- Apague todos los sistemas de ventilación (aire acondicionado, ventiladores de baño, etc.)
- Trae artículos personales adentro.

AEZ

NOTE:

Camp registered for 36 occupants, which includes families Residents, including children, have to walk back and forth to use the shower, and restroom, or the porta potty

-  **Refrigerator**
-  **Toilet**
-  **Bunk beds**
-  **Shower**
-  **Porta Potty**
-  **Burners**
-  **Outdoor shared sink**
-  **Dining table**



From: [Rebeca Lopez-Franco](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [Nargess Shadbeh](#); [Julie Samples](#); [Madeleine Morawski](#); [Valentin Sanchez](#)
Subject: OLC Farmworker Program's Public Comment Submission re: Proposed Comprehensive Amendments to Agricultural Labor Housing
Date: Friday, November 1, 2024 5:07:46 PM
Attachments: [image001.png](#)
[FINAL_OLC_Public_Comments_on_Oregon_OSHA_Proposed_Rules_to_Agricultural_Labor_Housing.pdf](#)

You don't often get email from rlfranco@oregonlawcenter.org. [Learn why this is important](#)

Hello,

Attached please find the Oregon Law Center Farmworker Program's public comment submission regarding proposed comprehensive amendments to agricultural labor housing. The Exhibits 1 through 141, mentioned in the above document, have been uploaded by Valentin Sanchez to a biscom link provided to our office by Oregon OSHA.

Thank you,

Rebeca

image001



Rebeca Lopez-Franco

Supervising Attorney

Oregon Law Center – Farmworker Program

PLEASE NOTE NEW MAILING & STREET ADDRESS

PO Box 297

999 N. Cascade Dr

Woodburn, OR 97071

Main Line: 503-981-0336

Direct: 503-676-5201

This email may contain privileged work product and/or confidential attorney-client communications. If you are not the intended recipient, please notify us by e-mail or by phone at the number above and destroy this communication.

Ted Lyster – Post Office Box 28, Bend, Oregon 97709

November 1, 2024

Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (OR-OSHA)
350 Winter St NE, 3rd Floor
Salem, OR 97301

Sent via Email: OSHA.rulemaking@dcbs.oregon.gov

My name is Ted Lyster. I am a member of the Oregon Cattlemen's Association and just learned of the proposed Farm Worker Housing Rule. My ranch is located 60 miles from town and I am required to make that drive to just collect my mail. I have a 100 year old farm house that is located within 500 foot of my livestock. It is a rental home. If the rule is adopted, I will be required to remove the renters and they will be homeless. Additionally, I own five separate properties each with housing for ranch employees and family members. The occupants of these homes would also be affected if the proposed rule is adopted.

I urge OR OSHA to retain the existing language concerning livestock in your rules. Please send acknowledgement of this email to me at tlysterrancher@gmail.com.

This letter is being submitted by Tammy Dennee, Oregon Cattlemen's Association, Executive Director, because my email connectivity is unreliable.

Respectfully submitted,

Ted Lyster
tlysterrancher@gmail.com

From: [Klaus Hoehna](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 6:00:18 PM

Dear Director Stapleton,

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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. Common sense must prevail! Chaining us with rules that do not make practical sense will put Oregon agriculture out out of business!

Sincerely,

Klaus Hoehna
78061 Lupine Ln

Weston, OR 97886
klaushoehna@gmail.com

From: [John Seymour](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Preserve housing for livestock operation employees
Date: Friday, November 1, 2024 7:15:28 PM

You don't often get email from seymourj8@gmail.com. [Learn why this is important](#)

OR OSHA,

Housing is extremely limited in rural Oregon. Most if not all families working on livestock farms in our area live in permanent housing within 500 feet of animals. These are not 'labor camps.' Additionally, animals need to be monitored closely to ensure their safety and security.

Families in rural Oregon have been living close to their animals they care for 150+ years and there is no good reason for eliminating the livestock exemption for farm workforce housing.

Please maintain the exemption for livestock agricultural workforce housing, for all the right reasons.

Respectfully,

John Seymour

From: [Andrew Steinkamp](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 8:10:14 PM

Dear Director Stapleton,

My name is Andy Steinkamp and I am a farmer in the Willamette Valley. I would like to oppose OR-OSHA's proposed ag labor housing rule changes. Our farm is built on respect and the belief we treat people the way we want to be treated. I have stayed in our worker housing when the need to stay out near the job was necessary. I strive to keep our worker housing in good condition as I would for my house. Our current housing is built to current regulations and the proposed changes will greatly financially impact our farm. Changing major utilities is costly and changing location of a house, permanent crop or pasture is even more expensive. Please do not change rules and cause major undue expenses for growers like me.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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 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,

Andrew Steinkamp
7762 45th Pl NE
Salem, OR 97305
andys259@gmail.com

From: n3ranchlife@gmail.com
To: "Crook County Stock Growers Association"; [DCBS RULEMAKING OSHA * DCBS](#)
Subject: RE: We Need Your Help!
Date: Friday, November 1, 2024 8:36:25 PM

You don't often get email from n3ranchlife@gmail.com. [Learn why this is important](#)

Howdy ya'll , the county has grandfathered rights to established buildings on property so the 500 ft requirement would have to only apply to new construction right ????

Thank you for your time . Tony Newbill N 3 Ranch Powell Butte , Oregon U.S.A.

From: Crook County Stock Growers Association <crookcountysga@gmail.com>

Sent: Friday, November 1, 2024 3:42 PM

To: undisclosed-recipients:

Subject: Re: We Need Your Help!

Good Afternoon,

To follow up on the OSHA matter at hand, here is a letter that was drafted by OCA and signed by President Matt McElligott & Executive Director Tammy Dennee. This is a great base for any comments and letters that you would like to draft on your own. A reminder that letters/comments **must be submitted to OSHA.rulemaking@dcbs.oregon.gov no later than 11:59pm November 3rd (THIS Sunday).** [OCA-Opposing-Proposed-OR-OSHA-Farm-Worker-Housing-Rule-10.31.24.pdf](#)

Thank you for voicing your concerns.

Take care,

On Wed, Oct 30, 2024 at 5:22 PM Crook County Stock Growers Association

<crookcountysga@gmail.com> wrote:

Good Evening Membership!

I hope that you are ready for the cold, because it seems to be here!!

You may have seen an email coming from the OCA newsletter a "Call to Action" issue regarding OSHA's target on Farm Worker Housing. If this rule is passed, this can and will have a significant impact on SO many.

Here is some highlights on what we have been told:

- Proposed rule would prohibit housing within 500 feet of stables, barns, pens, milking parlors, corrals and more. This includes employee housing and potentially more!
- It is unclear how broadly this rule could apply but as written and what it means for anyone who lives near livestock operations, but would certainly **prohibit the homes that many ranching employees currently live in.**
- The rule has NO exemption for existing housing or provision that would only apply to new housing moving forward. This would condemn all existing buildings!
- This is not something that we, as producers, citizens etc get to vote on. This is a rule that would either pass or not based on OSHA preferences.

Here is the Proposed Rule Changes [Text of Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities](#)

We would like to **strongly** encourage you all to write to OSHA and urge them to amend the proposed rule and preserve current livestock housing based on the economical impact that it would have on you and so many others! This will be detrimental to a lot of ranching/farming/nursery/orchard outfits!

Please email OSHA.rulemaking@dcbs.oregon.gov by November 3rd. There needs to be context, how it is going to affect you, how your current situation is not one that needs to be changed etc. They will likely disregard it unless there is some context to your letter.

Another topic that is being brought forward and will be voted on at the OCA conference in December at the General Membership Meeting is the **Brand Inspection Department operations**.

Here is an update from our OCA District Rep, Shane Gomes:

OCA Brand and Animal Health committee engagement and discussion, regarding the need to increase brand fees to sustain the program managed by Oregon Dept of Ag which is currently under funded with a deficit balance.

Recommendation: Raise brand inspection to \$1.75, an increase from \$1.35. Also raise brand registration fees to \$200 every 4 years, \$50 per year, an increase from \$25.

The brand advisory board would be empowered to oversee the ODA brand program.

The current advisory committee is composed of representatives of all livestock industries.

Recommendation to ODA to add an equine representative as well.

In September at the fall quartley in Prineville, the OCA board accepted the proposal of the brand committee to be further considered by the OCA membership at the general membership meeting during the Convention.

The annual convention will be held December 5th through the 7th in Pendleton. General membership meeting is Saturday the 7th. Hopefully everyone can make it to Pendleton and cast your yes or no vote as a member of OCA, because this is a grassroots association and your vote counts as a member.

We know that brand fees were just changed, as of October 1st. But I urge you to go to the general membership meeting in Pendleton, December 7th. You do not have to register, you do not have to pay for anything, just show up and vote on what you think on the matters at hand. At this time, there is no plan or idea what that would look like moving forward without a brand department. The Western 14 states do have a brand department and the other states do not. Do not wait and let this change or not without your vote being casted. We must act before the matter, not react once it has happened. We are given the opportunity to have our votes count.

Thank you all! If you have any other questions regarding these items, please feel free to reach out to Shane Gomes, who would have more information regarding the OCA convention and these proposed rules/changes.

--

Brittney Wofford
Crook County Stock Growers Association
Secretary
541-977-7641

--

Brittney Wofford
Crook County Stock Growers Association
Secretary
541-977-7641

From: [Roberta Valladao](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 8:50:12 PM

Dear Director Stapleton,

I oppose the language in the Ag Housing Rules that state housing can't be within 500ft of livestock. Living in Central Oregon our pasture lands come closer than 500 ft and for those that have 4-H and FFA animals that are kept in pen close to their homes makes it impossible for them to have livestock project with that wording in the rules. I raise livestock and we bring sick animals (mainly newborn calves) into our homes to keep them alive in the winter months for a short period of time until we have them stable enough to go back to their mom's. You are putting our lively hood in jeopardy with this rule. Having livestock close to our house allows us to keep an eye on them during winter calving season. Thank you for removing this from the rules.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Roberta Valladao
4810 NW ICE AVE
TERREBONNE, OR 97760
rrvalladao81@gmail.com

From: [Greg Lambert](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Friday, November 1, 2024 9:10:12 PM

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Dear Director Stapleton,

Grocery prices are much higher than necessary, largely due to unreasonable government regulation. The number of small farms is shrinking for many of the same reasons. Please back off these rule changes.

Worker safety is important, but 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 Oregon's farm and ranch families to pay for them.

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Sincerely,

Greg Lambert
4099 NE Wittmer Rd
Prineville, OR 97754
greg@midoregonpersonnel.com

From: [Kevin Loe, R](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Saturday, November 2, 2024 11:20:13 AM

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Dear Director Stapleton,

There has been nothing that has changed to make more rules in regards to this except adding more rules regulations and fees to an industry that has all ready been regulated and taxed to death.

Worker safety is important, but 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 Oregon's farm and ranch families to pay for them.

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Sincerely,

Kevin Loe
5648 Evans Valley Loop NE
Silverton, OR 97381
kevin@trianglefarmseeds.com

From: [Sean Cunningham](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farmworker Housing Rule
Date: Saturday, November 2, 2024 11:32:02 AM

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To whom it may concern,

I am writing to **OPPOSE** the proposed rule regarding farmworker housing within 500 feet of livestock facilities. This rule will put a great deal of hardship on farms, ranches and the people who work on them! Families will be forced out of their homes! Farms that currently provide housing to their workers will be forced to make them live off the farm and seek housing in a competitive rental environment. In most farming communities there is NO available housing besides what is provided on the farm!

Our ranch is 30 miles from the nearest town. We cannot afford to build a new house for ranch workers, nor will the county zoning allow additional housing on our property. What are family ranches like ours expected to do? We only have one employee and he has a nice home on the property. Are we supposed to force him to live 30 miles away and commute to the ranch when there is a perfectly good house available on the property?

This rule if implemented will be a travesty for rural Oregon. I could understand if it applied to NEW housing being built, but to make it a blanket rule is going to drive small farms out of business and cause more farmland to be sold for development. It will also likely cause another increase in homelessness from farmworkers who cannot find rentals in communities that already have housing shortages.

Thank you for reading my comments.

Sean Cunningham



November 2, 2024

Sarah Rew
Department of Consumer and Business Services/Oregon OSHA
PO Box 14480
Salem, OR 97309-0405
OSHA.rulemaking@dcbs.oregon.gov

RE: Comments on Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Dear Ms. Rew:

Thank you for the opportunity to comment on Oregon OSHA's (OR-OSHA) proposed comprehensive amendments to Agricultural Labor Housing (ALH) and related facilities. The following are our comments on this proposal to amend OAR 437-004-1120.

WAFLA's Background and Interest

The Worker and Farmer Labor Association (WAFLA) is a non-profit 501(c)(6) membership association comprised of nearly 800 agricultural and seasonal employers. WAFLA was formed to make labor stability a reality for all agricultural employers and for farmers and farmworkers to be treated with dignity and respect. We offer ways for our members to access several federal visa programs and receive assistance complying with state and federal labor standards.

Participation in the H-2A visa program has grown over the past two decades as farmers nationwide have found it increasingly challenging to fill agricultural jobs. Their only option under current law to find additional workers and remedy this labor shortage is the H-2A program. Without this program, farmers of labor-intensive commodities would be unable to grow those crops, which are vital components in our national food security system and state economies.

In 2023, WAFLA filed H-2A applications for approximately 250 member employers who collectively were certified for more than 17,000 H-2A positions. We operate primarily in the Pacific Northwest, and we offer human resource training and advice to farmers and assist them with meeting the housing needs of their workers. Currently, WAFLA supports 70 H-2A farm contracts that bring about 5,000 H-2A farmworkers into Oregon to help meet the peak seasonal labor demands since not enough domestic workers are available.

WAFLA operates a licensed Agricultural Labor Housing (ALH) facility in Mt. Angel, Oregon, to assist area farmers with lodging for their workers, many of whom come to the U.S. on H-2A visas to work during the growing season. This arrangement helps workers, local farmers, and the local community. WAFLA members may also provide housing for farm workers (both domestic workers and guest workers) on or near their farms. As such, WAFLA and our members will be affected by regulatory changes pertaining to ALH. If these proposed rules are adopted, housing and beds for many farmworkers will be lost.

Regulatory Overview and Comments

The topic of farmworker housing is certainly not new to the federal government, Oregon, or agricultural employers. Federal regulations have provided standards for farmworker housing for decades.

- **ETA Rules:** The U.S. Department of Labor Employment and Training Administration (ETA) adopted rules governing housing that can be found at 20 CFR 654.404 through 417 and are still in effect. The ETA rules cover housing standards that include water supply, waste disposal, building and construction standards, heating, lighting, toilets, bathing, laundry, cooking, and safety. [According to DOL](#), these ETA standards “are applicable to housing that was completed or under construction prior to April 3, 1980, or was under a signed contract for construction prior to March 4, 1980.”
- **OSHA Rules:** The federal Occupational Health and Safety Administration (OSHA) oversees the current regulations, which are found at 29 CFR 1910.142(a) through (l) and which thoroughly cover housing construction standards and living conditions. [According to DOL](#), these standards apply “to housing for which construction started on or after April 3, 1980.”
- **MSPA and H-2A:** The federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA section 203(a)) and the H-2A program (20 CFR.135(e)) require housing to comply with all applicable federal, state, and local standards.

We mention these existing federal regulations for the following four reasons:

- We understand that states with OSHA state plans must ensure that their rules are at least as effective as federal OSHA standards. As such, any changes to align state standards with federal standards are expected.
- The existing federal regulations provide robust standards for constructing safe agricultural worker housing. When stakeholders point out issues with housing, they often point to the need for more stringent standards. However, we have observed that the standards are not usually the problem. The issue is inadequate enforcement of existing standards. Closely aligning state standards with these federal standards provides uniformity, allowing for proper review, implementation, and enforcement of those known and time-honored standards.

- The agricultural industry is no longer merely local. Farmers face regional, national, and international competition. Due to the nature of commodity markets, growers have minimal ability to set their prices and pass on cost increases to their customers. Any rules, including ALH rules, that set a higher standard than current federal standards place local farmers at a distinct competitive disadvantage. While raising state and local standards to a higher level may appear admirable, such actions push agriculture further to the brink of economic collapse, which endangers the livelihoods of farmers, the occupations of farm workers, and the sustainability of the rural economy. Our farmer members want to offer housing to workers, but increasing costs without a direct nexus to safety will result in higher housing costs for fewer workers. This is not a recipe for keeping labor-intensive agriculture viable in Oregon. For these reasons, we suggest that OR-OSHA adopt only changes to the ALH rule necessary to comply with federal standards.
- OR-OSHA should also respect and adopt the 1980 timeline found in federal rules. Imposing one set of contemporary standards onto housing built under previous standards is costly and inefficient. Generally, building codes do not force current buildings to be updated to new standards unless extensive remodeling is performed. OR-OSHA should show this same respect to legacy ALH. Some of these proposed rules, if adopted, would force ALH owners to make costly retrofits to existing structures to come into compliance with new standards even though the ALH was built to the standards of its day. If OR-OSHA adopts more stringent standards than federal standards, those new standards should apply prospectively to new housing, not retroactively to legacy housing.

General Concerns from the H-2A Perspective

- **H-2A Contract Dates vs. Rule Implementation Dates:** Under federal H-2A rules, farmers must provide free housing to H-2A workers, and the housing must comply with federal, state, and local construction and inspection standards. Loss of beds due to a farmer's inability to update housing to newer, more stringent standards will reduce the H-2A and domestic labor force they depend upon. This will mean that farmworkers who have come to work in the U.S. under the highly regulated H-2A program may not have the ability to earn 5-13 times what they can in their home countries, impacting these workers and the families they support back home.

H-2A contracts are typically planned several months to a year in advance. Contracts are filed about 75 days before a contract starts, and housing must be secured and licensed to keep the timeline on track. Some contracts in Oregon will begin in December 2024 and go into 2025. As the rules are currently written, farmers will be forced to make mid-season changes to their housing so that it remains certified. This can negatively impact their ability to maintain the H-2A contract, potentially causing them to send workers home if they cannot make the necessary changes. This would be devastating for that farm and the workers. Implementation of any housing changes

mandated by these rules would need to take place either before or after an H-2A contract, not in the middle of it, and we ask OR-OSHA to allow for this remedy in the final rules.

- Inability to Modify Housing Due to Local Land Use Limitations: Some WAFLA members are concerned about the obstacles they will likely face with local building jurisdictions, land use challenges, and the lack of resources in rural communities to handle a potential influx of permitting requests for all of the proposed construction changes these rules require. Even if farmers could afford these proposed ALH changes, they could run into roadblocks with local building codes and land use planning restrictions prohibiting them from making some changes.
- Different Styles of Housing: During stakeholder discussions, questions arose regarding the implementation of various rule proposals for certain housing. Growers provide a mix of different types of ALH, such as single-family residences, apartments, and dormitories. Some offer fixed-site housing, while others may use mobile housing. These rules need to be written with those different housing types in mind. A rule that may seem to work for one type of housing may not work for a different type. Examples include standards and ratios around sinks, toilets, storage, showers, laundry, etc. We ask that OR-OSHA keep this point in mind as it reviews comments and makes final rule determinations.
- Implementation Dates: We appreciate that OR-OSHA has written this proposal with staggered implementation dates. Mandating that growers or other owner/operators of ALH make capital changes immediately is impractical and cost-prohibitive. However, we believe many of the implementation dates need to be pushed out even farther into the future – to July 1, 2025, at the earliest and much later for many of the proposed rules. Some modifications require major construction or remodeling, which involves hiring contractors, obtaining permits, and passing inspections, all of which take time and capital. Phasing in significant structural changes over 10 years would provide ALH providers with meaningful time to make the mandated modifications.

Specific Comments

(6) Site Requirements

(b) and (e): Cutting brush back 30 feet from buildings. We are pleased that previous proposals to set this distance at 100 feet have been reduced to 30 feet, which is much more reasonable.

(h): Proximity to livestock. OR-OSHA proposes that ALH cannot be located within 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties. We object to this change. Workers who tend livestock often need to live in general proximity to the livestock for the safety of the animals. Also, adopting this change could force growers to abandon or destroy current ALH, build new ALH, and/or change animal husbandry practices at a significant cost. If occupational disease control and prevention is the

goal of the new language, that type of control and prevention can be done through other less-costly, less drastic means. We object to the new wording in (6)(h) for these reasons. If OR-OSHA insists on this language, these stipulations must only be applied to new ALH constructed after a future date. Existing housing should not need to be changed to comply with such a requirement.

(j): At least one wall-type electrical receptacle must be provided in each room that is used for sleeping every two occupants. If this rule is adopted, it should apply to new or substantially remodeled housing. Existing housing should be grandfathered in under the current rule based on square footage. Requiring remodeling and rewiring in existing housing would be costly and not feasible.

(9) Bathing Facilities

(b), (d), and (e): Shower privacy. We are pleased to see that OR-OSHA kept the ratio of showers to people the same as under current rules. We support the concept of privacy, but the changes contemplated under the proposed regulations could require construction, retrofitting, and even replumbing of some facilities. The private dressing area in (d) is not well defined. Can that area be an extension of a locking shower stall? Must it be separate? ALH owner/operators will likely need more time than what OR-OSHA has proposed to implement these rules. Also, current structures should be allowed to remain as they are. This standard should apply only to new construction of ALH.

(10) Hand Washing Facilities

(a): Sink ratio for handwashing. We are pleased that OR-OSHA kept the ratio the same as under current rules. However, we object to the new language stipulating that “this handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.” This new language requires ALH owner/operators to increase the number of sinks they provide to occupants. ALH is not necessarily a commercial kitchen facility, and separate sinks for washing hands versus dishes are unnecessary. Including this new language would result in planning, permitting, and construction costs for ALH owner/operators. We suggest OR-OSHA remove this new language. If the agency moves forward with the language, the new requirement should apply only to new construction and not existing ALH. At the very least, the implementation timeline should be pushed out 10 years.

(b): In common use facilities, provide paper towels. We believe adding the option of hand dryers in addition to paper towels would give ALH owners, operators, and occupants another viable option for drying hands. We ask for hand dryers to be included in this rule language.

(11) Laundry Facilities

(a): Laundry machines or tubs. We appreciate the allowance of laundry tubs and trays to continue to satisfy this requirement.

(12) Toilet Facilities

(d): Provide at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing. We strongly oppose changing the toilet ratio from 15 to 10 due to costs associated with remodeling and replumbing. We believe the ratio should remain at 15:1. Oregon should follow federal standards on toilet facilities.

(16) Living Areas

(i): Provide suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit that total at least 21 cubic feet. Provide lockable storage for each occupant. We oppose the requirement of 21 cubic feet for storage. This large amount of storage space would be hard to achieve in most existing housing and would add costs to new construction. We recognize the need for storage of personal items, but it needs to be a reasonable amount of space that can be realistically achieved. Lockable storage is necessary in communal spaces, but not if the ALH occupant lives alone in a secured, non-communal area.

(j): Square footage in living areas where workers cook, live, and sleep. Eliminating the pre-August 1975 language allowing for 60 square feet is problematic for ALH providers whose housing dates from that era and was built to those standards. Any change in legacy standards for square footage is highly problematic and costly. Changes to square footage involve capital construction costs and have the potential to reduce the availability of housing for farmworkers significantly. We suggest OR-OSHA adjust this language to conform the square footage requirements to the federal ETA and OSHA standards and the corresponding effective dates of those federal rules (pre-1980 vs. 1980 to present). See our comments in the background and general comments sections above. Recognizing and respecting federal dates and standards is appropriate and fair. If OR-OSHA insists on imposing a more stringent square footage requirement on ALH than the one found in federal regulations, the new state standards need to apply only to new construction in the future.

(k) and (l): Each sleeping room must provide at least 100 square feet of floor space per occupant. We strongly oppose this change. Changing the required floor space per occupant will reduce our housing capacity by at least 50 percent. This change would result in significant construction costs for new and existing housing. Our rationale is the same as in Section (16)(j). We recommend that Oregon housing standards follow the standards and dates of the federal ETA and OSHA housing standards.

(18) Cooking and Eating Facilities and Equipment

(a)(B) and (b)(B): A minimum equivalent of two cooking burners for every 8 persons or part thereof, or 2 families, whichever requires the most burners. We oppose this rule change, like many of the others, because this change involves additional construction costs (capital improvements, wiring, installation, permits, etc.) and goes beyond federal standards. We believe OR-OSHA should keep the number of persons at 10, not reduce it to 8.

(a)(H) and (b)(I): Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or

sleeping area. We are concerned that this language would forbid a room layout that includes cooking, living, and sleeping areas, which would remove options from affordable construction and could cause some existing housing to be remodeled.

(b)(F): Plumbed sinks with hot and cold water and an adequate number of faucets to service the occupants in food preparation areas or within a reasonable distance adjacent to such areas. Plumbed sinks in or adjacent to food preparation areas do not count toward the required ratio for handwashing facilities in section (10) of this rule. This change could result in costly retrofits for older housing. We suggest allowing existing plumbing to continue to be used in existing housing. We believe that plumbed sinks in food preparation areas should also be counted in the ratio for handwashing sinks. We ask OR-OSHA to allow this existing practice and ratio to continue.

(b)(L): Cooking facilities must be in buildings or shelters that are enclosed or screened. The layout of some existing ALH prevents screening in the way envisioned by this proposed rule. This proposal goes beyond what federal OSHA requires. We suggest that these rules follow the federal standards and go no further. If OR-OSHA insists on a more stringent standard than federal rules, the standard should apply prospectively only to new construction. These rules should not require retrofitting existing ALH to meet new standards.

(b)(J): If the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease as listed in Appendix A, the operator must bar them from the cooking facility until the disease is no longer communicable. This rule should apply only to dining halls and common-use cooking facilities. Including this restriction in single-unit kitchens and single-family housing does not make sense.

(20) Disease Reporting

We recognize that disease reporting relates to employee health and safety, which we do not want to jeopardize. However, this rule places an unreasonable burden on employers or other ALH owner/operators to make medical decisions for which they are not necessarily trained. Placing operators of ALH, which may include hotels or hotel-like housing operations, in the position of medical professionals performing triage does not seem fair to ALH operators or residents. Also, ALH operators can issue rules about communicable diseases but cannot necessarily control or make decisions for occupants. The language in this section and Appendix A should reflect that reality. ALH operators could provide information on where occupants can receive health care services and how to address specific symptoms related to serious and easily transmitted diseases, but these rules should recognize that the responsibility ultimately rests with the individual adults occupying the facility.

Concluding Remarks

Thank you for accepting our comments. WAFLA wants domestic food production that is fair for producers, workers, agencies, and consumers. Key to that goal is safe, affordable housing for farmworkers. We want housing to be safe and standards to be reasonable, but not at the

cost of huge retrofits and shrinking availability of farmworker beds. Our farmer members want to offer housing to workers, but increasing costs without a direct nexus to safety will result in higher housing costs for fewer workers. This is not a recipe for keeping labor-intensive agriculture viable in Oregon. Unfortunately, many of the rule proposals are still too stringent and costly. We encourage you to scale back this proposal so that growers can continue to offer housing to domestic farmworkers and foreign guest workers.

Sincerely,



Enrique Gastelum
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J. Scott Dilley
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November 1, 2024

Delivered electronically
OSHA.rulemaking@dcbs.oregon.gov.

RE: Proposed Comprehensive Amendments to Agricultural Housing and Related Facilities

On behalf of approximately 3,000 Oregonians engaged in the production of sheep, I would like the following comments entered on the above noted proposed administrative rules.

First and foremost, we would respectfully request the Department of Consumer and Business Services / Oregon OSHA (DCBS/OR-OSHA) to postpone further consideration of the proposed rules. While fully recognizing the amount of time dedicated to this rulemaking process during recent years, we believe the rules, if promulgated and fully implemented, will serve to unreasonably impact many Oregonians who are directly and indirectly involved with our state's livestock industries.

As contained in the rulemaking notice dated September 5, 2024, "alongside these proposed rule changes, Oregon OSHA plans to:

- “ • Provide technical assistance to support the Oregon Department of Agriculture in providing \$5 million in grant funds to growers for existing on-farm compliance with the rule change. In addition, a commitment to support additional funding for infrastructure improvements once the exiting grant funding is exhausted.”

It is without question, observers, as well as the state itself, recognize the potential financial impact of the proposed modifications to existing administrative rules as they relate to agricultural labor housing. In the event the proposed rules are advanced in current form, it is evident modifications to existing structures and existing livestock operations would represent a very significant cost. A relatively small number of operations would very likely be faced with costs far exceeding this initial \$5 million in grant funds.

Ultimate costs are clearly one consideration, not to be confused with the essential objective of caring for the health and welfare of those engaged in farm labor activities. With this objective identified, we would encourage DCBS/OR-OSHA to hold in

abeyance the proposed rules at the present time and re-evaluate on-site situations that may result in potential jeopardy to the health and welfare of the ag labor workforce.

Existing statutory provisions found at ORS 215. 253 provide:

215.253 Restrictive local ordinances affecting farm use zones prohibited; exception. (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.203 or within an area designated as marginal land under ORS 197.247 (1991 Edition) in a manner that would restrict or regulate farm structures or that would restrict or regulate farming practices if conditions from such practices do not extend into an adopted urban growth boundary in such manner as to interfere with the lands within the urban growth boundary. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930.

(2) Nothing in this section is intended to limit or restrict the lawful exercise by any state agency, city, county or political subdivision of its power to protect the health, safety and welfare of the citizens of this state. [1973 c.503 §8; 1983 c.826 §12; 1985 c.565 §31; 1995 c.703 §10]

In brief, the above statutory provisions may be construed to limit or restrict the authority of DCBS/Or-OSHA to formally promulgate the rules as currently proposed.

With respect to specific provisions of the proposed rules, we strongly encourage the proposed language serving to eliminate existing provisions addressing ag labor housing associated with livestock operations as of January 1, 2026, be excluded from the proposal. As previously noted, in the event actual problems or hazards are identified when temporary housing is located at a distance within 500 feet of a livestock operation, this issue may deserve further review and consideration. Absent of actual evidence of potential hazards, language serving to provide an exemption for livestock operations should be retained.

As an interesting note, we encourage a review of the proposed deletion of the note addressing animals owned by housing occupants. Using a sheep operation as an example, in the event an individual is engaged in providing temporary labor and owns perhaps one or more guard dogs, by the elimination of existing language noted, the individual supposedly would not be able to be located within 500 feet of his or her guard dogs.

Additionally, with respect to temporary ag labor housing provided to certain individuals, we strongly recommend the establishment and retention of standards associated with the temporary employment of foreign workers in the U.S. Such language is found at 20 CFR 655.235.

Again, we encourage the retention of the identified livestock exemption. As presented, language appears to be less than clear. As the rules address “site requirements (OAR 437-004-1120 (6) (h)), existing language suggests labor housing would be prohibited from a location within 500 feet of livestock operations; creating an inference of new or planned housing as opposed to existing housing. Furthermore, as presented, a question will undoubtedly arise as to the ultimate scope of such language, specifically as it may relate to temporary agricultural labor housing, or the permanent structures perhaps owned and occupied by the individual owner of the livestock operation.

To avoid confusion, we once again recommend, the existing livestock exemption be retained. In the event it is demonstrated the location of temporary housing may pose an actual risk to the health and welfare of those employed for agricultural labor at a given site, the exact site may be subject to modification. However, existing sites, posing no issues as they relate to the health and safety of agricultural employees should not be impacted. In essence, existing housing sites should be “grandfathered” with respect to the application of the proposed rules.

Aside from provisions as they relate to direct livestock operations, we suggest proposed rules modifications be reviewed in light of existing federal regulations.

In summary we strongly encourage DCBS/OR-OSHA from advancing the proposed rules as currently proposed. As noted, unless it is determined the location of housing associated with a specific livestock operation may pose a direct threat to the health and welfare of individuals engaged in agricultural labor, existing housing sites should not be subjected to the new site standards.

Glen Krebs
President, OSGA

From: [Rep Levy B](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: FW: Ag Housing Rules Will Harm Family Farms
Date: Saturday, November 2, 2024 11:09:26 AM
Attachments: [image001.jpg](#)
Importance: High

You don't often get email from rep.bobbylevy@oregonlegislature.gov. [Learn why this is important](#)

Please add below on behalf of my constituent his comments regarding Ag Farmworker housing.

Thank you.



Bobby Levy

Oregon House of Representatives
House District 58
(O) (503) 986-1458
900 Court Street, Office H-385 | Salem OR, 97301
www.oregonlegislature.gov/levy

*~Diverse Cultures and Economies Working in Harmony
With Nature~*

Please note that all emails sent to and from this email address are shared among Representative Levy and her staff, and may be subject to disclosure under Oregon public records laws.

From: Klaus Hoehna <user@votervoice.net>
Date: Friday, November 1, 2024 at 6:00 PM
To: Rep Levy B <Rep.BobbyLevy@oregonlegislature.gov>
Subject: Ag Housing Rules Will Harm Family Farms

CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.

Dear Representative Levy,

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that

challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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. Common sense must prevail! Chaining us with rules that do not make practical sense will put Oregon agriculture out out of business!

Sincerely,

Klaus Hoehna
78061 Lupine Ln
Weston, OR 97886
klaushoehna@gmail.com

Hello

My name is Wayne Rose, I have been working as a ALH Superintendent since 1998, and I would like to publicly comment on the proposed rule changes.

The farm that I work for grows sweet cherries and pears near The Dalles Oregon. We currently provide rental housing for 3 year-round employees and their families. We also employ and house 6 H2A participants for 9 or 10 months of the year. For our cherry harvest, we provide employment for nearly 300 workers, and house 245 occupants in our labor camps without any charge or fee.

The tree fruit industry is largely relays on hand labor for harvesting and many other tasks. At our farm, we value our employees, and appreciate their hard work. The owners and managers all have grown up working on the farm, they know what its like. They have an invested interest in their workers safety and health. Having safe housing for our seasonal workers helps us to be competitive when attracting and hiring the workforce we need to grow and harvest our crops. We have been working to update/upgrade our ALH units. We have built new toilet and shower houses, remodeled some of our cabins and updated the infrastructure in some of our ALH units. We plan on continuing our upgrades over a period of time and as funding becomes available.

My concern about the proposed rules is that while we are working towards improving our ALH units to be competitive in the workplace with safer and more comfortable cabins, the new rules as proposed, is to much too soon. We are limited by a number of fractures such as the limited time frame and the expense of bringing our ALH units in compliance with the new rules and retaining the number of works that we need to bring our crop from tree to market. We would lose at lease 25% (or more) of our ALH occupancy if the new rules pass as written. Sweet cherries have a short harvesting window and with our already limited housing availability we struggle getting our crop harvested in a timely manor. The proposed time line would be cutting our workforce at a time when we need to increase it. We would need a more reasonable time line to go through the planning, permitting, and construction phases. As our farm is in the Columbia Gorge Scenic Area, planning and permitting can take years and still be denied. If permitted, the construction phase would be fairly long as well as costly. I know that some comments you may have received have expressed the construction costs being at about \$200 per square foot. But the true cost is gonna be much higher as that does not take in to account the cost of infrastructure such as upgrading electrical, water, gas lines, sewer/septic, heating & air, as well as the rate of inflation, and the effect of Oregon Measure 118, if it passes could easily add 3% (or more) . Oregon State Senator Daniel Bonham stated it well on KODL's radio talk show that the large corporations would pass the costs on to the consumers. However, farmers can not do that as the ag market place sets the price they will pay for our crops. We can not pass the added expense to our buyers. The costs for us to remodel/expand our ALH units would run about 1.5 to 2 million dollars. We simply do not have that kind of funding available.

By requiring the proposed new rules that go beyond the federal standards, we are forced into a disadvantage by restricting our ability to house our seasonal migrant workers. We would have to limit our availability of housing to those actually working on the farm, and turn away their non-working family members that we would normally house. Families coming to the area for work may not be offered housing and would in sense be homeless, as affordable off farm housing in our area in non-existent.

OR-OSHA should recognize the difficulties of upgrading older housing and allow for legacy recognition of housing constructed prior to 1980 and align with federal OSHA's ag labor housing rules. Most of our current housing was built prior to 1980, and these units would need considerable

remodeling to bring them in compliance with the proposed rules. We would have to expand each of our 50 cabins for the additional square footage, install plumbing and septic systems, and upgrade the electrical systems, install air conditioning, and add storage. We would also have to expand our toilet, bathing, and laundry facilities. All of this is just not feasible and is unaffordable on such a short timeline. If OR-OSHA would accept that the U.S. Department of Labor recognizes that allowing older housing, that is safe, to remain in use is important, that would allow us to update/upgrade our housing as we are able to.

We do not charge rental fees to our migrant worker families for ALH use. The cost of the ALH facilities is 100% out of our pocket.

We care about our workers, and work hard to ensure they are safe.

We would lose about 25% of our ALH occupancy, causing a workforce shortage at a time we need to expand our workforce.

There is no affordable off farm housing in our area.

Many migrant workers and families may end up homeless, if housing is not provided.

The planing and permitting proceedings may take longer than two years.

It would cost this farm over 2 million dollars to comply with the proposed rules.

We can not pass the expense to the market place.

Aligning with federal OSHA and the U.S. Department of Labor allowing safe older housing will family farms of Oregon to be competitive in the world market place.

I hope that you will consider my concerns into the final draft.

Wayne L. Rose

ALH Superintendent

October 25th, 2024

Re: Proposed Amendments to the ALH and Related Facilities Rule

Members of Oregon OSHA's Rulemaking Process

Hello, my name is Silvestre Deras, General Manager at McClaskey Orchards LLC in The Dalles. My family has lived in OR-OSHA regulated agricultural housing for the past 24 years. I have spent most of my life here, and now, I have the responsibility of managing the company's housing units. I can proudly say that, at McClaskey, we always try to do our best to comply with the rules of OR-OSHA, building codes, and all safety rules listed on chemical labels. Our goal has always been that all of our seasonal housing should exceed regulations and be a pleasant place for our families to stay.

While we strongly support several of the proposed rules and have already implemented most at our housing units, there are a couple rules that we believe can create more harm than benefit to all the parties involved. Those two rules are 16I and 16L and here is our reasoning for our opposition.

At McClaskey, we acknowledge there are bad players in the industry around the state, who do not comply with current regulations and provide safe and healthy housing. Those players have created hardship to our families, which is completely unacceptable, and we urge everyone to report those operators immediately. Imposing stronger and unnecessary regulation, however, will not bring those bad actors into compliance. We believe that more inspections by OR-OSHA to bring those bad actors into compliance would benefit the workers more than imposing even stricter rules on companies, like ours, provide safe housing that meets current standards and then some.

During cherry harvest, our families work an average of 6 hours daily, all depending on weather. They get to enjoy the beautiful afternoons in our area with their relatives as if they were on vacation. Experiences like this one are never considered or mentioned by anyone, that is why we ask you to reconsider implementing the rules proposed in section 16I and 16L, since if implemented they will have several negative side effects, which apparently have not been considered. Every season, we speak with at least 160 families, families that were never considered when formulating these proposals, and we think they should have been since they are the most affected.

For example, regarding the proposed rule 16I requiring at least 21 cubic feet of suitable storage for each occupant or family unit, we believe this amount per occupant is excessive especially when considering that our occupants are here only for a few weeks of the year. We believe having 21 cubic feet per unit is feasible in addition to some sort of small locking units to secure personal effects. Considering this rule will decrease the available living space per occupant, it is hard to understand how this proposed rule improves the safety and health of our families.

Proposed rule 16L which requires at least 50 square feet per occupant regardless of the use of double bunk beds, could have some of the following negative side effects imposed against our families and communities if implemented:

-Reducing the number of occupants per housing unit, will impact our families in diverse ways. Currently 85% of our housing is occupied by families.

- Separate families into multiple units if available.
- Family members will have to stay behind in California due to the lack of space.
- Families will not be able to get a housing unit because their family will be too big under the new rules.
- Will force displaced families to find unsafe and unregulated housing like a room at a hotel, basement, garage, or simply use their car to live while they work.
- This will put a bigger strain into our community and public services.

As farmers, we do not have a constant income we can depend on and demanding us to make changes to our housing units within the next two years is just simply unrealistic and logistically impossible. With the new proposed rule 16L, we will lose at least 72 beds. We estimate a least \$1.8 million will be needed to make up the lost capacity. Our housing is located inside the National Scenic Area and getting a construction permit can take more than a year, and it is not guaranteed that we will get that permit.

We understand the goal to meet Federal OSHA rules, but given that such a small change on square footage could have a gigantic and detrimental impact on the same people it is supposed to help, we ask you to continue the precedent already established by OR-OSHA on similar rules and allow us to maintain the 40-square-foot exception per occupant in housing built or remodeled in 2024 or earlier and apply the new proposed rule only to future construction starting in 2025.

Finally, the implementation of these rules will define if we are allowed to continue offering a safe, healthy, OSHA-regulated, family-friendly housing to all our fellow farmworkers and their families or send more families out to our communities searching for un-regulated housing. We believe, as written, the rules 16I and 16L will do nothing to benefit our seasonal workers. Please consider denying or changing these two rules as we are suggesting.

Sincerely,

Silvestre Deras
McClaskey Orchards, LLC
(541) 298-6800



NAUMES, INC.

November 2, 2024

Ms. Sarah Rew
Rules Coordinator
Department of Consumer and Business Services/ Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
OSHA.rulemaking@dcbs.oregon.gov

Re: Proposed update to Agricultural Labor Housing and Related Facilities rule, Division 4, OAR 437-004-1120

Dear Ms. Rew:

Thank you for the opportunity to provide comments in response to Oregon OSHA's ("OR-OSHA") proposed update to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120.

Our family business, Naumes, Inc., is primarily a grower, packer and shipper of pears, farming around 1100 acres of orchards. We also operate around 85 acres of wine grapes in the Rogue Valley. We currently operate 6 OSHA approved Agricultural Labor Housing (ALH) camps with a combined rated capacity of 214 occupants. Agricultural Labor Housing is crucial to our operation as it allows us to house the many workers who are needed for the winter pruning season and for the critical harvest season that runs from late July through the end of September.

Worker safety is important, but regulations should also be reasonable. OR-OSHA's proposed ag labor housing rule changes have many major issues including the infeasibility of the rules phase-in timeline. The fact that the rule goes far beyond federal OSHA's standard for safe and healthy workforce housing and the cost of compliance will be a massive burden for our farming operation that will bring little to no benefit when it comes to actual safety.

The first major issue with the proposed ALH rule is that the implementation timeline is completely infeasible. When the rule was last updated in 2008 there was a 10-year phase in to account for lead times in permitting and the needs of remodel and construction timetables. The current proposal only includes a maximum of a 2-year phase in period. This does not take into account potentially extended permitting processes, the schedules and availability of builders, the need to work around existing facility usage during the growing season, and the need for operations to spread upgrade projects in order to make them more financially feasible. Our camps are comprised of roughly 29 separate structures with the oldest being constructed sometime in the 1930s and the newest being built in the 1980s. It would be a tall order indeed to complete all of the required work by the beginning of calendar year 2027 while continuing to use the camps for ongoing agricultural operations and bear all of the expense in such a compressed time period. Any rules updates that would require growers to make substantial alterations to electrical, plumbing, HVAC, the structure of the building or that could require additional structures to be built should have a minimum of a 10-year phase in period to make the transition feasible.

The second issue with the proposed ALH rule is that OR-OSHA's proposal goes far beyond federal OSHA's standard for ALH and is not connected to measurable health or safety outcomes. OR-OSHA should align this provision with federal OSHA. The proposal includes many overreaching provisions including screening, suitable storage, kitchen sinks, handwashing sink ratios, disease reporting (equivalent to licensed health care practitioners?), and square footage, among others, that should 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. This would be especially important for some of our older units some of which date back to the early 20th century and could prove very difficult to modify. There is no reason for OR-OSHA to eliminate this flexibility provided to operators with older housing. It will simply eliminate affordable housing for

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workers in Oregon. There aren't alternatives for seasonal housing in many communities. OR-OSHA should honor legacy building standards that have been accepted for decades. Please don't force farm families out of business with unreasonable rules.

The third issue with the proposed ALH rule update is that the implementation would prove massively expensive for farming operations that have struggled with years of natural disasters and poor markets. Unnecessary changes to ratios such as sink, toilets and burners and additional provisions such as cooling requirements will force growers to either remodel units, attempt to build additional capacity or lose vital workforce housing. The proposed sleeping area cooling requirement will prove especially challenging as it will impact 28 structures of various age and construction with a total of 59 sleeping areas. Our rough estimates for installing cooling systems for all of these sleeping areas is over \$250,000.00 and this does not include the cost of any electrical upgrades that would have to be done to support the additional load these systems would impose. This one change in the rule could cost our operation over \$300,000.00 and other changes will have a large impact as well. The current rule already provides a number of options for mitigating heat hazards and the OR-OSHA rules should continue to provide flexibility for the various housing types that we see across farming operations. The new shower configuration rules would also pose a challenge especially for some of the older and more space constrained layouts that we see such as our bunk house. We are estimating that 2 bathroom areas would need major remodel work and another 5 would need some sort of reconfiguring to meet the proposed rule requirements. Overall, the rule update represents a massive financial burden to our farming operation that will cost us hundreds of thousands of dollars that we can ill afford after the 2021 and 2022 droughts, a horrible pear market in 2023 and the Northwest wide abnormally small pear crop of 2024 which is the shortest since 1986.

Finally, the adoption of the 50 square foot per person rule in sleeping areas will automatically reduce our camp capacities before any of the other factors are even considered. Currently our 6 ALH camps have a combined rated capacity of 214 occupants but we estimate that this number would fall to a rating of 167 occupants with the move from 40 square feet per occupant for bunk beds to an across the board 50 square feet per occupant in sleeping rooms. This amounts to a 22% reduction in our total occupancy capacity or a total loss of 47 occupants. Building additional housing to make up the loss of would be very expensive. New construction to house 47 occupants could potentially cost between \$1,200,000.00 and \$1,500,000.00 dollars. This cost would just be to replace the lost occupants and does not include the changes to existing housing that would have to be made in order to keep them viable at a reduced capacity. The 50 square feet per person provision will have a huge impact on agricultural operations. It should receive a 10-year phase in period to allow growers time to adjust operations or add new capacity.

In conclusion, the proposed update to the OR-OSHA ALH rule is extremely problematic and could even threaten the viability of labor dependent agricultural operations. The proposed ALH rule has a ridiculously short phase in period for provisions that would require significant structural modifications. It far exceeds the federal OSHA standards and compliance would be horrendously expensive. We and many other growers made significant investments in good faith to bring our housing up to the current standard. Now OR-OSHA is moving the goal post far beyond what is reasonable. Any significant structural modifications should be phased in over a 10-year period to allow growers to make updates on a reasonable time table. Any provisions that exceed the federal OSHA rule should only apply to significant remodels or new construction. The 50 square foot per occupant for sleeping rooms should also receive a 10-year phase in period since it will have such a significant impact on capacity. Orchard and vineyard operations are very labor intensive. We need to be able to bring in and house workers to hit the crucial pruning and harvest windows. The current OR-OSHA ALH rule allows us to meet those seasonal needs but the proposed update to the rule would impose massive costs on our operation and strip us of vital housing capacity. We urge OR-OSHA to go back to the drawing board and draft an update that is reasonable and workable for the industry.

Sincerely,



Michael D. Naumes
President, CEO
Naumes, Inc.

My name is Jason Moore, and I am writing to you on behalf of Moore Orchards, Inc. out of the Hood River area. Our farm grows pears, apples, and blueberries and we also have a packing line where we pack pears. We house 13 full time employees and 4 seasonal employees in houses. Some of these employees have 3 generations living in the houses, as they are quite large. We do not charge the employees anything to live in the provided houses. The family members of the employees often have jobs elsewhere in the valley. We also have two labor camps, one can house 35 employees and the other 28 employees. With all the housing available, we have not needed to employ H2A workers.

The housing we provide is important to this company. Without employees, we would not be able to produce the crops we do. Producing pears and apples is heavily dependent on hand labor. From pruning to thinning to picking, there is not any automation on the market that we can rely on. Within the last 20 years, we have done a lot to upgrade the housing provided. One house we stripped down to the studs and rebuilt. We have replaced two 1970's era mobile homes that had aluminum wiring with stick-built houses. We have redone bathrooms and kitchens, installed new roofs, upgraded electrical, upgraded to pex plumbing and removed galvanized piping, added on to employee housing to give more space for their families. We have been updating windows and doors in the houses and labor camps. We provide the stoves and refrigerators, and usually have 1 or 2 of each in inventory so that when one goes out, we can replace it immediately. Currently we are in the process of upgrading our webster camp kitchens. There is 4 units in that camp, each unit has two bedrooms and a kitchen. We have updated one, and are planning on doing at least one a year until finished.

The timeline proposed for implementation of the proposed rules are too short, as the cost associated with them could be high. The last time the square footage changed to 100 sq. ft. in cooking/living area, it cost us roughly \$75,000.00 in 2018 to build a stand-alone kitchen for that labor camp. To build the kitchen, we had no choice but to take trees out of production so that the kitchen was located adjacent to the labor camp. If we did not build that kitchen, we would have went from being able to house 3 employees per room down to 1. It takes time to get designs figured out and find reliable contractors and get quotes. If the quotes are high and will not fit into our budget for the year, then we would need time to get a loan approved. Next is getting the application through the county to get all the permits needed, and then back to waiting for the contractor to fit us into their schedule. There isn't one single contractor that can build the whole building either. You have contractors that specialize in concrete, framing, plumbing, electrical, HVAC, and septic. It is a timely process, so a reasonable amount of time is needed, and what is proposed is not reasonable.

There is no other affordable options for the workforce that chooses to work in the ag industry to live in this valley. The proposed square footage rule, will reduce our webster camp from 7 per unit down to 5. This is the camp with two bedrooms and a kitchen. The employees that live in this camp, have families. Reducing the amount of square footage will force large families to find housing somewhere else. That will be putting undue hardship upon hard working employees just because the proposed rule wants 10 more square feet per person. Again, all the housing we provide is free. We cover all costs associated with the upkeep and maintenance, and do not charge anything for the employees to live there. This housing is also regulated and inspected by Oregon OSHA. To put things into perspective, I was talking to our local veterinarian a few years back at the local county fair. He is also having a hard time finding veterinarians to hire. They look at the local cost of housing and choose not to come work here. The average salary for a vet is \$160,000 a year.

If these proposed rules go into effect, we will lose 30% capacity in our labor camp. Based on local estimates to build new construction in the area, that will cost around \$172,800.00 to get back to full capacity. That cost does not include any ground prep, sewer, HVAC, appliances or furniture/cabinets. It does not include the loss of future income from having to remove trees in full production either. We value our employees and it would be devastating to them and us to have to tell them to move out because of a new Oregon OSHA policy.

I ask that Oregon OSHA align with federal standards. This makes Oregon more consistent with other states and allows us to be more competitive as an industry. I also ask that Oregon OSHA grandfather in all housing built prior to 1980. Both our labor camps were built prior to 1980, and are still a safe and healthy place for employees to live. Building codes change all the time, but every homeowner is not required to update their house just because a building code changed. Updating to new codes usually require major changes to the building. Oregon OSHA should also align with federal standards when it comes to storage space, as adding 21 cubic feet will take up additional space inside the housing provided, and less for the occupant to choose how they want to arrange the unit they are in.

Oregon OSHA needs to align with federal standards as it pertains to ag labor housing. The proposed rules need to be revised to a realistic timeline that is achievable and will not cause a housing shortage for the hard-working employees and their families that we employ or cost the grower hundreds of thousands of dollars to employ the same amount of employees that we currently employ.

I am sure you have heard this already, but as farmers, we do not get to set a price for the commodities we grow. We get what is left over after the packing houses and grocery stores take their cut. Some years are good, and others not so good. We have no ability to pass along added costs to the consumer.

Please incorporate my concerns into the final draft of the ALH Rules.

Thank you for your time.

Jason Moore
Moore Orchards, Inc.

November 2, 2024

Department of Consumer and Business Services/Oregon OSHA
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov
VIA ELECTRONIC SUBMISSION ONLY

Dear Oregon OSHA:

Thank you for the opportunity to provide comments on Oregon OSHA's proposed amendments to Oregon's agricultural labor housing rules. The Legal Aid Services of Oregon (LASO) Farmworker Program supports the comments submitted by our sister agency, the Oregon Law Center (OLC), and provides these comments as a supplement to those comments and to emphasize specific issues.

Every year, the LASO and OLC farmworker programs conduct outreach to workers residing in agricultural labor housing throughout Oregon. The housing we visit includes labor camps where only U.S. or domestic workers reside, as well as housing provided to workers present in Oregon under the H-2A visa program. In the last 10 years, we have seen a significant increase in the number of H-2A workers employed in Oregon. In general, we have observed that the housing provided to H-2A workers tends to be in better condition than housing provided solely to U.S. or domestic workers.

Although many of Oregon's agricultural labor camps house workers temporarily during the harvest season, a considerable number of agricultural labor camps house workers year-round. In many parts of the state, especially where other affordable housing is scarce, labor housing primarily benefits agricultural employers because providing housing is necessary to attract and maintain an adequate workforce at the times and places employers need workers.

Because agricultural labor housing is generally tied to workers' employment with a particular employer, in our experience workers are often understandably reluctant to make complaints about housing-related health and safety issues. Given this reality, and the inherent power imbalance between employers and employees, we urge Oregon OSHA to take further steps to ensure that agricultural labor housing is as safe and healthy as possible for farmworkers in Oregon.

Comments on specific proposed changes:

Heat Illness Prevention Amendments

Especially in the last 10 years, one of the most critical issues workers have raised with our program is that the temperature in farm labor housing often becomes excessive during the summer months. Although we support Oregon OSHA's proposed requirement that sleeping areas be kept at 78 degrees when outside temperatures are between 80 and 94 degrees, the portion of the proposed rule allowing labor camp owner/operators to keep housing 15 degrees below the outside temperature when the outside temperature is at or above 95 degrees does not address the reality that Oregon summers are becoming hotter and the actual conditions in Oregon farm labor camps.

While conditions at individual labor camps vary, many housing structures have inadequate insulation and limited means of ventilation – usually just one window – such that it is impossible for workers to keep their sleeping areas sufficiently cool by opening windows at night and keeping them closed during the daytime. Additionally, when it is especially hot outside, many agricultural employers expect workers to begin and finish working earlier to maximize productivity during the coolest hours of the day. Therefore, many workers need to rest and occupy sleeping areas during late afternoon hours when temperatures are more likely to be considerably hotter than 95 degrees.

Instead of allowing farm labor camp owner/operators to maintain housing sleeping areas at 90 degrees when it is 105 degrees outside, we urge Oregon OSHA to require mechanical systems adequate to maintain sleeping area temperatures at 78 degrees Fahrenheit at all times.

Motel Housing

We are seeing an increase in the number of farmworkers housed in motels instead of traditional labor camps. Workers in motel housing often must prepare their meals using makeshift cooking facilities, either in their rooms or outdoors. For example, our staff have frequently observed workers using buckets for dish washing and food preparation, and cooking on single propane burners. In situations where workers attempt to prepare meals in their rooms, this can cause concerns about ventilation. Workers sometimes face potential fines or reprimands for attempting to cook for themselves with the limited cooking facilities available to them in motels. When motels offer free breakfast or other

amenities such as access to swimming pools or hot tubs to other non-farmworker guests, workers housed in motels are usually told they may not use these amenities.

In our experience, employers housing workers in motels have tried to argue that they are exempt from Oregon OSHA labor housing rules as long as they at least occasionally provide housing to non-farmworkers. We support Oregon OSHA's proposed language clarifying that only motels providing similar accommodations commercially on a regular basis and on the same terms to farmworker and non-farmworker members of the public are exempt.

We believe that Oregon OSHA's proposed provisions to improve cooking facilities will improve conditions for workers housed in motels only if all food preparation necessities (sink, refrigerator, stove, etc.) are sufficiently close together. In particular, we are concerned that the provision allowing plumbed sinks to be within a "reasonable distance adjacent to" food preparation areas is not specific enough and in motel labor housing might be construed to require workers to carry water for cooking considerable distances from their individual rooms. We encourage Oregon OSHA to consider requiring access to plumbed sinks for cooking facilities be within 10 feet (or defining a "reasonable distance" as 10 feet or less) and specifying that this requirement applies to motel housing. Similarly, other cooking necessities such as refrigerators and stoves should be sufficiently close together in motel housing. Where this is not possible, we encourage Oregon OSHA to require that cooking facilities in motels housing be in fully enclosed indoor kitchens.

Living Areas

In our experience, many workers sleep in the same room where they live, cook, interact with others, and store clothing and personal items. We note that although the proposed rules will (by the end of 2026) increase the minimum floor space per occupant from 40 to 50 square feet in all sleeping rooms, they do not adjust the 100 square feet per occupant requirement that has been in effect for many years for living areas where workers cook, live and sleep. We urge Oregon OSHA to consider requiring at least 100 square feet of floor space in all sleeping rooms, since the reality is that the room where workers sleep is often the same room where they live and cook. We also urge Oregon OSHA to consider requiring at least an additional 100 square feet of living space per occupant aside from the rooms where workers sleep.

Toilets and Handwashing Facilities

Finally, we are disappointed that the proposed rules still allow camp owners/operators the discretion to provide portable toilets, and to locate toilets and handwashing facilities outside of workers' living areas. We believe portable toilets do not provide adequate privacy or ventilation. And when essential facilities such as toilets and sinks are located away from worker's living quarters, this does not adequately protect workers from heat, wind, and pesticide drift. We urge Oregon OSHA to require plumbed toilets, rather than portable ones, and require that the plumbed toilets and handwashing facilities be either inside or immediately adjacent to workers' living quarters.

In conclusion, thank you for your work to improve health and safety for workers in agricultural labor housing. We urge Oregon OSHA to continue this work and to further strengthen proposed amendments to better protect Oregon farmworkers.

Sincerely,

Brenda M. Bradley

Brenda M. Bradley
Farmworker Program Director
Legal Aid Services of Oregon

From: [Laurie Dougherty](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Re: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities
Date: Saturday, November 2, 2024 7:06:42 PM

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

From: Laurie Dougherty
Co-Coordinator 350 Salem OR
lauriedougherty@gmail.com
coordinators@350salemor.org
November 2, 2024

To: Department of Consumer and Business Services/ Oregon OSHA
Subject: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Thank you for the opportunity to provide this comment on the proposed rulemaking regarding Agricultural Labor Housing and Related Facilities

My name is Laurie Dougherty. I live in Salem and am Co-Coordinator of 350 Salem OR, the local affiliate of international climate action network 350.org. Farmworkers are essential workers who provide food for our tables and who are necessary for the success of the agricultural industry, which is so important to Oregon's economy. Agricultural workers need and deserve safe and healthy living conditions. This includes indoor kitchens, flush toilets, and laundry facilities sufficient for the number of workers and family members, with privacy and security for bathing and using toilets. Pesticide exposure is a particular concern. Workers living on or near agricultural sites need adequate buffer zones, at least 300 feet, from aerial pesticide spraying and regular monitoring of well water to ensure it is safe for drinking, bathing, and cleaning.

As advocates for climate justice, we at 350 Salem OR are aware of the increasing climate-related dangers from excessive heat, storms, floods, wildfires and wildfire smoke. Recent Oregon legislation provided protections for farmworkers and other outdoor workers while at work. Workers in agricultural labor housing also need and deserve protection from these hazards in their living quarters. Cooling, good ventilation and clean potable water are particularly important for relief from the increasing occurrence of excessive heat in Oregon.

Agricultural workers spend long hours in strenuous labor that benefits all of us. The proposed rules will improve their living conditions, however these rules could and should be made stronger. We urge you to consider the detailed suggestions submitted by PCUN (Pineros Y Campesinos Unidos del Noroeste) and allied advocates for workers' health and safety in a November 1, 2024 letter to Oregon OSHA.

Thank you,

---Laurie Dougherty for 350 Salem OR

From: [Laura Naumes](#)
To: [Sean Naumes](#)
Cc: [DCBS RULEMAKING OSHA * DCBS; REW Sarah C * DCBS; Mike Naumes](#)
Subject: Re: Naumes, Inc. - Proposed update to Agricultural Labor Housing and Related Facilities rule, Division 4, OAR 437-004-1120 - Comments - 11.2.2024
Date: Saturday, November 2, 2024 8:25:18 PM

Some people who received this message don't often get email from lnaumes@naumes.com. [Learn why this is important](#)

Very well done- thank you
Sent from my iPhone

On Nov 2, 2024, at 5:25 PM, Sean Naumes <seann@naumes.com> wrote:

Dear Rules Coordinator,
Please see the attached pdf for Naumes, Inc.'s comments regarding the **Proposed update to Agricultural Labor Housing and Related Facilities rule, Division 4, OAR 437-004-1120.**

Thank you,

Sean Naumes

Below is a copy of the text of the pdf:

November 2, 2024

Ms. Sarah Rew

Rules Coordinator

Department of Consumer and Business Services/ Oregon OSHA

PO BOX 14480

Salem OR 97309-0405

OSHA.rulemaking@dcbs.oregon.gov

Re: Proposed update to Agricultural Labor Housing and Related Facilities rule, Division 4, OAR 437-004-1120

Dear Ms. Rew:

Thank you for the opportunity to provide comments in response to Oregon OSHA's ("OR-OSHA") proposed update to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120.

Our family business, Naumes, Inc., is primarily a grower, packer and shipper of pears, farming around 1100 acres of orchards. We also operate around 85 acres of wine grapes in the Rogue Valley. We currently operate 6 OSHA approved Agricultural Labor Housing (ALH) camps with a combined rated capacity of 214 occupants. Agricultural Labor Housing is crucial to our operation as it allows us to house the many workers who are needed for the winter pruning season and for the critical harvest season that runs from late July through the end of September.

Worker safety is important, but regulations should also be reasonable. OR-OSHA's proposed ag labor housing rule changes have many major issues including the infeasibility of the rules phase-in timeline. The fact that the rule goes far beyond

federal OSHA's standard for safe and healthy workforce housing and the cost of compliance will be a massive burden for our farming operation that will bring little to no benefit when it comes to actual safety.

The first major issue with the proposed ALH rule is that the implementation timeline is completely infeasible. When the rule was last updated in 2008 there was a 10-year phase in to account for lead times in permitting and the needs of remodel and construction timetables. The current proposal only includes a maximum of a 2-year phase in period. This does not take into account potentially extended permitting processes, the schedules and availability of builders, the need to work around existing facility usage during the growing season, and the need for operations to spread upgrade projects in order to make them more financially feasible. Our camps are comprised of roughly 29 separate structures with the oldest being constructed sometime in the 1930s and the newest being built in the 1980s. It would be a tall order indeed to complete all of the required work by the beginning of calendar year 2027 while continuing to use the camps for ongoing agricultural operations and bear all of the expense in such a compressed time period. Any rules updates that would require growers to make substantial alterations to electrical, plumbing, HVAC, the structure of the building or that could require additional structures to be built should have a minimum of a 10-year phase in period to make the transition feasible.

The second issue with the proposed ALH rule is that OR-OSHA's proposal goes far beyond federal OSHA's standard for ALH and is not connected to measurable health or safety outcomes. OR-OSHA should align this provision with federal OSHA. The proposal includes many overreaching provisions including screening, suitable storage, kitchen sinks, handwashing sink ratios, disease reporting (equivalent to licensed health care practitioners?), and square footage, among others, that should 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. This would be especially important for some of our older units some of which date back to the early 20th century and could prove very difficult to modify. 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. There aren't alternatives for seasonal housing in many communities. OR-OSHA should honor legacy building standards that have been accepted for decades. Please don't force farm families out of business with unreasonable rules.

The third issue with the proposed ALH rule update is that the implementation would prove massively expensive for farming operations that have struggled with years of natural disasters and poor markets. Unnecessary changes to ratios such as sink, toilets and burners and additional provisions such as cooling requirements will force growers to either remodel units, attempt to build additional capacity or lose vital workforce housing. The proposed sleeping area cooling requirement will prove especially challenging as it will impact 28 structures of various age and construction with a total of 59 sleeping areas. Our rough estimates for installing cooling systems for all of these sleeping areas is over \$250,000.00 and this does not include the cost of any electrical

upgrades that would have to be done to support the additional load these systems would impose. This one change in the rule could cost our operation over \$300,000.00 and other changes will have a large impact as well. The current rule already provides a number of options for mitigating heat hazards and the OR-OSHA rules should continue to provide flexibility for the various housing types that we see across farming operations. The new shower configuration rules would also pose a challenge especially for some of the older and more space constrained layouts that we see such as our bunk house. We are estimating that 2 bathroom areas would need major remodel work and another 5 would need some sort of reconfiguring to meet the proposed rule requirements. Overall, the rule update represents a massive financial burden to our farming operation that will cost us hundreds of thousands of dollars that we can ill afford after the 2021 and 2022 droughts, a horrible pear market in 2023 and the Northwest wide abnormally small pear crop of 2024 which is the shortest since 1986. Finally, the adoption of the 50 square foot per person rule in sleeping areas will automatically reduce our camp capacities before any of the other factors are even considered. Currently our 6 ALH camps have a combined rated capacity of 214 occupants but we estimate that this number would fall to a rating of 167 occupants with the move from 40 square feet per occupant for bunk beds to an across the board 50 square feet per occupant in sleeping rooms. This amounts to a 22% reduction in our total occupancy capacity or a total loss of 47 occupants. Building additional housing to make up the loss of would be very expensive. New construction to house 47 occupants could potentially cost between \$1,200,000.00 and \$1,500,000.00 dollars. This cost would just be to replace the lost occupants and does not include the changes to existing housing that would have to be made in order to keep them viable at a reduced capacity. The 50 square feet per person provision will have a huge impact on agricultural operations. It should receive a 10-year phase in period to allow growers time to adjust operations or add new capacity.

In conclusion, the proposed update to the OR-OSHA ALH rule is extremely problematic and could even threaten the viability of labor dependent agricultural operations. The proposed ALH rule has a ridiculously short phase in period for provisions that would require significant structural modifications. It far exceeds the federal OSHA standards and compliance would be horrendously expensive. We and many other growers made significant investments in good faith to bring our housing up to the current standard. Now OR-OSHA is moving the goal post far beyond what is reasonable. Any significant structural modifications should be phased in over a 10-year period to allow growers to make updates on a reasonable time table. Any provisions that exceed the federal OSHA rule should only apply to significant remodels or new construction. The 50 square foot per occupant for sleeping rooms should also receive a 10-year phase in period since it will have such a significant impact on capacity. Orchard and vineyard operations are very labor intensive. We need to be able to bring in and house workers to hit the crucial pruning and harvest windows. The current OR-OSHA ALH rule allows us to meet those seasonal needs but the proposed update to the rule would impose massive costs on our operation and strip us of vital housing capacity. We urge OR-OSHA to go back to the drawing board and draft an update that is reasonable and workable for the industry.

Sincerely,

Michael D. Naumes

President, CEO

Naumes, Inc.

<Naumes, Inc. - Proposed Agricultural Labor Housing Rule Comments -
11.2.2024.pdf>

From: Isotley0924@gmail.com
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Worker Housing
Date: Sunday, November 3, 2024 9:37:46 AM

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I understand that there is a rule being considered to ban farm worker housing from being within 500 feet of any livestock facilities. I do not know how many would be effected by this rule, but it would be a detriment to the worker. As housing is usually **free** and if it is close to their work, brings many advantages. Some advantages are saving fuel and mileage on vehicle from not having to drive to work, being able to go back and forth to home for various reasons during the work day, going home to eat lunch (if wish), and often having family close. In remote areas, the driving to work could be an hour drive or more and often in winter conditions.



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From: bsuprena@everyactioncustom.com on behalf of [Brice Suprenant](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Sunday, November 3, 2024 10:54:53 AM

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Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Brice Suprenant
Portland, 97206-5338

From: [Julie Samples](#)
To: [Rebeca Lopez-Franco](#); [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [Nargess Shadbeh](#); [Madeleine Morawski](#); [Valentin Sanchez](#)
Subject: Re: OLC Farmworker Program's Public Comment Submission re: Proposed Comprehensive Amendments to Agricultural Labor Housing
Date: Sunday, November 3, 2024 11:42:05 AM
Attachments: [image001.png](#)

Hello, please find an article as a supplemental submission to our comments:

https://www.kezi.com/news/state-launches-housing-assistance-for-certain-oregon-health-plan-members/article_8308b7ba-98b9-11ef-8945-0fa82d2c27ec.html

Thank you,
Julie Samples
Oregon Law Center

Sent from my T-Mobile 5G Device
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From: Rebeca Lopez-Franco <RLFranco@oregonlawcenter.org>
Sent: Friday, November 1, 2024 5:04:03 PM
To: OSHA.rulemaking@dcbs.oregon.gov <osha.rulemaking@dcbs.oregon.gov>
Cc: Nargess Shadbeh <nshadbeh@oregonlawcenter.org>; Julie Samples <jsamples@oregonlawcenter.org>; Madeleine Morawski <mmorawski@oregonlawcenter.org>; Valentin Sanchez <vsanchez@oregonlawcenter.org>
Subject: OLC Farmworker Program's Public Comment Submission re: Proposed Comprehensive Amendments to Agricultural Labor Housing

Hello,

Attached please find the Oregon Law Center Farmworker Program's public comment submission regarding proposed comprehensive amendments to agricultural labor housing. The Exhibits 1 through 141, mentioned in the above document, have been uploaded by Valentin Sanchez to a biscom link provided to our office by Oregon OSHA.

Thank you,

Rebeca

image001



Rebeca Lopez-Franco
Supervising Attorney
Oregon Law Center – Farmworker Program
PLEASE NOTE NEW MAILING & STREET ADDRESS
PO Box 297
999 N. Cascade Dr
Woodburn, OR 97071
Main Line: 503-981-0336
Direct: 503-676-5201

This email may contain privileged work product and/or confidential attorney-client communications. If you are not the intended recipient, please notify us by e-mail or by phone at the number above and destroy this communication.

Oregon OSHA,

As a dairy farmer, I'm writing to express my concern with the proposed removal of the "livestock care exemption" (OAR 437-004-1120 (6)(h) and (6)(i) the devastating impact it would have on the Oregon dairy industry. We work hard to make our farm a safe and healthy place for our employees and ourselves.

Producers across the state provide permanent housing for many of their employees, most often as part of their compensation. These are real homes, not temporary labor camps. There is a housing shortage, especially in rural areas. Why should safe and affordable housing not be allowed? This is not mandatory for employees to live in these houses, employees live on the farms at there own will.

Historically, when farms were built, homes were close to barns for the convenience of the owner and employees. The welfare and safety of our animals is our top priority. We always need to be close to our animals, for milking, feeding, and to care for them. I can't count how many times I've gone out in the middle of the night to care for animals or to fix something on our farm.

I live close to our barns and appreciate the convenience of walking to work and being available when needed....

Please preserve the livestock care exemption currently in OAR 437-004-1120(6)(h) and (6)(i).

Sincerely,

Robert Kircher

Oregon Dairy Farmer

From: [Hailey Elliott](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Labor Housing Considerations
Date: Sunday, November 3, 2024 1:28:26 PM

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Hi, my name is Hailey Tenneson-Elliott, and my family operates Tenneson Orchards. We are a small family farm that harvests cherries in the Columbia River Gorge. My grandpa started the farm in 1959 and I grew up learning what hard work looked like, what it means to pour your heart and soul into something, and what it feels like to watch an entire year of work go down in a single rain. Today my grandpa's dream employees up to ten people year-round as well as over 125 migrant workers each and every summer. Some of the families that come each year are families I grew up with every summer. The kids I played with as a child are now the adults I laugh with as our own children play soccer on the lawn or catch crawdads in the creek. Today I am writing this letter today in hope that you will hear my deep concern for the proposed labor housing changes. Changes that I know will be felt not only by my family, but also felt among all the families that join us each summer.

In growing perishable tree fruit we have only a specific window of time to harvest before the cherries are no longer marketable. Couple that with the fact that we are unable to harvest cherries with anything other than the human hand, and it becomes clear that without adequate help, our crops would continue to hang on the trees. We have done many things throughout the years to attract employees each summer, including the building of a new two story Ag Labor Housing unit, upgrades to outdoor cooking areas, the purchase of AC units for cabins, upgrades to mattresses, new windows and curtains, landscaping to create shaded areas for picnic tables, as well as mister cooling areas. We do not charge a fee to stay in camp and have felt blessed to little by little make changes to camp. However, these upgrades have taken time and the two year window proposed by OSHA given both financial restrictions and Gorge zoning restrictions for building permits would make it nearly impossible to achieve. In order to house the number of people to harvest our crops each summer we, at the bare minimum, would need to build additional structures. We were already worried about housing as we approach the 40-hour Ag-Overtime law. This would have already required us to house more people each summer as it is unsustainable for us to pay overtime wages. We worry not only for our orchard, but for the families who join us each summer. Often, we have families of 5 or 6 in which 1 to 2 of the people work in the orchards. With these new restrictions we feel as though we will have no choice but to turn people away based on how many people in each family are able to work. That thought has weighed heavy in my heart as some of the families I have come to love the most are the families that we might very well be unable to house.

Beyond the emotions of these proposed housing changes are the financial burdens that would make implementation nearly impossible. The profits of our farm have dwindled

over the years due to rising costs to everything from materials to labor. Our returns per pound, however, have not changed. For many, returns have decreased. In reviewing our current camp status, we would need to add 30-50% more capacity. At \$180 per square foot for construction, we anticipate the cost to be around 1.5 million. This cost would be detrimental to farm and could mean the end of dream that began in 1959.

It is with hope that we ask for these proposed changes to reviewed further and at the least delayed until realistic goals can be set. Goals that can be agreed upon and build by all parties involved. Goals created by the voices of many. Goals that support the workers and the farmers in which the backbone of America is built.

Respectfully,
Hailey Tenneson-Elliott

Sent from my U.S.Cellular© Smartphone
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From: [Rosanne Fitzgerald](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Employee housing
Date: Sunday, November 3, 2024 1:36:14 PM

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Department of Consumer and Business Services Oregon
OSHA PO BOX 14480 Salem OR 97309-0405 Attn: Rules Coordinator

As the operator of a small ranching business together with my children, we have concerns regarding the proposed housing bill.

Ranching isn't just a job, it's a way of life. Housing for ranchers, their multi-generation operators, and their employees is often provided for free, next to their barns, pens, stables and animals. OR-OSHA's proposed removal of the existing exemption of its "livestock care exemption" could be devastating for many people in our state who live on ranches, work daily with cattle, use horses, and raise other livestock and animals. On-ranch housing isn't just affordable, it is often the only viable option for employees whose alternative housing options may be miles away from the ranch and worksite. The proposed rule, specifically the removal of the livestock care exemption, is overly broad, unclear in its application, far more expansive than federal restrictions for temporary labor camps near livestock operations, and entirely unnecessary. I request that OR-OSHA reject the proposed change and maintain existing law for livestock housing.

The Proposed Rule is Overly Broad.

The proposed definition of "livestock operations"¹ is so broad (it's literally unlimited) and includes many types of existing, permanent housing. There are possibly thousands of homes throughout the state where employees on ranches (whether part-owners, family members, others) live. This could be a home connected to or adjacent to a stable, a barn, a milking parlor, a feeding trough, a scale or anything used in the ranching business. Further, the language includes the ambiguous qualifier "not limited to" meaning any other type of livestock facility could automatically disqualify existing housing under the rule, without clear notice or an ascertainable standard. OR-OSHA's broad definition of operations, coupled with the blanket removal of allowance for housing within 500 feet would apply to untold existing housing sites (sites constructed, permitted and compliant with a litany of state and local laws). OR-OSHA could simply maintain the existing exemption for our members, their families and the employees who care for livestock year-round and in their everyday occupation.

The Proposed Rule is Unclear in its Application.

Our members are uncertain which homes this rule could apply to. The proposed 500 foot

setback from “livestock operations” may apply to owners who live next to their own operations and other occupants of similar homes regardless 1Any place, establishment or facility with pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Proposed OAR 437-004-1120 (4)(h) Department of Consumer and Business Services October 31, 2024 Page 2 of ownership. An owner’s personal dwelling is not specifically exempted, and the rules specifically applies to “all labor housing sites owned, operated, or allowed to operate on property . . .” OAR 437-004-1120. “Labor housing site” is not defined in the rule, and the rule does not specifically exempt farm or ranch owners. The rule does not distinguish between an employee’s dwelling and an owner’s, and given the multitude of potential business structures and entities used by ranching enterprises, it’s impossible to tell when and whom the rule applies to if they provide labor to the livestock operation. The rule itself lacks the clarity required to either comply or define whether an existing home would be deemed prohibited under OR-OSHA Rules. The rule is also inconsistent with ORS chapter 658, which, in part, regulates “farmworker camps.” Chapter 658 specifically exempts any “single, isolated dwelling occupied solely by members of the same family, or by five or fewer unrelated individuals.” ORS 658.705(7)(a). Further, there are likely other rules for allowable housing on land zoned for exclusive farm use, protections against condemnation or takings and a myriad of other laws that may supersede the rule that aren’t specifically referenced. OR-OSHA should either provide specific guidance on these questions and conflicts with state statute, or just simply remove the proposed change to the livestock care exemption.

Finally, the proposed rule possibly conflicts with existing permitted uses of agricultural land, raising the question of whether an OR-OSHA Rule can supersede land-use laws (which often are the only pathway for new construction and housing in rural communities for farm families and workers). The Proposed Rule is Far More Expansive Than Federal Rules. Federal OSHA guidance focuses narrowly on “temporary labor camps” that are near permanent livestock operations and where there are sanitary risks when sleeping and preparing food near livestock. OR-OSHA can apply a more stringent standard than federal rules, but in this case, OR-OSHA’s proposal appears to apply to permanent housing, not camps, where there are not sanitary concerns when cooking and sleeping in a permanent, permitted home, as many of our members, their families and their employees live (and have lived for decades!).

The Proposed Rule is Unnecessary.

There is simply no reason to prohibit existing housing because of its proximity to livestock. Ranchers live next to their stables where horses are kept. They live near corrals. They live near pens. They live next to other farm animals their children or students raise for 4H or other purposes. All circumstances that could be prohibited under the proposed rule. During a public

meeting in August, OR-OSHA staff claimed the rule change was necessary due to potential risk of disease: a claim which is misleading and counter to Oregon Health Authority or Oregon Department of Agriculture guidance. OR-OSHA has not made a published finding on the basis for this rule change. Given the vast number of families and workers living near livestock and working with them every day, there is simply no safety justification for prohibiting this type of housing. Conclusion For the aforementioned reasons, we request that OR-OSHA amend the proposed rule and maintain the current livestock care exemption. To do otherwise would be devastating to our industry's current access to limited housing in rural, frontier, remote areas and in every county in Oregon.

Sincerely,

Rosanne Fitzgerald

Colin McKenzie

Daniel McKenzie

Nov 2, 2024

To whom it may concern;

I'm Casey Pink of Pink Orchards in The Dalles. We are a 3rd generation farm of 135 acres of only cherries. It was started by my father in 1954, and is now operated by my son Josh, and myself. My son hopes to continue.

We have some serious concerns with the proposed changes. But I will just touch on a couple of the most devastating in these comments. We house approximately 60 seasonal employees and their children for 4 weeks of harvesting.

Our biggest concern is the proposed change from 40 to 50 Sq ft per person. On paper, this will equate to the loss of one bed per room. But in reality, in many cases it is a loss of 2 beds per room due to having families, such as a family of 4 needing 2 units instead of one. An extra unit going to each family results in a 50% loss of available housing. This will create a significantly smaller work force to harvest our crop. This coming at a time when we really need a 10-15% increase in workers. In addition to that, our families do not understand the need to be separated and don't like or want it. They have been vocal about this as we've had to do some of this already. We have basically all families and some are 3rd generation with our farm. We know most of these people very well almost like family. Their health and safety are extremely important to us because we need them and they need us. To my knowledge, our labor housing facilities have never once created a health issue or injury.

According to current estimated building costs, replacing the loss of an estimated 25 beds would cost \$625,000. Other camp improvements such as you have proposed would be over and above that.

Kitchen sinks should also be considered handwashing sinks. Water pressure should not be required to exceed local codes.

The other major concern is the short time frame to get all these changes done. These changes are being required of us in the worst economic times I've experienced. And I've lived and farmed here for 60+ years. Agriculture has not been profitable in recent years. We basically just break even every year and 2023 marked one of the worst financial cherry harvests in years. Most likely ever. No cherry grower I know has the financial means to take on this huge extra expense now.

Because of the 2023 crop, we are carrying the biggest debt we ever had. So, the 2-year time frame to accomplish these changes is unrealistic and probably impossible. All our properties are within the Columbia Gorge Scenic Area. This will most likely be a factor in the time allotted in the permit process. My understanding is it can take a year or more to get the necessary permits.

We feel that our current facilities should be grandfathered in, and that these new regulatory codes of 50 sq ft per person should only pertain to new construction. And also request that Oregon OSHA does not exceed any federal Osha regulations or local building codes.

Thank for the allowing us to share our concerns and I hope you take them into consideration.

Casey Pink

Pink Orchards of The Dalles, OR.

Portland, OR
November 2, 2024

**Rules Coordinator
PO Box 14480
Salem, OR 97309-0405**

Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120

Dear Oregon OSHA Rulemaking Committee,

As a private citizen, I am writing to provide comments on the proposed rule regarding agricultural housing standards. This comment is focused on the importance of insulation in housing provided for agricultural farm workers. The proposed rules state that starting in January 2026, indoor temperatures in all sleeping areas must be maintained at 78 degrees Fahrenheit when the outside temperature reaches 80 degrees or at least 15 degrees below the outside temperature if it is 95 degrees or higher. Lack or inadequate insulation leads to significant indoor heat accumulation and places them at heightened risk for heat-related health issues, especially at night¹. Improved insulation can provide a stable and comfortable indoor environment by preventing excessive heat from entering living spaces.

I recommend adopting specific technical requirements for insulation to ensure that agricultural workers' housing is safe, comfortable, and energy efficient.

Below are technical details and suggested materials that would be particularly effective in agricultural housing:

1. Air Sealing and Weatherization:

- Weather stripping around windows and doors and caulking around utility entries can significantly enhance insulation effectiveness by reducing drafts and preventing heat infiltration.

2. Wall Insulation²:

- Fiberglass batt insulation offers cost-effective solutions with R-values typically between R-13 and R-21, effectively slowing wall heat gain.
- Closed-cell spray foam insulation, with an R-value between R-6 and R-7 per inch, provides strong thermal resistance and seal gaps to prevent air infiltration.
- Cellulose insulation, treated for fire resistance, is an eco-friendly option suitable for agricultural settings, with R-values ranging from R-3.1 to R-3.8 per inch.

3. Roof Insulation:

¹ Cheng He, Susanne Breitner, Siqi Zhang, Veronika Huber, Markus Naumann, Claudia Traidl-Hoffmann, Gertrud Hammel, Annette Peters, Michael Ertl, Alexandra Schneider. Nocturnal heat exposure and stroke risk. European Heart Journal, 2024; DOI: 10.1093/eurheartj/ehae277

² <https://www.energy.gov/energysaver/types-insulation>

- Rigid foam insulation materials such as polyisocyanurate and extruded polystyrene (XPS) offer R-values of R-5 to R-6 per inch, reducing the impact of solar heat.
 - Reflective roof barriers can deflect solar radiation, helping to keep indoor temperatures low.
4. **Floor Insulation:**
- Foam board insulation under floors, especially in raised housing structures, provides R-values between R-4 and R-6.5 per inch and helps reduce ground heat gain.
 - Blown-in cellulose or fiberglass insulation in crawl spaces or basement areas is also effective for reducing indoor heat transfer.

To support these insulation improvements, Oregon farm housing providers should be informed of available financial assistance programs that may make these upgrades feasible. These incentives, however, are available to private homeowners, but I hope that state agencies coordinate among themselves to make these also applicable to agricultural labor housing:

1. **Energy Trust of Oregon:** Provides cash incentives for insulation upgrades in attics, walls, and floors. Programs specific to low-income and multifamily housing developments can further assist farmworker housing providers.
2. **Weatherization Assistance Program (WAP):** Offers federal funding for energy efficiency improvements, potentially benefiting low-income agricultural housing.
3. **Utility Company Rebates:** Local utilities like Pacific Power and NW Natural offer rebates and energy audits, helping homeowners identify and implement cost-effective insulation solutions.

As extreme heat events increase, adequate insulation is essential to protect the health, comfort, and productivity of Oregon's farmworkers, who are highly vulnerable to extreme temperatures due to the nature of their work and the quality of their housing. By incorporating technical specifications for insulation materials and leveraging financial incentives, we can help ensure that agricultural housing meets standards that prioritize the health and comfort of farm workers.

Thank you for considering these suggestions in your decision-making process.

Sincerely,



David Hurtado, ScD, SM
Hurtado.d@gmail.com

From: [Mary Jo Davies](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Farm Worker Housing Proposal
Date: Sunday, November 3, 2024 3:31:27 PM

You don't often get email from maryjodavies@hotmail.com. [Learn why this is important](#)

OSHA's proposed ban on farm labor housing not to be within 500 ft of livestock "facilities" is over the top. In my county many of the farms and ranches are an hour away from any town or housing. The on site housing is a great convenience and value for the workers, If the workers were to have to commute to the job it would be extremely expense. Housing is in short supply in our area and therefore overpriced. There would also be the price of fuel and the hour Or more each way to get to work. This would be a great hardship and burden for the workers. Please take these thoughts into consideration .

From: [Laraway and Sons](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: OSHA Housing Comments
Date: Sunday, November 3, 2024 3:35:13 PM

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

My name is Jon Laraway, my farm business is Laraway & Sons, Inc. We grow pears in Hood River County, and house 10-12 workers. I do not use H2A.

I was on the committee evaluating the rules. The process was very disappointing, mostly because of the disruption and many ridiculous proposals from the advocates. I am not opposed to a periodic review, but early in the process, when the advocates were talking about poor housing, one of the OSHA representatives, when asked about poor housing, admitted that most of these issues were from unregistered housing. How is the rewrite and adding rules to those of us who provide registered complying housing going to help that issue? It sounds like more enforcement, not new rules costing thousands are the answer. Any housing that is meeting the rules now I submit is safe and adequate without most of these additions.

I would like to address a few specific items:

9cb requiring a locking shower stall.

This rule should only apply where a bathroom may be occupied by more than one person at a time. All of my bathrooms have locking doors, and a single occupant has security and privacy by locking the door. The cost to upgrade this would be in the thousands.

11e separate laundry facilities for clothes contaminated with chemicals

I don't even have this in my own home for my laundry!! If a person is wearing proper PPE, then chemicals on clothes should be very minimal. Any concern, can be addressed by a second rinse, which I believe all machines have. More importantly, NONE of the workers in my housing apply chemicals. To have to provide this when it wouldn't ever apply is to the worker would be another expense in the thousands, and never utilized. This rule, if applied, should not be required if the workers do not apply chemicals.

12jb Provide a solid door or curtain for toilets- curtains are no longer permissible for privacy?!?

If a curtain is no longer permissible, why does the rule say provide a curtain? Am I missing something here? This also goes back to my response to 9cb- if a bathroom has a locking door and one occupant, why the door for the toilet? Again, not something I have in my own home.

16ia portion of this storage must be lockable

Most of my units have single occupants with a locking front door. I

understand the thought if there are two occupants that are NOT immediate family, but shouldn't be required when a single occupant can lock the door.

Thank you

Jon Laraway

My name is Carlos Rivera and I have been working in agriculture for over 26 years. I want to share my thoughts on the proposed changes to housing requirements for seasonal employees in our orchards.

First, I understand the importance of decent housing for all workers. However, changing these requirements would mean significant extra expenses for orchard owners who are already struggling. The past few years have been tough for us, with lower harvest yields and increased costs. This change could lead to layoffs for our full-time, year-round workers, who rely on the orchard for their livelihood.

Moreover, the new rules would reduce the capacity of cabins, from six workers to four. This means we will have fewer workers available during the cherry harvest, which is time-sensitive. With 30% less workforce, it could lead to greater losses for the orchards, impacting everyone involved.

The seasonal employees have adjusted throughout the years to the current housing arrangements. For them, an extra 10 feet per person doesn't change much. They know their stay is temporary and that they will be returning to their families soon. If we change things now, it could create unnecessary separation from their families and disrupt their lives during a crucial harvest period.

I absolutely believe there should be a review of the housing conditions to ensure they are adequate for all workers. But I don't think this new law would help; instead, it might hurt our community and the workers we rely on.

Thank you for considering my perspective. I hope we can find a way to support both the seasonal and full time employees as well as the orchard owners without making things more difficult for anyone.

Carlos Rivera G.

Soto orchard

Noviembre 02/2024



Mi nombre es Arsenio Soto, escribo esta carta para expresarme sobre las nuevas leyes que quieren aplicar OSHA sobre las viviendas de los trabajadores del campo. Esta ley nos va a perjudicar a todos, ya sea trabajadores o patrones de campos, Ya que a las familias se pudieran separar de viviendas y como patron de agricultura no alcanza el presupuesto para ampliar las viviendas .

Ya que el mercado de la cosecha esta muy por debajo de precio. Los quimicos ,fertilizantes, partes de equipo, etc etc , ano con ano an estado incrementado sus precios, y el product estancado en el mismo precio de anos atras .

Estamos de acuerdo que se aplique la ley para las nuevas construcciones que se vayan hacer para el future, pero no a las que ya estan en construccion, porque esas construcciones que se hicieron en el pasado se hicieron conforme a la ley de aquel entonces.

Esto que yo estoy escribiendo yo lo estoy contando por experiencia de lo que yo estoy pasando conforme mi negocio en mis 10 anos que tengo trabando

Atte: Arsenio Soto

NAKAMURA ORCHARDS, INC.
GROWERS OF FINE PEARS AND CHERRIES

osha.rulemaking@dcbs.oregon.gov
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405

My name is Brian Nakamura and I am writing on behalf of Nakamura Orchards, Inc. We grow sweet cherries, summer and winter pears in Hood River. We provide housing for eight (8) domestic permanent/year-round employees, and additional four (4) seasonal employees each year. In total, we have a current capacity of eighteen (18) in our existing labor housing.

Orchardists in Hood River and The Dalles have historically provided housing that is safe and healthy for our employees and their families. We cannot continue farming without the labor required to grow and harvest our orchard crops. On-farm housing helps attract and retain these skilled workers. This orchard currently provides housing at no cost to our employees, covering all maintenance and utilities.

In the past several years we have updated and improved our housing for our workforce, including installing a larger septic system in 2008 to accommodate a washing machine in the men's/women's two-room shower building and adding expanded sleeping quarters for our single room units in 2010.

Some of the proposed changes to the housing rules will have costly impacts on our operation, especially with the abbreviated time frame proposed in the rules. For example, increasing the square footage from 40 to 50 per person will reduce the total capacity of our housing from 18 to 14. This could require our operation to add sleeping space again to meet this requirement that currently house two families living in our facilities. The planning, permitting, and construction for such a project could potentially take several months or years to finish. New requirements for toilet and shower privacy appear to require doors on shower stalls, even if the bathroom is single use and lockable.

Please consider updating your draft rules to address these concerns.

Thank you,

Brian Nakamura

cc: CGFG

4130 Willow Flat Road Hood River, OR 97031 541/354-1495
Owners: Brian C. Nakamura Marla K. Mittan

From: [Denver Pugh](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Sunday, November 3, 2024 4:10:12 PM

Dear Director Stapleton,

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Denver Pugh
31561 Fayetteville Dr
Shedd, OR 97377

denverpugh@yahoo.com

Elda Dorado Valenzuela
Lead Recruiter of the
Migrant Education Program
Columbia Gorge ESD
edorado@cgesd.k12.or.us
541-993-8213
541-298-3147
400 E Scenic Dr, The Dalles Or. 97058

OR-OSHA
350 Winter St NE
3rd floor
P.O Box 14480
Salem, Oregon 97309-0405

My nombre es Elda Dorado Valenzuela
Como dije antes en el seminario pasado al que asistí para la reunión de vivienda para
trabajadores agrícolas de OSHA . Trabajo para el programa de educación migrante y soy la
reclutadora principal de este programa en los condados de wasco, sherman y gilliam.
Como dije antes este año 2024 reclute 320 familias.y dimos servicios a 441 estudiantes.

Quiero recalcar lo importante que es para las familias sentirse seguras en sus alojamientos
cuando llegan a sus lugar de trabajo. Mi origen cultural de ser hispana me permite comprender
que a la familia les gusta permanecer juntas porque es nuestra cultura , nos ayudamos unos a
otros como los padres que cuidan a sus niños. Abuelos, tíos, sobrinos etc.

Al cambiar el requisito de de la medida de espacio por persona establecidas en la regla 16 L y
16J. Las familias se verán afectadas directamente por que la vivienda que ocupaban antes de
estas reglas o cambios propuestos por osha, uno o más miembros de la misma familia ya no
podrán alojarse en el mismo lugar y por su puesto preguntaran. Por qué no si somos todos
familia.

Cuando estas familias viajan a nuestra comunidad usualmente dejan otras cosechas
terminadas o algunas que todavía no están listas para cosechar y se cosecharán más adelante.
Las familias viajan para seguir ganando dinero para mantener a sus familias. Si ellos llegan a
nuestra comunidad y no saben de los cambios sobre la regla que osha está implementando
sobre la medida de espacio por persona. Reglas 16 L. Es posible que se les pueda negar el
alojamiento. Esto puede ejercer presión para las agencias sociales para ayudar a las personas
que llegan y no pueden encontrar un lugar donde vivir.

Y si conocen los cambios en las reglas sobre el requisito de la medida de espacio para cada
trabajador . Es posible que tengan dificultades y cause estrés y presión que tengan que dejar

sus hijos en casa, por que busquen un alojamiento adicional en nuestra comunidad que esto provocaría un gasto que a veces para la familia sería difícil cubrirlo.

Si ambos padres tienen que abandonar su hogar para trabajar. ¿Qué pasará con los niños ? Quizás los dejarán con abuelos tíos etc. Estos niños no recibirán servicios del programa de educación migrante. Por lo tanto en este escenario, los niños se quedan con menos supervisión y sin ayuda académica.

O sin escuela de verano. en la que pueden participar. Creo que el hecho que los niños sean separados de sus padres los expone a un entorno más potencialmente inseguro.

Si menos niños vienen a nuestra comunidad, muchos programas se verán afectados por la regla que se está tratando de implementar la medida de los pies cuadrados por trabajador. 16L Que es el aumento de 40 a 50 pies cuadrados por persona.

En mis visitas a familias en los alojamientos de las huertas , he visto huertas con un gran número de empleados y también he visto huertas con un número pequeño de empleados.

Algunas de las huertas que he visto donde tienen pocos empleados apenas han empezado su trayectoria como agricultores, y me pregunto cómo estos nuevos agricultores que en el momento se podría decir creen haber logrado el sueño americano, podrán pagar un gasto tan grande gracias a estos cambios en tan corto tiempo 3 años.

Yo creo que una solución justa a este dilema sería que se permitiera que las viviendas existentes se mantengan en 40 pies cuadrados por persona. Y que todas las viviendas nuevas deben construirse con el requisito de 50 pies cuadrados por persona a partir de cuándo se presenta una solicitud de permiso de construcción para vivienda para trabajadores agricultores.

Sinceramente

Elda Dorado

November 3, 2024

Department of Consumer and Business Services
Renee Stapleton, Acting Administrator
Oregon OSHA
PO BOX 14480 Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov

Ms. Stapleton,

I'm writing to express my concern with the proposed Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120. I support OR-OSHA's mission to advance and improve workplace safety and health for all workers in Oregon. I encourage OR-OSHA to review its proposed rule and ensure that the new guidance is grounded in workplace safety and health, and won't have unintended consequences for the availability of housing for both permanent and temporary agricultural workers.

My district spans much of Eastern Oregon, where agriculture is our most important economic driver. My constituents live and work on farms and ranches and bring food to our tables. I've heard from my constituents as well as statewide agricultural organizations, and share the concerns that the proposed rule is considerably more rigorous than various federal guidance and other state standards. Certainly, Oregon should protect our farm worker and agricultural workforce from untenable housing, but we can't set unachievable standards that are too ambitious, too costly, and too impractical to achieve. I hope OR-OSHA will balance both worker amenities necessary for safety and comfort with reasonable requirements and an implementation timeframe that can be achieved. I know that a coalition of agricultural organizations have suggested better implementation timeframes for the proposed rule changes and are asking to align with federal laws that recognize applicability exceptions for pre-existing housing. Please consider these requests.

On a final note, I want to specifically mention the proposed removal of the livestock care exemption. My district spans some of Oregon's most remote areas. Our ranchers and dairy farmers often provide housing, free of charge, to their workforce. Naturally, farm and ranch homes are often adjacent to pens, barns, stables, or dairy operations. Removal of the livestock care exemption and prohibiting housing within 500 feet of a "livestock operation" would be devastating to housing availability on farms and ranches. Most livestock operators live right next to their animals, so prohibiting employee housing would be costly and arbitrary. This is just one example where I fear OR-OSHA has based its rule on stakeholder requests and not done sufficient diligence to understand existing agricultural workforce housing throughout the state; housing which is safe and healthy (the two tenants that should guide OR-OSHA's work).

Thank you for considering my feedback.

Sincerely,

Representative Mark Owens
House District 60

Cc: Andrew Stolfi, Director, DCBS (dcbs.director@dcbs.oregon.gov)



November 3, 2024

Oregon Occupational Safety and Health Administration
350 Winter Street NE
Salem, Oregon 97309

Director Stapleton,

As we prepare for our upcoming meeting, I want to take the opportunity to also share my comments in public testimony regarding the impact of the proposed rule on Tillamook and the dairy farming families in my district.

I have heard significant concerns from many farmers about the amendment to 437-004-1120(6)(h), which would prohibit housing labor within 500 feet of livestock operations. This ruling seems arbitrary, and I seek clarity on its rationale as it pertains to livestock operations. It's essential to consider the differences between livestock farming, field crops, and fruit production, as this rule would affect each sector differently.

Below are some key challenges raised by my farming community that warrant discussion before any decision is made:

- **Funding Concerns:** How will farmers afford to provide housing in an already strained market?
- **Vacancy Issues:** If these structures can no longer be used for labor housing, will they be available for general rental, or will they remain vacant?
- **Representation:** How was the livestock and dairy farming community represented in the task force discussions?
- **Operational Safety:** Dairy farming operates 24/7, requiring labor at unconventional hours. How does this rule ensure safe travel during these times and address the potential disruptions for families, as well as the rising costs of fuel and vehicle maintenance?

These permanent housing structures are often provided as part of compensation packages, providing stability for families during uncertain times. The proposed change not only jeopardizes stable housing for labor families but also exacerbates the existing housing shortage in the surrounding communities.

The compliance timeline is excessively aggressive and sets our farming community up for failure. Given the limited availability of land, the necessary zoning and regulatory processes, lengthy design and permitting, and the time required for actual construction, meeting a January 2026 deadline is unrealistic.

These concerns highlight the disproportionate burden this rule would place on my district. Before any further action is taken regarding this proposed rule change, I urge that these issues be thoroughly addressed.

Thank you for your attention to this matter. I look forward to our discussion.

Respectfully,

A handwritten signature in cursive script that reads "Suzanne Weber".

Senator Suzanne Weber
Oregon State Senate District 16

Date: Oct 15

To: Oregon OSHA

From: Mike McCarthy, PhD

**RE: Ag Labor Housing Rulemaking:
OAR 437-004-1120 Agricultural Labor Housing and Related Facilities
Proposed Rule Changes 9/5/24**

General Comments

Overall, it is hard to understand the “Health and Safety” benefits, the clear mandate of OSHA, of these proposed rule changes. Many seem to be merely “Arbitrary and Capricious” with a goal of making the rules so burdensome that growers can not provide housing. Odd, at a time when the housing shortage is severe statewide. “Worker advocates” goals are to remove workers from on-farm housing so they can have them all in one place to union organize. This needs to be called out as their goal.

On-farm housing is preferred by the farm workforce, where families often have space for soccer and vegetable garden areas. Also they have room to store and work on their cars and no commute costs to go to work. Why is the state determined to destroy this? The overall benefit of housing to worker which is usually free with utilities paid has huge value to workers and families with a market value of over \$20,000 per year. And this is a non taxed benefit.

The cost of housing to employers is getting out of reach and now construction, maintenance and compliance costs exceed the thin margins farmers operate on. As a senior citizen, 74 years old, I still work full time and do not receive anything for the entire year of work. All funds go to labor and farm worker housing and inflated costs to farm. These proposed rules will further challenge our operation and ensure that I receive no compensation for a year of work.

Section 12(d)(A)

It seems to require in cases a ratio of 1 toilet per person. This is an extreme costs requiring in cases a new bathroom costing approximately \$50,000, if a new septic system is not required by code. A new septic system would require another \$20,000.

Section 10(a), 18(b)

Hard to understand why the some sinks do not count toward required sink ratio. Huge expense. Adding a sink can require in cases a new room, again in the \$50,000 range with required plumbing cost.

Section 23(c)

Our farm estimate to install would be in the \$200,000 range for all units.

Section 5(b)(B)

Free from **ALL** hazardous conditions. This is preposterous and intended to close all housing. We can not as farmers ensure against introduction of harmful drugs, use of cigarettes and alcohol (a know carcinogen). Bee stings, mosquito bites, slipping on a step due to intoxication, earthquake, wildfire smoke, domestic abuse, or anaphylaxis due to peanut butter consumption, etc, etc. Because this is impossible to provide, this clearly closes all housing, destroys the economic viability of the farm and is a regulatory taking. This is clearly “Arbitrary and Capricious”.

Section (6) Site Requirements (h) relating to livestock

Both the original wording in the rule and the revised wording overgeneralize livestock operations and put them all into one risk category. Information provided here will show that the available science and even common sense do not support the uniform application of a rule to all livestock operations throughout Oregon encompassed by the rule. Furthermore, the original wording and the proposed added wording likely in many cases constitute a regulatory taking.

The available literature is principally meta data analyses showing mixed health effects. If there are potential health and safety risks from living near livestock there are certainly a long list of variables, not accounted for, that either increase or decrease overall risk.

The main variables involved would be the number and type of livestock on the farm within 500 ft, prevailing winds, annual precipitation, soil type, the number and type of livestock operations in the area, livestock and manure handling practices on the farm and other farms in the area. All of these would affect air quality, a principal parameter of interest. In most cases there would be no negative health effects but all site conditions are covered by the rule. Oregon farms and ranches are characterized by relatively small livestock numbers per farm. From the USDA 2022 Census 85% of farms have less than 50 cows, 94 % have less than 200 cows.

Characteristics of livestock farms in Oregon vary significantly from two of the main areas where health impact studies regarding livestock were conducted, Wisconsin and The Netherlands. In Oregon the livestock density (sum of cattle, calves, pigs, sheep, not poultry) per acre overall is 0.02 per acre (Table 1). In Wisconsin it is 0.1 per acre or 5 times greater. In the Netherlands where most of the studies are conducted relating to potential health concerns, the livestock density is 1.33 per acre or 66 times greater than Oregon. The concentration of livestock in The Netherlands and other places outside of Oregon far exceeds what is present in Oregon and represents a different environmental scenario. To suggest that in Oregon all worker/employee housing should be more than 500 feet from livestock operations of any and all sizes because of potential health effects is not supported by evidence in the literature.

Table 1.
Livestock Density Comparisons*

	Total Acres	Cattle	Hogs	Sheep	Total	Density
Oregon	63,000,000	1,200,000	9,800	153,000	1,362,813	0.02 per acre
Wisconsin	34,560,000	3,330,000	335,000	0.00	3,665,000	0.10 per acre
The Netherlands.	10,240,000	1,600,000	12,000,000	0.00	13,600,000	1.33 per acre

*Total livestock for the purpose of this table are cattle, pigs, and sheep from the USDA Census 2022. Poultry and minor livestock not included. The Netherlands numbers are from Forbes, Christine Ro, April 27, 2024.

In the Netherlands, Borlee et al 2015 (1) found the prevalence of COPD and asthma was lower among residents living within 100m of a farm. From Borlee et al 2015 (1) “our data suggest a protective effect of livestock farm emissions on the respiratory health of residents”. Also Smit et al 2014 (2), found a shorter distance to the nearest farm with livestock was related to less respiratory morbidity. Modelled PM10 emissions were associated with less asthma, rhinitis and COPD. Borlee et al 2017 (3), “found an

association between lung function and living in areas with more than 17 farms (livestock) within 1000-m radius”, some with as many as 30 farms in the 1000m study area, far beyond anything in Oregon. A German study, Radon et al 2007 (4) was conducted where there were “more than 12 stables within 500 m”. Because of the relatively small herd sizes in Oregon and the exponentially fewer livestock per acre overall in the state relative to study areas, health impact studies across the globe are not applicable. In the entire state there are only a few AFO situations that might be of concern. These should be dealt with on a case by case basis with air monitoring and mitigation measures, not a blanket ban on even the smallest operations.

Examples of the problem of including all livestock operations in the same employee housing rule.

Case A. A farm worker living on a farm in employer provided housing 100 ft from his own chicken coup with 10 laying hens. No other livestock within 500 ft.

Case B. A farm worker living on a farm in employer provided housing 100 ft from a horse barn where the farm keeps 5 saddle horses, used to move cattle. No other livestock within 500ft.

Case C. A farm worker living on a farm in employer provided housing 400 ft from a milking parlor where 100 cows are milked. No other livestock within 500 ft.

Case D. A farm worker living on a farm in employer provided housing 50 ft from a 100,000 head beef feedlot.

From the literature, the scientific findings are inconclusive. From van Dijk et al 2016 (5), “the association between livestock exposure and the prevalence of respiratory diseases is inconclusive”. One study found a lower prevalence of asthma, COPD and allergic rhinitis; one study a higher prevalence of asthma and two studies found no difference in the prevalence of asthma or allergic rhinitis with increased livestock exposure (4,6,7,8). From van Dijk et al, 2016 (5) “increased livestock exposure was associated with a decreased number of contacts (with healthcare) for respiratory conditions and self reported respiratory symptoms”. Some studies have found a more robust immune system in populations living near livestock farms. Several studies have shown lower risk of respiratory allergies in farm children, which has been attributed to higher exposure to a wide range of microbes (9, 10, 11).

The negative effects on respiratory parameters are inconclusive but in cases where negative effects have been suggested, livestock concentrations are many times higher in these studies than is likely in 94% of Oregon farms. Without NH₃, H₂S, bacterial and PM₁₀ monitoring on Oregon farm situations there is little evidence that on at least 94% of farms there would not be significant respiratory health issues.

Because on most Oregon farms, negative health effects have not been proven and because of low livestock densities in Oregon compared to studies, it is unlikely that health effects could be proven. With the implementation of this rule, farms would have to move either employee housing or move dairy barns, milking parlors, feed areas and livestock holding facilities. In either case the costs would be prohibitive and with today’s small operating margins would result in termination of the business. These livestock operations in most cases are the best economic choice for the land, proven by many years of operation and trials of other crops.

What this means is that by implementing this rule, the operations will go out of business. This means the rule has taken most of the value from the farm without proven health and safety consequences. This Section 6, Site Requirements rule would be a Regulatory Taking. In *Pennsylvania Coal Co. vs Mahon* (1922), in the regulatory takings doctrine, holding that a mere restriction by government on the use of land in the absence of any physical occupation or appropriation of land, can trigger a Fifth Amendment

right to compensation if the regulation goes too far. Clearly this regulation “goes too far” in that it extends to all operations, most of which have no proven health issues for employees living on the farm.

1. Borlee et al, *Eur Respir J* 2015; 46:1605-1614. Increased respiratory symptoms in COPD patients living in the vicinity of livestock farms.
2. Smit et al, *Occup Environ Med* 2014; 71:134-140. Air pollution from livestock farms, an asthma, allergic rhinitis and COPD among neighbouring residents.
3. Borlee et al, *Am J Resp and Critical Care Med* 2017; 196:9 Air Pollution from Livestock Farms Associated with Airway Obstruction in Neighboring Residents.
4. Radon et al, *Epidemiology* 2007; 18:300-308. Environmental exposure to confined animal feeding operations and respiratory health of neighboring residents.
5. van Dijk et al, *BMC Fam Pract* 2016; 17:22 Associations between proximity to livestock farms, primary health care visits and self reported symptoms.
6. Schulze et al, *Arch Environ Occup Health* 2011; 66:146-54. Effects on pulmonary health of neighboring residents of concentrated animal feeding operations: exposure assessed using optimized estimation technique.
7. Smit et al, *Plos ONE* 2012; 7:e38843. Q fever and pneumonia in an area with high livestock density: a large populations study.
8. Pavilonis et al, *Environ Res* 2013; 122:74-80. Relative exposure to swine animal feeding operations and childhood asthma prevalence in an agricultural cohort.
9. Alfven et al, *Allergy* 2006; 61:414-421. Allergic diseases and atopic sensitization in children related to farming and anthroposophic lifestyle-the PARSIFAL study.
10. Ege et al, *N Engl J Med* 2011; 364:701-709. Exposure to environmental microorganisms and childhood asthma.
11. Riedler et al, *Lancet* 2001; 358:1129-1133. Exposure to farming in early life and development of asthma and allergy: a cross-sectional survey.

From: [Lesley Tamura](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Cc: [Deede Anderson](#); [CGFG Mike Doke](#)
Subject: OSHA Rulemaking Comment
Date: Sunday, November 3, 2024 6:36:59 PM

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

Below please accept public comment from Bill Anderson at Anderson Fruit Inc. regarding OR-OSHA's ALH proposed rules.

My name is Bill Anderson and I am writing on behalf of Anderson Fruit Inc. We grow Cherries in The Dalles. We provide housing for 3 domestic permanent/year-round employees, and an additional 93 seasonal employees each year. We also participate in the H2A program and house/employ 5 foreign employees each year. In total, we have a current capacity of 93 in our existing labor housing.

Concerns Regarding Proposed Oregon OSHA Regulations:

In recent years, our dedication has been overshadowed by unfounded accusations labeling us as abusers, slave drivers, racists, and operators of substandard labor camps. These allegations are baseless and do not reflect our unwavering commitment to our workers' well-being. We have consistently registered our camps with Oregon OSHA, adhering to all existing regulations.

The proposed rule changes by Oregon OSHA raise several concerns:

1. **Lack of Scientific Basis:** We question the scientific evidence supporting these new regulations. It's unclear how these changes will enhance the health and safety of our employees.
2. **Enforcement of Existing Regulations:** It appears these new rules are a response to issues arising from unregistered housing facilities. We believe that Oregon OSHA's focus should be on enforcing current regulations, particularly targeting farms that neglect to register their camps, rather than imposing additional burdens on those who are already compliant.

Call to Action:

As a farming community in Wasco County, we are deeply committed to supporting our migrant workers and providing them with the best living standards. We urge Oregon OSHA to direct their attention toward operations that fail to register their camps, ensuring that existing regulations are enforced effectively. This approach will address the root causes of substandard living conditions without penalizing those who are already in compliance.

Cooking Facilities:

Rebuttal to Oregon OSHA's Proposed Regulation on Cooking Facilities for Farm Housing

Introduction:

Oregon OSHA's proposal to enclose cooking facilities and increase the cooking facility requirement from two burners per ten occupants to two burners per eight occupants does not align with federal regulations. Proposed rules 18(a)(B) and 18(a)(K) are unnecessary and ill-conceived changes. This regulation does not reflect the real needs of the agricultural workforce or the reality of farm operations. Instead, it imposes excessive and impractical costs on farmers, potentially disrupting Oregon's agricultural sector without any meaningful improvement to worker safety or well-being.

Current Standards Are Sufficient and Effective:

Farms in Oregon have consistently complied with the current standard of 2 burners for every 10 occupants. These existing measures have been adequate, meeting OSHA's own previously established safety benchmarks. There is no documented evidence to suggest that increasing this ratio will improve safety. Oregon OSHA's sudden push to increase this requirement is unwarranted, lacks practical basis, and has not been substantiated by any clear data that justifies such a shift.

Significant Financial Burden on Farmers:

This proposal fails to account for the already tight margins within which farmers operate. Requiring additional burners and cooking facilities will burden farmers financially, as it would entail purchasing additional equipment and potentially costly renovations to accommodate these changes. Family-run farms and smaller operations—already stretched to maintain profitability—would be disproportionately impacted, with some potentially forced out of business due to the extra costs imposed by an arbitrary change in regulations.

Detrimental Impact on Oregon’s Agriculture Industry:

Beyond just the financial implications for individual farms, this regulation threatens Oregon’s entire agricultural community. Adding costly and unnecessary regulations during a time of economic strain risks undercutting the viability of Oregon farms and the jobs they create. Oregon OSHA’s proposal would force farm owners to either absorb these unreasonable costs or make cuts in other essential areas, such as workforce wages and safety training—ironically working against OSHA’s supposed goal of worker welfare.

Alternative Solutions with Real Impact:

Instead of burdening farmers with impractical and costly regulations, Oregon OSHA should focus on practical safety measures. Better cooking education, and more frequent equipment inspections are just a few examples of low-cost, high-impact alternatives that would support worker safety without undermining farm operations. Oregon OSHA should be seeking constructive, realistic solutions—not pushing through misguided regulations that only serve to damage Oregon’s agricultural backbone.

Conclusion:

Oregon OSHA’s approach in this case is overreaching and misinformed. The agricultural sector deserves a regulatory body that listens, evaluates the real impact of its proposals, and respects the industries it oversees. We strongly urge Oregon OSHA to withdraw this proposal and to work directly with Oregon’s farmers to devise regulations that genuinely benefit workers without jeopardizing farms.

Oregon OSHA Must Clearly Define “Free from All Hazardous Conditions” in Farm Housing Requirements

The requirement that farm housing must be “free from all hazardous conditions” is unreasonably vague and sets an impossible standard for farm owners to meet. This ambiguous language opens the door to arbitrary enforcement and creates confusion about what is needed to comply with Oregon OSHA’s standards.

Without clear definitions or guidelines, Oregon OSHA is placing an unfair burden on farm owners who are expected to provide housing that is undefined in its requirements. What qualifies as a “hazardous condition” must be explicitly stated so that farm owners can address these issues proactively rather than face unpredictable enforcement. This term should be broken down into specific categories, such as structural safety, sanitation, and access to basic utilities, with clear criteria for each. Without this clarity, the standard remains open to interpretation, leading to inconsistent compliance expectations and enforcement actions that vary based on inspector discretion rather than uniform guidelines.

The reality is that farms operate under unique conditions, and housing on agricultural land is often exposed to environmental factors not present in urban housing environments. By failing to define “free from all hazardous conditions,” Oregon OSHA is disregarding the practical realities of farm housing. Oregon OSHA should work closely with the farming community to define what constitutes a “hazardous condition” in a way that’s specific, practical, and directly related to worker safety. This collaboration would ensure that standards are not only enforceable but also tailored to the realities of agricultural work and housing.

Additionally, the “free from all hazardous conditions” requirement should focus on reasonable and

unavoidable risks to safety, as it is impossible to remove every potential hazard from any environment entirely. For example, minor repairs, seasonal weather effects, or the presence of standard farming equipment should not automatically deem housing “hazardous.” Failing to make this distinction only sets farm owners up for compliance traps, increasing operational costs and administrative burden with no tangible benefit to worker safety.

Oregon OSHA must provide a clear, practical definition of “free from all hazardous conditions” so that farm owners know what they need to address and can make informed, effective improvements. By doing so, they will enable compliance through transparent, actionable guidelines rather than unrealistic, open-ended mandates that neither serve farm workers nor respect the operational challenges of Oregon’s farmers.

Request for Clarification from Oregon OSHA on Electrical Receptacle Standards in Farm Housing

We are seeking clarification on Oregon OSHA’s current requirement of “1 electrical receptacle for every 2 occupants in sleeping rooms” in farm housing, specifically regarding the allowance of power strips to meet this standard. While Oregon OSHA has indicated that power strips can be used to comply with this requirement, this approach does not align with Oregon building codes, which have stricter guidelines to ensure electrical safety and reduce the risk of overloading circuits.

Our concern is that permitting power strips as a substitute for permanent electrical receptacles not only conflicts with state building regulations but could also introduce safety risks. Oregon building codes are established to maintain safe electrical practices and protect occupants, and any deviation from these standards creates a legal and practical inconsistency for farm owners attempting to comply with both Oregon OSHA requirements and state building codes.

Given these issues, we respectfully request that Oregon OSHA clarify the following:

1. How does Oregon OSHA justify this allowance of power strips despite the direct conflict with Oregon building codes?
2. What steps will Oregon OSHA take to ensure that this discrepancy does not inadvertently encourage non-compliance with building codes or lead to unsafe electrical conditions in farm housing?
3. Does Oregon OSHA intend to revise this requirement to align with state electrical safety standards, ensuring that farm housing meets the same rigorous safety standards required of all other residential properties in Oregon?

We appreciate Oregon OSHA’s efforts to support safe housing for agricultural workers. However, to ensure a consistent and legally compliant approach to electrical safety, it is essential that Oregon OSHA’s requirements reflect and respect Oregon building codes, which were designed with the well-being of all residents in mind.

Why Adding 21 Cubic Feet of Storage in a 330-Square-Foot Farm Housing for 7 Occupants is Impractical

The requirement to add 21 cubic feet of storage space in a 330-square-foot farm housing intended to house seven occupants is not feasible without sacrificing essential living space and functionality. Here are the primary reasons why this requirement is impractical under these conditions:

1. Limited Space for Basic Amenities:

With only 330 square feet available, every square foot of the farm house is already dedicated to essential living areas, such as sleeping quarters, cooking, and sanitation facilities. In a multi-occupant setting, the focus must be on optimizing limited space to meet fundamental needs rather than adding storage space that would reduce maneuverability and increase overcrowding.

2. Safety and Accessibility Concerns:

Introducing additional storage in such a confined area raises safety issues, particularly in emergency situations. Narrow pathways, limited open floor space, and added bulk from storage units can impede occupants’ ability to exit safely in case of a fire or other emergencies. Furthermore,

attempting to add more storage in a cramped area often results in cluttered, hard-to-access spaces, reducing the effectiveness of the storage and creating potential hazards.

3. Structural and Functional Limitations:

In a farm housing unit, walls, doors, and windows are already in place to meet building code requirements for the state of Oregon, leaving limited space for additional fixtures. Attempting to add the required storage could involve alterations that are structurally impractical, such as narrowing walkways, encroaching on shared spaces, or obstructing natural light sources—all of which would compromise the functionality and livability of the housing facility.

4. Alternative Solutions Needed:

Given these limitations, alternative storage solutions need to be explored. For instance, the use of communal storage facilities outside the living space, where personal items can be stored safely without occupying valuable indoor space, could be a more practical and effective approach. This would allow the farm house itself to remain a functional living area while meeting any reasonable storage needs for the occupants.

In summary, the mandate to add 21 cubic feet of storage per person in a 330-square-foot farm house occupied by seven people fails to consider the realistic spatial and functional limitations. Rather than enforcing impractical storage requirements that compromise safety and livability, Oregon OSHA should consider flexible solutions tailored to the specific challenges of farm housing.

Why States Should Align Building Codes with Federal Standards and Avoid Imposing Stricter Rules

States adopting stricter building codes than those established by federal standards can create unnecessary burdens, inconsistencies, and challenges for building owners. Here's why it's more practical and fairer for states to align closely with federal codes:

1. Consistency and Predictability:

Federal codes provide a baseline that ensures safety and functionality across the country. When states impose additional, stricter requirements, it creates a patchwork of regulations that is confusing and burdensome for builders, owners, and developers, particularly those operating in multiple states. Aligning with federal standards would promote predictability and make it easier for property owners to understand and comply with building requirements.

2. Respecting Grandfathered Buildings:

Many buildings were constructed under older codes and are “grandfathered” in, meaning they were built in compliance with the codes of their time. Federal codes often account for this by allowing these buildings to remain operational as long as they continue their original use and do not undergo major renovations. Stricter state requirements undermine this concept, often forcing unnecessary and costly retrofits that may not meaningfully improve safety or usability. Honoring the federal grandfathering principle respects the original investments made by building owners while still meeting national safety standards.

3. Financial and Operational Burdens:

Stricter state codes can place undue financial strain on property owners, especially small businesses and agricultural operations that operate on tight margins. Federal codes are designed to balance safety with practicality, avoiding excessive costs for compliance. When states add layers of requirements, they risk imposing financially unfeasible upgrades, especially for older buildings, with minimal safety benefit.

4. Focus on Safety Essentials:

Federal codes are developed to address critical safety needs comprehensively across diverse building types and locations. They're established through extensive research, data, and expert input, ensuring that essential safety needs are met without overreaching. Stricter state codes often go beyond these essentials, adding requirements that are unnecessary and impractical for specific

building types or uses, such as farm buildings, where strict residential or commercial standards may not apply or add value

5. Ensuring Fair Competition Across States:

When states add strict requirements, they create an uneven playing field across the nation, making it more expensive to build, operate, or upgrade properties in those states. This can discourage investment and economic growth, as businesses may prefer states with regulations that align more closely with federal standards. By aligning state requirements with federal standards, states can uphold essential safety and functionality while minimizing unnecessary burdens, allowing property owners to operate more effectively within a consistent, understandable regulatory framework. Federal standards provide an effective, balanced approach to building safety and functionality without excessive or impractical demands that undermine property owners' investments and hinder economic growth. Klass, A. B. (2010)

Inconsistency in Oregon OSHA's Requirement for Handwashing Sinks and Showers

Oregon OSHA's requirement to provide one sink for every six people to wash their hands, while still only requiring one shower for every ten people, is contradictory and lacks practical logic—especially when the sink is located in the shower room. Here's why this requirement doesn't make sense:

1. Access Bottleneck Created by Shared Space:

By placing the sink for handwashing in the shower room, the sink's usage becomes dependent on the availability of the shower space. With only one shower required for every ten people, any individual needing to shower monopolizes access to the sink. This setup leads to bottlenecks, with occupants unable to access the sink when it is needed solely for handwashing. The requirement to have a sink in the shower room does not support efficient, continuous access for all ten people, especially in high-use periods. CFR 1910.142(F)

2. Redundant Requirement That Increases Wait Times:

Requiring an additional sink for every six people means that more sinks than showers may need to be installed, despite the fact that users have to wait to access both. With more sinks than showers, people are left waiting for showers and potentially blocking access to the sinks within them, leading to wasted time and increased frustration—an impractical arrangement that does not truly benefit hygiene or convenience.

3. Excessive Cost for Minimal Practical Improvement:

Installing additional sinks or modifying the shower room to meet this "one sink per six people" requirement will impose unnecessary expenses on farm owners with no practical improvement to hygiene or convenience. This is a financially burdensome requirement that provides little real benefit to workers since the placement of the sink in the shower room limits its utility.

Proposed Solution: Practical Sink Placement and Requirement Reevaluation

In 2011 and 2012 we built a new camp facility to house 93 seasonal migrant workers. We consulted with OSHA during our planning and building process to make sure we were in compliance with all current regulations for the 2008 to 2018

Phase in period. After a mere 6 years OSHA is now wanting to change the existing regulations again. Our housing has air conditioning, washers and dryers.

Housing built for the current rule should be grandfathered in. We do not have the space to add additional housing or infrastructure, i.e. setbacks, creeks, property lines. The cost to build was \$815,000. This cost did not include the cost of the property. Or the loss of productive farm ground.

Implementation Timeline:

My concerns about some of the proposed rules are not limited to the high cost, I am also concerned about the short 2-year implementation timeline given by OR-OSHA. Requiring such huge structural

changes to labor housing facilities within only 2 years is not a reasonable or realistic timeline. We do not have a location where we can add additional housing. need a reasonable amount of time to go through the planning and construction phases in a way that does not have a hugely negative impact on currently available housing. Significant structural changes should be phased in over a much longer timeframe and should apply to significant remodels or new construction.

The proposed timeline ends in 2027, the same year that Ag Overtime reaches the permanent 40-hour threshold. Our housing capacity will be reduced at the same time that we need additional employees to avoid the significant cost increase for overtime pay.

Lack of Affordable Alternatives:

On-farm housing is regulated and inspected, and it is affordable for our employees –it is often completely free. Often, we house families where only one member of the family works on-farm, while other members (spouse, adult children, etc.) work in other industries.

Farm employees will be forced to find off-farm housing in an area where no affordable housing options exist. No housing options for short-term housing used by the thousands of migrant workers that come only for a few months of the year during harvest season

Migrant workers that follow the harvest season may not come due to lack of available on-farm housing; those that do come will sleep in cars, in tents, or packed into cheap motel rooms with many others to share the cost.

How this will impact farmers operations:

Each farm's housing is unique in layout, capacity, and features. We will be impacted in different ways, but nearly everyone with employee housing will lose capacity between 20% - 50% We will lose 19 beds if the new proposal changes from 40sf to 50sf. That is 19 seasonal migrant workers that will be displaced. This will also affect employees in lost wages. It will also affect our ability to harvest all of our crop. This will be a reduction in revenue of \$400,000.00. To our farm annually.

This will be devastating to our employees and their families.

Cost to Build Back to Full Capacity:

Approximately how much will it cost you to build back to capacity?

Formula: (\$180 per square foot) x (120 ft² per occupant) x (# of lost beds)

\$180 per square foot has been provided by multiple contractors as a fairly accurate cost for all above-ground construction. This includes foundation, floor, walls, roof, above-ground electrical and plumbing; DOES NOT include septic system/drain field, appliances, furniture, HVAC, etc.

The 120 ft² per occupant includes 50 ft² for sleeping area plus additional square footage needed when adding capacity, including bathing, toilet and handwashing facilities, cooking facilities, laundry facilities, etc. For us to replace the 19 lost beds it will cost \$410,400. Per the above formula. This does not include its infrastructure, i.e. electricity, sewer and septic, fresh water, building contents and land. This cost is \$250,000 to \$400,000.

Align with Federal Standards:

OR-OSHA is required to be "as effective as" federal OSHA rules. However, they are not required to go beyond federal rules. OR-OSHA should align with federal rules so that our housing requirements are consistent with other states. When OR-OSHA goes beyond federal rules, we are less competitive as an industry. By requiring housing rules that go beyond the federal standards, we are at a large disadvantage.

OR-OSHA should allow for legacy recognition of housing constructed prior to 1980.

Federal OSHA updated housing rules in 2022, but chose to "grandfather" in square footage requirements in housing built prior to 1980. This is recognition that housing built prior to 1980 can still be considered safe and healthy to live in by federal standards without having to make major

modifications to square footage.

OR-OSHA wants to go far above and beyond federal OSHA by removing this allowance for housing built prior to 1980.

U.S. Department of Labor recognizes the importance of allowing older housing to remain in use and the difficulties of upgrading older housing to current standards; Oregon should as well.

In conclusion, I suggest that you take more views into consideration.

1. Financial burden to employees and employers.
2. Detrimental effects to the agriculture industry.
3. Review alternative rule making plans with producers.
4. Grandfathering of existing rules and conditions.

References:

Federal OSHA: OSHA housing safety and health checklist. November 1st 2024. 29 CFR 1910.142(B), 29 CFR 1910.142(C)

Federal OSHA: OSHA housing safety and health checklist. November 1st 2024. 29 CFR 1910.142(B), 29 CFR 1910.142(F)

Klass, A. B. (2010). State standards for nationwide products revisited: Federalism, green building codes, and appliance efficiency standards. *Harv. Envtl. L. Rev.*, 34, 335.

From: [Mary Brady](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Sunday, November 3, 2024 7:21:18 PM

Dear Director Stapleton,

The OR-OSHA is creating standards that are out of line. We have said it is ok for Tiny homes for homeless, but expect family farms to have higher standards for on farm housing. The on farm housing has been an extra benefit to workers allowing them security to know they have a place to live while working to provide for their families. By adding these new rules farmers may not be able to offer secure housing for workers. This may also cause workers to not come to work in the area that would cause produce and other farm products from being raised. Please do not allow OR-OSHA move forward with these rules.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Mary Brady
1545 Azalea Glen Rd
Azalea, OR 97410
mary.flegel@gmail.com



November 3, 2024

Delivered electronically

OSHA.rulemaking@dcbs.oregon.gov

RE: Proposed Rule Changes of OAR 437-004-1120 Agricultural Labor Housing and Related Facilities

Cunningham Sheep Company would like to address our concern regarding the proposed removal of the exemption in OAR 437-004-1120 (6) (i) allowing livestock workers to be housed within 500 feet of a livestock operation.

We have two fixed labor housing units for our H2A sheepherders. Both buildings met the existing regulations at the time they were built. They have both been updated over the years, as needed, to meet new regulations and to provide newer amenities for the occupants. Both buildings, however, are within 500 feet of livestock pens or corrals. Many of these corrals, however, are not used consistently, but rather intermittently and short-term, sometimes less than a day. Some are used for ewes and young lambs that need health monitoring 24/7. The livestock areas that would be impacted by this rule change have not caused any health or safety issues for the workers, yet with the proposed rule change, either the pens, corrals or housing would need to be relocated. These options are both financially unviable and logistically impossible, due to limited areas available for relocation that would continue to facilitate the purpose of the structures.

The elimination of the exemption for livestock workers will result in our herders being required to stay in their mobile housing (RV's) during the winter months. This will relocate them further from the livestock that need consistent night-time monitoring, causing increased livestock deaths. It will also lower the quality of the herders' lives during the coldest part of the year. Our fixed housing provides them with a warm, cozy environment, a private bedroom of their own, a communal living space to gather and relax, and a kitchen with dining area to share meals with their coworkers. The winter lambing season is three months of hard, tiring work, and it's the only opportunity the herders get to live off the range and near their coworkers. Yet, this opportunity will be taken from them with no actual evidence of health, safety or welfare issues in a housing unit that has been within 500 feet of pens and corrals for 50+ years.

In summary, the proposed removal of the livestock worker exemption in OAR 437-004-1120 (6) (i) will cause extreme financial and individual hardship for workers, ranchers and their livestock. In addition, the lack of evidence of health and safety issues being created equally by all livestock operations would require that each livestock operation be evaluated independently, due to the various uses of pens, corrals, and other structures that are within 500 feet of labor housing. Therefore, it is in the best interest of all livestock operations and the workers to leave the current livestock worker exemption in place or to implement a grandfather clause for existing housing units, with the intent to evaluate each location individually for health, safety and welfare concerns.

Respectfully,

Cunningham Sheep Company
PO Box 1186
Pendleton, OR 97801
541-276-6391

From: ernesto950@aol.com
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Carta para OSHA
Date: Sunday, November 3, 2024 7:55:16 PM

You don't often get email from ernesto950@aol.com. [Learn why this is important](#)

A quien corresponda

11/03/2024

Mi nombre es Ernesto Rodriguez y la granja por la que voy hablar se llama igual como mi nombre y soy una persona que esta tratando de salir adelante en este hermoso pais, tengo muchos anos trabajando en la agricultura, y ahorita estoy rentando aproximadamente 100 acres de cerezas en The Dalles, Oregon. Ocupo entre 90 y 100 trabajadores para poder cosechar toda la cereza, les doy vivienda a todos los trabajadores por un mes, que es el tiempo maximo que tengo para cosechar la cereza, el lugar que tengo para que ellos vivan esta registrado y adaptado a todas las reglas de OSHA y es un lugar seguro y saludable para ninos, Jovenes y adultos y muy familiar.

Las cerezas son una fruta muy delicada y tengo entre 25 a 30 dias para pizcar entre 500 a 600 toneladas y todo pizcado a mano porque no se pueden usar maquinas para pizcar cerezas para el mercado, necesito toda la gente que pueda poner en las cabinas para poder cosechar a tiempo.

Las nuevas reglas que estan proponiendo para las viviendas de 40 pies cuadrados actuales a 50 pies cuadrados va a reducir la capacidad del campo entre un 20 a 25 por ciento y con eso no voy a poder cosechar a tiempo toda la cosecha y eso es algo muy preocupante para mi.

Como dije al principio estoy rentando no soy el dueño de las huertas, asi que es mas dificil construir mas viviendas en un lugar que no es mio, el banco no va querer prestarme tanto dinero para construir nuevas cabinas y al mismo tiempo a mi tambien me parece muy complicado invertir tanto dinero donde no es mio, porque los contratos de renta no son tan largos y asi es muy dificil recuperar tu inversion, y los dueños de las tierras no tienen interes en invertir mucho dinero porque son personas mayores de edad que ya esta jubilados. Asi que existe la posibilidad que pueda perder la oportunidad de seguir como agricultor de cerezas.

Todas las viviendas que tengo son muy segurs y limpias, los trabajadores que vienen conmigo estan muy contestos como se vive aqui. Un 90 por ciento de los trbajadores regresan ano con ano siempre dejan muchas de sus cosas en las cabinas porque saben que van a regresar y muchos de ellos son familias grandes donde vienen hijos, padres, abuelos y nietos donde siempre quieren estar juntos, pero con las nuevas reglas muchas familias ya no podran estar juntas porque ya no van a tener suficiente espacio para todos o talvez peor muchas familias ya no vengam mas a trabajar en la cosecha cuando les diga que no pueden traer mas a los ninos para ahorrar espacio en las cabinas y completar la cantidad que necesito de personas que

puedan trabajar.

La otra cosa que creo que tambien puede pasar es que muchos trabajadores van a seguir viniendo a nuestra comunidad aunque no tengan en donde vivir porque necesitan los ingresos que obtienen de las cosechas pero van a tener que buscar por su cuenta donde vivir y pagar de sus bolsillos los ya carisimos costos de la renta, porque les estamos quitando el privilegio de vivir gratuitamente por el cambio de 40 pies cuadrados por persona a 50 pies cuadrados.

Los trabajadores agricolas sin vivienda que no tienen los medios economicos para pagar un lugar para vivir pueden estar obligados a dormir en sus vehiculos donde no tendran acceso a instalaciones adecuadas para cocinar e higiene, esto es un riesgo para su seguridad y salud.

La economia de nuestra comunidad se basa en la agricultura y los ingresos que traen los trabajadores temporales. Si tenemos menos trabajadores en nuestra comunidad eso afectara a una amplia gama de industrias secundarias y programas de bienestar social, como programas de cuidado de ninos donde cuidan a todos los ninos mientras sus padres trabajan, donde emplean mucha gente de nuestra comunidad como tambien a restaurantes, supermercados, etc, etc.

He trabajado muy duro para tratar de darle un mejor futuro a mi familia y entiendo que en la agricultura especialmente en las cerezas hay mucho riesgo y se puede perder todo en un ano, pero no deberia perder todo lo que he ganado por un cambio en las reglas que pone en riesgo mi capacidad de continuar como agricultor.

Muy amablemente, una cosa que yo trataria de pedirles y que ayudaria a muchos rancheros incluyendome a mi, es, permitir que todas las viviendas para trabajadores actuales que fueron construidas de acuerdo a las leyes y codigos de OSHA y continuen operando dentro de las regulaciones actuales de 40 pies cudrado por persona, se les permita seguir usandolas igual. Pero si requerir que cualquier unidad de vivienda para trabajadores agricolas que estamos construyendo en este momento o queramos construir, que cumpla con las nuevas normas de 50 pies cuadrados por persona. Esto permitiria a los agricultores mantener su capacidad actual de vivienda y no vernos obligados a desplazar algunos trabajadores agricolas.

Muchas gracias por permitirme exprezar mis preocupaciones y ojala me escuchen y entiendan

Atentamente

Ernesto Rodriguez



10/30/24

Dear OR-OSHA,

My name is Megan Thompson, I am the president of Cascade Cherry Grower (CCG). CCG is a grower owned Co-op that represents over 20+ fresh cherry growers in the Mid-Columbia growing areas. We have been a Co-op for over 100 years. We represent the growers in the support, packing and marketing of their fruit.

Our growers are a very diverse group of individuals. We have a huge range of sizes (acres), years of farming and ethnic backgrounds. Most of our grower owners provide on farm housing for their seasonal migrant workers. Our season is extremely short, mostly ranging 4-8 weeks; June, July and finishing by early August.

Sweet fresh cherries are a very highly perishable commodity. Growers and packers must get the fruit harvested at the optimal maturity, get the product chilled and packed as soon as possible. With the new rules that OR-OSHA is proposing, the reduction in housing will cause less labor to effectively get the crop harvested and delivered. The timeline of these new rules also unfortunately coincides with the upcoming Ag. Overtime rules that are coming into place. As the packer and marketer, we are very concerned this added pressure to our growers will directly affect the quality of product and in turn future revenue to the growers. The last three years have been very financially challenging for our grower members. Two crops were severely affected by weather and the third, was a complete market failure in 2023.

I feel our growers have always had great pride in the housing they provide their workforce. Our request is to ensure an adequate timeline for upgrades to be made, permitting, construction and financial considerations. Also making sure also the ratios of restrooms and sinks are both defined and reasonable timelines to get these increased as well.

Sincerely,

Megan Thompson
Cascade Cherry Growers

VIA EMAIL

MEMORANDUM

TO: Tami Kerr, Executive Director, Oregon Dairy Farmers Association
FROM: Matt A. Heldt
DATE: October 16, 2024
SUBJECT: OR-OSHA Proposed Rule Eliminating Livestock Exemption from
Employer-provided Housing

This memorandum analyzes whether the Oregon Occupational Safety and Health Administration (“OR-OSHA”) must eliminate the livestock exemption that permits employees to live in employer-provided housing within 500 feet of a livestock operation if they work with the animals (OAR 437-004-1120(6)(i)). **In short, no.**

Neither federal rules nor safety risks require OR-OSHA to eliminate the exemption. The U.S. Occupational Safety and Health Administration (“OSHA”) regulations do not require 500 feet between livestock and permanent housing. Also, removing the exemption to address the risk of Highly Pathogenic Avian Influenza (“HPAI”) is unsubstantiated and counter to Oregon’s own risk analysis.

Removing the exemption is an unlawful administrative action.¹ Not only is there no good reason for it, the impact on Oregon dairy farms,² and Oregonian’s access to housing will be substantial. Removing the exemption is harmful, not helpful. By stating two separate justifications publicly and privately for removing the livestock exemption, OR-OSHA demonstrates it really has no justification for the change.

ANALYSIS

I. Federal Law Does Not Require Permanent Housing to be 500 Feet from a Livestock Operation

OSHA regulates **temporary labor camps** in part by requiring that “[t]he principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.” 29 CFR

¹ See *Planned Parenthood Assoc. v. Dep’t of Human Resources*, 297 Or. 562, 565 (1984) (agency rule unlawful if outside agency jurisdiction, a result of improper procedure, contrary to law, or in violation of the Oregon Constitution). See also *Coast Range Conifers, LLC v. Bd. of Forestry*, 339 Or. 136, 145 (2005) (Takings clause applies “to actions that are equivalent to a taking.”).

² This memorandum is written on behalf of the Oregon Dairy Farmers Association and uses dairy farms as an example. This analysis, however, applies to all similar livestock operations where employees are employed on a non-temporary basis and live in permanent on-site housing.

§ 1910.142(a)(2). Although 29 CFR § 1910 does not expressly define “temporary labor camp,” other CFR sections give meaningful context. 29 CFR § 500.20(p)(2) defines “permanent place of residence” as **not including** “seasonal or temporary housing such as a labor camp.” Instead, permanent housing “means a domicile or permanent home.” *Id.* In other words, permanent housing is not subject to the federal OSHA rule.

In fact, OSHA has endorsed that interpretation for years:

29 CFR 1910.142 applies to job related housing that is provided by the employer **on a temporary basis** for workers **not at a permanent location**. This kind of housing is most commonly used in agriculture where migrant laborers from other geographical areas move temporarily into employer provided housing at crop harvesting time.³

Further, the federal OSHA rule serves little purpose as applied to permanent housing. The protections for temporary labor camps that “most **directly** relate to safety and health of employees such as site drainage, shelter, water supply, toilet, laundry, handwashing, bathing and first aid facilities, and refuse disposal” are present in any permanent dwelling that is up to code.⁴

OSHA saw no reason to regulate permanent housing offered by agricultural employers to non-temporary employees. Further, permanent housing is already built to conform to building codes and subject to insurance requirements, ensuring it is safe and livable. Instead, the federal rule was tailored specifically to temporary labor camps. The existing livestock exemption is consistent with, not preempted by, OSHA regulations.

II. HPAI Poses Little Risk, Which Is Not Further Mitigated by Requiring Permanent Housing to be 500 Feet from Livestock

During an August stakeholder meeting, OR-OSHA said it was removing the livestock exemption due to the risk for HPAI. That is not justifiable.

Both The Oregon Department of Agriculture (“ODA”) and Oregon Health Authority (“OHA”) deem HPAI as a low risk to human health. ODA’s current position is that

³ U.S. OCCUPATIONAL SAFETY AND HEALTH ADMIN., Opinion Letter Clarifying the Applicability of 29 CFR 1910.142 (Jul. 23, 1981) (emphasis added).

⁴ U.S. OCCUPATIONAL SAFETY AND HEALTH ADMIN., Opinion Letter on the Enforcement of 29 CFR 1910.142 (Oct. 30, 1992) (emphasis in original).



“[w]hile cases among humans in direct contact with infected animals are possible, the risk to the public remains low.”⁵ Notably, “HPAI has not been detected in Oregon livestock.” *Id.* ODA promulgated rules in April of 2024 further restricting the import of dairy cattle, including additional safeguards to prevent cattle carrying HPAI from entering Oregon. *Id.* OHA is also monitoring the situation and has echoed ODA, finding that “there have been no detections in Oregon dairy cattle” and “the current risk to the general public from HPAI is very low.”⁶

Requiring permanent housing that otherwise fully complies with OAR Chapter 437 (and applicable housing codes) to be at least 500 feet from livestock makes no discernable difference to HPAI safety. Dairy employees living on site work year-round and walk between their homes and the livestock operation on a daily basis, regardless of whether the two are 499 or 501 feet apart. ODA is already regulating the import of out-of-state cattle to prevent HPAI from entering Oregon. Striking the exemption for this purpose does not make sense.

III. Removing the Exemption will Sacrifice Existing Housing and Harms Oregon Families

Unlike the purported justifications for removing the livestock exemption, the potential harm is real; and will be felt by Oregon families. Dairy farmers across Oregon have permanent, on-site housing for many of their employees. This housing is often next to farmers’ own family homes, both within 500 feet of operations.

Removing the exemption upends current federal and state law and puts these permanent dwellings out of compliance with OR-OSHA regulations. Unlike temporary camps, farmers cannot just move the homes on their property. Dairy farmers will be faced with the substantial cost of compliance (and resulting impact on consumers) or the dangers of non-compliance, including penalties (again, with resulting impacts on consumers). Dairy employees who currently live in stable, affordable (often times free) will lose their current homes to an arbitrary rule. This will be devastating to those families, add pressure to the existing housing supply, and arbitrarily distinguish the safety of housing based on employment status (by allowing owners to remain in their homes next to dairies, while declaring workforce housing as unsafe and illegal). Some dairy farms may not survive, ultimately reducing competition and consumer choice. Removing the exemption is bad policy.

⁵ *Highly Pathogenic Avian Influenza (HPAI) in Livestock*, OR. DEP’T OF AGRIC., <https://www.oregon.gov/oda/programs/AnimalHealthFeedsLivestockID/AnimalDiseases/Pages/LivestockHPAI.aspx> (last visited Oct. 15, 2024).

⁶ *Avian Influenza*, Or. Health Auth., [Oregon Health Authority : Avian Influenza : Influenza Surveillance : State of Oregon](#) (last visited Oct. 15, 2024).



CONCLUSION

OR-OSHA has no reason to remove the livestock exemption. Federal law does not preempt it. Safety does not require it. Oregon's dairy families, both owners and employees, will be harmed by it. The livestock exemption should remain in effect for permanent housing.

MAH/mjg

097204\97204\17657768v2



November 3, 2024

Submitted via email

Department of Consumer and Business Services
Oregon OSHA
PO BOX 14480
Salem, OR 97309-0405



1320 Capitol Street NE, Suite 160
Salem, OR 97301
(971) 599-5269
oregondairyfarmers.org

Dear Rules Coordinator,

The Oregon Dairy Farmers Association (ODFA) was founded in 1892. ODFA represents all licensed dairy farms, both conventional and organic, on local, state, and federal legislative and regulatory issues. ODFA submits the enclosed comments on the Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities (“the Rules”) published on September 5, 2024.

ODFA takes proposed regulations very seriously, especially those with immense impact on our industry. Our recent survey, conducted across a representative sample of 57 dairy farms spanning 14 counties statewide, highlights the critical role of on-site employee housing near livestock facilities on Oregon's dairy operations. The survey pertains solely to employee housing and does not include the on-site residences of dairy farm owners and their families. This survey included both conventional and organic farms, providing a comprehensive view of housing and operational needs across the industry. The findings are clear:

- **Total Housing Units Provided:** The farms surveyed provide 310 homes for employees and their families.
- **Proximity to Livestock:** 180 of these homes - 58% are located within 500 feet of livestock facilities. Having employees in close proximity to the barns and animals is crucial for the continuous care and management required by dairy farmers, which operate around the clock, every day of the year.
- **Estimated Housing Statewide:** With responses from 40% of Oregon’s dairy producers, our survey suggests that dairy farms across the state collectively provide approximately 775 homes for employees and their families, with an estimated 450 of these located within 500 feet of livestock facilities.

ODFA, and our members, are extremely concerned with the potential negative impact of the Rules on our operations, our employees and the dairy industry in Oregon. The Rules, seemingly aimed at housing for temporary farm labor or housing facilities built for temporary labor, but impacts ALL farms, proposes significant changes to the way dairy farms operate, how we manage our animals and provide housing for employees and owners alike. Removal of the “livestock care exemption” (OAR 437-004-1120 (6)(h) and (6)(i) would upend our industry and sacrifice safe, reliable and affordable housing and have ripple effects for our employees and businesses.

Many dairy farms are constructed with homes adjacent to the milking parlor and other buildings. This is required for animal safety and the work-life balance of our operators: owners, milkers, herdsman and everyone who cares for dairy animals around the clock, seven days a week, 365 days

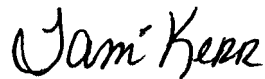
a year. Our industry doesn't differentiate farm owners from employees who live near the cows. Many farms are like small communities, all living together within several hundred feet of the dairy. Our members' employees who live in housing near dairies often receive their homes for free and choose to work on dairies as opposed to finding jobs in other sectors. Losing access to their home could be a major factor in their decision to discontinue their work in agriculture. Further, the proposed rule would only magnify the current housing crisis in Oregon by prohibiting existing, safe, occupied homes.

If adopted as proposed, Oregon would become the only state in the nation that prohibits permanent housing next to dairies. Federal guidance, which recognizes sanitation issues for "temporary labor camps" near livestock operations, does not prohibit permanent homes near livestock operations. Instead, the guidance references "camp" areas. Our dairy operators, owners, family members and employees do NOT live in "camps." We are attaching a legal memo regarding several justifications OR-OSHA has made for the proposed rule change either in public meetings or via email communication.

Simply put, there's no precedent or safety basis for prohibiting permanent homes adjacent to dairies. Further, implementing such a rule (and presuming the rule is legal and consistent with other state laws and regulations) would be economically catastrophic for families living in such housing.

We urge OR-OSHA to preserve the livestock care exemption currently in OAR 437-004-1120(6)(h) and (6)(i).

Sincerely,

A handwritten signature in black ink that reads "Tami Kerr". The signature is written in a cursive, flowing style.

Tami Kerr, Executive Director
Oregon Dairy Farmers Association

11/2/24

Dear OR OSHA,

My name is Megan Thompson, and I am writing on behalf of Sunset Ridge Orchard LLC. We grow sweet cherries in The Dalles. We provide housing for 36 seasonal migrant employees each year. We have owned our orchard since 2006 and made many upgrades to our housing. Many of the upgrades we have made to our units are to increase the livability for our employees that are here for our 6-week harvest. Over the 18 years of ownership we have added additional showers, insulated and added air conditioning to each unit. We have added outside shade covers and last year added 4 new flush toilets to reduce the need for port-a-potties.

Evaluating the new rules OSHA is proposing we will lose the ability to house 9 employees of our current 36 due to the square footage change. The biggest request to this rule change is to either grandfather existing structures or give us ample time and financial resources to facilitate this change. Many of the additional ratio on both toilets and sinks is going to be challenging but the evaluation of current septic systems and water systems is a the big concern. The timing of when the nitrate testing with labs results and timing prior to harvest etc. are a concern since our water systems have been winterized for the winter.

Electrical needs of our current facilities are going to be taxed as we will have to upgrade current fire alarms to add carbon monoxide as well as increase outlet receptacles per person. The locking storage units will also add additional costs we currently have not forecasted for the upcoming seasons.

Growing cherries over the last 3 years has been very challenging. In 2022 we dealt with the heat dome that affected the quality and marketability of much of our crop. 2023 was a complete market failure due to compression in the market and inability to sell our crop above picking cost. Sunset Ridge Orchard left 60% of our crop on the tree unharvested. This was a financial hit that we had never experienced before. Returns to the growers have not kept up to the cost of production due to increases in every input without any increase in returns.

Sunset Ridge Orchard is very proud of the housing we can provide our employees that come to assist with the six-week harvest window for cherries on our farm, but the increasing pressure to expand the housing footprint on continues to put pressure on our ability to grow fruit at a scale to remain solvent. Please consider reevaluating what should be required within this rule update for the short duration of the local harvest period.

Sincerely,

Megan & Jeremy Thompson
Sunset Ridge Orchard



The League of Women Voters of Oregon, established in 1920, is a grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

November 3, 2024

To: Administrator Stapleton and Oregon OSHA, [Department of Consumer and Business Services - Oregon OSHA](#)

Re: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities – Comments

The LWV Oregon stands on the fundamental position of the League of Women Voters: “Promote social and economic justice, and the health and safety of all Americans.” LWVOR has particularly expressed concern for the rights of agricultural workers for many years because those rights are treated as inferior to other workers under a number of laws including labor and housing laws and because these workers are often immigrants, and possibly undocumented workers. Particularly, [LWVOR believes the state must work for the humane and respectful, safe and decent housing, sanitary working and living conditions.](#)

The League supports increased state funding for farmworker housing, including support, with other funds, for planning, development costs, rural infrastructure, startup costs, operating subsidies, emergency housing, and training and assistance for sponsoring organizations. We look forward to supporting 2025 Legislation and related funding on this topic.

Thank you for the opportunity to provide comments on this rulemaking.

A handwritten signature in black ink, appearing to read "Lisa Bentson".

Lisa Bentson
President LWVOR

A handwritten signature in black ink, appearing to read "Claudia Keith".

Claudia Escobar Keith
Immigration &
Climate Emergency Coordinator

A handwritten signature in black ink, appearing to read "Nancy Rosenberger".

Nancy Rosenberger
Environmental Justice

Cc: Governor Staff: Racial Justice and Equity, Director, [Andre Bealer](#),
[Ira Cuello-Martinez](#) PCUN Policy & Advocacy Director

November 3, 2024

Don and Kim Vogel
9744 NE Mill Creek Road
Prineville, OR 97754

Department of Consumer and Business Services
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405

Submitted via email to: OSHA.rulemaking@dcbs.oregon.gov

RE: Oregon OSHA Text of Changes for Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Attn: Rules Coordinator

As stated under establishment, OR-OSHA was established "to advance and improve workplace safety and health for all workers in Oregon."

Rules established for regulation by OR-OSHA should only be related to the health and safety of workers and be supported by qualified findings providing reasonable care for OR workers. Most of what is written in the existing and proposed language of this regulation is clearly focused on health and safety.

However, the arbitrary proposed language of, **"Beginning January 1, 2026, labor housing cannot be located within 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties"** cannot be proposed for the health and safety of Farm/Ranch workers. Agriculture families and their workers have lived next to their livestock operations for hundreds of years, without implications to health and safety. This proposal is an over reach of government policy and regulation.

If there is a concern and/or qualified findings related to health and safety these organizations would need to regulate cow dogs who work in the fields and pens with livestock and then sleep in homes (and sometimes beds) of their owners. If there is a qualified concern it should be stated.

The proposed rule is very broad, not clear, and vague; without specificity needed for enforcement. It leaves farm and ranch owners at risk of (hopefully unintended) financial consequences and cultural changes that would imperil the existence of many agricultural businesses.

We agree with Oregon Cattlemen's Association (OCA):

“OR-OSHA’s proposed removal of the existing exemption of its “livestock care exemption” could be devastating for many people in our state who live on ranches, work daily with cattle, use horses, and raise other livestock and animals. On-ranch housing isn’t just affordable, it is often the only viable option for employees whose alternative housing options may be miles away from the ranch and worksite. The proposed rule, specifically the removal of the livestock care exemption, is overly broad, unclear in its application, far more expansive than federal restrictions for temporary labor camps near livestock operations, and entirely unnecessary. We request that OR-OSHA reject the proposed change and maintain existing law for livestock housing.”

The Proposed Rule is too broad and lacks specificity needed to apply it consistently and without harm to existing operations. As stated by OCA,

“The proposed definition of “livestock operations” is so broad (it’s literally unlimited) and includes many types of existing, permanent housing. There are possibly thousands of homes throughout the state where employees on ranches (whether part-owners, family members, others) live. This could be a home connected to or adjacent to a stable, a barn, a milking parlor, a feeding trough, a scale or anything used in the ranching business. Further, the language includes the ambiguous qualifier “not limited to” meaning any other type of livestock facility could automatically disqualify existing housing under the rule, without clear notice or an ascertainable standard. OR-OSHA’s broad definition of operations, coupled with the blanket removal of allowance for housing within 500 feet would apply to untold existing housing sites (sites constructed, permitted and compliant with a litany of state and local laws).”

Our own home, finished just 3 years ago and in compliance with all recent construction, health and safety laws is located less than 300 ft. from a pasture fence with a livestock watering trough at the fence. There is no threat to myself or my family. To the contrary, I am able to have a quality relationship with the animals I raise because of their frequent proximity to my house. That relationship is healthy for my animals and for my family.

As an example, if that pasture was owned by someone else and my home was occupied by me or a laborer and family hired by my business, it could be in jeopardy if the broad, unclear, and ambiguous regulation as written were passed. An unnecessary, unfounded, and devastating financial blow to an agricultural operation.

The proposed language also conflicts with other Oregon statutes and land use laws and would likely cause business owner and the State hundreds of thousands, if not millions in the courts as OR-OSHA attempted to enforce the regulations as written.

I incorporate by reference the Oregon Cattlemen’s Association letter written to OR-OSHA, dated October 31, 2024 concerning these proposed rule changes. In addition to my concerns here, the concerns and examples stated in their letter are our concerns.

We respectfully request that the proposed language reading, **“Beginning January 1, 2026, labor housing cannot be located within 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties”** be removed from the proposal and not considered further. This would maintain the existing exemption and leave the rule where it was intended – for temporary farmworker camps.

Sincerely,

/s/ Donald G. Vogel

/s/ Kimberley D. Vogel

Don and Kim Vogel

Cc: Oregon Cattlemen’s Association

From: [Eddie Kasner](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Comment on Proposed Rule 437-004-1120: Agricultural Labor Housing and Related Facilities
Date: Sunday, November 3, 2024 10:33:37 PM
Attachments: [image.png](#)

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

Department of Consumer and Business Services/
Oregon OSHA
Salem, OR 97309-0405

To Whom It May Concern,

Thank you for the opportunity to comment on OAR 437-004-1120 regarding agricultural labor housing and related facilities. The rule could further address risks associated with pesticides, wildfire smoke, and heat. Low-cost, real-time sensors can play a vital role in monitoring these hazards and provide actionable information for living and working environments. These additional resources for housing operators and workers would further support the health and safety of the agricultural workforce.

Pesticides

- Affordable real-time particle sensors can detect elevated particle mass concentrations at 70+ meters from spray sources, offering minute-by-minute drift monitoring. [1] This approach, though not pesticide-specific, can provide rapid screening to minimize pesticide exposure.
- Occupants can be notified in a number of ways when pesticides are applied near housing, in accordance with Application Exclusion Zones. [2]

Wildfire Smoke

- Affordable real-time air quality sensors that detect PM2.5 can monitor smoke outdoors and, importantly, the effectiveness of indoor air filtration. [3,4] Portable or permanent HEPA filters help maintain clean air, especially during wildfires. [5]
- Fully insulated and properly sealed housing can prevent drafts and leaks, and include adjustable ventilation to allow natural cooling without compromising air quality. Outdoor cooking and eating spaces can be fully enclosed to protect against poor air quality.

Heat

- Many affordable real-time particle and air quality sensors also track temperature and humidity.
- As part of a multi-tiered solution, insulation upgrades and portable or permanent air-conditioning units can mitigate high nighttime temperatures and improve overnight recovery from heat exposure. [6]

Supporting housing operators and workers with resources such as technical assistance, funding, and educational materials on affordable solutions—like real-time sensors and energy-efficient upgrades—will aid in implementation of the proposed rules. Thank you for considering these recommendations and for your efforts to serve our essential agricultural

workforce.

Sincerely,



Edward Kasner, PhD, MPH

-
1. [Real-time particle monitoring of pesticide drift from an axial fan airblast orchard sprayer](#)
 2. [Spray notification](#)
 3. [Real-time air quality monitoring by PurpleAir](#)
 4. [Using low-cost air quality sensors to estimate wildfire smoke infiltration into childcare facilities in British Columbia, Canada](#)
 5. [List of CARB-certified air cleaning devices](#)
 6. [Work adaptations insufficient to address growing heat risk for U.S. agricultural workers](#)

Greetings. My name is Eric Soto, and I am writing on behalf of Soto Orchards, cherry growers in The Dalles, Oregon. I was born and raised in an agriculture labor housing and when cherry harvest season came along, I would get emotional and excited because that meant families would be coming with their children, and I would have friends to play with and create great memories with. Now due to the new proposed rule 16L, there may no longer be these types of families coming to our camps. My grandpa came into this country and lived in agriculture labor. My grandpa, uncles, and father lived most of their lives in agriculture camps and to this day I have not heard a negative comment but only positive ones because that's to labor camps they were able to work as a united family together and achieve the American dream of a migrant family. My father after 17 years of working for his boss was able to begin his own cherry grower journey, thanks to his boss allowing him to take up the farm he once worked and lived on.

Our employees are the most important aspect of farming operations. As a tree fruit industry within the state of Oregon, most of our work cannot be automated in which we truly rely on hand work labor because we do not have other options as other industries do within our state. That's why we value and truly care about providing a safe and healthy housing environment for our employees and their families. My Father has invested in improving the housing for employees every chance he gets. Since taking over the Famer in 2002, We have invested heavily in the housing units by installing insulation, sheetrock, updating electrical, and adding more windows in every single one of our units to help reduce the heat in the hot summer's days and for the AC units to work more efficiently to keep the units cool during the summer. The development of outdated drainage fields and septic tanks for the bathrooms and sinks. Every year my father goes through all the unit's appliances to ensure they are up to date and work well for our seasonal workers. As 80% of our seasonal employees are families with children, we also have created a playground that the children can enjoy during their stay at the camp.

They are not charged for electricity, water, trash, etc. Our labor housing is completely free for employees. In many families, only one member works on the farm while the mother stays home taking care of their children. Due to these regulations, many of these family members would be forced to find housing off-site of the farm and pay rent or hotel room stays due to a loss in capacity by 16L. With the costs of living now in the day in which only one member of the family provides income to the household, this would be catastrophic for them. In our community rent for a two-bedroom one-bath place is anywhere from \$1,200 to \$1,800 a month and that does not include utilities. Having to start paying rent, utilities, and even gas to get onto the farm's site. Some employees do not know how to drive or don't have a driver's license/vehicle. Who depends on other employees who also live on the farm site or us to give them a ride to the grocery store and other off-site amenities needs. Another concern is that by increasing square footage and losing beds within the housing units we would be forced to split families. For example, by losing one bed out of units of where it is originally housed four. Well, a family of four will have to be separated in which mom and daughter stay in the current unit, and father and son will have to move into the next unit over. For families that would have to move off-site, OSHA would no longer have control over the safety of employees that we provide in our current labor camps. For the well-being of these families, the

current building should be allowed to operate and the current ruling of 40sq feet per person and all new constructing of buildings should apply with the 50sq going on.

I want to thank you for giving us the opportunity to tell our stories and our thoughts.

From: [Lisa Perry](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Ag Housing Rules Will Harm Family Farms
Date: Sunday, November 3, 2024 11:40:17 PM

Dear Director Stapleton,

My husband is a first generation Mexican American. His family came to Oregon and worked hard to build the lives they wanted. They worked hard, earned their skills and built a reputation and eventually bought their own orchard. My husband and I have benefitted from living in their on farm housing. We were able to save all of the money that would otherwise have been spent on rent in this insane rental market in the 7th most expensive housing market in THE COUNTRY. We moved into our own home this spring due to on farm labor housing. With the rules being purposed, we would not have been able to legally live there. We were safe and healthy. Your rules will harm people who desperately need housing at this time. I have only come to expect out of touch proposals coming from state agencies. More rules do not always benefit those intended to help. TAKING AWAY HOUSING FOR THESE REASONS IS A BAD IDEA.

Looking into permits and construction costs for things for our own personal use, brings to light how unattainable conforming to these rules will be. Please take into consideration the state of Oregon's lack of housing and do the right thing; do not take away housing that is already here.

Worker safety is important, but 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 Oregon's farm and ranch families 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. Letters to OR-OSHA from planning commissions highlight that challenge. These rules will force many farms 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, disease reporting (equivalent to licensed health care practitioners?!), 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. Please don't force farm families out of business with unreasonable rules.

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,

Lisa Perry
6601 ALLEN RD
MOUNT HOOD PARKDALE, OR 97041
l.perry.88@gmail.com

From: [John Stoddard](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: OSHA Proposed Orchard Housing Restrictions
Date: Sunday, November 3, 2024 11:48:43 PM
Attachments: [image001.png](#)
[image002.png](#)

You don't often get email from john.stoddard@thefruitcompany.com. [Learn why this is important](#)

To the Oregon OSHA Rulemaking Committee:

I am John Stoddard, the COO of Webster Orchards. I am ultimately responsible for ensuring Webster Orchards successfully harvests our orchard crops of cherries and pears. We provide around 20 year-round employees with steady employment, and also provide hundreds of cherry and pear seasonal harvest positions for local and migration employees during the summer and fall harvest season.

Given the current Oregon worker housing requirements, we are only able to directly house a portion of the workers we need to harvest our fruit each year. The other harvest help comes from local area workers who don't require housing and from other orchards who share workers with us when they aren't picking themselves.

If these proposed added restrictions are implemented, we, like other growers, will lose much of our available housing. Just the bedding requirement of 50 square feet per person per bunk bed (up from 40) will cut a third of our available worker housing. The other requirements won't further reduce capacity but will require extensive and costly remodeling work. The following added restrictions will be especially costly:

- Having one electrical outlet per occupant in sleeping areas
- Explicitly requiring gas burners to vent outside
- Providing plumbed hot/cold water sinks next to food preparation areas
- Not counting sinks in toilet rooms toward sink requirements in kitchens

We don't have the funds to make these extensive modifications, especially the large funds needed to build extra housing to compensate for the lost housing capacity.

Adding to these problems, we will no longer be able to share workers with other growers because the housing restrictions will take away growers' excess worker availability in Hood River and Wasco counties. We are estimating our total cherry harvest capacity after 2027 will be less than half of our capacity this year! Our pear harvest capacity will be reduced by just about the same amount. Plus, I'm facing huge added costs from the ag overtime threshold reduction to 40!

Webster Orchards can't operate for long with both its hands tied behind its back with these added housing restrictions. Ditto for the entire orchard industry in Hood River and Wasco counties.

For the sake of our industry, I am imploring you not to add to the existing worker housing restrictions!

Sincerely,

John Stoddard



John Stoddard | COO

541-387-4127 Direct

TheFruitCompany.com





November 1, 2024

VIA OREGON OSHA RULEMAKING COMMENT FORM

Oregon OSHA
Rules Coordinator
PO Box 14480
Salem, OR 97309-0405
osha.rulemaking@dcbs.oregon.gov

RE: Comments on Oregon OSHA's Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Oregon OSHA Rules Coordinator:

I. INTRODUCTION

These comments urge the Oregon Occupational Safety and Health Administration ("Oregon OSHA") to increase protections for farmworkers and their families by imposing no-spray buffers around farmworker housing and communal living areas. Oregon OSHA's Proposed Comprehensive Amendments to Agricultural Labor Housing (ALH) and Related Facilities (the "ALH Amendments") entirely ignore the effect of toxic drift on farmworkers' deteriorated housing and substandard living conditions. This oversight has grave consequences for farmworkers and their families' health and livelihood because they receive the least amount of protection from adverse exposures to pesticides. Oregon OSHA's ALH Amendments also contradict the principles of environmental justice by leaving farmworkers and their families' communal living spaces at increased risk of exposure to toxic drift. Accordingly, Oregon OSHA must reassess the ALH Amendments with an awareness of the scant protections against pesticidal drift in farmworker housing and communal living areas.

These comments make the points below:

1. Oregon OSHA has broad authority to require a no-spray buffer around farmworker housing and communal living areas.
2. Dilapidated farmworker housing conditions put farmworkers and their families at increased risk of exposure to toxic drift.
3. Existing workplace protection protocols such as the Application Exclusion Zone are insufficient to protect against toxic drift given the proximity of treated fields to farmworker housing and communal living areas.

II. OREGON OSHA HAS BROAD AUTHORITY TO IMPOSE NO-SPRAY BUFFERS AROUND FARMWORKER HOUSING AND COMMUNAL LIVING AREAS TO PROTECT FARMWORKERS AND THEIR FAMILIES FROM TOXIC DRIFT AND RESIDUES.

Oregon OSHA has the authority to impose no-spray buffers around farmworker housing and communal living areas as recognized in both the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Occupation Safety and Health Act (OSHAct). As explicitly recognized in FIFRA § 136v, states can regulate the sale and use of pesticides within the state, as long as the state does not allow what EPA has prohibited under FIFRA.¹ FIFRA preempts state labeling that is in addition to or different from FIFRA's requirements.² Even if additional state restrictions might be communicated on the pesticide label, they would still be allowable state use restrictions, and any label changes would be incidental.³

Similarly, under the federal OSHAct, states can take over implementation and enforcement of federal occupational health and safety regulations provided they have a federally approved plan to do so. Oregon has a "state plan" that federal OSHA has deemed "at least as effective" in offering the same protections as the federal standard.⁴ Upon approval by the federal OSHA, Oregon's state plan "pre-empt[s] federal regulation entirely."⁵

In Oregon, the Oregon Department of Agriculture (ODA) has authority over registration, labeling, distribution, and use of pesticides.⁶ ODA has previously exercised this authority to impose buffer zones through pesticide use restrictions.⁷ Oregon OSHA, on the other hand, has authority over the occupational health and safety provisions of the Worker Protection Standard, a regulation promulgated by the United States Environmental Protection Agency under FIFRA.⁸

Agricultural workplace health and safety, including issues related to drift on farmworker housing, is squarely within Oregon OSHA's authority.⁹ In the ALH Amendments, Oregon OSHA exercises this authority by expanding buffer zones. For example, before the Amendments, ALH Rule 6(i) instructed employers not to locate labor housing within 500 feet of livestock operations unless the employees in the housing are employed to tend or otherwise work with animals. Despite recognizing that the "primary hazards for the ALH occupants" from nearby

¹ 7 U.S.C. § 136v(a).

² 7 U.S.C. § 136v(b).

³ See *Wis. Pub. Intervenor v. Mortier*, 501 U.S. 597, 614 (1991).

⁴ 29 C.F.R. § 1952.2 (Oregon State plan); 29 U.S.C. § 667(b) & (c).

⁵ *Shell Oil Co. v. U.S. Dep't of Lab.*, 106 F. Supp. 2d 15, 17 (D.D.C. 2000).

⁶ ORS § 634.322.

⁷ See ORS §§ 527.797 (limitations on pesticide applications which applies to application of pesticides by helicopter to forestland re: inhabited dwellings, schools, streams, and water intakes); see also ORS 527.627 672 (banning aerial herbicide applications at least 60 feet from inhabited dwelling for herbicides applied by aircraft in forest operations) and court-ordered interim buffer zones for streams (300 feet for aerial applications, 60 feet for ground applications, and salmonid bearing streams, and applies only to 9 pesticides).

⁸ Cooperative Agreement between U.S. Environmental Protection Agency and Department of Consumer and Business Services Occupational Safety and Health Division (OR-OSHA), Aug. 7, 2006, <https://osha.oregon.gov/collaborations/Documents/S-9.pdf>.

⁹ *Id.* See also OAR 437-004-6406 (Pesticide Spray Drift and Innovative Methods).

livestock areas are “adverse environmental health factors like the presence of flies or other vectors, animal waste runoff, or odors,” Oregon OSHA still created an inappropriate exception for workers in livestock operations, like dairy workers.¹⁰ In the ALH Amendments, however, Oregon OSHA included a revision to impose a blanket buffer zone, regardless of work duties. Beginning January 1, 2026, “labor housing cannot be located within 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties.”¹¹

Oregon OSHA has now course-corrected to protect farmworkers against the hazardous risks associated with livestock tending. In the same way, Oregon OSHA must take this comprehensive amendment opportunity to increase protections for farmworkers who live in substandard housing conditions and use exposed communal living areas by imposing a buffer zone for farmworker housing and living areas. To ensure that farmworkers and their families are exposed to as little toxic drift while they eat, sleep, cook, live, and play, Oregon OSHA must require a buffer zone for farmworker housing and living areas.

III. OREGON OSHA MUST IMPOSE A NO-SPRAY BUFFER AS PART OF THE ALH AMENDMENTS BECAUSE FARMWORKERS AND THEIR FAMILIES LIVE IN SUBSTANDARD HOUSING CONDITIONS THAT EXACERBATE THE LIKELIHOOD OF TOXIC DRIFT INTO THEIR HOMES.

In the ALH Amendments, OR OSHA misses the opportunity to increase protections for farmworkers and their families through a no-spray buffer to prevent drift onto and into farmworkers’ housing and communal living areas. The ALH Amendments ignore the substandard conditions of housing and open-air communal living areas such as dishwashing sinks, burners, and places to hang laundry to dry, next to treated fields. For example, the amendment to ALH Rule (16)(a) demonstrates how the ALH Amendments fall short of establishing meaningful protection for farmworkers and their families while in and around their housing area, which is often just a row of bare sleeping rooms. Amended ALH Rule 16(a) provides: “Keep all living areas structurally sound, safe and in good repair structurally and stable on their foundation. They must provide shelter for the occupants against the elements and protect the occupants from ground and surface water as well as rodents and insects.” As part of the amendments, Oregon OSHA added “structurally sound” to “clarify the quality of all living areas.”¹² But merely adding “structurally sound” does nothing to rectify the on-the-ground poor conditions of farmworker housing.

Oregon OSHA must impose a no-spray buffer because abysmal housing structures leave farmworkers at increased risk of exposure to toxic drift, which is a documented concern for

¹⁰ Oregon OSHA, Agricultural Labor Housing (ALH) Interpretations, Questions and Answers (Issued June 26, 2008, Revised July 20, 2018 & Feb. 23, 2024), <https://osha.oregon.gov/OSHArules/interps/laborhousingmemo.pdf>.

¹¹ ALH Rule 6(h).

¹² Oregon OSHA, Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities (ALH Amendments) (filed Sept. 5, 2024), <https://osha.oregon.gov/OSHArules/proposed/2024/proposed-ALH-SOS-corrected-receipt.pdf>.

farmworkers in Oregon.¹³ For example, the Oregon Health and Community Services commissioned an Agricultural Housing Study (“OHCS Report”) that surveyed farmworkers in Hood River, Marion, Morrow, and Yamhill counties in Oregon. The study found that “housing in disrepair” was one of the most common housing problems farmworkers reported.¹⁴ The study also found that “[m]ore than a third of farmworker interviewees said they are concerned about pesticide use around their housing, particularly about risks to their children and worries about long-term health impacts.”¹⁵ This is especially problematic when gaps between the roof and walls result in flimsy protection in the structure, particularly around the windows and doors, which make the penetration of pesticide residues through these openings inevitable.

All participants in the agricultural labor housing apparatus—farmworkers, Oregon OSHA agency staff, and farmer-employers—acknowledge the subpar housing conditions on Oregon farms. Farmworkers’ top identified problems with on-farm housing specifically were “[p]oor housing conditions and inadequate bathrooms.”¹⁶ Staff echoed these issues, noting the biggest problems Staff found were “overcrowding, old buildings with structural problems, pesticide exposure in on-farm housing, biting insect infestations, and lack of weatherization for hot and cold weather.”¹⁷ And employers also acknowledged that “there is employer-owned farmworker housing in their county” that “is in poor condition[.]”¹⁸

Moreover, inspection and compliance cannot be the answer to poor farmworker housing when the existing compliance and enforcement system is broken. Workers reported that “they were afraid to speak out about poor on-farm housing conditions for fear of losing their job, their housing, or being deported.”¹⁹ This is especially egregious considering that from 2014 to 2017, “about half the work camps in Oregon ha[d] been inspected – with nearly 350 citations issued. About 10 percent of those citations concerned the soundness of roof, walls, windows and doors.”²⁰ The lax state of registration inspection and compliance underscores the need for regulatory change in the ALH Amendments and shows why Oregon OSHA cannot rely on compliance and enforcement to remedy these housing issues.

Due to the crumbling housing structures, workers are forced to create makeshift protections that are ineffective to protect against harmful exposures when the state of housing conditions are this severe. For example, workers who live in small farm bunk-houses in Talent, Oregon, reported placing a thin layer of plastic over the outside of their window to protect against drift: “[y]ou have plastic around [the windows] because the air is coming through and

¹³ Cultivating Home: A Study of Farmworker Housing in Hood River, Marion, Morrow, and Yamhill Counties in Oregon, May 2023, (“OHCS Report”) at 49, https://issuu.com/housinginfo/docs/ohcs_agricultural_worker_housing_study_2023_fnl-3.

¹⁴ OHCS Report at 25.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 26.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Jes Burns, *Protecting Farmworkers from Pesticides by Sheltering Them Indoors Draws Skepticism*, OPB, Dec. 12, 2017, <https://www.opb.org/news/article/sheltering-indoors-farmworkers-pesticides-oregon/>.

[the workers] want to get warm for the winter . . . [w]hen they spray (the orchards), they spray the house. (The workers) can smell that.”²¹



Plastic window covers o[n] worker housing in Southern Oregon aims to prevent drifts.²²

Policymakers at Oregon OSHA have recognized the severity of the risk of drift and noted that drift not only *might* occur but “that in all likelihood at times it *will* occur.”²³ When housing conditions are so subpar and the existing system is failing to such an extent, effective protection for farmworkers and their families must be provided through an addition to the ALH Amendments—a no-spray buffer for farmworker housing and communal living areas that would ensure a basic level of protection for farmworkers.

IV. THE APPLICATION EXCLUSION ZONE AND OTHER WORKER PROTECTION PROTOCOLS DO NOT ALLEVIATE OREGON OSHA’S NEED FOR STRONGER HOUSING STANDARDS DUE TO THE CLOSE PROXIMITY OF TREATED AREAS TO FARMWORKER HOUSING AND COMMUNAL LIVING AREAS.

Oregon OSHA cannot rely on worker protection standards alone to prevent toxic drift into and onto housing and communal living areas for three reasons. First, the Application Exclusion Zone (AEZ)’s 150-foot distance is ineffective to protect against toxic drift as data shows drift can travel much further than 150 feet. Second, the proximity of farmworker housing to treated fields on some farms can be far less than 100 feet, virtually guaranteeing exposure to toxic drift. Third, the AEZ applies only when people are present and for 15-minutes afterward; after this, children and families can return immediately to housing, kitchens, and other communal living areas that might be immediately adjacent to treated areas. The treated areas, however, are closed off until a “re-entry interval” (REI) period has elapsed, which can be from 12–72 hours after application or even longer depending on the risks from the pesticide exposure. Accordingly, Oregon OSHA must impose no-spray buffers around farmworker housing and communal living areas.

²¹ *Id.*

²² *Id.*

²³ *Id.* (emphasis added).

First, in the absence of no-spray buffers and spray drift mitigation measures, the only restrictions on spraying pesticides on homes, schools, and other residential areas apply only during the AEZ when people are present and, in Oregon, for 15 minutes after the application equipment has passed. Pesticide labels prohibit spraying pesticides directly on people and the AEZ prohibits spraying when people are in a zone around the application equipment as it moves. Applications must cease if any people are present in that zone, which can be up to 150 feet around the application equipment, depending on the application method.²⁴

The AEZ is designed to lessen exposure to spray drift, but the zone's width of 150 feet fails to protect against toxic drift given the propensity of drift to travel to further distances depending on the application site, method, and the pesticide. For example, "in California, workers have experienced pesticide exposures with spray drift of 198 feet and even up to a quarter mile."²⁵ One study found drift measured at distances approximately "1.7 times greater than [EPA's] 30 m (100 ft) AEZ buffer for orchard sprayers."²⁶ Another study similarly found Particle Mass Concentration at "distances [that] far exceed the EPA's [] WPS AEZ of 100 feet."²⁷ Other data confirms that pesticidal drift can make its way into homes,²⁸ schools,²⁹ and onto playgrounds.³⁰ In the face of this evidence, Oregon OSHA must add a baseline level of protection in addition to the AEZ in the form of a no-spray buffer.

Second, the proximity of orchard and crop areas to farmworker housing and communal living areas makes it inevitable that farmworkers and their families will be exposed to toxic drift. This is especially true when, as explained above, Oregon's employer-provided farmworker housing can be in such a deteriorated condition. In instances where the AEZ is decreased to 100 feet, Oregon OSHA requires workers to either "shelter in place" or evacuate their homes.³¹ But "sheltering in place" in substandard housing conditions exacerbates the risk of exposure through toxic drift. And evacuation would leave workers and their families exposed to crops that were

²⁴ See OAR 437-004-6405.

²⁵ Emma Scott et al., *Precarious Protection: Analyzing Compliance with Pesticide Regulations for Farmworker Safety*, Vt. L. 51 (2023) ("Precarious Protection"), <https://www.vermontlaw.edu/sites/default/files/2023-12/precarious-protection.pdf>.

²⁶ See e.g., Edward J. Kasner et al., *Spray Drift from a Conventional Axial Fan Airblast Sprayer in a Modern Orchard Work Environment*, 62 *Annals Work Exposures & Health* 1134, 1143 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7104543/pdf/wxy082.pdf>.

²⁷ Magali N. Blanco, *Real-Time Particle Monitoring of Pesticide Drift from Two Different Orchard Sprayers* 57, 89 (2017) (M.S. thesis, University of Washington), <https://digital.lib.washington.edu/researchworks/handle/1773/40103>.

²⁸ See *supra* studies finding household dust in and around homes near agricultural fields.

²⁹ Walter A. Alarcon et al., *Acute Illnesses Associated with Pesticide Exposure at Schools*. (July 27, 2005), DOI:10.1001/JAMA.294.4.455, <https://pubmed.ncbi.nlm.nih.gov/16046652/>; *SJ Company Ruled Liable for Pesticide Drift Over Stockton Sports Complex, Lodi School*, The Stockton Record, Mar. 9, 2022, <https://www.recordnet.com/story/news/2022/03/09/northern-california-alpine-helicopter-service-liable-toxic-pesticide-drift-spray-stockton-lodi-delta/9445533002/>.

³⁰ Caroline Linhart et al., *Pesticide Contamination and Associated Risk Factors at Public Playgrounds Near Intensively Managed Apple and Wine Orchards*, *Environ Sci Eur* (2019) 31:28, <https://doi.org/10.1186/s12302-019-0206-0> (100 meter buffer needed to prevent pesticide drift, including from OPs, to playgrounds).

³¹ <https://osha.oregon.gov/OSHAPubs/5423.pdf>.

treated just 15 minutes before. For example, in Oregon, farmworker housing may be sited *between* rows of orchard crops.



Farmworker camp near Talent, Oregon. Rows of bunkhouse stand within 100 feet of surrounding orchards where trees are sprayed.³²

Oregon OSHA acknowledges that drift onto “labor housing areas or other structures used by employees, including enclosed agricultural structures within an AEZ” occurs and requires employers to ensure the drift is “properly cleaned up with a minimum of employee or housing occupant exposure.”³³ But farmworker experiences paint a different picture. For example, a migrant worker living in an on-farm employer-owned cabin in Hood River County shared that “[b]ecause [she] live[s] in the orchard, when they throw the chemicals [she] close[s] the doors,” but she remains afraid for her children and the long-term effects of the chemicals.³⁴ Another worker recounted that “There are farms with homes around that are getting sprayed. Some may think there’s no damage but the air float/particles are going around.”³⁵

Even when farmworker housing may not be immediately adjacent to or in treated fields, communal areas such as shared bathrooms often are. In fact, “[a] number of workers said outdoor bathrooms” specifically “are a major problem[.]”³⁶ While the ALH Amendments do not account for proximity between treated fields and communal living areas, the ALH Amendments did add a solid door requirement for private, enclosed structures for toilets to increase privacy.³⁷ But even closed-off toilets do not protect against drift exposure and residue given the closeness of the enclosed toilets to treated fields. For example, the picture below is taken from inside a farmworker housing unit out to orchard trees, a row of portable toilets, and more housing, all of which are proximate to each other. Oregon OSHA must do more to protect farmworkers and their families from toxic drift.

³² Jes Burns, *Protecting Farmworkers from Pesticides by Sheltering Them Indoors Draws Skepticism*, OPB, Dec. 12, 2017, <https://www.opb.org/news/article/sheltering-indoors-farmworkers-pesticides-oregon/>.

³³ OAR 437-004-6406(1).

³⁴ OHCS Report at 97.

³⁵ *Id.*

³⁶ *Id.* at 96.

³⁷ See ALH Rule 12(j).



Photo by Oregon Law Center, 2024. Labor housing in the Columbia Gorge immediately adjacent to an orchard and portable toilets.

Third, Oregon OSHA's AEZ differs from the federal EPA's AEZ by extending the zone for a 15-minute window in which people cannot return to the zone area rather than immediately. But once the application equipment and the 15-minute window have passed, children and families can immediately return to their living quarters to live, work, and play. This contrasts with the requirement that workers and others cannot return to a treated field until the REI has elapsed. REIs are label-mandated periods and can be between 12–72 hours, depending on several factors like geographic region, pesticide application method, and the pesticide toxicity. The minimum REI is 12 hours, but it applies only to the treated fields, not to farmworker housing.

In Oregon, however, when a pesticide is sprayed on farmworker housing or communal living areas, entry is allowed within 15 minutes of application. Farmworkers and their families will be exposed to the pesticide in the air or where the spray settled on surfaces or the ground. This is especially concerning for children as they are more likely to put their hands in their mouths or roll around on the ground and can do so right next to the treated field as soon as the 15-minute waiting period has ended.



Photo by Oregon Law Center, 2023, Labor housing in Columbia Gorge located immediately adjacent to a cherry orchard.

Additionally, farmworker families may plant gardens to grow their own food, which would be affected by pesticides that may not be registered for those crops or where there is a prohibition on consuming the food until the passage of a certain amount time (often many days) after spraying. Because cooking facilities such as kitchens and eating areas are often outside the housing unit, people prepare and eat meals on outdoor surfaces that are exposed to pesticidal drift, eliminating these families' ability to cook and eat pesticide-free food.



Photo by Oregon Law Center, 2023. Labor housing in the Columbia Gorge with an exposed stove and open-air storage for kitchen necessities and food preparation.

Oregon OSHA recognized that kitchen amenities outdoors are susceptible to safety concerns such as pests³⁸ and accounted for this in the ALH Amendments. ALH Rule 18(b)(L) provides “Beginning January 1, 2027, cooking facilities must be in buildings or shelters that are enclosed or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests and doors, windows, screen walls, and openings, if any, must have screens of 16 mesh or smaller.” But even in buildings or shelters, Oregon OSHA must consider that while mesh screens enable airflow for occupants that is critical in a kitchen, mesh screens also provide an opening for drift. This ALH Amendment is progress but will be futile if pesticide applications are allowed near kitchen and food storage areas with drift making its way through the size 16 mesh. In addition to this Amendment, Oregon OSHA must pursue the most comprehensive solution—a no-spray buffer between applications and living areas.

Oregon OSHA must afford people living in farmworker housing—children in particular—protection comparable to that afforded by the REI through a no-spray buffer. Because it would be infeasible to keep people out of their homes for 12 hours or longer like the REI for the treated areas, the only way to afford farmworker families equivalent protection would be to prevent spraying right on the housing and communal living areas through a no-spray buffer. Farmworkers who enter fields to irrigate or pick crops, unlike the pesticide handlers who mix and apply the pesticide, are typically not wearing PPE. Nor are their families given protective clothing and during the hot summer months are not likely to wear long sleeves, socks and shoes, gloves, and respirators to prevent drift exposures. Knowing this, Oregon OSHA must impose a default baseline level of protection through a no-spray buffer in addition to the AEZ so

³⁸ Amended ALH Rule 18(b)(L).

that farmworkers and their families can sleep, eat, live, and play with as little exposure to pesticide residue as possible.

V. CONCLUSION

Oregon OSHA's comprehensive ALH Amendments miss the opportunity to protect farmworkers and their families from toxic drift because the Amendments do not require a no-spray buffer surrounding housing and living areas. Oregon OSHA's failure to impose a no-spray buffer disproportionately harms farmworkers and their families, who are often migrants that are undocumented, low-income, and have low-English proficiency. To adhere to the principles of environmental justice, OSHA must afford these marginalized groups increased protection in the form of a no-spray buffer.

Respectfully submitted,



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Senior Attorney
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Oregon Law Center
s/Nargess Shadbeh
Nargess Shadbeh
Farmworker Program Director
Madeleine Morawski
Staff Attorney, Farmworker Program

From: pkrisse1@everyactioncustom.com on behalf of [Paul Krissel](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:09 PM

[You don't often get email from pkrisse1@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

OR OSHA's proposed regulations affirm that farmworkers deserve essential amenities and safety in farmworker housing. Providing designated cooking areas, private bathroom doors, and spaces for drying off and changing respects the dignity and security of farmworkers, especially of women and their children. Ensuring proper ventilation for gas burners and improving water testing to include nitrates enhances health and safety. Separating toilet sinks from other sinks and requiring adjacency between sinks and toilets promotes better sanitation. Storage of toxic materials and distance increases the safety of children in ALH.

But, we are also concerned about what is missing, some of which are major farmworkers and their family's priorities.

1. There should be a distance required between the fields and the housing to avoid pesticide drift and pesticide exposure.
2. Kitchens should be required to be indoors, not just enclosed, with adequate ventilation and food preparation safety with access to running water in sinks..
3. Increase the square footage per occupant from 40 square feet to 100 square feet.
4. Maintain the housing units cool with air conditioners when there is extreme heat.

It is important to note that most of the improved provisions will be implemented gradually, coming into effect in January 2026 or January 2027. This phased-in timeline allows Agricultural Labor Housing (ALH) operators adequate time to make the necessary changes.

I strongly urge you to strengthen the rule language to ensure that farmworkers have healthy and safe living conditions. We need the Oregon OSHA to show strong leadership and commitment by strengthening the ALH rules.

Thank you for your attention to this urgent matter.

Sincerely,
Paul Krissel
Salem, 97302-4339

From: lauriedougherty@everyactioncustom.com on behalf of [Laurie Dougherty](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:09 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Laurie Dougherty
Salem, 97301-2407

From: isa@everyactioncustom.com on behalf of [Isa Pena](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:10 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Isa Pena
Newberg, 97132

From: kelsey.harrington@everyactioncustom.com on behalf of [Kelsey Harrington](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:11 PM

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

Dear Oregon OSHA,

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Thank you for your attention to this urgent matter.

Sincerely,
Kelsey Harrington
Bellingham, 98225

From: [Gary Wade](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: Proposed worker housing rule changes
Date: Monday, November 4, 2024 3:35:11 PM

You don't often get email from gary@wrorchards.com. [Learn why this is important](#)

My name is Gary Wade and I am writing on behalf of Wade & Rufener Orchards Co. We grow 90 acres of sweet cherries in The Dalles, OR. We house 40 to 50 seasonal employees to harvest our cherries. Our current housing capacity is 36 people and we rent additional housing for any additional labor needs.

We have been producing cherries for 15 years. As noted, we are a small producer and we rely completely on migrant labor from the California area. We completely agree that we need to provide housing that meets the health and safety needs our employees. The workers are charged nothing for these facilities. We pick all our cherries by hand, and we know that without our pickers we would be out of business immediately. Therefore, we continue to upgrade our housing to attract people to our farm. The people that come to work for us are extremely hard workers, good family people, and have become part of our family. We would never jeopardize our connection to these people by providing substandard housing conditions. We often house entire families with small children that are too young to work in the fields. This reduces the number of pickers we can house, but we do this because we understand and value how important families are to our pickers and their culture. If these rule changes are implemented we would have to deny housing to anyone that wasn't picking and families would be excluded, leaving many families with no way to care for their children.

The proposed changes to housing rules would reduce the number of people we can house by approximately 20%. Our employee's housing was designed to house a certain number of people in each cabin based on the 40 square feet rule. Even if we could afford to build more units, our housing is located in a floodplain where we can't add additional housing to make up for the 20% loss. Many of the other farmers I have talked with have similar problems siting new structures, septic systems, and upgrading electrical services. If these new rules are implemented, I am certain that many small farmers like us will go out of business, and only large corporate farmers that can afford to hire workers through complex H2A programs will survive. This will hurt all of the workers that live in the US and historically have come to our area to make good money picking cherries and enjoy a respite from the dangerously hot temperatures in California at that time. You aren't helping these workers that come here voluntarily every year, and you would certainly be harming small farmers throughout Oregon. If implemented, these expensive changes will lead to farmers charging workers for housing.

Your proposed timeline for implementing these rule changes is outrageous. There is no way that I or many other farmers can build additional housing in 2 years. Many of the local farmers have recently built new buildings based on the existing rules. Someone might think that a change of 10 square feet shouldn't present a huge burden, but it will and it will harm many of the workers you are supposedly are trying to help.

Please reconsider the proposed changes. We have already agreed to address health and safety concerns like adding air conditioning at considerable expense. For the small farmers trying to make a living and for the workers that come here year after year to make good money, don't make these unwarranted and harmful changes to housing rules.

Thank you, Gary Wade

From: kimmardav@everyactioncustom.com on behalf of [K Davis](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:12 PM

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

Dear Oregon OSHA,

Farmworkers deserve housing that upholds their safety and health by providing secure, healthy, and respectful living conditions. The safety and health of farmworkers living in employer-provided housing are essential for a thriving agricultural industry. Ensuring access to clean water, proper sanitation, structurally secure housing, and adequate ventilation is crucial for their well-being and reflects our commitment to their fundamental rights.

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Thank you for your attention to this urgent matter.

Sincerely,
K Davis
Salem, 97306

From: dianamoonsong@everyactioncustom.com on behalf of [Diana Bailey](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:12 PM

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Thank you for your attention to this urgent matter.

Sincerely,
Diana Bailey
Roseburg, 97470

From: taffy.fede@everyactioncustom.com on behalf of [Kathleen A Federle](#)
To: [DCBS RULEMAKING OSHA * DCBS](#)
Subject: I am writing to you today regarding a very important issue
Date: Monday, November 4, 2024 3:35:16 PM

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Sincerely,
Kathleen A Federle
Fall City, 98024-7019