

Oregon OSHA – ALH RAC

Employer Representatives meeting

March 30, 2022

8:30 a.m.

Attendees: Sarah Rew, Lou Savage, Renee Stapleton, Julie Love, Dave McLaughlin, Gary Robertson, Dora Herrera, Jeff Stone, Tim, Mary Anne Cooper, Stacey Cooper, Anne Billette, Mike Omeg, Nicole Mann, Erin Roby, Jon Laraway

1. OR OSHA news/updates:

Lou Savage reviews Covid-19 in ALH changes: allow occupants to voluntarily use facial coverings; if air purifiers are purified to allow occupants to continue to use them at no cost to the occupants; allow occupants to continue to use their own air purifiers at no cost (but this does not include maintenance of the air purifier); continue requirements of the Covid-19 response plan.

Maryanne Cooper: can you expand on the COVID-19 response plan?

Renee Stapleton – the Covid-19 response plan is staying in its entirety with no changes. The other elements are going away (including capacity reduction models).

Jeff Stone: do you have a ball park estimate when the rest of the rule will be repealed?

Lou Savage: We aren't in a position to answer that right now; but we are consulting with OHA medical experts and we commit to continuing to look at it and make the changes when we can.

Nicole Mann (Columbia Gorge Fruit Growers): It would be helpful if we could give some sort of plan to our growers who are offering housing; because they are looking to bring people in for harvest and they start that planning now. I don't want to make a false promise to growers. If/when you have a time frame that would be helpful.

Renee Stapleton: There will be a memo in the next day or two, but as of today we cannot cite the previous occupancy model (or anything along those lines). Sanitation, occupancy, supplies, goes back to pre-pandemic now. In the coming weeks you will have a temporary rule on the books.

Jeff Stone and Nicole Mann: That is incredibly helpful ... if we can talk to our members today.

Erin Roby: One question that might come up is regarding the air purifiers that we provide. What if there is a break in housing? What if we last provided them last fall, but there is no current occupancy?

Renee Stapleton: We would not require you to put them back in place in that situation. If the workers wintered with you then they need to keep access to the air purifiers.

2. **Updates, cont'd:** Lou Savage shares that Governor Brown will convene a multi-agency task force on agricultural labor housing. The focus will be on coordinating compliance across agencies, looking at capital improvements, looking at infrastructure issues that get in the way of improving ALH, etc. The taskforce will consider tax credits, 0% loans, and grants (to assist with capital improvements).
3. **ALH Survey:** Oregon OSHA will administer a short survey asking about distance of housing to crops, and kitchens. The purpose is to gain information about current state of housing and kitchens (which is not collected during registration), and to add to the conversation.

Mary Anne Cooper: What is the intent of the survey? What with OR OSHA do with the information?

Renee Stapleton: Of course pesticides are on our minds. There are other things to consider regarding outdoor kitchens: smoke and heat, for example. The survey is voluntary.

4. **OR OSHA ALH rule side by side**

5. **Items not reviewed:**

Replace 2" pads with mattresses

Mike Omeg: What constitutes a pad? Perhaps a thickness measurement is better than striking pads?

6. **Definitions**

Adequate

Mike Omeg: It's difficult to universally define adequate

Air conditioning

Jeff Stone: Are you trying to just require A/C?

Mary Anne Cooper: I don't feel it's needed. We just had a robust conversation around heat. I think 78 is an unreasonable standard – but 20 degrees below outside temp is doable. You set people up for failure if you require 78 ... the systems cannot keep up. It's not required for rentals.

Tim: Not sure that "air conditioners" guarantee to keep temp at 78 or below. Usually say they will lower the temp a certain amount.

Committed relationship

Maryanne Cooper: I'm not the relationship police

Jon Laraway: I believe the relationship rule was pertaining to bed requirement

Hot water

Nicole Mann: Does hot water have a temperature in building code? If so we should go off that.

Sarah Rew: I'm not aware of it, but will look into it.

Mike Omeg: solar water heating in our house heats to 120-140, but then you have to reduce temperature to reduce risk to occupants in your house

Renee Stapleton linked an Oregon OSHA fact sheet listing 98 -105 degrees Fahrenheit for hot.

Nicole Mann: Would this apply to all? Retroactive? Or new construction only?

Sarah Rew: there is some historical precedent at OR OSHA for a phase in period – or only apply to new construction

Mike Omeg: most modern water mixing valves have safety built in – so careful where we measure it at

Immediate family

Housing unit

Mary Anne Cooper: how are these definitions used?

Matt Borman: a lot of this focusing on single family housing – a lot of this makes us nervous b/c we do more group style living

Renee Stapleton: maybe for registration purposes – there is value

Mary Anne Cooper: But this definition isn't specific enough to assist with that

Renee Stapleton: Remind that the redline is not the base of our rule – it's a heavily edited draft document that includes suggestion changes.

Living area

Jon Laraway: if there are cooling requirements, do you really need to cool it?

Mary Anne Cooper: broadening it would make the rule conflict with itself ... for example, number of outlets in toilets vs. living area ... this is confusing

Manufactured home – The rule referenced here may need updating

Privacy

Sarah Rew: currently shows up in bathing facilities, unisex shower rooms, and toilets.

Mike Omeg: difficult to measure, depends on the situation. Privacy when you go to vote is different than when you are taking a bath. Our take is not to define this b/c we can get lost in the legalese with these definitions.

Mary Anne Cooper: the proposed definition is not realistic for any shared living situation. I'd propose it be sight restricted – and not involve the other senses because that is very, very broad.

Nicole Mann: agreed. In dorm style living it's just not feasible.

Privy – Rew: this will be held for another day

Sanitary

Mary Anne Cooper: how to define that? A hair on the sink? That's not realistic. What is meant by broadening this?

Season/Seasonal

Sarah Rew: For our purposes we do not have a separate standard for temporary or permanent housing.

Nicole Mann: This is confusing b/c in the rule it's used for like, testing smoke detectors or fumigating mattresses. Where is the suggestion coming from? Perhaps certain things every time the occupant changes? Using 'season' doesn't seem feasible b/c we have some occupants that stay throughout multiple seasons. Not sure what the full intention is.

Shared

John Laraway: what's the purpose of calling something shared? Where is it used in the rule?

Toilet facility

Mary Anne Cooper: definition of toilets was problematic

Next meeting: April 27, 2022

Oregon OSHA – ALH Advisory Committee

Worker Representative meeting

March 30, 2022

10:30 a.m.

Attendees: Laurie Hoefler, Jennifer Flood, Lou Savage, Sarah Rew, Renee Stapleton

1. Updates:

COVID-19 requirements in ALH: Lou Savage reviewed the following changes to Oregon OSHA's COVID-19 requirements in ALH: (1) allow occupants to continue to use face coverings if they choose, (2) allow occupants to continue to use air purifiers (either theirs or the employer provided purifier), (3) maintain the requirements in the COVID-19 response plan.

Task force on ALH: Lou savage shared that Governor Brown will convene a multi-agency task force on employer provided labor housing. This task force will look at cost, infrastructure and land use issues, etc. The task force will consider things like 0% loans, tax credits, and grants.

Laurie Hoefler recommended that farmworkers be represented in the taskforce.

2. Survey:

Sarah Rew shared details about a survey Oregon OSHA will send out to registered housing providers asking the following questions: (1) approximately how far from crops is your housing, (2) do you provide a kitchen, (3) is that kitchen indoors or outdoors?

Laurie Hoefler suggested that Oregon OSHA consider collecting more information about housing sites during the registration process.

3. OR OSHA ALH rule side by side

Sarah Rew explained a side by side spreadsheet that compares various agencies' rules for ALH.

Laurie Hoefler suggested that Oregon OSHA check HUD regs, youth build, and federal programs for seasonal housing regulations.

4. **Items not reviewed:** Replace 2" pads with mattresses

Laurie Hoefler: the key is that people can rest well – there's such variety in pads that it doesn't necessarily guarantee workers can rest. I've seen them most down in Medford in bunk beds with sling as base (similar to a cot) and then pad on that.

5. **Definitions:**

Adequate-

Laurie Hoefler: it matters where it is used in the rules ...

Lou Savage: would it make more sense to define it in scope of the rule? Make it clear what it means when you require a particular thing to happen

Laurie: I think that's fair – and for example, to give examples of what complies with the rule can be helpful

Air conditioning –

Laurie: even without a requirement for A/C ... if it's an option then having a central definition would account for that.

Committed relationship and immediate family:

Laurie Hoefler: the importance would be how you are assigning housing ... fair housing laws need to be applied ... sometimes a room is given to a family and then they'll add in a single woman ... OHCS definitions allow for broad definition

Manufactured Homes: the rule referenced here may need updating.

Privacy: currently rule required in bathing facilities, unisex shower rooms, toilets

Laurie Hoefler: critical concept, workers talk about it a lot, it matters to them; it's possible within the living areas – it may be an issue, but toilets/bathing are the main areas.

Privy: suggestion to not allow outhouses or privies to count for toilet

Season/Seasonal: this could potentially affect registration; unsure other application for a definition

Shared: currently used in common use cooking, no other use of the word (though obviously housing is shared).

Laurie: suggestion to clarify who exactly cleans shared toilet facilities. Labor camp operators responsibility to clean shared toilets (double check)

Toilet facilities: suggestion specific to temperature (heat/cooling); exhaust fan

Laurie: we maybe need to circle back to definitions after we make substantive changes

Next meeting: April 27, 2022