

Oregon OSHA – ALH RAC
Employer Representative meeting

July 27, 2022

8:30 a.m.

Attendees: Sarah Rew, Greig Lowell, Jenny Dressler, Erin Roby, Ann Billette, Carlton Davidson, Stacey Cooper, Jon Laraway, Carlos Fernandes

1. Recap from last meeting
2. Provision of beds: see [437-004-1120 \(16\)\(f\)](#)

Sarah: when providing a bed for a couple, what do you provide? Two twins? A king, or a queen?

Ann: What we do is provide a twin over double bunk bed, so there are technically two beds, but one is big enough to share.

Sarah: the question is generally – does a bigger bed meet the intent of the rule (to provide a bed for each occupant).

3. Square footage: [437-004-1120 \(16\)\(i\),\(j\),\(k\)](#)

Sarah: studios, vs. single beds, vs. bunk beds. What other standards exist? Building codes dictate minimum bedroom size for bedrooms (7'x10'), but doesn't state occupancy. FEMA trailers use HUD standards from what I understand. HUD references code for manufactured housing. A 300 sq. ft. 1 bedroom trailer will sleep two people in the bedroom, and install 1 bunk in the living room (so sleep 2 more people). So 4 people would share a 300 square foot trailer (including kitchen, bathroom, bedroom, and living room).

Greig: do people live in those long term?

Sarah: it is not anticipated that people live in them long term.

Sarah: what about a rule where we referenced the occupant to the overall square footage of the housing?

Matt: the way the rules are written in support of dorm style housing – you'd have to have some kind of clarification. That kind of change could be impactful.

Sarah: single family type living situations are quite different from dorm style living.

Jenny (chat): would this apply to new construction or apply retroactively?

Sarah: there is precedent for a phase-in period. But there is also precedent for new rules to apply across the board as well.

Jenny: I understand there is precedent for phasing in, but we are talking about hard infrastructure costs. I think the cost and feasibility will range widely. We'd really like that answered (whether this would apply to new construction, or apply to all ALH).

Greig: Sarah, are suggestions from the advocates focused on single family or dorm style, or both?

Sarah: Suggestions would apply to all housing.

Greig: Does the crowding occur more in single family or dorm?

Sarah: I don't have that information.

Erin: If you're asking what the impact would be – it would depend on what you are asking for, so it's hard to give accurate feedback. Also, if you made a change, would you get rid of a minimum square footage requirement in each room? I would assume that would lead to overcrowding.

Stacey: Last time square footage change it was a huge cost and that was 20 years ago. To your FEMA trailer comment – yes they aren't supposed to be lived in permanently, but neither is ALH. This is temporary. I literally use mine 4 weeks.

Matt: To echo that, we have two seasons now, and the housing gets used differently during the seasons. I like the idea of overall square footage because in a 9x10 room suddenly I can only house 1 person, or not even use it. I think

you need to consider the housing standards and construction that exist now, and the different use.

Ann: to echo that, we have single cabin for combined sleeping space and then a kitchen that's separated. Maybe we do need a separate standard for short term space, vs. long term.

Sarah: the request for more space is often accompanied by the statement that workers go from one short term site to another, so in effect, they are in these spaces long term. There are certain aspects we can't control – like where the workers chooses to go.

Erin: The statement on overcrowding- are they saying that the current rule allows overcrowding?

Sarah: great question – I get comments about both, that there are sites out of compliance that we can address with our current rules, but that workers also deserve more space.

Jeff: A strict view of the rules is in order. The intent is good – make sure workers are safe. I worry about the creep of what people want to have, vs. a safe environment.

Mike: OSHA's mission is advance and improve workplace safety/health for all workers. We should consider what is the square footage to help people have safety and health in their dwelling and leave it at that?

Sarah: I also reached out to building code because I heard reference that they required 200 square feet per person. They responded back that this has to do with new apartment construction and load. It's really not applicable in this scenario. The person I spoke with on the phone couldn't answer the question about why 200 square feet per person against the whole structure.

Sarah: We do need to stay focused on our mission (safety and health in the workplace), and in this scenario, minimum standards for housing.

Carlos: how many complaints has OSHA received in the last 12 months from the workers? We go around and ask the occupants how the housing is. In terms of safety and overcrowding?

Sarah: That information can be pulled ... it's not super often that we get housing complaints.

Greig: let me ask Carlos – when you talk to your workers about your housing what kind of feedback do you get about it vs other housing they've lived in?

Carlos: It's pretty standard, especially for H2A workers. There are two types of housing, dorms and then single family type housing. Whether they are domestic workers vs H2A we have yet to receive complaints about overcrowding or safety.

Erin (chat): Just wanted to add that in my experience, sq footage is not typically the limiting factor to total house occupancy. It is often limited by an amenity ratio, such as 6 per sink, 10 per shower, etc.

Mike: re: what we hear from employees ... we've never heard that our cabins are too small. The feedback I hear is they really like having WIFI, they like air conditioning in their cabin, and in some of our facilities we have bathrooms attached to the facility, and they really like that.

Tim (chat): Does anyone have a rough \$ amount for when they have added showers/sinks to their housing?

Ann Billette: Septic is the major cost driver when considering adding toilets/showers/sinks.

Carlton Davidson: you're looking at \$5,000 for a bathroom addition but you can easily spend \$30k - 35k with a septic improvement.

Carlos: I can speak to costs, \$5,000 won't get you plans and permits for a bathroom ... what we're seeing in Medford, OR it's very costly. There's the dilemma of wells vs. city water too (because of pressure levels). There could be more limiting factors to adding showers.

4. Infectious diseases & reporting requirements: [437-004-1120 \(22\)-\(24\)](tel:437-004-1120)

Sarah: we are making changes to the COVID-19 in ALH rule. But our ALH rule also has some reporting requirements that come from the federal standard, and possibly OHA requirements. Is there a better way to point to Outside of COVID-19 have you had to quarantine workers because of infectious diseases?

Mike: we bring in a lot of workers and during COVID did do testing upon arrival, and then did a kind of quarantine with that group before we had them working with our other employees.

Mike: question, if a worker at any business becomes ill with any of these does an employer need to report that? Or only workers living in labor housing. I can understand perceived risk in congregate living. But what about fire crews? Why ag labor housing, why is it different?

Sarah: The OAR says “any individual” shall report ... but I don’t know if this language is repeated in our other division rules.

Next meeting: August 31, 2022

Oregon OSHA – ALH RAC

Worker Representative meeting

July 27, 2022

10:30 a.m.

Attendees: Sarah Rew, Greig Lowell, Tim Mahern-Macias, Lisa Rogers, Laurie Hoefler, Nargess Shadbeh

1. Recap from last meeting (kitchens)

2. Provision of beds: see [437-004-1120 \(16\)\(f\)](#)

Laurie: the concern is more when unrelated individuals are being required to share a bed. Our concerns are more overcrowding, bed bugs, cots, etc. Also, the safety of beds – can workers get into bunk beds safely.

Nargess: Sometimes beds are shoved together, sometimes mattresses on platforms, sometimes people are putting mattresses on the floor. There is a lack of privacy because of lack of space.

Sarah: so the concerns are privacy, fumigation, bed bugs, etc.

Nargess: in hotels/motels we are seeing more people being asked to share a bed. Re: fumigating is unacceptable for bed bugs. Cots are uncomfortable.

Laurie: one edit to be made would be to eliminate cots.

Nargess: “suitable” for storage is too broad, and what’s suitable for me may not be for another person, and OSHA doesn’t have the enforcement to do this.

Laurie: we have been getting increasing concerns about people not having safe storage – especially the cannabis workers – they are paid in cash they need to keep safe. That’s an incredibly stressful thing. Locking is critical.

Nargess: I think Laurie touched on the space between the beds ... I’m of the school of thought that people should have at least 100 sq. ft. a person.

Dora: We had a situation where an employer had a father and son sleeping in the same bed because they were related. We had them provide a second bed.

Nargess: Does this prohibit two couples from sharing a room? That's one of the problems. That does happen.

3. Square footage: [437-004-1120 \(16\)\(i\),\(j\),\(k\)](#)

Sarah: When you've asked for 100 square feet per occupant, do you mean only in the sleeping rooms, only in the bedroom?

Nargess: I think that people should have 100 square feet assigned to them, and then if there is cooking in the room it should be 113 square feet. FEMA says 113 is safe.

Nargess: what is the stock of housing being offered to workers?

Sarah: it would be valuable to have that data – we are not data scientists – it is one of our limitations

Nargess: without understanding the stock of housing out there you are working in the dark.

Tim: I wanted to touch on Nargess' point about some kind of survey. During the last ag workforce task credit we made some changes that asked of the growers questions like – how many bathrooms do you have? How close to the fields are you? But none of that is scored – it's not competitive. But you bring up a point ... there may be possibility to get information (that data).

4. Infectious diseases & reporting requirements: [437-004-1120 \(22\)-\(24\)](#)

Minor conversation was held about this portion of the rule.

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