

Agricultural Labor Housing RAC

June 28, 2023 / 2 – 4 p.m.

Meeting via Zoom

Attendees: Carlos Fernandes, Daniel Hough (OHA), David Hurtado, Greig Lowell, Ira Cuello Martinez, Jackie Hernandez, Jaylee, Jennifer Stewart, Kate Ryan, Kate Suisman, Laurie Hoefler, Linda Pressnell, Malinda Polk, Martha Sonato, Matt Borman, Megan Chuinard, Michael Sterner, Mike Doke, Mike Omeg, Nargess Shadbeh, Nicole Mann, Sarah Rew, Scott Dilley, Sherry Marks, Stacey Cooper, Theodore Bunch, Tim Mahern-Macias, zimmercl

1. 2:00 p.m. Opening/welcome

2. **May meeting recap:** beds (family unit, mattress covers, safe access), water testing, toxic chemicals, broken fixtures, registration time, recycling — A few of these items did not have a clear connection to occupational safety and health. Others need more discussion.

3. Update: repeal of OAR 437-004-1115 COVID-19 Workplace Requirements for Employer-Provided Labor Housing

Oregon OSHA filed a temporary rule at the end of March 2023 that rescinded Covid-19 rules, that by law expire after 6 months. We are working on permanent rules to rescind those rules.

We are intending to keep a temp rule under work clothing that allows workers to wear a face covering if they choose, unless doing so creates or otherwise exposes the employee to a hazard. If a face covering is required by the employer, then employer must pay for it.

Q. Will use of air purifiers still be a part of the rule?

A. Greig Lowell: It went out in the temporary rule.

4. Draft language discussion

Language shared during the meeting on these topics is *potential draft* language to be used for discussion purposes. This is not proposed language.

a. Potable water:

Potential language:

(4)(m) Potable water means water meeting the bacteriological and chemical quality requirements prescribed in OAR Chapter 333, Division 61, Drinking Water, of the Oregon Health Authority.

Daniel Hough from OHA was present. The group discussed water classification systems and determined that this issue needs further research and clarification. OHA's drinking water rule is complex and lengthy, and Oregon OSHA's rule needs to be clear.

b. Display of address

Potential language:

(6)(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 point highway and housing site are properly marked, and that each building and unit used to house workers is properly marked.

Q. Will OSHA give examples of what “properly marked” means?

A. We will try to give as much assistance and clarity as we can. We need to discuss what the minimum is that needs posted to get responders from the beginning (public road) to the end location. Adequate may mean it is visible and from a reasonable distance, but we need to define that.

Comment. Consider saying each “building and unit.”

c. Posting of water test results, Water supply

Potential language

(7)(b) (i) Post the results of the bacteriological analysis in the housing, and (ii) Post the results of the bacteriological analysis in the language of workers in the housing, or, In lieu of translating lab results, post a pictogram (SEE WHEREVER) that conveys the same information. 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.

Oregon OSHA commented that if all workers are English speaking then employers could simply post results from the lab. If they were not (all English speakers), then employers could post translated results or post a pictogram (which Oregon OSHA would create/share).

Daniel Hough (OHA) shared some of current drinking water rules, and recommended aligning Oregon OSHA rules with OHA. For example, sampling nitrates annually, arsenic once, with seasonal systems sampling coliform monthly. Additionally, he recommended moving PSI from 15 psi to 20 [which is included in the potential draft language].

One participant recommended more frequent testing of nitrates, to which Daniel Hough (OHA) responded that this would be necessary only if elevated nitrate levels were detected. Additionally, current OHA requirements would only require this of sites with connections with over-25 population or 15 connections. He further recommended consulting with an OHA licensed hydrogeologist.

Q. How much do these tests normally cost?

A. Daniel Hough/Member – less than \$100 and then nitrates \$30-50

Q. Is there a benefit to testing for systems when occupants are not present?

A. Daniel Hough: For water systems that are not active (used seasonally), there is a benefit to collecting the data from water systems but is not required if the system is not operating.

Comment: Workers have expressed the desire for adequate water pressure and more water outlets.

Sarah Rew: Clarification that the current rule is at the outlet end of all water lines (every faucet).

Daniel Hough: There is the potential for demand on a water system to be unable to deliver 20 psi.

Comment: Value in testing further out prior to occupancy to give a chance for correction if needed.

d. Portable heaters

Potential language:

(16)(c) For living areas without a working permanent heating system or heaters, the ALH operator must supply portable heaters at no cost to the occupant, and notify occupants that the portable heaters are available. These heaters must be capable of keeping the temperature in the living area at a minimum of 68 degrees.

Sarah Rew: Oregon OSHA would create pictogram that could be filled out and posted.

Comment: Notice should be in language of workers and prominently posted.

e. Beds, cots, mattresses

Potential language would reorganize the requirements of this section:

(16) Living areas

(f) Provide beds or bunks for each occupant

- A. The sleeping surface must be at least 12 inches above the floor*
- B. Space the beds or bunks so that there is enough room to allow for rapid and safe exiting during an emergency.*
- C. When provided, bunks must include a method for safe access to the upper bunk.*
- D. Occupants shall not be forced to share a bed.*

(g) Provide a mattress or pad for each occupant that is clean, in good repair, and free from insects and parasites.

- A. Mattresses or pads furnished by the camp operator must be at least 4 inches thick*
- B. Mattresses or pads must not sit on the floor.*
- C. If mattress covers are provided, clean them before each season's occupancy.*
- D. Do not provide uncovered foam pads.*

(h) Provide suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit. Provide lockable storage for each occupant.

Comments shared including not allowing bunkbeds (so that occupants could rapidly exit if necessary), mandating space between beds, and considering what minimum thickness would be necessary for pads in terms of quality sleep for work productivity. Additional comments requested a listed minimum for amount of storage per occupant and bunk bed railing.

f. Carbon monoxide alarm

Potential language:

(r) Provide a functioning carbon monoxide alarm when there is a carbon monoxide source.

(i) Notify occupants of allowed carbon monoxide sources (i.e. INSERT)

(ii) Notify occupants that if an allowed CO source is brought in, the housing operator will supply a functioning CO alarm once notified (batteries, etc.).

Language shared was generally not agreed on, specifically related to ‘allowed CO sources’. Members suggested that it would be better to blanket require alarms rather than determine allowable sources. Members also commented on the potential for cars parked up against housing to be a source of CO.

5. Kitchens

a. Food storage and food prep areas –

Comment: Definition of adequate and measurements would be helpful.

b. Refrigerator temperature – USDA/FDA is 40 degrees. One suggestion has been to lower this to 39 degrees.

Comment: Consider temperature of room with the refrigerator, whether it is a communal refrigerator that is opened frequently.

c. Ratio of burners (or cooktops or hot plates) to workers; clarification that burners must be at least 18” from wall.

Comment: In outreach to workers, workers requested more burners. They may be cooking two meals at once to take with them. Promotes healthier eating. Workers may bring in their own that may not be as safe as employer-provided burners.

d. Kitchens as a requirement vs. “when provided”

Comment: In regards to workers’ health, they would likely prefer to cook their own food.

e. Outdoor vs. indoor kitchens –

Comments: Concern with outdoor kitchen is drift. Have definition of minimum requirements of what a kitchen is. Issue with indoor is there may not be a sink where people are cooking. The cooking area, refrigerators, sinks may not be right by each other (may be a considerable distance). Adequate water access is needed for handwashing and food preparation. Also, should be a separation in sinks used for kitchen and bathroom. Pilot light may more easily go out in outdoor kitchens. Dust can get into their food and pans. Need some sort of wind block in place. Outdoor kitchens keep the heat outside and allow for more socialization. Some housing would have to rebuilt to include indoor kitchens.

Sarah Rew: There have been previous comments about the constraints/limitations of access to water.

f. Exhaust fans when gas stoves are provided – to be discussed in a future meeting

g. Sinks with hot and cold running water – to be discussed in a future meeting

h. Cooling systems to maintain temperature at 78 or less – to be discussed in a future meeting

i. Toilet standards for short term vs. long term sites – to be discussed in a future meeting

6. Next meeting: July 26, 2023 at 2pm