

Agricultural Labor Housing RAC

August 30, 2023 / 10 a.m. – 12 p.m.

Meeting via Zoom

Attendees

Andrew, Bill Anderson, Dana Meyer, Dave McLaughlin, Dave Meyer, Derek Sangston, Greig Lowell, Ira Cuello Martinez, Jeff Stone, Jenny Dresler, Julie Love, Kate Ryan, Kate Suisman, Lauren Kuenzi, Laurie Hofer, Lesley Tamura, Martha Sonato, Michael Sterner, Mike Doke, Mike McCarthy, Mike Omeg, Millie, Nargess Shadbeh, Nick, Nicole Mann, Sara Duckwall, Sarah Rew, Scott Dilley, Silvestre D, Taylor Atkinson, Theodore Bunch, Tim Mahern-Macias

1. Opening/welcome – Sarah Rew

- Oregon Health Authority's Notice of proposed rulemaking: [Updates to reportable diseases: clarification and rules regarding infectious waste.](#) ALH rules have a paragraph on disease reporting. We will give you information as we have it.

2. Review July's tentative draft language

(11)(d) Provide a slop sink in each building used for laundry, handwashing, and bathing

- Comment. Doesn't seem necessary. What is the rationale?
- This is a federal OSHA requirement and we need to be at least as effective.
- Q. What would you like for comment from advocates? The draft language is not equivalent of what the advocates asked for or seek.
- We welcome comment from advocates, but since most of these suggestions are coming from advocates, we hope for housing provider feedback.
- Comment. Need clarification of providing a slop sink in every building where handwashing can be done. For example, handwashing can be done in the kitchen but a slop sink is likely not present.
- Comment. Objection to the word advocate as an opposite to housing provider or operator. There is a feeling that housing providers/operators are also advocates for healthy and safe conditions for their workers.
- Slop sink should be changed to utility sink. Slop references something dirty or animal-like.
- Single family dwellings for residential use (non ALH, general public) do not have a slop/utility sink. This is not required by general housing codes. Also question the health and safety need for this requirement.

(16)(r) Provide a functioning carbon monoxide alarm when there is a carbon monoxide source; if not provided, the employer must ensure there are no CO sources in the housing.

- Comment. Opposed to requiring alarm in all rooms. Should just be near source.
- Per Fire Marshal, it is required within certain number of feet from a sleeping room.
- Comment. Member: 15 feet from a sleeping room.
- Comment. We would like to see CO alarms required in sleeping rooms. Also should not rely on CO source being present. Parked cars are close to windows and doors of housing.

- Comment. In regards to employees bringing in CO sources into the housing, employees do not appreciate daily monitoring on this. And employers would have difficulty with constant monitoring.
- Comment. Refer to Fire Marshal rules.
- Comment. Rules should simply say that CO alarms be installed in all dwellings and comply with the Oregon Fire Marshal rules.
- Comment. Simple solution to reduce this risk is to require the installation of CO alarms, but just one per dwelling.

(18)(a)(A), (19)(a)(A), (20)(a)(A) An electric refrigerator, capable of keeping food at or below 40 degrees F.

- Comment. Leave the option open for some of the frontier operations who use gas refrigerators.
- Comment. Not in support of another option (gas refrigerator).
- Q. How many operations would this affect? Questioned if there are other essentials that are not able to be provided.
- Comment. Providers would like their own discretion on providing electric vs. gas.
- Q. Why the suggested decrease from 41 degrees in the current rule to 40 degrees?
- Comment. Phasing out of gas appliances is out of the scope of Oregon OSHA.
- Comment. Having a rule about cubic feet requirements is nitpicking. We want workers to be able to decide how refrigerator space is divided.
- Comments. Refrigerator space requirements for workers should be considered in communal dwelling, not single dwellings. Want to make sure there is enough space for workers' food storage.
- Q. What is the cost of electric vs gas?
- FDA says 40 degrees or below.

(18)(a)(B), (19)(a)(B), (20)(a)(B) A minimum equivalent of two cooking burners for every XX persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, wood stove or burner 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.

- Comment. Oregon OSHA should not be making regulations based on convenience.
- Comment. This would mean major remodeling or all-new structures.
- Comment. Consider that one worker may need two burners at the same time. Need separate burners for food that has different safe cooking temperatures.
- Comment. Do we have data of the number of units that do not meet this proposed new standard? We see that many 1 family units/ 2- 4 person units have 2 burners and would already comply with this strengthened standard.
- Q. What is the rationale of two burners per 10 occupants? Convenience? Cost?
- We need to understand the extent and intent of federal OSHA language regarding this.

(18)(a)(D), (19)(a)(D), (20)(a)(D) Food storage shelves, and preparation areas must be sufficiently large for the number of occupants they serve. Food contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material

- Comment. Determining what “sufficiently large” means is challenging. For example, providing “sufficient” storage of large packages of beverages (bottled water, energy drinks).
- Comment. In their housing rules Ohio requires 6 sq-ft of food storage per units of 10 or less occupants and 2.5 sq-ft of food prep area. If >10 occupants the aforementioned measurements are doubled.
- Comment. Would like language that says “at least #” for a certain number of occupants.
- Comment. Also need to discuss the issue of food preparation areas needing to have ready access to a water source.

(12)(d) Provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Housing built or extensively remodeled after (INSERT DATE), must provide at least one toilet for every XX occupants or fraction thereof. Toilets must assure privacy

- We heard you say that this is a major infrastructure change with a major cost. We heard some say that chemical toilets would help ease this, while others are opposed to allowing those as part of the ratio.
- Comment. The cost isn’t just adding the toilet itself, it is also the plumbing, walls, doors.
- Comment. Consider the year-round effect on health and safety if they are counted as part of the ratio.
- Comment. Portable toilets are needed for seasonal timeframes. Ours are always clean and sanitary.

(9)(b) Provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Housing built or extensively remodeled after (INSERT DATE) must provide at least one shower head with hot and cold water under pressure for every XX occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.

- Comment. Why is OHA wrong on their ratios for showers and toilets?
- Comment. Cannot be related to summer camps because in ALH, workers may be regularly exposed to pesticides, etc.
- Comment. False that workers are routinely exposed to pesticides. This is wrong and insulting to growers.
- Oregon OSHA rules do not specify the tasks of workers.
- Comment. WPS requires shower immediately upon arrival home. We need to have showers available for workers and their families. There is an incongruity between numbers of showers and the number of people.
- Comment. At current ratio we have never experienced or seen a shortage of showers.
- Comment. Clarified that previous comment was that there is the possibility of aerial exposure to workers.

3. Previously discussed language (see email attachment titled *Potential-Draft-Language-List*)

- Comment. “Occupants should not be forced to share a bed” suggests that two beds are required to be provided.
- Needs to be discussion on wording to show that there is the option without being forced.
- Please send in comments on these issues as they have been discussed in the past.

4. New items for discussion

- Registration and pre-occupancy consultation
 - **Current language:**

(5)(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-occupancy consultation that finds the housing or facility to be substantially in compliance with all applicable safety and health rules.
 - **Potential draft language:**

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-occupancy consultation that finds the housing or facility to be free from all serious hazards. Remaining hazards must be abated and supporting evidence of the abatement to be provided to the department before occupants arrive.

 - Comment. What does the agency plan on doing on the remaining hazards?
 - A. Example, lids on garbage cans are missing because employer says that they are routinely removed. They have them in the shed and will replace them by the next day and provide photo proof to the consultant.
 - Opposed to the wording “All hazards.” We can protect against everything (for example natural disasters).
- Location to livestock
 - **Current language:**

(6)(i) 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.
Note: This is does not apply to animals owned by the housing occupants.
 - **Potential draft language:**

(6)(i) Do not locate labor housing within 500 feet of livestock operations.
Note: This is does not apply to animals owned by the housing occupants.

 - Comment. This is too broad and should stay as stated. Does this apply to one goat for example? In dairies, people like to live on site.
 - Q. Would this apply to existing housing or just to new housing?
 - A. This language does not clarify between new and existing housing.
 - A. No indication on number of livestock.
 - Comment. Chickens would be out of compliance. Also, with wolf problem, people are choosing to sleep near their livestock for protection. Common at universities to have student housing near or in the same building as animals that they are caring for.
- Brush/weeds/water on site
 - **Current language:**

(6)(a) The grounds of labor housing and related facilities must be **substantially free** from waste water, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.
 - **Potential draft language:** (none currently)

- **Comment.** Not realistic to ensure that these things never occur. Examples: Weeds were cut out but grew back quickly. It is raining and worker chooses to set the bag of garbage outside the housing door and wait to take it out later.

- **Current language:**
 - (6)(b) During housing occupancy, grass, weeds and brush must be cut back at least 30 feet from buildings.
- **Potential draft language:** (none currently)
- **Comment.** These may be purposely planted for various useful reasons. The word “brush” is not an appropriate word.
- **Q.** Would OSHA consider separating out some of the items listed - for example, stating that grounds of labor housing should be free from waste water and sewage?
- **Q.** What does the irrigation system run on? Our concern is around fire.
- **A. Member:** Depends on the area. In Hood River County, they are pressurized naturally from the source. Some others in the state come from wells. Others may be electric.
- **Comment.** In dormitory style housing that may be closer to town or are hotels, landscaping is often present and should be allowed.

- **Current language:**
 - (6)(c) All housing site land must have adequate drainage. The site must not be subject to flooding when occupied.
- **Potential draft language:** (none currently)
 - ❖ **Comment.** Building code rules should apply.
 - ❖ **Comment.** Leave current language.
 - ❖ **Comment.** If water seeps into the occupied housing (for example overflow from irrigation), does that apply to that here? Do sleeping rooms need to have drainage?
 - ❖ **A.** It is not referring to flooding inside the housing, but your point is understood. It would have to be assessed to where the water was coming from. Sleeping rooms do not have to have drainage.
 - ❖ **Consider adding language about water entering the housing.**

- Chemical storage
 - **Current language:**
 - (6)(f) Store all toxic materials such as pesticides, fertilizers, paints and solvents in a safe place.
 - **Potential draft language:**
 - (6)(f) Store all toxic materials such as pesticides, fertilizers, paints and solvents in a safe, locked place.
 - ❖ **Comment.** Consider if things are flammable and combustible. Consider adding wording about distance of storage from housing.

- Insect, mosquito, rodent control
 - **Current language:**
 - (6)(h) Prevent or control the breeding of mosquitoes, flies, and rodents in the immediate housing area and within 200 feet of any labor housing and related facilities owned or under lawful control or supervision of the operator.
 - **Potential draft language:** (none currently)
 - ❖ Add “remediate health and safety concerns”

- ❖ For citation, is good faith of the operator looked at the attempt?
- ❖ A. Yes, we look at where they aware, what did they attempt to do, etc.

- **New topics / parking lot items:**

- **Next meeting:** September 27, 2023