

Agricultural Labor Housing RAC
November 29, 2023 / 10 a.m. – 12 p.m.
Meeting via Zoom

1. 10:00 a.m. Opening/welcome

Updates

- Adopted rules on Nov. 22, 2023 regarding SB592, Penalty Structure and SB907, Work Refusal.
- Grant updates – Oregon Department of Agriculture has raised the question of how the money can be allocated. Could it be a set amount per occupant?
 - Feedback will be shared with ODA.
 - It seems equitable to spread it out and allow it to be used any way employers wish, within certain parameters.
 - Challenge is with employers who have short seasons but high occupancy vs those whose occupancy is spread out through the year.
 - Dollar amount is not going to be able to be significant per occupant due to \$5 million not stretching very far.
 - Perhaps prioritize large issues and infrastructure instead of employer size. Could focus on 4-5 priorities?
 - Each different camp is going to have different needs that are priority.
 - Worker advocate: I would like to see OSHA more involved rather than mostly ODA
 - Tentative rule language regarding square footage needs to be resolved before further discussion of updates from grant money.
 - Reach out to Tim Mahern-Macias with questions on the grant and tax credit, timothy.mahern-macias@hcs.oregon.gov Additional contact information in fact sheet: <https://www.oregon.gov/ohcs/development/Documents/factsheets/factsheet-awhtc.pdf>

2. Attendees

Adam McCarthy, Alba Johnston, Andrew, Anthony, Barbra Anderson, Bill Anderson, Casey Pink, Dana Meyer, Daniel Riechers, Dave Meyer, Dawson Quinton, Dora Herrera, Emily Eckert, Erin Roby, Greig Lowell, Ira Cuello Martinez, Jackie Hernandez, Jen Seamans, Jenny Dresler, Jon Laraway, Kate Ryan, Kate Suisman, Lauren Kuenzi, Laurie Hoefler, Lisa Rogers, Luis Guitron, Maria Venegas, Martha Sonato, Matt Borman, Michael Sterner, Mike Doke, Mike Omeg, Monica Zipprich, Nargess Shadbeh, RinconM, Ryan Bond, Sara Duckwall, Sarah Rew, Sherry Marks, Silvestre D, Sunny Summers, Tim Mahern-Macias, Zimmercl

3. Preliminary language – Review (intent is proposal in January 2024)

- a. **Living areas:** 100 square ft. per occupant for each occupant; 21 cubic ft. of storage; lockable storage; structurally sound; portable heater notification; no gas burners w/out exhaust fans; safe access to upper bunk; no forced sharing of bed; cleanable mattress cover; mattress 4” thick; A/C substitutes for openable window space

Questions/comments

- This will be a large reduction in housing available to workers and will increase homelessness. Also seems to be moving away from health and safety of workers and focusing on comfort and lifestyle. Will also reduce farmland.
- Employers feel like they are working with OSHA and rules, but it seems like the rules do not take this into account.
- Employers complied with 2018 rules that allowed outdoor kitchens and now 2023 rules may change that.
- Housing in Hood River and The Dalles is very difficult to find and costly as a tenant. Housing is a significant compensational benefit to employees.
- Some advocates expressed concern about the direction the meeting is heading and opted to leave the meeting early.
- Scientific evidence would be helpful to show the need for or if there is a need for these potential changes.
- Is lockable storage required when it is a single-family house and the house is lockable?
- A. OSHA will need to clarify question on storage.

b. **Cooking facilities and equipment:** provide a kitchen (in building or shelter; openings must be screened); 2 burners for every 5 occupants; protected food storage; plumbed hot/cold water w/in X ft. of food prep area; fridge at 40 f.

Questions/comments

- Adding even two more burners has many steps and cost, not as simple as plugging in a hotplate. May require update to breaker box or new breaker box, and that is if the system can handle the additional needs.
- 1) What would a timeline for completion be if outdoor kitchens need to be converted to sheltered kitchens? 2) Would heat be required in that space?
- A. Timeline is a discussion that we are talking about with management. We have not specifically talked about heat.

c. **Heat illness prevention:** maintain bedrooms at 78 or less (if less than 95 f.); if over 95 maintain bedrooms at least 15 degrees lower than outside temperature

Questions/comments

- Occupants may open front doors to their cabins. Some occupants prefer cooler temperatures while others prefer warmer.
- A: It is two different things that employer provides an item vs the occupants using the item.

d. **Bathing and hand washing facilities:** locking shower stall; occupant ratio; private/locking dressing area; provide paper towels; kitchen sink does not count towards this ratio.

e. **Water supply:** 20 PSI; arsenic test once; total coliform, nitrates, e-coli yearly; 3-5 gallon hot/cold water dispenser in each housing when no indoor plumbing

f. **Housing registration requirements:** water testing results with registration

g. **Toilet facilities:** exhaust fan in each toilet facility, except portable, chemical; adequate lighting at night; solid door for toilet compartments

Questions/comments

- We already have more bathroom amenities than the rule requires. There physically is not space to add 1/5 and it would be very costly.

h. **Laundry facilities:** separate cleaning of clothes w/chemicals

The focus of this is on the occupants who return to the housing after applying chemicals.

Questions/comments

- Word "contaminated" is a broad, complex word.
 - A: We would have to check on this topic.
- If the site is ag, is a separate cleaning capability required at all times or just if there is an accident/incident involving pesticides?
 - A. Rule language on that needs to be discussed to know intent.
- Would it still be compliant to have a tub and then coin-operated machines?
 - A: We would have to check on this.
- Request to add a discussion on WPS and washing machines to the next meeting.

i. **Site requirements:** drainage for housing, toxic material storage, livestock, electrical receptacles, directions to housing

j. **Fire protection:** CO alarm when there is a source; CO education

3. Final comments

- The biggest issues appear to be square footage changes, water fixture changes, and electrical. Growers reiterated need for rules to clearly state requirements so both housing operators and compliance officers interpret requirements similarly.
- Oregon OSHA will send out information about time/date for next meeting.