

**Summary**  
**Agricultural Labor Housing RAC**  
**January 31, 2024 / 1 p.m. – 3 p.m.**  
**Meeting via Zoom**

**Attendees**

Adam McCarthy, Alan Martinez, Alba Johnston, Andrew Halliday, Ariana, Barbra Anderson, Bill Anderson, Carlos Fernandes, Carlton Davidson, CE Farm Management, Dana Meyer, Dave McLaughlin, Dave Meyer, Dora Herrera, Erin Roby, Gutierf, Ian Chandler, Ira Cuello Martinez, Jackie Hernandez, Jason, Jeff Stone, Jen Seamans, Jennifer Stewart, Jenny Dresler, Kate Ryan, Kate Suisman, Ken Goe, Lauren Kuenzi, Laurie Hoefler, Leo Van Ummersen, Lesley Tamura, Linda Pressnell, Lrogers, Maria Venegas, Martha Sonato, Matt Borman, Matt Kaiser, Maureen McGee, Megan Thompson, Michael Sterner, Michael Vasquez, Mike Doke, Mike Omeg, Millie, Molly McCargar, Nargess Shadbeh, Nicole Mann, Nicolía Mehrling, Ona Lawrence, Parker Sherrell, Rocky, Ruth Berkowitz, Sara Duckwall, Sarah Rew, Sherry Marks, Silvestre D, Stacey Cooper, Theodore Bunch, Tom Bozicevic, Tricia McDonald, Varon Blackburn

**1. Opening/welcome – Matt Kaiser, Policy Manager**

**2. Facilitator introductions / meeting expectations – Nicolía Mehrling and Ruth Berkowitz**

- Meeting expectations and process explained.
- Questions/Comments
  - Q. How will the meeting handle the number of advocates in the meetings (compared to usually a large number of growers)?
  - A. An example of an approach could be hearing from three advocates and hearing from three growers.
- The recent history of ALH rules was shared, beginning in 2008. The Rule Adoption Process was shared. Oregon OSHA rules must be at least as effective as (ALEA) federal OSHA rules.
- Oregon OSHA's goal is advancing and improving workplace safety and health for all workers in Oregon. The purpose is to discuss potential rule revisions, discuss impact of those revisions, and discuss fiscal analysis of those potential rule revisions.
- Provide feedback to OSHA so they can make the best decisions possible on this rulemaking. Give information (preferably peer-reviewed) and how this can be done. Provide information on what specifically needs to change and why, or what to do instead. For the fiscal analysis, provide numbers/cost broken down (remove personal information) of how the costs play out in reality.
- How feedback is used – redline examples in draft language. Can't be incorporated if less strict than federal rules. A request for written feedback will be sent out to the RAC.
- Comment. There may not be a lot of peer-reviewed articles on an understudied group. We want to make sure there is room for sharing statements and experiences gained from speaking with occupants of agricultural housing.
- A. Those voices are helpful to hear as well.
- Q. Would it be better to not be making decisions on understudied groups that there may not be scientific evidence on?
- A. This group is set up to fill that gap and make the best decisions possible. Decisions need to be made.

- A. We need to convene the RAC and tie up the meetings to come to a conclusion based on the many suggestions we received to look at housing rules.
- A. There are plenty of studies on general topics such as need for sleep, food, and hygiene.
- Format of the meeting will ask these four questions:
  - What does this rule require?
  - What do you appreciate about the rule?
  - What are suggested improvements for the rule?
  - What additional information is needed? Questions and clarifications about the rule.

### 3. Preliminary draft discussion (see attached PDF)

#### a. Cooling in sleeping rooms - subsection (22)(b)

The intent is to help workers rest and recover from their daily work and exposure to heat. If they are not well rested and recovered, there is an increase and speeding up the next day of symptoms of heat illness. Comments Oregon OSHA has received – cost, electrical issues, what areas would cooling need to be provided, there was a comment that cooling is beneficial to workers' health.

#### Questions/Comments

- A. This would apply to areas where workers sleep.
- Q. Would this require an air conditioning unit in each sleeping room?
- A. It is possible that some areas in Oregon could achieve this in other methods (evaporative coolers, window coverings, better insulation). But by and large this would be achieved through AC.
- Comment. This rule is clearly focused on safety and health of workers so they are well rested and ready to be productive the next day.
- Q. If alternative methods are not managed correctly by the occupants (they don't turn on an attic fan or AC unit for example), whose responsibility is it?
- A. It is generally the housing provider's responsibility, but there is the issue occupant behavior. We are mindful of these questions and will get back to the RAC.
- Comment. I appreciate that they took into account heatdomes that may occur, as mechanical units can only work so well.
- Comment. Workers may not be in complete control with their work schedule each day and may not be able to open and close windows for example at the needed times of the day.
- Comment. Rule is reasonably achieved based on time and cost and has an effect on health and safety.
- Q. Individual research suggests 15-25 degrees of cooling that mechanical cooling can reduce. We are asking where the 15 degrees came from because it seems to be on the low end of the cooling capabilities of units. This is also assuming housing is structurally sound with tight fitting windows, doors, and walls. We need to address the larger scale issues.
- A. Oregon OSHA consulted with HVAC companies and technicians. They stated that in best of scenarios, mechanical AC units could reduce more than 20 degrees but that most buildings would not meet the best-case scenario. Really good duct work, better sealed, etc. could be more than 20 degrees in some areas of a building. They suggested that 15 degrees was the most feasible. A step is also reducing humidity.

- Comment. (b) Rule language should be consistent. Currently reads "must be able to be maintained" in one spot and "must be maintained" later in the same paragraph.
- Comment. We want it to include that this is assuming that the housing has basic insulation. Many sites we have seen do not have insulation in the walls or drywall. These will not cool as expected.
- A. We will look into this topic for more information.
- Comment. I don't think the rule needs to specify insulation requirements.
- Comment. We support gathering information from other agencies (for example building codes). There was an interagency taskforce from the governor's office in 2022 on ALH.
- Comments. In regards to installing window AC units, there are already Oregon OSHA rules on window square footage for ventilation and light. We need clear rules on window square footage requirements when a board is required to be put around the unit, losing window space.
- Comment. A 15-degree capability is doable.

b. Laundry – subsection (10)(a)

Intent: Provide washers and dryers for regular clothing (there was a suggestion to remove from the current rule the allowance tub or tray). Intent that there is a process so that those who apply pesticides have their laundry washed separately from those who are not applying pesticides. That process could be a tub or a tray. Examples are dedicated machine, sending out laundry, rinse load between loads.

Questions/Comments:

- Q. How does the WPS-laundry exception apply to ALH.
- A. If the occupant uses pesticides, a method must be provided to wash that clothing specifically as defined by Oregon OSHA's WPS.
- Comment. WPS training says, wash work clothes separately from family's clothes and use a rinse cycle in between loads. It does not say they need to use a separate tub or machine.
- Comment. What is offered to occupants and what is in the WPS provisions need to align. Request to table this topic to allow for further research on the provisions of WPS.

c. Consultation registration process – subsection (5)(B)

Substantially in compliance with all applicable safety and health rules vs free from all hazards. The intent is to tighten up the language on hazards.

Questions/Comments:

- Comment. Term "substantially in compliance" was never clearly defined anyway. Seems like it is saying that housing needs to be in compliance with all rules.
- Comment. Appreciate the clear language.
- Comment. Clearly say "be in compliance" with rules.
- Comment. It isn't clear that "free from all hazards" means in compliance with the rules.
- Q. Clarity is needed on (b) of this section regarding registering and requesting consultation.
- Comment. Concern on saying 100% compliance if OSHA enforcement or consultation needs to return to check for abatement. Can create a bottleneck to recheck. Substantially in compliance language solves that.
- Q. When saying applicable rules, does that only refer to these ALH rules?

- A. Yes, generally that is what we are referring to.
  - Q. Clarify 45 days notice language in this section of the rule.
  - A. We do not always receive 45 days notice, but Consultation will respond and assist. This is largely for administrative purposes.
  - A. If the housing is occupied year round with no breaks, register by February 1.
  - Comment. There needs to be clear language in this section on what the 45 days applies to.
- d. Storage of toxic chemicals that are used in work activities – subsection (6)(e)  
To be discussed in future meeting
- e. Hot and cold water dispensers – subsection (7)(g)  
To be discussed in future meeting

## **2. Next steps**

- a. Fiscal impact considerations (please send via email to [sarah.c.rew@dcbs.oregon.gov](mailto:sarah.c.rew@dcbs.oregon.gov)).
- b. Subsequent meeting dates/times