



November 18, 2020

VIA E-MAIL

California Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Cal/OSHA COVID-19 Protection Emergency Regulation

Dear Members of the Occupational Safety and Health Standards Board,

Farmworker Justice (FJ) submits these comments in support of the adoption of a COVID-19 Protection Emergency Regulation by the Occupational Safety and Health Standards Board. Farmworker Justice is a national advocacy organization that works with migrant and community health centers, legal services organizations, farmworker community-based organizations, and advocates to improve farmworker living and working conditions and access to health care. FJ has been working with advocates in California and across the country to ensure that farmworkers and other essential workers are able to remain healthy during the COVID-19 pandemic.

We urge immediate adoption of the proposed emergency regulations. California's farmworkers need enforceable protections for their own health and the public health at large. Farmworkers, as essential workers, are at the front lines of the COVID-19 pandemic, risking their own health and safety to ensure continuity in the nation's supply of fruits and vegetables. According to Purdue University's Food and Agriculture Vulnerability Index, an estimated 14,000 agricultural workers in California have been diagnosed with COVID. Their working and living conditions make them extremely vulnerable to exposure and illness from COVID-19. Farmworkers have limited access

to toilets and handwashing stations in the fields. They also tend to share transportation to and from the fields, and live in crowded housing, sharing kitchens, washing and bathing facilities. Workers, especially those dependent on their employer for housing and transportation (such as H-2A workers), have little control over their working and living environments; it is nearly impossible to follow CDC and Cal/OSHA guidance to prevent COVID transmission.

Studies of California farmworkers and reports from partners demonstrate the continued need for COVID-19 protections. Workers reported limited or no protective measures at work. According to the California COVID-19 farmworker study, a significant number of worksites (43%) did not provide face coverings to their workers. Many of our community partners shared that workers are unable to socially distance when commuting to and from work and, often, the ability to distance is not fully within the farmworkers' control.

Employers must be required to implement protections and controls in their transportation and housing as well as the fields. These protections include ensuring that employer-provided housing and transportation adhere to rigorous sanitation protocols, have proper ventilation, and space to allow workers to physically distance from one another. A number of other large agriculture states, including Oregon and Washington, implemented COVID-19 regulations for agricultural workplaces. The proposed Cal/OSHA regulations put in place necessary protections that set clear and enforceable standards for the prevention and management of COVID-19.

Keeping California's workers healthy should be everyone's priority. The emergency regulations provide needed measures to protect the health and safety of workers, including farmworkers and other essential workers. It is based on sound public health principles and framed around existing employer requirements, such as the Injury and Illness Prevention Program. It is also consistent with guidance and health orders issued by Cal/OSHA and local and state departments of Public Health, and with recent state legislation. We request that you pass these regulations, without hesitation, to prevent further damage to the health of workers and their families during the COVID-19 pandemic.

Thank you for your attention to this matter.

Sincerely,



Alexis Guild
Director of Health Policy and Programs
Farmworker Justice

Oakland, CA