



**Biden Administration Department of Labor Decision on COVID-19
Safety Fails the Nation's Essential Agriculture Workers
June 11, 2021**

On June 10, more than sixteen months after the federal government declared a public health emergency due to the coronavirus outbreak, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) finally published an emergency temporary standard for the workplace. The mandatory rules only apply to the health care sector. The agency continues to issue mere recommendations for safety precautions for other sectors, including agriculture. Farmworker Justice calls on the Biden Administration to immediately issue an emergency temporary standard with mandatory rules for agricultural employers. While many agricultural employers have adopted safety precautions against COVID-19, too many businesses have not responded adequately to protect farmworkers. Several states have adopted mandatory requirements, and others should follow their lead, as should OSHA, because the COVID-19 pandemic remains a serious threat for farmworkers and their family members.

The exclusion of farmworkers from the federal mandatory standard is inexcusable. This past year has laid bare what many of us already knew—farmworkers do essential work for our food security, while laboring in one of the [most dangerous and lowest-paid jobs](#) in the nation. The COVID-19 pandemic further devastated this already vulnerable population. Nearly [six hundred thousand agricultural workers](#) have contracted COVID-19 since the start of the pandemic and too many have died. A recent [UCSF study](#) found that food and agriculture workers have experienced the highest “excess mortality” during the pandemic, with a 39% increase in mortality compared to past years. Among Latino food and agriculture workers, that mortality reached 59%.

Many of these infections and subsequent deaths were avoidable. Although [some states](#) with substantial agriculture industries implemented mandatory COVID-19 safety standards to protect farmworkers, too many states instead adopted optional and unenforceable guidance. Without state or federal requirements, many employers callously put workers' lives in danger. Farmworkers continue to report that their employers do not provide them with adequate information, masks, hand-washing facilities, hygienic supplies, or the opportunity for social distancing during transportation or in the fields. And while vaccinations have been a saving grace for many of the nation's food consumers, the people who grow that food often face several

challenges when trying to get vaccinated themselves. Undocumented workers fear identification requirements and immigration enforcement at vaccination sites. Workers who are already struggling to survive below the poverty line cannot afford to skip a day of work as they recover from the vaccine's side effects.

Comprehensive and enforceable standards to protect the nation's essential workers would have helped keep farmworkers safe in the face of these challenges. Farmworker Justice and other labor advocates have repeatedly called on OSHA to issue mandatory rules that include sanitation and distancing protocols in workplaces, employer-provided housing, and employer-provided transportation; information dissemination and training about COVID prevention and workplace rights in languages and formats accessible to workers; provision of PPE, at no cost to workers; COVID testing, at no cost to workers; quarantine facilities and provision of supplies for workers in employer-provided housing; and protections against retaliation for workers who report violations. Rather than taking these straightforward and common-sense steps, OSHA has yet again cowed down to the agribusiness lobbyists. The Administration and agriculture employers must stop playing with people's lives and start taking the necessary precautions to keep essential workers safe.

The unenforceable and non-mandatory agriculture guidance issued by OSHA is insufficient to protect the millions of people who kept our economy running, our grocery stores stocked, and our nation safe. Several states have already tried to limit the virus's spread through similar, non-mandatory measures. The infection rate and death toll among the nation's farmworkers in states across the country prove that these measures are inadequate.

OSHA has abdicated its responsibility. The heroic workers who risked their lives for this country's food security deserve so much more.

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