



Environmental Health Equity for CA Farm Workers Research Policy Brief

Addressing the Health Crisis Faced by Farm Workers
in California: Investing in Equity & Justice

The Environmental Justice Coalition

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Background On California Farm Workers

California is one of the largest contributors of agricultural products in the United States with about $\frac{1}{3}$ of the vegetables and $\frac{2}{3}$ of the fruits in the United States coming directly from fields in California. The industries related to agriculture in the United States contribute \$136.1 billion to its gross domestic product¹. The agriculture sector relies heavily on human labor and the effort of farmers, ranchers, and farmworkers that devote their efforts and energy to the production of over 400 commodities². Around 500,000 to 800,000 farmworkers reside within the state of California alone, which is about a third to a half of all of the farmworkers in the United States. About 75% of these farmworkers in California are undocumented immigrants³. Due to their undocumented immigration status and the lack of protections for farmworkers in the United States, most farmworkers experience agricultural exceptionalism, which is the exclusion of farmworkers from the majority of significant worker protection laws⁴.

Agricultural exceptionalism was the result of a deal President Roosevelt struck with Southern Democrats to pass his worker rights legislation: the National Labor Relations Act of 1935. This is a federal law that protects the inherent rights of workers, such as being able to join and organize labor unions, being paid the federal minimum wage, and child labor protections. They also were excluded from the Fair Labor Standards Act of 1938 for overtime protections, which still has not changed to this day. The lack of labor laws and federal oversight have resulted in poor working conditions and low wages⁵. Farmworkers also are not entitled to receive an attorney under the Migrant and Seasonal Agricultural Worker Protection Act, which prevents migrant workers from directly reporting these issues to their local and state government³. California established their own Agricultural Labor Relations Act in 1975, which states that they “encourage and protect the right of farm workers to act collectively to bargain with employers over employment terms and conditions.”⁶ However, there is no explicit mention of a guaranteed protection of the health and safety of farm workers.

¹“Ag and Food Sectors and the Economy.” USDA ERS - Ag and Food Sectors and the Economy, www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/.

² California Department of Food and Agriculture. “California Agricultural Production Statistics.” CDFA, www.cdffa.ca.gov/statistics/.

³ “Get Informed.” Center for Farmworker Families, farmworkerfamily.org/information/#:~:text=The State of Farmworkers in California California produces,in California, or roughly 500,000 - 800,000 farmworkers.

⁴Irfan, Ans. “Scientists Need to Step up .” EHN, EHN, 8 Mar. 2021, www.ehn.org/farmworker-health-rights-and-justice-2644436920/scientists-need-to-step-up#:~:text=Agricultural Exceptionalism is a form of structural oppression,most major worker protection laws in the country.

⁵ “Agricultural Exceptionalism: A History of Discrimination against Farmworkers in Labor Laws Results in Poverty for Farmworkers.” Farmworker Justice, www.farmworkerjustice.org/blog-post/agricultural-exceptionalism-a-history-of-discrimination-against-farmworkers-in-labor-laws-results-in-poverty-for-farmworkers/.

⁶ Jordan, Laura. States Granting Collective Bargaining Rights to Agricultural Workers, www.cga.ct.gov/2000/rpt/2000-R-0894.htm.

With the addition of COVID-19 and California's ongoing wildfires, farm workers are currently facing a two-fold threat to their health and safety. Many farm workers are actively working to support their families, but they are forced to live in congested living conditions from making minimum wage and being an undocumented immigrant. This causes COVID-19 cases to be disproportionately among farmworkers in these areas. Although California's Division of Occupational Safety Health implemented new standards for protecting outdoor workers from wildfire smoke, the message was confusing and most farm workers did not receive their advised N-95 mask. However, the workers were arguably less focused on their health and safety and more concerned about how to make ends meet⁷.

This research brief will explain and contextualize the lack of worker health and safety protections (including those beyond COVID-19 and wildfires) faced by farmworkers in California and provide a policy solution to help alleviate these issues.

⁷ Mahoney, Erika. "Farm Workers Face Double Threat: Wildfire Smoke And COVID-19." *NPR*, NPR, 7 Sept. 2020, www.npr.org/2020/09/07/909314223/farm-workers-face-double-threat-wildfire-smoke-and-covid-19.

Policy Analysis

1. What is the issue being targeted?

The issue that is being targeted is the lack of worker protections for farm workers in the state of California, which is a direct result of agricultural exceptionalism caused by the National Labor Relations Act of 1935. Since then, farm workers have faced extremely poor working conditions and low wages. As a result, they continuously prioritize their work and wages over their safety and health because they are more focused on how to make ends meet for their families. One of the most significant examples of this injustice is occurring right now. With the ongoing COVID-19 pandemic and record-number of wildfires in California, farm workers need N-95 masks to protect themselves. California's Division of Occupational Safety Health implemented new standards for the protection of outdoor workers from wildfire smoke, which involved these workers using N-95 masks when the smoke from wildfires became intolerable. However, the message was confusing, and most farm workers did not receive their N-95 mask.

The policy aims to address health and safety concerns beyond the COVID-19 and masks example outlined above.

2. Who are the stakeholders in the issue?

The primary stakeholders in this issue are the farm workers, labor unions, the employers of farm workers, and the California local and state government.

3. Why should we address this issue now?

We need to address this issue now to avoid the harmful long-term impacts such jobs have on the health and safety of these workers. Without the proper protection of the health of farm workers, more agricultural waste will be created as produce will fail to be harvested. The reduction in harvest means that less revenue will be generated for the farms and the employers of farm workers, which will likely result in a paycheck cut for farm workers. A smaller paycheck may push farm workers to work harder and longer hours to make ends meet for their families, which takes a mental, emotional, and physical toll. These losses create a vicious cycle, which eventually leads to long-term detriments to the farm workers health⁶. These workers face fear and have incomplete information about the risks related to their job. They may have little hope for other avenues of employment because of the lack of unemployment benefits or compensation should they fall ill or lose work⁸. This form of employment is unsustainable as it fails to protect California farmworkers.

4. Why does the issue mandate a state or local government response?

⁸ Cagle, S. (2020, March 31). California's Farm Workers Pick America's essential produce – unprotected from coronavirus. The Guardian. Retrieved February 5, 2022, from <https://www.theguardian.com/world/2020/mar/31/us-coronavirus-outbreak-california-farm-workers>

This is an issue that mandates a state or local government response for several reasons. First, if the federal government were to take action regarding farm workers, it would have very little effect on the state of California because of the lack of specificity and oversight. The federal government has no oversight over farm workers in states due to the agricultural exceptionalism in the National Labor Relations Act of 1935. There has been no further action taken by the federal government to protect agricultural laborers under national labor standards. Thus, any actions taken by the federal government would largely not help U.S. farm workers.

As the federal government continues to turn a blind eye to this issue, eleven states, including California, have guaranteed that farm workers have the right to collective bargaining. However, there is low union membership from farm workers because of the fear of employer retaliation. States have failed to guarantee the health and safety of their farm workers, which exacerbates the existing legal and economic barriers farm workers face when seeking medical care. As most of the farm workers are undocumented immigrants, they are unable to receive federally subsidized health care⁹. States need to address this problem because they would have the largest, most direct impact.

5. What is the policy response to the issue identified?

The policy would entail the adoption of an updated set of guidelines that clearly outline the protections the employers of farm workers and the state of California are required to provide farm workers as well as a campaign to make the farm workers aware of their rights. These guidelines would include:

1. Mandatory creation of an Injury and Illness Prevention Program for farm workers by each employer. These programs would include a written health and safety plan in case an injury happens and what actions farm workers should take in the case of injury, illness, and the occurrence of a natural disaster, such as a wildfire. In this program, there would be a mandated log of workplace injuries and illness that will be sent monthly to California's Division of Occupational Safety Health. The information on the Injury and Illness Prevention Program should be given to each employee and should be translated in other languages, such as Spanish and Mandarin, to bridge the communication gap.
2. Creation of a committee under California's Division of Occupational Safety Health to focus on the health and safety of farm workers. This committee would monitor the injury and illness logs and conduct health and wellness

This set of guidelines would be implemented in farms all across California. Each guideline was created to be flexible and adaptable depending on the status quo of the farm. It is recommended that these guidelines be implemented over a period of time, in comparison to all at once.

⁹ Izzy "Let's Talk Agricultural Exceptionalism – Novel Hand: Activism, Meet Impact." Novel Hand | Activism, Meet Impact, 9 Mar. 2021, novelhand.com/agricultural-exceptionalism/.