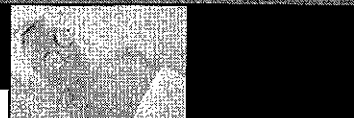


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# Farm labor's dangers detailed: Performed mostly out of public view, the jobs are among the state's most perilous.

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SANTA MARIA -- Once again, the lettuce-harvesting machine stalled at the ranch outside Salinas and began rolling back down the hill, sending the workers behind scrambling to get out of the way.

Emilia Guzman, 14 years old and six months pregnant, didn't move fast enough.

"The last thing I remember was the people running," Emilia says today.

Her mother and father, working nearby, saw the horror unfold.

"The machine just rolled right over her and crushed her body," recalled her father, Santiago Guzman. "My wife ran over, and I was running over, and then we reached Emilia. She looked dead. Blood was coming out of her mouth, her nose, her ears. She wasn't moving at all."

They rushed the unconscious Emilia to the hospital where she was diagnosed with a fractured pelvis, a broken leg, a lung contusion and a lacerated liver. She spent a month in the hospital. Her fetus died.

Like hundreds of thousands of other California farm workers, Emilia Guzman worked in the second most dangerous industry in the state. Operating largely out of public view, agriculture racked up 26,900 injuries in 1999. Though down from previous years, those numbers were second only to those in construction.

The heightened risks in the farm industry are rooted in several factors, according to experts: The work is seasonal, affording few opportunities for safety training;

workers are hampered by language barriers and work next to complex machinery in remote and isolated job sites, largely out of view of government inspectors.

"You have machinery, high-voltage lines, short-handled tools," said William Krycia, who oversees Cal-OSHA's agricultural enforcement officers. "Then, there are a lot of other issues like the language barrier and the fact that these folks don't generally call us to file complaints."

Cal-OSHA, the agency charged with protecting the work force, is mostly complaint driven. That is a particular barrier to doing the job well in agriculture, because workers tend to be spread out, isolated and unfamiliar with the state's governmental systems.

And the agency's relatively meager resources -- about 250 inspectors, none of them totally devoted to agriculture, and 36,000 farm job sites -- represents "a real problem," according to Stephen McCurdy, an associate professor at the University of California, Davis, who does research at the school's Agricultural Health and Safety Center.

Knowing that farm workers are reluctant to report health and safety violations, Cal-OSHA investigators two years ago went out into the field. They found 60 percent of the employers they visited were violating one health and safety standard or another.

"I think that highlights the seriousness of the problem," said Santos Gomez, a California Rural Legal Assistance attorney in Oxnard who coordinates the legal aid group's farm worker safety efforts. "It brings home the vulnerability of the workers. They're out there on their own, far away from any public roadway or any of the regulatory agencies."

Roy Gabriel, director of labor affairs for the California Farm Bureau Federation, agreed that working in the fields is "a hazardous occupation, as is car racing and construction." He said the bureau supports tough enforcement of the state's health and safety laws in agriculture.

"It's certainly not to the advantage of the employer to not have a safe and healthy workplace," Gabriel said. "It becomes very expensive if you've got workers who are sick and injured."

Proof of the occupation's danger shows up in the state's worker injury counts. The Workers Compensation Insurance Ratings Bureau has reported that farm workers file claims per \$1 million of payroll at a rate 2½ times the statewide average for all jobs.

A major health study released last year found nearly 20 percent of the state's farm workers surveyed reported that, at some point in their work life, they had suffered

job-related injuries resulting in workers' compensation payouts.

Emilia Guzman sustained her injuries in May 2000, cutting at the Humby Ranch for a farm labor contractor named Antonio

Oseguera. Emilia was there with her parents, laboring to pay for a return trip home to their native Oaxaca, Mexico.

She had not come to the United States by choice, according to her parents. They said she had been abducted by a man from their village and taken to Santa Maria, near the central coast of California. They had followed her there to bring her back home.

And they were not aware of this state's child labor laws.

"I didn't think about it," Santiago Guzman said. "We needed the jobs. We needed to get home."

Recalling the day Emilia was hurt, Santiago Guzman said the tractor rumbling ahead of her crew had stalled repeatedly -- sometimes on hillsides.

"Sometimes it rolled fast," Santiago Guzman said. "Then watch out. You had to run. Everybody was on their own."

Cal-OSHA cited Oseguera for a faulty braking mechanism and proposed a \$20,000 fine. But after Oseguera appealed and the matter was set for an administrative hearing, Cal-OSHA reduced the violation from "serious" to "general," and the fine to \$650. Oseguera agreed to pay.

Cal-OSHA spokesman Dean Fryer said the agency backed down when it determined that

Oseguera didn't own the machine. The contractor had it out for something of a test drive, and the manufacturer maintained ownership of the equipment.

Oseguera paid an additional \$4,000 fine for employing an underage worker.

In spite of her injuries, it could have been much worse for Emilia Guzman. She could have been among the dozens of California farm workers who lose their lives on the job every year -- run over by machinery, crushed in van collisions or succumbing to falls, fumes and a variety of other deadly accidents.

From 1995 to 1999, while workplace fatalities in California declined by 8.5 percent, they rose by a third in agriculture.

Jose Martinez was killed in a forklift rollover while transporting a load of lemons down a Ventura County hill last year. The death of the 23-year-old farm worker emotionally devastated and embittered his 13 siblings.

"In our family, no one of our generation had died, and the form in which he died, it affected us a lot," said Porfirio Martinez, the victim's 27-year-old brother and fellow farm worker. "The bosses only want the work."

In 1999, the last year for which Cal-OSHA fatality statistics are available, 76 agricultural employees were killed on the job, according to the state job safety agency. The figure represented a 33 percent increase over agriculture's 1995 fatality figure -- 57 -- at a time when overall industrial deaths dropped 8 percent, from 646 to 591.

Gomez, the CRLA attorney, said his organization is reviewing as many of the agricultural deaths as it can, seeking a pattern to explain the rise.

"The things we're seeing are what most farm workers advocates have known for years, and that is that agriculture is not strictly reviewed, or the investigators don't conduct investigations as strictly as perhaps they do in other industries," Gomez said.

Of the 76 job-related fatalities in agriculture in 1999, only 41 were investigated by Cal-OSHA. Fryer said the agency didn't have jurisdiction to investigate the 35 other deaths because the farm workers were killed away from their job sites, mostly in accidents in vehicles taking them to and from the field. Those cases were referred to other law enforcement agencies, including the California Highway Patrol, according to Fryer.

Fryer defended the department's attention to job safety in agriculture. "We focus more on agriculture than we do any other industry," he said.

In 1999, Cal-OSHA conducted job safety inspections at 1,143 of the state's 36,000 agricultural job sites with 10 or more employees and fined employers \$824,750.

But the job safety officials acknowledge that the number of inspections wasn't enough -- prompting the agency to send officers into the fields specially as part of the Agricultural Safety and Health Inspection Project.

The resulting project found 749 violations at 301 of the 505 job sites that Cal-OSHA inspectors visited.

More than a third of the violations discovered in the survey involved employers who skirted rules requiring them to provide adequate field sanitation facilities for their workers. But farm employers also were cited for machinery and tractor hazards, for not providing fresh drinking water or exposing their workers to the risk of joint and muscular strain or broken bones.

Farm worker injuries and illnesses caused by pesticides have been running about 150 a year, down from about

280 in the early 1980s, according to the state Department of Pesticide Regulation.

But some experts think the number of exposures may remain high.

"Patients tell me all the time they're getting sprayed here," said Dr. Oscar Sablan, who runs a low-cost medical clinic in Fresno County.

Sablan's Firebaugh clinic was overrun July 31, 1998, by one of the more serious pesticide cases in recent years. More than 30 farm workers were poisoned while weeding a nearby cotton field after a farm labor contractor, Eliseo Montejano, sent them out only hours after the field had been sprayed with carbofuran.

Carbofuran's waiting period is supposed to be two weeks.

The Fresno County Department of Agriculture fined the property owner, Cantua Farms, \$14,000, and Montejano's farm labor contracting company \$1,400 for the poisonings.

Sablan said he is still treating patients with health problems they trace to the 1998 Cantua Farms carbofuran exposure.

Emilia Guzman also is still suffering. She has recurring headaches and blurred vision, she said. She walks with a limp. Her memory is spotty, and her sense of smell is gone.

Her family sued the manufacturer of the lettuce harvesting machine, and her attorney filed a workers' compensation case against her employer. Both matters were resolved with a settlement of more than \$1 million -- which her attorney describes as a financial plan for life.

But the Guzmans will return to Oaxaca with horrific memories.

"Where we work, there is no government," Santiago Guzman said of his labor in California agriculture. "We are far away, in the fields."

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