

Congressional budget that excludes farmworkers from Rider - attached to annual → prohibits the

EPA, OSHA/ WORKPLACE CONDITIONS

Safety

According to the *Review of Farm Accident Data Sources and Research (2)*, agriculture is one of the most accident-prone industries in the United States. In 1990 the occupational injury incidence rate per 100 full-time workers in production agriculture was 12.3 on farms employing 11 or more workers compared to 8.3 for all industries in the private sector. The occupational fatality rate for the broad category of agriculture, forestry and fishing was 23.9 per 100,000 full time employees, compared with 4.3 for all private sector industries. Other data sources indicate even higher accident and fatality rates in agriculture.

There are many difficulties in collecting data on agricultural accidents and fatalities because this data is collected by a number of agencies. These agencies do not have standard definitions or uniform data collection methods; therefore, their numbers on the same population can vary widely.

Pesticides

The Environmental Protection Agency estimates that 300,000 farmworkers suffer acute pesticide poisoning each year. (1) Anecdotal reports from clinicians indicate that many cases of pesticide poisoning are unreported (because patients do not seek treatment), or are mis-diagnosed because the symptoms of pesticide poisoning can resemble those of viral infection.

In regard to pesticides, both OSHA and the EPA have laws on the books which apply to migrant and seasonal farmworkers. OSHA maintains the Hazard Communications Standard which, since 1987, requires all employers (including agricultural employers) to provide workers with information and training on chemical hazards in the workplace, including pesticides. EPA maintains the Worker Protection Standards which require that pesticides be labeled with product name, active ingredients and precautionary statements and first aid procedures. Agricultural employers are specifically required to provide timely warning to farmworkers expected to work in a treated field. The warning is to include the time period during which the field should be vacated, the need for protective clothing, and actions to be taken in the event of accidental exposure. Oral warnings are required for farmworkers who cannot read. Because of possible jurisdictional difficulties, and because of the overlap in the regulations, OSHA decided to defer the Hazard Communication Standard to the EPA Worker Protection Standards. In 1983 the EPA determined that the Worker Protection Standard provided insufficient protection to farmworkers and needed revision. The revised Worker Protection Standard was scheduled to go into effect in 1994, but has been deferred to 1995. (1)

A 1988 study of 460 hired farmworkers in Washington state found that 89% did not know the name of a single pesticide to which they had been exposed, and 76% had never received any information on appropriate protection measures. (1)

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Anecdotal information indicates that some farmworkers believe that pesticides are "medicine" for the plants, and have no effect on people. Others believe that pesticides are only used in certain states or on certain crops and so are of no concern to them if they do not work on those areas or with those crops. (3)

Pesticides must be registered for specific uses by the EPA. EPA considers the economic, social, and environmental risks and benefits of use of the pesticide before issuing the registration. The data that the EPA assesses to make its determinations is provided by the pesticide manufacturers. Data on older pesticides is considered incomplete by modern scientific standards, and the deleterious health effects of these substances are not fully understood. In 1972 Congress directed the EPA to reregister approximately 20,000 older pesticide products that are currently in use. This work was scheduled to be completed in 1997, but will extend beyond 1999. (1)

Because of the absence of childcare facilities, or due to economic need that requires that all able bodied members of the family work, many farmworker children are exposed to the fields and subsequently to pesticides on plants and in the dirt. Children have smaller body mass than adults and their metabolisms differ from those of adults. As a result, it is thought that the consequences may be more severe for children exposed to pesticides. (1)

Field Sanitation and Working Conditions

Famlabor is seasonal and intensive. Planting, thinning and harvesting are not year round activities. However, they are activities that are crucial to crop production, and the timeframe in which they must occur is determined by the seasons and the weather. Failure to perform any of these activities at the appropriate time can result in a lost crop. The urgency to accomplish necessary crop tasks according to nature's timetable compels farmworkers to work in the fields in all seasons and in all weather conditions, including: extreme heat, cold, rain, bright sun, or damp. Their work hours accommodate the crops not vice versa. For example, orchard harvesters may be required to be in the fields at dawn, and to cease work early in the afternoon if temperatures are high enough to wilt the fruit in the heat of the day. If tasks can be accomplished in rain without harming the crop, farmworkers will be sent to work in the rain. Their work often requires stoop labor, working with the soil, climbing, carrying heavy loads, and direct contact with plants. The plants and the soil are frequently treated with pesticides and chemical fertilizers. Some plants, such as tobacco and strawberries, exude chemicals that are toxic to humans or can cause severe allergic reactions such as contact dermatitis. (4 and Anecdotal reports)

OSHA regulations require that agricultural employers of eleven or more workers provide drinking water, handwashing facilities, and toilets for their employees. Farms with ten or fewer employees are exempt from these requirements. The intention of this exemption is to avoid placing an undue financial burden on small farms. *This exemption is supported by an annual amendment to the House appropriations bill which prohibits the DOL from regulating farms with ten or fewer workers.* As a result, these very basic amenities are not required by law for many farmworkers, regardless

of the conditions or hours required of them by their work in the fields. Compliance with the regulations that are in effect is poor. In 1990 OSHA reported field sanitation violations in 69% of field inspections. The fact that OSHA can afford to inspect only a small portion of those establishments subject to the law raises questions as to the actual magnitude of non-compliance to the regulations. A 1990 North Carolina survey found that only 4% of farmworkers surveyed had access to drinking water, handwashing facilities and toilets. (1)

There are anecdotal reports of farmworkers resorting to irrigation ditches and runoff ponds when safe water is not available for drinking and washing. Such water is contaminated by pesticides, chemical fertilizers, and organic wastes. Drinking and bathing in such water exposes farmworkers to potentially harmful chemicals, and also to water borne parasites.

Lack of safe drinking water contributes to dehydration, and health stroke. Dehydration is thought to increase the intensity of farmworkers' exposure to pesticides or other chemicals, because they are not flushed from the body as they would be if the individual had the opportunity to drink normally. (5)

The lack of toilet facilities leads to urinary retention. Urinary retention is linked to urinary tract infection. A condition that farmworkers suffer in elevated levels, compared to the general population. (5)

Farmworkers are at risk for falls, musculo-skeletal strains, and burns. (5)

Because of exemptions to the Fair Labor Standards Act, children are allowed to work in agriculture (a hazardous occupation) at an earlier age than on other industries. Non-hazardous farmwork is legal for 12-13 year olds (compared to 14-16 for other occupations), and for children of any age on family farms. However, enforcement of age restrictions and requirements is thin. In 1989 DOL was able to inspect only 1.5% of workplaces subject to the Fair Labor Standards Act. The National Labor Committee suspects that there are as many as 1 million child labor violations a year in agriculture.(1)

ECONOMIC CONTRIBUTION

Agriculture is a multi-billion dollar industry in the United States. Agricultural production depends on the influx of seasonal labor at critical periods in crop development. Migrant and seasonal farmworkers provide this labor.(4) Without their efforts it would not be possible to produce many fruit and vegetable crops in this nation. Hand labor is especially vital to the production of blemish free fruits and vegetables which American consumers demand.(6)

The fruit, vegetable, and horticultural industries in particular rely on the labor of migrant and seasonal farmworkers. Over the last decade more than 855 of the fruits and vegetables produced in this country were hand harvested and/or cultivated. In that same period fruit production has increased an average of 2% a year from 1970 to 1992, vegetable production by 3% a year, and greenhouse and nursery crops by 7%.

In return for their labor, the majority of farmworkers earn annual wages of less than \$7500.00. Although wage rates for farmworkers have gone up over the last decade, when they are adjusted for inflation it is seen that farmworkers' real wages have decreased 5% in that time.(6) Mobility, and the need to contribute to the economic support of their families at an early age (4), makes it impossible for many farmworkers to complete more than eight years of school. One study determined that farmworkers averaged twenty-six weeks of agricultural work per year, and that 36% had no other work during the year(6).

The effects of the North American Free Trade Agreement (NAFTA) on agriculture and the demand for agricultural labor in this country have been debated. Some believe that fruit and vegetable production in this country will decrease and the importation of Mexican produce will rise. Others hold that improved wages and the demand for produce in Mexico will increase exports of U.S. produce to that country. (6) The jury is still out on this issue.

Although farmworkers fit the eligibility profile for many assistance programs such as Medicaid, Aid to Families and Dependent Children, and Social Security Insurance, few are able to obtain benefits. This is due to enrollment and eligibility standards that are not designed to accommodate individuals who must move frequently to find work, or whose income may fluctuate dramatically during the agricultural season although their annual wages are below the federal poverty level. Also, many farmworkers do not understand that they are eligible for benefits and so do not apply (4 and 6).

Many agricultural employers do not report the wages of farm laborers. As a result if they become disabled or reach retirement age, they are often unable to prove their claims for Social Security benefits (1).

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