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Pesticide rules won't protect workers

BY CARL WILMSEN AND LISA ARKIN | October 07, 2018

America's farmworkers have been asking for pesticide drift protections since the 1970s. Here we are, nearly 50 years later, and in Oregon, our worker protection agency is finally making progress toward this goal, albeit in small steps. This July, Oregon OSHA adopted their Worker Protection Standards for farm and forest workers and pesticides.

Oregon's new rules allow employers to have their workers "shelter in place" — that is to say, stay indoors while adjacent fields are being treated with pesticides. Alternatively, employers may have their employees leave their homes during the application of pesticides, and when they do that, the workers must stay a minimum distance away from the spray equipment. This minimum distance is called the Application Exclusion Zone. Under the new rule, a 100-foot exclusion zone is required for pesticides that harm through dermal contact, and a 150-foot exclusion zone is required for dangerous inhalable pesticides.

We appreciate that the agency adopted an additional 50-foot distance for the most volatile, breathable of pesticides, which goes beyond the EPA's requirements. We also give credit to OSHA for adopting any rules at a time when the federal government is signaling it will soon eliminate the existing federal worker guidelines for America's farmworkers. Nevertheless, we are disappointed that the new rules do not afford farmworkers some of the same, although minimal, pesticide protections that other Oregonians receive. Simply put, the new rules for sheltering in place and standing 150 feet away from pesticide spraying do not go far enough.

Many Oregonians don't realize that often, farmworkers and their families are placed in labor housing situated next to crops that are routinely sprayed with pesticides. Sometimes there is as little as 15 feet separating the buildings in a labor camp from the areas being sprayed. These pesticides are neurotoxins and can cause cancer, birth defects, learning disorders and lifelong ailments. Labor housing doesn't resemble the houses most Oregonians live in; labor cabins are substandard structures without insulation, heating or cooling, and with windows and doors that don't completely close. Employers can require that farmworkers huddle in such bungalows while the spray is going on all around them.

The proximity of farmworker housing to fields and orchards being sprayed contrasts starkly with the law (HB 3549) the Oregon Legislature passed in 2015 requiring a 60-foot no-spray buffer for homes and schools from aerial spraying in forestry operations. Consider also that for some of these same pesticides, the federal courts mandate a 300-foot no-spray buffer zone to protect endangered fish such as salmon and native trout! OSHA's new rule denies farmworkers even a minimum 60 feet of separation between their homes and aerial or air-blast spraying of pesticides.

Recent research conducted by the University of Washington's Dr. Edward Kasner found that pesticide droplets drift much farther than 150 feet from the application site. Other studies have shown that fumes of pesticides can travel even farther than droplets. Yet, the new rules allow employers to have workers and families leave their cabins to stand 100 to 150 feet away from the pesticide spray operation. This is not safe. Picture parents holding babies and small children in their arms while pesticides swirl about.

Pesticide poisoning in the United States remains ignored despite the large body of scientific evidence showing that farmworkers have the highest rates of pesticide exposure and endure serious short- and long-term health effects.

We acknowledge that Oregon OSHA has to work within a flawed and politicized system. We are appreciative that under the direction of Michael Wood, Oregon OSHA considered the need to protect farmworkers and their families by improving upon the 2016 federal rules. Our state worker protection agency has also shown that it is willing to stand up to bad judgment and inaction at the federal level.

Nonetheless, while the new rules are a step in the right direction, the Worker Protection Standards are not what they should be. Shouldn't we be focusing on eliminating exposure to neurotoxic and cancer-causing pesticides for the people who harvest our food and tend our forests? Let's work together to assure that these hard-working people are safe and get the dignity and respect they deserve.

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