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Protecting Farmworkers From Pesticides By Sheltering Them Indoors Draws Skepticism

by **Jes Burns** (</contributor/jes-burns/>) [Follow](#) OPB/EarthFix Dec. 12, 2017 7:45 a.m. | Updated: Dec. 13, 2017 5:41 p.m. | Rogue Valley,

Oregon

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Dagoberto Morales' car winds along the rural backroads of the Rogue Valley. Winter is coming and the pear orchards stand stark and skeletal. Morales used to work these orchards and lived in the housing right next to them.

"We used to play futbol in here," Morales said, pointing to an open area near a group of houses.

Morales now volunteers with a group called Unete, which provides information, support and advocacy for the mostly-Latino farm labor in Southern Oregon. Right now, they're focusing their attention on proposed state rules

(<http://osha.oregon.gov/OSHARules/proposed/2017/txtchns-wps-pt2.pdf>) that will affect workers and families that rely on more than 300 registered farm camps for housing.

Near the town of Talent, the small farm bunk-houses are visible from the road. Morales slows



Cloud of pesticides surround pear orchard worker in the Rogue Valley. Farmworker advocates say this kind of spraying can cause pesticide drift.

Still from video by Tom Hitchcock

down near one that has the feel of a run-down hotel in an old West town.

Most of the windows have a thin layer of plastic over the outside.

“You have the plastic around them because the air is coming through and they want to get warm for the winter,” he says. “When they spray (the orchards), they spray the house. (The workers) can smell that.”

And this is a problem Unete is raising with state regulators.

An Oregon alternative

Both Oregon and Washington are considering updating state regulations to comply with new federal Environmental Protection Agency rules that increased pesticide protections for farmworkers. Oregon is now a decision away from finalizing what it’s calling a “compliance alternative.”

“This is a situation where we’re talking about a risk of drift. Which should not occur and if it does occur, it’s already of violation. But we recognize it might occur,” said Michael Wood, head of Oregon Occupational Safety and Health Administration – or OSHA. “In fact, we recognize that in all likelihood at times it will occur.”

The federal rule, called the Worker Protection Standard (<https://www.law.cornell.edu/cfr/text/40/170.405>), requires that workers stay at least 100 feet away from a pesticide applicator while spraying is happening. But Wood says the rules were obviously designed to cover workers in the fields.

“It’s very clear. They hadn’t even thought about housing,” he said.



Plastic window covers or worker housing in Southern Oregon aims to prevent drifts.

Jes Burns, OPB/EarthFix

Having worker housing next to or surrounded by fields is not unique to the West Coast, but it is more prevalent here because of how many orchards the region has.

Wood says growers asked for an alternative to the 100-foot evacuation buffer. Worker housing sometimes falls within that exclusion zone. Growers pointed out that farmers usually try to spray in the early morning hours when the wind is most calm.

“We believe it’s safer for them to remain indoors with windows closed, rather than try to wake people up in the middle of the night, go outside and then come back to an area that’s just been sprayed to go back inside their house,” said Mike Doke, director of Columbia Gorge Fruit Growers.

This “shelter-in-place” option is being proposed for most of the pesticides used – the ones that you don’t want on your skin. Doke says this is less burdensome for growers and workers.

Oregon’s proposed rules also says pesticides that pose a respiratory risk require workers to evacuate 150 feet and wait 15 minutes before returning. The Fruit Growers are opposing this provision, which they say does not have scientific backing.

The Oregon Farm Bureau is wary of Oregon’s rulemaking, given that it’s in response to federal rules that could be short-lived. Jenny Dresler, Farm Bureau director of state public policy, says the Trump administration has indicated it wants to overturn the federal rules.

“This could result in Oregon growers having much more stringent standards than growers in other states. And it’s going to make our folks less competitive,” she says.

The Trump administration has not acted to revoke the rules yet, and an EPA spokesperson says the final pieces of the federal rule will go into effect on Jan. 2.



Farmworker camp near Talent, Oregon. Rows of bunkhouse stand within 100 feet of surrounding orchards where trees are sprayed.

Google

Oregon OSHA’s Michael Wood says to the waffling on the federal level is all the more reason to finalize Oregon’s version of the Worker Protection Standard.

“This is more in line with the application of what the public health folks would call the precautionary principle. Recognizing that there’s a risk, recognizing that it makes sense to provide an added margin of safety. Now how large should that margin of safety be? Well, that ends up being a judgment call,” he says.

Not precautionary enough?

Worker advocates have focused their attention on the shelter-in-place provision of the Oregon rules. They say drafty farm-labor housing doesn’t provide enough protection.