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States Accused of Ignoring Farm Hygiene

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STOCKTON — A year after adoption of federal regulations requiring growers to provide field workers on large farms with toilets, drinking water and washing facilities, little is being done to enforce the rules and violations are widespread in California and other agricultural states, advocates for farm workers charge.

Even officials of the federal Occupational Safety and Health Administration (OSHA), which is supposed to enforce the regulations, concede their inspectors visit only a fraction of the work sites and have found large scale non-compliance.

To investigate conditions in the fields, lawyers from California Rural Legal Assistance, accompanied by a Times reporter and photographer, recently visited eight asparagus fields, including four with previously known violations and four selected at random, in the Stockton area.

Eight Fields Visited

Some had toilets. A few had drinking water, but most provided no disposable cups. In those instances, workers drank from a common cup, raising the possibility of transferring infectious diseases. None of the farmers had provided washing water.

At one field, workers said they had been cutting asparagus for 15 days and had seen neither a toilet nor a government inspector. Asked where they relieved themselves, one remarked, "We have the whole field." The men did not speak English and declined to provide their names because of fear of reprisals from their employer.

At another field, a worker was observed defecating in a nearby ditch. The foreman said he had worked at the ranch for eight years and had never seen a toilet there, even though California law (unlike federal law) has required field toilets since 1965. At yet another field, there was no toilet for a crew of 50 workers, several of them women, whose English was limited to telling a reporter they were Laotian immigrants.

Representatives of California Rural Legal Assistance, the United Farm Workers Union and other advocacy groups say this kind of grower disregard of the law is common in California, Texas, Florida, New York and other agricultural states.

Don Laub, chairman of the state labor committee of the California Farm Bureau Federation, denied there were widespread violations of the rules in this state. "I think most farmers in California are complying," he said. "I think compliance by farmers in other states where they didn't have rules before will be harder to achieve. It's a matter of getting people used to these rules."

Seen 'Little Compliance'

Dr. Arminda Perez, a McAllen, Tex., physician who treats migrants who come through the Rio Grande Valley, said she has seen little compliance in Texas. "They (growers) don't think of farm workers as human beings," she said. "The amount of disease that can be prevented by a little hand washing is so much you'd think they'd do it."

Dr. Perez, Dr. Paul Monahan of the Yakima Valley Farm Workers Clinic in Washington state and other physicians emphasized that "field sanitation" is no mere bureaucratic matter.

Doctors commissioned by OSHA to examine the issue in 1985 reported that the nation's migrant workers suffered rates of infection comparable to those of Third World peasants because their employers refused to provide them with toilets or water to drink or wash with.

Dr. Eugene Gangarosa of Atlanta's Emory University, an expert in infectious diseases, said farm workers suffered excessive risks for five major preventable health problems--parasitic diseases, diarrhea, heat stress, chemical exposures and skin rashes, the latter two as a result of the workers' inability to quickly wash off the pesticides to which they are exposed.

Public Consciousness Raised

That study played a key role in raising public consciousness on the importance of field sanitation. But it took another two years and a stinging decision by a federal court in Washington before the Labor Department issued field sanitation rules.

The rules, promulgated in April, 1987, require any farm owner who employs 11 or more people to provide cool drinking water with disposable cups, a toilet for each 20 employees and hand-washing water, soap and towels. Employers are also required to inform workers of the availability of the toilets and water and to provide "opportunity for reasonable use."

OSHA said it would cost employers \$24 million to implement the rules. But the agency also said the rules would save employers \$49 million to \$74 million in lost productivity yearly that is attributable to worker illness.

Estimates of the number of migrant workers in the United States range from 1.5 million to 3 million a year. Only 470,000 field workers are covered by the new rules, however, according to the Labor Department, because most are employed on farms with fewer than 11 workers.

Only 1,000 Inspections

(In California, county health departments are responsible for enforcing similar sanitation standards for farmers with fewer than 11 workers.)

OSHA's enforcement plan calls for only 1,000 inspections in the fiscal year that began last October, although the agency estimates that 54,000 farms are covered by the new rules. OSHA said the inspections are designed to target 2% of the covered farms. Frank White, deputy administrator of OSHA, called this "a significant effort to comply with the standard."

Advocacy groups for farm workers contend that the OSHA enforcement program is inadequate. John Brooks, commissioner of labor in North Carolina, agrees.

"I've been concerned about not only what they're not doing, but their intent to deceive the public about what they're not doing," Brook said. North Carolina is one of 23 states that has a state occupational safety and health program at least as strong as the federal standard. The federal government delegates enforcement to the state in those places.

Field Investigations

Brooks said he has scheduled more than 300 field sanitation investigations this year that will cover "almost 20 times more workers" than would have been covered under the federal inspection schedule. North Carolina will do almost as many inspections as have been scheduled by OSHA for California, the nation's leading agricultural state and one with thousands more farm workers than North Carolina.

Frank Strasheim, regional director of OSHA in California, said he was aware of the criticism of the enforcement program, but said he believes that it is adequate. He said the program might be retooled if it is determined that the problem is greater than anticipated.

Farm Bureau spokesman Laub said, "The farmers are trying to live up to the rules." He added that he and other California growers had set up educational programs to inform their workers of the need to use sanitation facilities.

"I haven't heard about any farmers getting any tickets lately," he said, referring to OSHA citations.

But John Hermanson, director of the OSHA office in San Diego, whose jurisdiction includes farms in the Coachella and Imperial valleys, said his staff has conducted 62 field sanitation inspections since the new law went into effect last July.

Fewer 'Serious' Violations

Citations for noncompliance were issued in 47 instances, or 76% of the inspections. He said this was higher than the rate of citations for general industry, currently 61%, but he said the percentage of "serious" violations was much lower. Hermanson said that for there to be a serious violation, the agency had to show that there was the possibility of death or serious physical harm to an employee.

He said an example of such a situation would be where an employee was using a pesticide that could cause serious physical harm and there was no water with which to wash.

Fran Toste, OSHA area director in Sacramento, said her inspectors have found "many" violations, including two serious citations. One occurred when grape harvesters became ill after eating lunch in the fields. There were no hand-washing facilities available, she said, and a doctor determined that "a contaminant was ingested" with the food.

Toste has 150 field-sanitation inspections scheduled for fiscal 1988 in a region that stretches from the Oregon border to the southern tip of Kern County. Currently, she has a field staff of seven safety engineers and two industrial hygienists but said she will add four more hygienists in a month.

Finding Field Sites

Hermanson and Toste said one of the difficulties in enforcing the law was finding places where people are doing field work because it is often away from main roads. Both said California Rural Legal Assistance community workers had helped them locate work sites.

In Texas, OSHA inspectors in Corpus Christi must cover a large area in the south and southeast parts of the state. Mike Hunter, OSHA area director in Corpus Christi, said the agency responds only to written complaints, except in cases of "imminent danger." He acknowledged that the inspections that the agency had done in the Rio Grande Valley, the center for agricultural work this time of year, had found "very few farmers" in total compliance with the law.

Advocates for farm workers in Texas complained of widespread violations and said that by the time written complaints are filed on a work site and inspectors dispatched, the workers have moved to a new field.

Rebecca Flores Harrington, the UFW director in Texas, said the union has little confidence in government dealing with the problem. So, she said, the UFW is attempting to generate pressure for more state and federal action by picketing Texas supermarket chains, warning consumers that they may be eating food contaminated by workers forced to urinate or defecate in the fields.

