

California Food Production Employer Misconduct Leads to Elevated COVID-19 Hazards for Food Production Workers

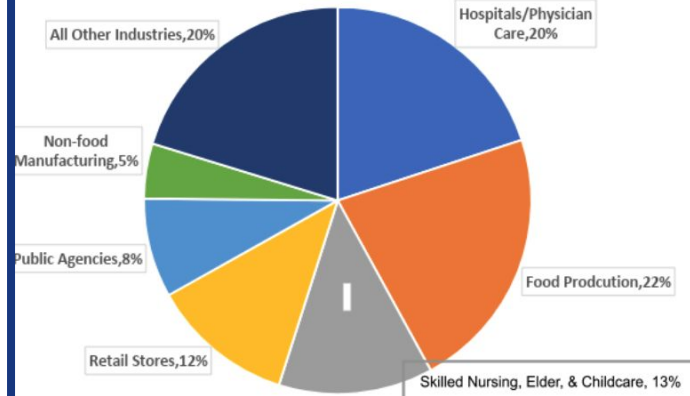
SUMMARY & KEY TERMS

Cal/OSHA reports of COVID-19-related occupational health and safety regulations from April 2020-August 2021 indicate that **food production employers had more COVID-19 safety violations than all other industries combined. In addition, Food production employers had four times more violations than any single industry, including high risk settings such as health care institutions and public agencies.** Administrative analysis of available Cal/OSHA data parallel quantitative and qualitative data from the COVID-19 Farmworker Study (COFS), which detail the frequency of violations as observed by agricultural workers and describe their lived experiences of those violations. Posted Cal/OSHA COVID-19 data likely severely underestimate violations among Food Production employers. Decades-long systemic failures, entrenched food production cultures that sacrifice worker health and safety for profits, and industry-state compromises are all implicated in the disproportionate burdens of harm documented in this report. This is intensified for Food Production Workers, who are largely BIPOC, immigrant, and temporary, seasonal, contingent, and low-wage. Food Production Workers' lived experiences must serve as the foundation for improvements and reforms to occupational health and safety systems. State agencies must be more transparent with their own data to support long-overdue radical changes to their institutional and operational cultures.

“Food Production Workers” includes individuals working in meat and produce processing and packing houses, dairy operations, and agricultural fields. **“Food Production Employers,”** include growers, grower-shippers, packing house and food processing firms, farm labor contractors and temporary employment and subcontracting agencies.

KEY FINDINGS

Figure 1. COVID-19 Worksite-Associated Inspections (8/5/21 Update) by Worksite Industry, Cal-OSHA, April - December, 2020. N = 326



- Food production employers had more COVID-19 safety violations than all other industries combined.
- Food production employers had four times more violations than any single industry, including high risk settings such as health care institutions and public agencies (e.g., correctional facilities).
- Violations included employer failure to enforce Cal/OSHA COVID-19 regulations, including providing face masks, enforcing physical distancing, having and implementing an Injury and Illness Prevention Plan (IIPP), and failing to notify local and state agencies about outbreaks at the workplace.
- Cal/OSHA inspector observations of violations validate the testimonies provided by immigrant agricultural workers who participated in COFS.
- While Food Production Employers have more violations, overall, they are paying lower fines.
- Relying on the North American Industry Classification System (NAICS) codes used by Cal/OSHA to classify violations masks violations affecting Food Production Workers, especially those who are temporary, subcontracted, or H2A and H2B guestworkers.

METHODS

Administrative analysis involved manually sifting through violations to identify sites of employment that met the definition of Food Production, accounting for the different kinds of violations, reading and coding Cal/OSHA inspector notes, and then comparing how different kinds of COVID-19 violations were distributed across other non-Food Production industries. Statistical analyses were completed to quantify some of these patterns. Researchers also compared the qualitative comments of Cal/OSHA inspectors, when available, with testimonies from agricultural workers who participated in COFS.

RECOMMENDATIONS

- Preserve and strengthen protections for food production workers, including COVID-19 paid sick leave and precautions against outbreaks and surges that devastate families and communities.
- Create a new state and federal occupational health and safety agency that will prioritize the needs and concerns of BIPOC and immigrant workers, with a special division dedicated to Food Production Workers.
- Hire and train more regionally-based and culturally and linguistically competent staff within Cal/OSHA and related county and state agencies, including point people for food production workers.
- Increase Cal/OSHA and public health inspectors and inspections within the food production industry.
- Make Cal/OSHA and related local, state and federal agency data transparent and publicly accessible.
- Collaborate with food production workers and their allies on policy decisions, procedural designs, and in data analysis to more effectively address and prevent occupational health and safety problems.
- Grant food production workers the professional status, dignified livable salaries, safe, hygienic, and respectful working conditions, and consideration as fellow human beings that they deserve.

IN THEIR OWN WORDS

“...We reported that they [bosses] did not give us face masks, in other words, we asked them for face masks, and they [bosses] just laughed.” -Eliseo, age 40, San Joaquin Valley Region farmworker (COFS Phase Two, page 22)



“failure to ensure the use of face coverings by the owner who was within 6 feet of employees” -Inspection # 1491648, San Joaquin Valley Region Cal/OSHA Inspector

PARTNERS & FUNDERS

This report is the last work of the late Dr. Don Villarejo, who founded the California Institute for Rural Studies (CIRS) along with other activists in 1977. From 2020-2022, CIRS facilitated the COVID-19 Farmworker Study (COFS): a collaborative research project involving a team of social science researchers and six farmworker serving community-based organizations. For a full list of partners and supporters, visit www.covid19farmworkerstudy.org. Photographs provided by Centro Binacional para el Desarrollo Indígena Oaxaqueño. **Contact:** Dvera I. Saxton, PhD, Researcher, California Institute for Rural Studies (dsaxton@cirsinc.org)



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