



August 24, 2020

Karen Ross, Secretary
California Department of Food and Agriculture

Mark Ghilarducci, Director
California Office of Emergency Services

Debra Lee, Deputy Chief Field Enforcement
California Division of Occupational Safety and Health

Dear Secretary Ross, Director Ghilarducci, and Deputy Chief Lee:

As wildfires rage throughout the state, California is faced with a nightmare of compounding crises threatening the health, survival and wellbeing of its residents. In particular, residents who are forced to continue working outdoors without the proper safety equipment, including farmworkers. California farmworkers -- many of whom are undocumented, do not speak English, and are locked out of access economic benefits, healthcare, and basic needs -- must have access to appropriate masks, not only to protect them from COVID-19, an ongoing challenge, but now to also protect them from the historic fires.

We have heard directly from farmworkers who have requested N-95 masks or insertable filters they can use in cloth masks that can protect them from wildfire smoke. We understand that CDFA and CalOES are working together to distribute masks to agricultural commissioners, the Farm Bureau, and others who will pass them on to farm employers. However, many farmworkers are still unable to directly access these masks -- disturbingly, we have heard reports directly from farmworkers and from the Madera County Agricultural Commissioner's office that some employers who have received masks for free are attempting to sell them to their workers at \$10 per mask. This is predatory, unacceptable, and violent behavior that is also a violation of CalOSHA's wildfire regulation and of labor laws.

CDFA and CalOES should update their guidance so that farmworkers have the option to access N-95 masks directly. The State, including CalOSHA, must also do more to ensure that any exploitative and price gouging behavior is not tolerated and that labor laws are promptly enforced.

In response to this issue, we are extremely disappointed to hear from the State that farmworkers are expected to compile proof and build a case for CalOSHA around the despicable actions of



bad actor farm employers, before meaningful action can be taken. A more effective approach is for CalOES and CDFA to simply provide N95 masks and any additional needed support directly to workers, rather than place the burden on workers in the case of exploitative “middle men.”

In order to keep a massive agricultural economy moving, farmworkers are being forced to sacrifice their health to multiple threats. We already know, based on recent evidence, that agricultural workers have elevated vulnerability for contracting COVID-19 infection, even regardless of the added risk of wildfire-related respiratory problems. For example, the California Institute for Rural Studies’ COVID-19 Farmworker Study (COFS) shows that as of June 30, 2020, California’s Monterey County agricultural workers were three times more likely to become infected by the virus than persons employed in the county’s non-agricultural industries.

All of this points to a deeper, structural labor problem in our farm economy -- that there are no systems in place to allow farmworkers to receive sick pay and stay home if they contract COVID-19 or during extreme air quality events caused by wildfires or other long-term climate change impact incidents. In addition to the short-term efforts to provide wildfire-appropriate masks, we look forward to working with you to develop long-term solutions that will prioritize the health and wellbeing of workers in the face of the ongoing climate crisis.

Sincerely,

Julia Jordan, Policy Coordinator & Madeline Harris, Policy Advocate
Leadership Counsel for Justice and Accountability

CC:

Christine Hironaka, Deputy Cabinet Secretary, Office of the Governor
Gina Da Silva, Senior Policy Advisor for Immigration, Office of the Governor
Jan Hami, District Manager, Enforcement Branch, CalOSHA
Joseph Grady, Assistant Director for Recovery, CalOES
Mitch Medigovich, Deputy Director of Logistics, CalOES
Jenny Lester-Moffit, Deputy Secretary, CDFA