
Law Offices of
California
Rural Legal
Assistance
Foundation
(CRLAF)

March 26, 2020

The Honorable Gavin Newsom
Governor State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

MAIN OFFICE

2210 "K" Street, Suite 201
Sacramento, California 95816

Amagda Pérez
Executive Director

Mark S. Schacht
Deputy Director
510-812-5399
email@markschacht.com

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Director, California Employment Development Department
722 Capitol Mall, Suite 5098
Sacramento, CA 95814

Julie Su
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800 Capitol Mall, Suite 5000
Sacramento, CA 95814

Tim Rainey
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800 Capitol Mall, Suite 1022
Sacramento, CA 95814

Mark Ghaly, MD, MPH
Secretary, California Health and Human Services Agency
1600 Ninth Street, Room 460
Sacramento, CA 95814

Sonia Y Angell,
Director, California Department of Public Health
P.O. Box 997327
Sacramento, CA 95899-7377

Doug Parker
Chief, Division of Occupational Safety and Health
1515 Clay St, Suite 1901
Oakland, CA 94612

Bradley P. Gilbert, MD, MPP,
Director, Department of Health Care Services
P.O. Box 997413, MS 0000
Sacramento, CA 95899-7413

Karen Ross
Secretary, California Department of Food and Agriculture
1220 N St.
Sacramento, CA 95814

Re: COVID 19 and California Agricultural Workers

Dear Governor Newsom:

On behalf of California Rural Legal Assistance Foundation (CRLAF), we are submitting updated comments to our March 16 letter and following your executive order and guidelines, in which agricultural workers are designated an essential critical infrastructure workforce supporting California's \$50 billion agricultural industry. We write because agricultural workers are also at particular risk for COVID-19 exposure during transit to work, in their workplaces, communities and homes. Action is needed now as workers are at particular risk. Workers at some locations are even being advised that the virus only affects those in cities, and rural areas are not at risk.

As a workforce, agricultural workers are predominantly immigrants, mostly from Mexico. Most do not speak English, and some only speak indigenous languages. More than half of California agricultural workers do not have satisfactory immigrant status to work and live in fear of "public charge" and immigration authorities. As an aging population, agricultural workers have a higher risk of asthma, diabetes, malnutrition, heart disease, stress and occupational injury.

In their workplaces, agricultural workers are in close proximity to each other working in the fields and packing sheds and when travelling to and from daily worksites. They may lack sufficient readily accessible sanitation resources such as facilities allowing for 20 seconds of handwashing or hand sanitizing. Despite employers being required to provide an Injury and Illness Prevention Program, agricultural workers are not adequately educated and trained on prevention measures to protect themselves and the produce.

Community access to healthcare is limited in the rural areas of the State, which are medically underserved areas lacking in even primary care. Most agricultural workers do not have employer-provided health insurance, and many are not eligible for public programs such as Medi-Cal and Covered California. They lack the financial resources to pay for private health insurance or health care, especially when they are out of work. While agricultural workers, regardless of status, are eligible for testing and emergency treatment of COVID 19 through Medi-Cal (full-scope and restricted scope), most do not have full-scope Medi-Cal coverage for non-emergency follow-up care.

Home conditions also put agricultural workers at higher risk since they are forced to live in crowded conditions, either with other workers or crowded in with multiple families. Many housing units lack even safe, potable water. Home quarantine and case isolation is just not possible for many.

What needs to be done:

Workplace:

- Promulgate Special Cal/OSHA Guidance on Requirements to Protect Agricultural Workers from Coronavirus as is done for other critical infrastructure workers, including:
 - provisions for training in workers' languages,
 - heightened sanitation requirements, including more readily accessible hand-washing facilities, and frequent disinfection of shared tools and equipment,
 - required planning for outbreaks and exposures, with provisions for transporting workers with acute respiratory symptoms or fever to their home or care facilities

- adequate spacing standards for work sites and mandated employer-provided appropriate personal protective equipment, and
 - standards for adequate spacing during transportation to and from work sites.
- Ensure that all agricultural workers have the explicit right to self-isolate or quarantine if they, or a household member, becomes ill, during the emergency period.
 - Ensure that all agricultural workers, regardless of immigration status, are extended state cash or income replacement when they isolate or quarantine themselves, or must remain at home to care for children.
 - Expand income supports including sick leave, family leave, workers compensation, state disability insurance, income replacement (e.g. unemployment coverage) for all agricultural workers, regardless of immigration and employment status without regard to employer size, type of employer, compensation method, etc. Extending these protections to undocumented farm workers will necessarily require in some cases new state funding (e.g., a parallel state-funded unemployment insurance program for the undocumented or others excluded from expanded unemployment insurance to be available under the federal stimulus legislation).
 - Provide explicit anti-retaliation protection, including reinstatement privileges, for workers who choose to shelter in place when social distancing and other recommended protections are not implemented at their workplace,

Community access to care

- Expand access in rural areas to free screening and care related to COVID-19, including provisional diagnoses and follow-up care regardless of insurance coverage.
- Suspend co-payments and sliding fee payments for accessing all health services.
- Establish emergency funding for community health providers and migrant health centers to expand access to care.
- Create enhanced education and outreach by “trusted messengers” on prevention, testing, treatment and family protection in collaboration with public health officials in relevant languages and through print, electronic, and social media.
- Provide support for emergency food and nutrition distribution (similar to drought relief resources).

Housing

- Establish emergency housing assistance and resources to reduce overcrowding and provide for home isolation if necessary.
- Implement emergency employer housing standards that require reduced occupancy levels and dedicated space for isolation in the event that a resident tests positive.
- Require provision of adequate water and sanitation supplies to meet handwashing and cleaning guidelines in public and private housing.

- Declare a stay on eviction proceedings and mortgage foreclosure for at least sixty days in all counties.

Therefore, **CRLAF** asks that the State of California support all its agricultural workers regardless of immigration status by accepting and implementing our comments and recommendations so that as an “essential workforce” agricultural workers have access to care, specific protections, and resources needed as they continue to work.

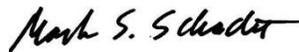
Beyond the expansion of State protections, we urge you to continue your advocacy with the White House and federal agencies to provide federal support for these critical measures. In particular, the Trump administration should be urged to make clear that access to any of the emergency financial support, health or housing programs available under state or federal law will not put agricultural workers and their families at risk of a “public charge” determination.

CRLAF appreciates your consideration and support. Please contact any of our advocates concerning questions related to Health (Noe Paramo, (209) 499-8637); Housing (Brian Augusta, (916) 541-3395); Occupational Safety (Anne Katten, (916) 204-2876); or Work Place (Mark Schacht, (510) 812-5399).

Sincerely,



Amagda Pérez
Executive Director



Mark Schacht
Deputy Director

Cc: Members of the California State Senate
Members of the California State Assembly