



Washington Association of Wheat Growers

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June 2, 2020

Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

Thank you for the opportunity to provide public comment on the modified provisions of Proclamation 20-25 providing additional health and safety guidelines to protect farmworkers in the agriculture industry. By way of background, the Washington Association of Wheat Growers (WAWG) represents nearly 1,600 wheat farmers from across the state. WAWG has been dedicated to the enrichment of the Washington wheat industry since 1954.

The health and safety of our employees is always of the utmost importance to our members. Dryland wheat farms are not as labor intensive as irrigated fruit and vegetable farms. Our members typically employ between 2-5 employees. Wheat farmers work alongside their employees every day and consider them essential to their business. Since COVID-19 hit, wheat farmers across the state have been operating as essential businesses without any incidents of harm to our employees. They have done this by following the same requirements that all essential businesses have been operating under, including following physical distancing policies; frequently washing and sanitizing hands; practicing precautions such as avoiding touching their face; and avoiding contact with those that are sick. Since wheat farming is not labor intensive, the risk of COVID-19 exposure to wheat farmworkers is low when the above rules are followed.

Wheat farmers care deeply about the health and wellbeing of their employees but believe the new requirements are too broad and not tailored to the risk imposed by the specific agricultural activity. By contrast, Oregon OSHA recently adopted a temporary rule to increase protections for workers against the spread of COVID-19, but instead of applying it to all agricultural activity, it is limited to labor-intensive farm operations when employees would otherwise perform their duties or routinely congregate within 6 feet of one another. A link to those rules can be found [here](#).

Oregon's temporary rule focuses on the actual agricultural activity and the level of exposure to COVID-19 imposed by that activity instead of a one-size-fits-all approach for all agriculture. If the intent of Washington's new requirements is on reducing the risk of transmission of COVID-19, Washington should focus on specific requirements to those agricultural activities that

increase the risk of transmitting the virus. WAWG believes Washington should follow Oregon's lead and revise the agricultural specific rules to only apply to labor-intensive farm operations and use the definitions that Oregon developed for their temporary rule.

WAWG is deeply concerned about the cost and feasibility barriers of complying with these new requirements as they come at a time when farmers are already struggling and operating on thin margins. WAWG is concerned that implementing these changes will substantially increase the overhead costs of family businesses and make production of locally raised food products unstable. These requirements pose a very real and direct threat to food security. COVID-19 related market disruptions have hit farmers particularly hard. Prior to COVID-19, producers were already under tremendous pressure thanks to recent market collapses across several industries due to trade disruptions. Farmers are already struggling to keep up with these challenging times and ensure they have jobs for their employees. They cannot afford added burdens at a time when they are already working hard to protect their employees.

In addition, the new requirements only provide 6 days' notice to make significant, costly changes to farm infrastructure and practices. Complying with these new requirements in a timely manner is likely impossible due to a lack of PPE, availability of handwashing facilities in the state, and CDC-recommended cleaning supplies on the market. WAWG is concerned that certain rules require changes in agricultural workplaces that are not attainable by farmers because there are considerable supply chain issues that make complying with these rules impossible.

More detailed comments on the substance of the new requirements are below:

General Provisions

- **(c) PPE.** Employers must supply, at no cost to employees, all PPE mandated by these requirements
 - **Comment:** WAWG will provide information to its members on how to procure cloth masks, but procuring masks has been a significant challenge. WAWG and its members but have no control if their employees will wear the masks.
- **(d) Physical Distancing.** Employers must ensure physical distancing of six feet or more during all interactions within the scope of employment.
 - **Comment:** Wheat farming is not labor-intensive and physical distancing of six feet or more is already typically in place.
- **(e) Workplace Disinfection.** Employers must ensure that high-touch surfaces are disinfected prior to the start of each workday, and before and after the morning, lunch, and afternoon breaks.
 - **Comment:** WAWG members have been actively disinfecting common areas and shared equipment. The new rules are not necessary as existing rules for all businesses should apply for wheat operations which are not labor-intensive.
- **(f) Handwashing Stations and (g) Use of Handwashing Stations.** Employers and transportation providers must supply adequate handwashing stations at every location and at all times that employees are acting within the scope of their employment. Hand sanitizer is not an adequate substitute for a handwashing station. Employers must put in

place adequate measures to ensure that employees wash hands for twenty seconds for certain intervals.

- Comment: WAWG believes these requirements are too prescriptive and difficult to achieve. Employers provide handwashing stations where feasible. Hand sanitizer should be acceptable as an alternative where it is not feasible to have a handwashing station. In addition, there is concern over lack of access to cleaning supplies and hand sanitizer.
- **(h) Educational Materials and Training.** Employers must provide adequate educational materials, including workplace posters and training to educate employees about the risk of COVID-19 and the required safety protocols. All educational materials must be provided in the language or languages the employees understand.
 - Comment: Does L&I currently have these materials available for farmers to print and post? If all employees speak English, is a farm in compliance if they just provide the materials in English? Agricultural training materials in appropriate languages would be a helpful resource for L&I to provide.
- **(i) COVID-19 Response Plan.** Employers are required to document and maintain a COVID-19 Response Plan.
 - Comment: Does the state have a sample plan for farmers to use?
- **(j) Temperature Check.** At the beginning of each day, employers must conduct a temperature check and review the symptom checklist with employees concerning themselves and their households.
 - Comment: This requirement does not make sense when most wheat farms have less than 10 employees who are all working outside and not in close proximity to one another. Furthermore, a temperature check puts the person testing at risk and is of questionable usefulness since many people are asymptomatic. Given the low risk of exposure for employees in the wheat industry due to few employees and not in close proximity to one another, a farm that asks employees before a shift about whether an employee has had any symptoms or been exposed to others with symptoms, should be considered in compliance.
- **(k) Testing.** To the extent feasible, employers must ensure timely access to COVID-19 tests for symptomatic employees and must provide transportation as needed.
 - Comment: Most farms are family-owned farms and not likely to have access to COVID-19 tests. It is more reasonable for farms to direct their employees to contact their doctor or local health department to get tested.


Outdoor Worksites

- **(b) Handwashing Stations Outdoors.** Handwashing stations must be placed no further than “one-quarter mile of each employee’s worksite in the field.”

- Comment: This requirement is onerous, impracticable and not achievable for wheat farmers. It should suffice for each piece of equipment to have hand sanitizer in it.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Hennings". The signature is fluid and cursive, with a large loop at the end.

Michelle Hennings
Executive Director