

Farmworker Exclusions from Occupational Safety and Health Standards

Agricultural work is one of the most dangerous jobs in the U.S.

The hazards, in conjunction with the poverty, vulnerability, and lack of knowledge about workplace rights have exacerbated the safety and health of migrant farmworkers.

Agriculture presents many occupational safety and health hazards including:

- Exposure to pesticides
- Lack of adequate drinking water and unsanitary working conditions
- Musculo-skeletal injuries from lengthy stooping, lifting, and cutting
- Farm machinery and equipment, including tractors, ladders and sharp tools
- Exposure to extreme weather conditions

Despite the uniquely dangerous work and vulnerable workforce, few occupational health and safety laws protect farmworkers, and some specifically exclude them.

Consider the following examples:

Occupational Safety and Health Act (OSH Act): The OSH Act contains a large number of general safety and health standards. However, most of these standards do not apply to agricultural workplaces. Among the many OSHA standards that exempt agriculture are ladder safety requirements, protections against electrocution and unguarded machinery, requirements to inform employees about work hazards, and whistle-blower protections. There are only seven standards that do apply in agriculture, and even these are of limited value because Congress has forbidden funds made available for OSHA enforcement to be applied to farms with fewer than 11 employees (unless the farm maintains an active temporary labor camp).

Pesticide Safety: Protection of agricultural workers from pesticides falls under the jurisdiction of the EPA rather than OSHA. EPA's Worker Protection Standard (WPS) is generally weaker than OSHA's standards. Moreover, the EPA's enforcement and inspection powers are much weaker than OSHA's.

Workers' Compensation: In many states, agricultural employers are not required to provide farmworkers with workers' compensation insurance to protect them when they suffer a job-related illness or injury. Such coverage also creates an incentive for employers to lower their insurance premiums by providing safer workplaces. Only 13 states require employers to cover seasonal farmworkers to the same extent as all other workers.



Many farmworkers must climb ladders for their work, but are excluded from OSHA's ladder safety standards.



OSHA's rules on hazardous workplace chemicals generally do not apply to farmworkers and pesticides as the U.S. EPA has principal responsibility for regulating pesticides.



Farmworkers' rate of back pain is 50% higher than the average for all US industries.

Photos: Earl Dotter

Farm work does not need to be so dangerous.

- Farmworkers should be included in standards currently being developed regarding fall protection and injury and illness prevention as well as existing, relevant regulations that protect workers in other occupations from hazards, such as OSHA standards addressing electrocution and machinery guards. OSHA should also issue new standards addressing heat stress and an ergonomics to protect all workers, including farmworkers.
- Employers should be required to provide workers' compensation coverage to farmworkers. State legislatures should take action to require employers to cover seasonal farmworkers to the same extent as all other workers. The federal government could incentivize the coverage of farmworkers by providing grants to help in the administration of a state workers' compensation program.
- The US EPA should act quickly to improve the Worker Protection Standard (WPS). Major reforms of the WPS are necessary to reduce the exposure of farmworkers and their families to pesticides. Under the current regulations, the training, communication of hazards, protections from exposure, and means of enforcement available to farmworkers lag far behind the chemical safety requirements in other industries. Correction of these inequities is long overdue. For years, the EPA has delayed moving forward on revisions to the WPS.

