

MEMO

To: Governor Kate Brown

From: Interagency Task Force on Agricultural Labor Housing

Lou Savage, Facilitator

Date: November 28, 2022

Background

In April 2022, you created an Interagency Task Force on Agricultural Labor Housing to establish a coordinated approach to issues faced by agricultural workers and their families living in employer-provided housing. This interagency task force included a broad range of agencies, including Oregon OSHA, the Building Codes Division, and the Ombuds Office for Oregon Workers from the Department of Consumer and Business Services; Oregon Housing and Community Services (OHCS); the Oregon Health Authority (OHA); the Department of Agriculture (ODA); the Oregon Employment Department (OED); the Bureau of Labor and Industries (BOLI); the Department of Environmental Quality (DEQ); and the Office of the State Fire Marshal.

When you established the task force, you asked the group to address three issues:

- Coordinating compliance
- Capital improvements
- Infrastructure and statewide issues

The task force met several times in open meetings to discuss these issues. The task force also received input from worker advocates, growers, and grower advocates.

Coordinating compliance

It should be noted at the outset that most employers who provide housing to workers comply with Oregon's health and safety standards. However, there are a significant number who do not, and the deficiencies severely impact the lives of agricultural workers and their families.

While enforcement authority for health and safety is limited to only a few agencies, these agencies agree that they may be able play a greater role in communicating information about farm housing health and safety issues that they observe while they are doing their work. Given the current limited resources available to Oregon OSHA, referrals and coordination are critical in identifying serious health and safety concerns. These discussions need to continue.

There is also work in progress to have information about employer-provided housing more accessible to agencies charged with enforcement, as well as efforts to obtain more information about employer-provided housing during some licensing processes.

Capital improvements

There are serious health and safety issues at a significant number of on-farm housing locations. Oregon OSHA reports that these structures do not comply with current Oregon OSHA rules. In addition, Oregon OSHA is in the process of updating these rules, which require more improvements.

The task force held several meetings to discuss whether funding could be made available to growers to encourage necessary capital improvements. During this time, the Agriculture Workforce Housing Facilitation Team of OHCS drafted a proposal for consideration by the task force. The proposal recognizes that, currently, most funding for on-farm housing comes from the state in the form of the Agriculture Workforce Housing Tax Credit (AWHTC). This funding mechanism is not workable for many growers who need to improve their on-farm housing.

The proposal drafted by OHCS, and endorsed by the task force, would launch a new grant program dedicated specifically to on-farm housing, while retaining the AWHTC to be used exclusively to fund community-based developments. This new grant program, currently titled Funding Agriculture: Residence Modernization (FARM), would be exclusively directed at exclusive farm land (EFU) zoned on-farm housing. The proposal anticipates three categories of funding:

- Getting existing housing and labor camps up to Oregon OSHA standards

- Improving select aspects of on-farm housing related to health, safety, and efficiency, or funding new housing, that goes beyond Oregon OSHA standards
- Helping offset the operating cost of improvements

It is recommended that the program be funded at \$5 million as current service level funding to create reliable long-term resources and support for ongoing costs such as operating expenses.

A full description of the program, including compliance recommendations, is attached to this memorandum as Appendix A. The task force recognizes, and OHCS acknowledges, that this program is described in general terms. Those details will be worked out by OHCS, in consultation with community and agricultural partners, as well as task force members. The task force believes this is a good start.

Infrastructure and statewide issues

At one of its early meetings, the task force heard from growers and worker advocates about adequate and safe drinking water. This issue crosses jurisdiction lines of several agencies, such as OHA, Oregon OSHA, DEQ, and Oregon Water Resources Department. The task force was a good venue for agencies to share information with each other. It also became apparent that members of the public may not understand which state agencies have responsibility for ensuring water quality. The agencies will have further discussions about how best to provide this information to interested people.

Establishing a venue for ongoing discussions

The creation of the Interagency Task Force on Agricultural Labor Housing provided an opportunity for agency members to share information and coordinate work that would not have happened without your leadership. Even with the limited time available, the task force was able to make progress, particularly with respect to funding for capital improvements to on-farm housing.

A venue for further agency discussion should continue. ORS 456.585 designates OHCS as the primary state agency for information about agriculture workforce housing. As part of this responsibility, OHCS established the Agricultural Workforce Facilitation Team “to provide an ongoing discussion forum for state and local government agencies that are involved with agriculture workforce housing.” Over a period of several years, the Facilitation Team focused primarily on the tax credit issues.

The task force recommends that the coordinated approach to issues faced by agricultural workers and their families living in employer-provided housing should continue through the Agricultural Workforce Facilitation Team at OHCS. OHCS supports this recommendation. Among the issues to be addressed, OHCS will be looking to agencies that were part of the task force to provide input on the funding proposal for FARM (funding) proposal. The Agricultural Workforce Facilitation Team would serve as the forum for agencies to statewide issues in keeping with your vision for the task force.

Summary of recommendations

- State agencies should continue their discussions on the most effective process for coordination and referrals to identify serious health and safety concerns. This should include opportunities to share information provided in licensing applications that some agencies require.
- Support the proposal of OHCS to fund a new grant program dedicated specifically to on-farm housing. This initial investment would be \$5 million.
- Continue efforts to create a coordinated approach to issues faced by agricultural workers and their families living in employer-provided housing through the Agricultural Workforce Facilitation Team at OHCS.

Thank you for your leadership and vision on the challenges faced by agricultural workers and their families.