

# Meeting Minutes: Governor's Committee on the Safety, Health, and Wellbeing of Agricultural and Food Processing Workers

DATE: 08/16/2021

MINUTES PREPARED BY: MIKE ZASTOUPIL

## Attendance

### Present

- **Lorrie Janatopoulos**, CareerForce Director, Minnesota Department of Employment and Economic Development
- **Mike Zastoupil**, Food Access Associate, Minnesota Department of Health
- **Maureen Ramirez**, Director of the Office of Economic Opportunity, Minnesota Department of Employment and Economic Development
- **Nicole Blissenbach**, Deputy Commissioner, Minnesota Department of Labor and Industry
- **Colin Laffey**, Staff Attorney, Agricultural Worker Project, Southern Minnesota Regional Legal Services (SMRLS)
- **Rena Wong**, Director of Organizing, United Food and Commercial Workers (UFCW) Local 663
- **Jennifer Christensen**, President, United Food and Commercial Workers (UFCW) Local 1189
- **Susan Bishop**, Supervisor, Minnesota Department of Health, and Migrant Agricultural Worker Response Lead, ICS
- **Andrea Vaubel**, Deputy Commissioner, Minnesota Department of Agriculture
- **Sarah Berry**, Public Health Director, Waseca County | CHS Administrator, Le Sueur – Waseca Community Health Board
- **Gary Wertish**, President, Minnesota Farmers Union
- **Rodolfo Gutierrez**, Executive Director, HACER
- **Kristi Halvarson**, Executive Director, Community Health Service, Inc.

### Absent

- **Carrie Rigdon**, Operations and Planning Section Manager, Minnesota Department of Agriculture
- **Tamara Nelsen**, Executive Director, Minnesota AgriGrowth Council
- **Emilia Gonzalez Avalos**, Executive Director, Unidos MN

- **Kiza Olson**, CHS Administrator, Meeker-McLeod-Sibley Community Health Services
- **Hamse Warfa**, Deputy Commissioner, Minnesota Department of Employment and Economic Development
- **Kevin Paap**, President, Minnesota Farm Bureau

## Guests Present

- **Mary Garcia**, Foreign Labor Certification Coordinator, Minnesota Department of Employment and Economic Development
- **Jessica Grosz**, Director of Labor Standards and Apprenticeship, Minnesota Department of Labor and Industry
- **Ben Wood**, Workplace Safety Consultation, Minnesota Department of Labor and Industry
- **Blake Nordin**, Supervisor of North Field Operations, FPLS, Minnesota Department of Health
- **Noemi Trevino**, Title I, Migrant Services, Minnesota Department of Education
- **Jim Gleb**, President Elect, UFCW 1189

## Agenda

- |         |   |
|---------|---|
| 1:00 PM | <b>Welcome</b>                              |
| 1:05 PM | <b>Approve Minutes &amp; Meeting Agenda</b> |
| 1:10 PM | <b>Public Comments</b>                      |
| 1:15 PM | <b>Member Introductions</b>                 |
| 1:30 PM | <b>Presentations - Housing</b>              |
| 2:20 PM | <b>Whiteboard Activity</b>                  |
| 2:50 PM | <b>Final Thoughts &amp; Next Steps</b>      |
| 3:00 PM | <b>Adjourn</b>                              |

## Meeting notes

### Approve Minutes & Agenda

Approved.

### Public Comments

None.

## Member Introductions

### **Sarah Berry – Waseca County, La Sueur-Waseca Community Health Board**

Previously served joint board of health as a SHIP coordinator and an emergency response specialist, and before that spent about 10 years in environmental health doing inspections and licensing, including housing, rural water, etc. The various relationships she has built during her career have been useful during the COVID response.

Sarah's parents were teachers who came from farming families, so Sarah had a 1-acre garden growing up. Sarah is a 3<sup>rd</sup> generation American, so she approaches immigration issues from that perspective. She is also married to a farmer. They have 5 children, 1 of whom is interested in continuing the family farm. Her husband is also partnering with a young farmer trying to help them get started.

### **James (Jim) Gleb**

Jennifer Christensen is retiring from UFCW 1189 at the end of the month, so Jim Gleb will take over as President and appointee to this committee. Jim has worked in retail since he was 14 years-old and he was previously the Treasurer of UFCW 1189 before being elected President. Jim commented that retail workers were designated "essential" during COVID-19, so they had no choice but to rise to that challenge. Those workers endured a lot of hardship, and they are still working hard to be helpful despite their working conditions. In a similar way, COVID-19 highlighted the importance of agricultural and food processing workers and the various struggles they are forced to deal with.

## Presentations - Housing

### **Overview of Agricultural and Food Processing Worker Housing**

Jessica Grosz is the Director of Labor Standards and Apprenticeship at DLI. She presented an overview of housing for agricultural workers, based on her previous experience working for SMRLS. Her presentation described the various types of housing that workers live in, with pictures taken during SMRLS outreach. She then explained the rights that agricultural workers have under the Migrant and Seasonal Agricultural Worker Protection Act (AWPA). These are the major federal rights, and they only apply to migrant workers. In Jessica's experience at SMRLS, however, she rarely saw compliance with this law. She also explained the major H-2A housing standards and OSHA and ETA housing standards.

One thing that this committee should know is that the Minnesota Department of Health did have a set of Migrant Labor Camp Rules that were established in the 1960s and repealed around 2001. It was repealed because it was found to be sub-standard to the variety of other state and federal laws related to housing in 2000.

Migrant cannery workers who are recruited are protected under the Minnesota Migrant Labor Act. These workers often face illegal deductions from their wages for their housing, despite protections in the law.

Jessica then covered the major challenges related to worker housing, including inadequate supply, poor conditions, false promises and violations by employers, enforcement issues, and workers' fear of retaliation and homelessness. She provided stories and pictures from her experience at SMRLS that highlighted these challenges.

## **H-2A Housing**

Mary Garcia is the Foreign Labor Certification Coordinator for CareerForce Systems at DEED, and she spoke about H-2A housing inspections. When agricultural producers in MN can't find enough temporary workers, they apply to the U.S. DOL for an H-2A certification. Then the employer applies for a temporary employment certification through Mary at DEED, who reviews the application to determine if the housing needs to be inspected and how should it be inspected, depending on the type of housing. She also reviews the application to see if there is a lease/contract proving that the employer is paying for the housing. The housing for the workers must be provided for free, and the housing must be inspected once per year. ETA law covers housing built prior to 1980, and OSHA law covers housing built after 1980. She sees every kind of housing you can imagine. Mary says that 98-99% of H-2A employers want to be compliant, to make sure their workers have what they need. H-2A housing inspections need to be approved (pass with no deficiencies at least 32 days before the "start date of need." And this is because there needs to be time for the workers to get their visas approved, etc. So winter is a busy period for housing inspections.

This year, H-2A applications from employers are up by 33% (and have been growing each year recently). Have 2-3 staff who do inspections, plus Mary Garcia. Migrant Labor Reps were helping with inspections, then it was found that this was outside their job description, so they stopped. During COVID-19, allowed to do virtual inspections. In 2019, did inspections for 150-200 employers, with a total of 800+ beds (rough estimate of workers). Mary can provide numbers for any year, upon request.

## **Review – DLI and Temporary Labor Camps**

Ben Wood is a Workplace Safety Consultant for DLI. He gave a brief overview of DLI's responsibilities when it comes to agricultural and food processing workers' housing. OSHA was established in 1970. Agricultural worker OSHA standards are separate from general OSHA standards, and construction has some of its own standards. Then in 1997, in discussions between federal OSHA and federal ETA, there was the decision to have temporary labor camps be enforced by the DOL Wage and Hour Division, with the exception that OSHA would retain oversight for temporary labor camps for eggs, red meat, poultry, and post-harvest processing of agricultural or horticultural commodities. Therefore, in Minnesota, MN OSHA retains oversight for the types of temporary labor camps just described. The inspection process for these temporary labor camps is complaint-based, and there really isn't any proactive enforcement. Any complaint or issue that comes in that doesn't fit within that very specific definition that MN OSHA covers gets sent to the U.S. DOL Wage & Hour Division to handle.

## Whiteboard Activity

Ran out of time for this.

## Final Thoughts & Next Steps

If the agendas are going to be jam-packed, can we extend meetings to 2 hours again? And can we rethink the Powerpoint Presentations, to make sure that we have time for discussion? Folks have lots of questions, and don't want to fall behind.

Meeting adjourned.

## Decisions

- None.

## Action items

- Support staff will extend meetings to 2 hours moving forward.
- Support staff will follow-up with a way for committee members to give feedback on housing issues before the next AWWC meeting.

## Next Meeting

Monday August 30<sup>th</sup>, 2021, from 1:00 – 3:00 PM Central Time

## Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)