

September 14, 2020

**PUBLIC LETTER BY SONOMA COUNTY IMMIGRANT & WORKER RIGHTS ORGANIZATIONS
REGARDING FARM WORKERS WORKING IN DANGEROUS, WILDFIRE CONDITIONS**

Sonoma County Board of Supervisors

575 Administration Drive Room 100A

Santa Rosa, CA 95403

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Sonoma County Office of Equity

Attn: Alegria De La Cruz, Director

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Sonoma County Counsel

Attn: Jennifer Klien, Chief Deputy County Counsel

Sita Kuteira, Deputy County Counsel

575 Administration Drive Room 105-A

Santa Rosa, CA 95403

Via EMAIL: Jennifer.Klein@sonoma-county.org

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Sonoma County Department of Agriculture

Attn: Andrew Smith, Commissioner

Sue Ostrom, Assistant Agricultural Commissioner

133 Aviation Blvd, Ste 110,

Santa Rosa, CA 95403-2893

VIA EMAIL: Andrew.Smith@sonoma-county.org

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Sonoma County Department of Health Services

Attn: Barbie Robinson, Director

Dr. Sundari Mase, Public Health Officer

1450 Neotomas Avenue, Suite 200

Santa Rosa, CA 95405

VIA EMAIL: Barbie.Robinson@sonoma-county.org

Sundari.Mase@sonoma-county.org

Sonoma County Farm Bureau

Att: Tawny Tesconi, Executive Director

3589 Westwind Blvd.

Santa Rosa, CA 95403

VIA EMAIL: tawny@sonomafb.org

Sonoma County Winegrowers

Attn: Karissa Kruse, President

3245 Guerneville Road

Santa Rosa, CA 95401

VIA EMAIL: karissa@sonomawinegrape.org

Sonoma Valley Vintners & Growers Alliance

Attn: Maureen L. Cottingham, Executive Director

P.O. Box 1698

Sonoma CA 95476

VIA EMAIL: maureen@sonomavalleywine.com

Russian River Valley Winegrowers

Attn: Wendy Hilberman, Executive Director

P.O. Box 16

Fulton, CA, 95439-0016

VIA EMAIL: hilberman@rrvw.org

Sonoma County Vintners

Attn: Mark Malpiede, President

400 Aviation Blvd. Suite 500,

Santa Rosa, CA 95403

VIA EMAIL: CS@wine.com

RE: Farmworkers currently working in dangerous, wildfire conditions

Sonoma County Supervisors, County Agency Representatives, and Members of the Wine Growers' Community:

We are a coalition of Sonoma County worker and immigrant rights organizations who work to promote the rights and empowerment of Sonoma County's low-wage workers, including farmworkers. We are writing to respectfully request that you consider and adopt our proposed recommendations. These recommendations are paramount to ensuring worker safety is not compromised.

During the first two weeks of the LNU-Complex fires, second and first hand reports brought to our attention the accelerated urgency and compromised safety imposed on workers that harvested grapes in areas impacted by the current wildfires. The Sonoma County Department of Agriculture issued access verification requests to over 300 employers, including vineyard owners and managers, who brought unknown numbers of their workers into wildfire evacuation zones and into zones with unhealthy smoke levels. Why are access verifications being issued without any transparent accountability? How are their employers soliciting feedback and educating them about the risks involved? We are appalled by the lack of consideration for the farm workers' health and safety, particularly during the current COVID-19 pandemic. For a community already facing disproportionate impacts from COVID-19, working in zones with high particulate matter from wildfire smoke may have serious long-term health implications. Our concerns also extend to the stabilization and recovery efforts beginning to happen now and through full containment and extinguishment of the fires. We've already identified contractors putting out "Bolsas de Trabajo" or employment advertisements over the past weeks to hire groups of 80-100 workers for smoke damage cleanup.

Will there be a commitment moving forward to prioritize human life, the health and safety of the working poor, of people of color, of undocumented immigrants, of *our community* in the same way as everyone else? What is particularly disturbing is that the health and safety of our most vulnerable workers are placed in jeopardy without accessible and transparent avenues for public input and accountability. Essential workers in the agricultural sector are overwhelmingly undocumented immigrants and members of Indigenous communities who grapple with extreme poverty. Farm workers are overwhelmingly uninsured, precariously housed and vulnerable to evictions, and lack any safety net such as unemployment insurance, FEMA assistance (for non-citizens), hazard pay, or wage replacement.

The labor contractors and vineyard owners know this, and exploit this need, especially during the pandemic when many workers have been continuously employed without the security of a stable income. We intend to end the false narrative that the wine industry can't withstand lost profit while the people of color working for them can handle harm to their bodies and putting their families at risk.

The swiftness with which the wine industry and the county's own Department of Agriculture moved to issue Access Verifications to take workers directly into evacuation zones to harvest grapes leads us to believe that Sonoma County lacks adequate respect and concern for these essential, immigrant workers. In our County, we do not want to see profit prioritized over the health and safety of any worker.

We strongly urge that your office and the County immediately implement the following:

1. **Immediately cease and desist allowing employers/growers/contractors to place workers directly into wildfire evacuation zones via access verifications. Additionally, comprehensive data collected by your office must be released as requested by our Coalition on August 26th by no later than Friday, September 18th.** A report about the granting of access verification to businesses during the Walbridge and all previous natural disasters should also be developed and released on a timeline consistent with your office's capacity.
2. **The Department of Agriculture, with support from the County, must establish a Farmworker Safety Advisory Committee that informs relevant policies and ordinances in the County and serve as a model for the County and State to follow.** The Department of Agriculture, Department of Health Services, Latinx Health Task Force, Human Rights Commission, and relevant industry associations – with the support and guidance of the Office of Equity – can establish a roadmap to enhance worker safety while temporarily halting or significantly restricting access to evacuation zones. Enforcement tools must be enacted that both support industry partners in educating workers and providing resources while judiciously penalizing employers failing to protect worker health and safety during an ongoing crisis.
3. **The Department of Agriculture must develop a transparent and accountable system that audits and establishes comprehensive best practices for worker health and safety incorporated into access verifications.** This system should be facilitated by the Farmworker Safety Advisory Committee.
4. **The Department of Agriculture, with support from the County, actively supplies employers adequate PPE Equipment within OSHA Guidelines, including N95 masks, to be offered to employees when air quality and health crises demand employers provide these. That employers actively monitor air quality on the fields and follow OSHA guidelines in offering the right PPE.** Lack of mask distribution and adequate PPE is rampant in the workplace, and the Department of Agriculture should play an active role in ensuring employers obtain masks provided by the State.
5. **That collaborative partnerships with local health care facilities, agencies, and relevant community and industry stakeholders be developed to provide free, cardio-pulmonary check-ups and other vital health services and basic needs referrals for farm workers** who work in or near the wildfire zones, including the temporary workers who live outside of the County. A Countywide collaborative protocol must also be accompanied by culturally relevant educational material for workers, recognition of language justice principles, employer and employee oriented educational materials, and a clear direction to the Department of Health Services, the Sonoma County Department of Agriculture and other regulatory/enforcement agencies that adapt to and augment available resources. These partnerships should also be developed by and/or receive input from the Farmworker Safety Advisory Committee.

6. **That you abide by and strengthen local ordinances and processes relating to the Wildfire Smoke Protection regulations, Personal Protective Equipment (PPE) i.e. N-95 masks, Tyvec suits, etc. and any other relevant CAL-OSHA, County, State, and Federal regulations. This includes a request for you to advocate for the strengthening of such standards that fall outside of County jurisdiction and are subject to State and Federal authority.**

7. **That the County and Department of Agriculture ensure that wildfire clean-up workers conducting environmental and property restoration are receiving and implementing proper safety and hazardous materials protocols.** This includes, but is not limited to prevailing wages, OSHA HAZWOPER 40 and 24 Hour training certifications, PPE, reasonable Hazard Pay. Additionally, there should be comprehensive oversight of the private contractors and hiring agencies that employ them.

8. **That the Board of Supervisors enact stronger financial support and strengthen local safety nets for farmworkers and undocumented community members.** This includes, but is not limited to: Rental Assistance, strengthening the County's Eviction Moratorium, augmenting the UndocuFund and supporting the establishment of municipal funds, and investing more long-term funding for health service and basic needs outreach and intake efforts for COVID-19 affected workers led by the Latinx Health Task Force.

These demands represent a bare minimum and the most recent complaints among many farm workers for mistreatment. We have given testimony to the Sonoma County Board of Supervisors. We have had articles published highlighting the exploitative nature of farm labor. We have written reports identifying all of the ways in which our local government is failing our most vulnerable communities during wildfires during a pandemic. Yet we continue to see the government and wine industry fail to respond adequately to the health and dignity that our undocumented immigrant workforce deserves, while they reap immense profits from their labor.

We urge you to act now. The local community is watching and expect immediate action to right these historical inequities.

Sincerely,

North Bay Jobs With Justice
Movimiento Cultural de la Unión Indígena
Latinos Unidos de Sonoma County
Graton Day Labor Center / ALMAS
North Bay Organizing Project

Lideres Campesinas of California - Sonoma Chapter
United Farm Workers
Legal Aid of Sonoma County
Food Empowerment Project

Supplementary Materials and References

- CAL-OSHA Emergency Regulation on Protection from Wildfire Smoke
<https://www.dir.ca.gov/dosh/doshreg/Protection-from-Wildfire-Smoke/Wildfire-smoke-emergency-standard.html>
- California Industry guidance to reduce risk for COVID-19
<https://covid19.ca.gov/industry-guidance/>
- California Code of Regulations - Heat Illness Prevention in Outdoor Places of Employment
<https://www.dir.ca.gov/title8/3395.html>
- The State of Working Sonoma (Fall 2018)
http://northbayjobswithjustice.org/State%20of%20Working%20Sonoma%202018_Final%20Report3_%202-25-19.pdf
- “Protecting Workers From Wildfire Smoke”
Western Center for Agricultural Health and Safety at UC Davis
http://cesonoma.ucanr.edu/Disaster_Resources/Fire/Protection_From_Wildfire_Smoke/
- LABOR DAY 2020: CALIFORNIA FARMWORKERS AT RISK (Sept. 7, 2020)
<https://beyondchron.org/labor-day-2020-california-farmworkers-at-risk/>
- “IN CALIFORNIA’S WINE COUNTRY, UNDOCUMENTED GRAPE PICKERS FORCED TO WORK IN FIRE EVACUATION ZONES” (Sept. 6, 2020)
<https://theintercept.com/2020/09/06/california-fires-undocumented-farm-workers/>
- Assemblyman Rivas introduces California Farmworker COVID-19 Relief Package (04/09/2020)
Status: Held in Assembly Judiciary Committee
<https://benitolink.com/assemblyman-rivas-introduces-california-farmworker-covid-19-relief-package/>
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2915