INTERIM GUIDANCE FOR AGRICULTURAL WORKERS, MIGRANT AND SEASONAL FARM WORKERS (MSFW), AND AGRICULTURAL EMPLOYERS IN OREGON

The following recommendations are intended to:

• Prevent transmission of the novel coronavirus (COVID-19)
• Reduce the potential for illness and death associated with COVID-19 among farm workers, their families and employers, and
• Enhance the public health of the state.

As an essential service, agricultural operations will continue to function during the COVID-19 outbreak using all prevention measures provided by the Oregon Health Authority (OHA) and Oregon OSHA.

The COVID-19 virus can spread easily in settings where people live and work close together, including housing facilities for migrant and other farm workers. Farm owners and managers, including those who provide housing for farm workers, should implement plans to prevent transmission of COVID-19 among residents living together.

People older than 65 years of age and people with medical conditions such as asthma, diabetes, chronic lung disease, chronic heart disease, high blood pressure, or a compromised immune system (e.g., cancer or treatments that suppress the immune system) are at increased risk for severe illness including respiratory failure and death from COVID-19.

For agricultural workers

To protect your health, the Oregon Health Authority recommends healthy habits that, taken together, can help prevent the spread of COVID-19. They are all important and should be done together to keep you as healthy as possible. These steps are:

• Where possible, keep physical distance of six feet between people while on the job, in worker housing, and during meals and rest periods.
• Keep hands clean by regularly washing with soap and water for 20 seconds or by using hand sanitizer with at least 60% alcohol.
• Cover coughs and sneezes.
• Stay home when you are experiencing COVID-19 symptoms. If you have COVID-19 symptoms, you should not return to work until the US Centers for Disease Control and Prevention (CDC) guidance advises it is safe to return.
• If you test positive for COVID-19, stay home until you are well and no longer infectious.
• Avoid close contact with people who are sick.
• Wash your hands frequently with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
• Cover your mouth and nose with a tissue when you cough or sneeze.
• Clean and disinfect frequently touched objects and surfaces.
• Avoid touching your eyes, nose, and mouth.
• Practice social distancing by maintaining six feet of physical distance from others.
• Wear a face covering when physical distancing is not possible.
• Get vaccinated when and if the vaccine becomes available.
• Monitor your health and report any symptoms immediately to your employer.

Commented [SS1]: Generally speaking, this guidance contains a number of useful best management practices. However, many of the suggestions are unrealistic due to unavailability of sanitary supplies or equipment. In addition, the guidance creates potential conflicts with HIPAA and with Oregon’s recent revisions to the residential landlord/tenant laws. If this rises to the level of a mandate, either through express terms or implementation, it would immediately put agricultural employers in an untenable position where they would have to choose which law to violate. Even if this remains a guidance document—which we strongly recommend—this... [1]

Deleted: s

Deleted: food and agriculture

Commented [SS2]: This is too broad. Not all measures will apply in all situations.

Commented [SS4R3]: Absolutely agree. This goes way beyond the scope of what ag... [2]

Deleted: In

Deleted: addition, they may be required to care for individuals ill with COVID-19 since home... [3]

Deleted: This includes agricultural workers with respiratory conditions associated with exposure... [4]

Deleted: .

Commented [SB6]: Suggest adding “where possible” for certain points. Later on, the... [5]

Deleted: K

Deleted: at

Deleted: ,

Deleted: and

Commented [SB7]: Suggest adding. Social distancing must also be maintained during meals... [6]

Commented [SS8]: While this is a reasonable suggestion during normal condition, it is... [7]

Deleted: sick

Commented [SB9]: Suggest adding. This is the CDC guidance for those who have not been... [8]

Deleted: Symptomatic employees
For employers of agricultural workers

The key components of preventing the spread of COVID-19 among agricultural workers include:

- Stay informed about current COVID-19 information.
- Instruct all workers on physical distancing, handwashing, and other safety procedures related to COVID-19 using the best available information from the CDC.
- Keep your emergency operations plan current based recommendations from the CDC and OHA.
- Minimize the risk of exposure to COVID-19 in your workplace by:
  1. Ensuring bathrooms and handwashing facilities are consistently stocked with potable water, soap, and disposable drying materials for handwashing. Provide access to tissues, trash bins, and plastic bags for the proper disposal of used tissues and other personal care products.
  2. Ensuring that common-use toilet and handwashing facilities are cleaned and sanitized regularly following the CDC Guidelines for Cleaning and Sanitation.
  3. Routinely cleaning and disinfecting all frequently touched surfaces in the workplace. Give special attention to high-touch surfaces, including, but not limited to, door handles, faucets, toilet handles, light switches, countertops, chairs, tables, equipment, machinery, tools, etc.

**Criteria to Discontinue Quarantine** are met, in consultation with healthcare providers and state and local health departments. Before returning to work, you need to verify to your employer that you have met the following conditions:

1. You have received a COVID-19 test result confirming that you do not have COVID-19; or
2. If you have not been tested for COVID-19 or are waiting on results, you can return to work after these three things have happened:
   - You have had no fever for at least 72 hours (that is three full days of no fever without the use medicine that reduces fevers)
   - AND
   - other symptoms have improved (for example, when your cough or shortness of breath have improved)
   - AND
   - at least 7 days have passed since your symptoms first appeared.

- If you live in housing provided by your employer, let your employer know you are sick as soon as possible.
- If you are sick, stay in a separate space from people who are not sick whenever possible.
- If you must use communal facilities for a certain reason (use a phone, computer, restroom, kitchen, etc.)

**Commented [SB11]:** Suggest adding. It is important to remind employees to maintain social distancing if they must use communal facilities for a certain reason.

- If you are sick, stay at home.
- If you live in housing provided by your employer, let your employer know you are sick as soon as possible.
- If possible, wear snug-fitting cloth face coverings to slow the spread of the virus. The cloth face coverings recommended are not surgical masks or N95 respirators. Those are critical supplies that must continue to be reserved for healthcare employees and other medical first responders.
- Face covering information, including instructions on how to make an effective cloth face covering can be found on the CDC website at: [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html)

**Commented [SB12]:** Suggest adding. This is the most recent practice suggested by the CDC, OHA, and Governor Brown.

- If you live in housing provided by your employer, let your employer know you are sick as soon as possible.
- If you are sick, stay in a separate space from people who are not sick whenever possible.
- If you must use communal facilities for a certain reason (use a phone, computer, restroom, kitchen, etc.)

**Commented [SS15R14]:** Moreover, agricultural employers are reporting that it is impossible to source portable toilets and hand washing stations at this time due to the increased demand caused by the pandemic.

**Commented [SB16]:** Suggest adding. The CDC’s guidelines for cleaning and sanitation vary depending on the type of material being cleaned and whether it has been in contact with...
4. Implementing physical distancing recommendations in the workplace (at least six feet between people where possible). This includes during company-provided transportation to and around work areas.

5. Posting instructional posters and fact sheets, in appropriate languages, in communal areas and bathrooms to educate employees about proper hand hygiene and symptoms of COVID-19.

6. Connecting employees to employee assistance programs, community resources, and providing a list of healthcare facilities (specifically identifying those that provide free or low-cost care if known) where employees with respiratory illness can seek appropriate care.

   • Be alert for employees who exhibit COVID-19 symptoms. Such employees should be sent home immediately and instructed to seek medical care. They are covered under Emergency Paid Sick Leave provided they seek care. They should not be permitted to come back until they have a medical release.

   • If you provide housing for your employees, have a plan that includes allowing for home isolation, and if possible, dedicated facilities for sleeping, cooking/eating, showering, and toilet areas for those who test positive.

   • Like all workers, migrant and seasonal farmworkers and other agricultural workers have the right to a safe work environment. Employers must follow workplace health and safety rules as per Oregon OSHA and BOLI.

Workplaces must plan and prepare
Implement daily communication with your team.

Business workflow

- Limit the number of employees working in enclosed areas to facilitate physical distancing.
- Require employees to maintain physical distancing at all times, including lunch times and breaks. The recommended distance between people is at least three feet but ideally six feet.
- Put your emergency operations and communications plans into action as soon as possible.
- Emphasize everyday preventive actions through strong, consistent messages to your employees and visitors to your business. If the presence of visitors cannot be avoided, it is advised to maintain a record of all visitors.
2. Isolate visitors to a confined area away from the majority of your employees if possible.
   • Provide signs in English and Spanish and any other prevalent language spoken by your employees with information about:
     1. Washing hands after coughing, sneezing, restroom use
     2. Washing hands before eating
     3. Avoiding touching face, eyes, nose or mouth
     4. Other tips for protecting yourself and others from germs

Worker education
Educate workers about hand hygiene and respiratory etiquette. Resources in Spanish and most prevalent indigenous languages can be found below. Please note that these resources were not created by the Oregon Health Authority.

Spanish
  • Centers for Disease Control and Prevention (CDC): Handwashing guides
    https://www.cdc.gov/handwashing/materials.html
  • CDC coronavirus fact sheets in English and Spanish
  • Pan-American Health Organization educational materials
    https://www.paho.org/es

Mixteco
  • Monterey County Health Department public service announcement video
    https://youtu.be/s2yw9FOYXH0

Akateko
  • Government of Guatemala COVID-19 prevention campaign
    https://youtu.be/eT2ISW-Pbtc

Mam
  • Oregon Health Authority COVID-19 information
    https://m.youtube.com/watch?v=G5jVv301sQ0
  • Government of Guatemala COVID-19 prevention campaign
    https://m.youtube.com/watch?v=G5jVv301sQ0

Triqui
  • Monterey County Health Department public service announcement video
    https://youtu.be/I4dAdfrrS8w

Zapoteco
  • Health Service of Oaxaca, Mexico COVID-19 information video
    https://www.youtube.com/watch?v=KN7LWjWQbfQ

Purepecha
  • Government of Michoacan, Mexico COVID-19 information video
    https://youtu.be/LpPfWtI6L8
Worksite health
Provide supplies to prevent the spread of COVID-19 like water, soap, alcohol-based hand sanitizer, tissues and lined trash cans.

- Follow Oregon OSHA’s Sanitation rules for agriculture (OAR 437, Division 4 Agriculture, Subdivision J, Work Environment)
- Make sure that workers have access to these supplies at the worksite, in common areas, in bathrooms, and where they eat:
  1. In addition to providing handwashing facilities, provide hand sanitizer containing at least 60% alcohol if available.
  2. Provide a disinfectant that is active against emerging viral pathogens and human coronaviruses to those who sanitize counters, bathrooms and other workplace areas.
     https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

Transportation
Talk to workers about what steps to take when traveling to and from work. Agricultural workers often practice carpooling, either by riding with coworkers in private vehicles or by getting a ride from the labor contractor.

- Private vehicle: Employers may not dictate how employees use their private vehicles except when commuting to the work site. Employers may mandate that employees cannot carpool to the work site in a vehicle that does not allow for six feet of separation. Employees can bar employees from entering the worksite if they violate this best practice. Employer provided van/bus: Maintain the minimum six (6) feet physical distance from other riders and driver if possible.
- Company vehicle: Limit the number of people per vehicle to maintain the required distances.
- Practice and promote good hygiene in vehicles:
  1. Provide hand washing or hand sanitizer opportunities before entering.
  2. Cover your coughs and sneezes in the bend of your arm or with a tissue, then throw the tissue away.
  3. Do not spit!
  4. Workers should cover their nose and mouth with a CDC sanctioned cloth face covering while sharing a ride.

Deleted: Limit to two (2) people per vehicle.
Deleted: V
Deleted: or and use hand sanitizer containing at least 60% alcohol
Deleted: clean bandana
### Key Points

- **If a worker demonstrates symptoms of COVID-19 such as fever, cough, or shortness of breath while on the job:**
  - Isolate the employee from common areas and equipment, and instruct them how to put on a mask to cover their nose and mouth.
  - Stop working immediately if the employee has symptoms of COVID-19 such as fever, cough, or shortness of breath.
  - Do not allow other workers into the area until cleaning is complete.
  - Close off areas used by the person who is ill.
  - Circulate air outside by partially lowering windows (weather permitting).

### Returning to work

1. If an employee returns to work with symptoms of COVID-19 such as fever, cough, or shortness of breath at the beginning of their shift or return to work environment, they should follow the recommended medical provider recommendations. If this includes coming into a clinic, they should follow normal procedures for at home isolation as provided by the CDC.

2. Provide a face mask to the worker and instruct them to wear it right away.

3. If a mask is not available, provide a bandana or cloth face covering to cover the nose and mouth.

4. Encourage the worker to monitor every employee in the workplace. If possible, do not allow other workers into the area until cleaning is complete.

5. Clean up any visible soil on the label to ensure safe and effective use of the product.

6. If the room for sick people is not in use, provide a separate area for the sick employee to rest if necessary.

7. If the worker is sick, do not allow other workers into the area until cleaning is complete.

### Additional Points

- **Workers who report that they have symptoms of COVID-19 such as fever, cough, or shortness of breath:**
  - If the employer activates the company emergency plan, the worker activates the company emergency plan by asking an employer to monitor every employee.
  - If an employer monitors their employees, they should not allow other workers into the area until cleaning is complete.

- **If the employer activates the company emergency plan:**
  - The employer activates the company emergency plan by asking an employer to monitor every employee.

- **Vehicle owner:**
  - Vehicle owners should sanitize the passenger cabin but special high-touch areas like door handles and cup holders after every ride.

- **Public health:**
  - Public health workers should monitor employees who provide housing at home isolation as provided by the CDC.

### Further Reading


### Notes

- **Commented:** [MAC29]
  - Sentence is confusing, and it is not practical to ask an employer to monitor every employee.

- **Commented:** [SB28]
  - Suggest adding the CDC’s recommendations for respiratory illness and post-COVID-19 separation of sick people.

- **Commented:** [SB26]
  - Suggest rewording.

- **Commented:** [SB25]
  - See comment above. Many areas need clarification.

- **Commented:** [SB24]
  - This section should be narrowed to apply to employers who provide housing. If an employee lives offsite in their own residence, the employer should follow normal procedures for at home isolation as provided by the CDC.
2. If there are people suspected of having COVID-19 infection using the room, find a different place for people who have respiratory symptoms but have not been tested for COVID-19 to rest. Ideally, each person would have their own separate room with a closable door. If not possible, cots/beds should be separated at least 6 feet or as far apart as possible, in a well-ventilated space.

3. Sick employees should not share eating areas and bathrooms with healthy employees.

   - Follow the steps above to help employees seek medical care safely and clean areas and vehicles where they have been.

If a worker is diagnosed with COVID-19

   - Notify your local health department that you have a COVID-19-positive employee. However, due to medical privacy laws, you cannot disclose the identity of the employee to the health authorities or to other employees.
   - Employees with a positive COVID-19 diagnosis should be cleared by their medical provider and/or local health department prior to returning to work.

Farmers who provide housing to domestic workers and/or to H-2A Visa workers

Employers of H-2A visa holders should follow the same precautions outlined above for employer-provided housing.

   - Provide supplies to prevent COVID-19 such as running water, soap, alcohol-based hand sanitizer, tissues, and lined trash cans. Disposable cups and sanitizer should be provided to use with water basins. Ensure bathrooms and handwashing facilities are consistently stocked with potable water, soap, and disposable drying materials for handwashing. Provide access to tissues, trash bins, and plastic bags for the proper disposal of used tissues and other personal care products.
   - Post instructional posters and fact sheets, in appropriate languages, in communal areas and bathrooms to educate employees about proper hand hygiene and symptoms of COVID-19.
   - Follow Oregon OSHA Administrative Rules — Including Division 4 Agriculture, Subdivision J, Work Environment, which requires sanitary facilities and supplies at the worksite, in common areas, restrooms, sleeping quarters and all common-use cooking and eating areas.
   - Make sure that workers have access to sanitary facilities and supplies at the worksite, in common areas, restrooms, sleeping quarters and all common-use cooking and eating areas.
   - In addition to handwashing supplies, provide and encourage the use of hand sanitizer containing at least 60% alcohol if available.
   - Disinfectants active against the emerging viral pathogens and human coronaviruses should be used to sanitize counters, bathrooms, doorknobs, eating surfaces, and other high touch areas. https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
   - Assign workers to disinfect shared areas twice a day, including laundry, cooking and eating areas and bathrooms.

Determine where you will house workers with symptoms of COVID-19.

   - If possible, people with symptoms of COVID-19 (e.g., fever or cough or shortness of breath) should be provided with separate living accommodations, including separate sleeping rooms, dedicated laundry, cooking and eating areas and bathrooms from people who are asymptomatic.

   - Suppose that employers cannot provide separate living accommodations. The employees’ personal belongings should be stored in separate rooms.

   - If possible, find a different place for people who have respiratory symptoms but have not been tested for COVID-19 to rest.
If possible, encourage employees with symptoms of COVID-19 to wear CDC recommended cloth face coverings to slow the spread of the virus, and help people who may have the virus and do not know it from transmitting it to others. The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare employees and other medical first responders.

Ventilate the room where persons with COVID-19 are housed on regular intervals.

If a worker is diagnosed with COVID-19:

- Employer to activate the company emergency plan and notify your local health department.
- Instruct employees and household members who had close contact with confirmed COVID-19 patient to self-monitor for symptoms of COVID-19 (fever and onset of respiratory symptoms such as cough or shortness of breath) for 14 days.
- If you have been tested to determine if you have COVID-19, you can leave home after these three things have happened:
  - You no longer have a fever (without the use medicine that reduces fevers)
  - AND
  - other symptoms have improved (for example, when your cough or shortness of breath have improved)
  - AND
  - you received two negative tests in a row, 24 hours apart. Your doctor will follow CDC guidelines.

Let workers who have symptoms of respiratory illness rest until they feel better.

- Encourage employees who are ill to call the local urgent care or emergency department if they are concerned about their symptoms or believe they need medical assistance. If requested, call an ambulance to transport employees needing immediate medical attention.
- Public health officials (e.g., local health department staff) will provide further instructions about isolation and release from isolation.
- Create a plan in case a cluster of employees complain of illness at the same time.
- Contact local DHS for any minor children who may need care if adult household members become ill and the adult household members have not arranged alternative care for the minor children.

Every worker has the right to a safe work environment; the employer must follow workplace health and safety rules.

LINKS TO INFORMATION
- Oregon Health Authority – Coronavirus - https://govstatus.egov.com/OR-OHA-COVID-19
• Oregon Department of Agriculture – COVID-19 Updated list of disinfectants to be used to eliminate virus from surfaces
• Oregon OSHA -  https://osha.oregon.gov/Pages/re/covid-19.aspx
• United States Environmental Protection Agency - https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
• Oregon Primary Care Association- Oregon’s Community Health Centers
  https://www.orpca.org/chc/find-a-chc
• 211 COVID-19 information resource. Note they also provide assistance in Spanish : https://www.211info.org/corona-virus?utm_medium=email&utm_source=govdelivery

You can get this document in other languages, large print, braille or a format you prefer. Contact the Oregon Health Authority Incident Management Team at ORESF8.OHALiaison@dhsoha.state.or.us.
Generally speaking, this guidance contains a number of useful best management practices. However, many of the suggestions are unrealistic due to unavailability of sanitary supplies or equipment. In addition, the guidance creates potential conflicts with HIPAA and with Oregon’s recent revisions to the residential landlord/tenant laws. If this rises to the level of a mandate, either through express terms or implementation, it would immediately put agricultural employers in an untenable position where they would have to choose which law to violate. Even if this remains a guidance document—which we strongly recommend—this should be carefully vetted by qualified legal counsel before it is adopted.

Absolutely agree. This goes way beyond the scope of what ag employers can provide.

Suggest adding “where possible” for certain points. Later on, the guidance suggests that social distancing is 6 ft where possible, but a minimum of 3 ft. “Where possible” should be added throughout the document for clarity and consistency.

Suggest adding. Social distancing must also be maintained during meal and rest periods.

While this is a reasonable suggestion during normal condition, it is unrealistic in the current marketplace where there is no ability to purchase hand sanitizer.

Suggest adding. This is the CDC guidance for those who have not been tested. It is important to give employees this information, so they do not inadvertently continue transmission of the virus or return to work too soon.

Suggest adding. The CDC’s guidelines for cleaning and sanitation vary depending on the type of material being cleaned and whether it has been in contact with someone who is suspected/confirmed to have COVID-19.

Suggest rewording. This sentence is confusing, and it is not practical to ask an employer to monitor every employee before they return home from the day. Instead, employees should be encouraged to make a report of these symptoms before returning to housing.
See comment above. Many farmers will not be able to provide individual housing units and all amenities for employees who test positive.

Suggest rewording. Employees must have the medical freedom to make decisions about their health and wellbeing. Employers can assist them in making contact with a medical provider, but it must be the employee’s choice as to when/which provider they see.

Suggest adding the CDC’s recommendations for Cleaning and Disinfecting Your Building or Facility If Someone Is Sick in order to protect employers or managers from possible transmission of COVID-19.

Depending on the arrangement, an employer may not be able to prohibit an employee from entering their private living space, especially if the ill employee is a family member of the other occupants of the house.
Suggest inserting. These are the CDC guidelines for discontinuing home isolation after someone is diagnosed with COVID-19.