



March 31, 2020

Dear Governor Cooper,

We are writing this open letter on behalf of the NC Farmworker Advocacy Network (FAN) to urge you to take critical action in support of one of our state's most vulnerable and essential workforces – agricultural workers. Because the US Department of Homeland Security has classified food manufacturer employees, their supplier employees, farmworkers, and animal agriculture workers as “essential critical infrastructure workers”, we are asking that you take immediate executive action to put the recommendations listed below in place, so that these workers can be safe and continue to provide the necessary food and agricultural products on which our communities and state economy depends.

[FAN](#) is a statewide coalition of 20 member organizations, including legal, health, religious, education, and advocacy groups that addresses the systemic barriers that field and poultry workers and their families face. Since 2003, FAN has been collaborating to bring workers' voices into the public discourse on issues that affect them. Each of the FAN members receives input from poultry and farmworkers directly through outreach, direct communication from farmworkers seeking assistance, surveys, focus groups, and having farmworkers directly involved with their organizations as staff, board members, and advisors.

Estimates of how many migrant and seasonal farmworkers there are in North Carolina each year range from 80,000 to 150,000, but by any measure they are an important part of our economy. They are also among the most at risk of occupational illness and injury even under normal conditions. [North Carolina's farmworkers face many barriers to accessing essential services, especially during times of emergency.](#) Farmworkers are particularly vulnerable in times like these because of isolation, mobility, language barriers, lack of transportation, and lack of connection to services in the community. Farmworkers usually live in very isolated areas and often have little to no contact with anyone other than their employer and the crew of workers with whom they live and work. Most migrant farmworkers in NC live in employer-provided migrant labor camps in rural, hard-to-reach areas. Thus, farmworkers are heavily reliant upon their employer for information and their safety during emergencies. North Carolina agricultural employers have already received certification from USDOL to bring thousands of H-2A workers into the state in 2020 to fill agricultural jobs. In fact, H-2A workers are being prioritized in order to expedite their arrival to worksites to maintain the nation's food supply during this pandemic. Despite restrictions on who may enter the country, thousands of H-2A workers will still be brought into North Carolina in addition to the hundreds that have already arrived. North Carolina growers and labor contractors that do not use the H-2A agricultural workers program

often employ migrant workers who travel with their families along the east coast based on the different growing seasons.

Like agricultural workers on farms, poultry and livestock processing workers are among the lowest paid workers in the state and work under dangerous conditions. Their working conditions make them particularly vulnerable during the pandemic because they work in close proximity to each other and have little opportunity to take breaks to use the bathroom and wash their hands.

With this letter we are sharing [a comprehensive list of policy recommendations](#) developed by farmworkers and their allies across the country. We commend this entire list for your consideration. FAN has identified the following priorities areas where agricultural workers in North Carolina are the most vulnerable and ask that you use your powers under the Emergency Management Act to take immediate action to protect them. We urge you to:

1. Provide migrant farmworkers with access to healthcare services and other resources.

Under usual circumstances, migrant farmworkers are isolated due to their location and lack of transportation. Although many farmworkers do have cell phones, cell coverage can be unreliable in rural areas where they live and work. This year, many of the service providers who normally visit migrant labor camps to provide in-person health education, language classes, and connections to other resources are suspending or drastically reducing their in-person outreach work. Just as you have already recognized the need to expand broadband into rural communities so that out-of-school children do not fall behind, migrant farmworkers also urgently need access to internet so that they can still access these services as well as the latest information about COVID-19 from the Governor's office, NCDHHS and the CDC. Requiring migrant housing providers to provide high speed internet that can accommodate video calls or live internet broadcasts in all housing will enable workers to seek medical services remotely and help them receive current information and recommendations about how to keep themselves safe. It will also enable children of farmworkers to keep up with their schoolwork.

2. Ensure migrant agricultural workers are not put at risk in their employer-provided housing.

The Guidance for Migrant Farmworkers, Their Employers, and Housing Providers issued by DHHS on March 26, 2020 makes several important recommendations regarding how to protect the health and safety of farmworkers. We are concerned, however, that many housing providers will not comply with the recommendations for various reasons, including the cost, unless they are required to do so. Because many farmworkers are housed in barracks-style housing with shared showers, shared toilets which are not required to have partitions, shared laundry, shared food preparation facilities, and shared sleeping areas which only require 50 square feet per person in order to be legally acceptable, any delay in separating workers who are symptomatic or known to have been exposed could have disastrous outcomes. Some of the migrant labor camp sites in North Carolina are permitted to house hundreds of workers. Finally, some migrant housing in North Carolina offers outhouses as the only toilet facility. (Some photos of migrant housing that technically complies with the NC Migrant Housing Act but puts workers at risk of spreading or being exposed to coronavirus are included at the end of this letter.) Therefore, we

ask you to consider directing the NC Department of Labor's Agricultural Safety and Health Bureau to 1) not certify additional migrant housing unless the housing provider demonstrates that it has an emergency plan in place as outlined in the March 26th DHHS guidance; 2) not certify housing where the beds are closer than six feet away from each other; 3) not certify any housing that only has outhouses; and 4) revoke the certification of any housing that has already been certified unless they also have an emergency plan in place, at least six feet between beds and do not rely on outhouses. It may be necessary to provide additional funding to NCDOL-ASH during this time. Growers would also benefit from forgivable loans should they need to construct new housing. FAN can provide guidance and templates for this construction if needed.

Additionally, while there is still time to start planning and preparing for the upcoming hurricane season, we encourage your administration to take steps now to be prepared to safely evacuate migrant farmworkers if it becomes necessary. During the past few hurricanes, farmworkers have been gravely impacted because of their isolation and barriers to being able to evacuate on their own. It is critical that we do not overlook planning and preparation for hurricane season because of the current pandemic or the impacts on farmworkers will be exacerbated.

3. Ensure agricultural workers are able to protect themselves from exposure while working.

Farmworkers and poultry and livestock processing workers need to be given the opportunity to take breaks so that they can wash their hands to protect themselves and prevent the spread of COVID-19, but breaks are not currently required by law. All workers should also be provided with hand sanitizer, adequate handwashing facilities, potable water and enough disposable drinking cups so that they do not have to share. Agricultural employers are required to provide drinking water and handwashing facilities to field workers engaged in hand-labor pursuant to OSHA regulations, but there are no corresponding requirements for packing shed workers or meat processing workers, and nothing mandating breaks for any group. FAN members have already heard from poultry processing workers of several employers who are concerned about their safety at work because there are no protective measures in place. An Executive Order requiring these basic protections would help protect them and slow the spread of the virus among workers and in turn the general public. Again NCDOL-ASH may need additional resources to enforce the Field Sanitation Requirements.

In addition, we ask you to require employers of essential workers, such as farmworkers and meat processing workers, to provide their employees with a letter that explains they are essential workers and, as such, permitted to travel to and from work.

4. Protect workers who get sick from retaliation.

We have already heard reports about farmworkers who fear they may be sick with COVID-19 but who are scared to say anything to their employer for fear they will lose their job and paycheck with no options. We urge you to take whatever action you can to ensure that agricultural workers who report illness to their employers will not be retaliated against and will be provided with paid sick leave or unemployment insurance if they do have to miss work.

Because farmworkers are so isolated, ensuring that they do not suffer unlawful retaliation will require access to legal services.

5. Take additional steps to protect North Carolinas' essential farm and poultry and livestock processing workers.

Other steps that could be taken to help provide migrant workers with health care is to ask the federal government to extend the deadline for ACA enrollment, require agricultural employers to provide information about ACA enrollment to H-2A workers and give them time off from work to enroll, ensure that all health clinics serving farmworkers have Spanish interpretation available, and provide Spanish language interpretation on the UNC COVID-19 phone line. Finally, in the event that telehealth is not adequate, health outreach workers who visit migrant housing need to be provided with adequate PPE.

The agricultural community is one that is often overlooked and excluded from protections, so making sure their needs are considered in our state's emergency planning is critical. FAN is asking you to ensure that all workers – including agricultural workers – are not put at risk because of their need to earn a paycheck. FAN is currently convening daily calls with members to assist with coordination of services and advocacy for workers. FAN members are ready and willing to engage with you and your staff about any of these recommendations.

We would like to meet with you to discuss these suggestions. Please contact Anna Jensen, FAN Coalition Coordinator, at 919-915-9990 or annaj@ncfwf.org and/or Clermont Ripley, coordinator of FAN's Advocacy team, at 919-856-2154 or clermont@ncjustice.org, to set up such a meeting or with any questions. Thank you for your leadership and the steps you have already taken to protect vulnerable communities during this time. We look forward to hearing from you.

Thank you,

Farmworker Advocacy Network

Anna Jensen
Executive Director, North Carolina Farmworker Health Program

Clermont Ripley
Senior Attorney, North Carolina Justice Center



typical spacing of bunkbeds does not allow for social distancing



Shared showers



Toilets without partitions



Outhouses at a labor camp