

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

DATE: 05/17/2021

MINUTES PREPARED BY: MIKE ZASTOUPIL

Attendance

Present

- **Andrea Vaubel**, Deputy Commissioner, Minnesota Department of Agriculture
- **Hamse Warfa**, Deputy Commissioner, Minnesota Department of Employment and Economic Development
- **Rena Wong**, Director of Organizing, United Food and Commercial Workers (UFCW) Local 663
- **Jennifer Christensen**, President, United Food and Commercial Workers (UFCW) Local 1189
- **Colin Laffey**, Staff Attorney, Agricultural Worker Project, Southern Minnesota Regional Legal Services (SMRLS)
- **Emilia Gonzalez Avalos**, Executive Director, Unidos MN
- **Rodolfo Gutierrez**, Executive Director, HACER
- **Susan Bishop**, Supervisor, Minnesota Department of Health, and Migrant Agricultural Worker Response Lead, ICS
- **Nicole Blissenbach**, Deputy Commissioner, Minnesota Department of Labor and Industry
- **Tamara Nelsen**, Executive Director, Minnesota AgriGrowth Council
- **Gary Wertish**, President, Minnesota Farmers Union
- **Kiza Olson**, CHS Administrator, Meeker-McLeod-Sibley Community Health Services
- **Sarah Berry**, Waseca County Public Health Director, Southwest/West Central Community Health Board
- **Kevin Paap**, President, Minnesota Farm Bureau
- **Maureen Ramirez**, Director of the Office of Economic Opportunity, Minnesota Department of Employment and Economic Development
- **Carrie Rigdon**, Operations and Planning Section Manager, Minnesota Department of Agriculture
- **Kristi Halvarson**, Executive Director, Community Health Service, Inc.

- **Mike Zastoupil**, Food Access Associate, Minnesota Department of Health

Absent

- **Lorrie Janatopoulos**, CareerForce Director, Minnesota Department of Employment and Economic Development

Agenda

- 1:00 PM **Welcome**
- 1:05 PM **Overview of Survey** – Carrie Rigdon (DEED)
- 1:10 PM **Employer Outreach** – Lorrie Janatopoulos (DEED), Maureen Ramirez (DEED), and Susan Bishop (MDH)
- 1:35 PM **The Role of DLI** – Nicole Blissenbach (DLI)
- 2:05 PM **The Role of MDA** – Carrie Rigdon (MDA) and Andrea Vaubel (MDA)
- 2:15 PM **Vaccine Briefing** – Edwin Torres (MDH)
- 2:40 PM **Discussion of Next Steps**
- 3:00 PM **Adjourn**

Meeting notes

Overview of Survey

Carrie Rigdon gave an overview of the survey that we sent out last Tuesday. The survey has 10 questions to help the committee understand committee members' knowledge, concerns, goals, and ideas. Responses are due the 19th, and Mike will send another reminder with the link to everyone after the meeting today.

Employer Outreach

Susan Bishop leads the COVID response work at MDH that is focused on migrant and seasonal farmworkers. She explained the current efforts to reach out to employers to help them get their workers vaccinated. There is a toolkit of resources, as well as request forms for employers interested in hosting a vaccination site or requesting a mobile vaccine bus to visit their workplace. Susan and others at MDH are trying to reach as many employers as they can who employ migrant and seasonal agricultural workers. The vaccine would be available to employees and their families, including children age 12 and older. They have been working from a list of employers from DEED, but Susan was wondering if others on the committee could help connect them with other employers.

Colin Laffey suggested that MDH reach out to employers of year-round agricultural workers (such as dairy farms), and that his organization could help MDH with outreach to these types of employers. Other members of the committee noted that many food processing workers at year-round facilities already received the vaccine earlier this spring, but of course these efforts didn't reach everyone.

Emilia said Unidos MN has been partnering with Tri-Valley because they provide childcare for many migrant/seasonal families, as a tactic to help with vaccine outreach. Tri-Valley has heard from more and more families who are interested in staying in Minnesota more long-term, such as some families who used to live in Texas. Emilia also suggested that MDH partner with temp staffing agencies that hire Latino workers, as well as other daycare agencies. Emilia and Susan agreed to talk more offline.

The Role of the Department of Labor and Industry (DLI)

Nicole gave an overview of DLI's work. The areas that have a connection to agricultural and food processing workers are 1) Workers' Compensation 2) Occupational Safety and Health (OSHA) 3) Labor Standards, and 4) Dual-Training Pipeline. Most of the conversation was about OSHA and Labor Standards.

Generally, MN OSHA Compliance does not have enforcement authority over agricultural employers with less than 10 employees, temporary migrant camps, or migrant labor housing. Who does have authority over these areas? As far as Nicole knows, farms with under 10 employees are not regulated by anyone for worker health or safety. However, some of the housing for migrant workers is inspected through MDH, and their delegated authorities (usually city/county health dept.), and DEED inspects some housing for H2A foreign labor workers.

There are several worker protections under MN OSHA, including new protections related to COVID. Over the past year, OSHA Compliance has had large upticks in cases caused by both COVID and discrimination. There were a lot of imminent danger complaints – most of them are in construction. But manufacturing (food processing) is also a high-hazard industry. In these industries, DLI does periodic inspections. A lot of times complaints are about something that is broken, or rules that aren't being followed, etc. For example during COVID, a complaint that an employer is not enforcing 6-foot distancing, not enforcing quarantine or isolation protocols, health screening violations, etc. OSHA is also required to investigate all workplace fatalities and serious injuries. To do all of this work, there are 43 health & safety inspectors for the entire state of MN. A number of OSHA inspectors do have language skills (Spanish, Somali, others). But DLI largely relies on the Language Line to help with complaints and other communications.

The other branch of MN OSHA, Safety Consultation, does provide free safety and health consultation to employers, as well as \$10k grants to employers to improve safety conditions. This branch did hire a new person to start doing safety consultation focused on ag and forestry. Nicole thinks it would be great to have him come talk at one of the committee meetings sometime.

The Labor Standards unit at DLI enforces wage and payment laws. Agricultural workers are exempt from federal overtime pay, but not MN state overtime pay (which is anything over 48

hours/week). Nicole noted that Chapter 181 does cover migrant labor, but it only gives DLI the authority to investigate, but not enforce. Legislation was introduced last session to grant DLI more authority, but nothing has passed to date.

This led to a conversation about paid leave for migrant and seasonal agricultural workers. While there are some requirements for employers to provide leave, there is nothing requiring leave to be paid. Nicole noted that DLI is currently tracking several bills in MN related to paid leave:

- HF7 Earned Sick and Safe Time
- HF800 Safe Workplaces for Meat and Poultry Processing Workers Act
- HF1200 Paid Family Medical Leave
- HF41 Essential Workers Emergency Leave Act

The COVID leave under the Families First COVID Response Act expired last December 13st. The law basically said that for reasons related to COVID (six reasons), that the employer had to provide up to 2 weeks of paid leave that didn't reduce their sick or vacation leave. After December 31st, it wasn't required, so many employers dropped it. Although employers could elect to continue to provide paid COVID leave and receive tax credits for it.

The Role of the Department of Agriculture (MDA)

DC Vaubel covered the work that MDA does related to migrant and seasonal agricultural workers. MDA is responsible for a wide range of food supply chain inspections (e.g. dairy inspections, feed inspections), which is where most of their interaction with farm and food processing workers occurs. MDA already partners with MDH, local public health, and tribal nations in their food safety inspection work. MDA also hosts a quarterly "Farm Safety Work Group" which includes members from DLI, MN Safety Council, University of MN Extension, and the Upper Midwest Ag Safety and Health Center (UMASH). Despite these partnerships and the licensing and inspection work, MDA still has an incomplete picture of the food and ag sector, because anyone can farm without a license or much regulation.

Vaccine Briefing

Edwin Torres is the Vaccine Outreach Director at MDH and joined the committee meeting to share an overview of current outreach efforts, including efforts to vaccinate food processing and agricultural workers.

Although any Minnesotan age 12 years and older can get a vaccine shot, MDH is still working on very targeted outreach strategies to certain groups – including food processing and ag workers. MDH estimates that there are approximately 20,000 people in this group. All current outreach efforts to reach migrant and seasonal agricultural workers is modeled on the efforts back in March of 2021 to vaccinate food processing workers, such as in Worthington and Marshall, (over 70% of this population has been vaccinated). Edwin showed a map of agricultural employers in relation to current state vaccination sites and highlighted the need for a regional approach.

Since Dr. Chomilo was brought on to lead vaccine equity work, MDH has adopted the Social Vulnerability Index (SVI) to map the state and make vaccine allocation decisions. This approach was approved by the Governor and began about 2 weeks ago. The plan is to focus on areas with a high SVI score, and low vaccination rates. The goal is to have 40% of all vaccinations targeted in these “hardest hit” communities – which includes migrant and seasonal ag workers. All current race and ethnicity data about vaccines are available on the MDH vaccine dashboard: <https://mn.gov/covid19/vaccine/data/index.jsp>

Anyone can call the MDH Hotline or use the Vaccine Connector website (<https://mn.gov/covid19/vaccine/connector/connector.jsp>) to book a vaccine appointment at any state site (ADA and translation services are available). However, the approach that may be best suited for reaching migrant and seasonal ag workers is the Mobile Vaccine team. MDH has partnered with DOT and Blue Cross Blue Shield to retrofit six buses to become mobile vaccine units. The buses can vaccinate between 20 and 180 people each day, and can do 4-day tours (typically Monday-Thursday). The mobile vaccine buses have done dozens of successful events so far with homeless communities, low-income communities, Hmong village parking lot, and others. There is a process to request a mobile vax bus, and they will help you every step of the way. The Mobile Vaccine Unit is actively seeking hosts for locations, so let Edwin know if you know an employer that is interested in vaccinating their employees.

Discussion of Next Steps

Folks agreed that a standing meeting time would be helpful, so Mike will send a Doodle out to schedule. The next meeting will focus on discussion of the survey results and beginning to make a plan for accomplishing the objectives of the committee.

Action items

- Mike will send another survey reminder with the link to everyone after the meeting today.
- Mike will share PPTs with committee members after the meeting today.
- Mike will send Doodle to schedule standing meetings through end of August

Next meeting (H2 heading)

Date: May 27th, 2021

Time: 1:00 – 3:00 PM

Location: Microsoft Teams

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 651-395-7448](tel:+16513957448), [610233526#](tel:+1610233526) United States, St. Paul

Phone Conference ID: 610 233 526#