

Farmworkers went unmasked during L.A. fires. That's not supposed to happen.

California is one of three states with regulations protecting workers from wildfire smoke and heat.

Today at 6:00 a.m. EST

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By [Gaya Gupta](#) and [Angie Orellana Hernandez](#)

Burning ash stung her throat and her nose. Blustering winds spread ashes onto the field, obscuring her vision with smoke.

But Griselda Ellez, who picks leeks in California's Ventura County, said she had no option but to continue working, even as the Hughes Fire blazed north of Los Angeles last month. She needed the wages for herself and her young son.

"I was a little scared because I could feel how hot the ashes were," Ellez said in Spanish.

When the fire blanketed Ventura County's farmlands with smoke in January, casting an orange tint across the region, authorities advised residents to stay indoors and to limit strenuous outdoor activities. But agricultural employees like Ellez continued to work. And many were not provided masks, according to workers and union organizers, even with state laws meant to require them.

The Hughes blaze was one of several that tore through Southern California last month, in a state used to battling fires and smoke. As human-driven warming fuels extreme weather patterns across the West — including fires and record heat — outdoor farmworkers are left especially vulnerable. Even in a state with standards meant to protect them from smoke and extreme heat, researchers and advocates say, they often face serious health dangers.

“The laws on the books are not the laws on the field,” said Roman Pinal, a United Farm Workers organizer. He helped distribute masks to farmworkers in Oxnard, California, during the Hughes Fire.

Pinal said that out of dozens of workers he met with recently, many told him employers had not provided masks. The two pallets of masks his team brought to groups of workers were gone in an hour, he said.

Adriana Mandujano, part of a separate Mixteco Indigena Community Organizing Project, said that the group helped distribute N95 masks in Oxnard and Ventura during recent fires, and that it has passed out 5,000 masks since November.

Silvia Salvador, who picks strawberries in Oxnard, said her employer provided masks and protective eyeglasses — but ash still burned her nose and throat. And it was uncomfortable to wear a mask while harvesting strawberries, which requires workers to stoop down for long periods.

Ellez and Salvador work at separate produce farms in the county; both declined to share the names of the farms for fear of retaliation. The Washington Post reviewed photos and videos sent by advocacy groups that showed workers in fields during the wildfires without respirators. In the videos and in descriptions from community groups and workers, some are wearing only bandannas.

“We have to suffer so much to earn very little,” Salvador said.

United Farm Workers

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Ventura County strawberry workers are harvesting in heavy smoke from the Hughes Fire. We remind workers their employers have to provide them with respirator masks if the AQI exceeds 150. Stay safe! [#WeFeedYou](#)

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Tim Beatty, a professor of agricultural and resource economics at the University of California at Davis, [found in a recent study](#) that during wildfires in 2020, farm employees worked less or moved locations to avoid wildfire smoke.

Because agricultural employees are a low-paid group with a limited number of work days, he said, losing out on a day's wages is a "nontrivial shock to their economic well-being."

Ellez said she lost out on a week's worth of pay when harvesting paused because of dangers and damage from the fires.

Wildfire smoke contains fine particulates and hazardous chemicals that experts say can cause short- and long-term harm. Research suggests the longer someone is exposed to those particulates, the greater their risk of respiratory problems and other adverse health outcomes.

Lucas Zucker, who helps lead Central Coast Alliance United for a Sustainable Economy in Ventura County, said that leaves workers with difficult choices, between "exposing yourself to extreme health risks and losing the income that you need to put food on your family's table."

A 'lack of enforcement'

California is one of three states with regulations protecting workers from wildfire smoke and heat. The state passed emergency wildfire protections in 2019, then reeling from a spate of deadly fires in the two prior years.

The law, which became permanent in 2021, requires employers to provide workers with respiratory protective equipment such as masks when the Air Quality Index, a measure of outdoor air pollution, is 151 or greater. The index ranges from 0 to 500 and classifies levels between 151 and 200 as unhealthy for the general public.

And while they must provide the masks, the standard does not require employers to enforce wearing them — unless the pollution threshold reaches the severe level of 500.

A law that went into effect this year allows agricultural workers to use accrued paid sick leave when local or state governments have declared an emergency.

"California is at the forefront of expanding protection to all workers, especially low-wage, marginalized workers" in the face of extreme weather, said Gaspar Rivera-Salgado, a lecturer on labor studies at the University of California at Los Angeles.

"However," he added, "the state lacks the infrastructure to enforce and monitor all the fields where people are working."

The California Division of Occupational Safety and Health, known as Cal/OSHA, notes on its website that the agency must enforce standards and protocols designed to protect workers, whether during a single-structure fire or a “large scale disaster.”

Daniel Lopez, a spokesman for Cal/OSHA, said the agency “repeatedly issued” alerts reminding employers of their obligation to protect workers last month, adding that it has not received any complaints to date relating to the Hughes Fire and wildfire smoke. Complaints can be formally filed by any employee, advocacy group or member of the public, according to the agency.

Zucker said there is generally a “huge lack of enforcement” and a gap in how standards are communicated.

Even when protections exist, he said, information might not be accessible to the workers themselves.

“There’s a lack of Cal/OSHA being present on the ground in rural communities, being kind of linguistically and culturally competent, working with community organizations, to get worker safety information out and enforce it,” Zucker said.

Lopez noted that Cal/OSHA has established its first “agriculture-specific enforcement team” that will do planned inspections year-round. He added that community groups, funded by California’s Department of Industrial Relations, held trainings and workshops to help educate farmworkers.

The agency has struggled with low staffing levels for years. The Sacramento Bee reported last February that its vacancy rate was 34 percent among health and safety inspectors and that the agency had just two investigators to look into cases of negligence for the entire state.

Lopez said Cal/OSHA has made “significant progress” in recent hiring, bringing its overall vacancy rate to below 25 percent. The agency now employs 250 field staff members, he said.

UCLA’s Rivera-Salgado said that generally, educating workers about their rights can be challenging.

When the fires hit last month, farmworkers may not have known about the paid-sick-leave law, which took effect Jan. 1. And seasonal workers might not qualify for paid leave, which they earn only once they work for the same employer for 30 days.

Ventura County’s Air Pollution Control District recently implemented a text-messaging system that sends alerts in English, Spanish and two Indigenous languages, Mixteco and Zapoteco.

According to Tommy Winning, who helps operate the system, 2,000 users are registered — a small fraction of the 25,000 laborers estimated to work in Ventura County. Winning said he hopes that number will continue to grow with the help of community outreach.

Adapting to extreme weather

The need to quickly reach farmworkers with emergency alerts and information will become more critical with the continuing threat of climate disasters, advocates said.

“This is a population that does not, unfortunately, have the luxury of having this safe space of indoor protection,” said Ron Estrada, who leads the Washington-based nonprofit Farmworker Justice. “So we need to certainly work on identifying how we could provide this type of protection for farmworkers.”

In addition to ongoing fire risks, high temperatures can cause heat stroke, and heavy rains can increase the risk of injuries. Record heat levels affect workers across the country, with most states lacking protective regulations for extreme temperatures.

But any changes that enable workers to adapt should come with policies to address additional risks, said Beatty, from UC-Davis. For example, workers could avoid the afternoon sun by shifting to earlier start times, but they will need additional standards and safety equipment for working in the dark.

“Increased flexibility to help reduce their exposure to an unforgiving environment will let us continue to be a real, productive agricultural region,” Beatty said.