

CALIFORNIA

## California lawmakers blast state's workplace safety agency over 'dangerous' farmworker conditions



Farmworkers report to work in 2020 at the height of the COVID-19 pandemic. (Associated Press)

BY MACKENZIE MAYS | STAFF WRITER

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SACRAMENTO — California Democrats lambasted the state’s workplace safety agency on Wednesday after hearing testimony from farmworkers who said they have been exposed to extreme heat and pesticides on the job and have faced wage theft and other labor law violations.

At a hearing of the Assembly Committee on Labor and Employment, farmworkers and their advocates testified that the state has repeatedly failed to enforce workplace protection laws.

The allegations come as the California Division of Occupational Safety and Health, known as Cal/OSHA, is grappling with a 38% employee [vacancy rate](#). That understaffing has compounded workplace safety compliance in a high-risk industry where fear of retaliation or deportation already keeps low-wage workers from filing complaints for workplace violations, speakers said Wednesday.

“I have heard time and time again that the laws in the fields are not the laws that we are passing here at our statewide level,” Assemblymember Joaquin Arambula (D-Fresno) said Wednesday. “We know that implementation is not working for our communities.”

A representative from Cal/OSHA told lawmakers

Wednesday that a formation of a new “agricultural enforcement unit” is underway and will prioritize recruiting employees focused on farm work.

Committee Chair Assemblymember Liz Ortega (D-San Leandro) said following the hearing that she was unsatisfied with the state agency’s response and is calling for an audit of Cal/OSHA.

Ortega called what’s happening on some of the state’s farms “dangerous and illegal” and refused Wednesday to accept funding concerns as reason for subpar workplace safety compliance, pointing out that while California is currently facing [a multibillion-dollar deficit](#), there was a budget surplus at the time when many farmworker complaints surfaced.

“To say I’m infuriated is an understatement,” Ortega said Wednesday. “I don’t want to hear any more excuses. It’s excuse after excuse, year after year.”

A potential audit could be facilitated through legislation or through a joint committee in the Legislature, which votes on issues deemed worthy of investigation. Other lawmakers, including Arambula and Sen. Dave Cortese (D-San Jose), said they would support such an audit.

Debra Lee, chief of Cal/OSHA, said she was “very concerned” by the testimonies on Wednesday. Under the agency’s new agricultural enforcement unit, an anonymous complaint hotline for farmworkers will be established and offices will be expanded in farm rich places like the San Joaquin Valley, she said.

“Our mission is worker safety and health,” Lee said at Wednesday’s hearing. “Workers’ lives and livelihoods depend on our ability to jointly prevent injury and illness.”

Agricultural work is considered among [the most dangerous](#) in the United States, and the effects of climate change are exposing outdoor laborers to [life-threatening heat](#) more than ever before.

California has laws that provide farmworkers with overtime pay and shield those who are residing in the country illegally from being punished by their employers if they file wage complaints. Last year, Gov. Gavin Newsom [signed a law](#) that made it easier for farmworkers to unionize and created a program to provide free legal assistance to immigrant farmworkers who are involved in state labor investigations.

Still, enforcement of those laws is not always

happening out on the field, workers, advocates and union representatives told lawmakers Wednesday. Workers said they do not trust state agencies due to deportation concerns and have faced barriers when they have tried to contact Cal/OSHA in the past.

Cristina Gonzalez, who works as a farmworker harvesting tomatoes, blueberries and figs in Madera, said that she has tried to help her colleagues file complaints with the state but could not contact someone speaking Indigenous languages such as Mixteco at Cal/OSHA.

“This makes us lose faith,” Gonzalez told lawmakers.

Assemblymember Esmeralda Soria (D-Merced) said she was stunned by reports that Cal/OSHA workers have been “condescending” to farmworkers who have sought their help or ignored them altogether.

“It really infuriates me to hear that these vulnerable workers — workers that are most of the time not willing to call [Cal/OSHA] because they get treated like crap — that when they call a state agency, they’re not responsive in meeting their needs,” Soria said.

Lee, of Cal/OSHA, also responded to several allegations by farmworkers on Wednesday that state

agency officials have tipped off farmers in the state about inspections ahead of time — a violation of labor law that could lead to imprisonment.

“If this is happening, this is something we want to know, we need to know and we will take action,” she said.

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Mackenzie Mays

Mackenzie Mays covers state

government and politics in the Los Angeles Times' Sacramento bureau. Previously, she worked as an investigative reporter for Politico, the Fresno Bee and the Charleston Gazette-Mail. In 2019, she received the National Press Club Press Freedom Award for her political watchdog reporting. She is a graduate of West Virginia University and proud Appalachian.