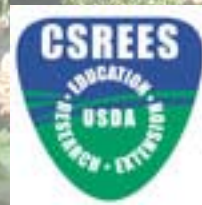


Small Family Farms Affected by Labor / OSHA Issues

Richard Molinar & Michael Yang
UC Cooperative Extension
Small Farm Program

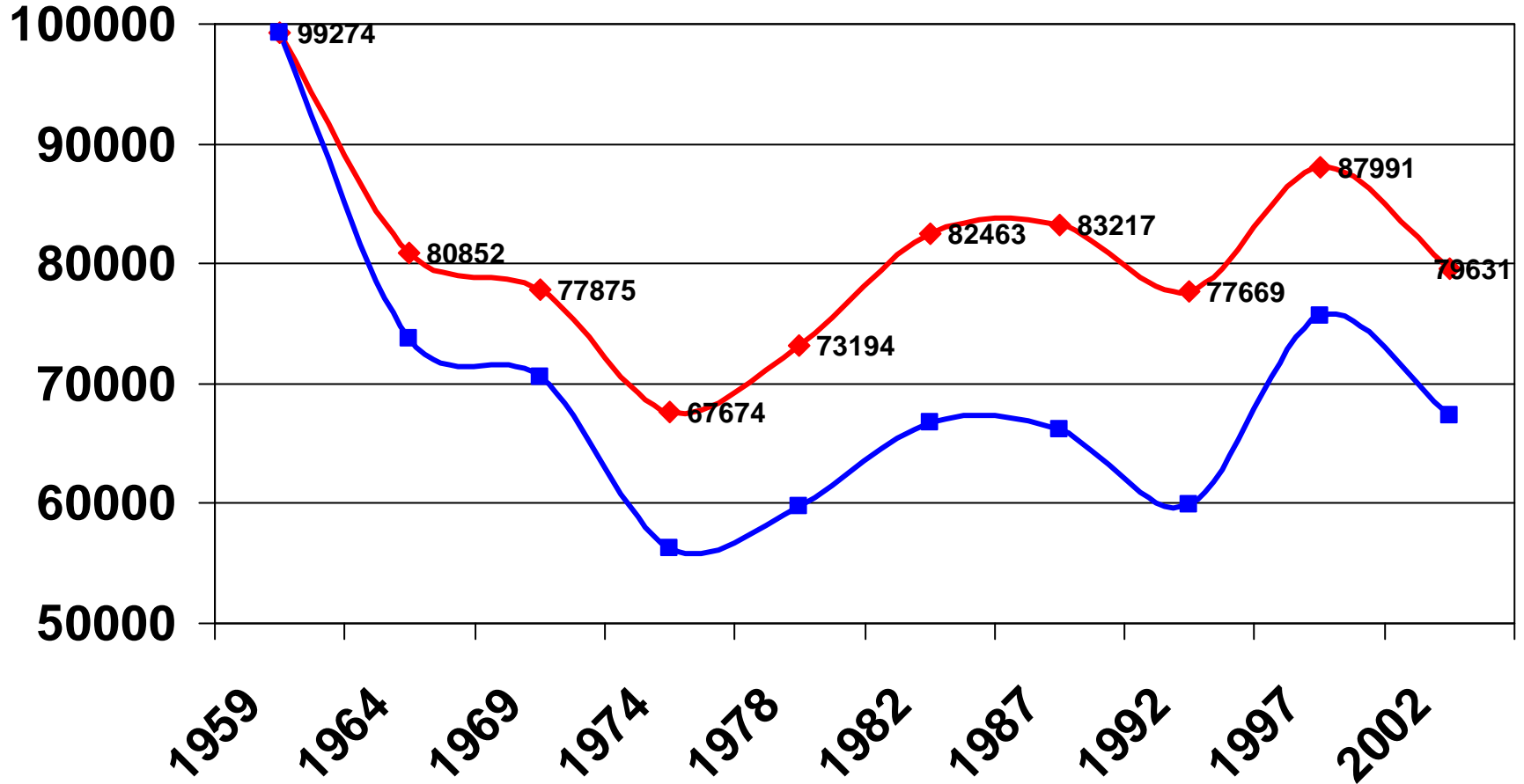


Family Farm Legal Compliance Issues

1. **Pesticides** — County Ag Department (Ag Commissioner)
2. **Burning** — SJ Valley Air Pollution District
3. **Labor** — Deputy Inspector in Fresno
4. **OSHA** - Cal/OSHA enforcement
5. **EDD** — Employment Development Dept, payroll taxes
6. **Posting Requirements**
7. **Health Dept.**
8. **Internal Revenue Service**

The Demise of the Small Family Farm

CALIFORNIA Ag Census 2002



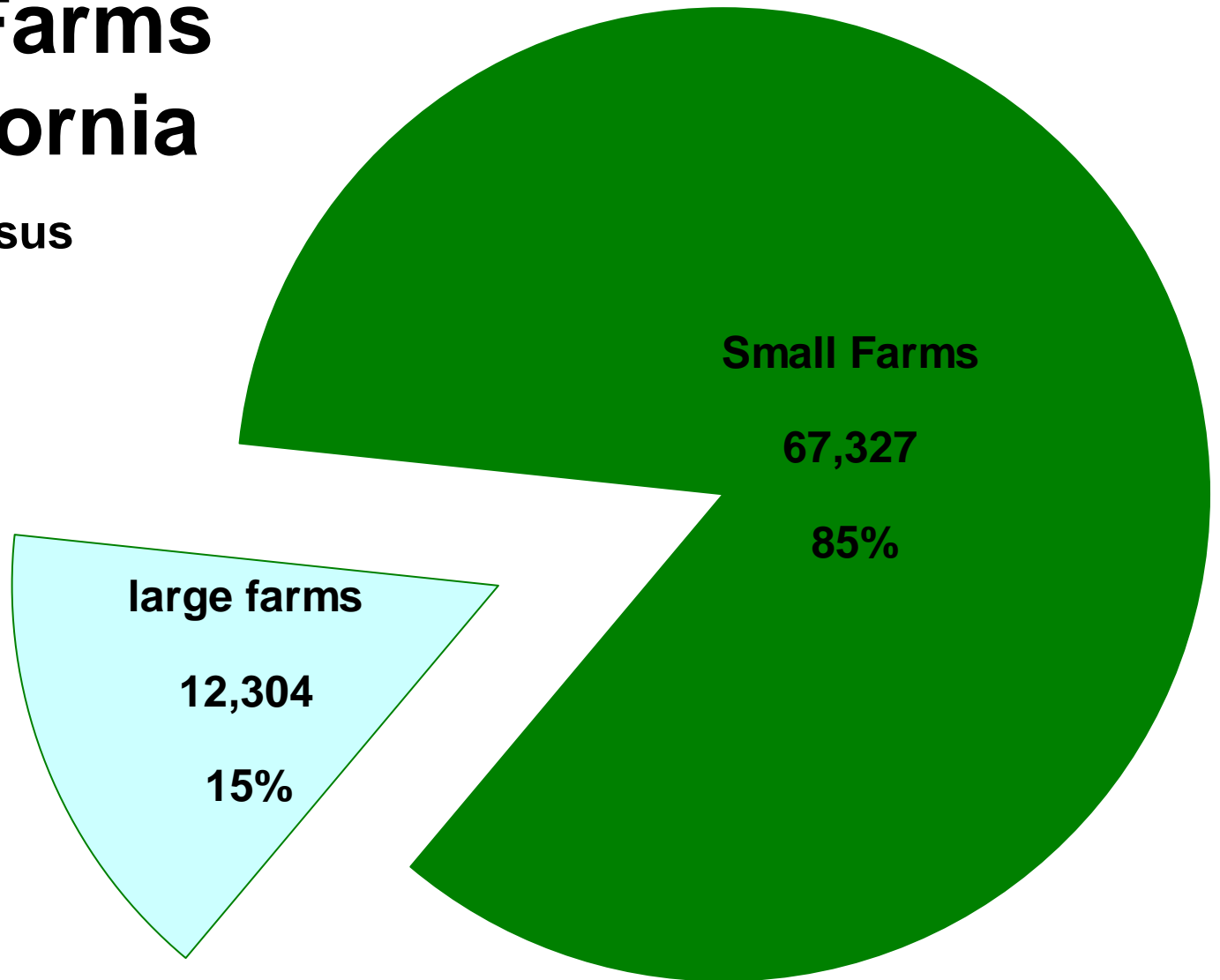
Total **all** farms



Total **small** farms

Small Farms in California

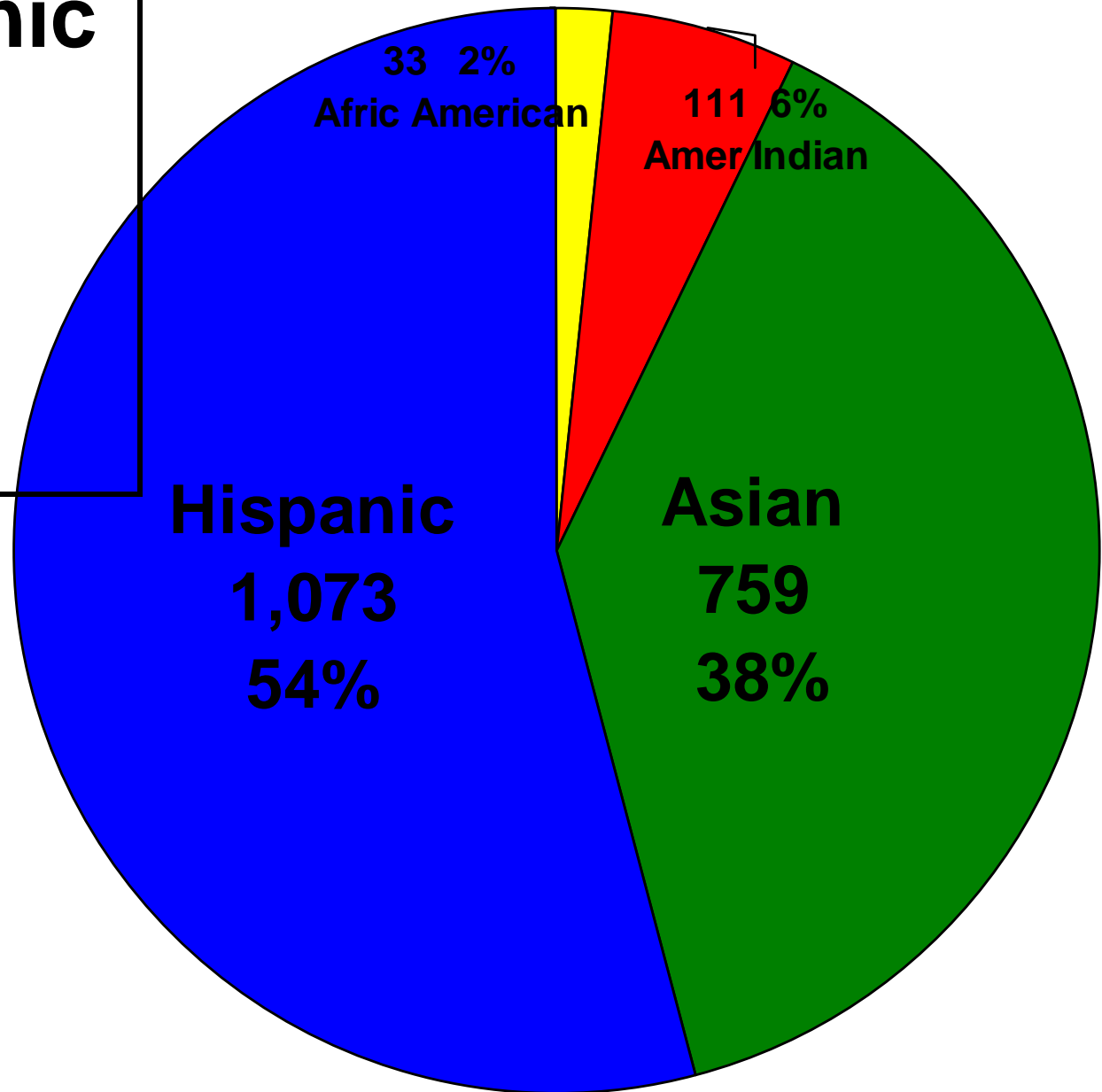
2002 Ag Census



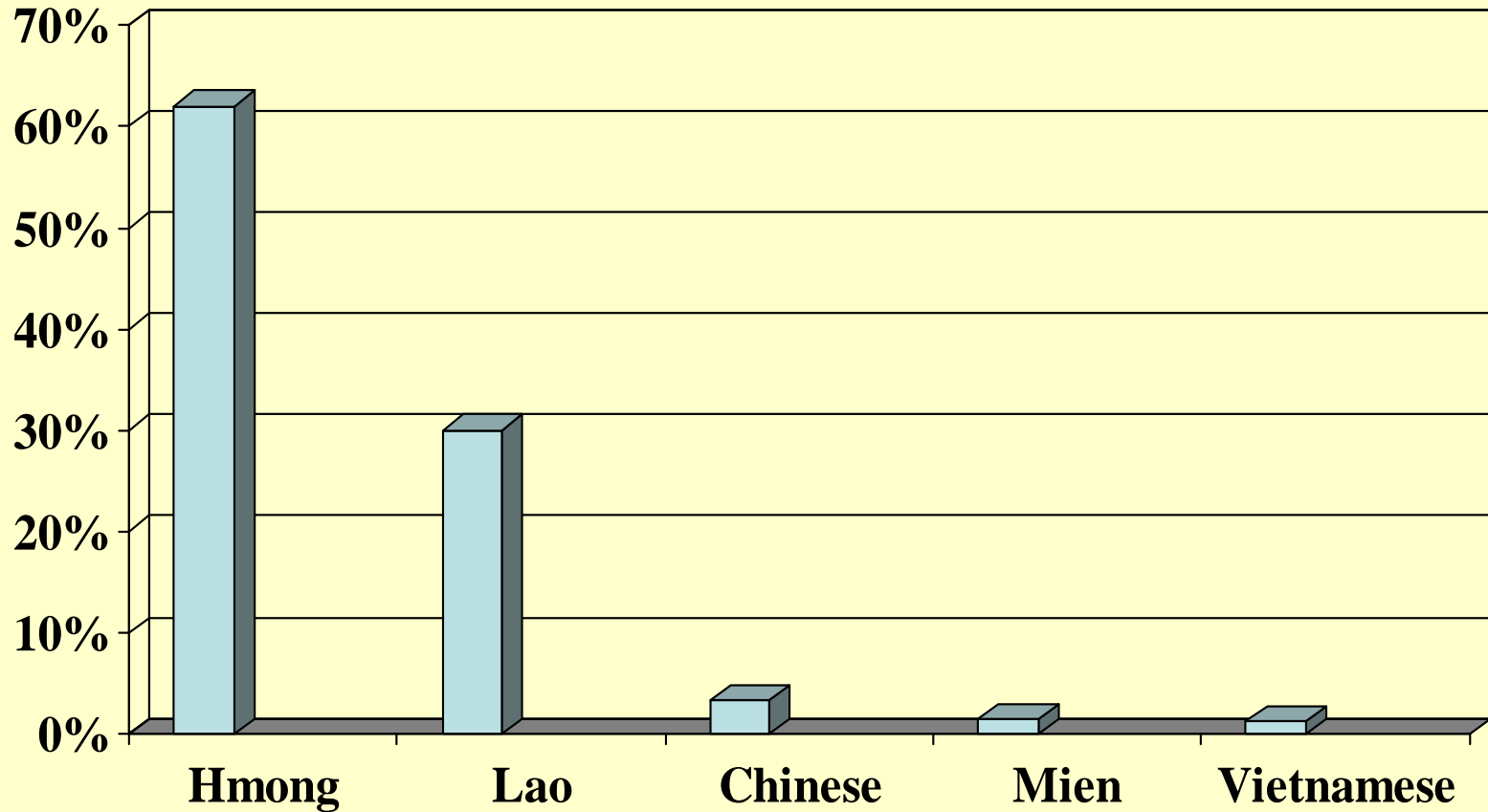
Fresno Ethnic Diversity

(almost 1/2 of small farms are minority operated)

Ag Census 2002



SE Asian Vegetable Farmers in Fresno - 734 Asians



1992 Pedro Ilic survey, 2007 Molinar survey



Hmong farmer profile

- Over 1,200 Hmong in Fresno
 - Came to California from Laos/Thailand (1976 -.....)
 - 30,000 in California (1,200 farmers in Fresno)
 - 4th grade education at most
 - In Laos were either farmers or in military
 - Slash and burn type agriculture
 - Average 6-8 kids
 - Average size farm 8 acres (specialty crops)
 - Average income \$20,000
 - * **Extended family help – cousins, brothers, uncles, grandparents**

State of California Farm “sweeps”

- 1992 – 1997? TIPP program
– Targeted Industries Partnership Program
- 2004 - present Multi agency “sweeps”

Unannounced sweeps on farms by
DLSE, OSHA, EDD, CCC, US DOL

Department Labor Standards Enforcement
Occupational Safety and Health Agency
Employment Development Department
California Conservations Corps
US Department of Labor

2004 multi-agency “sweeps” Fresno

- 3 Hmong farmers fined Sept 2004
- Reason – no workers compensation insurance
- \$14,500 – 25,000 fines

2008 multi-agency “sweeps” Fresno

- 4 Hmong & 1 Hispanic farmer fined
- Reason – no workers compensation insurance, wage statements, heat illness training, toilets
- \$700 – 38,000 fines

Today ??

(EDITORIAL)

**The farmer cannot have neighbors (volunteers)
over to help put up a barn**

‘unless’

1. He has a worker’s compensation policy
2. Pays volunteers a wage and complies w/ child labor laws
3. He has 2 toilets: 1-male and 1-female per 20
‘volunteers’, able to hold 40 gallons, located within ¼ mile
or 5-minute walk, screened and sanitary



- **OSHA** - Cal/OSHA enforcement 559-445-5302

- a. **Field Sanitation**

- drinking water – cool, with faucet, disposable cups, 4 gallons/worker/8hrs
- hand washing – soap, single use towels, 15 gallons minimum, ‘clearly marked’
‘water is for hand washing only’
- toilet: 1-male and 1-female / 20 employees. (exception, if less than 5 employees then only 1 toilet is required (lockable)
 - * able to hold 40 gallons, supplied with toilet paper, located within ¼ mile or 5-minute walk, screened and sanitary.

- b. **Hazard Communication Program**

- c. **Use of Short-Handled Hoes** – prohibited while kneeling or squatting

- d. **Medical Aid** - First aid kit at the farm

- one trained in first aid for every 20 employees
- exception = not needed if medical care facility is within 15 minutes
- CPR qualified person to provide assistance within 4 minutes

- e. **Injury and Illness Prevention Program (IIPP)**

- Must have a written program **for employees** that contains 8 parts

- **Labor** – Deputy Inspector in Fresno 559-244-5352

a. Worker's Compensation Insurance – required in all ag situations where employees or extended family members help. Only exception is the farmer and his/her partner(s)

b. Minimum Wage

c. Child Labor

d. Wage statements

Definition of “Employee”

- Labor code, State of California
section 3351

“Employee” means every person in the service of an employer under any appointment or contract of hire or apprenticeship....

- Section 3352

Any person performing voluntary service

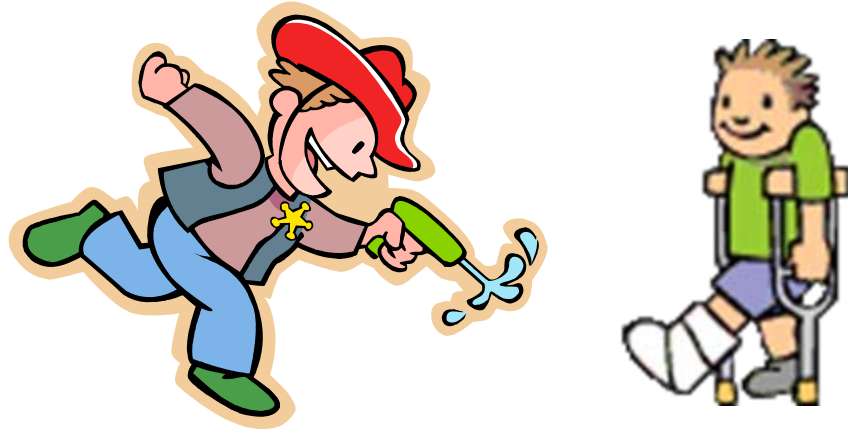
What is needed

- Clarification of the labor code pertaining to definition of employee and volunteer

Alternative:

State of Calif. –

Shoot themselves in the foot



- farmers quit farming and/or go back on welfare

acknowledgements

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