



TO: Senate Committee on Labor and Business

FR: Ira Cuello-Martinez, PCUN

RE: Support for SB 592

February 14, 2023

Chair Taylor, Vice Chair Bonham, and Members of the Senate Labor and Business Committee,

My name is Ira Cuello-Martinez and I am the policy and advocacy director at PCUN, Oregon's Farmworker Union. At PCUN, we work to empower farmworkers and working Latinx families to improve their working conditions through community building, organizing, and policy advocacy.

I am here to testify in strong support of SB 592, the Keeping Oregon Workers Safe Act, which will improve workplace safety by ensuring non-compliant employers are held accountable for dangerous and unsafe work conditions. I will use part of my testimony to uplift and share workers' stories and experiences with unsafe working conditions and the lack of or low penalties given to non-compliant employers.

The first story is of Sebastian Francisco Perez, a farmworker and Guatemalan immigrant who died on June 26, 2021. Sebastian was working in the middle of a heatwave in 100+ degree weather and an autopsy found that he died from cardiovascular and respiratory failure caused by heat exhaustion and dehydration. After their investigation, Oregon OSHA gave Ernst Nursery & Farms a \$4,200 fine, finding that they failed to take certain safety precautions to protect workers from heat-related illnesses and did not train all workers on how to protect themselves from extreme heat.

Moreover, Ernst Nursery and Farms was previously cited in 2014 for failing to provide water to its workers. Through Oregon OSHA's investigation, they confirmed that the farm was not providing workers with water. Instead, workers had to bring their own water from home, which limited the amount of water they could access during the day. Oregon OSHA issued the farm a citation but opted not to give them a fine. This is unacceptable.

In another instance, Gabriel Sandoval lost his father, Macario Sandoval, due to a fatal accident.

He says, “My father was a humble and hard-working man, always responsible, he started working from 5 in the morning and sometimes from 3 in the morning to get the job that was asked of him. He used to drive large forklifts to move grass. He carried out various types of very heavy and exhausting jobs, from cleaning the bales to changing tires on the machines.

Last summer while my father was working arranging lines of material and putting plastic lines, several bales of grass fell on him and he died instantly. The company was understaffed and the workers were under a lot of pressure to get the job done.”

This death happened on Hostetler Farm in Salem, however, Oregon OSHA did not issue a citation despite observing safety hazards during its inspection. This was also not the first hazardous condition at the farm as they were previously cited for failing to properly secure a machine that crushed the thumb of a worker in 2016. That worker had to have his thumb amputated and the farm only received a \$700 fine.

It is clear that Oregon OSHA has given frustratingly low fines to non-compliant employers where workers have either died or have been seriously injured due to unsafe work conditions. In these two instances, the employers had repeated labor violations. We believe that a comprehensive inspection after workplace fatalities would prevent ongoing and future hazardous conditions.

We urge the legislature to take these workplace deaths seriously. We urge you to ensure that non-compliant employers are held accountable. We urge you to support SB 592. Thank you.

Ira Cuello-Martinez

PCUN

Policy and Advocacy Director