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Office of Management and Budget
725 – 17th Street, N.W.
Washington, D.C. 20503

RE: OMB Control Number 1218-0096
Comment Request: Agency Information Collection Activities:
Temporary Labor Camp Standards, 90 Fed. Reg. 25,790 (May 21,
2025)

Dear Sir or Madam:

Texas RioGrande Legal Aid, Inc. (TRLA) writes in response to the request for comments regarding temporary labor camp standards. This request appeared at 90 Fed. Reg. 21,790 (May 21, 2025).

For more than 55 years TRLA has provided free civil legal services to Texas-based migrant and seasonal farmworkers. Over the past two decades, through its Southern Migrant Legal Services division based in Nashville, Tennessee, TRLA has also provided free legal assistance to agricultural workers employed in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.

TRLA's comments are based on its many decades of experience representing migrant farmworkers. Over this period, TRLA has represented literally tens of thousands of migrant workers with employment-related claims, many of which concern substandard housing conditions in the living quarters in employer-provided housing. These accommodations range from makeshift shelters constructed from discarded storage bins to rooms in apartment buildings or public lodging establishments, such as motels. The vast majority of these units are subject to the temporary labor camp standards promulgated by the Occupational Safety and Health Administration (OSHA), codified at 29 C.F.R. § 1910.142. Despite the considerable variety among them, with very few exceptions, all of these migrant farmworker housing arrangements contain conditions conducive to the

development and transmission of communicable diseases. The tight living quarters occupied by large numbers of farmworkers in these temporary camps all but guarantee that any such diseases will quickly spread through the camp residents. As a result, it is imperative that the current reporting requirements at 29 C.F.R. § 1910.142(l) be retained in their entirety to ensure that public health officials are promptly notified of infectious disease outbreaks in order to implement steps to limit the spread of these contagions.

It has long been recognized that the living conditions in many migrant labor facilities are prime locations for the development and spread of communicable diseases. The principal sponsor of the federal Migrant Health Act emphasized as much when introducing the proposed legislation over 60 years ago:

The migrant and seasonal farmworker knows the daily tragedy of substandard living conditions, inadequate nutrition, and an inability to gain entry into any health- care system. He and his family are constantly plagued by communicable and chronic disease.¹

This susceptibility to communicable diseases is due in no small part to the living conditions of migrant workers.² Much of the housing provided to them is badly overcrowded.³ Besides making many migrant labor camps ideal incubators for the spread of infectious diseases, overcrowding results in a wide-range of other health-related problems for the camp residents.⁴

¹ Congressional Record, February 1, 1973, at 2980 (remarks of Senator Harrison Williams); *see also* World Health Organization, Refugee and Migrant Health, May 2, 2022 (explaining how migrant workers are at increased risk of contracting communicable diseases).

² Farmworker “living conditions are far below the general standard of living—are indeed inhuman, the very worst conditions of human life in this country, totally unacceptable for human beings.” Congressional Record, August 17, 1964, at 19894 (remarks of Rep. Powell).

³ A study of farmworker housing in western Oregon in the mid-1990’s characterized conditions in grower-provided housing as ranging from terrible to barely passable, with the worst conditions among those of the men living in camps designed for occupancy by single workers. Overcrowding was a major problem in all the camps. When asked how they felt in overcrowded situations, the farmworkers’ unsurprising answers were “uncomfortable,” “unable to do as you please,” “not able to relax after a hard day’s work.” Housing Assistance Council, Housing for Families and Unaccompanied Migrant Farmworkers, at 29 (1997).

⁴ In addition to contributing to the development and transmission of communicable diseases, overcrowding has numerous other deleterious effects on the physical and mental health of the

For many years, a large portion of the nation's farmworker housing stock consisted of barracks housing large numbers of workers.⁵ Conditions were particularly harsh in "bullpens," barracks used for housing male workers.⁶ While the use of barracks housing has declined in recent years,⁷ many of the non-barracks facilities are chronically overcrowded.⁸ This in part because current OSHA regulations require only 50 square feet of floor space per occupant in sleeping rooms.⁹ Nonetheless, many temporary labor camps fall below even these minimal standards.¹⁰

occupants. Thoms A. Arcury, et al., *Characteristics of Farmworker Family Housing in North Carolina*, at 5, Center for Latino Health Research, Wake Forest Univ. Sch. of Med. (2004).

⁵ Use of barracks housing was especially common during the Bracero program, from 1941 through 1965, when millions of Mexican nationals were imported into the United States without their families to work in seasonal agriculture. Barracks housing generally is considered the least desirable type of housing because of the lack of privacy and its inability to comfortably accommodate families. William Spikowski, *Farmworkers in Lee County (Florida): The Housing Challenge*, at 33 (1994).

⁶ In public hearings, advocates remarked: "No prison was ever better designed to destroy the identity of a human being. It is the place where the bully rules, where the alcoholic throws up on the floor, where the TB victim coughs in everybody's face, It is the dimly lit room without furniture except beds. There is no place to read a book, no closet to lock up one's personal belongings, no family, no love, no hope." Statement by Rev. Arthur Bryant, Hearings Before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, United States Senate, 91st Cong. 1st Session, on "Who Are the Migrants," June 9 and 10, 1969, Part I, at 30.

⁷ A study of farmworker housing in North Carolina during 2007 and 2008 found that approximately a quarter of the workers were housed in barracks-style units. Quirina M. Vallejos, et al., *Migrant farmworkers' housing conditions across an agricultural season in North Carolina*, 54 *Am. J. Ind. Med.* 533 (2011).

⁸ "Excluding dormitories and barracks (structures designed for high occupancy), almost 31% of farmworkers live in crowded conditions. This figure is more than six times higher than the *national average*." *Farmworker Justice, Farmworker Housing and Health: A General Introduction and Overview*, at 11 (2014).

⁹ 29 C.F.R. § 1910.142(b)(2).

¹⁰ For example, the summer population of the Dimmitt, Texas labor camp, constructed with federal financing, once swelled to over 2,000 persons, with an average of 10 persons to room, even though units are restricted by OSHA standards to no more than four occupants. Richard J. Margolies, *Homes of the Brave: A Report on Migrant Farmworker Housing*, at 41 (1981); *Antoine v. Paul*, No. 1:14-cv-00263, 2015 WL 224785, at *2 (D. Me. Jan 15, 2015) (nothing that 25 to 30 migrants shared a single trailer); *Frenel v. The Freezeland Orchard Co., Inc.*, No. 87-278, 1987 WL 46894, at *1 (E.D. Va. Dec 24, 1987) (finding that migrant couple shared room

In addition to being frequently overcrowded, accommodations provided to migrant workers often are dilapidated and seriously substandard.¹¹ Much like the pervasive overcrowding, many of these other common housing deficiencies have been shown to contribute to the spread of communicable diseases in migrant camps.¹²

Despite these widespread conditions that render migrant housing facilities extremely susceptible to outbreaks of communicable diseases, prior to OSHA's 1974 issuance of its temporary labor camp regulations, camp operators had no legal obligation to notify appropriate health authorities of such incidents. Notably, the 1968 regulations on housing for agricultural workers promulgated by DOL's Employment and Training Administration lacked any analogous provision.¹³

OSHA's 1974 inclusion of the reporting requirements in 29 C.F.R. § 1910.142(1) came on the heels of and was likely prompted by a highly-publicized 1973 typhoid outbreak at the South Dade Labor Camp, located near Homestead, Florida. Nearly 200 cases of typhoid among camp residents were confirmed, making it the largest typhoid outbreak in the United States since 1908.¹⁴ Concerns at the time were

only "slightly larger than the approximately 6 x 4" cot" on which they slept); *Castillo v. Case Farms of Ohio, Inc.*, 96 F. Supp. 2d 578, 606 (W.D. Tex. 1999) (similar); *Renteria v. Ag-Mart Produce, Inc.*, 488 F. Supp. 2d 1197, 1213–14 (M.D. Fla. 2007) (similar).

¹¹ A study of North Carolina migrant housing found that all camps had at least one exterior housing problem and that 93% had at least one interior problem. Vallejos, et al., *Migrant farmworkers' housing conditions across an agricultural season in North Carolina*; see also *Gutierrez v. Wade Pennington & Sons, LLC*, 566 F. Supp. 3d 739, 744-45 (S.D. Tex. 2021) (finding that the ceiling not intact and there was faulty wiring); *Castillo*, 96 F. Supp. 2d at 606 (finding that the migrant housing was contaminated with raw sewage); *Beliz v. W.H. McLeod & Sons Packing Co.*, 765 F.2d 1317, 1321 (5th Cir 1985) (noting that housing lacked beds, stoves, refrigerators, gas, or electricity, with no indoor toilets).

¹² For example, poor ventilation in the form of few openable windows or no windows at all has been found to be negatively correlated with communicable disease such as sinusitis and chicken pox. InterAm. Res. Ass's., *A Study of Housing for Migratory Agricultural Workers*, at 296 (1978).

¹³ 33 Fed. Reg. 15,992 (Oct. 31, 1968). Despite being revised several times since their publication, the ETA farmworker housing regulations to this day impose no obligation for camp operators to inform health authorities of outbreaks of communicable diseases. See 20 C.F.R. §§ 655.400 *et seq.*

¹⁴ U.S. House of Representatives, Comm. on Lab. & Educ., Subcomm. on Agri. Lab., *Typhoid Outbreak in Dade County, Florida*, Hrngs. in Miami, Florida, at 1, 79 (Apr. 6-7, 1973).

heightened because the outbreak peaked in the spring, when many of the camp residents, including undoubtedly some typhoid carriers, were due to depart for work in harvests further north.¹⁵

The Dade County outbreak was the result of poor sanitary and water conditions at the camp.¹⁶ The water supply at the camp became contaminated, which exposed virtually all of the camp residents to the bacterial infection that produces typhoid.¹⁷ The problem was compounded by the relatively slow response of public health officials to the outbreak. Although a migrant child from the camp was hospitalized with typhoid on January 15, public health officials were not notified until February 1 and then took no action in response until February 27, when additional typhoid cases were reported.¹⁸ Because of these delays, the public health officials were slow to check the camp's water supply, which turned out to be infected and was the primary means by which the typhoid infection was transmitted.¹⁹

The need for the reporting requirements of 29 C.F.R. §1910.142(l) has been underscored during the recent COVID-19 epidemic. Because of the overcrowded conditions in many migrant labor camps and the highly contagious nature of COVID-19, prompt reporting of outbreaks among camp residents proved essential in implementation of masking, quarantine and other preventative practices to contain the spread of the disease.²⁰ It is clear that there is a continuing need for the reporting requirements.

¹⁵ *Id.* at 12.

¹⁶ *Id.* at 79 (testimony of Dr. Barry Engebretson, University of Miami).

¹⁷ *Id.* at 80 (Dr. Engebretson testimony).

¹⁸ *Id.* at 151 (testimony of Dr. Milton Saslaw, Dade County of Public Health Director). A committee member expressed amazement as to “how it was that this camp had a report of increased illness during the first week of January and nothing was done about it until the second week of February.” *Id.* at 163 (remarks of Congressman Landgrebe (R-Ind.)).

¹⁹ *Id.* at 155 (Dr. Saslaw testimony). In the opinion of the medical director of the local public health clinic serving Homestead, it was only through a belated massive cooperative effort by various medical personnel that the outbreak was contained without any deaths resulting. *Id.* at 305 (testimony of Dr. Jerome S. Beloff).

²⁰ There were often disastrous effects when camp operators failed to promptly notify health authorities of COVID-19. *See, e.g.*, Maria Pérez, A labor camp, a Super 8 and a long bus ride home: what happened when Covid-19 hit migrant workers at a Wisconsin canning plant,

We appreciate the chance to make comments on the reporting obligations contained in OSHA's temporary labor camp regulations. To protect the migrant workers and their families who occupy these camps, we urge that they be retained.

Sincerely,

TEXAS RIOGRANDE LEGAL AID, INC.

By:

/s/ Gregory S. Schell

Gregory S. Schell

Attorney

Milwaukee Journal-Sentinel (May 20, 2021) (reporting that in less than two months last fall, at least 11 migrant workers at the green bean facility, operated by Seneca Foods, died of COVID-19 complications, making it one of the deadliest coronavirus outbreaks in the U.S. food processing industry, that many of the affected workers were in their 60s or 70s and had been coming north to work in the plant for years, where they resided in barracks in a labor camp next to the plant); Maria Esienstadt, Inside Green Empire Farm: Upstate NY's biggest coronavirus outbreak slams migrant workers, Syracuse Post-Standard (May 8, 2020) (reporting that, after 169 of 340 workers tested positive for the coronavirus, the local public health director observed, "They were living in close quarters, together, so it was ripe for [the virus] to spread. The conditions were perfect"); Gosia Wozniaka, Farmworkers Face High Coronavirus Toll, Civil Eats (Aug. 27, 2020) (reporting that four farmworkers died and 150 were sickened with COVID-19 while working at a Washington state orchard, where they were housed in bunk beds at small cabins in a labor camp, with an average of five to seven workers sharing the cabin).