

Dairy Workers, Bird Flu, and Federal Work Protections

Dairy Worker Rights Under OSHA

The **Occupational Health and Safety Act (OSH Act)** is a federal law that supports healthy working conditions and minimum safety standards at work. It is enforced by the **Occupational Health and Safety Administration (OSHA)**. OSHA coverage, however, is more limited for agricultural employers than for non-farm employers. Federally, OSHA can only inspect farms with 11 or more employees, or farms with temporary labor camps. [Some states](#) have their own, stronger versions of the OSH Act.

When covered under the federal OSH Act, **dairy workers have the right to:**

- Receive training on workplace safety and health in a language they understand
- Operate safe machinery
- Receive required safety equipment, including personal protective equipment
- Report an injury, illness, or illegal practice without retaliation

OSHA's [Field Sanitation Standard](#) requires covered employers to provide drinking water, toilets, hand-washing stations, and clean personal service rooms, such as locker rooms or break rooms. If workers are required to wear personal protective equipment (PPE), the employer must also provide changing rooms to prevent cross-contamination with the employee's clothing. If there are no medical clinics nearby, the employer must provide first aid supplies.

OSHA has no specific standards regarding bird flu, but some OSHA standards may apply, such as PPE requirements. [OSHA recommends](#) that employers should implement and train workers in CDC protocols for protection from bird flu.

Reporting a complaint: Workers have a right to raise concerns about workplace safety and health conditions. Any worker can [file a complaint](#) with OSHA online, via mail or email, by telephone, or in person. State OSHA offices may vary.

No retaliation: It is illegal for employers to retaliate against employees who raise a safety and health complaint with a manager, file an OSHA complaint, report a work-related illness or injury, or otherwise exercise rights under the OSH Act. Retaliation can include firing, denying overtime, disciplining, denying benefits, reducing pay, reporting employee to police or immigration authorities, intimidation, threats, or harassment. Workers who face retaliation have 30 days to file a complaint with OSHA.

Workers have the right to refuse to work if they are reasonably concerned of death or serious injury, and employers cannot retaliate against them for this decision.



Dairy Worker Potential Exposure To Bird Flu

The Centers for Disease Control and Prevention (CDC) has a [set of recommendations](#) for employers to minimize exposure to bird flu for people working with confirmed or potentially infected animals. The recommendations are based on whether workers have a low, medium, or high exposure level to bird flu. Dairy workers should be considered to have a “high exposure” when a farm is confirmed or potentially with bird flu because they come into contact with raw milk, udders, and other animal secretions. Under CDC guidance, dairy employers should:

- Create a workplace health and safety plan with input from both workers and management
- Conduct a site-specific hazard assessment
- Implement the following:
 - o Engineering controls, which reduce or prevent hazards from coming into contact with workers. These includes ventilation systems, or milking systems with automatic features.
 - o Administrative controls, which establish work practices that reduce the duration, frequency, or intensity of exposure to hazards. For example, monitoring animals for illness and educating workers so they can monitor themselves for illness.
 - o Personal Protective Equipment (PPE)

Since this is a recommendation and not a legal requirement, workers do not have the right to receive this information in their native language.

Personal Protective Equipment (PPE)

Under OSHA regulations, if an employer is required to provide PPE, the employer is also required to pay for it, including necessary replacements. The cost of PPE cannot be deducted from a worker's pay. Types of PPE that may be required include gloves, eye and face protection, and respiratory protection (such as N95 masks). Workers can wear their own respirators as long as the employer determines it is not a hazard. The time taken to put PPE on and off counts as working hours.

The CDC recommends the following PPE for workplaces with high exposure to bird flu:



- [NIOSH Approved](#) particulate respirator
- Fluid-resistant coveralls
- Safety goggles
- Boot covers or boots
- Head cover or hair cover
- Disposable gloves
- Optional items:
 - o Waterproof apron over the top of coveralls to prevent cross contamination during PPE removal
 - o Face shield over the top of goggles and respirator to protect against large amounts of liquid splashing onto the filtering facepiece respirator
 - o Outer work gloves to protect the disposable gloves

State Distribution of PPE: No state currently requires PPE for workers who are at high risk of exposure to bird flu. Some states actively distribute PPE to dairy workers, while others require an employer to request PPE.

