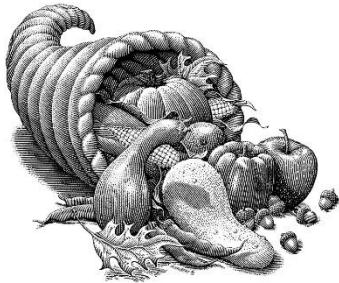


COVID-19 in Rural America Jeopardizes America's Food Chain and Requires Greater Federal Support



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There are [2 million farms](#) in America, which the U.S. Department of Agriculture since 1974 has defined as “any place from which \$1,000 or more of agricultural products were produced and sold, or normally would be sold, during the year.” Half of U.S. farms produce less than \$10,000 a year in goods; 7.4 percent of farms produce more than \$500,000 a year; they control nearly 41 percent of the 897 million acres of U.S. farmland.

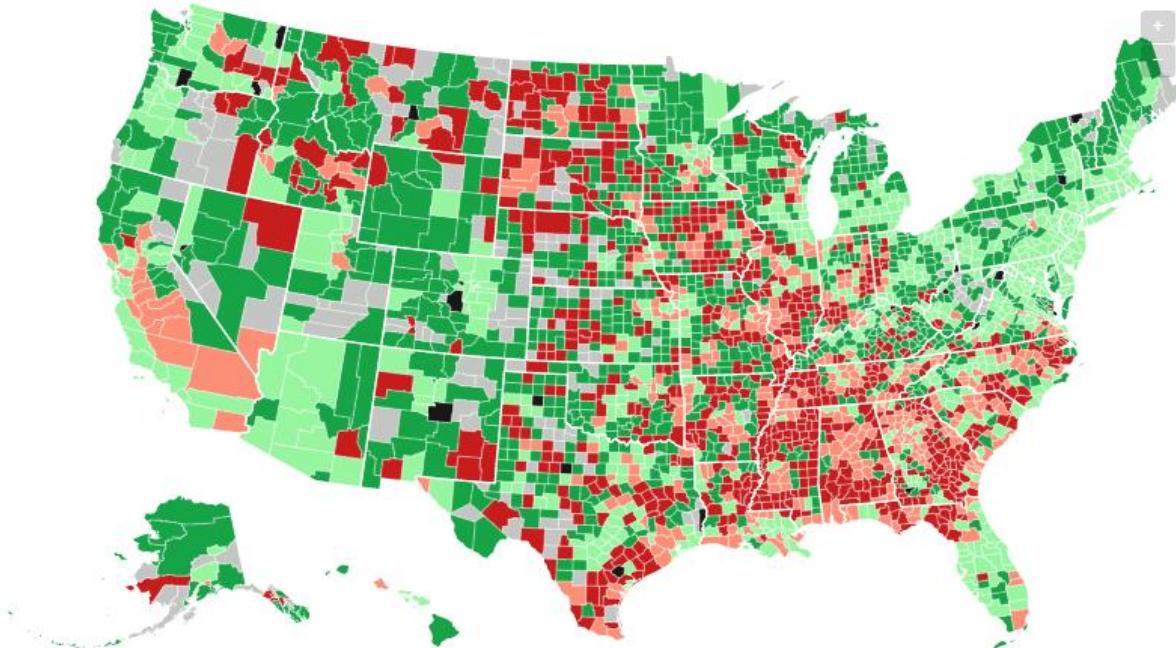
Farms across the country are busier than ever as the Summer Season comes to a close and harvesting ramps up. Most are fully staffed with workers who live locally, workers on temporary agriculture visas and migrant workers to travel from farm to farm. No matter the background of the worker, though, the agriculture industry has been given little federal protection against the coronavirus even as the contagion is curve is growing once more.

After a three-week reprieve, the number of coronavirus infections is on the rise in rural counties, climbing by nine percent (9%) last week while new cases in urban areas fell by eight percent (8%). In the last week of August, 2020, the number of coronavirus deaths also grew by nine percent (9%) in rural America compared to the previous week, while deaths in metropolitan counties fell by six percent (6%).

The result is that rural counties now account for a disproportionate share of new cases and deaths in the United States. While rural counties have only 14.0% of the U.S. population, they accounted for 17.3% of new Covid-19 cases for the week ending August 29. During the same period, rural counties produced 18.9% of Covid-19 related deaths.

Covid-19 Red Zones, August 23-29

Red-zone counties have a one-week infection rate of 100 or more new cases per 100,000 population.



Map: Daily Yonder #usafacts • Source: [USA Facts](#) • Get the data • Created with [Datawrapper](#)

- Non-metro Red Zone, Over 100 per 100k
- Metro Red Zone, Over 100 per 100k
- Non-metro , Under 100 Per 100k
- Metro, Under 100 per 100k
- Non-metro, No New Cases
- Metro, No New Cases

With the pandemic continuing to wreak havoc in rural communities, access to federal COVID-19 support has taken on new importance. Many truck-produce growers are expressing concerns that coronavirus is depleting the ranks of farmworkers needed to harvest crops in the Late Summer and Fall seasons.

For example, agriculture leaders from New Mexico report that the labor force in the fields has been cut in half, according to Joram Robbs, executive director of the New Mexico Chile Association. Falling behind on the harvesting season may mean that more green chile will turn red this year.

Further north in Washington State, a surge in coronavirus cases in one of America's most important regions for apples and cherries is challenging agricultural operations already limited by rules aimed at preventing such outbreaks, underscoring the difficulty of keeping farmworkers safe. Recent emergency regulations issued by Washington state to curb outbreaks of coronavirus among farmworkers living in temporary housing were slowing

fieldwork in Yakima Valley by early July, but the virus is still spreading, according to agricultural employers and the Yakima Health District.

Equally concerning, the United Farm Workers union estimates up to 70 percent of farmworkers in the California growing region are in the U.S. illegally, which means they do not have access to federal or state unemployment benefits and they cannot risk losing their livelihoods. The pressure to work is forcing some laborers to ignore their exposure to COVID-19.

Nor are these uniquely West Coast concerns. Tomato farms in eastern Tennessee are home to thousands of laborers—local and non-local—who are working full days, in close contact with one another and with little Personal Protection Equipment or coronavirus protection. These workers typically live in close quarters, sleep in bunk beds and share bathrooms and kitchens. They ride crowded buses to work and often work in groups. Although agriculture workers are considered “essential,” they do not have health insurance or paid sick leave.

Even as individual farms across the country are trying to cope with the pandemic outbreaks, the federal government has yet to establish any enforceable rules to protect farmworkers from COVID-19 or instruct employers on how to proceed if their worker gets sick. The lack of federal guidance has resulted in some employers taking advantage of their workers and disregarding their risk of infection.

It should not be a surprise that workers of color are disproportionately affected by the absence of adequate federal COVID-19 support. In a report issued by NBC News, Hernan Hernandez, the executive director of the California Farmworker Foundation, a nonprofit organization that provides services and resources to farmworkers, explained that without federally mandated COVID-19 protections agricultural workers often have no choice but to work in unsafe conditions. As Director Hernandez noted: *“People are scared to go to the doctor . . . They’re scared to go to the clinic. They’re not going to their monthly doctor visits because they fear that the outcome is going to be COVID-19.”* Aggravating this situation is the fact that many agriculture workers are migrant workers or in the U.S. on worker visas; often times, if they contract the virus, they are sent back to their countries. This creates a strong incentive for farm laborers not to report even mild symptoms.

On August 4, 2020, the [Pew Research Center confirmed](#) that the coronavirus infection rate among Latinos has outpaced the rest of Americans, and the community also has been disproportionately hurt by the economic downturn associated with the pandemic. According to the Pew Research report:

Latinos have a bleaker view than the U.S. overall about the coronavirus, according to a [June survey of U.S. adults](#). Among Latinos, 70% say the worst of the problems due to the coronavirus outbreak are still to come, and a similar share said so in an April survey.

All of this underscores the increasing importance of federal COVID-19 support for America's agricultural sector, and especially for the workers who harvest the farm crops, assist with the dairy production, and work on livestock ranches across the country to keep the nation's food chain adequately supplied. In addition to additional financial support from USDA, the Department of Labor should collaborate with the Centers for Disease Control and Prevention to publish a set of enforceable federal safety standards for COVID-19.

If you have questions regarding ag-specific COVID-19 funding, or the status of the current COVID-19 voluntary, [agriculture-specific guidelines](#), please contact GrayRobinson's Nationwide Food Law Group via email at foodlaw@gray-robinson.com or by telephone at (866) 382-5132.



Richard M. Blau leads GrayRobinson's Nationwide Alcohol Beverage and Food Law Department, focusing on the laws that govern the manufacture, importation, processing distribution, marketing, sale and consumption of foods and beverages. Richard devotes a substantial portion of his practice to trade regulation, legislative lobbying, brand development and protection, M & A compliance guidance, litigation and mediation involving the members of the food industry.