

THE PRICE OF MILK: DANGERS AND EXPLOITATION IN THE DAIRY INDUSTRY



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Introduction

The dairy farm is often considered the soul of the American heartland. However, the wholesome image of bucolic pasture in the public imagination belies the reality of the dangerous and often inhumane conditions dairy industry workers endure. Despite declines of injuries in other sectors, both fatal and non-fatal injuries in the dairy industry remain stubbornly high. Nonetheless, this industry has undergone significant changes in recent decades, as most farms have consolidated into large-herd operations and many smaller farms subsist on the edge of viability. This transformation has led to changes in the way labor is performed, and with that, significant changes in the demographics of the workers who are hired to perform this labor. These jobs have become more hazardous, repetitive, and arduous. A demographic shift has occurred from White, U.S.-born employees to Latinx, foreign-born workers, most of whom are undocumented. The industry is reliant upon this labor force which, as one advocate phrased it, “must live in the shadows.”

This report examines the hazardous and inhumane working and living conditions faced by many dairy workers, the precarity many face as a result of their legal status, and the toll these factors take on their health and well-being. It also highlights ways in which worker advocates and dairy workers themselves are fighting to make the industry safer, and presents recommendations for policymakers to deliver economic and social justice for the nation’s dairy workers.

Industry consolidation and its impact on workers

While most dairy farms are still family owned and operated,¹ the size of dairy operations has increased significantly over the last 30 years. Between 1987 and 2017, the number of dairy farms decreased approximately 75%, while milk production increased by 50% due to increased size and productivity of large factory farms.² In 1987, the average number of cows on a dairy farm was 80, while in 2017 it was 1,300, with some farms housing 25,000 or more.³ As farms increased in size and production, they required an influx of workers. Dairy farmers increasingly found it difficult to recruit U.S. workers, who were not willing to work under the conditions these jobs entailed, and instead began recruiting Latinx immigrants. The last 20 years has seen a rapid demographic shift towards the employment of foreign-born, Latinx workers.⁴

“Behind that glass of milk, behind that tomato, behind the agricultural industry, there is an endless amount of work.” Crispin Hernández, farmworker organizer and former dairy worker, Workers’ Center of Central New York

¹MacDonald, James M., et al. Consolidation in U.S. Dairy Farming. U.S. Department of Agriculture. Economic Research Report Number 274. 2020. <https://www.ers.usda.gov/webdocs/publications/98901/err-274.pdf>.

²*Id.*

³*Id.*

⁴Baker, Daniel, et al. “Dairy Is Different: Latino Dairy Worker Stress in Vermont.” *Journal of Immigrant and Minority Health*, vol. 23, no. 5, Oct. 2021, pp. 965–75. <https://doi.org/10.1007/s10903-021-01232-5>.

The transition to a large-herd, parlor model of dairy has changed the risks to which workers are exposed. These farms have transitioned from a traditional stanchion style, in which cows were milked individually, to automatic milking in a parlor model, in which many cows are simultaneously milked on machines.⁵ This has serious ergonomic implications for workers. Larger operations are associated with increased risk of injury, linked to greater work demands resulting from the larger number of cows. Large herd operations have resulted in greater task specialization, which leads to more repetitive movements and creates greater musculoskeletal strain.⁶ Work-related musculoskeletal disorders (MSDs) are thus common among dairy workers. Most dairy workers work between 50-80 hours a week, often overnight or split shifts. They rarely take breaks, and many work more than one 8-hour shift in a single day. These work schedules do not provide adequate time to sleep, eat, and recuperate from the arduous work, leaving many to report often feeling hungry and sleep-deprived.⁷

On the large, industrial farms which now dominate the industry, cows are artificially inseminated at regular intervals and milked on a thrice daily schedule in parlors that operate 24 hours a day, nearly every day of the year.⁸ These large dairies usually split tasks between two teams, the “outdoor crew” which manages crops, and the “indoor crew,” which constitutes the milkers.^{9, 10, 11} These jobs tend to be split along racial lines, with White and U.S.-born workers usually comprising the “outdoor” crew, and Latinx, immigrant workers comprising the milkers.¹² In one study, more than 60% of immigrant Latinx dairy employees reported working as milkers or pushers on dairy farms, as opposed to just 16% of U.S. workers.¹³ These are jobs that entail close proximity to cattle and higher risk of animal-related injury.

⁵Douphrate, David I., Christina Lunner Kolstrup, et al. “Ergonomics in Modern Dairy Practice: A Review of Current Issues and Research Needs.” *Journal of Agromedicine*, vol. 18, no. 3, July 2013, pp. 198–209. <https://doi.org/10.1080/1059924X.2013.796900>.

⁶*Id*

⁷Douphrate, David I., et al. “Work-Related Musculoskeletal Symptoms and Job Factors Among Large-Herd Dairy Milksters.” *Journal of Agromedicine*, vol. 21, no. 3, July 2016, pp. 224–33. <https://doi.org/10.1080/1059924X.2016.1179612>.

⁸Sexsmith, Kathleen. “The Embodied Precarity of Year-Round Agricultural Work: Health and Safety Risks among Latino/a Immigrant Dairy

⁹Farmworkers in New York.” *Agriculture and Human Values*, vol. 39, no. 1, Mar. 2022, pp. 357–70. <https://doi.org/10.1007/s10460-021-10252-8>.

Fox, Carly, et al. *Milked: Immigrant Dairy Farmworkers in New York State*. A report by the Workers’ Center of Central New York and the Worker Justice Center of New York. 2017. https://milkedny.files.wordpress.com/2017/05/milked_053017.pdf.

¹⁰Sexsmith 2022.

¹¹Douphrate et al. 2016.

¹²Sexsmith 2022.

¹³Liebman, Amy King, et al. “Immigrant Dairy Workers’ Perceptions of Health and Safety on the Farm in America’s Heartland: Immigrant Farm Workers’ Perceptions on Health and Safety.” *American Journal of Industrial Medicine*, vol. 59, no. 3, Mar. 2016, pp. 227–35. <https://doi.org/10.1002/ajim.22538>.

Milking tasks are considered the least desirable in dairy. They are among the most physically-demanding,¹⁴ and are considered some of the most dangerous.¹⁵ Parlor milking in large-herd operations is repetitive and fast-paced, which exposes workers to greater ergonomic risk. The tasks of the milkers include ‘pushing’ cows from the barn to the milking parlor, milking the cows, and caring for the calves.^{16, 17} Milking consists of ‘stripping’ the teats (manually manipulating the teat and checking for signs of infection), wiping the teat with iodine to clean it and then drying it, attaching suction to the teats, and then milking the cow using the machines, which automatically ends when all the milk has been extracted.^{18, 19} This is a carefully timed process—each of the first three steps should take only 8 seconds, and milking is allocated for approximately 5 minutes, before the milkers must push the cows back to the barn.^{20, 21} The rapid pace of the work often prevents workers from taking the necessary safety precautions to protect themselves from injury, and the demanding working conditions quickly take a toll on workers’ bodies.

Changing demographics and exploitation of immigrant labor

Immigrant labor is necessary for the viability of approximately one-third of U.S. dairy farms, and more than half of the labor force in dairy is estimated to be immigrant workers, overwhelmingly from Latin America and predominantly Spanish-speaking.²² Over 79% of the milk produced in the U.S. comes from farms that employ immigrant workers, and if this workforce were to disappear, U.S. dairy production would decrease by 48.4 billion pounds while the cost of milk would increase by an estimated 90.4%.²³

¹⁴ Douphrate et al. 2016.

¹⁵ Douphrate, David L., et al. “Livestock-Handling Injuries in Agriculture: An Analysis of Colorado Workers’ Compensation Data.” *American Journal of Industrial Medicine*, vol. 52, no. 5, May 2009, pp. 391–407. <https://doi.org/10.1002/ajim.20686>.

¹⁶ Fox et al. 2017.

¹⁷ Sexsmith 2022.

¹⁸ Fox et al. 2017.

¹⁹ Sexsmith 2022.

²⁰ Fox et al. 2017.

²¹ Sexsmith 2022.

²² Adcock, Flynn, et al. *The Economic Impacts of Immigrant Labor on U.S. Dairy Farms* CNAS Report August 2015. <https://www.nmpf.org/wp-content/uploads/immigration-survey-090915.pdf>

²³ Adcock et al. 2015.



Immigrant laborers are often the only workers willing to accept the perilous work, punishing schedules, and low pay that are common in the dairy industry. They often flee abject poverty in countries torn by war or serious political and economic dysfunction, leaving their families for years at a time in order to support them. Most of these workers do not speak English, have limited formal education, and lack legal authorization to be in the country, and thus have few other options to make a living. Many come from indigenous communities in Latin America and speak indigenous languages, making them even more isolated among other immigrant workers in a workforce that predominantly speaks Spanish. Despite not having a right to overtime pay or other such protections in many states, these workers are often willing to work as many hours as their bodies will allow under terrible conditions in order to send remittances home. Without access to many legal protections afforded to U.S. workers, they have few options to turn to if they encounter hazards or labor violations at their jobs. Further, the fear of losing their jobs or being deported makes these workers willing to perform difficult, dangerous work. As many smaller farms struggle, they depend heavily upon these workers, whom many employers see as a compliant and easily exploitable workforce.

Legalized discrimination

Despite the changes in labor force demographics and industry practices, the laws that govern this industry remain outdated and fail to account for the reality of dairy workers. Byzantine occupational and agricultural statutes fail to cover dairy workers. The federal protections for agricultural workers, including those under the Fair Labor Standards Act (FLSA), Migrant and Seasonal Agricultural Worker Protection Act (AWPA), and the Occupational Safety and Health Act (OSH Act), all have notable exceptions for dairy workers, making those workers particularly vulnerable.

State laws dictating minimum wages, overtime pay, workers' compensation, and disability coverage for dairy workers vary by state. For example, while a few states such as California, New York, Oregon and Washington give dairy workers a right to overtime pay, most states do not. Even between those states that do, the threshold at which workers become eligible varies.

Despite legislation to regulate agricultural workers in other sectors, dairy workers are often further marginalized due to their exclusion from these statutes. The Migrant and Seasonal Agricultural Worker Protection Act (MSPA or AWPA) passed in 1983, stipulates wage, housing, and additional protections for migrant agricultural workers. However, dairy workers are excluded from these protections because they work year-round and funding for inspections concerning the working and living conditions of year-round laborers is forbidden. Notably, this exclusion means that no one at the federal level is charged with inspecting dairy worker housing, unlike that of workers in temporary migrant camps.²⁴ As a result of the disadvantages imposed on dairy workers by federal and state laws, their employment is often unstable and insecure, while their legal status within the workforce leaves them particularly vulnerable to risks and exploitation.

²⁴Keller, Julie C., et al. "Milking Workers, Breaking Bodies: Health Inequality in the Dairy Industry." *New Labor Forum*, vol. 26, no. 1, Jan. 2017, pp. 36–44. <https://doi.org/10.1177/1095796016681763>.



Lack of OSHA oversight

**“There is no oversight on small farms, and that is where many workers die.”
Crispin Hernández**

The few regulations that cover farmworkers are notoriously under enforced.²⁵ The Occupational Safety and Health Administration (OSHA) lacks adequate resources to enforce the OSH Act. By one estimate, if OSHA were to pay one visit to every agricultural workplace with its current resource capacity, it would take 165 years.²⁶ When OSHA does investigate, they usually speak with owners, not with workers. As a result, agricultural workers are often subjected to safety violations without repercussion.²⁷

The OSH Act was created in 1970 to maintain a requisite level of safety standards in occupational settings. These standards apply to all operations, regardless of size. The General Duty Clause, Section 5(a)(1) of the OSH Act, which requires employers to maintain a safe environment free of recognized hazards, is invoked where a particular hazard is not otherwise addressed.²⁸ However, in 1976 the Labor Health and Human Services Appropriations Bill added a rider to the OSH Act stipulating that OSHA cannot use federal funds to enforce these regulations on small farms of 10 or fewer employees (excluding family members) that do not maintain a temporary labor camp.²⁹ As a result, approximately 96% of animal husbandry operations that hire workers are exempt from OSHA oversight due to their size.³⁰ Workers on these farms do not have access to OSHA protections such as the right to request an inspection of their workplace, protection from retaliation from their employers if they report a hazard, or an inspection of their workplace after the death of a worker.³¹ Legally, “OSHA cannot set foot” on these farms.³²

²⁵ Keller et al. 2017.

²⁶ Editors, The Civil Eats. “Injured and Invisible: Our Methodology.” Civil Eats, 14 Nov. 2022, <https://civileats.com/2022/11/14/injured-and-invisible-methodology/>.

²⁷ Keller et al. 2017.

²⁸ Occupational Safety and Health Administration. Safety and Health Regulations over Large Dairy Farms. Letter from J.B. Miles to [Name withheld], July 10, 1997. <https://www.osha.gov/laws-regs/standardinterpretations/1997-07-10>.

²⁹ Occupational Safety and Health Administration. Small Farming Operations and Exemption from OSHA Enforcement Activity under CPL 02-00-051. Letter from R.E. Fairfax to M.J. Frenzel, July 16, 2007. <https://www.osha.gov/laws-regs/standardinterpretations/2007-07-16>.

³⁰ Editors, The Civil Eats 2022.

³¹ Sexsmith 2022.

³² *Id.*

The federal OSHA enforcement exemption does not preclude states from using state funds to conduct enforcement activities on small farms. Researchers have compared the rates of fatal occupational injury in agriculture between those states with and without small farm exemptions. California, Oregon, and Washington have state-level programs for occupational safety and health oversight of small farms, while the remaining states do not. The authors found that fatality rates were 1.6 to 3 times higher in those states that observed the small farm exemption.³³

Meanwhile, large companies are adept at minimizing their own liability. By structuring their operations to contract out to individual farmers, they utilize farms that hire 10 or fewer workers, thus making them exempt from OSHA oversight.³⁴ Lack of direct OSHA oversight obscures poor working conditions and even fatalities. It has been reported that 85% of deaths on such operations are not reported to OSHA.³⁵ The Bureau of Labor Statistics (BLS), which gathers data independently for statistical purposes, reported 1,006 deaths related to animal agriculture in the years 2011-2020. However, OSHA data reflected only 149 such deaths. It should be noted, the BLS reports all deaths that are 'work-related' (including all deaths that occur on farms, such as family members, employees, contract workers, and volunteers) while OSHA reports only deaths of workers specifically.³⁶

Immigration status and precarity of place

Foreign-born dairy workers in the U.S. also experience what is referred to as “precarity of place,” wherein the risk of deportation significantly increases their experience of precarity.³⁷ The majority of foreign-born dairy workers lack legal work authorization, and operate under what has been described as the “U.S. deportation regime”.³⁸ Deportability leads to pervasive insecurity caused by constant surveillance of workers’ immigration status. There are few—if any—options to legalize their work in the U.S., since pathways of legalization are not available to most dairy workers. The threat of deportability renders these dairy workers easily expendable for employers and therefore exploitable, causing them to be compliant even under the most horrendous of conditions. Despite their lack of legal options, there is significant demand for the Latinx labor force among dairy farmers in the U.S., and these workers thus continue to immigrate and remain present in the country.

³³ Forum, Farmworkers. “Does the OSHA Small Farm Exemption Cost Lives?” Farmworkers Forum, 12 Mar. 2011, <https://farmworkersforum.wordpress.com/2011/03/12/does-the-osha-small-farm-exemption-cost-lives/>.

³⁴ Editors, The Civil Eats 2022.

³⁵ *Id.*

³⁶ Cooke, Christina. “Animal Agriculture Is Dangerous Work. The People Who Do It Have Few Protections.” Civil Eats. November 14, 2022. <https://civileats.com/2022/11/14/injured-and-invisible-1-few-protections-animal-agriculture-workers-cafos-dairy-migrants-injuries/>.

³⁷ Sexsmith 2022.

³⁸ *Id.*



Spotlight: Migrant Justice

Migrant Justice aims to build the voice, capacity, and power of the farmworker community. It was created after the tragic death of a dairy worker in 2009. Marita Canedo coordinates the Milk with Dignity (MD) Program, which was created in response to the lack of protections for dairy workers. She notes that many workers are not aware of their rights, but even when they are, these rights are not enforced. Latinx former dairy workers in Vermont have organized through the program to demand better working conditions.

The program, modeled after the Coalition of Immigrant Workers (CIW) Fair Food Program, brings together both buyers and sellers of milk. The buyer pays a premium for milk from those farms that agree to adhere to the Milk with Dignity Code of Conduct. The MD Code of Conduct is created by the very workers it affects, and it stipulates standards for working conditions such as housing, wages, scheduling, non-retaliation, safety, and other concerns. It also provides workers access to a channel for filing complaints, free of retaliation. Farms sign a pledge to adhere to this Code of Conduct, which is then enforced by an independent third party, the Milk with Dignity Standards Council (MDSC). The MDSC helps farms and farmers achieve compliance with this code, provides training to workers regarding their rights, and staffs the complaint line. They also perform audits of participating farms once a year to ensure compliance with the stipulations. Those buyers who join the MD Program agree to purchase milk from farms that have pledged to adhere to the Code of Conduct, and pay the premium price for products that support dignified working conditions.

The MD Program has had resounding success in Vermont among those farms and buyers that participate in the program, and it is working to expand to additional farms and buyers. The dream, according to Ms. Canedo, is to establish the program throughout the dairy industry. She notes that through this program, it is the corporations that are addressing the problems—they make profits, so they must give a portion of that back to the workers.

Industry negligence and its toll on dairy workers

Inadequate training putting workers at risk

Safety awareness is an important component of a culture of safety, but there is often a discrepancy between the reality of the workplace and worker beliefs regarding hazards. Farms often normalize risks, and injuries that could be preventable are often seen as a natural part of the job. Many foreign-born, Latinx dairy workers view injuries as unpreventable and do not fully understand the risks involved in such work.^{39, 40} In one survey, one-half of workers did not think working in dairy operations was unsafe, and nearly two-thirds did not think that doing so could impact their health.⁴¹ In another study, dairy workers did not view cattle as a source of injury.⁴² According to a survey by Migrant Justice, 67% of dairy workers were not aware of the safety risks posed by the chemicals used in their jobs, and 51% did not use those chemicals in accordance with their instructions.⁴³

This lack of awareness surrounding occupational health and safety hazards is the result of inadequate or nonexistent training on many dairy farms. It is estimated that nearly one-third of dairy workers received no occupational health and safety training at their current job.⁴⁴ Appropriate training is a useful tool to mitigate exposures and safety hazards, but in the Migrant Justice survey, only half of respondents had received training on animal safety; slightly less than half had received training on operating machinery and farm equipment; and only a quarter had received training on chemical safety.⁴⁵ Only 12%, 7%, and 5%, respectively, received training on environmental risks, biological risks, and sexual harassment.⁴⁶

Additionally, trainings, when provided, are not effective if they are not communicated in a language the workers understand. However, occupational safety and health trainings for non-English fluent dairy workers that utilize an appropriate language are rare.⁴⁷ This often leads to workers training other workers who speak the same language, despite lacking skills as trainers or sufficient knowledge of safety practices. One study found that 71% of employees on 12 Michigan dairy farms had been trained by other employees or not at all, and this practice was more common among Latinx workers.⁴⁸

³⁹Menger-Ogle, Lauren M., et al. "Occupational Safety and Health of Foreign-Born, Latinx Dairy Workers in Colorado." *Journal of Occupational & Environmental Medicine*, vol. 61, no. 1, Jan. 2019, pp. 61–68. <https://doi.org/10.1097/JOM.0000000000001472>.

⁴⁰Douphrate, David I., Nathan B. Fethke, et al. "Full-Shift and Task-Specific Upper Extremity Muscle Activity among US Large-Herd Dairy Parlour Workers." *Ergonomics*, vol. 60, no. 8, Aug. 2017, pp. 1042–54. <https://doi.org/10.1080/00140139.2016.1262464>.

⁴¹Menger-Ogle et al. 2019.

⁴²Lindahl, Cecilia, et al. "Occupational Health and Safety Aspects of Animal Handling in Dairy Production." *Journal of Agromedicine*, vol. 18, no. 3, July 2013, pp. 274–83. <https://doi.org/10.1080/1059924X.2013.796906>.

⁴³Panikkar, Bindu, and Mary-Kate Barrett. "Precarious Essential Work, Immigrant Dairy Farmworkers, and Occupational Health Experiences in Vermont." *International Journal of Environmental Research and Public Health*, vol. 18, no. 7, Apr. 2021, p. 3675. <https://doi.org/10.3390/ijerph18073675>.

⁴⁴Menger-Ogle et al. 2019.

⁴⁵Panikkar and Barrett 2021.

⁴⁶*Id.*

⁴⁷Menger, Lauren M., et al. "A Guide to the Design of Occupational Safety and Health Training for Immigrant, Latino/a Dairy Workers." *Frontiers in Public Health*, vol. 4, Dec. 2016. <https://doi.org/10.3389/fpubh.2016.00282>.

⁴⁸Erskine, R. J., et al. "Cultural Lag: A New Challenge for Mastitis Control on Dairy Farms in the United States." *Journal of Dairy Science*, vol. 98, no. 11, Nov. 2015, pp. 8240–44. <https://doi.org/10.3168/jds.2015-9386>.



Thoughtful trainings have been shown to increase knowledge of occupational safety.^{49, 50} In one study, task-specific trainings were shown to decrease injuries four-fold, while entry-level safety training had shown no protective effect.⁵¹ Previous research on effective training methods has shown that it is important that trainings are designed with the diverse cultural, linguistic, educational and life experience backgrounds of workers, as well as their attitudes, skills and beliefs.⁵² Trainings need to be comprehensive in terms of the hazards covered, and able to serve the needs of workers without any previous OSH knowledge or training. Training materials must be tested to ensure they are understandable and effective at communicating their message. Materials should also be adapted to the culture of the workers, while avoiding stereotypes. Trainings delivered to Spanish speakers should ideally be conducted by native Spanish speakers. In addition, trainings must utilize different media and formats, and acknowledge the realities dairy workers experience in the workplace.⁵³ Most importantly, employers should take measures to model and foster a culture of occupational safety and health.

⁴⁹Liebman et al. 2016.

⁵⁰Juárez-Carrillo, Patricia M., et al. "Applying Learning Theory to Safety and Health Training for Hispanic Immigrant Dairy Workers." *Health Promotion Practice*, vol. 18, no. 4, July 2017, pp. 505–15. <https://doi.org/10.1177/1524839916683668>.

⁵¹Román-Muñiz, Ivette N., et al. "Training Methods and Association with Worker Injury on Colorado Dairies: A Survey." *Journal of Agromedicine*, vol. 11, no. 2, Oct. 2006, pp. 19–26. https://doi.org/10.1300/J096v11n02_05.

⁵²Menger et al. 2016.

⁵³Menger et al. 2016.

Spotlight: Workers' Center of Central New York

Crispin Hernández and Lázaro Álvarez are former and current dairy workers, respectively, whom Farmworker Justice interviewed for this report. They were motivated by their experiences to fight for workers' rights. They are both associated with the Workers' Center of Central New York, a nonprofit organization that advocates for workplace and economic justice. The Workers' Center provides services to a variety of workers, including dairy workers. They help workers organize and advocate for better working conditions, and assist them in addressing issues such as wage theft, substandard housing conditions, and workers' compensation claims. Mr. Álvarez states that his experiences led him to advocate for other workers, and "that is why I am very active in the center and helping my colleagues." It is due to the resilience and strength of workers like Mr. Hernández and Mr. Álvarez, who organize for better conditions, that safer, more humane working environments can be created for the future.

Mr. Hernández comes from an indigenous family in southern Mexico. He arrived in the U.S. at the age of 17 and worked in dairy for 3 years. While still a relatively inexperienced worker, he was injured on the job. He was briefly taught how to milk the cows by a coworker, but did not feel the training was adequate, especially when he and only one other worker were in charge of milking 2,800 cows. He was under immense pressure to complete the job quickly, and could not connect the machinery quickly enough while he was still learning the job. He was also exhausted from working 6 days a week, 12 hours a day. He felt he was too tired and the work was too fast-paced for him to do it well. While he was working in the milking parlor one day, a cow became startled and jumped, landing on his right hand. His hand was mangled and bleeding profusely, leaving him in intense pain. He asked his supervisor to take him to receive medical attention, but the supervisor declined to do so. He then went to the owner of the farm, who did nothing but give him some band aids. The owner then told him to go home, and be sure to come to work the next day.

Mr. Álvarez is from Mexico City, and has been in the U.S. for about 10 years, having worked on about 20 dairy farms during this time. Mr. Álvarez has a similar experience of employer indifference. He was trampled and seriously injured by a bull at work, nearly losing an eye. He waited two hours for the farm owner to take him to receive medical attention. After the boss' wife had taken him to the hospital and to his follow-up appointments, she told him he was fired from his job. Since he lived in employer-provided housing, he lost his home in addition to his job, and was left with nowhere to go.

These are the dangerous conditions encountered by many dairy workers, and sadly, stories like this are all too common. But through the advocacy of the Workers' Center and individuals like Mr. Hernández and Mr. Álvarez, dairy workers can have their voices heard and bring needed safety reforms closer to reality.

Illness and injury among dairy workers

Foreign-born workers are particularly vulnerable to disease, injury, and death, far more so than their U.S.-born counterparts.^{54, 55} They often must overcome language barriers and other structural factors that make them more susceptible to illness and injury.^{56, 57} They are more likely to be young, inexperienced, to not have graduated high school, and to have no prior experience working in dairy in their home countries.⁵⁸ Lack of English proficiency and low levels of education are risk factors for increased rate of injury, and as such, foreign-born workers suffer workplace related injuries more frequently.⁵⁹

Widespread hazards fueling high injury rates

Dairy workers often face risk of injury, illness, and chronic pain from a number of hazards of their work environment. The main causes of death on dairy farms remain tractor roll-overs and entanglement in machinery,⁶⁰ but cattle pose significant safety concerns. Machinery, tractors, livestock, and falls consistently contribute to farmworker injuries.⁶¹ Falls, slips, and trips are a common cause of injury, and can be exacerbated by movement across slippery floors and work in inclement weather.⁶² Additionally, the movements and repetition involved in dairy work put constant stress on the bodies of workers, which leads to chronic pain and musculoskeletal disorders.^{63, 64} Workers are also frequently exposed to chemicals and dust.

According to the BLS, the dairy industry had a rate of injury of 223.4 injuries per 10,000 full-time workers in 2020, nearly twice the rate for all of private industry combined (120.7).⁶⁵ The most common cause of injury was contact with an animal, followed by slips, trips, and falls; contact with an object or equipment; overexertion; and exposure to a toxic substance. A disproportionately large number of injuries occurred among those workers who had been on the job for less than 3 months. Nearly half of all injuries were incurred by Hispanic workers; the other half of workers declined to report their race or ethnicity. The largest group of injuries involved those requiring 31 or more days away from work; the median number of days away was 7. In 2021, there were 31 reported fatal accidents on dairy farms; in 2020, there were 28.⁶⁶ In the words of Mr. Hernández, “It is very, very difficult to work with cows. How many workers die?”

⁵⁴ Panikkar and Barrett 2021.

⁵⁵ Liebman et al. 2016.

⁵⁶ Zhang, Xiaofei, et al. “Work-Related Non-Fatal Injuries among Foreign-Born and US-Born Workers: Findings from the U.S. National Health Interview Survey, 1997-2005.” *American Journal of Industrial Medicine*, vol. 52, no. 1, Jan. 2009, pp. 25–36. <https://doi.org/10.1002/ajim.20642>.

⁵⁷ Sexsmith 2022.

⁵⁸ Zhang et al. 2009.

⁵⁹ *Id.*

⁶⁰ Keller et al. 2017.

⁶¹ Douphrate et al. 2009.

⁶² *Id.*

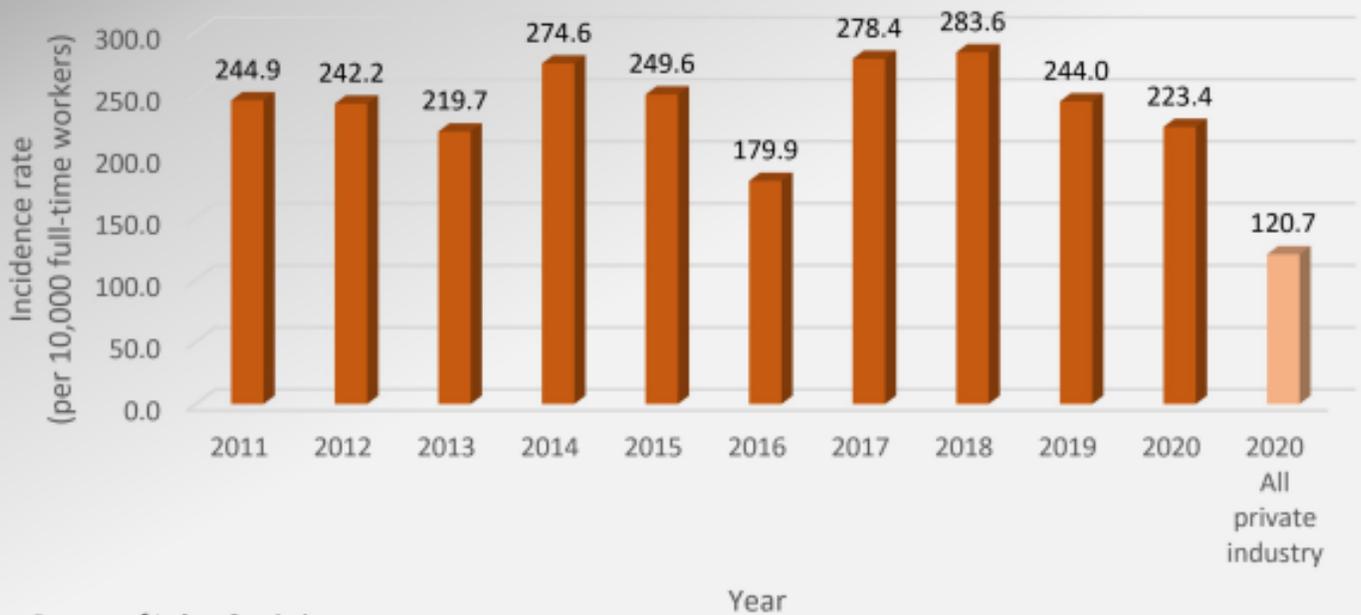
⁶³ Douphrate et al. 2013.

⁶⁴ Sexsmith 2022.

⁶⁵ *Id.*

⁶⁶ Bureau of Labor Statistics. Occupational Injuries/Illnesses and Fatal Injuries Profiles. https://data.bls.gov/gqt/InitialPage.jsessionid=52D100840421038D1B273467A30F97BC.t3_08v.

Incidence rates of nonfatal occupational injuries and illnesses Dairy cattle and milk production vs. all private industry



Data: Bureau of Labor Statistics.

Fatal occupational injuries Dairy cattle and milk production



Data: Bureau of Labor Statistics.

Livestock handling injuries

Large animal husbandry is one of the most hazardous activities in agriculture. Dairy farming has the second highest rate of injuries among all agricultural sectors and most of these injuries are due to interactions with cattle, particularly in milking operations.⁶⁷ Working in close proximity to large farm animals, such as cows, creates ample opportunity for injury and exposure to zoonotic diseases (diseases that can be transmitted from animals to humans).⁶⁸ Bulls are often erratic and dangerous, and dairy bulls, especially, have a reputation for being particularly aggressive and causing serious injuries and fatalities.⁶⁹

Livestock handling injuries are relatively costly and severe. Animal handling tasks include moving cattle between the barn and the parlor, administration of vaccines, antibiotics, or other medications, hoof care, milking, and loading animals onto trucks.⁷⁰ By some estimates, injuries from livestock account for between one-tenth to one-third of agricultural injuries and result in the most time away from work.⁷¹ Migrant Justice conducted surveys in 2014 and 2019 of immigrant dairy workers in Vermont to assess health and safety hazards.⁷² They found that 78% of injuries were due to being hurt by animals; 70% of respondents reported being hit or kicked by an animal; 44% of respondents reported injuries from unsafe animal gates; and 8% reported being bit by animals. An analysis of workers' compensation claims among dairy workers in Colorado found that nearly one-third of all claims were caused by livestock, of which nearly 50% were from injuries sustained in milking parlor tasks.⁷³ Livestock handling claims were the costliest of all claims, resulting in the most time away from work, and they were most common among workers who were young, male or less experienced.⁷⁴

⁶⁷Douphrate et al. 2013.

⁶⁸Liebman et al. 2016.

⁶⁹Lindahl et al. 2013.

⁷⁰*Id.*

⁷¹Douphrate et al. 2009.

⁷²Panikkar and Barrett 2021.

⁷³Douphrate et al. 2009.

⁷⁴*Id.*



Musculoskeletal disorders

Work-related musculoskeletal disorders (MSD) are frequent among dairy workers. By one study, nearly 80% of dairy workers experienced a work-related MSD in the last 12 months.⁷⁵ Risk factors for MSD experienced by dairy workers include working at repetitive tasks, bending/twisting the back, reaching overhead, working in an awkward posture, working in the same position, working heavy loads, and working with little opportunity for rest. Work in large-herd parlor systems entails many of these stressors, and the ergonomic stress of milking often leads to MSDs, particularly in the upper extremities—such as the shoulder, or hands and wrists—the lower back, and the knees.⁷⁶ Being a dairy worker has itself been found to be a risk factor for any MSD.⁷⁷ These are serious concerns because repetitive strain over a period of time can lead to severe disability.

Chemical and biological risks

Dairy workers are also exposed to a wide array of chemical and biological risks in the workplace. In the Migrant Justice 2019 Health and Safety survey, 83% of workers reported they were harmed by a chemical or biological exposure.⁷⁸ Iodine is used to disinfect the teats of cows; chlorine and acid are both used to wash and disinfect machines. These can splash onto the skin of workers, and both chlorine and acid are particularly dangerous when mixed with other chemicals, such as ammonia.⁷⁹ Formaldehyde, a carcinogen, is often used in footbaths for cow hooves to kill fungi,⁸⁰ and workers are often exposed to pesticides, through drift as well as through improper storage. Acute effects from chemical exposures include painful skin rashes and moderate to severe eye and respiratory irritation, while chronic exposure can lead to cancer and neurodegenerative disorders.⁸¹ Working in close proximity to cattle also exposes workers to zoonotic diseases such as Q fever, as well as antibiotic-resistant bacteria due to the copious amounts of antibiotics and antimicrobials used in dairy cattle.⁸² Particulates and airborne biological components (bioaerosols) from livestock farming can cause severe respiratory syndromes such as hypersensitivity pneumonitis (also known as “farmers lung”) and gastrointestinal problems, as well as other symptoms.^{83, 84, 85}

⁷⁵Douphrate et al. 2016.

⁷⁶Douphrate et al. 2013.

⁷⁷Osborne, Aoife, et al. “Risk Factors for Musculoskeletal Disorders among Farm Owners and Farm Workers: A Systematic Review.” *American Journal of Industrial Medicine*, vol. 55, no. 4, Apr. 2012, pp. 376–89. <https://doi.org/10.1002/ajim.22001>.

⁷⁸Panikkar and Barrett 2021.

⁷⁹*Id.*

⁸⁰Doane, M., and S. Sarenbo. “Exposure of Farm Laborers and Dairy Cattle to Formaldehyde from Footbath Use at a Dairy Farm in New York State.” *Science of The Total Environment*, vol. 487, July 2014, pp. 65–71. <https://doi.org/10.1016/j.scitotenv.2014.04.007>.

⁸¹Panikkar and Barrett 2021.

⁸²McDaniel, Clinton J., et al. “Humans and Cattle: A Review of Bovine Zoonoses.” *Vector-Borne and Zoonotic Diseases*, vol. 14, no. 1, Jan. 2014, pp. 1–19. <https://doi.org/10.1089/vbz.2012.1164>.

⁸³Reynolds, Stephen J., et al. “Systematic Review of Respiratory Health Among Dairy Workers.” *Journal of Agromedicine*, vol. 18, no. 3, July 2013, pp. 219–43. <https://doi.org/10.1080/1059924X.2013.797374>.

⁸⁴Douglas, Philippa, et al. “A Systematic Review of the Public Health Risks of Bioaerosols from Intensive Farming.” *International Journal of Hygiene and Environmental Health*, vol. 221, no. 2, Mar. 2018, pp. 134–73. <https://doi.org/10.1016/j.ijheh.2017.10.019>.

⁸⁵Davidson, Margaret E., et al. “Personal Exposure of Dairy Workers to Dust, Endotoxin, Muramic Acid, Ergosterol, and Ammonia on Large-Scale Dairies in the High Plains Western United States.” *Journal of Occupational and Environmental Hygiene*, vol. 15, no. 3, Mar. 2018, pp. 182–93. <https://doi.org/10.1080/15459624.2017.1403610>.



Animal waste storage poses additional risks to workers. Livestock manure releases toxic gases, including hydrogen sulfide, ammonia, methane, and carbon dioxide. Manure storage pits and lagoons constitute confined spaces, which require special training to operate safely. However, deaths from gaseous exposures still occur annually, and the greatest number of fatalities from livestock waste storage or handling are associated with dairy operations.⁸⁶ Workers can also drown in manure lagoons when there is inappropriate signage to delineate the perimeter of the lagoon.

The Migrant Justice 2019 Health and Safety survey found that, despite the risks of chemical and biological exposures on dairy farms, 66% of respondents did not have protective masks, 71% did not use safety goggles or gloves, and 75% did not have aprons.⁸⁷ Another study of Wisconsin dairy farms found a lack of appropriate PPE, washing stations, written hygiene protocols and laundry facilities.⁸⁸

⁸⁶Nour, Mahmoud M., et al. "Summary of Known U.S. Injuries and Fatalities Involving Livestock Waste Storage, Handling, and Transport Operations: 1975-2019." *Journal of Agricultural Safety and Health*, vol. 28, no. 1, 2022, pp. 65–81. <https://doi.org/10.13031/jash.14615>.

⁸⁷Panikkar and Barrett 2021.

⁸⁸Kates, Ashley E., et al. "Wisconsin Dairy Farm Worker Perceptions and Practices Related to Antibiotic Use, Resistance, and Infection Prevention Using a Systems Engineering Framework." *PLOS ONE*, edited by Yi Luo, vol. 16, no. 12, Dec. 2021, p. e0258290. <https://doi.org/10.1371/journal.pone.0258290>.

Housing as a health hazard

Housing itself presents significant health concerns. Nearly all dairy workers reside in employer-provided housing, much of which is dilapidated and unsanitary, and often plagued by pests. Such squalor contributes to significant health problems, such as respiratory issues and bacterial or viral infections. Employers usually provide trailers, and occasionally houses, where workers live in one or two rooms, and there is no privacy. At times, families live there with their children. One survey found that 58% of dairy workers reported that their housing was infested with bugs, 48% had no locks on their doors, and 32% reported both holes in walls or floors and a lack of ventilation.⁸⁹ Investigations have found housing that has been described as a “cesspool,” where workers are housed without proper sewage infrastructure, which causes problems such as sewage back-ups into the shower.⁹⁰ Some housing has infestations of mice & rats, lack of heat even in winter, exposed wiring or lack of electricity, and broken windows, floor boards, “broken everything”, as advocate Alaina Varvaloucas phrases it.⁹¹ Mr. Hernández has known workers who lived in inadequate basements with roaches and exposed wires, or in one case, in a barn used to store feed for the cows.⁹² There are also reports of housing being provided within or above the barn where cows are kept, which creates deplorable living conditions. There are no federal laws that regulate housing for dairy workers, and while there are six different statutes that apply to farmworker housing, none of them apply to the dairy industry.⁹³ When workers lose their jobs, many employers force them to leave their housing immediately, even in states that require a grace period.

Many housing problems are related to the lack of regulation and federal jurisdiction. For example, in New York, the vast majority of farmworkers live in uninspected housing that is provided by their employer as part of their employment. There is no federal agency tasked with inspecting dairy worker housing, and the New York Department of Health does not consider year-round worker housing to fall within its migrant labor camp regulations. Therefore, enforcement in New York occurs through a highly decentralized system of municipalities, where a local town must inspect the farm if a housing complaint is filed. However, if there are problems with the housing, it is a worker who must file this complaint. This can often lead to retaliation, which advocate Alaina Varvaloucas described in an interview with Farmworker Justice as “an absolute epidemic” affecting dairy workers when they try to enforce any kind of right.

⁸⁹Fox et al. 2017.

⁹⁰Liberatore, Wendy. “Advocates Raise Alarm on Dairy Farm Worker Living Conditions.” Times Union, 4 Mar. 2023, <https://www.timesunion.com/news/article/advocates-raise-alarm-dairy-farm-worker-living-17813587.php>.

⁹¹*Id.*

⁹²Hernández, Crispin. Personal communication, June 23, 2023.

⁹³Times Union Editorial Board. “Editorial: Decent Housing is a Human Right.” Times Union, 8 Mar. 2023, <https://www.timesunion.com/opinion/article/editorial-squalor-behind-cheese-17824614.php>.



Spotlight: Legal Aid Society of Mid-New York Farmworker Law Project

Alaina Varvaloucas works as an attorney for the Legal Aid Society of Mid-New York Farmworker Law Project. The Farmworker Law Project provides legal assistance to agricultural workers in New York State on matters such as wage claims, workplace health and safety, substandard housing conditions, employment discrimination, retaliation, public benefits and trafficking. As part of this work, the organization has documented many of the deplorable housing conditions that dairy workers endure.

Ms. Varvaloucas draws attention to the imbalance of power caused by the fact that dairy workers depend on their employers for housing, yet there is little oversight of housing conditions. She notes that the experience of losing your job or losing your housing is terrible, but losing both at the same time is unimaginable. Dairy workers think about this before coming forward, because any complaint could result in job loss, leading to loss of housing as well. The system robs them of agency because it gives them an impossible choice, she says. Uninspected housing thus tends to be worse than inspected housing, because the onus is on the worker to come forward to report a problem. A third-party enforcement mechanism, such as an annual department of health inspection—as occurs in New York with housing termed a “migrant” labor camp—would mean inspectors lay eyes on the housing every year, mandate that employers meet specified standards, and lead to better living conditions for workers.



Barriers to health care

Physical and social barriers to care

When they experience health problems, whether through injuries incurred in their line of work or as a result of their living conditions, dairy workers have few options for care. They often live isolated on farms in employer-provided housing, and the rural areas where they are located tend to have few health care facilities. They face significant barriers to health care, including lack of transportation, lack of health insurance, and immigration concerns.⁹⁴ If they are undocumented, their ability to get a driver's license varies by state, and getting caught driving without a license could provide cause for deportation. This often leaves these workers unable to travel to obtain health care, particularly in rural areas where cars are a necessity.

The majority of dairy workers do not have health insurance. Those who are undocumented are ineligible for Medicaid and the Affordable Care Act. Migrant and community health centers⁹⁵ provide low-cost care to workers, regardless of their insurance or documentation status. However, they can be difficult to access due to transportation and other barriers. As a result, many workers do not seek care when they are sick or injured. In some cases, the employers themselves will pay for the health care costs for their workers. But too often, employers will retaliate against workers who take time off for illness or injury.⁹⁶ Without oversight, employers can weaponize the lack of recourse of this population, exploiting their lack of knowledge of U.S. laws and precarious social position.

Workers' compensation

Injured dairy workers very rarely utilize workers' compensation. Many foreign-born workers do not fully understand what it is, how it functions or whether they have access to this resource. While only Wyoming definitively forbids workers' compensation claims by undocumented workers, there is legal uncertainty regarding coverage in at least 12 other states.⁹⁷ Laws regarding workers' compensation vary by state. For example, while Colorado provides workers' compensation for agricultural employees who incur injuries, Wisconsin does not for those who work on farms with fewer than 6 people.⁹⁸ Many workers are afraid to seek information about workers' compensation for fear of calling attention to their legal status or fear of employer retaliation.

⁹⁴Panikkar and Barrett 2021.

⁹⁵Community health centers are "community-based and patient-directed organizations that provide affordable, accessible, high-quality primary health care services to individuals and families". Source: [Health Resources and Services Administration](#).

⁹⁶Liebman et al. 2016.

⁹⁷Makowsky, Michael & Roberts-Bacon, Kelsey. (2020). "The Wages of Irregular Tasks: Workers' Compensation Benefits and Occupational Misclassification." SSRN Electronic Journal. 10.2139/ssrn.3674667. Citing Matthieson, Wickert, and Lehrer, S.C. "Workers' Compensation Claims by Undocumented Employees."

January 13, 2022. <https://www.mwl-law.com/wp-content/uploads/2018/02/WORKS-COMP-CLAIMS-BY-UNDOCUMENTED-EMPLOYEES-CHART.pdf>.
⁹⁸Liebman 2016.

In many circumstances, workers have been explicitly instructed to not report their injuries in order to avoid initiating the workers' compensation process. One study found that workers were instructed to deny the work-related nature of their injuries when seeking for medical care to avoid creating a workers' compensation claim; in other instances, they were denied or not informed of workers' compensation, and often had to pay for medical care out of their own pockets.⁹⁹

Cost of health care and the impact of illness and injury

The cost for medical care represents a significant financial burden, since many dairy workers are not paid adequate wages. Wage theft is a common practice. Some employers do not pay out a final paycheck, or do not pay workers sufficiently for hours worked. In a Migrant Justice survey of Vermont dairy workers, 40% of workers received less than Vermont's minimum wage, and 20% had their first paychecks illegally withheld.¹⁰⁰

Injuries often carry significant repercussions for dairy workers. It can lead to retaliation in the workplace, including but not limited to loss of income, loss of housing or other benefits provided by the employer, job loss, and/or subsequent deportation.¹⁰¹ Many workers speak of being fired or put on unpaid leave when they become injured.¹⁰² Many, if not most, workers respond by not reporting injuries at all.¹⁰³ One study found that approximately one-third of Latinx workers did not report injuries to their supervisor out of fear of repercussions such as job loss or deportation.^{104, 105} In the survey by Migrant Justice, a full 50% of workers did not feel comfortable talking to their employer about health or safety concerns.¹⁰⁶ Many workers felt that bringing hazards or safety concerns to the attention of the owner or supervisors would have negative repercussions for them, if anything were to happen at all. In the Migrant Justice health survey, 37% of workers feared that their boss would call immigration authorities,¹⁰⁷ and getting injured could be cause for this concern. In the same survey, workers stated that in case of a health emergency, they would choose to stay home rather than go to a hospital for fear that getting care would leave them vulnerable to deportation.¹⁰⁸ Immigration status and fear of deportation were themes that consistently shaped these workers' experiences of injury while navigating the healthcare system.

⁹⁹ *Id.*

¹⁰⁰ Panikkar and Barrett 2021.

¹⁰¹ Liebman 2016.

¹⁰² Keller et al. 2017.

¹⁰³ Liebman et al. 2016.

¹⁰⁴ Menger-Ogle et al. 2019.

¹⁰⁵ Liebman et al. 2016.

¹⁰⁶ Panikkar and Barrett 2021.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

Recommendations

Worker advocacy organizations play a crucial role in pushing for reforms in the dairy industry. At the same time, legislators and administrative agencies at the state and federal levels have a responsibility to adopt laws and regulations to improve the living and working conditions of dairy workers. The following recommendations are intended for state and federal policymakers, and are based in great part on our conversations with advocates whom we interviewed for this report. A few states have one or more of these policies already in place, but state laws and regulations that apply to the dairy industry vary considerably, leaving significant room for improvement.

State

- States that have been granted by federal OSHA enforcement authority over occupational safety and health (State Plans) must implement programs that include oversight of all dairy farms, regardless of size, and adopt standards for linguistically-accessible health and safety training. They should also implement Local Emphasis Programs (LEPs), which are industry-specific enforcement programs, implemented by local occupational safety and health agencies, for industries with high rates of injury to address particular hazards.
- Adopt rules that subject all employer-provided worker housing to strict health and safety regulations and regular inspections, and fund and empower state and local agencies to conduct proper enforcement of these rules.
- Conduct unannounced inspections of dairy farms and employer-provided housing, and allow workers the opportunity to speak with inspectors in settings out of view of their employers.
- Workers in employer-provided housing should be clearly considered tenants under state landlord-tenant law, which would require employers to follow landlord-tenant law in order to evict a worker, thus preventing workers from being immediately evicted following a job loss.
- Grant dairy workers the rights afforded to workers in other industries, including to overtime pay, a weekly day of rest, disability, paid family leave, unemployment benefits, workers' compensation, and collective bargaining.
- Require dairy farms to provide laundry facilities where workers can wash their work clothes away from their living quarters in order to prevent the spread of disease.

Federal

- Congress must provide a path to legal immigration status for farmworkers, including dairy workers.
- Congress must eliminate the appropriations rider that prevents OSHA from spending funds to enforce regulations on small farms (those with 10 or fewer employees).
- OSHA must adopt comprehensive standards specific to dairy industry hazards, based on the hierarchy of controls. The hierarchy of controls prioritizes interventions that are most effective at eliminating hazards over those that merely reduce or modify hazards, or reduce workers' interactions with hazards.
- OSHA must make wider use of Local Emphasis Programs (LEPs) focused on the dairy industry.
- OSHA must conduct unannounced inspections of dairy farms and allow workers the opportunity to speak with inspectors in settings out of view of their employers.



Conclusion

The U.S. dairy industry has become highly reliant on the labor of foreign-born workers, most of them undocumented. Although these workers contribute billions of dollars to the U.S. economy, they often lack basic labor rights and protections that are guaranteed to most other workers. Low wages, substandard housing, lack of access to health care, and immigration status place these workers in an extremely precarious position. Record levels of milk have been produced in recent years, and some in the industry argue that low wages and a lack of standards for the labor force are necessary to maintain this level of production. But the political and economic forces that lead to cheap dairy products for the domestic market result in damage inflicted on the bodies of immigrant workers. Injuries become normalized and even expected by farmworkers. As Professor Seth Holmes (University of California, Berkeley) writes of undocumented farmworkers, the pain and disability they experience and the dangerous, damaging conditions of the work are part of the structural violence they face.¹⁰⁹ The suffering of Latinx dairy workers is naturalized both on the farm and in the broader society, and is rendered invisible due to racial hierarchies. In the words of Tufts Professor Alex Blanchett, “At what point does efficiency become violence?”¹¹⁰ While dairy workers and advocates across the country continue the fight for their rights, public pressure on dairy companies and legislators can provide much-needed support to bring about reforms and ensure that dairy workers are guaranteed the same rights that most other workers in this country enjoy.

¹⁰⁹ Holmes, Seth. *Fresh Fruit, Broken Bodies: Migrant Farmworkers in the United States* (Berkeley, CA: University of California Press, 2013).

¹¹⁰ Cooke, Christina. “Absent Federal Oversight of Animal Agriculture Safety, States and Others Step Up for Change.” *Civil Eats*, 18 Nov. 2022, <https://civileats.com/2022/11/18/absent-federal-oversight-of-animal-agriculture-safety-states-and-others-step-up-for-change/>.

Who We Are

Farmworker Justice is a national nonprofit organization that aims to empower migrant and seasonal farmworkers and their families to improve their living and working conditions, immigration status, health, occupational safety, and access to justice.

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