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Dairy workers in Random Lake, Wisconsin.

Milking Workers, Breaking Bodies: Health Inequality in the Dairy Industry

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Reflecting on her four years on a Wisconsin dairy farm, thirty-two-year-old Sofia spoke over the rain pounding on the metal roof of the house she built in Veracruz, Mexico with her farm-worker income. Recalling that hazardous labor, she described a bad fall and, pointing to her torso and leg, explained, “There was blood . . . I didn’t say anything to my boss . . . I thought he would charge me money, or that he would send for a doctor. I didn’t have money for a doctor.” Instead, Sofia endured the pain and used onion skin—an indigenous healing method—to cure her wound. “We don’t have access to health care,” she explained. “It’s very expensive.”

... [I]mmigrant dairy workers join the ranks of more than a million hired farmworkers who work in some of the most dangerous conditions in the United States.

Stories like Sofia’s are more common as U.S. dairy farmers increasingly hire immigrant workers for the bottom-rung jobs of milking cows, feeding calves, and scraping manure. These immigrant dairy workers join the ranks of more than a million hired farmworkers who work in some of the most dangerous conditions in the United States. The agriculture, fishing, and forestry sector consistently ranks highest in rates of fatalities, injuries, and illnesses, especially for immigrant workers.¹ Yet, despite their numbers, the harmful working conditions and labor insecurity they face, and the fact that their agricultural context means that they experience certain conditions that urban workers do not, scholarship on

precarious employment rarely addresses the plight of farmworkers. Rather, the “new” precariat typically refers exclusively to urban workers in the temporary staffing industry or the emerging “gig economy.” The omission of farmworkers from analyses of precarious employment is striking, considering that farmworkers are the prototypical precariat. When looking at today’s growing “new” precariat, we see that workers across multiple sectors are, in fact, increasingly treated like farmworkers—underpaid, contingent, and disposable.

The restructuring of the agri-food economy has exacerbated precarious work within the industry, resulting in new and intensified demands for low-wage, non-union, exploitable labor in rural places.² This has fueled the emergence of new immigrant destinations across the United States and an expanding rural precariat. In the dairy industry, intensified precarity has dire consequences for workers’ well-being and health, as do legal status, geographic isolation, and an under-regulated industry. Yet workers and their allies have also begun to make strides in exposing—and addressing—these problems.

The Changing Dairy Industry: Deepening Precarity

The agri-food system has completely transformed in the last fifty years, as the forces of

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globalization and neoliberalism have decreased the number of farms in the United States and increased the power of multinational corporations.³ Pressures to double-down on production while keeping costs low have led many farmers to exit, while those remaining have expanded and industrialized their operations and rationalized their labor practices. Hired farm work is overwhelmingly performed by the most vulnerable in our society—immigrants with an uncertain legal status and little education—who are expected to be flexible and loyal workers. They enjoy meager wages and little job security, and, like domestic workers, have long been excluded from many of the nation’s labor laws.

The restructuring of the agri-food economy has . . . intensified demands for low-wage, non-union, exploitable labor in rural places.

Unlike California dairy, which has relied on immigrant labor for decades, the shift toward a foreign-born labor force in other top dairy states has only occurred in the last fifteen years or so. The shift signals changing employment relations in the dairy industry, as jobs have become less desirable and workers have become more exploitable. The result is an expansion of precarious work in the U.S. dairy sector.

Wisconsin ranks second in U.S. milk production, behind California.⁴ Rural Wisconsin long reflected the pastoral model of small-scale farming established by nineteenth-century German and Scandinavian immigrants. Yet, this has shifted in the past two decades. From 1997 to 2007, Wisconsin experienced a 400 percent increase in the number of farms with herds over 500 milk cows. Similarly, in this time frame, New York farms with herds this size nearly doubled, and Vermont’s grew by 150 percent. Idaho, now third in the nation in milk production, experienced a 250 percent growth in farms this size from 1997 to 2007.⁵

The consolidation pattern in dairy holds nationwide, as farms modernize and expand. The change stems from structural and economic factors, including inadequate price supports; the consolidation of suppliers, processors, and retailers, and their price-gouging practices; shrinking profit margins for smaller operations; wild fluctuations

in milk prices; and consumer demands for more and an increased variety of dairy products. Yet cultural factors are also at play, including popular ideas about the “modern” farm promoted by extension agents and trade magazines, as well as farmers’ middle-class masculine aspirations to occupy a purely managerial role.⁶

This consolidation trend requires more hired workers to staff a three-shift milking schedule 365 days a year, in addition to feeding animals, cleaning barns, birthing calves, and moving grain, among other tasks. The farmers we interviewed contend that white, non-Hispanic workers were “unreliable,” refusing to milk cows for such low wages and shunning late-night and weekend shifts. As a result, in the late 1990s, many farmers in Wisconsin started hiring Latin-American immigrants, who were valued for their flexibility and stability. The road to precarious jobs in dairy had been paved.

[Hired farmworkers] enjoy meager wages and little job security, and . . . have long been excluded from many of the nation’s labor laws.

The demographic shift in the dairy industry from a white, U.S.-born workforce has been rapid. The proportion of immigrant workers in Wisconsin increased from 5 to over 40 percent of dairy laborers between 1998 and 2008.⁷ In New York, Latinos were estimated to be a small fraction of the dairy workforce in 2002, and 27 percent in 2009, a number that is thought to be much higher today.⁸ In 2012, an estimated 92 percent of dairy workers in Vermont were Latino.⁹ Although we have no survey data about the legal status of these workers, our field-based research suggests that most are undocumented.

While dairy jobs offer some stability as year-round positions, the vast majority are far from ideal. Immigrants are clustered in arduous, entry-level positions with low wages, late shifts, monotonous work, extreme temperatures, and constant exposure to manure. Most of their U.S.-born co-workers have easier, higher-ranked, and better-paid dairy jobs. In 2011, *The Fiscal Times* ranked milking cows as one of the “9 Dirty Jobs that Nobody Wants.”¹⁰ Indeed, one farmer we interviewed conceded, “I would not do that job.” As low-wage dairy jobs have become more precarious, the gap

between “good jobs” and “bad jobs” within the dairy industry has clearly widened.

Our research investigating dairy labor in Wisconsin and New York shows that the high cost of health care, fear of lost wages, unclear and inflexible work policies, lack of transportation, and limited regulatory oversight harm workers and constrain their abilities to meet their health needs.¹¹ Our findings are supported by those of Kathleen Sexsmith, who argues that dairy workers’ ability to access health care is related to inadequate safety regulations, limited public and third-party medical providers, and workers’ lack of informal social networks.¹² Many of these findings align with the labor insecurity that defines the growing “new” precariat. Yet some of these health and safety issues are particular to rural new immigrant destinations, or relate specifically to under-regulation in the dairy industry.

An Under-Regulated Workplace

Farmworkers are excluded from significant federal protections provided to other workers, including the right to a day of rest, overtime pay regulations, and collective bargaining protections. Moreover, labor and housing conditions are often poor, and the existing regulations are notoriously under-enforced. Farmworker advocates have documented widespread abuses such as wage theft, firing workers who are injured, and substandard housing. While farmworkers in Wisconsin and New York are included in state minimum wage laws, they are excluded in Vermont. In all three states, the law denies farmworkers the right to disability coverage.

Dairy workers are even further marginalized than other farmworkers. The federal 1983 Migrant and Seasonal Agricultural Worker Protection Act (MSPA or AWPA) offers wage, housing, and other work-related protections, yet excludes dairy workers as they work year-round. The MSPA exclusion of dairy workers also means no one is charged with inspecting their housing—which can be deplorable, as in a 2014 case on a Vermont dairy farm where workers found sewage leaking into their drinking water, or a New York case where housing was illegally attached to a milking barn, increasing the risk that fumes, manure, and chemicals would be spread into living quarters. In addition, migrant farmworker health clinics in

Wisconsin, New York, and Vermont often have restrictions on serving dairy workers due to the rules of federal funding, which exclude year-round laborers.

Felipe, a twenty-three-year-old from Chiapas, Mexico, who had not been trained on safety procedures, suffered three injuries on the job, including being exposed to workplace chemicals that blinded him for thirty minutes. Alone, he used the water that the cows drink from to clean his eyes. Felipe argued that on New York dairy farms, there were never inspections, compared with his experience as a fieldworker.

The proportion of immigrant workers in Wisconsin increased from 5 to 40 percent of dairy laborers between 1998 and 2008.

In 2010, in eastern Wisconsin, a seventeen-year-old immigrant from Mexico was crushed while herding animals and died from his injuries. In 2011, a twenty-three-year-old immigrant worker was fatally trampled by a bull on a dairy farm in southeastern Wisconsin. The Bureau of Labor Statistics reported thirty-four deaths on dairy farms in New York State between 2007 and 2012, including tractor death, suffocation in a grain silo, and drowning in a manure pond. New York was second in the nation for dairy deaths behind Wisconsin, which had sixty-four fatalities in the same period.¹³ The main causes of death on dairy farms are tractor rollovers and entanglement in other farm machinery. Although farm safety is a critical issue for all workers, it is particularly important for immigrant workers, who often experience inadequate training due to language barriers. This lack of training is related to workers’ exploitability and exemplifies the work insecurity they face. Moreover, work with cows, both cattle and dairy, is the most dangerous of agricultural jobs.¹⁴ In 2014, animal production and aquaculture (of which dairy farming is a sub-sector) had a 19.3 fatal injury rate compared with 3.4 for all U.S. industries.¹⁵ Dairy cattle and milk production accounted for forty-nine of the 166 reported deaths in this sector; cattle ranching and farming (excluding feedlots) accounted for forty-five of the

fatalities. For reference, the next highest number in this sector was poultry and egg production at nine of the 166 fatalities.¹⁶

In 2014, animal production and aquaculture . . . had a 19.3 fatal injury rate compared with 3.4 for all U.S. industries.

Partly in response to these incidents and a number of other injuries and deaths of dairy workers, the Occupational Safety and Health Administration (OSHA) launched a Local Emphasis Program (LEP) in Wisconsin in 2012 and in New York in 2013. An LEP is initiated for industries with a particularly high risk of safety and health problems. It includes outreach to businesses to aid them in becoming compliant with the OSHA regulations, followed by unannounced workplace inspections. Anecdotal evidence suggests that the LEP has helped. One worker in New York reported in January 2015 that workers now have protections for using chemicals as well as regular work schedules, and he feels respected by his boss. Another New York worker reported appreciation for the training in chemical handling, his first in more than a decade on the farm.

Despite this success, not all dairy farms fall within OSHA's jurisdiction. In 1976, the Labor-Health and Human Services Appropriations Bill included a rider to the Occupational Safety and Health (OSH) Act, which prohibited OSHA from inspecting farms with fewer than eleven workers. The rider, which was passed as a way to appease disgruntled farm owners, businessmen, and senators, means that OSHA, as the central federal agency enforcing safety and health legislation, cannot regulate small farms. This leaves farm-worker safety extremely dependent on individual farm owners who have the option not to comply with safety standards. In practical terms, the rider restricts OSHA inspections to an estimated 18 percent of New York dairy farmworkers.¹⁷

Barriers to Health Care Access

Similar to the "new" precariat, the rising dairy precariat experiences insecurity that includes not just fear of lost wages, but also lack of

access to health insurance. Of the Wisconsin dairy workers surveyed in 2008, less than one-third reported receiving any benefits from their employer. None of the sixty workers we interviewed in Wisconsin between 2010 and 2012 had health insurance, and we know of no New York dairy workers with insurance, which corresponds with another New York study.¹⁸ Augustin, a thirty-year-old who had milked cows in Wisconsin for eighteen months, stated succinctly, "Almost all the Mexicans there are uninsured." As many as 71 percent of unauthorized adults in the United States lacked health insurance in 2011.¹⁹ Already excluded from Medicaid, the Affordable Care Act prohibits unauthorized immigrants from purchasing private insurance through subsidized health-care exchanges, making their options for coverage limited and costly.

... [T]he rising dairy precariat experiences . . . not just fear of lost wages, but also lack of access to health insurance.

Workers' lack of clarity about both workplace rules and their legal rights can prevent proper health care. In addition, they are obstructed from seeking clarification due to their vulnerable legal status and realistic fears of being fired or put on leave without pay. Moreover, these factors inhibit these dairy workers from demanding their rights, even when they are aware of them. Taken together, unclear work policies and workers' vulnerable status intensify precarious dairy work.

Workers said that access to employer-provided Workers' Compensation was not made clear. When one of us informed Sofia that medical expenses are legally covered for workplace injuries on the farm, she lamented, "Possibly, but because of being afraid . . . it was better not to say anything." Sofia also described hiding her limp, afraid that her boss might fire her if he discovered she was hurt. Similarly, Lazaro, a thirty-nine-year-old from Mexico City, suffered a bull attack at a New York dairy. He broke two teeth, fractured two ribs, and required stitches for a deep facial cut. His employer was present at the time and initially helped him. Immediately

after, his employer asked him to wait to be taken to the emergency room until he finished Lazaro's milking. Clearly, there were concerns that the cows needed to be milked, but Lazaro was shocked that his employer was too inflexible to take a break to find other transportation. Lazaro was fired a week later and was not informed about Workers' Compensation.

Another worker, Vicente, described falling down the stairs at work and fracturing his fingers. While his boss took him immediately to the clinic and paid for the visit, Vicente had to pay for his own pain medication, which he was not expecting. Again, the workplace policies were unclear. Not all farmers are required to carry Worker's Compensation insurance, but the farms employing Sofia, Lazaro, and Vicente were obligated to do so.²⁰

Lack of Transportation

Specifically related to life in a rural new immigrant destination, precarity is exacerbated by transportation, both the lack of it and the fear of encountering law enforcement. For the unauthorized dairy workers we met, their legal status creates an intensified climate of fear. This causes many workers to limit time spent off the farm, which increases the likelihood of delaying access to health care. Some workers told us that their fear of law enforcement was so great that they only left the house to go to work and, twice per month, to buy groceries. The vast majority of New York dairy workers are within one hundred miles of the Canadian border, making the area the jurisdiction of Homeland Security and federal immigration officials. Thus, workers sometimes did not leave their farm for more than a year. One of us met a worker who only left the dairy farm four times in three years.

Most workers did not have access to a vehicle, and rural areas are nearly impossible to navigate without one. The more serious impediment is the inability to secure a driver's license; both Wisconsin and New York require proof of U.S. citizenship or legal presence in the country. When unauthorized workers without valid driver's licenses are stopped by the police, this is often the first step toward deportation, and all of us learned about such cases. Many employers and workers also reported that local police

frequently engage in racial profiling and stop drivers who appear to be immigrants.

David, a twenty-nine-year-old with a four-year tenure on a Wisconsin dairy farm, discussed problems with driving as we talked at his mother's house in Veracruz. Because of workers fearing they would be arrested and sent to jail, which was not uncommon, David's employer had been explicitly disagreeable about his workers driving. Driving, therefore, became a double risk—workers might be viewed as insubordinate at work, and they risked arrest.

Organizing for Justice

Both in response to and despite these dire conditions, the rising dairy precariat and their advocates are increasingly demanding a right to healthy and safe workplaces, as well as fair wages. Instead of traditional unions, worker rights centers are leading the fight on behalf of dairy workers in New York and Vermont.²¹ Organizers from the Workers' Center of Central New York (WCCNY) brought dairy workers to discuss health and safety violations with OSHA and credit that effort for the implementation of the LEP. These organizers have trained dairy worker leaders to educate others about their rights and how to confront workplace issues. In 2014, this included a dairy worker speaking tour of twenty-eight events in thirteen cities in the state.²² One such worker, Crispin Hernandez, along with WCCNY and the Worker Justice Center of New York, is suing the state and the governor over the exclusion of agricultural workers from the right to organize without fear of retaliation. Hernandez was fired from one of New York's largest dairy farms after his employer saw him meeting with labor advocates. The suit was filed by the New York Civil Liberties Union.²³ In addition, advocates are lobbying for the Farmworker Fair Labor Practices Act, a state bill that would give farmworkers the right to overtime pay, the right to a day of rest each week, and collective bargaining protections.²⁴

Another organizing effort on behalf of the rising dairy precariat is Vermont's Milk with Dignity Campaign, promoted by the worker rights organization Migrant Justice.²⁵ Modeled on the Coalition of Immokalee Workers' Fair Food Program, Milk with Dignity aims to

pressure corporate buyers to only source from dairy farms with a Code of Conduct. The Code of Conduct includes fair housing, worker rights education, third-party monitoring, corporate-provided pay premiums to workers and farmers, a reduction of health and safety risks, access to Workers' Compensation, no-cost safety protections, paid sick days, and health and safety trainings in workers' native languages.

Exemplifying the effectiveness of worker rights centers movement, WCCNY and Migrant Justice have played a major role in the fight for improved conditions for dairy workers. Workers in New York have succeeded in improving their housing and shift schedules, recovering unpaid wages, securing weekly pay stubs, and garnering media attention. In Vermont, Ben and Jerry's, the major Vermont milk buyer and ice cream giant, committed in June 2015 to working with farmworkers to adopt the program, and discussions are underway with Migrant Justice.

Organizers in both states, however, are facing backlash. Twice in the summer of 2015, New York farmers confronted organizers and then called the police to have them removed. While workers have the same rights as tenants to have guests, including organizers, such efforts intimidate workers and discourage them from meeting with advocates. In Vermont, two leaders in the Milk with Dignity campaign were arrested and detained in 2016 by Immigration and Customs Enforcement and face possible deportation.

As impressive as these organizing efforts are, the growing dairy precariat still has a long way to go to achieve safe working conditions and health care in an industry that is grossly under-regulated and in which immigrant workers are particularly vulnerable to injury, illness, and death. Over a cup of tea, a worker in his fifties who had taken several trips to Wisconsin to work on dairy farms crystallized these issues as he described the difficulty of leaving family behind who prayed for his safety, "That we return, even if we're late, but . . . that we return. That's what they hope for."

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She is writing a book on immigrant dairy workers in the United States titled, *Mobility and Migration: From Mexico to America's Dairyland and Back*.

Margaret Gray is associate professor of political science at Adelphi University. Her book *Labor and the Locavore: The Making of a Comprehensive Food Ethic* (University of California Press, 2014) won book awards from the Association for the Study of Food and Society and the Labor Project of the American Political Science Association. Her work focuses on the intersection of food politics and the

conditions of low-wage, non-citizen workers in the agro-food industry.

Jill Lindsey Harrison is associate professor of sociology at the University of Colorado at Boulder. Her research identifies and explains the persistence of environmental inequalities and workplace inequalities in the United States today. In addition to numerous articles and chapters, she published *Pesticide Drift and the Pursuit of Environmental Justice* (MIT Press, 2011), which won book awards from the Rural Sociological Society and the Association of Humanist Sociology.