



# Minimum Labor Standards for Workers and Contract Growers in Industrial Animal Agriculture During and After Disaster Events

## The IAA and Minimum Labor Standards<sup>1</sup>

The Industrial Agriculture Accountability Act (IAA) seeks to establish minimum labor standards to protect contract growers and covered workers in industrial animal agriculture affected by disaster events, such as a natural disaster or disease outbreak. These standards include severance pay and other financial protection against loss of income, health insurance, whistleblower protections, and prohibiting the use of incarcerated workers in disaster mitigation.

**Under the IAA, a “covered worker” is any employee who performs labor related to the disaster mitigation plan of an integrator or other entity (“covered industrial operator”) that owns the animals at a factory farm, including a contract farmer’s employees and those of another affected contractor.**

## Why Must Minimum Labor Standards Change?

Disaster mitigation currently focuses on loans and repayments from the government to farm owners for the financial loss of livestock and the destruction of their agricultural infrastructure, such as poultry houses. But industrial operators who contract with farmers to raise animals are not required to help the farmers after a disaster event, leaving the farmers to handle much of the financial fallout on their own. Farmworkers have far fewer labor protections under federal laws than nonagricultural workers, such as access to workers compensation and unemployment insurance. And while some whistleblower protections exist for farmworkers, fear of retaliation, lack of job alternatives, and limited options for legal recourse make the whistleblowing process all but impossible.

## Footnotes

<sup>1</sup> Full citations available upon request.

## Enactment Timeline: Existing Minimum Labor Standards for Disaster Mitigation

In 1978, the U.S. government began enacting laws to offset the financial losses from dead farmed animals after natural disasters. These laws only partially covered the value of animals who are harmed or killed by a disaster event, and in 1996 a loan payment program was created to help offset some of the cost of destroyed farm infrastructure. Despite a notable increase in natural disasters, only temporary relief funding has been granted to farmers after select disaster events, and the relief and protection for farms ends at these insufficient funds.

## Disaster Events Can Disproportionately Affect the Most Vulnerable in Our Food System



Disasters that negatively impact industrial animal agriculture are on the rise in the U.S. While an increasing amount of financial aid is available to growers and contract growers to help cover some financial losses in the face of disasters involving animal deaths, little to no protection is available to most covered workers. Moreover, many workers in animal agriculture are from disadvantaged backgrounds or have vulnerable citizenship status and thus may have fewer options if they lose employment after a disaster event.



## Whistleblowing Ensures Corporate Accountability



Whistleblowing is a **key part of corporate accountability** and has been found to improve a company's performance and safety or work standards. Yet **multiple states have enacted**

**"ag-gag" laws**, which limit the ability of employees or visitors to record and report illicit activities at factory farms. While many attempts to suppress whistleblowing at factory farms have been deemed unconstitutional, workers who blow the whistle still risk retaliation from their employers. As some employees in animal agriculture lack the protections employees in other industries have and many workers have vulnerable immigration status, they may be more reluctant to report violations owing to fear of retaliation.

## Incarcerated Workers Are Forced to Perform Potentially Dangerous Tasks

When assigned work duties, people incarcerated must accept the work or face punishment, such as loss of visitation privileges and solitary confinement. Moreover, they have no choice regarding the type of work assigned. Many inmates report lack of adequate training and protective equipment. Tasked with disaster mitigation, incarcerated workers can face potentially dangerous situations, including exposure to biohazards. In the 2022 avian flu outbreak, an incarcerated worker in Colorado contracted H5N1 while helping kill and dispose of a flock of affected chickens.

## Covered Workers Lack Health Insurance During and After Disaster Events

Covered workers who clean up after disaster events risk long-term health impacts yet may not have health insurance to help cope with occupational injuries or illnesses, particularly if the event leads to loss of employment. This is largely

due to challenges in obtaining healthcare. Even with the Affordable Care Act's provisions to increase coverage to farmworkers by expanding Medicaid, many still struggle with language, financial, or geographic barriers and may not qualify for coverage depending on their immigration status.

## Covered Workers and Contractors Often Face Serious Financial Challenges After a Disaster Event

Health and safety risks and lack of workplace protections are not the only issues facing contract growers and covered workers. Without guaranteed severance pay after disaster events, covered workers could find themselves financially unprotected if the factory farm employing them lays them off; terminates their contract; or claims the Fair Labor Standards Act (FLSA) does not require payment for hours employees didn't work, even if they couldn't work or lost work because of a natural disaster.

Further, most incarcerated workers are still not defined as employees and thus have minimal labor rights and are exempt from a number of workplace protections, including those of the FLSA.

Similarly, if a covered industrial operator terminates a grower's contract after a disaster event, the grower may suffer a serious financial burden from the destruction and cleanup. While the covered industrial operator owns the animals who died, the contract grower owns and is responsible for everything else, from infrastructure to animal waste, so they can find themselves suddenly unemployed with no income to help offset the unexpected costs they are forced to handle alone.

