

**Joint hearing of the Vermont House Committee on Agriculture and Forestry and the  
House Committee on General, Housing and Military Affairs**

**Testimony of Tom Fritzsche, Milk with Dignity Standards Council**

**April 21, 2021**

Thank you to Representative Stevens and Representative Partridge for inviting me to testify. It is an honor to talk to you about an important topic and a big responsibility to convey what we know about farmworker housing in Vermont.

My name is Tom Fritzsche, and I am the executive director of the Milk with Dignity Standards Council. I have dedicated my career in significant part to health and safety on farms and in other workplaces, starting in 2001 with the Maine Migrant Health Program and continuing with the Southern Poverty Law Center before joining the Milk with Dignity Program.

MDSC is a Vermont non-profit organization that was created in order to work together with dairy farms and farmworkers that participate in the Milk with Dignity Program. The Milk with Dignity Program launched in Vermont after Migrant Justice, another Vermont-based non-profit organization, reached agreement with Ben & Jerry's in October 2017 to implement standards for working and housing conditions on dairy farms in Ben & Jerry's supply chain.

Since the program's launch, MDSC has been working with between 50 and 70 dairy farms to ensure that farms meet these standards in the Milk with Dignity Code of Conduct and, in areas where farms are not yet meeting the standards, they make concrete, verifiable progress towards compliance with the standards. We estimate that participating Milk with Dignity farms cover approximately 20% of Vermont's total milk production.

The Code of Conduct includes standards covering health and safety, wages, schedules, non-discrimination, freedom from retaliation and sexual harassment, and housing, if housing is provided to employees.

The Code incorporates standards from existing federal and state laws and regulations in these areas, such as the Occupational Safety and Health Act.

Most of the housing standards we uphold come from the Vermont Rental Housing Health Code and other state laws that apply to farmworker housing.

To assess compliance with the standards, the MDSC operates a 24-hour worker support line via which farmers and farmworkers can contact us any time with questions or concerns. We answer in English and in Spanish and conduct objective factual investigations and engage the farm in a problem-solving discussion to look for solutions to any problems confirmed.

To assess compliance with the standards, the MDSC also conducts annual farm audits. In our audit process, we interview farmworkers and farm owners or managers, inspect employee housing and some areas of the worksites, and review farm policies and other written records. The MDSC's housing inspections include measurements of the square footage of habitable space available, air quality measurements, and visual inspection of requirements such as fire safety devices. To my knowledge, we are the only organization or agency that has inspected dairy farmworker housing for compliance with Vermont laws.

We compile this information into a written report that is only for the farm. For farms that are not yet meeting all standards in the Code, we work with them using these audit reports as a tool to

develop corrective action plans that ask for concrete progress within workable timelines. Whether it is for housing or occupational safety and health, we know that a plan that solves an issue on one farm might not necessarily resolve a similar issue on another farm.

Essential to the success of the program is the program's annual know-your-rights-and-responsibilities education component that ensures that people are informed about how the program works and how to use it. Auditors are not parachuting in to talk to people who have no idea what the purpose of the visit is, but rather are speaking to people informed about relevant topics and the goals of the process, which is to ensure that the standards are met and that consistent improvements are made over time, where needed.

Housing is important for many reasons. Farmworkers who do not have adequate rest and sleep when not working, due to housing conditions, may face short- and long-term health consequences from poor indoor air quality or interruptions of sleep. Farms' businesses also suffer if their workforce is not in good health. Everyone involved in dairy farm work, including milkers, herdspeople, feeders, managers and farm owners, works very hard doing important jobs that require a great deal of concentration and skill and often physical exertion, often for very long hours. Obviously, for farms in operation 24 hours a day or close to it, having employees always close by is a major benefit.

As you know, every farm is different. During our first round of farm assessments, we found farms providing excellent farmworker housing that included adequate space and safe conditions. We also found farms providing housing to employees that does not meet legal standards in a variety of ways.

In our 2019 audits, MDSC found that on the participating farms, 178 Qualifying Workers were living in housing provided by their employers. They lived in a total of 72 housing units, of which:

- 46% were fully compliant with Vermont Rental Housing Health Code
- 54% not fully compliant. Reasons for non-compliance include holes and structural problems, severe pest infestations, inconsistent heat or water, inadequate habitable space, lack of fire safety devices, and other issues.
- 22% offered less than 200 square feet of habitable space per occupant
- 17% had only one exit
- 10% had one or more workers permanently sleeping in a living room or other common area
- 8% were closets or other spaces inside barns. One example of this situation was a 10-foot by 14-foot concrete room next to a milking parlor, in which three adults lived on a full-time, year-round basis. They had two bunk beds and used the one empty bunk to store their clothing and other belongings. They had a stove and refrigerator inside this room and used the worksite bathroom for their necessities. A visitor to the farm would not have known that people lived behind the closed door in the hallway outside the parlor.

These data cover housing provided farmworkers of any language or national origin and include people whose primary language is English, some people whose primary language is Spanish, and some people whose primary language is an indigenous language, such as Tojolab'al. The

program uses the term Qualifying Workers, which includes any non-managerial employees of dairy farms who milk, scrape manure, care for animals, or do certain other work, regardless of their language or national origin.

The 2019 data reflect improvements from the conditions found in our 2018 assessments of participating farms. This progress is detailed in our first public program report, which I have shared with the committees.

We do not have complete data for the 2020 audit process yet, but I am confident that this data will reflect additional improvements since the end of 2019.

The improvements made so far include increased access to smoke and carbon monoxide detectors and fire extinguishers, numerous repairs to appliances and structures, at least a dozen new windows, one new roof, two new employee housing units, two better units opened up to employees, and the expansion of three other units to alleviate overcrowding. These are just the beginning.

These improvements are the result of hard work and good faith participation by farm workers and by farm owners, cooperating in a process made possible by the Milk with Dignity Code, Migrant Justice's education sessions, and the MDSC's detailed monitoring and facilitation.

Participating farmers in the Milk with Dignity Program deserve credit for their work with us to allow transparent verification of conditions and to make improvements where needed.

Farmworkers deserve credit for their leap of faith to participate in the process, even where many of them have, at various points, been afraid to speak up about their concerns, for fear that their employer will be unhappy with them and retaliate. Ben & Jerry's also deserves credit as the historic first participating buyer. Among other contributions, their requirement that farms meet Code standards have set expectations that did not exist before and the premiums that Ben & Jerry's has paid to participating farms have helped make housing and other improvements possible that appeared to be impossible before.

Part of this work is an exciting pilot project with Efficiency Vermont to begin connecting farms with Zero-Energy Modular housing that will provide safe indoor air quality, excellent ventilation and energy efficiency benefits that are primarily for the farm owner, but have secondary benefits for all Vermonters. We are hopeful for the possibility of additional collaboration in the future with groups like New Frameworks and with any efforts emerging from John Ryan's report in order to further expand the range and accelerate the pace of farmworker housing solutions.

Thank you very much for your attention to this important issue.