



Photo of a flooded trailer owned by a seasonal farmworker in Burgaw, NC. Courtesy of Legal Aid of North Carolina

APPENDIX 7:

# NORTH CAROLINA FARMWORKERS AND DISASTERS FACT SHEET

PART OF THE FAN

## Disaster Preparedness TOOL KIT

For North Carolina Farmworker Advocacy Organizations



### Disaster Recovery

Farmworkers face unique challenges in recovering from natural disasters.

THE FINANCIAL HIT OF A HURRICANE particularly impacts farmworkers, who earn low wages. According to 2015-2016 data, U.S. farmworkers who are not part of the H-2A program earn on average between \$17,500 and \$19,999 each year, and one third of U.S. farmworkers have family incomes below the federal poverty line.<sup>1</sup>



Tornado season in NC, which runs from March to May, coincides with NC's berry harvest and peak planting season for crops such as tobacco, cucumbers, and sweet potatoes. Hurricane season begins in June and continues through

November, the period of the growing and harvest season of tobacco and fruits and vegetables including cucumbers, melons, peppers, squash, and sweet potatoes.<sup>2</sup> Most NC farmworkers do not qualify for unemployment benefits<sup>3</sup> or paid time off, so when a disaster destroys field crops, lost work days means lost wages for farmworkers. Crops that are not destroyed, but merely damaged, may yield less pay if farmworkers are paid by the piece rate, the number of buckets or bags harvested of a given crop.

Many immigrant farmworkers are ineligible for government disaster benefits like disaster unemployment insurance, which is limited to non-H-2A workers with work authorization, or FEMA disaster assistance, which is only available to citizens, legal permanent residents, or qualified

aliens.<sup>4</sup> Even farmworkers who qualify for assistance to help them rebuild or replace housing might lack proof that they are the owner or renter of their housing. Finally, those farmworkers that are eligible for benefits often face challenges



accessing government agencies because of linguistic and cultural barriers.<sup>5</sup>

### Housing

Farmworkers tend to occupy housing in low-lying areas prone to flooding.

Most field crops are grown and harvested by farmworkers in the eastern part of the state, which is subject to hurricanes.<sup>6</sup> Following Hurricane Florence 2018, many trailers in the Kinston, NC area were completely destroyed.<sup>7</sup> Trailers or mobile homes where workers often live are less resistant to storms and flooding than houses, and running water and electricity are not assured in a disaster. Black mold, which can cause serious health problems, is another housing concern after flood waters retreat.

These vulnerabilities impact both seasonal farmworkers, who work in agriculture but live in one community year-round, and migrant farmworkers, who travel from their permanent residence to work in agriculture and live in temporary housing. The NC Migrant Housing



Flooded bridge. Photo by Peggy Davis, [www.flickr.com/photos/11441121@N04](http://www.flickr.com/photos/11441121@N04)

## Immigration

### Fear prevents many farmworkers from seeking safe shelter.

When facing a natural disaster, farmworkers who are without documentation, working on an H-2A visa, or who are living with undocumented family members are often reluctant to seek assistance, access shelters, or leave their housing out of the fear that they may suffer negative immigration-related consequences. Individuals without legal status cannot obtain driver's

licenses and so may be hesitant to drive to a shelter for fear of being stopped by law enforcement on the road. As a result of those fears, immigrant farmworkers may decide to "ride out the storm" alone. The involvement of government agents,

including representatives of U.S. Border Control, in evacuation and disaster relief efforts can create a barrier for immigrants who associate these agencies with immigration enforcement. During Hurricane Harvey in 2017, the U.S. Border Patrol set up checkpoints outside of Houston and assisted in water rescues, stoking immigrant fears that trying to evacuate or seek rescue from flooding would result in detention or removal.<sup>10</sup> Undocumented farmworkers in NC told reporters that they decided against evacuating during Hurricane Florence in 2018 because of the risk of deportation.<sup>11</sup>

## Isolation

### Farmworkers in NC live in remote and isolated areas.

Many workers do not speak English and it can be difficult to access important information about the location and severity of a disaster in languages workers speak.<sup>12</sup> Accessing information from government agencies or news alerts can be difficult without access to the internet



Trailers or mobile homes where workers often live are less resistant to storms and flooding. Adobe Stock image.

Act applies to housing where migrant farmworkers live.<sup>8</sup> However, the state and federal standards for migrant housing have not been updated in decades and do not adequately address the poor health outcomes inadequate housing can cause.<sup>9</sup>

in camps.<sup>13</sup> Many farmworkers lack means of independent transportation which can make evacuation to a shelter in a disaster difficult or impossible. Migrant farmworkers are usually dependent on their employer or supervisor for transportation, and workers without legal status cannot obtain driver's licenses. As a result, many farmworkers rely on their employer or friends and family for information about a developing disaster and how to obtain transportation to a safe location. Migrant farmworkers are often unfamiliar with the geography of the area.<sup>14</sup> Natural disasters can both expose labor trafficking relationships and allow for opportunities for trafficking by creating new vulnerabilities for workers.<sup>15</sup> Guestworkers on temporary work visas like the H-2A visa may be made particularly vulnerable: they may fear seeking shelter in a disaster if their employer refuses to provide

transportation, since workers' visa are tied to one employer.<sup>16</sup> If workers leave their jobs with that employer, they are often deportable. Employers, concerned about preserving as much crop as possible, may prefer that farmworkers work up until a storm hits or that they continue working as fires are spreading nearby leading to dangerous situations such as when farmworkers picking strawberries during the 2018 California wildfires continued working despite unsafe air quality.<sup>17</sup> Furthermore, local agencies may not view migrant farmworkers, in particular, as a part of their community and may fail to include them in their disaster planning or outreach.<sup>18</sup>



Tornado damage. Photo by R. Beard, <https://www.flickr.com/photos/28666263@N00>

## H-2A Workers

Thousands of NC farmworkers are foreign nationals present in the U.S. working on temporary agricultural H-2A visas (over 21,000 NC visas certified in 2018<sup>19</sup>) in which their visa is tethered to one employer or to a specified group of employers.<sup>20</sup>

H-2A workers travel primarily to



A farm worker home in Wilson County was crushed by a tree blown down during Hurricane Florence. Luckily, no farm workers were injured. Proper hurricane preparation helped these workers evacuate to a safe location before the storm started. The workers who lived in this home said that the grower came the day before Florence to help them evacuate to a safe location. *Courtesy of Peter Eversoll.*

NC from Mexico, but workers have traveled from as far as Thailand and Indonesia to work on NC farms.<sup>21</sup> Often, these workers do not speak English, are not aware of local news outlets in their language, and do not have any independent means of transportation.<sup>22</sup> They may not be aware of, or have access to, local services including clinics, churches, emergency services, resources for trafficked or abused persons, and other support services crucial for safety during a disaster. During Hurricane Florence in 2018, a group of 35-40 H-2A workers became trapped in rising waist-deep hurricane floodwaters in their rural labor camp. The workers were not aware that their county had declared a state of emergency 4 days before the hurricane made landfall. Their employer had not

informed them of the mandatory evacuation order in effect or evacuated them.<sup>23</sup>

In addition to these practical reasons that make H-2A workers vulnerable during a disaster, misleading information about an employer requirement to report H-2A worker abandonments to the Department of Homeland Security within 2 workdays<sup>24</sup> can be manipulated into a threat to keep workers from evacuating. As in past disasters, during Hurricane Florence, advocates received inquiries from workers in flood-prone areas that feared that they would suffer retaliation including losing their jobs, legal status, and/or facing long-term immigration bars if they left labor camp housing to seek refuge in a shelter during the disaster.<sup>25</sup>

After a disaster, many H-2A workers who had been brought to NC to harvest crops are without work.<sup>26</sup> H-2A employers could seek a declaration of contract impossibility, which frees the employer of certain obligations while triggering the employer's obligation to find alternative work or pay the worker's fare home,<sup>27</sup> but there are no known instances of NC agricultural users of this program actually declaring contract impossibility after Hurricane Florence.<sup>28</sup> As a result, many workers languish post-disaster with no available work to support themselves and their families. They can choose to wait until the end of the contract when their employer is required to pay their return transportation or foot the bill to return home themselves.<sup>29</sup>

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FAN is a state-wide network of organizations working to improve living and working conditions of farmworkers and poultry workers in North Carolina. Since 2003, our full members have brought workers' voices to the legislative process. In the past, FAN has identified and led campaigns to improve housing conditions, pesticide safety and wages.