Forest workers caught in web of exploitation

SPECIAL REPORT  Foreign guest laborers take jobs most Americans don’t want. But those invited to work in the woods have hardly been offered our hospitality. On public and private land, they suffer injury, abuse, even death.

First of three parts
Stories by Tom Knudson and Hector Amezcua
THE SACRAMENTO BEE

During the day, the men swung machetes and worked in the woods. At night, they lay in ragged tents, wrapped themselves in layers of clothing and nearly froze.

As the migrant workers suffered, U.S. Forest Service officials in Idaho supervising the work were taking notes. But their primary concern was trees, not people. "Pace too slow," one jotted in a memo. "Foreman not active enough vis a vis quality, production, direction."

Pineros – pine workers, as Latino forest laborers are known – have long battled abusive working conditions. But today, there is a new edge to the drama: Much of the mistreatment is unfolding inside a government program that invites foreign workers to the United States to fill labor shortages.

Unlike millions of Latin Americans who cross the border illegally to work in El Norte, the pineros toiling on federal land in Idaho were in this country legally, part of a small army of foreign residents who fill low-paying, non-farm jobs under a
little-known federal guest worker program.
Yet the 10,000 or so forest guest workers, who plant trees across the nation and thin fire-prone woods out West as part of the Bush administration’s Healthy Forests Initiative, have hardly been treated with hospitality.
A nine-month Bee investigation based on more than 150 interviews across Mexico, Guatemala and the United States and 5,000 pages of records unearthed through the Freedom of Information Act has found pineros are victims of employer exploitation, government neglect and a contracting system that insulates landowners — including the U.S. government — from responsibility.
Foreign guest workers take jobs most Americans don’t want — in fact that is a condition of their employment. They mow lawns, wash dishes, clean hotel rooms. Of the estimated 66,000 guest workers in this country, forest workers are the second-largest group, after landscape laborers.
And employers want more of them. This spring, Congress passed legislation making it easier for companies to hire the nonresident employees, officially known as H2B workers to

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Pineros: Program oversight is erratic

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hundreds of thousands of dollars in wages and violated scores of state and federal laws. Some employers have taken workers’ visas and personal papers, including deeds to cars and even a home — in effect, holding them hostage to hard labor.

- The H2B forest workers toil in a regulatory void. Rules that protect H2A farmworkers — such as requirements for free housing and access to federal legal services — don’t extend to forest guest workers.

- In national forests, where the contractors are paid with tax dollars, federal officials overseeing the work witness the mistreatment and wretched working conditions. But they don’t intervene. Responsibility for workers, they say, resides with the Department of Labor and the forest contractors themselves.

- And, where government oversight of contractors exists, it’s often inconsistent. Companies cited by one branch of the Labor Department for abusing forest guest workers are regularly certified by another branch to recruit and hire more.

This fall, 17 guest workers slashed through dense stands of pine and fir in Montana’s Bitterroot National Forest for a contractor with a history of labor violations: Universal Forestry of Orofino, Idaho.

While cutting a dead tree without safety goggles — another violation — one of them was struck in the face by a branch, which gouged a deep crescent beneath his eye. The company declined to discuss the situation in Montana. But other crew members complained of unsafe working conditions, of unexpected payroll deductions and of hunger.

"We are uneasy because we don’t even have enough money to eat," said Luciano Hernández, who said he was down to his last $15.

One worker found nutrition in a tiny pond behind a gas station. Tying a piece of line to a branch, he baited a hook with chicken scraps and caught two small trout. Back at his cabin kitchenette, as the fish were being fried, a colleague eyed them hungrily.

"You can even eat the bones!" said Luis Andres Molina Hernández.

"No, you can’t," replied the fisherman, Johnny Beitía.

"Yes, you can," said Molina, peeling away a partly cooked bone, placing it on his tongue and swallowing.

"But you have to be careful."

For years, the plight of H2B forest workers has remained out of sight, concealed by the remote job sites and the wariness of the workers, who generally don’t speak English and fear retaliation by employers. Last spring, though, allegations of shabby treatment surfaced in a petition filed with Mexico’s government under the North American Agreement on Labor Cooperation, a part of the North American Free Trade Agreement devoted to

Diary of Pete Ruppel, U.S. Forest Service contracting officer
THURSDAY, OCT. 31, 2002 — CLEARWATER NATIONAL FOREST

 Pace too slow. Foreman not active enough vis a vis quality, production, direction. [Foreman] not vocal/aggressive enough. May have shifted Friday OT hours to Sunday to avoid OT on planting contract. Bottom line — good thorough work.
Guest workers
Since 1996, the number of employer applications each year for forest guest workers has jumped from 3,967 to 27,102. By law, reforestation contractors must first offer the jobs to U.S. citizens, but most Americans won't do the work.

Most-needed jobs
Of the 66,000 foreign residents who fill low-paying, non-farm jobs each year under the H2B program, forest workers are the second-largest group.

1. Landscape laborer
2. Forest worker
3. Maid and housekeeping cleaner
4. Construction worker
5. Stable attendant
6. Sports instructor
7. Crab meat processor
8. Circus laborer
9. Dining room attendant
10. Kitchen helper

The labor contractors who hire guest workers and put them to work on public and private land characterize accounts of mistreatment as overblown. They say they are beleaguered by government regulations, worker advocates and pineros who distort the truth and don’t work hard enough.

“There are so many things you are continually battered with,” said Robert “Wade” Zaharie, an Idaho contractor previously cited for federal labor violations and sued by his workers.

“In this industry, you are always going to be painted as a bad person.”

Paved with yearning for a better life, the road to a forest guest worker job begins in the gullied fields and gritty towns of Mexico and Central America. It springs from a landscape of scrawny cattle, rickety bikes and stifling poverty, where workers earn as little as $2.50 a day.

It weaves through a blur of bus stations, cheap motels and crowded work vans and ends in forests across the United States, where many arrive in debt to their employer for travel and other expenses.

Mexicans and Central Americans first began to trek north as H2B workers in the late 1980s, following the landmark 1986 federal Immigration Reform and Control Act’s sanctions for hiring undocumented workers.

Since then, the demand for legal guest workers in forestry has soared, from about 4,000 in 1996 to about 27,000 in 2004, records show. Though not all those requests are filled, the H2B workers represent a large portion of the estimated 15,000 to 20,000 Latinos laboring in America’s woods.

Over the years, the work of novelist John Steinbeck, CBS newsman Edward R. Murrow and labor organizer Cesar Chavez thrust the plight of farmworkers into the public consciousness, peeling away their status as los olvidados, the forgotten ones.

But forest workers continue to live
Pineros: Deductions shatter the dream of hefty paychecks

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and work in obscurity.
"Somos los desconocidos" – we are the unknown ones, said Odilio Castro, an undocumented pinero injured by a falling tree last year in the Sequoia National Forest. "When you tell somebody you work in the woods, they have no idea what you do."

The forest worker season begins in November on corporate pine plantations in the South, where trees grow in rows and most of America's wood is now harvested. But by April, the pineros drift toward the jade-green forests of the mountain West.

Pineros plant trees and thin vegetation on a gargantuan scale. Saddled with gear – from the bags of seedlings weighing up to 50 pounds that swing from their hips to the gallon-sized jugs of gas, oil and water strapped to their belts – they trudge across rough ground where heavy equipment can't go: the slippery slopes, soggy stream banks and rock-infested ridges.

Whether here as legal or undocumented workers, pineros share a common experience. They tend to live on the rundown edges of rural towns, sleeping three or four to a bed and sprawling across the floors of rental homes, trailers, budget motels and even tarp lean-tos. Often, they're on the move – commuting long distances to work, slipping through mountain resorts before dawn.

Other things set the legal guest workers apart. "Most are the kind of people who would not pay a coyote to cross the border," said María Andrade, the Idaho lawyer. "Some are professionals in their home countries. Most have never been to the U.S. before. They have no family members here, no support network."

That isolation increases the danger, as an inspector for the U.S. Occupational Safety and Health Administration discovered in 2002 at a job site in the Ouachita National Forest in western Arkansas.

"They go just as fast as they can through the woods, cutting on the run," the inspector wrote. "Almost all the employees have been hit by branches of trees other employees have felled .... One worker was operating a chain saw ... when the saw became pinched, he jerked the saw back and the chain on the saw tore into his leg, creating a gash approximately 5-6 inches in length .... When he exposed his injured leg, it was obviously infected."

Vicente Vera Martínez, a Mexican truck driver, remembers the incident well. He was the one hurt.

"It happened so fast," he said when tracked back to his home in Santiago Ixiquintla, south of Mazatlán. "The pine tree was a little crooked. The chain saw wasn't sharp. I had to force it. That's what caused the saw to kick back."

Sitting on a plastic chair in his father's backyard, Vera Martínez pulled up his left pant leg to show the scar. It resembled a giant brown leech. His father, Jesús Vera Flores, scowled.

"We had no training," said Vera Flores, who worked with his son in Arkansas. "The foreman just took us to a place and said, 'Get to work.'"

"They wouldn't give us goggles," he added. "The chaps only came to above our knees. The saws had no safety locks. When my son was hurt, we had to carry him down a hill. It took about an hour. The van we were riding in didn't have a first-aid kit."
Three years later, word of the critical OSHA inspection still had not reached top levels of the Ouachita National Forest, much to the surprise of some there. In response to The Bee's inquiries, the forest's public affairs officer, Cheryl Chatham, said, "We're going back and taking a look at what's going on out there."

For many forest guest workers, though, the greatest pain is financial. Back home, recruiters tell them they will earn $7 to $13 an hour— a fortune for most Latin Americans. But once in the United States, many see their wages whittled away—sometimes to less than the minimum wage—by deductions for gas, food, lodging, tools and even, in one case, using a portable outhouse. Often, the work is spotty.

Rafael Pérez Pérez listened to a recruiter and couldn't resist.

Pérez was a Mexican bookseller in 1996 when he traveled north as an H2B worker to earn some extra money for his wife and four children by planting trees in Mississippi. Earlier this year, he sat in a hotel restaurant in the provincial capital of Aguaascalientes, took a sip of black coffee and pulled out a check he earned working on Georgia Pacific land.

For 15 hours of work, Pérez grossed $105.01—$7 dollars an hour. But after deductions for travel ($20), a recruiting fee ($50), a salary advance ($25), Social Security and Medicare ($8.03), his actual paycheck was for just $1.98—13 cents an hour.

"It was unbelievable," Pérez said. "I didn't even bother to cash it because it cost $2 to cash a check."

"If we worked 12 hours, the foreman would write down eight," Pérez said. "If we planted 2,000 trees, they'd say you planted 500 of them bad. They had the perfect formula to have the worker unable to escape."

With so little money, Pérez and his fellow guest workers had to borrow from their employer, contractor Progressive Forestry Services Inc. That meant more deductions. With every paycheck, "we would earn less and owe more," he said, "until we realized, 'We're never going to be able to pay this off.'"

The low point came over a hot plate with other workers in a motel room on Dec. 25. "We didn't have money to go to a restaurant. So we bought hot dogs for Christmas dinner—nothing else, just hot dogs. It was very sad."

Pérez quit after two months and returned to Mexico. Later, he and three others sued Progressive Forestry in a class-action federal court case. The total settlement for 380 guest workers was $127,500. Pérez recovered $4,175.
Following the suit, Progressive Forestry's owners formed new firms and continue to employ H2B workers. They said Pérez's lawsuit destroyed their company and they disputed his charges.

"The guy did not want to work," said Bruce Campbell, a co-manager of Progressive Environmental LLC in Idaho. "He was -- and I hate to use the word -- a bad egg. He was not there to work. He was there causing problems."

Robert Zaharie, who signed Pérez's $1.98 check as Progressive's president and has since formed the forest contracting firm Alpha Services LLC, responded via fax: "Employers lose thousands of dollars each year being humanitarians," he wrote. "When workers show up, employers give cash advances. ... Sometimes they leave with the money and never work. We have been more indentured to our workers than they have ever been to us."

Former partners turned competitors, Zaharie and Campbell are part of a tangle of Idaho-based H2B contractors linked by legal woes and regulatory infractions. Zaharie began his career with Evergreen Forestry Services, which has been cited for federal labor law violations. Evergreen's owner, Peter John Smith III, joined Campbell's company while appealing the government's efforts to put him out of business. Universal Forestry's owner, Heber Matute, once worked for Smith.

"Most of these guys know each other," said Jill Ellis, co-owner of Renewable Forestry Services Inc., an H2B reforestation firm in Georgia. "It's amazing. If you tried to chart it, it would look like tree roots."

Only a handful of outsiders have peered into the world of forest guest workers. One is anthropologist Josh McDaniel, who interviewed contractors and pineros and published his findings with a colleague this year in the Journal of Forestry, one of the nation's most prestigious forestry publications.

"Contractors seemed to play a lot of games with workers' pay," said McDaniel, who recently stepped down as an assistant professor at Auburn University to move to Colorado with his wife. "They would withhold money until workers had nearly fulfilled their contracts. Then they would work them really hard until they would leave and forfeit their last big chunk of money."

Pineros have little recourse. Under the H2B program, they cannot take a job with another employer. That, McDaniel said, is an invitation to abuse.

Legal responsibility for guest workers is spread widely. The State Department, Immigration and Customs Enforcement and the Border Patrol oversee visas and entry to the United States. The Department of Labor, which certifies employers to hire workers, is charged with
monitoring pay and working conditions.

McDaniel found that oversight of workers is rare. "There are not a lot of inspections," he said. "The crews are really hidden. I had a hard time finding them -- and I was really trying. There is very little regulation at all."

Regulation of H2B workers fell into a bureaucratic catacomb from the very start, when Congress split a pre-existing guest worker program for agriculture into two branches in 1986. At the time, it grafted rules to protect farmworkers, including the right to a federal legal aid lawyer, onto the H2A branch of the legislation. But it left the H2B limb bare.

"There weren't many H2B visas issued then, so it wasn't an issue," said Michael Dale, an Oregon lawyer and migrant advocate.

Candelario Pérez is one of many guest workers who have found themselves in need of those protections. Like most, he borrowed money for the journey to the United States -- $900 for a plane ticket, $300 for his visa, even $50 for a physical required by the guest worker program.

Back home in Panama, a company recruiter had told him he would earn $10.50 an hour. But that promise was evaporating. Working for Universal Forestry in Idaho, his paychecks were late. Deductions for gas, food, motels and a chain saw eroded his pay. Pérez and his co-workers grew so desperate, they poached deer out of season. "I was hungry," he said. "I had to eat."

Feeling cheated, he sought legal help. But by law, he could not turn to the first line of defense for most migrant workers: a legal aid lawyer. Instead, after months of looking, he found Andrade, the private attorney from Boise, who took his case.

In general, H2B workers aren't that lucky. "Most private attorneys don't want them," said Roman Ramos, a paralegal with Texas Rio Grande Legal Aid Inc. "For all practical purposes, there is nobody to turn to. It would take an act of Congress to give these folks some protection."

Pérez's plight was among those presented this spring in Mexico under the NAFTA labor accord. The petition bulges with allegations of wage exploitation, wrecked living conditions, backbreaking labor and regulatory neglect.

It says that Pérez and five co-workers were forced to camp in the mountains as temperatures approached freezing. "There were no sleeping pads, mattresses or sleeping bags," the petition reports. "The only drinking water was untreated and came from a creek."

On Sept. 26, 2000, Pérez and another worker filed complaints with the Department of Labor. Four months later, the department responded that, "it could not take action because the complaints were in Spanish," says the petition.

Finally, in early 2003, the federal agency found Universal had shorted 29 forest guest
Pineros:  
Workers’ car titles are taken

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workers out of more than $6,400 in wages, including Pérez, who was owed $631.25.

Allegations about living conditions went unsubstantiated, the petition says, because the Labor Department was too slow. The work was done, and the workers gone, by the time the government got involved.

Only months after the Labor Department’s findings, Universal was back at work on a federal contract in the Clearwater National Forest in Idaho. The focus once again was the trees, not wages or working conditions.

“Francisco worked the crew straight thru lunch and finished planting out the trees at 1410 (2:10 p.m.),” one Forest Service inspector wrote in his field diary on May 24.

“It was a sunny, hot day and the crew was dragging,” he added. “I told Francisco that even though it was hot and the guys appeared tired they still needed to dig deep holes to accommodate the 14” roots. Francisco got on the crew and they finished out the day OK.”

Asked about that field diary, the supervisor of the Clearwater National Forest, Larry Dawson, said it did not bother him. Contractors set working hours, not the government, he said.

“If the contractor makes the choice to continue working, recognizing that they’re hot and conditions are difficult, we continue to hold them accountable to plant the trees correctly,” Dawson said.

“If they’re hot, yeah, what else is there to say?” he added. “Of course, it is difficult work.”

Migrant advocates had another take on such incidents. “We are financing these abuses — and the profits people wring from them,” said María Andrada.

Universal’s owner, Matute, said he doesn’t mistreat his employees, but acknowledged he works them hard.

“With these government jobs, I have pressure to get the job done,” he said. “I am pressing the guys to do the job that needs to be done. Otherwise, I don’t get paid.”

Emilio Morales Donis of Guatemala City, who worked four months for Universal in 2002, said he felt Matute sometimes pushed too hard — and not always on the job. He said he watched Matute seize the passports of a group of Mexican H2B workers. “They couldn’t even go out on the street because they had no documents,” Morales said. “In my way of thinking, he detained them like slaves.”

Matute said he needed the documents to fill out office paperwork. “Everybody got them back,” he said.

Jesús Vera Flores and Vicente Vera Martínez, the father and son from Santiago Ixquintla, say something similar happened to them as they sought employment with another contractor for work in the Arkansas national forest. They turned over the deeds to their cars as a guarantee they would finish the work.

“We felt like we were imprisoned, held captive,” said Vera Martínez. “What else did he need, a whip?”

In the choppy, green hills of northern Guatemala, Edilberto Morales Luis has more than memories to remind him of his time as a guest worker in U.S. forests.

A quiet, solidly built man in his mid-20s, Morales is the lone survivor of a van accident in Maine that took the lives of 14 H2B forest workers.

It happened not on the job — but on the grueling drive to work on private land owned by a timber company called Pingree Associates. Shortly before 8 a.m. on Sept. 12, 2002, the driver of a van in which Morales was riding lost control while crossing a one-lane wooden bridge and tumbled upside-down into the Allagash River.

One morning last spring, Morales shuffled across a small bedroom in his home and pointed to a picture of eight guest workers, posing for a group photo in the Maine woods.

“He died. He died. He died,” he said, touching one face after another. “That one’s my uncle. He died.”

In early 2002, Morales had left Guatemala with an H2B visa to work for Evergreen Forestry Services, an Idaho-based reforestation contractor. But there was something he and his co-workers on the Maine job did not know, something buried in the U.S. government’s files: Evergreen had a long record of mistreating workers.

“Subject has a lengthy and woeful history of non-compliance,” a federal inspector wrote in 1998. “It’s history reads like ‘The Anatomy of a Worst Violator.’” Evergreen had altered timecards and failed to pay overtime, the files say, shorting workers out of
more than $250,000 in all.
Two years later, another investigator cited Evergreen for a thicket of additional violations, including transporting workers in an unsafe van.
"The vehicle ... had visible bald tires," the investigator wrote.
The Bee tried to reach Peter Smith, Evergreen's owner, on several occasions, but he did not return calls.
Government files also contained letters from migrant advocates, pleading with the Labor Department to stop Evergreen from hiring foreign workers. Yet while one branch of the Labor Department, the wage and hour division, was repeatedly citing Evergreen, another branch -- the employment and training division -- was authorizing it to hire H2B workers.
After the van accident, migrant advocates were outraged.
"The very agencies whose duty it was to protect workers fell down on the job," said Lori Elmner, an attorney for forest workers in North Carolina.
"They had all the information and still didn't do anything. It was a complete breakdown."

In December 2002, the Labor Department revoked Evergreen's license. Last year, it fined the company $17,000 -- $1,000 for each fatality, $1,000 for Morales and $2,000 for failing to register the van or driver as required under the Migrant and Seasonal Agricultural Worker Protection Act.
That fine has not been paid and Smith remains in business at Progressive Environmental, where he became president this year, Idaho state records show.
Since 2003, Smith's new company has been awarded $238,000 in government contracts for work on Forest Service and U.S. Bureau of Land Management land in Oregon and Montana, according to the Federal Procurement Data System, an online inventory of federal contracts.
Labor Department spokeswoman Dolline Hatchett said Smith's involvement with another reforestation company is legal because he has appealed the agency's revocation of his license.
"It's all still up in the air," she said.
Scattered across Central America are the remains of 14 Evergreen workers whose perspectives on the matter will never be heard. One is Morales' uncle, Juan Saénz Méndez, who had journeyed north to earn money for his wife and six children.
Today, Saénz lies in a concrete-block tomb draped with pink, green, white and black ribbons. At midday, the cemetery is quiet. The ribbons flutter in a hot breeze.
"We will always remember you dear Juanito," the inscription on the tomb reads, in Spanish. Below that, it adds:
El sueño Americano nos prove de tu presencia -- the American dream has deprived us of your presence.

**VOICES**

**'We are not animals'**

Meet the new boss -- not like the old boss.
On arrival in New Orleans three years ago with a guest worker visa, Manuel Burac was excited and ready to get to work for the company that hired him: Universal Forestry.
Work, though, was scarce. At one tree-planting site in Mississippi "we sat around for 15 to 20 days -- wasting money and wasting time," said Burac, raised on a coffee farm in Panama.
Eventually, Burac and other guest workers were loaded into a van and driven to Idaho. "I had to pay $150 for the trip. We were squeezed in so tight I couldn't move," he said.
At gas stations, the foreman shouted at the men as they lined up to go to the bathroom -- barking at them to hurry up or be left behind. No one dared speak up.
"As a worker, you do not have an opinion," Burac said. On that long drive, he made himself a promise: If he ever became a foreman, he would act differently.
Later, laboring on a national forest in Washington, Burac suffered once more when a foreman forced his crew to camp at a miserable location just because it was near the work site.
"There was no water, no nothing," he said. "Every three days, we'd come down and find a little creek to use for a shower."

This year, the 38-year-old Burac is himself a jefe -- Spanish for boss -- for Universal. As a foreman, he is shaping the lives of other guest workers, in ways his own foremen did not.
On a job this fall in Montana, he did not shout. At quitting time, his workers were driven to a trailer in town, where conditions were cramped but everyone got a shower.
"Those of us who come here to work are of humble upbringing," Burac said, "but we are not animals."

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Manuel Burac, a foreman for Universal Forestry, watches his crew in the Bitterroot National Forest in September. He returned to Panama in October.

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Tom Knudson
María Guadalupe Luna Pérez first knew something was wrong when the money her husband promised to send never arrived. The wife of another worker called María to say she'd heard from her husband that the men were being treated miserably.

The longer María listened, the more upset she became. "It hurt me he had to suffer," she said at her simple home in Santiago Ixquintla, a dusty farm town south of Mazatlán.

On a national forest in Arkansas, María's husband, Natividad Pérez, and her friend's husband, Jesús Vera Flores, were desperate. Each had just put up collateral - Natividad signed over his home, Jesús his car - to get their jobs. But the thinning on the 2002 job was going badly.

For two weeks, they were paid $270 each - $1.50 an hour, Natividad said. The tools were dull. A co-worker sliced his leg with a chain saw. At night they slept on the floor of a filthy trailer. The water smelled so bad they couldn't drink it.

The men said they pleaded with the contractor to let them go.

"We said, 'We'll pay you to let us leave,' " Natividad said. But the contractor, who held the notes to their property, refused. "It was like slavery," Natividad added.

In Mexico, María sprang into action. She sold her blender for 200 pesos - about $19 - to buy a bus ticket to the state capital of Nayarit to meet with government authorities.

At that meeting, someone suggested she call the Mexican Consulate in Texas. So she did. Someone at the consulate asked her where the men were living. "I have no idea," María recalls replying, "I just have a telephone number."

Three days later, Natividad reached her by phone. "He said; 'You won't believe this but some authorities showed up - and now we are in Kentucky,' " María said.

They were free.

— Tom Knudson
DEATH TOLL

Like livestock, pineros are crowded into work vans where death finds them in bunches. Since 2001, 23 pineros are known to have died in the woods – 21 of them in van crashes on long commutes on winding, woodland and mountain roads.

Killed when a van plunged down an embankment on Jan. 3, 2005, near Reedsport, Ore.:

Juan Carlos Ríos
22-year-old tree planter from Mexico; unmarried
Undocumented immigrant

Lenberto Velázquez
41-year-old tree planter and van driver from Mexico; marital status unknown
Immigration status unknown

Crushed after he fell off a moving truck Aug. 4, 2004, in Shasta County:

Ricardo Ponce León
18-year-old herbicide sprayer from Mexico; unmarried
Undocumented immigrant

Killed in a head-on van crash in Washington on March 27, 2004:

Gregorio Mendoza Pablo
23-year-old brush picker from Guatemala; married

Two children
Undocumented immigrant

Cornelio Matías Pablo
26-year-old brush picker from Guatemala; two children, marital status unknown
Undocumented immigrant

Alberto Martín Calmo
31-year-old brush picker from Guatemala; married, five children
Undocumented immigrant

Juan Ramírez Pablo
23-year-old brush picker from Guatemala; one child, marital status unknown
Undocumented immigrant

Carmelino Jerónimo Pablo
22-year-old brush picker from Guatemala; married
Undocumented immigrant

Froze to death Jan. 24, 2001, in Washington:

Felipe Mejía Mendoza
24-year-old brush picker from Guatemala; married
Undocumented immigrant
Among those killed in a 2002 van crash in Maine are, from left to right standing, Alcides Chávez Hernández, Alexci Alcántara Acosta, Juan Sáenz Méndez, son and father José Santos Euceda Cebeda and Pablo Euceda Amaya; in front are Alberto Sales Domingo and brothers Cecilio Morales Domingo and Sebastián Morales Domingo.
Drowned when a van plunged into the Allagash River in Maine on Sept. 12, 2002:

Alexei Alcántara Acosta
27-year-old forest thinner from Honduras; married, four children
H-2B guest worker

José Santos
Alvarado Hernández
22-year-old forest thinner from Honduras; married, one child
H-2B guest worker

Pablo Euceda Amaya
41-year-old forest thinner from Honduras; married, seven children
H-2B guest worker

Alcides Chávez
Hernández
39-year-old forest thinner from Honduras; married, seven children
H-2B guest worker

Dionisio Funez Diaz
54-year-old forest thinner from Honduras; married, six children
H-2B guest worker

Sebastián García García
46-year-old forest thinner from Honduras; married, five children
H-2B guest worker

Sebastián Morales Domingo
34-year-old forest thinner from Guatemala; married, eight children
H-2B guest worker

Cecilio Morales Domingo
30-year-old forest thinner from Guatemala; married, five children
H-2B guest worker

Delkin Padilla Alvarado
23-year-old forest thinner from Honduras; unmarried
H-2B guest worker

Juan Turcios Matamoros
26-year-old van driver and forest thinner from Honduras; married, three children
H-2B guest worker

Juan Saénz Méndez
44-year-old forest thinner from Guatemala; married, six children
H-2B guest worker

José Santos
Euceda Cebeda
20-year-old forest thinner from Honduras; unmarried
H-2B guest worker

Alberto Sales Domingo
42-year-old forest thinner from Guatemala; married, eight children
H-2B guest worker

Carlos Izaguirre
25-year-old forest thinner and crew chief from Honduras; married
H-2B guest worker
THE SERIES

TODAY
Guest workers invited to till in America's forests are hardly offered our hospitality. Instead, they face difficult working conditions few Americans would tolerate.

MONDAY
Keeping public and private forests healthy is one of the most unhealthy jobs, yet pineros regularly work without adequate training or safety gear—and without government protection.

TUESDAY
The No. 1 cause of death among pineros is van accidents, the destructive byproduct of fatigue, poorly maintained vehicles, lax regulations and workers hungry for jobs.

THE WRITER
Tom Knudson has been honored many times for his journalism. His notable work for The Bee includes "State of Denial," about the ways California's strict environmental policies conflict with its use of resources from environmentally fragile parts of the planet. That series can be found online at www.sacbee.com/denial. Knudson also is a two-time winner of the Pulitzer Prize. In 1992, his Bee series about the Sierra Nevada received a Pulitzer for public service; in 1985, he won the national reporting prize while working at the Des Moines (Iowa) Register. Knudson can be reached at tknudson@sacbee.com or (930)582-5336.

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Hector Amezcue has been a staff photographer for The Bee for eight years. He has documented a variety of major stories at The Bee, including a series on the first play staged at Luther Burbank High School in a decade, "Staging a Comeback." Amezcue has received first-place photo honors from The California Newspaper Publishers Association and the National Association of Hispanic Journalists. For this project he helped with translation and reporting and recorded video and audio, which can be found on The Bee's Web site. Amezcue, a Mexico City native, became a U.S. citizen earlier this year. He can be reached at hamezcua@sacbee.com or (916)321-7462.

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Nathaniel Levine has been a staff artist for The Bee for nearly two years. His work here includes graphics for the series "Seeds of Doubt," about the promise and peril of genetically altered plants, and for the series "Rising Risk," about Sacramento's deteriorating flood-control system. Levine previously worked for the Army Times. He grew up in the Sierra, near the Tahoe National Forest. Levine can be reached at nlevine@sacbee.com or (916)321-1026.

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SPECIAL REPORT  Although Congress has expressed its outrage at the treatment of forest workers, the government has done little to improve conditions. For those who toil deep in the woods, the threat of being injured or killed is an everyday reality.

Second of three parts
Stories by Tom Knudson
and Hector Amezquita
THE SACRAMENTO BEE

With a whoosh, the branch whipped through the air, striking Carlos Valdez in the face. He heard a popping sound in his right eye. The pain was electrifying.

The biggest jolt was yet to come. When the young laborer in the Tahoe National Forest opened his eye and tried to see, his vision was gone. “I started to shake,” Valdez recalled. “I began to throw up out of fear. I didn’t want to lose my eye.”

Three years later, Valdez squints into the amber-colored evening light of California’s San Joaquin Valley. The accident on a federal job thinning brush and dead trees near Camptonville not only blinded his eye, it sowed a long spell of depression and chronic head and eye pain. But it left no mark on the government.

By law, all serious job injuries in the United States must be reported to authorities. Valdez’s wasn’t. The Tahoe National Forest said it wasn’t responsible. Valdez’s employer, Redding Tree Growers of Exeter – which gained the government contract for the work – said it wasn’t aware of the law. As a result, there was no investigation by the California Division of Occupational Safety and Health and no fine, even though Valdez said the firm failed to provide him with safety goggles.

First in 1980 and again in 1993, Congress expressed shock at the abuse of Latino forest workers in America’s woods and the hypocrisy of undocumented workers doing government work. Today, despite the influx of thousands of illegal guest workers into reforestation, much of the work force remains undocumented. And the abject living conditions and wage exploitation that outraged Congress endure.

But at neither time did Congress examine the most pressing danger to Latino forest workers: the threat of being injured or killed on the job.

A nine-month Bee investigation has found that reforestation work, the thinning and planting that keeps both public and private forests healthy, is one of the most hazardous occupations in America – and one of the most overlooked by state and federal regulators.

On Forest Service and national park jobs visited by The Bee this year, peril was paramount. Slashing away at dense tangles of trees with chain saws, the pineros – Spanish for pine workers – scrambled through the woods in a chaos of cutting and noise. One gashed his knee; eight stitches. Another toppled a tree that tore into his face: six stitches. Others slipped and slid across steep slopes in cheap work boots that lacked treads. Protective gear was optional. Safety goggles and non-slip boots, required by law for most work, were rarely used.

Government inspectors see the danger, too.

► INJURIES, Page A9
Injuries: Inspectors rarely see job sites

FROM PAGE A1

"Crew drove up and informed me that one of them was hurt," one federal reforestation inspector for the Shasta-Trinity National Forest in California wrote last year. "Crew member had a rag covering his head and left eye."

Like foremen, Forest Service inspectors oversee the work pineros do in the national forests. They distribute tools, hand out seedlings, watch pineros toll in pounding rain, sleet and hot sun, tell them to slam their heavy planting tools into rocky ground. They jot down the wretched working conditions in their work diaries. In most cases, they are the only government officials who even know where the crews are laboring.

Yet most Forest Service inspection notes are studies in indifference. They reflect not concern for workers but frustration with the pace of the job.

"More folks just standing around," one federal tree planting inspector for the Clearwater National Forest in Idaho wrote last year.

"I finally screamed at (the foreman) to 'not have 15-min. discussion about it,' just plant 'god damned things.' " He was somewhat taken aback. Crew started planting."

On private land, risks are harder to observe. But off the job, the injuries and deaths are remembered with stories, death certificates and grainy photographs. In a small apartment in Medford, Ore., one Latino forest worker reached for the picture of a co-worker killed in California last year.

"I'd known him since he was a little kid," the pinero said of Ricardo Ponce León, an 18-year-old undocumented forest worker run over and killed by a trailer on a dirt road while spraying pesticides for a private land owner outside Redding last year. "His dream was to come here and make a better life, for himself and his family in Mexico. But God did not allow it."

Six federal departments and a constellation of state agencies share responsibility for reforestation workers. But the occupational safety and health officials who inspect work sites rarely visit a reforestation job. Redding Tree Growers, for example, has not been inspected by the California Division of Occupational Safety and Health in more than a decade.

The reason: Workers, most of whom speak no English, rarely complain to authorities. Accidents, which normally trigger an investigation, often go unreported. Crews work in remote locations and move frequently, making them hard to target for random inspections.

In more than two decades of thinning and planting across the West, pinero Santiago Calzada has seen a government safety inspector just once.

"Contractors do whatever they want," said Calzada, who lives in Medford. "And there are hardly no witnesses."

The U.S. Forest Service, which spends millions of taxpayer dollars on reforestation of public lands every year, says safety, pay and immigration violations are not its problem.

"We're the Forest Service. We're not the INS or the Department of Labor," said Matt Matthes, a Forest Service spokesman in California.

But the INS - known now as U.S.
Diary of Kathi Stilwell, U.S. Forest Service inspector
MARCH 25, 2003 — STANISLAUS NATIONAL FOREST

Crew is very new. Halfway through bag up (300 each), one crew member became physically ill. I informed the foreman, Jorge, about this. He checked out the planter and stated he was dizzy and vomiting from drinking too much water at the break.... Approx. 30 min later the planter became sick again. Jorge checked him out and stated he [the planter] was starting to feel better. I let him continue to plant, taking Jorge’s word for it.

Immigration and Customs Enforcement – hasn’t inspected a reforestation job in California in years. Instead, it has shifted its attention to terrorism and national security.

Twelve years ago, a story in The Bee about the poor conditions endured by undocumented forest workers on federal land touched off a flurry of media coverage and a critical congressional report titled: “Look Who’s Minding the Forest: Forest Service Reforestation Program Due For a Major Overhaul.”

“We cannot tolerate these conditions, or even the perception that we allow such conditions to exist,” wrote the chief of the Forest Service in 1993, Dale Robertson. “Let me state this very clearly: it is Forest Service policy to do business only with responsible contractors who obey federal, state and local laws.”

The Forest Service has not walked that talk.

Despite calling for tougher law enforcement and assembling a 264-page watch list of troubled contractors, the agency today routinely contracts its work out to reforestation companies that violate state and federal safety, health and labor laws.

Mathes says it’s only reasonable. “If somebody gets caught doing something wrong and they fix it, they’re good,” he said. “How can the federal government punish them? It’s like society. If somebody’s done their time, they deserve a fair shake again.”

But others in the Forest Service said the agency has simply lost interest — again.

“We’re not very good at managing things like this anymore,” said Stan Bird, a veteran Forest Service contracting officer in John Day, Ore. “Years ago, it was important. But it’s gotten lost in the midst of a lot of other priorities.”

In the Klamath National Forest in California, federal law enforcement officer Jeff Brown worked a flurry of cases in the mid-‘90s involving undoc-
SAFETY GEAR

Although regulations vary by state, workers who use chain saws to thin brush and trees are generally required to wear hard hats, ear protection, safety goggles, protective chaps, sturdy gloves and slip-resistant boots. But deep in the forests, safety equipment is not often worn — or is worn out.

GOGGLES
Nonexistent or hanging around necks with no enforcement from foremen

GLOVES
No gloves or ragged cloth gloves without fingers

CHAIN SAWs
- Unsafe cutting of trees because of poor or nonexistent training
- Unsafe cutting by experienced workers because of complacency in dangerous situations.
- Workers cutting trees in close proximity to other workers
- No first-aid kits

CHAPS
Riddled with saw cuts; chaps too short to protect legs

BOOTS
Run-down, with little or no tread

Sources: U.S. Forest Service, Bee research
TREE PLANTING

Every year pineros plant millions of seedlings by hand on government and private land across the United States. It is generally regarded as the toughest job in reforestation because of the weight of the seedings, the pace of the planting, the bending and stooping, and the rough terrain covered.

1. Hoedad is slammed vertically to full depth into the ground.

2. Pinero pulls up on handle to break loose soil at bottom of hole.

3. Pinero inserts seedling roots into hole, then holds seedling in place while removing hoedad. Loose soil falls into hole.

4. Pinero pushes soil against seedling with tip of hoedad blade.

5. Pinero removes hoedad completely and uses foot to tamp soil on top of seedling.

Forest Service inspections

The Forest Service inspects sample plots for planting quality and ranks them based on violations for such things as improper planting, spacing, and wasted trees.

A rating below 90 percent means companies' pay is reduced; below 80 percent, companies may not be paid.

Common violations:

- J-roots – in which planters jam trees into shallow holes, causing the roots to curl or "J" toward the surface
- Stripping or cutting roots to make them easier to plant
- Burying extra seedlings in planting holes to lighten the load of the seedling bag

Sacramento Bee/Nathaniel Levine
They got set up and started. 2 guys knew how to thin, but the other three were rank beginners that did not know much about running a chain saw. After a little while of them trying to get them to learn all at once, a decision was made by Jose Luis and Antonio the foreman to have them just cut up the slash behind the good cutters and that worked well.... The next morning Jose Luis and Antonio again worked with these 3 guys, 2 sort of picked it up but the third was very slow.... The foreman said they were young and didn't want to listen, even though he was working with them.

Injuries: Problems are just ignored, official says

Even as the outbreak in British Columbia and Alaska has subsided, pine and fir are being cut in California, although the thinnings are not being replaced. The shortages are causing prices to rise, and the demand for wood is expected to continue.

Although thinning crowded stands of pine and fir is similar to logging, scant figures are available for Latino reforestation workers. But they are part of a deadly demographic tide: Latino laborers are 33 percent more likely to die on the job than other workers, according to the U.S. Bureau of Labor Statistics.

On the west side of Medford, Ore., statistics are more than numbers in a report. They wear blue jeans and baseball caps and go to work in the woods. They speak little or no English, pack lunches of tortillas and beans and cash their paychecks not at banks but at Latino-owned convenience stores.

For a few weeks in 2004, Medford was home to Ricardo Ponce León, who had heard about the fistfuls of dollars that could be earned in America's forests. The son of a poor brick-maker from Michoacán, the 18-year-old hungered for prosperity and prestige.

"He wanted to be a don," said his father, Manuel Ponce. "He wanted the best the U.S. could offer."

It didn't work out that way. One morning, spraying brush-killing chemicals on private land across the border in California, Ponce hopped on a trailer for a ride to a new work site. The dual-axle trailer, carrying a heavy tank of liquid brush-killer, bumped and rattled down a dirt road. Ponce slipped, fell to the ground and was run over.

"I tried to give him mouth-to-mouth resuscitation," said one of his co-workers, who declined to identify himself out of fear of jeopardizing his job with Total Forestry Inc., the company that employed Ponce. "I could hear a sound coming from his chest, like a gurgling."

Ponce died a few minutes later - at 11:29 a.m. on
Aug. 4, 2004. He had earned $13 an hour and been on the job 2½ weeks. On July 31, he had wired $310 from his first paycheck to his mother in Mexico. The cause of death, according to the Shasta County Office of the Coroner, was “blunt force injuries” including “multiple abrasions and contusions of the head, torso and extremities.”

The California Division of Occupational Safety and Health fined Total Forestry $9,075. But the company appealed and the fine is still pending. Reached by phone in his Redding office, Jeffrey Webster, the firm’s president, declined to comment, then hung up. He did not respond to a written inquiry.

At Total’s cramped office in a dreary industrial section of Medford, secretary Daisy Walker was also tight-lipped. “No comment,” she told a Bee reporter. Pressed to say something, Walker added tersely, “What happened was horrible.”

From his home in the dry hills outside Morelia, Mexico, Ponce’s father has plenty to say. “Nobody has given me any answers about what happened,” he said. Growing angry, he exclaimed: “I want to know who killed my son!”

Ricardo Ponce León was covered by the State Compensation Insurance Fund, a quasi-public entity that compensates workers – documented or not – and their families for workplace injuries or death. But more than a year after the accident, Ponce’s family has received no compensation – “ni un cinco,” – not even five centavos, Manuel Ponce said.

Until The Bee began looking into Ponce’s death this spring, even the California Division of Workers Compensation was not aware of it.

“Good Lord!” said Susan Gard, an information officer for the agency that monitors claims and resolves disputes between workers and insurance companies. “It just seems like they would have paid it. I can’t explain why it’s taken a year.”

Now, the State Compensation Insurance Fund is taking a fresh look and – prodded by The Bee’s reporting – hopes to make a payment to the Ponce family, according to the fund’s spokesman.

Just seven months before Ponce’s death, a Canadian panel cited “unacceptably high rates of deaths and serious injuries” among British Columbia’s forest workers and called for sweeping changes to reduce them.

“Working in the woods involves inherent risks that cannot be completely eliminated,” the Canadian Forest Safety Task Force reported. “This, however, does not justify the acceptance of unsafe behaviors and practices and the inevitability of thousands of injuries and deaths.”

The task force’s report, which covered reforestation workers as well as loggers, cited a litany of reasons for the crisis, including poor nutrition, inadequate training, fatigue, unsafe work habits, pressure to work quickly and a growing reliance on contractors – all factors documented in the detailed diaries of U.S. Forest Service job inspectors:

● From the Sierra National Forest, California – June 2003: “I noticed the crew was passing the chain saw along to cut brush. None of them were wearing chaps.”

● From the Shasta-Trinity National Forest, California – July 2003: “2 guys knew how to thin, but the other three were rank beginners that did not know much about running a chain saw.”

Such inexperience can cost workers dearly. Stepping through the front door of his home in a backwater town in the San Joaquin Valley, Odilio Castro doesn’t walk. He hobbles.
New to forest work, Castro took a job in the Sequoia National Forest last year, working for a forest contractor called Patty's Farm Labor of Strathmore.

"They never told me about the dangers of working around dead trees," Castro said.

Cutting through a small tree with a chain saw, he heard a rush of air as a larger dead tree, propped up by the small one, crashed to the ground, crushing him. 

Face down in the dirt, he cried out for help. As co-workers rushed to his side and cut the tree into pieces to free him, he kept thinking: "I hope it's not bad. I hope it's not bad."

But it was. The calamity, Castro said, did more than crush his shoulder and mangle his leg. It short-changed his future. "I can't do anything," he said. "I can't work. I can't bend over. I can't walk very much, not even to the corner."

The California Division of Occupational Safety and Health fined Patty's Farm Labor $20,845 for six violations of workplace safety law, including the failure to develop an injury prevention program.

Nonetheless, owner Patricia Soto said her company is committed to safety. "We provide training," she said. "We have safety meetings once a month."

Even a history of safety problems does not bar a company from getting government work, state and federal records show. Since 1995, 3J Reforestation has been inspected three times by the Oregon Occupational Safety and Health Division, cited for more than a dozen violations and fined repeatedly. Four workers have been hurt, including one in California.

Over the same period, the company was awarded government reforestation contracts worth hundreds of thousands of dollars for work across Oregon and California. On one of those jobs, 3J's owner, José Quezada, called up the Forest Service, worried about the safety of his workers.

As Chuck Sallander -- a contracting officer's representative for the Siskiyou National Forest in Oregon -- wrote in his work notes in 2004: "Contractor called me at home yesterday evening (and) had a concern voiced by his foreman. ... He said cutting material 12 inches (in diameter) was too dangerous for his crew. They weren't qualified. I agreed that I didn't want anybody hurt."

Sallander passed the concern along to his supervisor, but they were rejected. "Contracting officer's decision is that contractor is required to cut trees up to 12 inches," Sallander noted.

Recently, Sallander explained the decision, saying that because the company's workers had been certified to work on forest fires -- where big trees are cut -- they could topple foot-thick timber, too. "It didn't wash," he said of Quezada's concerns. "He agreed and finished the contract."

The greatest dangers for pineros are not always the obvious ones. One of the riskiest jobs isn't cutting trees down - it's planting them in the ground, another Canadian report found.

"Planters typically cover 16 kilometers (9.6 miles) per day over difficult terrain," said the study published in the Journal of Occupational and Environmental Medicine in 2002. "In the process of planting, 20 percent will suffer a debilitating injury, a rate far in excess of the all-industry norm of five percent. ... Long-term implications for degeneration of the musculoskeletal system cannot be ignored."

Eladio Hernandez, a former Oregon tree planter, calls it "probably the hardest job in the world."

"Slopes are slippery," he said. "There's poison oak and ivy. Every day, you come back with a fever.

► INJURIES, Page A12
Injuries: Planting especially dangerous

FROM PAGE A11
It's that difficult. You either get used to it or quit."

The travails of tree planters are also spelled out in Forest Service work notes. "Very, very rocky. Planters seem to hit rocks with every swing," wrote one inspector for the Idaho Panhandle National Forest in 2003. Last year, weather was a problem. "It's pouring rain," the inspector wrote. "This may affect planting quality as it's quite miserable out."

Pressure is built into the job. If seedlings get too hot or dry, they die. If they're planted improperly, contractors are penalized financially. Pineros are reprimanded and sometimes fired. Most planting is done in the spring when temperature swings are extreme.

"Most of the time you are going to be either cold and wet -- or hot," said Larry Dawson, supervisor of the Clearwater National Forest in Idaho. "And you are going to be tired. Very often it's raining. Sometimes it's sleeting."

One morning in June, Modesto Alvarez, an undocumented tree planter from Honduras, pulled on work boots before dawn at the Budget Inn motel in Oroville and stepped into a van crowded with 13 other forest workers. Their destination: a tree-planting job in part of the Tahoe National Forest logged in the 1980s. But Alvarez was also headed for trouble.

Not far from Lake Spaulding, Alvarez strapped a bulging sack of seedlings to his hips and trudged across a gray, crumby slope just below the snow line. Every few feet, he would stop, lift a silver-gray digging tool called a "hoedad" high into the air and slam it to the ground. Stooping over, he would take a seedling from his bag, plant it, tamp the dirt and move on.

"Lift, slam, stoop. Plant. Alvarez worked his way through puddles of shade and sun. Lift, slam, stoop, plant. A metallic clinking filled the air -- the sound of hoedads striking rocks. Thirsty, Alvarez bent down and sipped from a snowmelt creek. The work was tough. But a Forest Service inspector watching the crew was making it tougher.

"She would just start yelling at us," Alvarez recounted during an interview in his home near Fresno. "Sometimes we'd pull a tree out of our bag -- and accidentally drop one -- and she would start yelling at us."

The inspector pressured the crew to plant in areas littered with rocks, something Alvarez considered risky. "To do what they tell us to do, that is how we get hurt," he said.

Swinging his hoedad one day around noon, Alvarez felt it come to a sudden stop on a rock torpedoed in the soil. The shock ricocheted up his arms. Arriving at the motel that evening, "I couldn't even step out of the van. I had to roll out," he said. "It was hard to breathe. It's a pain that won't go away."

 Reached at her office, the Forest Service inspector, Carla Kempen, said she was not aware Alvarez had been hurt. She declined further comment.

"Carla is very demanding," said Oscar "William" Iraheta, foreman for Central Valley Forestry, the Exeter company that contracted with the government to plant the trees. "She insists the job be done exactly the way she wants it done. That's good for them. But for us -- it's a lot more work."

Since that day, Alvarez has not worked in the woods. Nor has he received any compensation for the injury. Indeed he never submitted a claim, erroneously believing that because he is undocumented he would not qualify. He is now working in pain, his wife said, picking broccoli in the San Joaquin Valley.

"Up in the mountains, they rush us to do everything," Alvarez said. "But when we are hurt, they don't rush to help us."

Nowhere is the lack of enforcement more obvious than in the laissez-faire attitude toward safety gear on the job -- a dramatic contrast from most liability-conscious American work sites.

State and federal laws require pineros to wear hard hats, cut-resistant chaps and boots, earplugs and face protection when they're thinning with chain saws. In the woods, the laws of the land are optional.

No one was paying attention to OSHA rules at a thinning job in the Bitterroot National Forest in Montana.
this fall where pineros scrambled across rugged mountain slopes, slashing away with chain saws and gathering trees and limbs into piles.

Most wore no eye or face protection, no earplugs. Several struggled for solid footing in the cheap boots they brought with them from Mexico. On slopes steep enough for skiing, they slipped. They slid. They stumbled.

"This company is not taking safety equipment seriously," said Gustavo Ferman Dominguez, one of the workers. "We have to buy our own gloves. They don't give us goggles for the chain saws. They don't give us boots."

Ferman pulled his own boots off to make a point. "Look at this!" he said, pointing to the soft toes, traction-free soles and a chain saw nick. He had just decided to quit. "It's not worth breaking a leg."

Manuel Burac, Universal's foreman, agreed the workers needed better footwear. "My view is the company should buy them boots," he said.

But safety goggles pose a problem because they fog up. "I haven't been using them myself," Burac said.

What about training? "There was no training," said Luis Andres Molina Hernandez, a pinero working for Burac. "They just asked: 'Which one of you guys know how to use a chain saw?'"

Burac was sympathetic, but added that his company routinely hires inexperienced forest workers, making his job more difficult. "I feel the company should be better training all the workers when they get here," he said.

Emergency medical gear was missing, too. When Eliseo Dominguez was hurt one morning, struck below the eye by a branch while cutting a tree without safety goggles, there was no first aid within miles.

The van used to rush the worker to a hospital was littered with empty soda bottles, yogurt cups, a canteen, a deck of cards, a bandana, a rain slicker—everything, it seemed, but a first-aid kit. "Someone cleaned the van out one day," said Felix Rodriguez, the Universal employee who drove to the emergency room that day. "And they took it."

The morning Carlos Valdez was blinded in his right eye in the Tahoe National Forest in 2002, safety gear was an issue, too. "He was not wearing his goggles," said Francisco Acevedo, owner of the company doing the work, Redding Tree Growers.

Valdez, though, remembers it differently. "They did not have goggles," he said. "They were not available to me."

Rosie Lopez, who manages safety matters for the company, said ensuring workers wear safety gear is the foreman's job. But she added:

"Some workers decline to use it. They have their rights, too, you know. They have the option and the right to decline what to wear and not to wear."

By law, all serious injuries must be reported to the California Division of Occupational Safety and Health within eight hours. But Valdez's wasn't.

"We have no record of it," said Dean Fryer, a spokesman for the agency. "Without doubt, we should have

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Diary of Jerry Branning, U.S. Forest Service contracting officer's representative
FRIDAY, MAY 14, 2004 - CLEARWATER NATIONAL FOREST

More folks just standing around. I asked Wilfredo to distribute trees. Not much happened. I passed trees out and still people standing around. I finally screamed at Wilfredo to "not have 15-min. discussion about it," just plant "god damned things." He was somewhat taken aback. Crew started planting.
voices

‘They stay out there bleeding’

Few pineros speak openly about injuries and abuse; Santiago Calzada is one who will.

He has nothing to lose – he retired this year after more than two decades working across the West, from Montana to California. He’s also tired of people getting hurt.

“I’ve seen guys get cut and they don’t get to the doctor right away. They stay out there bleeding,” Calzada said at his home in Medford, Ore. “I’ve seen people stung by poison oak. They don’t get medicine. I’ve seen people bit by bumblebees. I saw one guy who got stung 20 times. The foreman was laughing.”

Now 49, Calzada has felt plenty of pain. In tree planting, the seedling-filled bags that workers strap to their hips “are so heavy we get blisters,” he said. “Our legs get numb.”

“Sometimes we are carrying over 100 pounds” because seedlings are wet, he said. “Sometimes we are even bleeding from carrying all that stuff.”

For sheer danger, in Calzada’s estimation, no job tops the thinning of brush and small trees from government land in the West. And it’s not just chain saw cuts and falling trees that afflict that work force.

As pineros bend over to cut trees, gasoline sometimes spills out of the fuel jugs they strap to their waists, and sloshes across their backs.

“It peels your skin,” Calzada said. “It happened to me once. You have to keep working.”

Some workers expect to find compassion from the Latino foremen who run most of the jobs. Calzada knows otherwise. Complaining to them, he said, is futile. “If you say something, they say: ‘Oh, you chicken. You lazy. You’re just a troublemaker.’”

Santiago Calzada, who worked in the woods for more than two decades, says complaining about working conditions is pointless. “They say: ‘Oh, you chicken. You lazy. You’re just a troublemaker.’”

- Tom Knudson
efore they began planting trees in the Stanislaus National Forest two years ago, a group of pineros were handed a card in Spanish by Henry Pedrick, the U.S. Forest Service official who oversees planting in the forest’s Groveland Ranger District.

The card was titled: *Informese Es La Ley* – Informing you is the law. It advised the workers that if they weren’t paid $12.74 an hour, they should contact the Stanislaus National Forest.

“We will help you get paid what you deserve,” it continued, in Spanish.

The planting went poorly. The pineros’ employer, Ace Reforestation, wrote the Forest Service to complain that it had lost $24,166, in part because “the recent rains have made it difficult to complete the job in a timely manner.” Pedrick docked Ace $1,180 for poor planting.

Then, one day in April, unexpected visitors showed up at Pedrick’s office in Groveland, miles from the work site: a carload of Ace’s pineros who hadn’t been paid.

“The people came to get a check for work done as planters,” Pedrick wrote in his work notes. “They had (the) card written by me with the contract number on it.”

Pedrick informed his supervisor in Clovis, Forest Service contracting officer Gilbert Massiatt, who advised Pedrick that the workers themselves should take their problem to the U.S. Department of Labor. “In actuality, it’s better for workers” to report problems, Massiatt told The Bee. “They have all the inside information.”

Pedrick says he doesn’t know whether the workers were ever paid. “I reported it to my contracting officer,” he said. “That’s what I did.”

– Tom Knudsen
GOING HOME

SPECIAL REPORT  Forest workers endure miserable working conditions and wage exploitation. They return to their native countries with hopes of riches dashed. And too often, they return in coffins. The leading killer: Van crashes.

Last of three parts
Stories by Tom Knudson and Hector Amezcua
THE SACRAMENTO BEE

In the impoverished Guatemala border town of La Mesilla, 15-year old Santa Pablo Bautista failed to heed her father's pleas to stay home on their tiny hillside farm.

Juan Carlos Rios, 22, was equally dismissive when his mother begged him not to leave Jerez, Mexico.

Born into poverty, both felt the tug of money to be made in El Norte.

Two months after arriving to harvest brush in Washington state, Santa Pablo lay in a hospital with a fractured arm, broken jaw and cuts across her face. Days after taking a job as a tree planter in Oregon, Juan Carlos Rios returned home in a casket.

Forest work has always been dangerous. But Juan Carlos was not killed, nor Santa Pablo injured, in the woods. Instead, disaster struck on the highway — on long-distance, pre-dawn commutes in unsafe, unstable vans that tumbled and veered out-of-control on windy mountain roads.

The number one cause of death among pineros — Latino forest workers — is not the slip of a chain saw or the falling trees known as widow-makers. It is van accidents. And unlike most highway tragedies, the crashes that claim migrant lives are not born of chance alone.
Macario Martín Ordóñez, left, and his wife are raising three of their late son’s children, including Domingo Martín Bautista, 12, in their home in Guatemala. Their son’s wife remained in the United States with two younger children.

They are the byproducts of fatigue, poorly maintained vehicles, ineffective state and federal laws, inexperienced drivers and poverty-stricken workers hungry for jobs.

“When you add everything up, it’s a formula for disaster,” said Robert Perez, a Fresno lawyer who has represented scores of Latino laborers hurt and killed in van accidents.

All told, 21 pineros are known to have died in van accidents over just the last three years: 14 in Maine, five in Washington and two in Oregon. But those numbers don’t begin to measure the pain: across Guatemala and Honduras, at least 15 women have lost their partners and 69 children no longer have their fathers.

Six years ago, the deaths of 13 San Joaquin Valley farmworkers in a van crash prompted California legislators to pass the nation’s toughest migrant vehicle safety law. The law made seat belts compulsory for everyone riding in vans carrying nine or more passengers and required that bench seats be bolted to the floor. It mandated that vans be inspected and certified safe yearly and that drivers pass a driver-training course for multi-passenger vans.

Other states have not been so vigilant. In Oregon and Washington, for example, migrant labor law does not require annual vehicle inspections or a special test for drivers who transport migrant workers in vans.

“California has done it,” said Matthew Geyman, a Seattle attorney representing the families of four forest workers from Guatemala who died in the 2004 van crash in Washington. “We could use California as a model. It would save lives.”

But even California’s tough law goes only so far. Last year, 1,300 migrant worker vans were pulled over by the California Highway Patrol and 2,882 citations were issued, up 150 percent from 2002. And many violations go undetected.

▶ VANS, Page A7
Vans: Contractor blames Latinos' bad habits

Vehicle inspections
The deaths of 13 San Joaquin Valley farmworkers in a 1999 van crash led California to pass the nation's toughest migrant vehicle safety law, which required seat belts for everyone in a 15-passenger van, among other things. The law, however, has not stopped the problems. California Highway Patrol officers pulled over 1,300 farm- and forest-worker vans last year and issued 2,882 citations, up 150 percent from 2002.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
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<tr>
<td>Other equipment violations</td>
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<td>712</td>
<td>703</td>
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</tbody>
</table>

Source: California Highway Patrol

Sacramento Bee

“I don’t want to put the finger on nobody because I’m in this business. But I see a lot of contractors with vans with no certification, nothing,” said Raul Acevedo, a supervisor for Central Valley Forestry, a reforestation contractor based in Exeter.

“Why do I have to spend so much money myself fixing my vans … and why don’t (other) guys?” Acevedo asked. “It’s not fair. I wish somebody could do something.”

At the federal level, the Migrant and Seasonal Agricultural Worker Protection Act requires that vans pass a safety test for such things as brakes, wipers and mirrors. But unlike California’s law, it does not mandate that every passenger have a seat belt. And inspections are rare.

“This is a national problem and one which calls for a national solution,” said Sen. Dianne Feinstein, D-Calif., who plans to reintroduce legislation modeled on California’s law, requiring seat belts for all migrant workers riding in vans.

“Migrant workers should not have to put their lives at risk just to travel to their job site,” she said.

Feinstein first tried to pass such a law in 2000, following the San Joaquin Valley tragedy, but her effort failed after farm interests objected to the cost of retrofitting older vans with seat belts.

Unlike California’s law, the existing federal migrant worker statute does not require drivers to take and pass a special safe-driving course for multi-passenger vans. Instead, it requires only that they pass a physical exam.

“Any physical is fine and well and dandy. But it doesn’t have anything to do with safety,” said Martin Desmond, former executive director of the Northwest Reforestation Contractors Association. “It is just sort of a meaningless exercise.”

The road has long been a risky place for farmworkers. But over the past two decades, as Latinos have moved rapidly into the forest work force, timber country highways have turned deadly, too.

“Most of the liability in our industry is on the transportation side,” said Robert “Wade” Zaharie, an Idaho reforestation contractor who employs Latino crews and requires all workers – not just drivers – to attend a defensive driving class.

“We’re telling (employees) if they ever observe that a foreman is not driving safely, let the office know immediately,” Zaharie said. “You just can’t afford that liability.”

Zaharie blamed the problem on bad habits learned south of the border.

“Unfortunately, we’re dying for people that have more common sense in our industry,” he said “If you follow this back into Mexico, or any of your Latin countries, there are tons of accidents down there. They don’t have as dear a respect for life, in general.”

The life of Alberto Martin Calmo is remembered every day in his parents’ adobe home in the hardscrabble hills outside the village of Todos Santos in northern Guatemala. His grave is a mile or so away – on a scenic knoll in a neighborhood of pines. A picture of his body in a casket hangs near the front door.

“I look at that picture and I cry,” said his mother, 60-year-old Luisa Calmo Ramirez. “All I do is cry.”

Her 31-year-old son died in the van accident in Washington in March 2004. Today, Luisa and her 70-year-old husband, Macario Martin Ordóñez, are raising three of their son’s children – ages 8, 10 and 12. In the months after their father’s death, the children seemed not to compre-
Diary of Madelon Caren, U.S. Forest Service inspector
JUNE 13, 2003 — CLEARWATER NATIONAL FOREST

The crew van leaked a large pool of oil or fluid when we stopped at the gate, and was smoking badly. Jaime [the foreman] said he had told Heber [contractor Heber Natale] he’s been having transmission problems but Heber said to keep driving it. Guess we’ll see how far he gets later today — it is Friday the 13th!

The truck is not unusual, beginning before dawn and dragging on for hours. The three fatal forest crashes all happened in the early morning: at 6:08 a.m. in Oregon, 6:45 a.m. in Washington and 7:55 a.m. in Maine.

Forest Service work notes reflect that peril, too: “Contractor arrived at 7 a.m. They still haven’t found a place to stay. ... It takes them four hours driving time each way,” wrote Karen Bell, a contract inspector on the Sierra National Forest in 2003.

“Reforestation workers don’t get paid for travel time,” said Dan Robert-son, president of the Northwest Reforestation Contractors Association. “So in order to get in an eight-hour day, they get up at four in the morning.”

In many cases, the biggest safety hazard is the vehicle itself. Just ask Rose Marie Ramey, the owner of Ramey’s Broken Arrow Cabins and RVs in north-central Idaho.

This summer and fall, Ramey rented cabins to a crew of 17 pineros thinning trees under a government contract on the Salmon-Challis National Forest.

► VANS, Page A8
Rollover risk

Commonly used to transport forest workers, 15-passenger vans have been singled out by the National Highway Traffic Safety Administration as more likely to roll over than any other vehicle. The vans are widely used to transport farm and forest workers, seniors, church groups, commuters and sports teams, although laws in some states have recently limited their use by students.

Center of gravity
The large vans are more dangerous when fully loaded with passengers and gear because the increased weight shifts their center of gravity much more than other vehicles — causing the vans to handle very differently.

FOR COMPARISON:
Minivan center of gravity
(in relation to front axle)
- Driver only
- Fully loaded

Ford E-350
Super Duty
Extended Wagon

WHEELBASE: 11.5 feet
LENGTH: 19.3 feet


Fatal crash rate
15-passenger vans constitute less than 1 percent of the nation's passenger vehicles. But they are more likely to be involved in fatal, single-vehicle crashes — where a majority of rollovers occur — than any other vehicle.

Number of fatal, single-vehicle crashes per 100,000 vehicles

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<td>14.3</td>
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<td>Other vans 6.5</td>
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Increasing risk
As the vans fill up with passengers, they have a greater tendency to roll over in single-vehicle crashes.

<table>
<thead>
<tr>
<th>Occupants</th>
<th>Percentage of single-vehicle crashes resulting in rollovers</th>
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<tbody>
<tr>
<td>Fewer than 5</td>
<td>12.3%</td>
</tr>
<tr>
<td>5-9</td>
<td>20.8%</td>
</tr>
<tr>
<td>10-15</td>
<td>29.1%</td>
</tr>
<tr>
<td>Over 15</td>
<td>70.0%</td>
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Recommended safety precautions:
- Keep passenger load light — fewer than 10 people if possible.
- Check tire pressure frequently. Improperly inflated tires change the van's handling.
- Require all occupants to wear seat belts. Most people killed in rollover accidents were not wearing a seat belt.
- Keep occupants and cargo in front of rear axle if possible.
- Keep speed down. Rollover risk increases dramatically at speeds over 50 mph.
- Make sure drivers are experienced and know the vehicles' safety risks.

Sacramento Bee/Nathanial 04/19
Vans: In darkness, a crash, and a cry of ‘Please help me’

Their clothes were ragged. Their tools were worn. But it was the vans that Ramey found frightening. They were cluttered with gas cans, chain saws, machetes, oil and cooking gear. And there were so few seats some workers sat on the floor.

Residents of the scenic mountain town of Gibbonsville sprang into action. Some contributed clothes. Mike McLain, a river guide, built a metal roof rack for the gear. And Ramey’s son got workers up off the floor. “He went down to the junkyard and bought seats for them,” Ramey said.

“To me, it was unnerving,” she said. “And dangerous.”

And it can be deadly.

Around 3 a.m. on Monday, Jan. 3, 2005, a van pulled up at an apartment complex in Salem, Ore. inside, Francisco Sánchez Rios and his cousin Juan Carlos were waiting—eager to begin new jobs as tree planters. They stepped out into the darkness and hopped in the vehicle: a silver 2002 Ford E350 with a bald left rear tire.

Three hours and 150 miles later, on an icy stretch of road near the coast, Francisco felt the van veer to the right. “We were skidding,” he said. As the van plunged off the road, the driver screamed.

Pinned beneath the overturned vehicle, Francisco remembers crying out: “Juan! Where are you?” In the darkness, Francisco said he heard a reply from his cousin: “Please help me.” Then, on the wet ground along the right side of the vehicle, Rios died of massive chest and abdominal injuries, just three days shy of his 23rd birthday.

An Oregon State Police investigator later found that three factors had contributed to the crash: poor driving, icy conditions and the bald tire that failed to grip the road.

The tire “was worn down to the cords in areas throughout the circumference,” the inspector wrote in his report.

“The night before we had dinner together,” said Juan Carlos’ sister, Lorena Rodarte Rios, of Salem, choked by grief a week after the accident. “He was very happy because the job was going to pay well, around $10 an hour. It was his dream to provide for his mother in Mexico. He was his mother’s right hand.”

In a dry, dusty neighborhood in Jerez, Mexico—southwest of Zacatecas—Rios’ mother, Nicolaasa, took the news hard. For days, she cried. When her son’s body arrived on Saturday, Jan. 15, Nicolaasa was stricken with anguish—too stunned to even attend a wake in the carport outside her home.

Finally, as mourners waited and a hearse arrived Sunday to take Juan Carlos’ body to church for a funeral Mass, Nicolaasa stepped outside to say goodbye. She leaned over the coffin and rubbed her son’s face, gently at first, then more forcefully.

“Please let me go with him,” she sobbed, inconsolably.

“I am going crazy!” she screamed. “Let me go with him!”

As her older son, Javier, struggled to pull her away, Nicolaasa tugged desperately at the coffin, then let go, wobbled a few steps and fainted.

Juan Carlos Rios was hired to plant trees on property owned by Menasha Forest Products Corp., a major U.S. timber firm. But Menasha maintains it bears no responsibility for the death because it, in turn, hired a labor contractor to plant the trees and transport the workers.

“It was not our vehicle. They were not our employees. They were contract employees,” said
The body of Juan Carlos Rios arrives Jan. 15 at the Guadalajara, Mexico, airport, nearly two weeks after Rios and another forest worker were killed in a van accident in Oregon. Rios, 22, had taken a job as a tree planter only days before. The van carrying the workers from Salem to an area near the coast skidded off an icy road and overturned. Rios died of massive chest and abdominal injuries.

Barbara Bauder, director of human resources and community relations for Menasha in the Oregon coastal community of North Bend.

“It was a tragedy,” Bauder added. “But since it wasn’t people we knew and they really weren’t from our area, it didn’t hit quite so close to home.”

In August, the U.S. Department of Labor agreed with Menasha’s assessment of blame. It fined the timber company’s contractor – BP Reforestation – $3,000, saying it failed to provide safe transportation. The contracting company has appealed the fine and did not return calls from The Bee.

At Menasha, Bauder said she was not aware the tree-planting contractor had been fined. “They had worked for us for about 12 years, and we expect they will bid on jobs again this winter,” she said. But, she added, “It certainly doesn’t make us happy they were driving with a bald tire.”

Federal law requires that any drivers who transport workers be designated as foremen by the contractor and be authorized to drive by the Department of Labor. But that law is routinely ignored.

The driver of the Oregon van – who also died in the crash – was not authorized. Nor were two van drivers on a job visited by The Bee last month on the Bitterroot National Forest in Montana. One had only a Mexican driver’s license.

The older van being used on that job was a nightmarish sight. Electrical wires snaked out from inside the passenger door. The driver’s door and window were lashed together with rope. Across the West, forest worker vans often are in such sorry shape they are known throughout the industry as “crummies.”

The gray-and-white crummy in Montana was owned by Universal Forestry of Orofino, Idaho.

And its passengers were worried. “You’ve got to do like the Flintstones to make the brakes work,” said Tomás Quezada, lifting his knees and slamming both feet down to mimic the braking style of Fred Flintstone, the cartoon character.

Forest Service documents show federal officials are aware of migrant worker transportation hazards – and sometimes take steps to shield themselves from responsibility.

“Driver was back from town but did not get parts he needed to repair the van,” wrote Jerry Branning, a Forest Service contract inspector on a Universal Forestry job in the mountains of Idaho in 2002.

“He needs brake pads for front,” Branning added. “He will drive it to (town) slowly and carefully with minimum brake use.”

A year later, when Branning gave Universal workers a short ride to a hard-to-reach job site in his government truck, he was reprimanded by Forest Service contracting officer Terri Ott. “We cannot assume responsibility and liability for transporting contractor personnel,” Ott wrote in a memo obtained through the federal Freedom of Information Act. “This behavior is unacceptable.”

Ott declined to elaborate. But her boss – Larry Dawson, supervisor of the Clearwater National Forest – said she made the right call.

“I couldn’t say it any better,” Dawson said. “Ms.
On the Internet
To read this project online, and see extra photos, documents, interactive graphics and more, go to www.sacbee.com/pineros

Ott was ensuring that (Branning) was not providing any more assistance or any less assistance than is required in the contract. That's the way we operate.

But migrant advocates say such a hands-off approach to transportation only serves to compound the already substantial dangers pinoeros face.

"It is worse than tragic that so many of them lose their lives just getting to these jobs – it is shameful," said Rebecca Smith, an attorney with the National Employment Law Project in Olympia, Wash. "We need to do everything that we can to ensure their transportation and workplace safety."

Even well-maintained forest worker vans can be risky, especially when they're fully loaded. This year, the National Highway Transportation Safety Board put out a safety advisory, warning drivers that a fully loaded 15-passenger van is far more likely to roll over than a lightly loaded one because of its higher center of gravity.

The advisory does not mention the added factor of big metal roof racks – popular on many forest worker vans – that when loaded with gas cans, water coolers, jugs of oil, chain saws and hand tools can make the vans rock like ships at sea.

"With the rack, you can feel the van leaning one way, and then another, even at a safe speed," said Manuel Burac, a foreman and driver for Universal Forestry. "Personally, I prefer trailers because you have more stability on curves."

And no study has examined the most common factor in forest worker van accidents: exhaustion.

In the pre-dawn darkness, a Dodge van crowded with forest workers crept south out of Shelton, Wash., in March 2004. Its destination: a brush-picking job in the Gifford Pinchot National Forest 100 miles away.

Inside, 15-year-old Santa Pablo Bautista – thin as a marsh reed and saddled with debt – sat behind the driver, sleeping. Like all 10 passengers, she was not wearing a seat belt. In the back, three co-workers huddled together on a bench seat that had no seat belts and was not even bolted to the floor.

The brush they all were harvesting that Saturday, known as salal, is the mainstay of Washington's $236 million floral greens industry. Waxy and wilt-resistant, salal branches – or "tips," as they are known – are bunched around orchids,
roses and other flowers in bouquets and floral arrangements sold around the world.

The van climbed east on Highway 12, winding through the Cascades between Mount Rainier and Mount St. Helens. Outside, the sky was turning gray. Like Santa Pablo, most of the passengers were asleep. And as the wheels hummed on the pavement, the driver also was weary from long hours in the woods and behind the wheel.

It was Saturday. But Santa Pablo had little choice but to work. In Guatemala, her family had paid a smuggler 16,000 quetzales – 2,031 U.S. dollars – to sneak her into Mexico and transport her to the U.S. border. In Washington, Alberto Martín Calmo – who was sitting one seat away from Santa in the van – had paid $2,500 to another coyote to get her across the U.S. border and to the Pacific Northwest.

Santa’s motivation was simple. “She was a little girl, but she made a decision to help me,” said her father, Cipriano Pablo Jerónimo, a coffee farmer who earns about $40 a month and volunteers for a nearby Catholic church. “She said: ‘Look Dad, I want to go so I can help you support the church.’”

Near the small town of Morton, the van drifted into the westbound lane. Up ahead, a Ford pickup was approaching fast. In the chaos of mangled metal and shattered glass that followed, three brush-pickers died almost immediately, including one riding on the unbolted bench seat. Two more succumbed later at the hospital. Santa Pablo – all 4 feet 4 inches and 100 pounds of her – was thrown from the van and lay in a bloody heap along the road.

She was flown to Emanuel Children’s Hospital in Portland, treated for lacerations to her face and head, a broken jaw, fractured arm and nose. One year later, she sat on a rumpled couch in a rundown apartment in a rundown section of Shelton.

“This was a big tragedy for us,” she said. “Everybody in that van was from the same village.”

Santa Pablo knew she was going back to work, even though she remained in pain and faced the prospect of more cosmetic surgery. “Before I used to feel good. And nothing hurt,” she said. “I was happy. Now everything has changed.”

In April, two investigators for the Washington Department of Labor and Industries sat down with Pablo, trying to sort out who was responsible for the crash – the driver or a floral greens packing company?

“Did you have to sign some kind of paper before you started working?” they asked.

“No, none,” Pablo replied.

“Did they explain to you how to do your job?”

“Well, no.”

“You gave the brush daily to the driver?”

“Yes, daily.”

➤ VANS, Page A10
**Vans: Pay amounted to $2.87 an hour**

From Page A9

"Whom did the driver turn the brush over to?"

"Well, that I don't know."

Unable to find a paper or human trail to a company, the agency determined that the driver, Cornelio Matias-Pablo, was in business for himself. But Cornelio - who died in the crash, too - had no workers' compensation insurance. So the state of Washington is paying death benefits to five children in Guatemala and two in the United States, and medical bills for Santa Pablo and four other survivors, all still in the United States. The tab has reached around $1 million.

"It's unrealistic to expect someone like Cornelio, who was an undocumented Guatemalan, to comply with minimum wage laws, worker safety laws, worker compensation insurance laws and vehicle safety laws," said Matthew Gezman, the Seattle lawyer representing the families of dead crash victims.

"To me, it seems like we should say to this (floral greens) industry that is making millions of dollars off these workers: 'Why don't you do something to make this a safer industry?'" Gezman said.

The Washington Department of Labor and Industries is moving in that direction. Since 2003, as part of a stepped-up enforcement campaign, it has audited 25 floral greens packing companies. In 17 cases, the department determined the packing companies were, in fact, employers of pickers and other workers - and it assessed them $86,261 in workers' compensation insurance premiums.

But while the department goes about its work, the pickers are still riding to remote job sites in rickety, unsafe vans. Last spring, Santa Pablo was once again among them.

After commuting an hour or so to work, she cut brush from 8:30 to around 4:30, thrashing through thick, wet stands of salal, stopping here and there to slice off the nicest-looking branches with a clawlike cutting tool known as a ring. She gathered the branches into bundles, bound them together with rope, hoisted them on her back, stooped over and trudged down a hill to a dirt road and the van.

At the end of the day, a foreman gathered up her brush - and that of other pickers - to sell to a packing company. The pickers were paid by the bundle. The only woman on the crew and not as strong or as quick as other workers, Santa Pablo's cut was just $23 - the equivalent of $2.87 an hour. That's well below both the federal minimum wage ($5.15 an hour) and the Washington state minimum wage ($7.35 an hour) - and a violation of federal and state law.

Santa Pablo would like to go home, to return to her parents' small ranch outside the indigenous Mam village of Todos Santos in the deep green hills of Guatemala. But she can't. She is a prisoner to debt as well as danger.

"I think about the accident," she said. "I don't understand why this happened to me. And it makes me sad."

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The Bee's Tom Knudson can be reached at (530) 582-5336 or tknudson@sacbee.com.
DEATHS ON THE ROAD

Many accidents occurred in the early morning hours, with fog and ice two of the contributing factors, and in the early evening, when driver fatigue may have been a factor.

• Jan. 24, 1990 — A van carrying 12 migrant workers near Clewiston, Fla., missed a curve and plunged into an irrigation canal, drowning 10, including three teenage boys. Officials say dense fog contributed to this early morning (7:30 a.m.) accident.

• Nov. 16, 1997 — Ten farmworkers and a 1-year-old baby are killed when their van crashes into a big-rig truck on a foggy rural highway near Mendota, Calif. The midmorning (9:45 a.m.) accident occurred when the van driver crossed the center line to pass another vehicle.

• June 26, 1998 — An early morning (6 a.m.) van accident killed two migrant forestry workers and injured eight others about 45 miles west of Portage, Maine. The vehicle containing 15 people flipped over when the driver lost control because of a blown tire.

• Feb. 26, 1999 — In the early morning (7:10 a.m.) a big rig hit a van carrying 17 farmworkers, killing two and injuring 14 others. The van's driver was charged with running a stop sign on the foggy rural road southeast of St. Petersburg, Fla.

• Aug. 9, 1999 — A van loaded with 15 farmworkers slammed into a big rig on a rural road near Five Points in Fresno County, killing 13 people in the vehicle. The early morning (5 a.m.) crash occurred when the van driver attempted a U-turn and broadsided the truck.

• March 4, 2000 — Four farmworkers are killed and five injured when a van veered off a road southeast of St. Petersburg, Fla. The driver lost control of the vehicle when it slipped onto the shoulder, then hit a tree and landed in a ditch. The accident occurred in the early evening (about 6 p.m.).

• June 21, 2002 — Five firefighters are killed and three others injured when their van rolled four times on Interstate 70 in western Colorado. The driver lost control of the vehicle in the early evening (5:50 p.m.) when she reportedly reached for some food.

• Sept. 6, 2002 — In rural southern New Jersey, a van carrying 11 migrant farmworkers skidded off the road and hit a utility pole, killing three people. The crash occurred in the early morning (6 a.m.).

• Sept. 12, 2002 — In a remote logging area in Maine, 14 forest workers died when their van skidded off a one-lane bridge into a river. The vehicle, reportedly going up to 70 mph when it hit the curb of the bridge and plummeted over the side, in the early morning hours (7:55 a.m.).

• Feb. 4, 2003 — Early morning (5:30 a.m.) fog contributed to a van accident that killed three migrant farmworkers in a rural area 40 miles west of West Palm Beach, Fla. The vehicle veered off a dirt road and flipped into a nearby irrigation canal.

• Aug. 24, 2003 — A van crossed over the double yellow line and struck a big rig, killing eight firefighters on a highway west of Vale, Ore. The driver, who had been drinking, attempted to pass on a curve. The accident occurred midmorning (about 10 a.m.).

• April 1, 2004 — Nine migrant workers were killed and 10 injured when the van they were riding in struck the center divider of a highway and rolled over four times. The accident happened on I-95 near Fort Pierce, Fla., in the early morning (5:45 p.m.).

• March 27, 2004 — Five Guatemalan forest workers were killed early in the morning (6:45 a.m.) when their van drifted into oncoming traffic and crashed head-on into a pickup en route to a brush-picking job on the Gifford Pinchot National Forest in Washington.

• Jan. 3, 2005 — Two Mexican forest workers were killed in Oregon when their van rolled over on an icy patch of highway early in the morning (6:08 a.m.) on the way to a tree planting job on corporate timberland.

— Compiled by Pete Basofin, director of editorial research
'I fought to get them out of there. But I couldn't.'

Uneasy is how Edilberto Morales Luis remembers feeling as the van in which he was riding barreled down a dirt road in Maine's north woods, heading to a tree-thinning job.

The driver was in a hurry to cover the 90-mile commute, Morales said, eager to make up for time lost to rain the day before. Most of the 14 passengers from Guatemala and Honduras were dozing. As the pines flew by, Morales called out to the driver.

"I told him: 'Why don't you drive a little bit slower?'' Morales said earlier this year. Tires were a concern, too. "We were always having to buy new tires," he said. "One of the tires on the van was a little bit bad."

A co-worker teased him about being afraid. After all, everyone was anxious to get to work. It was Sept. 12, the thinning season was winding down and with it their opportunity to earn money. Officially, they were getting $10 an hour from Evergreen Forestry — an Idaho contractor. But after deductions for the rental van, gas and other items, their paychecks had shrunk.

The workers grumbled about it. Morales recalled this spring on his father's ranch in northern Guatemala. "But we couldn't complain because none of us spoke English," he said.

Despite Morales' warning, the van driver raced through the forest at speeds up to 70 mph, an investigation would later show. Coming around a curve, the driver spotted a one-lane wooden bridge with no guardrail coming up fast. As the van sped across the bridge, it fishtailed, struck a metal curb, rolled over and landed upside down in the Allagash River.

In the next few, frantic moments, 14 pineros, including the driver, drowned. Only Morales lived. "The only thing I remember is the van flipped into the river," he said. "I fought to get them out of there. But I couldn't."

Stunned and chilled, Morales swam to shore. He looked around for his co-workers but saw only blood coming to the water's surface.

Half an hour later, a truck drove by with two people inside. Using gestures because he did not speak English, Morales told them what had happened. The driver waded into the water toward the van but relayed back that everyone was already dead.

The 2002 crash was the worst motor vehicle accident in Maine history. Three years later, lawyers, regulators and politicians still were sorting out who was to blame.

The U.S. Department of Labor targeted Evergreen Forestry Services, which has a record of labor and transportation violations dating to the 1980s, and fined it $17,000 — $1,000 for each dead worker, $1,000 for Morales and $2,000 for failing to register the van or the driver under the Migrant Seasonal Worker Protection Act. The company has appealed.

Lawyers for Morales, the 13 dead workers, their 11 wives and 57 children sued DaimlerChrysler Corp. and Thrifty Rent-A-Car in 2004, alleging the van was by its nature a rollover threat. The companies, in response, blamed the driver. The suit, filed in Oklahoma, is nearing settlement.

Olympia Snowe, R-Maine, singled out van makers. She championed a bill, signed into federal law this year, that requires 15-passenger vans to be tested yearly for their ability to resist rollovers as part of the government's vehicle safety program.

But Greg Reed, a soft-spoken friend of one of the victims and a migrant worker advocate in Maine, said government lethargy, callous contractors, timber industry indifference and grinding poverty will continue to drive workers to take risks, deep in the forests.

"There still isn't any real federal or state oversight," he said this fall. "They say they're out here, but that is a bunch of BS. They are not around.

"When something like this happens to farmworkers in Florida, federal agents are all over it," Reed said. "But that's not true for forest workers. Forest workers are really quite invisible."

— Tom Knudson