
HOUSE BILL 2102

State of Washington

67th Legislature

2022 Regular Session

By Representative Ortiz-Self

1 AN ACT Relating to commissioning a study and audits to examine
2 current laws applicable to farmworkers related to workplace health
3 and safety, housing needs, and harassment, discrimination, and
4 retaliation; creating new sections; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
7 Washington is one of the largest exporters of food and agricultural
8 goods in the country. The legislature also recognizes that growing,
9 cultivating, and harvesting the food that we all consume is
10 significant and important work. The legislature also recognizes that
11 farmworkers are unique. Often, farmworkers must contend with dangers
12 in their work environment, such as pesticides, heat, heavy equipment,
13 and other elements, and deal with challenges such as inadequate
14 housing and various forms of discrimination, harassment, and
15 retaliation.

16 (2) The legislature intends to assess the needs of farmworkers in
17 the state to help better serve and protect these unique workers we
18 all depend upon.

19 NEW SECTION. **Sec. 2.** (1)(a) The Washington institute for public
20 policy shall conduct a comprehensive study to assess specific needs,

1 as provided in subsection (2) of this section, of farmworkers in the
2 state in order to help policymakers determine whether those needs are
3 or are not being met by state administered programs, policies, and
4 statutes.

5 (b) The institute shall consult with farmworker advocacy
6 organizations, state agencies administering programs and policies
7 impacting farmworkers, and nonprofit organizations that work directly
8 with farmworkers.

9 (c) As part of its information gathering, the institute must hear
10 from farmworkers, either directly or through the nonprofit
11 organizations, regarding farmworkers' experiences and working
12 conditions. These personal, real-life experiences from farmworkers
13 must be based on informal interviews or surveys conducted by Latino
14 nonprofit organizations that have well-established connections and
15 relationships with farmworkers.

16 (2) The study must focus on needs related to:

17 (a) Health and safety in the workplace, including issues related
18 to heat, smoke, hazardous equipment, infectious diseases such as
19 COVID-19, and other factors related to workplace safety;

20 (b) Temporary worker housing; and

21 (c) Preventing harassment and discrimination of, and retaliation
22 against, farmworkers for asserting their rights regarding health and
23 safety workplace standards.

24 (3) The study must include:

25 (a) An examination of: (i) How the relevant state agencies
26 coordinate with each other in administrating and enforcing the
27 various laws, policies, and programs, including whether there is an
28 adequate number of inspections and meetings or other direct contact
29 with the workforce; and (ii) the agencies' education and outreach to
30 farmworkers regarding farmworkers' rights and protections and health
31 and safety standards, including the agencies' outreach in appropriate
32 languages. The institute may assess agency coordination by, among
33 other things, conducting interviews or focus groups;

34 (b) A review of available data from, and research of, programs
35 that are intended to increase health and safety outcomes for
36 farmworkers; and

37 (c) Options on ways to improve agency coordination and the
38 effectiveness of reviewed programs.

1 (4) The institute must submit a report of its study and
2 recommendations to the appropriate committees of the legislature by
3 July 1, 2024.

4 (5) This section expires December 1, 2024.

5 NEW SECTION. **Sec. 3.** (1) The joint legislative audit and review
6 committee shall conduct performance audits on the department of labor
7 and industries' administration of the following:

8 (a) Investigations and enforcement of workplace health and safety
9 standards applicable to farmworkers; and

10 (b) Investigations and enforcement of laws prohibiting
11 harassment, discrimination, and retaliation against farmworkers for,
12 among other things, asserting their rights regarding health and
13 safety standards.

14 (2)(a) The performance audits shall assess how the agency is
15 administering the programs and enforcing the relevant laws,
16 including:

17 (i) Whether the agency conducts an adequate number of inspections
18 and meetings or other direct contact with the workforce; and

19 (ii) The agency's education and outreach to farmworkers regarding
20 health and safety standards, including outreach in appropriate
21 languages.

22 (b) The committee shall make recommendations to improve service
23 delivery and effectiveness in providing greater protections and
24 meeting the needs of farmworkers.

25 (3) The committee must submit a report to the appropriate
26 committees of the legislature by December 1, 2023.

27 (4) The joint legislative audit and review committee shall
28 conduct performance audits on the employment security department's
29 performance in its role in the H-2A program.

30 (a) The performance audit shall assess how the agency is
31 fulfilling its role in the program and using the enforcement
32 mechanisms available to it.

33 (b) The committee must submit a report to the appropriate
34 committees of the legislature by December 1, 2024.

35 (5) The joint legislative audit and review committee shall
36 conduct performance audits on the state department of agriculture's
37 administration of the laws and rules related to pesticide safety that
38 are intended to protect farmworkers from hazardous exposures.

1 (a) The performance audit shall assess how the department is
2 enforcing the relevant laws, including when the department
3 coordinates with the department of labor and industries and the
4 department of health.

5 (b) The committee must submit a report to the appropriate
6 committees of the legislature by December 1, 2025.

7 (6) This section expires December 1, 2026.

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