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**HOUSE BILL 2102**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Ortiz-Self, Valdez, Santos, Taylor, Berry, Pollet, Ramel, Ryu, and J. Johnson

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

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

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

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

NEW SECTION. **Sec.**  (1)(a) The Washington institute for public policy shall conduct a comprehensive study to assess specific needs, as provided in subsection (2) of this section, of farmworkers in the state in order to help policymakers determine whether those needs are or are not being met by state administered programs, policies, and statutes.

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

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

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

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

(b) Temporary worker housing; and

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

(3) The study must include:

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

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

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

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

(5) This section expires December 1, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) This section expires December 1, 2026.

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