




STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
P.O. Box 42560 • Olympia, Washington 98501 • (360) 902-1800

DATE: February 26, 2024

TO: Eric Thomas, Legislative Auditor  
Joint Legislative Review and Audit Committee

FROM: Derek I. Sandison, Director 

RE: **WASHINGTON STATE DEPARTMENT OF AGRICULTURE (WSDA)  
RESPONSE TO JLARC PRELIMINARY AUDIT REPORT FINDINGS**

Thank you for the opportunity to respond to the Joint Legislative Audit and Review Committee's preliminary report titled "ESD Administration of the H-2A Temporary Worker Visa Program."

The Washington State Employment Security Department (ESD) provided WSDA with their response to the report's one recommendation. WSDA is providing this response in addition to ESD's response to note our agency agreement with ESD's position and our commitment to work with ESD to meet the report's recommendation.

**LEGISLATIVE AUDITOR RECOMMENDATION:**

**ESD should work with DOH, L&I, and WSDA to provide a plan for determining interagency coordination for field checks.**

State statute requires that ESD coordinate with DOH, L&I, and WSDA in the execution of field checks. ESD is currently working on an interagency agreement with L&I to coordinate field check activity. ESD should provide the Legislature a plan for extending that interagency coordination to include DOH and WSDA as required by state statute. The plan should have clear timelines, measurable progress benchmarks, and achievable outcomes.

Legislation Required: None

Fiscal Impact: JLARC staff assume this work can be done within existing agency resources.

Implementation Date: November 30, 2024

Agency Response: To be included in proposed final report.

**ESD COMMENTS:**

ESD's response to the recommendation accurately reflects WSDA's limited regulatory role in the federal H-2A program. Because WSDA has no justification for the H-2A program, it has no staff or other resources to participate in the field checks as required under RCW 50.75.020(2)(b). WSDA is in constant contact with the Department of Health, Labor and Industries, and Employment Security to stay informed on any issues that may arise and need WSDA's attention.

**WSDA POSITION:**

In addition to ESD's response to the recommendation, WSDA would like to add and clarify that it does not have a compliance role in the H-2A program. WSDA will continue to collaborate with the three agencies and will do so whenever it is deemed necessary or appropriate.