



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

P.O. Box 44000 • Olympia, Washington 98504-4000

March 1, 2024

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

From: Joel Sacks *JS*
Director

Re: **L&I 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 "Pesticide Safety Programs to Protect Farmworkers."

L&I, WSDA and DOH have coordinated amongst themselves and are providing concurring responses to the report's cross-agency recommendations. While each agency is submitting their own response, the agency position and comments as it relates to the cross-agency recommendations are substantively the same as the agencies agree to continue to work together to meet the recommendations of the report.

RECOMMENDATION #1:

WSDA and L&I should create a formal agreement to share inspection information that will support inspection scheduling, avoid duplication, and maximize resources.

WSDA and L&I have a formal agreement for coordinating on investigations but have no formal agreements for sharing information about routine inspections. Doing so could better target resources and avoid duplicate inspections.

AGENCY POSITION:

L&I concurs with the recommendation.

COMMENTS:

L&I and WSDA are currently in the final stages of updating our agency's existing Memorandum of Understanding. The updated Memorandum of Understanding (MOU) will include ways in which to coordinate action by the agencies for any investigations or inspections related to the Worker Protection Standard and to maximize the leveraging of resources and minimize duplicative actions. While we do not have a definitive timeline for this agreement to be finalized

it will become effective upon signature and will continue for 5 years with the ability to renew for an additional 5 years.

Recommendation #4:

WSDA, L&I, and DOH should define common outcomes for farmworker pesticide safety, develop plans to monitor, assess, and communicate their achievement of those outcomes, and leverage resources and information to improve prevention efforts and administer programs.

- Best practices in performance management direct agencies to:
 - Establish common, measurable goals and outcomes.
 - Develop plans to monitor, assess, and communicate progress to ensure accountability.
 - Use the results of their monitoring to improve their efforts and leverage resources and information.
- If the agencies define their common outcomes, establish systems to monitor and measure performance, and share resources, they will be better able to protect farmworkers from hazardous pesticide exposures.

AGENCY POSITION:

L&I concurs with the recommendation.

COMMENTS:

WSDA, L&I, and DOH collectively recognize the importance of establishing common outcomes for farmworker pesticide safety. Our agencies will work collaboratively to develop a comprehensive plans to monitor, assess, and communicate achievements in enhancing farmworker safety and health. Recognizing the challenges in measuring these outcomes, we are dedicated to leveraging our collective resources and information to improve prevention efforts and efficiently administer our programs.

All three agencies have representation on both the Pesticide Advisory Board (PAB) and the Pesticide Application Safety Committee (PASCO) which provide a structured forum for conversation and collaboration. In addition, there are monthly meetings between team managers of WSDA, DOH, and L&I, to facilitate in-depth discussions and planning. We aim to establish effective, measurable outcomes that reflect our commitment to protecting farm workers from pesticide exposure and enhancing overall safety standards.

CONCLUSION:

Beyond the cross agency work identified above, L&I will also continue to offer and encourage employers to utilize our consultative services to help employers ensure farmworker safety for pesticides as well as all other potential workplace hazards.

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L&I would like to thank the JLARC audit staff for their work and dedication to this topic and we look forward to continued collaboration with JLARC on the additional L&I study to “Evaluate how L&I investigates and enforces laws about wages, hours, health and safety standards, and worker harassment, discrimination, or retaliation.”

cc: Aaron Cavin, Research Analyst
Ryan McCord, Audit Coordinator
Caitlin Gates, Senior Policy Advisor