Welcome

Judge Gonzalez
We welcome you into this space, this is where we work, and I would like to introduce Judge Mary Yu.

Judge Mary Yu
This is a public space, your space as well. We make very important decisions here which is why you are always welcome to come, today, the day after and days to come. I'm going to join and listen and learn, I want all of you to know my roots are the same. My mother was a farmworker and came as a farmworker. Thank you.

Rosalinda Guillen
This is our 7th annual farmworker tribunal in Olympia. Let me explain what a people's tribunal is and what a farmworker is:

Statement prepared by C2C.
I would like to introduce you today to the farmworker judges. Aurora Martin is a sister,

Aurora Martin
I am her sister, I am the co-director of Front & Centered of which C2C is a member of and we do work statewide.

Rosalinda Guillen
Aurora comes from the filipino

Wendy Pantoja
My name is Wendy Pantoja, I work on issues of immigration and migration. I don't work for an organization but I think we should be with the people at the root, and here we are talking with the latino community and indigenous communities that are being criminalized.

Mary Jo YBarra Vega
My name, I am one of you I'm a mother and was a farmworker just like my parents. I'm here as a citizen as a fellow sister and am hoping to here

Deborah Lekanoff
Hi good afternoon, My tlinket name is it comes from the very small river systems where the fish grow, where little frogs live, it's been passed down since time immemorial. I tell you this because it is a way to introduce me. Your community has welcomed me....my hands are tied. I am the only Native American woman serving in the legislature. The decision today has to be made for every child, my grandchild and everyone yet to come. I think WA state welcomes this new way that our diverse communities are making decisions and making sure that the decisions we make today impact everybody. There was a time when the legislature was one gender, one colore, same color hair. Now it is very divers, many different values, reflecting what the people who call this place home
February 10, 2020
Seventh Annual Farmworker Tribunal

are. As a first American to this beautiful nation it is important that we walk together, carried in my hand just like this hand which is my native american community.

**Rosalinda Guillen**
These judges are chosen because we know their actions and they have demonstrated that they are with us by their actions. The judges and the folks that spoke to us are people that we invited because we know them and it is important for us to know this.

*Continued prepared document*
We are Community to Community Development led by women. Community to Community is in its 16th year of existence in Washington State. At this moment as an organization we ask you to help us reach another level of organizing, peace, love and resistance and that we are no longer going to tolerate oppression that treats us as machines. The earth, the water, the air and the fire. Because we are people of the land, but we deserve justice. At this moment we move to our testimonies and we will begin with the testimony of the President of the Independent Farmworker Union of Washington State that is a new chapter in Washington History.

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**Farmworker Testimony**

**Ramon Torres - President, Familias Unidas por la Justicia**

Good afternoon, my name is Ramon Torres, I'm the president of FUJ. I am going to testify about how we've organized. We are a farmworker union and we have to recognize that farmworkers in this country do not have the right to organize. My experience begins in 2012 when I began to work at Sakuma Brothers Farm. I witnessed what was being done to our people, in particular to children. We as farmworkers and migrants we knew what we came to do, we knew we weren't going to be accepted, but we decided to come to make a living for our families. Unfortunately in the United States it's different, children age of 12 can work in the fields. Farmworkers who pay into taxes will not recieve it. Six years ago we didn't have lunches, we didn't have breaks, anything we asked for we would face repression. We were seen as problems for the company. In 2013 400 farmworkers stopped working to ask for a wage rates. The company made reprisals. We had to organize ourselves, we got to know CLS, and demonstrated wage theft. At the same time we had the opportunity to create a new union, one that would meet the needs of workers. That would fight. That would provide benefits. This was our struggle for 3.5 years. The company instead of recognize us, opted to fight against us, all of the money they would have saved used it to retaliate against us, contractors and consultants to fight us, we were all in the labor camps. One of the worst thing is that we see our people suffer. Those of you who haven't picked berries we pick in June, in the rain, on our knees. Six years ago you couldn't take breaks, leave work, until you finished blocks. If you left they would take your id's and have no job. Many of us came from California. do you know what a child earns? 85% of the minimum wage, but they have to work as an adult. American Citizens working so that all of you can eat fresh fruit and vegetables. We are also seeing people 60-70 years old still working in the fields. They put money into medicare and taxes but will never see it. It's sad that these people that worked for 40 years and paid in don't get to benefit from that. It's a sad situation. Our only answer is more unions. Independent unions where we can fight. We have to force them to obey the law because if we don't organize we will never gain. Most important thing was the signign of our collective bargaining agreement. A new structure where workers are leading.

Bill 6261, i don't know if you heard but we are in favor of the bill because the bill protects workers from being exploited by labor contractors here in WA. We don't want to see what has happened in California. Something very classic is that they pay in cash, don't give breaks, pay by contract, no one knows what hour people work. Checks bounce. A lot of times they call
immigration instead of paying at the end of the season. We don't ahve a way to complain and get support if you are injured in work. In this new law you have time to file a complaint

Rosalinda Guillen
Synthesis - it is important to point out that all of us are farmworkers.

Tomás Madrigal - Food Systems Researcher, Community to Community Development

How does one measure the value of the life of a farmworker? Yes, we have a legal measure that has been used in lawsuits around pre-mature wrongful deaths that are tied directly to their immediate employer. This formula, thanks to Labor Unions, takes into account the farmworkers wage, their projected lifespan and takes into consideration their past earnings. But this making "whole" of a worker, union jargon, only covers a fraction of the value of a human being and can only be charged when there is clear and ample evidence of wrongdoing and intent of wrongdoing on behalf of the employer. You can imagine how often those conditions align.

This is not enough.

According to the Washington State Department of Health, Hispanics are 12% more likely to experience generally fair or poor health compared to other Washingtonians (DOH 2013). It is important to note, that Hispanics in Washington state die twice as many times from Liver disease compared to the rest of the state (ibid). Further, Hispanics account for 66% of Washington State’s premature deaths of people younger than 50 years old, and 44% for people who die younger than 65 years old (ibid).

There are approximately 228,588 farmworkers in Washington state (UCS 2019; Census of Agriculture 2017). There is ample evidence of the negative impact of exposure to chemical pesticides and fungicides used for industrial agricultural purposes on the long-term health of human beings (UCS 2019; EPA 2017; Scholarczyk et al, 2017; VoPham et al, 2017; Zhonghua et al, 2017; Nedellic et al, 2016; Prado et al. 2016; Robinson et al, 2014; Zhao et al, 2012; WSDA 2011; Zhao et al, 2011; Pati et al, 2009; Jaga & Dharmani, 2005; Pulido 1996). Twenty-one years of data comes from the only longitudinal study on Mexican-origin farmworker children at University of California in Berkeley (N=600) found that children prenatally exposed to higher levels of OP pesticides exhibited poorer cognitive functioning compared to children exposed to lower levels (EPA 2017). The University of Washington (N=15,000) recently conducted a public health education campaign aimed at reducing the "take-home pathway" that contributes to pesticide contamination in homes of farmworkers where young children are present (Ibid). The UW study documented that concentrations of agricultural pesticides were higher in the homes and vehicles of farmworkers compared to those of non-farmworkers. This suggests that the vehicle used to for travel to and from work can be a source of exposure to family members in Washington State. The Union of Concerned Scientists reported that "Washington's average pesticide application rate is 4.5 times the national average" (UCS 2019). This is a recipe for

CASE STUDY 1: PESTICIDE POISONING

A Mixteco Migrant farmworker reported that in 2012 she experienced an extreme reaction to the cold weather during the strawberry harvest where she was hospitalized for a week and developed respiratory complications. She shared that later that season she was exposed to pesticides at work. She reported that a drop of dew laden with irritant pesticides fell into her eye from a
blackberry bush leaf and she went home as a result. Meanwhile, because she lived in a labor camp that did not have good insulation or ventilation, the field adjacent to her home was sprayed by tractor while she was in her cabin. She developed a blood infection. The doctor at the clinic told her that the blood infection was caused by her exposure to pesticides. She reported that she was paying close to $1,000 out of pocket for the prescriptions to the medication she needed to heal from her blood infection. (Tomás Madrigal's Ethnographic Journal)

A team of national subject matter experts on pesticides reported in 2016 just how difficult it was to track pesticide illnesses due to many reasons including limited English proficiency, the nomadic nature of migrant farmworkers, and the incompetence of clinicians to be able to recognize pesticide-related illness, all matters supported by Seth Holmes ethnographic study on farmworker health (Prado et al. 2016; Holmes 2014). They reported, "a person fails to perceive that they have a treatable condition; the affected person doesn’t seek care; the person is misdiagnosed; the clinician fails to take an occupational history and fails to recognize that the condition is work-related; and the clinician fails to comply with the legal requirements to report the illness to public health authorities” (Prado et al, 2016).

The book Fresh Fruit, Broken Bodies (2014) chronicled the long-term damage caused by the repetitive motions farm labor on farmworker bodies in a group of migrant farmworkers in Burlington, Washington.

**CASE STUDY 2: REPETITIVE MOTION WORKPLACE INJURY**

In 2019, a farmworker injured their hand while using pruning shears in the extreme cold of the winter. He recalled that the foremen wanted him to work even though his hand hurt. That he would ask to leave because his hand hurt too much so the foreman would give him a ticket because he didn’t meet the production quota on the day he left early. He would advocate for himself, asserting that he needed some days to recuperate but this made him a target for constructive-discipline. His second ticket was issued for insubordination for defending himself. The worker quit and by the time of the interview several weeks later his hand was still hurt. (Farmworker Interview by Tomas Madrigal 2019)

In December of 2019, the Union of Concerned Scientists published a report that cautioned that "Pesticide exposure and heat stress conditions combine to present significant risks to the health and safety of the nation's farmworkers" (UCS 2019).

This landmark report supported by the scholarship of an international body of scientists and subject matter experts from different fields was a caution against the compounded impact of climate change and existing levels of industrial practice that further increased the vulnerability of farmworkers to harm and premature death.

Washington State was one of the case studies of the report. The deeper findings in the appendices illustrated just how Washington relies upon pesticides at a rate 4.5 times higher than the National average (UCS 2019). Further, that it does not rely upon less risky pesticides such as Sulfur on an industrial level compared to California for example. Though the report focuses on heat-related impacts because there is a direct correlation between the weather and an increased possibility of exposure, the impact of climate change to our specific region is felt most when pesticide application, extreme heat, and smoke from increasing wildfires compound to make pre-existing conditions that farmworkers may be experiencing life-threatening.
CASE STUDY 3: PRE-MATURE DEATH

Honesto Silva Ibarra was an H2A visa guest worker and 27-year old father of two from Mexico. He died in Washington state [in 2017], as a worker at Sarbanand Farms. Around the time he became ill, other workers at the same farm were reported ill, dehydrated from the extreme heat and heavy smoke from the summer forest fires (KCBS 2019).

Increasing the wellbeing of Farmworkers is about Prevention and Public Health Education. Valuing the life of a farmworker means making the health disparities visible via storytelling and via exposing the data. Meeting the basic human needs of safety, dignity, belonging, and agency. The farmworker tribunal serves as a meaningful space that we create within Community to Community's Ecosystem of Care where all of the above are met in order for farmworkers to speak truth to power and help us build the future world in the present context.

Stepheny Lopez - Community to Community
I am from Skagit county. I am a Chicana first generation college student and I am not happy by what I have witnessed or experienced. I have not seen any teachers of color, I have seen none at college. There is a lack of support to hire teachers of color. Administrators promise us to hire people of color but they don't end up hiring them. They are always denying us. I want to point out that the public school systems do not provide ethnic studies. We are tired of not knowing where we come from. We all have an opportunity to go into higher education but when we are denied this it becomes a barrier to us. In high schools there are more police officers and security guards than counselors. In Latinx communities there are ICE raids and Students have the right to see themselves in higher positions. So they can be there for younger generations.

A student might not feel safe because they are being criminalized. many are afraid of police officers because they are afraid of African American and Latinx community. We are tired of these traumas.

All of this is just a loop and it's affecting the young ones. I live in Mt Vernon and there is a lot of Latinx. I go to Mt Vernon high school and there are no Latinx staff. We cannot be who we want to be. These rules have to change for us to be successful. These have to change to be more diverse.

Areli Dominguez Maya - Community to Community Promotora
I'm a promotora for C2C in Skagit County. There's a lot of injustices in our communities, to violation of rights to pesticides, to inequity in our schools but in reality there's more than that. It's just a small fraction of what I've heard about in our communities. We have talked to hundreds of Latinos as Promotoras. One of the things we have focused on is for our community to engage collectively so that the community can lead the community. For the Census, we are working door to door to bring this information. one of the things that we have found difficult. Our communities members are still misinformed about the citizenship question in the Census. The citizenship question is not in the census, but a lot of community members don't know that. In many rural areas people don't have this information, which leads to less representation, here at the state and in Washington DC. We had suggested for folks to get licenses because in other states they can't do that. But the DOL shared their information with ICE and they no longer have trust because a lot of people got
picked up. We failed them because we told them they could go get these licenses, and it didn't work.

Racial profiling in Mount Vernon is rampant. We have a family who three years ago their 23-year-old son was playing Pokémon Go waiting for his girlfriend. He was in a white neighborhood. They called the cops on him, three police showed up and had him in cuffs. That same family experienced racial profiling two weeks ago, but this time it was the Dad. They kept asking if his driver's license or plates were fake. They stopped him because the police thought he was suspicious.

This is just a small fraction of the concerns that our communities have. They continue to have a lack of representation in Washington, and Washington DC, they make decisions that effect us and we have not been at the table. Our communities don't have justice.

Not only this, but right now we are in the supreme court, it's ironic because in Mount Vernon people have been kidnapped by ICE at the courthouse. Where's the justice? We are here to ask for justice for farmworkers to be paid overtime, to stop the abuse, and to end the piece-rate system. Because it doesn't help us individually but it helps us as a society. Our courthouses have to be where everyone can get justice. We ask for equity in education, that we end the school to prison pipeline, more representation in staffing. We also demand the abolishment of ICE and protect all of us from the poisons of pesticides. We ask you all to help us to change these systems and for you to listen.

Key comments from Justices during Farmworker Tribunal Deliberations

Wendy - Is there a statistic for how many people are exposed to Pesticides in Washington State?

Tomas - No, there are RCW's and rules for Washington State agencies to maintain surveillance that data but it has not been made available to the public since the mid 2000s.

Aurora - Is there any data about the effect on cognitive development of pesticides?

Tomas - Yes - The EPA published a report in 2017 demonstrating long term data.

Mary - Is there opportunities to help educational equity?

Stephenny - I am the president of Red Group, a club that is a safe space for undocumented students. A place for allies to come and learn. In the past we've done meetings with Tom Keegan the Skagit Valley College president and demanded a safe space for Latinx Students and demanded more teachers of color. Last year they told us they were going to hire four more people of color, we were excited. But none of them got hired. We were very disappointed because we thought that what is wrong with the college that faculty of color don't want to come. Tom Keegan is very picky on who he picks. Last year students got together and demanded a safe space. We got the diversity center. It's a room full of diversity. At the high school it's completely different. I am in a club named LUCHA, and our Superintendent who is retiring, recently came to talk to us about how can Mount Vernon High School get 100% graduation and improve the
graduation of Latinos. We are majority Latinos, yet more white students are graduating. We ask for ethnic studies, but they tell us there’s no money.

We are advocating but we can’t gain much

Wendy - Ramon, you talked about children working on the farms, is there still children working on the farms? Also a few years back, I saw H2A workers, I would like to know if H2A workers are monitored by the consulates? Is there any supervision? Years ago we witnessed that was not so, people even died.

Ramon To start with minor children we put it in the contract that our company cannot hire any children under 16 years old. So right now in Sakuma there are no children working, but we can’t do this throughout the State. Under the negotiations we came to this agreement. Children under the union contract earn a full wage, not 85%, it’s not completely what we want but it’s what we’ve been able to gain. We want children to enjoy their childhood and summers.

Regarding H2A, sadly we have had a death in 2017, many of the consequences have to do with the company. But the company still refuses to admit. We also had 7 colleagues with same symptoms, we have a class action law-suit accusing human trafficking. These workers were brought to Washington from California with expired visas. In organizing we learned they were being served spoiled food, there were no breaks or lunch leave, or compensation for prep time (Non-productive time) as required by law.

Less than a month ago we won this lawsuit the workers won $3.7 Million. This is also getting rid of the ticket system, this lawsuit was won, but there was another lawsuit of workers suffering reprisals for complaining in Quincy. At the end of the season they were sent home and the next year they weren’t hired. 18 of those workers, the company now has to rehire them year after year. These are some of the lawsuits we won under the strikes. The housing conditions are bad. The working conditions are bad. They are causing infighting between H2A and domestic workers.

Aurora Has the hours that farmworkers work changed because of climate change?

Ramon Yes, last year it snowed in March. By that time the plants are blossoming. The company in Sakuma lost blackberries, and there were other blocks that were burnt by frost. Things like this change the seasons that we work. Now because it is hotter, we have to work earlier to try to leave work earlier. 4:30 in the morning to 6:00pm.

Mary Jo - Are you seeing a change when it is too hot. Is there a difference because it’s hot, do you see workers being asked to come back at night, working twice a day?

Ramon - Yes, it’s happening in Lynden. This is coming from California. Because we work 5 hours in the grapes and stop at noon or 1pm, then we start from 5-7pm. This happened in Lynden and Sumas when there were hot days, the growers called the workers in to “tardiar”
2020 FARMWORKER TRIBUNAL RULING

On the basis of the testimony received, the 2019 Farmworkers Tribunal Justices rule the following:

DENOUNCEMENTS

The 2020 Farmworker Tribunal Justices denounce that farmworkers and the farmworker communities in the United States and around the world, have endured the vestiges of slavery as manifest in the laws, policies, and practices which result in inequitable workplace conditions, labor violations, systemic discrimination and unfair barriers to community resources, including access to justice, basic health, education, safety, and public infrastructure.

The 2020 Farmworker Tribunal Justices denounce that in Washington, children as young as 12 are legally paid at 85% of the minimum wage.

The 2020 Farmworker Tribunal Justices denounce companies that do not compensate workers for the cost of care incurred from being injured at the workplace by pesticide exposure.

The 2020 Farmworker Tribunal Justices denounce the lack of access to healthcare for vulnerable farmworkers.

The 2020 Farmworker Tribunal Justices denounce the lack of access to Justice caused by ICE conducting raids in the courtroom.

The 2020 Farmworker Tribunal Justices strongly condemn human labor trafficking as exemplified by Sarbanand Farms moving H2A workers with expired visas across state lines in 2017.

GENERAL RECOMMENDATIONS

The 2020 Farmworker Tribunal Justices recommend that the state of Washington agencies required to collect data on surveillance of pesticide illness and exposure, premature deaths, and workplace injuries by RCW or Rule to systematically make annual reports available to the public.

The 2020 Farmworker Tribunal Justices recommend having promotoras from C2C be trained to work with Youth in the Skagit Valley.

The 2020 Farmworker Tribunal Justices recommend for C2C and FUJ to draft a Farmworker Bill of Rights for Washington, which should incorporate a comprehensive vision which includes agricultural worker protection, opportunities, and community aspirations advancing equity across generations of farmworkers and farmworker families. This bill of rights, should include the systemic issues of access to fair, equitable,
and environmentally sustainable, labor conditions, health, justice, education, economic development, and community infrastructure.

LEGISLATIVE RECOMMENDATIONS

The 2020 Farmworker Tribunal Justices recommend that Washington State legislators pass with undo haste SB 6261 - An Act relating to strengthening the farm labor contracting system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations.

The 2020 Farmworker Tribunal Justices recommend for the Washington State legislators to pass with undo haste SB 6522 - An Act relating to the courts open to all Act.