



EMPOWERING FARMWORKERS TO ADVANCE JUSTICE

1981-2021



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“Every day, the Board & staff of Farmworker Justice work tirelessly to raise the voices of farmworkers in our judicial system, in Congress and the White House. As a former member and chair of the Farmworker Justice Board of Directors, it is my honor to celebrate and congratulate you on your many achievements, especially this 40th Anniversary milestone.”

- Grizelle Apodaca, Former Farmworker Justice Board Chair





FOREWORD FROM OUR

PRESIDENT



In 1981, a small group of farmworker advocates came together to work toward a common goal: to improve the lives of some of the hardest-working, lowest-paid, and most exploited people in America — the people who labor on our farms and ranches. That group formed Farmworker Justice Fund, Inc., now known as Farmworker Justice. Over the past 40 years, we have worked to advance laws, regulations, policies, and practices to enable farmworkers to improve their living and working conditions. Most importantly, we have aimed to help farmworkers and their organizations to build and exercise their power to raise their voices and win changes that improve their conditions.

We enter our fifth decade in the shadow of harsh policies of the previous Administration and in the midst of the COVID-19 pandemic. Farmworkers and their families were directly affected by the anti-immigrant, anti-worker, anti-government regulation policies during the last four years of the last decade. The coronavirus has had a devastatingly disproportionate effect on farmworker communities; farmworkers are expected to continue working as “essential workers” in our agriculture and food systems but are often denied the support they and their families need to stay safe while earning a living.

Farmworker Justice has continued to demonstrate its commitment and effectiveness in service to the farmworker community. Our decades of experience positioned us to continue advocacy, litigation, and capacity-building assistance in our core priorities, quickly assess how COVID-19 affected the community, and identify, advocate for, and deliver support to enhance farmworker safety and wellbeing. Still, once the pandemic is over, the core challenges faced by farmworkers will remain.

We should not lose sight that we celebrate our 40th anniversary alongside new opportunities to move the needle on the root causes of poor conditions for farmworkers. The increased interest among consumers in food and how it is produced accelerated during the pandemic. The pandemic’s threat to our food supply heightened awareness of challenges farmworkers face. We will build on increased public awareness and consumer pressure for corporate responsibility bolster our efforts to empower farmworkers to win a greater measure of justice.

We thank our many supporters for the charitable contributions, grants, volunteer services, collaborations, and many other forms of support. Farmworker Justice does not charge farmworkers or their organizations for our valuable services, so we count on you to make our work possible. I personally want to thank our supporters for the privilege of working for 33 years for this organization and the cause of justice for farmworkers. With your support, Farmworker Justice will have a bright future.

As we move ahead, we want to take this opportunity to reflect on where we have been, celebrate our impact throughout the organization’s history and strategize about our future work. In the pages to come, we will celebrate our successes, reflect on challenges, hear from our partners and supporters, and most importantly, hear from farmworkers themselves.

Again, thank you.

A handwritten signature in black ink that reads "Bruce Goldstein".

Bruce

WHO WE SERVE

1 | On Capitol Hill

2 | In Administrative Agencies

3 | In the Courts

4 | With Farmworkers and Farmworker Organizations

5 | In the Public Eye



On Capitol Hill

We give a voice in our nation's capitol to a population that would otherwise not be heard. Through education, advocacy and defense, we stand up for farmworkers in Congress.



In Administrative Agencies

We seek policies that work and enforcement of the laws meant to protect the nation's farmworkers against unfair employment terms and dangerous working conditions.



In the Courts

We fight back against illegal actions by government and private employers by representing farmworkers and their organizations in lawsuits.



With Farmworkers and Farmworker Organizations

We provide training, leadership development and technical assistance on immigration rights and labor protections, occupational safety, and health.



In the Public Eye

We work to raise public awareness about the plight of farmworkers in the US and promote meaningful solutions to improve farmworkers' living and working conditions.

"In the legacy of farmworker leaders like Cesar Chavez and Dolores Huerta, Farmworker Justice has been an exemplary leader for forty years in bringing basic human dignity to the living and working conditions of the workers who feed us. CRLA celebrates its relentless pursuit of Justice on their behalf."

- Jose Padilla, Executive Director of California Rural Legal Assistance, Inc.





FARMWORKER'S LIFE

In 2020, amid the backdrop of a global pandemic, the world became aware of something we at Farmworker Justice have known all along—that farmworkers are essential. Despite the increasing use of machines in agriculture, nearly all fresh fruits and vegetables must still be cared for and picked by hand. The labor of 2.4 million farmworkers in the United States is essential to bring fruits, vegetables, milk, and other products to homes across the nation and throughout the world.

Migrant and seasonal farmworkers labor in most states. For example, they pick oranges in Florida, cucumbers in North Carolina, apples in Washington, blueberries in Maine, chile in New Mexico, cherries in Michigan and nearly all non-tropical fruits and vegetables in California. When the pandemic temporarily disrupted the national food supply chain, more people in the U.S. grew concerned about their ability to purchase food even if they had the means to do so—so many products were simply unavailable for a period of time. The public and policymakers increasingly are recognizing that farmworkers are indispensable.

The pandemic also highlighted something else we want the world to know—farmworkers have traditionally been treated as dispensable, and the exploitation they face cannot be overstated. Farmworkers have never received basic protections afforded to other workers in this country. The men and women hired by farm owners often work 10–12-hour days for six to seven days a week to earn poverty-level incomes and few, if any, benefits like sick leave or health care coverage. Unsanitary and unsafe conditions are often present in the pesticide-saturated fields, threatening farmworkers and their children who often join their parents in the fields to help make ends meet. It was no surprise that farmworkers were more likely to be negatively affected by the coronavirus and its health and economic fallout.

The harsh conditions stem from federal and state governments' tendency to be more amenable to agribusinesses' desires over farmworkers' needs or even basic fairness. Lawmakers have failed to enact laws that adequately protect farmworkers from long-standing and common abuses. In fact, some laws that provide protections to other categories of workers explicitly exclude farmworkers. Even when labor protection laws are on the books, they are often inadequately enforced, putting farmworkers' health and wellbeing at risk. Further, language barriers, lack of awareness of rights, and fear of repercussions—including wage loss and deportation—keep farmworkers from



advocating for themselves and from seeking government assistance for which they may be eligible.

Our work is not done. We have led and collaborated on efforts that resulted in significant improvements for farmworkers' lives in the past 40 years. With these abuses still pervasive, we remain committed to the drive and passion for justice that moved our founders and look forward to driving more positive changes in the years to come.



OUR MISSION:

EMPOWERING FARMWORKERS TO ADVANCE JUSTICE

The mission of Farmworker Justice is to empower farmworkers and their organization to improve wages and working conditions, improve occupational safety and health, improve immigration status, and improve access to the justice system. These four broad goals have shaped the agenda of Farmworker Justice since the beginning. Our founders decided that a multi-faceted approach would work best in pursuing these goals. Their agenda included a strategic mix of administrative and legislative advocacy, training and technical assistance, coalition-building, public education, litigation, and support for union organizing. Specifically, to achieve its goals, the organization would:

- Monitor and analyze decisions by federal and state policymakers and the courts that affect farmworkers.
- Advocate with state and federal administrators and policymakers for policy improvements, investigations, and enforcement of farmworkers' rights.
- Provide technical and legal assistance and training to farmworkers and the nonprofit organizations and government agencies that serve them.
- Act as a clearinghouse.
- Educate the public about farmworker conditions and solutions; and
- Pursue litigation against governments and employers that violate the law.

Forty years into our work, our core priorities, and strategies remain largely the same. We have also responded to new and emerging threats, like COVID-19, and taken advantage of new opportunities, including social media, participating in international collaborations, and innovative corporate social responsibility initiatives.

This booklet is a celebration of the progress we've made in the past 40 years and a reminder of the challenges that we at Farmworker Justice still face in meeting each of our four goals to improve conditions for farmworkers. The timeline included in this booklet highlights our key accomplishments over the past 40 years. These victories represent Farmworker Justice's dedicated staff's hard work and the tireless efforts of migrant farmworkers and farmworker advocates, whose steadfast commitment to justice continues today.



"Farmworker Justice is as relevant today as it was 40 years ago. Congratulations and keep on fighting to improve the living and working conditions of America's essential farmworkers."

- Lupe Martinez, CEO of UMOS, Chair of the National Farmworker Alliance, Farmworker Justice Board member, and former migrant farmworker





ADVOCACY AND BEYOND

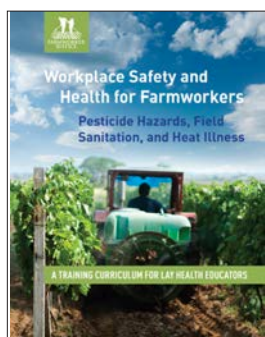
FARMWORKER JUSTICE & THE WORKER PROTECTION STANDARD



Each year in the United States, an estimated 1 billion pounds of pesticides are used, leaving the 2.4 million farmworkers in the U.S. at risk of dangerous exposure over their working years. While most workers in the country benefit from federal and state occupational safety and health protections, farmworkers are often left out of those standards. Farmworker Justice was among the leaders of advocates' efforts to ensure some pesticide protections when the Environmental Protection Agency (EPA) first adopted its Worker Protection Standard (WPS) in 1992.

The initial WPS fell short. It was notoriously difficult to enforce, did not require record-keeping to document whether rules were followed, and only required minimal training on the risks that pesticide exposure can pose to workers' children and families. Additionally, it was designed with only adult workers in mind. But agriculture is different from most other industries in that it allows children to join labor crews at 12 years old – even at 10 in some circumstances – and these children were exposed to pesticides on the job.

The EPA was supposed to revise the WPS in 2000 but failed to do so until 2015, after many years of advocacy from Farmworker Justice and partners. The revised rule issued by the Obama Administration: established a minimum age of 18 for pesticide handlers; increased the frequency of worker safety training from once every five years to every year; improved the content and quality of worker safety training; provided new rules on decontamination and personal protective equipment and improved the quality of information that workers receive about the pesticides that have been applied at their workplace.



Once the EPA published the revised regulation, Farmworker Justice pivoted to help farmworkers understand the changes in the law and continued to work to help them understand their right to a safe workplace and environment. A large part of that work then and now is our robust training curricula covering protections under WPS and other vital information to help farmworkers keep healthy, including these recent resources:

- 2020 Clinician's Guide to WPS
- Pesticide Hazards, Field Sanitation, and Heat Stress for Farmworkers: A Training Curriculum for Lay Health Educators

The EPA, under the Trump Administration, sought to weaken and remove components of the 2015 improvements in the WPS. Through Farmworker Justice's and partners' advocacy, Congress restricted the EPA from making most of those changes. When the Trump Administration later sought to weaken the WPS provision regarding spray drift that could poison farmworkers and their children, Farmworker Justice and co-counsel represented several farmworker organizations in a federal lawsuit that resulted in an injunction barring the EPA from making the change.

WAGES AND WORKING

CONDITIONS

Farmworkers are a tremendous asset to our national economy. In 2020, the work of over 2.4 million farmworkers helped support the nation's farms' sale of \$136 billion worth of products. Nearly half of those products are crops sown, tended, harvested, or packed by farmworkers. Despite this contribution—and the fact that they work long hours in often dangerous conditions, most farmworkers barely earn enough to make ends meet. The average individual farmworker earns under \$20,000. Few farmworkers receive fringe as like health insurance or paid sick leave. All in all, one out of every three farmworker families earn incomes below the federal poverty line despite working long days up to six days a week.

Farmworkers have been living and working in conditions made worse by the Trump Administration's harmful rhetoric and anti-worker, anti-immigrant policies, which put them in an even more vulnerable position when COVID-19 hit. Farmworkers were compelled to continue their work as government-designated essential workers during the pandemic. But employers and the U.S. government continued to devalue farmworkers' labor and put their lives in danger. Many employers did not provide paid sick leave, health insurance, necessary protective equipment. Many failed to allow for social distancing at work, during transportation, or in housing. The Trump Administration did not establish enforceable safety rules to protect farmworkers from the virus or provide instruction to employers on handling outbreaks despite the efforts of Farmworker Justice and its partners. As a result, farmworkers have been more likely to contract the illness than others.

The U.S. government set the stage for exploitative conditions for farmworkers long before the pandemic. The United States has routinely and expressly excluded agricultural laborers in laws and programs that protect most other American workers. The U.S. government also fails to adequately enforce the few laws that do protect farmworkers' legal rights. For example, these measures currently exclude agricultural workers in whole or in part:

- They are not covered by federal overtime pay requirements set by the 1938 Fair Labor Standards Act.
- They are not entitled to the federal minimum wage of \$7.25 per hour if they work for growers with fewer than seven to eight farmworkers.
- They are not covered by most of the basic worker protections established by the Occupational Safety and Health Administration (OSHA)—including the right to know the nature and effects of harmful chemicals with which they work.
- They are exposed to highly toxic pesticides that should have been banned by the Environmental Protection Agency (EPA) and often do not receive hazard warnings in a language they understand.
- They are excluded from the 1935 National Labor Relations Act, which provide most workers with the right to organize free from retaliation and bargain collectively.
- Employers in agriculture are not prohibited from employing children in the same hazardous jobs as their parents, as they would be in nonagricultural occupations.





Agricultural employers are also to blame, with many taking advantage of lax government rules and enforcement at the expense of farmworkers. For example, an increasing number of growers rely on subcontractors to recruit, hire, transport, supervise and fire farmworkers. Through this practice, they are often successful in evading what they view as costly government requirements—paying the minimum wage, providing a safe working environment, and offering workers compensation. Growers often seek to avoid responsibility for employment laws by denying that they “employ” the farmworkers on their farm, and attempt to characterize farm labor subcontractors as their workers’ sole employer. Many government officials are complicit in accepting this fiction as fact and perpetuating many labor abuses. Commonly, labor contractors do not have funds to comply with the law or pay a court judgement. Farmworkers lose their income, while farmers can simply find another labor contractor to carry on the same scheme.



EFFORTS RELATED TO WAGES AND WORKPLACE CONDITIONS



Farmworker Justice is dedicated to expanding farmworkers' workplace rights—and strengthening the enforcement of existing protections—at the state, federal and international levels.

We help expose systemic abuses of farmworkers and promote solutions through policy analysis, publications, media, speaking engagements, and training. For example, we:

- Provide policy analyses and recommendations discuss the labor abuses endemic to the farm labor contracting system and the need to hold growers liable as joint employers with their farm labor contractors for rampant wage theft and other abuses.
- Developed a training film, “Breaking the Silence,” which portrays a sexual assault in a California field and the farmworker women who respond, the film was made in Spanish and Mixteco to address the vulnerable farmworkers from indigenous communities.
- Revealed the declining resources for Labor Department enforcement of wage-hour laws, widespread violations of farmworkers' labor rights, and the dangers of pesticides to farmworkers and their children.
- Inform journalists who regularly report on issues using information from Farmworker Justice and from partner organizations to whom we refer them.
- Provide an interactive map and database on our website which graphically highlights state employment laws and reveals the discrimination against farmworkers.
- Organizes and our staff speaks at many conferences and meetings, including in international forums.

We urge Congress, state legislatures, and federal and state agencies, to:

- End the exclusion of farmworkers from overtime pay, collective bargaining rights, and other laws, and end the discriminatory treatment of farmworkers under minimum wage and job safety standards

- Close the legal loopholes that allow growers to escape responsibility for the deplorable conditions under which many farmworkers live and work related to the use of farm labor contractors, and
- Strengthen the protections contained in the 1983 Migrant and Seasonal Agricultural Worker Protection Act (AWPA)—a law passed in large part due to the efforts of Farmworker Justice.
- Defend AWPA against Congressional efforts to weaken it, especially the law's provisions on joint-employer liability to hold both growers and their labor contractors responsible and liable.

We bring litigation against abusive employers and against government agencies to stop the adoption of unlawful policies.

- In *Jimenez v. GLK Foods, LLC* (E.D. Wis. filed 2012, completed 2018): Farmworker Justice and the Hughes Socol Pers law firm won judgements in two class actions against the world's largest cabbage/sauerkraut processor for its numerous violations of the Fair Labor Standards Act, the Migrant and Seasonal Agricultural Worker Protection Act, the Wisconsin Migrant Labor Act, and state contract law. After litigation and mediation, the defendants paid the 240 class members \$930,000 and attorneys' fees.
- In *United Farm Workers v. U.S. Department of Labor* (E.D. CA, filed 2020) Farmworker Justice and the law firm WilmerHale filed a federal lawsuit challenging the Trump Administration's, issuance of a new regulation that beginning in 2021 would have lowered wage rates for more than 200,000 farmworkers, foreign and domestic, employed at farms that use the H-2A agricultural guestworker program. . The court issued a preliminary injunction against implementation of the new regulation. . In compliance with the injunction, the Department of Labor formally published the annual H-2A Adverse Effect Wage Rates for 2021 using the prior regulation's formula. The Department had said that its regulation would have caused an average of \$178 million a year in lost wages for farmworkers over ten years.

We help amplify the Farmworker voice:

- Testifying in Congress, state legislatures and federal agency hearings and participates in government and commissions and advisory committees,
- Empowering farmworkers by bringing them to the table in Congressional and government hearings and other important venues and preparing them for these events.

We help farm labor unions enhance their collective-bargaining power by advising them on legal and policy issues, promoting their campaigns and bringing lawsuits on their behalf.

We and partners engage with agricultural businesses on corporate social responsibility in the food supply chain that enable farmworkers to have a meaningful voice at work, improve wages and working conditions and provide consumers with the opportunity to support responsibly produced food.



SAFETY & HEALTH

Farm work consistently ranks as one of America's most dangerous occupations due largely to occupational hazards. Exposure to pesticides and other toxic chemicals, transportation accidents, heatstroke, unguarded farm machinery, and open irrigation ditches all pose significant risks. Farmworkers are also affected by emerging serious transmissible diseases—like COVID-19—that are spread more easily amid the harsh and unsafe conditions farmworkers face. It should be noted that the incidence of injuries and other adverse health outcomes is likely underreported and that these concerns do not only affect farmworkers but have proven to harm their children as well.

Pesticide exposure can affect workers' health in both the short and long term. Half of all farmworkers report suffering from pesticide-related illnesses during their working lives, with as many as 20,000 acute poisonings diagnosed each year. Long term, these exposures can lead to various cancers, infertility, birth defects, neurological problems, and other disorders. The children of farm workers are often exposed to the same occupational hazards as their parents. Pesticides sprayed on fields drift onto school playgrounds and homes. Clothing worn by farmworkers can contaminate the household laundry. For some students, summer means joining their parents in the fields. Some parents have no choice but to bring their infants and toddlers with them for lack of childcare, even though their developing bodies and brains are particularly vulnerable to the effects of toxic chemicals.

The physical demands of farm work paired with, financial imperatives to work as fast as possible and relentless hours take a major toll on farmworker bodies. The constant squatting, stooping, reaching, and lifting required to perform agricultural tasks can produce serious, even disabling, injuries. Strains, sprains, lacerations, fractures, and repetitive-motion injuries are common. These conditions not only cause immediate discomfort but may also result in a crushing economic blow of taking time to heal when no paid leave is available. Working alongside dangerous machinery, driving unsafe vehicles, sorting produce on fast moving conveyor belts in large packhouses in the field cause many injuries and even deaths.





These occupational hazards were compounded by the COVID-19 pandemic when farmworkers were deemed essential and expected to work but often not protected against this deadly disease. The Trump Administration's harmful rhetoric and anti-worker, anti-immigrant policies, put farmworkers in vulnerable positions before COVID-19 hit. Then farmworkers were compelled to continue their work as government-designated essential workers who could not afford to stay home and could not telecommute. The Trump Administration refused demands by Farmworker Justice and its partners for an emergency safety standard. Farmworkers were still denied the wage and other labor protections other, non-essential workers enjoy. Many agricultural employers did not provide social distancing, face masks, paid sick leave, health insurance, or extra pay to cover farmworkers' added costs of protecting themselves. Many farmworkers depend on their employers and their farm labor contractors for their transportation and housing, and were not provided with social distancing, sanitation supplies or other protections. Undocumented immigrants were especially vulnerable, often fearing that if they obtained a COVID-19 test and a positive result, they would be fired and would risk being deported and separated from their family. The few public benefits that were provided during the crisis were not available to undocumented immigrants. In these circumstances, farmworkers have been more likely to contract the illness than others, less able to bear the costs of being ill, and face additional stress and anxiety brought on by a health and economic crisis, poor working conditions, and a lack of mental health resources.

Finally, farmworkers' health status is often made worse by limited access to health care and to accurate health information in a language they understand. Under half of all farmworkers (47%) have health insurance, despite the passage of the Affordable Care Act, which led to a significant decline in the number of uninsured people in the U.S. Of those farmworkers who have insurance, 43% gain access through government programs and 29% have access through their employer. Certain workers may be eligible for ACA marketplace subsidies and plans but it is a highly complex program to successfully navigate, and coverage remains unaffordable to many people who are paid low wages. Even with access to and sliding fee scales for community-based clinics, cost remains a major obstacle to health care access for many farmworkers and their families and clinics ordinarily provide only primary care.

EFFORTS RELATED TO

PESTICIDES

Farmworker Justice works on several fronts to help farmworkers improve their health and their access to health care:

We advocate for new legislation and regulations that would give farmworkers the right to information about the toxic chemicals to which they are exposed and how to prevent and respond to such exposures.

- Helped strengthen protections for farmworkers coming from the Occupational Safety and Health Administration (OSHA). Our efforts helped lead to improved OSHA Field Sanitation Standard (1987), better state standards on heat stress and protections against smoke inhalation from wildfires (California OSHA, 2019), and COVID-19 (several states including California OSHA 2020).
- Advocate for more funding for OSHA and EPA to allow for better enforcement of safety standards and regulations.

We have filed several lawsuits to force EPA to take the steps necessary to protect children as outlined in a pesticide-safety standard created by the 1996 Food Quality Protection Act to protect farmworker children.

- The statute mandates that pesticides used on foods must pass muster under a “reasonable certainty of no harm.” The standard requires EPA to consider—and if necessary, reduce—the impact of pesticide exposure on human health from food, water, air, and home and garden products. Even though the standard was created to protect children, the EPA has refused to interpret its provisions to provide adequate protection for farmworkers’ children.

We led efforts to gain significant changes to overhaul and strengthen the EPA Worker Protection Standard in 2015. This regulation had not been revised since the 1990s.

- The revised standard established a minimum age of 18 for pesticide handlers; increased the frequency of worker safety training from once every five years to every year; improved the content and quality of worker safety training; provided new rules on decontamination and personal protective equipment and improved the quality of information that workers receive about the pesticides that have been applied at their workplace. When the Trump Administration sought to overturn the 2015 improvements, we led successful legislative efforts to block several planned changes and co-counseled successful litigation against the rest.

We advocate and litigate to keep harmful pesticides off the market and regulate use of those that remain on the market by.

- Continuing long-standing litigation seeking a ban on agricultural use of chlorpyrifos, which is banned for household uses because it is so toxic.
- Advocating for more robust standards to prevent pesticide exposure to children.
 - We filed a petition to implore the EPA to protect children from exposure to toxic pesticides that drift from agricultural fields and contaminate areas where children congregate, such as schools, homes, parks, and daycare centers.

We develop educational materials and programs, such as Promotores de Salud (community health workers) and other peer training, to help farmworkers guard against pesticides and other health hazards they face on the job.

- For example, indigenous farmworkers bring distinct languages and cultural beliefs that create more complex healthcare barriers than those faced by non-indigenous workers. We collaborated with the National Institute for Occupational Safety and Health (NIOSH) on the Indigenous Worker Health Project, developing training curricula for pesticide safety and grassroots advocacy in indigenous languages.

We conduct seminars with medical professionals on how to recognize and treat health problems associated with pesticide exposure. Our staff speak at medical conferences about policy changes that physicians and other medical personnel should support.



EFFORTS RELATED TO COVID-19

Farmworker Justice and our partners developed policy recommendations that we shared with Congress and the Trump and Biden Administrations to try to ensure farmworkers can adequately protect themselves in the fields and at home and gain access to needed services.

- Joined with partners urging Secretaries of Homeland Security, Labor, and State to take immediate action to enforce all legal protections within their authority to safeguard farmworkers laboring under the H-2A program during the worldwide public health emergency, including protections for proper housing, safe transportation to and from the U.S., workplace allowance for social distancing, paid medical treatment and transparent recruitment materials stating the health risks of working amid the pandemic.
- Advocated for the inclusion of farmworkers in pandemic relief legislation.

“Farmworker Justice’s policy and legal expertise have protected farmworker wages in our courts and advanced justice for farmworkers for 40 years.

*The best is yet to come
Si Se Puede!”*

- Teresa Romero,
President, United Farm Workers

We assisted state-based organizations in advocating for state-government adoption of CDC recommendations as mandatory safety requirements.

We submitted comments to several bodies—including the National Academies of Sciences, Engineering and Medicine—deliberating an equitable vaccine distribution and on emergency regulations.

We launched the Soy Indispensable Campaign when, months into the public health emergency, many farmworkers still lacked sufficient personal protective equipment to reduce their illness risk. To date, this program supported the distribution of almost 50,000 face masks to farmworkers.

We produced a series of 22 interview programs in 2020 and 2021 on “The State of Farmworkers in the COVID-19 Era.” These interviews highlighted the work for farm worker organizations, recommendations from public health experts, presentations by Members of Congress, and public outreach by celebrities. Posted on Facebook and YouTube, they were seen by thousands of people.





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EFFORTS RELATED TO HEALTH COVERAGE

HEALTH COVERAGE & ACCESS

- We worked to enhance farmworker access to ACA marketplaces and tools to understand complex topics (enrollment, tax credits, premiums, finding a primary care provider, etc.) through partnerships with navigators and community health centers.
- We provided training and technical assistance to Community Health Center staff to promote and enhance farmworker access to enrollment (language accessibility), in-person enrollment help (vs. depending on online enrollment).
- We promoted and facilitated collaboration between migrant health centers and other community organizations (like migrant seasonal Headstart) so that farmworkers can get relevant information from multiple access points and a warm hand-off to someone who can help with enrollment.
- We promoted and facilitated Medical-Legal Partnerships in farmworker communities to build collaborations between health providers and legal advocates.
- We highlighted specific advocacy with relevant government agencies to discuss challenges farmworkers face with health care and promote solutions.

“Since its inception, Farmworker Justice has listened to farmworkers’ voices and acted to improve their rights and the conditions under which farmworkers harvest the food that comes to tables throughout the United States. Farmworkers have seen real improvements – support for the rights of women farmworkers, more healthy and sanitary working conditions in the fields, and better protections for the labor of farmworkers.”

- Nancy Bothne, Former Executive Director, Farmworker Justice



GIVING BACK:

HELPING PROTECT FARMWORKERS FROM COVID-19



The COVID-19 pandemic in the U.S. spread in 2020 and continued in full force in 2021 as Farmworker Justice entered its 40th year and subjected farmworkers and their families to grave harms. Designated as “essential workers” they were expected to continue work through the pandemic and as a practical matter they could not afford to not to work. Even after a year into the COVID-19 pandemic, many farmworkers were not receiving adequate information or protections against the coronavirus to stay safe at work and in their homes. One of their ongoing needs was for face masks.

Many factors impact farmworkers and their families while they are working and at as they try to prevent COVID from spreading throughout their communities. Transportation within work sites where they are not able to maintain adequate space in the vehicle, close proximity to other workers as they engage in certain tasks, crowded housing, lack of sick pay, inadequate sanitation equipment, and fear of retaliation are just some of the issues that confront farmworkers as they move through the pandemic.

Without adequate government protections in place to protect farmworkers as they brought food to our tables, the provision of masks became foundational in providing a basic level of protection and prevention. However, access to masks (even a year into the pandemic) remained a challenge for many farmworker communities.

Farmworker Justice responded in several ways, one of which is highlighted here.

The dedicated staff at Farmworker Justice collaborated with the Aunties’ Sewing Squad, a national network, and other volunteer mask makers to deliver dual-layer handmade masks to farmworker organizations throughout the United States.

By early 2021, Farmworker Justice had distributed over 50,000 masks to farmworkers throughout the country through long-term valued community partners serving at the front lines of the pandemic and will continue to do so as long as the need remains.

This important effort illustrates the circle of reciprocity: volunteer mask makers created the masks, Farmworker Justice connected the mask makers to our community partners, and farmworkers continued their essential work across the country to help feed all of us.

“Farmworkers work tirelessly under extreme conditions to supply our nation with food. For the past 40 years, Farmworker Justice has fought alongside them to secure fair treatment and better work conditions. We are proud to be a long-time partner in this movement for equity and look forward to continuing to harness the power of nuestro pueblo to make a difference in our communities.”

- Sindy M. Benavides, LULAC CEO



IMMIGRATION POLICY



U.S. government policy, influenced heavily by agribusiness demands, has denied agricultural workers the economic and political bargaining power that other working people have in this country. As politicians increasingly have built their campaigns around anti-immigrant rhetoric and action, Congress has refused to create a path to immigration status for these workers and have even interfered with efforts by agricultural employers to provide immigration relief to their undocumented farmworkers. The undocumented status of a majority of farmworkers weakens their economic bargaining power as well as that of their documented co-workers.

Increasingly, agricultural employers are utilizing the H-2A agricultural guestworker program. The H-2A program allows agricultural employers to “import” thousands of farmworkers each year for jobs lasting no longer than ten

months to account for a “labor shortage” in the U.S. While Federal law requires agricultural employers to hire U.S. workers whenever possible, they often prefer to hire guestworkers knowing they will work to the limits of human endurance for nominal wages without complaint out of fear and that the protections in the H-2A program against these abuses are rarely enforced. Indeed, these employers often create these shortages themselves by deterring experienced U.S. farmworkers with inadequate wages, no benefits, and harsh working conditions.

There are modest labor protections and government oversight in the law, but enforcement is weak. Guestworkers’ non-immigrant, temporary status and their dependence on their employers for their visa make them exploitable. They cannot earn citizenship and therefore cannot vote, leaving them with few vehicles to counter the policies their employer’s demand.



EFFORTS RELATED TO

IMMIGRATION POLICY

From the beginning, Farmworker Justice aimed to prevent policymakers, under the influence of powerful agricultural industry, from using immigration policy to deny farmworkers the economic and political bargaining they need to improve wages, benefit, working conditions and government policy. Farmworker Justice has been a leading force for immigration reform that grants farmworkers a true immigration status and opportunity for U.S. citizenship and for fundamentally reforming the inherently abusive H-2A agricultural guestworker program.

We have been at the forefront of advocacy in Congress to win positive immigration reform and oppose harsh anti-worker, anti-immigrant legislation that is introduced every session of Congress by:

- Playing an instrumental role in winning the “amnesty” program in the 1986 immigration reform that legalized 1.1 million undocumented farmworkers.
- Being a leading advocate since the mid-1990s for a new legalization program for undocumented farmworkers and other immigrants but anti-immigrant sentiment in Congress thwarted these efforts.
- Leading efforts to prevent enactment of bills supported by agribusiness groups and immigration restrictionists that would convert most of the farm labor force into a system of guestworkers, with no opportunity for immigration status or citizenship, who would be paid low wages and little opportunity to enforce the few rights they would possess.
- Supporting the United Farm Workers and other farmworker groups, by helping to negotiate with agricultural employers and bipartisan groups in Congress to achieve legislation that could gain the votes to pass.

The Farm Workforce Modernization Act of 2021 (FWMA), which passed the House in March 2021 is the most recent example. It is a bipartisan bill that would provide undocumented farmworkers and their families with a pathway to citizenship and reform the H-2A temporary agricultural visa program. At the time of publication, the Senate had not yet considered the bill and its prospects were unclear.

Strongly Supported the “Dream and Promise Act,” passed by the House in March 2021, which would provide a path to permanent residency for up to 4 million individuals, including the DREAMers, some of whom are farmworkers.

We file federal lawsuits requiring DOL to abide by its legal obligations to foreign and domestic farmworkers at employers that use the H-2A agricultural guestworker program.

We elevate farmworker concerns to the Department of Labor and other federal agencies via numerous comments on proposed rules and other government action and numerous meetings with agency staff regarding immigration policy and the H-2A program.

We have helped educate guest workers about rights and offer resources BEFORE they enter the country because once in the U.S., they are often too vulnerable to being fired and deported to be willing to speak with advocates or challenge illegal practices.

We led extensive work with media and others to educate the public about the significant immigration policy proposals before Congress and the administration. A large group of individuals, organizations, and influential leaders rely on our publications, listservs, action alerts, policy briefs, and bulletins to stay updated about developments in immigration policy.

“Farmworker Justice has been a pillar of strength for Farmworkers over the past 40 years. Their legal expertise has proven to be essential in victories for protecting the rights and wages of H-2A workers, negotiating farmworker immigration reform, and ensuring their legal rights are protected. They are fierce farmworker advocates. We’re all deeply indebted for their commitment to social and economic justice.”

- Arturo S. Rodríguez, President Emeritus of the United Farm Workers





DAVID DAMIAN FIGUEROA

FARMWORKER TO DEDICATED ADVOCATE

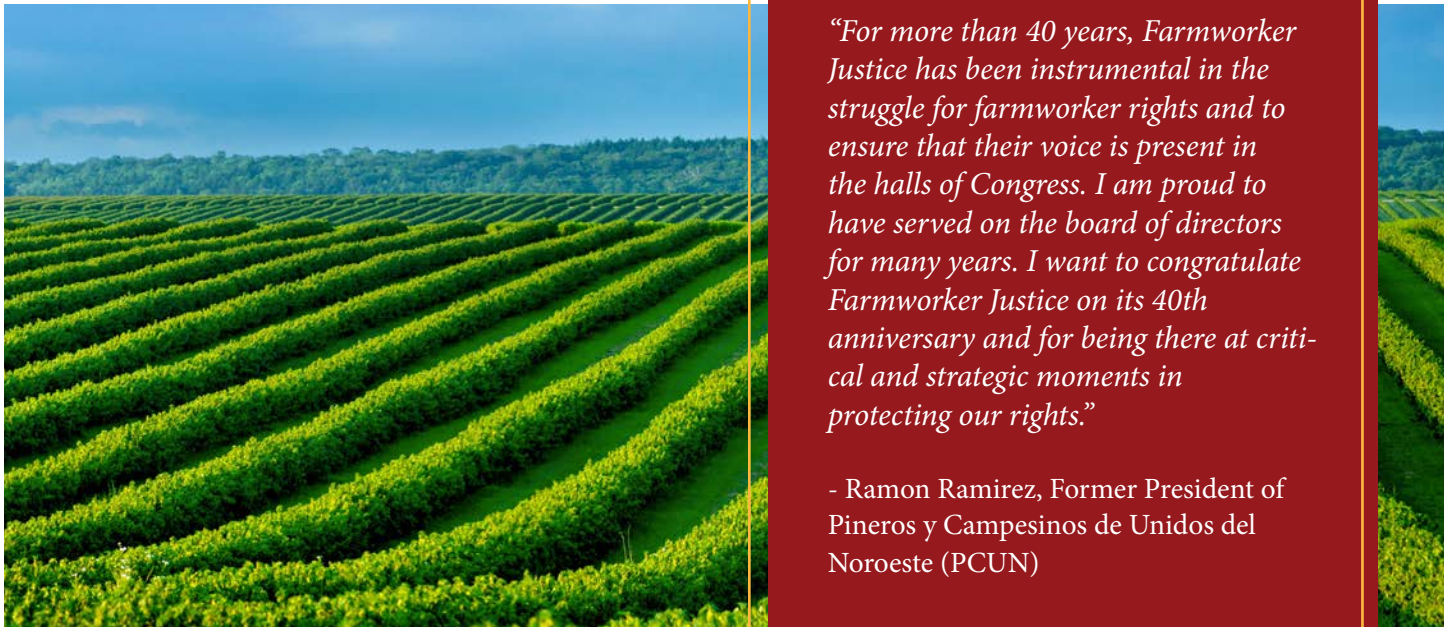
MY PURPOSE IN LIFE IS TO SERVE OTHERS. My life in farm work started when I was a young boy in Buckeye, Arizona, chopping weeds in the cotton fields with my mom, brothers, aunts, and cousins. The working and living conditions were challenging and the sun was hot. But my mom was amazing at keeping us all positive by telling us stories of our ancestors, other folklore, and with her dichos, Mexican folk sayings. She had been a child farmworker herself and was only able to go to school until the sixth grade. She may not have had a formal education, but she was a wise woman. Dichos were her way of teaching us to become the best people we could be. She would always remind me that my purpose in life was to be kind, generous, and serve others.

When I was an adolescent, I used to think that I would have nothing to do with farmworkers, farmers, or the fields. I felt that there was something better out there for me, like becoming a famous singer! I was so wrong. Farm work has remained central to my life, just in a different way. To date, I have worked professionally for over 25 years in Latino civil rights. Almost half of my life. First at the Mexican American Legal Defense and Educational Fund (MALDEF), then Farmworker Justice. Most people working in the non-profit sector know that they will never become wealthy from the work. For many of us, we do this work because it is our calling.

I am immensely proud of being the Development Director of Farmworker Justice, now in its 40th year of service to farmworkers across America. Raising the necessary funds and building the brand of a smaller non-profit organization is difficult. The impact litigation, program operations, and financing are also difficult, even more so in the COVID-19 era. But I know that our challenges are nothing in comparison to those we hope to serve. The injustices that farmworkers face each day are many, including job safety, health concerns, housing, prejudice, discrimination, and the immense pressure to raise a family on such a low salary that they can barely afford a decent home to live in.

The most frustrating part for me is that folks in America do not want to feel uncomfortable when shopping for their families or themselves. They are looking for the best deal and are too often willing to look the other way to get those lower prices. So, ironically, the very people who help feed America are often going hungry themselves. Our job is to continue our advocacy, legal, and educational program work to help bring awareness to the general public of the value that farmworkers bring. Simultaneously, we work to help farmworkers fight for their rights and to earn enough not only to make ends meet but to reflect their contributions to America's quality of living.

THE ROAD AHEAD



“For more than 40 years, Farmworker Justice has been instrumental in the struggle for farmworker rights and to ensure that their voice is present in the halls of Congress. I am proud to have served on the board of directors for many years. I want to congratulate Farmworker Justice on its 40th anniversary and for being there at critical and strategic moments in protecting our rights.”

- Ramon Ramirez, Former President of
Pineros y Campesinos de Unidos del
Noroeste (PCUN)

The challenges of 2020 ultimately brought the nation’s farmworkers, their lack of protections amid a global pandemic, and the broader conditions in which they work into the public eye. While there were and remain great challenges, our 40 years of experience allow us to know what works, how to be nimble, and adapt to changing environments and the ebb and flow of politics. That ability was on full display as we immediately shifted focus to support farmworkers from the onset of the pandemic when our government and agribusiness industry failed to protect these essential workers.

We hope that the challenge of a global pandemic will not be with us in the years ahead but expect that the issues and conditions that made farmworkers more susceptible to COVID-19 will persist and require continued attention. We also know that needs, conditions, and associated opportunities to drive positive solutions will continue to evolve. So, we are listening, watching, and anticipating where those needs and opportunities may exist, including:

- the threats posed by climate change, including high temperatures, drought, and wildfires, can create increasingly
- dangerous conditions for farmworkers and change where, when, and for what crops farmworkers are needed,
- the likely investment by the federal government in infrastructure must include improvements in transportation, internet access, affordable housing, and health food availability in farmworker communities, and
- the strong interest of consumers, especially in younger generations, in food and how it is produced—including the conditions in which those growing and harvesting food must labor. This growing interest signals fresh and hopefully sustained efforts to grow the movement for corporate social responsibility.

Recent political developments suggest the potential exists for long-term policy solutions. More people learning about and valuing farmworkers’ essential role may drive momentum to pressure policymakers to do the right thing and enact and enforce rules, laws, and policies to improve conditions. There has been some recent progress in state legislation regarding farmworkers that could lead to federal policy changes. Initial actions from the Biden Administration and current Congress provide some basis for cautious optimism, including on the challenging issue of immigration reform.

We stand ready to seize opportunities to advance our mission of empowering farmworkers. We will work to:

Enhance wages and fringe benefits.

- Continue the fight to end discrimination in federal labor laws by convincing lawmakers to add farmworkers to covered occupations. Pursue strict enforcement of the limited number of laws designed to protect farmworkers.

- Raise the minimum wage and remove farmworker exclusions from minimum wage and overtime protections.
- Strive to reform the farm-labor contracting system further to make sure growers and subcontractors cannot escape their joint legal responsibility for fair wages and farmworkers' treatment.
- Secure additional legal tools and funding for enforcement of labor protections by government and farmworker-serving organizations.

Improve Safety in Agricultural Workplaces and Communities.

- Win occupational safety standards that protect farmworkers against injuries and deaths from heat stress, dangerous machinery, unsafe vehicles, and other hazards, and ensure strict enforcement of safety regulations
- Reduce farmworkers' and their families' exposure to pesticides through stronger safety standards that are enforced, bans on additional highly toxic pesticides.
- Build the capacity of farmworker-serving organizations in the U.S. and in farmworkers' home communities abroad to educate and train farmworkers about occupational safety precautions and their rights.

Increase Access to Health Coverage.

- Enhance farmworkers' access to health care and health care professionals' understanding of farmworkers' health problems.
- Improve the health and educational opportunities of farmworker children.

Reform our Broken Immigration System.

- Help win Congressional passage of immigration reform that would enable undocumented farmworkers and their family members to obtain legal immigration status and citizenship.
- Promote effective implementation of any legislation passed through training, litigation, and advocacy, and collaborate with farmworker organizations to build power of farmworkers in their workplaces and in the policymaking.
- Seek immigration policy changes regarding agricultural guestworker programs and that allow people to come to this country to work in agriculture not on mere non-immigrant temporary work visas but with a status that grants them freedom and the opportunity to improve conditions for themselves, families, and workplaces

Identify emerging threats to and opportunities to farmworkers.

- Consider how climate change and its effects (heat, drought, wildfires) pose risks to farmworkers in the field and in their homes or influences where crops are grown and farmworkers labor.
- Enhance knowledge about corporate consolidation, technological advances (including robotics), international trade, global migration, and other developments to help farmworker organizations develop strategies and actions.

Support Corporate Social Responsibility efforts in the agricultural and food sector.

- Our corporate social responsibility initiatives involve agreements among farmworker organizations, agricultural employers, brands of food products, retailers, and consumers that provide win-win solutions, including providing farmworkers with a voice at work and good wages and working conditions.

Provide resources to build farmworker voices to tell their stories and advocate for their needs.

- Empower farmworkers to drive change by lifting their voices in the work of Farmworker Justice and other advocacy organizations, in the halls of government and the public sphere.
- Increase the impact of our work and the commitment of others to address farmworker issues.
- Build more and stronger connections with other advocacy groups, including those focused on the environment, civil rights, Latinos, immigrants, labor, and public health, as well as with faith-based organizations.
- Expand our international presence by working with advocates in farmworkers' home countries, participating in more international forums to improve agricultural workers' conditions worldwide, and providing training before workers enter the U.S.
- Strengthen our internal operation to bolster success and growth by pursuing additional and more diverse funding, leveraging our Board of Directors and other volunteers, and publicizing our work even more.

Support for the labor unions and worker centers that serve farmworkers.

- Provide legal and policy assistance and advocacy, including to win state and federal legislation granting and protecting farmworkers' right to join a union and engage in collective bargaining.
- Support worker organizing campaigns through legal advice and action, building coalitions, and generating public support.



Our agenda remains ambitious, and Farmworker Justice remains dedicated to take on the work that lies ahead. While we work on a tight budget, substantial resources are necessary to counter threats and advance farmworkers' opportunities.

We are confident that our dedication and expertise, paired with continued attention and support from people like you, will allow us to use every opportunity to advance our cause.

TIMELINE



- 1981:** Farmworker Justice founded (as the Farmworker Justice Fund, Inc. or “FJ”).
- 1983:** 1st big win when the Migrant & Seasonal Agricultural Worker Protection Act of 1983 passes, granting modest but essential worker protections.
- 1984:** FJ starts providing technical assistance to federally supported migrant health centers.
- 1986:** Congress passes Immigration Reform and Control Act, which FJ helped negotiate, and enabled 1.1 million undocumented farmworkers to obtain legal immigration status.
- 1987:** OSHA adopts Field Sanitation Standard requiring sanitary facilities and drinking water, following FJ advocacy and litigation.
- 1992:** EPA bows to years of pressure by FJ and issues the “Worker Protection Standard” to reduce farmworkers’ exposure to toxic pesticides.
- 1995:** Becomes a subsidiary of UnidosUS (formerly known as the National Council of La Raza), and longtime staff attorney Bruce Goldstein is promoted to Executive Director.
- 1997:** Persuades DOL to clarify the meaning of “joint employers,” making most growers who use labor contractors responsible with contractors for paying minimum wages and meeting other labor obligations.
- 1998:** Launches a significant HIV/AIDS project with a three-year, \$1 million grant from the CDC, which gave FJ its Business and Labor Award.
- 2000:** Develops and launches a national Clean Environment for Healthy Kids project to teach health professionals how to recognize and treat pesticide-related illness.
- 2001:** Holds FJ’s first “Socially Responsible Wine Tasting,” featuring wines from unionized vineyards.
- AFL-CIO appoints FJ as labor delegate to International Labor Organization (ILO) conference for negotiation and adoption of ILO Convention on Safety and Health in Agriculture.
- 2002:** Creates a Guestworkers Rights Education Project in Mexico, which over 18 months educates 1,800 guest workers from 28 communities in nine Mexican states about their rights while working in the U.S.
- 2004:** After a six-year nationwide boycott of North Carolina-based Mt Olives Pickes, aided by FJ advocacy, the Farm Labor Organizing Committee negotiates union contract for 8,000 H-2A workers on more than 1,000 farms in North Carolina.

- 2006:** Farmworker Justice experiences significant growth in income and staff, expanded its Board of Directors, developed a new strategic plan, and relocated its offices to the Raul Yzaguirre Building, named for longtime CEO of National Council of La Raza and strong FJ supporter.
- Deputy Director Shelley Davis receives the prestigious Reginald Heber Smith Award from the National Legal Aid and Defender Association (NLADA).
- 2007:** Submits a successful complaint (with Oregon legal advocates) to federal OSHA arguing that Oregon's temporary farm labor camp standards and enforcement were less protective than the federal housing safety requirements.
- Cosponsors a national conference for lawyers on wage-hour law with the National Employment Lawyers Association, the National Employment Law Project, and others.
- Files suit with Earthjustice, National Resources Defense Council and California Rural Legal Assistance to challenge the EPA's refusal to ban the highly toxic insecticide chlorpyrifos, beginning a struggle that continues into 2021.
- With CDC support, FJ develops a training program adapting the Popular Opinion Leader model of HIV/AIDS prevention for farmworkers and other diverse populations.
- 2008:** Leads a national campaign to combat the Bush Administration's proposed changes to the H-2A agricultural guestworker program.
- Cosponsors Congressional briefings on research needed to study congenital disabilities in farmworkers' children associated with the parents' exposure to toxic pesticides during work.
- Supports and influences the AgJOBS immigration bill that passes the Senate but the House refuses to vote on it. Collaborated with UFW, Rep. Howard Berman, Sen. Ted Kennedy and others.
- Establishes the "Shelley Davis Memorial Fund" to maintain the legacy of our late Deputy Director, a nationally recognized litigator, advocate, and expert on farmworker labor, immigration, job safety, and women's issues.
- 2009:** Launches Poder Sano— aimed at mobilizing rural Latino communities to prevent HIV/AIDS.
- FJ's advocacy influenced Secretary of Labor Hilda Solis's reversal of the Bush-Chao harmful changes to the H-2A guestworker program, restoring wage rates worth tens of millions of dollars per year, labor protections, and government oversight.
- 2010:** Favorably settles for \$2.7 million in Rosiles-Perez v. Superior Forestry, a case we co-counseled with the Southern Poverty Law Center and the Virginia Justice Center.
- Develops a training module for pesticide safety for indigenous farmworkers with Oregon Law Center, PCUN, Portland State University.
- FJ and co-counsel negotiate a settlement of the lawsuit challenging the Bush Administration's approval of human testing of pesticides.
- Publishes a report with Oxfam America, Weeding out Abuses, to advocate for improvements to the Department of Labor's enforcement of employment laws in agriculture.



- 2011:** Publishes major exposé regarding the H-2A Program, No Way to Treat a Guest, revealing the mistreatment of workers exacerbated by the inherent flaws within guest worker models and recommending major changes.
- Helped oppose the bill that would require employers to use the E-verify system to check the work authorization of job applicants electronically.
- Trained 30 “promotores de salud” from farmworker communities in Florida, Arizona, and California, and they reached over 8,200 farmworkers on workplace safety and environmental health.
- Astronaut and former farmworker José Hernández, 2011 Farmworker Justice Award winner, records a Public Service Announcement urging HIV testing and supporting Farmworker Justice’s work.
- 2012:** Trains over 25,000 farmworkers on field sanitation, heat stress, workers’ rights, and protecting children from residential pesticides and lead poisoning and leaders of 270 organizations in HIV/AIDS prevention.
- Creates the Healthy Fields, Healthy Kids outreach curriculum focusing on the hazards of lead and pesticide exposures at home.
- FJ and the UFW advocates for reducing barriers of eligible farmworkers for DACA.
- Negotiates a strong lawsuit settlement against Florida potato grower and labor contractor (Smith v. Bull’s-Hit Ranch and Farm, Inc) requiring rigorous protections against labor trafficking and back wages on behalf of highly exploitable workers.
- 2013:** Plays a central role in the International Labor Recruitment Working Group, now Migration That Works, revealing and seeking protections against human trafficking and international labor recruitment abuses under guest worker programs.
- Launches Stories from the Field, sharing in-depth stories and photos of farmworkers that show the face of the people behind the immigration debate.
- Co-founds the Equitable Food Initiative (EFI) to engage workers, growers, retailers, and foodservice companies to participate in a system that certifies that the food produced for the consumer meets standards regarding workers’ wages and working conditions, environmental safety, and food safety. FJ continues on EFI Board of Directors through 2021.
- Supports Alianza Nacional de Campesinas, the first national farmworker women’s organization, by helping with their first national conference, priority-setting, and advocacy in D.C.
- Launches CONEXIONES program helping over 14,000 rural Latinos understand and gain access to health care by encouraging enrollment in Medicaid and CHIP.
- 2014:** Presents information on addressing gender equality, freedom of association and slavery to the United Nations Human Rights Council.
- Supports efforts by grassroots organizations around the country to submit more than 200,000 comments to the EPA calling for stronger pesticide protections for farmworkers.
- Strengthens our collaboration with the consular network of Mexico, the Mexican Embassy, and the Ventanillas de Salud (health) program by presenting bilingual webinars on the Affordable Care Act and H-2A workers.

Designs and deploys a mobile text messaging system to provide timely and accurate health and safety information to farmworkers.

2015: FJ advocacy plays significant role in EPA's strengthening of the "Worker Protection Standard" on pesticides.

Co-authors award-winning brief, Promoting Health Access to Lesbian, Gay, Bisexual, and Transgendered (LGBT) Farmworkers, with the national LGBT Health Education Center.

FJ and partners' advocacy against agricultural use of the neurotoxin chlorpyrifos leads to a revised EPA human health risk assessment; FJ continues to litigate and advocate for a total ban.

Holds FJ's first Youth Leadership and Community Engagement Workshop to empower farmworker youth to become active members of their communities.

2016: Advocates in Congress and the Administration for improved immigration and guestworker policies and enforcement as H-2A program rapidly expanded.

Helps Washington state advocates prevent a substantial lowering of domestic and foreign workers' wages at apple growers using the H-2A program.

Launches our Unidos Eliminados Barreras para la Prevención de Cáncer de la Piel (United in Eliminating Barriers to Skin Cancer Prevention) project in California and Arizona to increase cross-sector capacity to mobilize around skin cancer prevention, detection, treatment, and care.

Co-authors Out of Sight, Out of Mind: The Implementation and Impact of the Affordable Care Act in U.S. Farmworker Communities, published in the Journal of Health Care for the Poor and Under served (2016).

2017: FJ and Earthjustice successfully sue the EPA on behalf of farmworker and environmental organizations to challenge the Trump Administration's illegal delay of a regulation governing the licensing and training requirements for workers who apply the most dangerous pesticides.

FJ and co-counsel win a long-running consolidated set of class actions for former H-2B guestworkers from Mexico against a large Wisconsin company, GLK Foods, LLC, awarding a total of \$930,000 to over 220 workers for a variety of violations of their employment contracts and state and federal laws.

Disseminates critical analysis and advocates against the "Save Local Business Act," which would have severely weakened the joint employer concept under the Fair Labor Standards Act.

Opposed significant anti-worker changes in the H-2A program supported by agribusinesses via both regulatory and legislative action.

2018: FJ and allies galvanize successful opposition to legislative "riders" on appropriations bills that would have expanded the H-2A program to year-round jobs and weakened labor protections.

FJ co-counsels federal lawsuits on behalf of farmworker groups that reverse the Trump Administration's effort to stop the implementation of two crucial pesticide safety regulations (the Certified Pesticide Applicator rule and the improved Worker Protection Standard on pesticides) won during the latter part of the Obama Administration.

FJ and the Harvard Law School Center for Health Law and Policy Innovation publish a report and spoke at Congressional briefing, The Promise of Telehealth: Increasing Access to Quality Healthcare in Rural America.

FJ and partners investigate the death from heat stress of Miguel Angel Guzman Chavez, an H-2A guestworker in Georgia, helped initiate government investigations that resulted in a fine and debarment of the labor contractor for abusive and dangerous conditions.

Harvard Law and Policy Review publishes article by FJ staff: The Neighbors Who Feed Us: Farmworkers and Government Policy – Challenges and Solutions.

2019:

Successfully sues the EPA to compel the Agency to implement new farmworker safety provisions (certified pesticide applicator and Workplace Standard on pesticides).

Publishes an online interactive map and database summarizing the coverage and exclusion of farmworkers under state employment and labor laws.

Helps UFW negotiate and successfully advocate for a major, bipartisan immigration reform bill passed by the House of Representatives, the Farm Workforce Modernization Act of 2019, HR5038; Senate does not act.

FJ and Líderes Campesinas de California collaborate on the multi-lingual training film “Breaking the Silence” to address sexual violence in agricultural workplaces.

2020:

Develops Juntos Nos Movemos training to provide specific activities to support children’s health. Launches a new award-winning design of the Farmworker Justice website.

Collaborates with partners to develop “Poder en Salud” to provide information about COVID-19 and connect farmworkers to community health resources.

Arranged for distribution of over 50,000 face masks to farmworker groups.

Advocates with National Academics of Science, Health and Engineering, CDC, and OSHA to prioritize essential agricultural workers for vaccines and other safety protections against COVID-19.

Releases 17 episodes of interview series, “The State of Farmworkers in the COVID-19 Era,” featuring health experts, Members of Congress, farmworker leaders, FJ staff and activist celebrities. And additional five episodes are released in early 2021, available on Farmworker Justice YouTube Channel and Facebook page.

Successfully litigates with partners against harmful Trump Administration rule changes including attempts to lower the H-2A program Adverse Effect Wage Rate, weakening of the EPA safety standard on pesticide safety drift, and the “public charge” regulation on immigration eligibility.

FJ’s Board of Directors and staff adopted a new four-year strategic plan to guide its work from 2021-2024. The Board, led by the Chair, Natalie Camacho Mendoza, appointed new members of the Farmworker Justice Advisory Council, led by Chair Bel Hernandez.

Early 2021: FJ advocates in the Biden/Harris Transition Team for a series of improvements by multiple agencies regarding immigration, labor rights, occupational safety, health, and access to health care.

Following inauguration, FJ and allies meet with new Administration officials.

In March, the Trump Administration's "Public Charge" rule—an immigration policy that FJ and others vigorously fought in court—is no longer in effect after the Biden Administration announced it was halting defense of the rule.

FJ assists advocates in several states seeking access of farmworkers to vaccines

Members of Congress introduce pro-farmworker legislation that FJ has been assisting the farmworker movement on, including the "Fairness for Farmworkers Act" on labor rights and the "Asunción Valdivia Heat Illness and Fatality Prevention Act."

The U.S. House of Representatives passes the "Dream and Promise Act," which FJ supported, and would provide a path to permanent residency for up to 4 million DREAMers and other individuals.

The "Farm Workforce Modernization Act" (FWMA), which FJ helped the United Farm Workers negotiate, passes the House with bipartisan support. President Biden announces support for Senate enactment of the bill. This bipartisan bill has many compromises but would ultimately provide hundreds of thousands of undocumented farmworkers and their families with immigration status and a pathway to citizenship and revise the H-2A temporary agricultural visa program.



“Farmworker Justice is as relevant today as it was 40 years ago. Congratulations and keep on fighting to improve the living and working conditions of America’s essential farmworkers.”

- Lupe Martinez, CEO of UMOS, Chair of the National Farmworker Alliance, Farmworker Justice Board member, and former migrant farmworker

