



2022 ANNUAL REPORT



www.farmworkerjustice.org

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Letter from Our CEO

I joined Farmworker Justice in March of this year, enthusiastic about the work to advance change for this vulnerable population. For a variety of reasons, farmworkers lack the same labor protections that other workers presently enjoy and are not able to advocate for better living and working conditions. I am proud to be part of an organization that serves as a voice for the farmworker community and has taken concrete steps to improve their living and working conditions.



Throughout the year, our programmatic, advocacy and policy efforts have been integral to the lives and wellbeing of farmworkers and their families. We stopped the “previous administration’s attempt to freeze farmworkers’ wages,” and helped lead the advocacy efforts for the bipartisan Farm Workforce Modernization Act (H.R. 1603). Further, we partnered with Towards Justice in a case that challenged Colorado’s new overtime pay rules for agriculture. Our healthcare work also provided educational resources and essential health screenings to farmworkers across the country. In addition, through our ReUnidos program, farmworkers and their families were able to access free skin health screenings which are critical to prevent and treat skin cancer.

As I wrap up my first year at Farmworker Justice, I am filled with gratitude to the Farmworker Justice team for their commitment to improve the living and working conditions of farmworkers. I am also thankful to the Farmworker Justice board members and partner organizations for their guidance and support. While we are proud of our efforts, we are also aware that there is much to be done. I look forward to continuing the collaborations with our partners and allies to support farmworkers and their families.

Sincerely,

Ron Estrada,
CEO of Farmworker Justice

Programs

Health

1. Healthcare for Farmworkers (HRSA)

FJ is a National Training and Technical Assistance Partner (NTTAP) of the Bureau of Primary Health Care. at the U.S. Department of Health and Human Services. Working with other national and community services, we provide health centers with information and resources to enhance farmworker access to health care. FJ created various resources for farmworkers and service providers on COVID-19, nutrition, and language access.

In May 2022, FJ hosted a two-day virtual Environmental Justice Symposium with national experts, environmental organizations, health care providers, legal services representatives, community-based organizations, and others to share information, resources, and strategies to address the impact of climate change on farmworker communities. There were 195 registered participants. FJ published an issue brief and summary report, available on FJ's website as well as a follow-up webinar in October. The Symposium and the webinar was offered in English and Spanish.

2. Organizing for Outreach (Community Catalyst)

FJ and its partners, Farmworker Association of Florida, Family Health La Clinica, and East Coast Migrant Head Start Project encouraged farmworkers to enroll in health insurance coverage. FJ updated its ACA fact sheets, available in English, Spanish, Haitian Creole, Mam and Mixteco. In 2022, 628 individuals were enrolled in ACA and/or Medicaid and 679 individuals were referred to navigators and enrollment assistants.



Programs

Health

3. ReUnidos: Farmworker Connections to Skin Cancer Care (BMS)

FJ partners with AIM at Melanoma, an international Melanoma foundation, to promote access to skin cancer screening and treatment. FJ trained patient navigators at Vista Community Clinic in North San Diego County, California and Finger Lakes Community Health in upstate New York to support farmworkers with potential skin cancer diagnoses and facilitate timely diagnosis and treatment. Screenings began in January 2022. Between January and December, 339 patients were screened for skin cancer and four patients were consented into the project to receive follow-up care. Screenings continue in 2023.



4. COVID-19 Education and Outreach (PROCEED, Inc - PODER en SALUD)

FJ partnered with Lideres Campesinas, PCUN, Campesinos Sin Fronteras, and Farmworker Association of Florida to create and disseminate materials to bridge COVID-19 information gaps among farmworkers and connect them to services. FJ created fotonovelas and videos on topics related to vaccines and mental health in English, Spanish, Mam and Mixteco that were distributed to 16,618 farmworkers. A total of 40,000 farmworkers were reached by FJ and its partners. The project ended July 30, 2022.

Programs

Health

5. COVID-19 Prevention Training - OSHA – COVID-19 Susan Harwood Training Grant

FJ created a COVID-19 prevention training for farmworkers and employers, including curricula, and fact sheets. These trainings and materials were created in Spanish and English. FJ **trained 30 community outreach workers** at Lideres Campesinas (CA) and PCUN (OR) on COVID-19 vaccination, testing, and prevention. In 2022, a total of **547 farmworkers** received the training and materials.



6. Improving Clinical and Public Health Outcomes through National Partnerships - CDC



FJ, as a subgrantee of National Center for Farmworker Health (NCFH), presented a series of webinars to support COVID-19 response among H-2A workers. The webinar topics were: Nuts & Bolts of the H-2A Temporary Visa Program (co-presented with Centro de los Derechos del Migrante, Inc.), Supporting H-2A Workers' Access to Health Care, and Outreach 101: Connecting H-2A Workers to Community Resources. These webinars, presented in English with Spanish interpretation, are available on NCFH's website.

Programs

Labor

1. Dairy Worker Training Video - OSHA – Susan Harwood Materials Development Grant

FJ created a training video for dairy workers on workplace safety. The video, filmed at Aurora Organic Dairy in Texas, is in Spanish and K'iche. FJ also created an accompanying fact sheet for employers and a training guide for outreach workers in Spanish and English. The materials are available on FJ's website and YouTube channel.



2. Farm and Food Workers Relief Grant Program - USDA

The USDA Farm and Food Workers Relief (FFWR) grant program provides \$600 payments to farmworkers and meatpacking workers impacted by COVID-19. These payments are disbursed by farmworker organizations who received funding from USDA. FJ, as a consultant for UFW Foundation, provides technical assistance to grantee organizations through regular grantee calls and other TA as needed.



Policy

1. Overview

Throughout 2022, we continued to monitor, analyze, and disseminate information on developments in federal and state policy that affect farmworkers, including H-2A workers, their families and their communities. Key to this effort, we reviewed and commented on legislation and regulations, specialized publications, official documents from Congress and the Administration, public statements of agribusiness organizations, media coverage, and academic research, as well as communicating with other advocates and with staff of policymakers. In addition, we prepared concise analyses and summaries to share with our partners and allies providing important updates and other resources to support their advocacy efforts.

2. Immigration and Labor

In Congress, FJ played a key role by providing technical input and community updates on the progress of major immigration legislative proposals such as the Farm Workforce Modernization Act and the Affordable and Food Secure Act. If passed, these proposals would have created a path to citizenship for undocumented farmworkers

FJ and its partners also led key advocacy efforts calling for the Department of Labor and the Department of Homeland Security to create clear processes and guidance for workers seeking immigration relief while in labor disputes.

Policy

2. Immigration and Labor (Continued)

In July 2022, the Department of Labor released an FAQ document that articulated procedures for workers seeking a support letter from DOL to use in applications for prosecutorial discretion from the DHS. In October 2022, DOL issued a new comprehensive final rule regarding the H-2A program. The final rule accepted most of the recommendations made by farmworker advocates. FJ led public comments on the proposed rule and conducted follow-up meetings with administration officials in the lead-up to the publication of the final rule. DOL rejected a range of harmful changes proposed by the prior administration and specifically cited FJ's comment in adding new worker protections to the final rule. FJ published fact sheets on the H-2A 2022 rules that were shared with FJ's networks.

FJ and partner organization Centro de los Derechos del Migrante (CDM) sent a letter to USCIS in November 2022 demanding change to the agency's policies that currently prohibit H-2A workers from directly receiving information about the status of their visa extension applications, which risks leaving workers without any notice of when their legal status is terminated, a situation that we have repeatedly seen exploited by employers seeking to deport workers.



Policy

3. Occupational Safety and Health

FJ, as part of a coalition of farmworker advocacy and environmental NGOs, was involved in negotiations in the reauthorization of the Pesticide Registration Improvement Extension Act (PRIA). PRIA 5 was enacted in December 2022. Among the provisions included in the legislation were bilingual pesticide label requirements and funding for farmworker training on pesticide safety.



FJ submitted comments to OSHA in response to Heat Injury and Illness Prevention Advanced Notice of Proposed Rule Making (ANPRM), published October 2021 and submitted January 26, 2022. Sixty-one organizations signed on to FJ's comments. FJ also participated in an OSHA stakeholder meeting on Protecting Workers from Heat-Related Hazards in May.

FJ worked with other farmworker groups to develop recommendations to the Council on Environmental Quality (CEQ) on how to improve its Climate and Economic Justice Screening Tool to better serve farmworker communities. The purpose of the tool is to identify disadvantaged communities and help allocate federal investments. CEQ is accepting public comments until April 25th.

FJ supported efforts led by organizations in Oregon, Washington, and California to create a Western States Pact on Heat and Wildfire Smoke. The Pact aimed to create consistent and unified heat and wildfire smoke regulations in Oregon, Washington, and California. FJ supported the drafting of a letter sent to the state Governors and OSHA agencies in December 2021 and submitted comments to Oregon OSHA on proposed heat and wildfire smoke regulations in March 2022.

Policy

4. Health Care Access

FJ submitted comments to DHS' proposed rule on public charge. The proposed rule, finalized in September 2022, removed provisions from the 2019 rule and clarified the public benefits to be considered for public charge inadmissibility. FJ's comments focused on the public charge statutory factors and their impact on farmworkers.



FJ continued its COVID-19 monitoring and policy advocacy. FJ staff met with officials from the Mexican Embassy to discuss COVID-19 vaccination efforts among H-2A workers. FJ also submitted comments to OSHA in response to its interim final rule of the health care Emergency Temporary Standard (ETS) on the need for OSHA to implement protections for agricultural workplaces.

Immigration and Labor Coalitions

FJ's participation in national coalitions allows us to share information and coordinate strategic advocacy efforts related to health, labor, and immigration reform. These coalitions include: Protecting Immigrant Families, Immigrant Health Administrative Advocacy, We Are Home, Migration that Works, and the National Hispanic Leadership Agenda.

Litigation

1. Torres and Familias Unidas Por La Justicia v. United States Department of Labor

In *Torres and Familias Unidas Por La Justicia v. United States Department of Labor*, the plaintiffs challenged the employer practice of falsely interjecting hourly-wage guarantees tied to lower statutory minimum wage rates. This practice adversely impacted approximately 16,000 H-2A workers because it undermined the piece rate compensation system. The plaintiffs also challenged the Department of Labor's failure to utilize worker surveys to verify statements of wage rates indicated by employers. A motion for a preliminary injunction was filed preventing the Department of Labor from approving job certification orders that only offered an hourly rate where prevailing piece rates have been established for the specific crop activity. In most cases, the payment of the prevailing piece rate results in a higher average hourly wage than the applicable standard hourly wage rate otherwise paid to H-2A workers.



On September 20, 2022, Farmworker Justice and Columbia Legal Services, on behalf of the plaintiffs in the case, filed a motion for a preliminary injunction to prevent the new wage findings from going into effect. Unfortunately, on November 3, 2022, the Court denied Plaintiffs' motion for a preliminary injunction. Following the court's denial of the motion for a modified preliminary injunction, Plaintiffs appealed the court's ruling to the United States Court of Appeals for the Ninth Circuit.

Litigation

2. Talbott Mountain's Gold, LLP v. Polis

In Talbott Mountain's Gold, LLP v. Polis, a group of growers challenged a provision of The Colorado agricultural Worker Bill of Rights which granted key service providers, including union organizers, legal aid attorneys and outreach personnel, members of the clergy and health care workers, limited access to farmworkers during the workday. The plaintiffs challenged this legislation as violating the "takings clause" of the Fifth Amendment of the United States Constitution. Farmworker Justice along with Public Justice and Towards Justice filed a motion to intervene on behalf of intervenor-defendants Colorado Legal Services and an anonymous Jane Doe farmworker and filed a motion to dismiss the action.

3. Garcia et al v. Pioneer Hi-Bred, Inc.

Garcia et al v. Pioneer Hi-Bred, Inc., No. 3:20-cv-03322 (C.D. Ill.) Farmworker Justice is serving as co-counsel in a federal lawsuit along with Legal Aid of Chicago, the Environmental Law & Policy Center and Texas Rio Grande Legal Aid where the organizations represent approximately 30 farmworkers and their family members who suffered illnesses and injuries as a result of being sprayed with or having contact with pesticides administered via aerial application on two subsequent occasions while they were detasseling corn near Champaign, Illinois. Defendants are the grower (Pioneer Hi-Bred, Inc.), two aerial applicators (RAS and Curliss Flying Services) and the farm labor contractor.

The aerial applicators sprayed the Plaintiff workers with toxic pesticides as they worked, even though the Workers were plainly visible. After each incident, Defendant PHI (1) failed to provide adequate decontamination measures to the Workers to mitigate the toxicity of the pesticides to which Plaintiffs were exposed, and (2) failed to provide truthful information and necessary medical attention to the injured workers.

Litigation

3. Garcia et al v. Pioneer Hi-Bred, Inc. (Continued)

In their lawsuit, Plaintiffs have raised causes of action under tort law, the Fair Labor Standards Act (FLSA), the Migrant and Seasonal Agricultural Worker Protection Act (AWPA) and the Federal Insecticide Fungicide and Rodenticide Act (FIFRA).

4. Lopez et al v. Mastronardi Produce-USA, Inc.

In Lopez et al v. Mastronardi Produce-USA, Inc. et al, No. 22-cv-00448-RJJ (W.D. Mich.), another pesticide exposure case, Farmworker Justice and the Michigan Immigrant Rights Center (MIRC) filed a class action lawsuit on June 1, 2022, on behalf of a putative class of approximately 1,200 farmworkers who worked in a greenhouse facility in Coldwater, Michigan. The workers were exposed to frequent and continuous fumigation of pesticides in the greenhouse facility while performing work there, and suffered injuries such as continuous nose bleeds, skin rashes, headaches, nausea, eye irritation and fainting. The workers also alleged that the employer engaged in deceptive payment practices and other forms of wage theft.

After the federal district court dismissed Plaintiffs' state law claims for lack of supplemental jurisdiction, the Plaintiffs refiled their tort claims in state court.



Litigation

5. Rural & Migrant Ministry, Inc. et al v. EPA

In Rural & Migrant Ministry, Inc. et al v. EPA, the plaintiffs challenged the Environmental Protection Agency's decision to weaken the Application Exclusion Zone through its 2020 proposed rule, a specific regulation included in the Worker Protection Standards on pesticide usage and application, which is key to protecting against pesticide spray drift.

In January of 2021, the United States District Court for the Southern District of New York issued a temporary restraining order and the government agreed to an extension of the bar against the new regulation. The EPA further agreed to issue a revised rule which will withdraw the proposed revisions of the Trump administration's proposed revisions and will comply with the enabling statute's directives.



Communications

2022 Website Analytics

Overall Analytics:

- Total users: 66,686
- New users: 66,146
- Sessions: 86,819
- Pageviews: 292,391
- Avg. session duration: 1 minute, 43 seconds

Top Pages Visited:

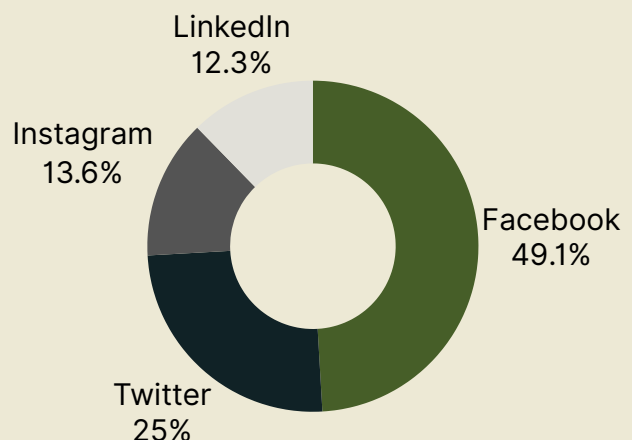
- Homepage: 49,284 (16.86%)
- Who We Are: Who We Serve: 11,399 (3.90%)
- What We Do: US Labor Law for Farmworkers: 9,316 (3.19%)
- Resource Homepage: 7,937 (2.71%)
- Who We Are: About Farmworker Justice: 7,736 (2.65%)

Age Demographics:

- 18-24 (27.5%)
- 25-34 (33.5%)
- 35-44 (15.5%)
- 45-54 (12.5%)
- 55-64 (5.5%)
- 65+ (5.5%)

Social Media Connection to Website

Total session referrals through social media: 2,209



Gender Demographics:

- Male (54.15%)
- Female (45.85%)



Financial Statements

STATEMENTS OF FINANCIAL POSITION AS OF DECEMBER 31, 2022

ASSETS

Cash and cash equivalents \$ 1,327,502
Investments \$ 42,523
Receivables \$ 179,292
Prepaid expenses and other assets \$ 12,850
Total Assets \$ 1,562,167

LIABILITIES AND NET ASSETS

LIABILITIES

Total current liabilities \$ 259,308

NET ASSETS

Total net assets \$ 1,302,859
Total liabilities and net assets \$ 1,562,167

STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS FOR THE YEAR ENDED DECEMBER 31, 2022

REVENUE

Federal awards \$ 867,361
Contributions \$ 627,974
Contracts \$ 449,894
Litigation services \$ 33,955
Other revenue \$ 3,795
Net investment return \$ (7,050)
Net assets released from donor restrictions -
Total revenue \$ 1,975,929

EXPENSES

Program Services \$ 1,719,859
Core Operations and Administrative \$ 294,255
Fundraising \$ 335,116
Total Expenses \$ 2,349,230
Change in net assets \$ (373,301)
Net assets at beginning of year \$ 1,676,160

NET ASSETS AT END OF YEAR \$ 1,302,859