

HOUSE BILL REPORT

HB 1395

As Reported by House Committee On:
Rural Development, Agriculture & Natural Resources

Title: An act relating to ensuring equity in farming.

Brief Description: Ensuring equity in farming.

Sponsors: Representatives Morgan, Ramos, Ormsby, Valdez, Kloba, Simmons, Ortiz-Self, Shewmake, Ramel, Paul, Fitzgibbon, Johnson, J., Sells, Ryu, Peterson, Slatter, Pollet, Berg, Macri, Gregerson, Eslick, Callan and Harris-Talley.

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 2/5/21, 2/10/21 [DPS].

Brief Summary of Substitute Bill

- Directs the Department of Agriculture (WSDA) to take a variety of actions to ensure inclusion of historically underrepresented communities in farming and ranching in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs.
- Requires the WSDA to report by October 31, 2022, on the WSDA's progress, identify gaps, and make recommendations to improve outreach to and resources for historically underrepresented farmers and ranchers.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon, Kloba, Lekanoff, Morgan, Ramos and Springer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 3 members: Representatives Chandler, Ranking Minority Member; Kretz and McEntire.

Minority Report: Without recommendation. Signed by 4 members: Representatives Dent, Assistant Ranking Minority Member; Klicker, Orcutt and Schmick.

Staff: Rebecca Lewis (786-7339).

Background:

Washington State Department of Agriculture.

The Washington State Department of Agriculture (WSDA) oversees, manages, regulates, and supports a variety of programs related to food safety and agriculture in the state. Programs include animal and livestock health, commodity inspection, food safety, food assistance, pesticide and fertilizer inspection, and business and marketing support.

Food Policy Forum.

Together with the State Conservation Commission, the WSDA convenes the Food Policy Forum (Forum). The Forum is a public-private partnership that must develop recommendations to promote a variety of food system goals including:

- improved coordination and communication between local, state, and regional food policy entities;
- reducing food insecurity and hunger in Washington;
- examining ways to encourage retention of small- and mid-scale farmers;
- expand and promote programs that bring healthy and nutritious Washington-grown foods to Washington residents; and
- increase the availability of Washington-grown foods throughout the state.

Office of Equity.

The Office of Equity was established on July 1, 2020, within the Office of the Governor, to promote access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across state government. Duties of the Office of Equity include facilitation of state policy and systems change to promote equitable policies, practices, and outcomes through various means that include:

- assisting agencies in applying an equity lens to agency decision making;
- collaborating with the Office of Financial Management and the Department of Enterprise Services to develop policies and provide technical assistance and training for agencies on maintaining a diverse, inclusive, and culturally sensitive workforce; and
- tracking disparities in public employment.

Summary of Substitute Bill:

The Washington State Department of Agriculture (WSDA) must ensure the inclusion of historically underrepresented communities in farming and ranching, including in urbanized areas as defined by the United States Census Bureau, in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs. "Historically underrepresented farmer or rancher" means a farmer or rancher who is a member of a group of people whose members have not been represented in farming or ranching due to prejudice based on race or ethnicity.

As a part of this responsibility, the WSDA must:

- consult with the Office of Equity, historically underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farm workers, labor advocates, and organizations that represent farm workers and labor advocates to coordinate state programs and opportunities for historically underrepresented farmers and ranchers;
- disseminate information regarding opportunities provided by federal agencies, such as the United States Department of Agriculture, the Office of Management and Budget, and the United States Environmental Protection Agency for historically underrepresented farmers and ranchers;
- work with the Office of Equity to evaluate state boards, committees, commissions, and advisory panels related to farming and agriculture issues; and
- consider ways to increase engagement in agricultural education and workforce development opportunities for youth in historically underrepresented groups.

On or before October 31, 2022, the WSDA must report to the Governor and Legislature on the WSDA's efforts to serve historically underrepresented farmers and ranchers, identify any existing gaps, and include recommendations to improve outreach to and resources for historically underrepresented farmers and ranchers. The report must also include an analysis of barriers to raising capital for land acquisition and financial barriers to obtaining equipment.

Substitute Bill Compared to Original Bill:

The requirement that the Washington State Department of Agriculture (WSDA) work with the departments of Natural Resources, Ecology, Commerce, and Health, and the Food Policy Forum, on coordination of state programs and opportunities for underrepresented farmers and ranchers, is removed. The WSDA must coordinate with farm workers, labor advocates, and organizations that represent farm workers and labor advocates on opportunities for underrepresented farmers and ranchers, and coordination of state programs. Additionally, the WSDA must include in the report due October 31, 2022, an analysis of barriers to raising capital for land acquisition and financial barriers to obtaining equipment.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 11, 2021.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is about creating equity in Washington's agricultural industry and achieving the goal of true inclusion. Washington is one of the country's most productive agricultural regions of the state and is the top producer in several crops including apples, potatoes, and blueberries. However, while there is a great deal of diversity among the state's crops and types of farming, there is very little diversity in farmers. Washington needs more people in agriculture, and needs people working together to move forward. Opportunities to own land and build generational wealth through farming have not always been open to historically underrepresented communities, even those who have spent their lives as farmworkers, gaining the skills and expertise to farm. It is a dream of farmworkers to eventually own their own land to farm someday, and it has proven a difficult goal to reach. Farmworkers have the knowledge and are experts in their field. The bill should clearly include consultation with farmworkers and pathways to eventual land ownership. Discrimination based on race and ethnicity is present in the agricultural industry as well as society as a whole. Agricultural producers in Washington are overwhelmingly and disproportionately white. This is a result of a history of discriminatory policies and legal mechanisms used to keep people in underrepresented groups, particularly the Black and African American community, out of land ownership. George Washington Bush is a good example of a Black farmer who owned land in the Washington Territory, in Tumwater. It took an act of congress and intervention by the territorial legislature to allow him to keep his land. The bill asks the Washington State Department of Agriculture (WSDA) to look at ways to increase participation of underrepresented groups in farming and agriculture, and ensure that those who already are farmers to be able to access the resources they need to stay in the industry. Farmers and ranchers are partners with conservation groups in cleaning up waterways and protecting and recovering salmon and wildlife. From 1910 to 2007 Black farmers lost 80 percent of farmland, in part due to lacking access to land loans. There has been some increase in immigrant families in Washington, but the majority of farms owned by immigrant farmers are smaller than 50 acres and represent \$10,000 or less of farm revenue per year. Aspiring farmers need resources in order to get started, and diversity in the industry makes Washington stronger.

(Opposed) None.

(Other) The State Conservation Commission (SCC) and the WSDA are neutral on the bill because there is not funding in the Governor's proposed budget for this policy. The SCC

supports the concept, particularly increasing outreach to historically underrepresented farmers and providing funding to the WSDA for this work. Currently, the SCC is working on how to improve outreach regarding SCC programs. The SCC also supports increasing education about job opportunities in agriculture to young members of underrepresented communities. There are shortages in some agriculture-related jobs across the state. The WSDA supports any policy that gives the agency opportunities to evaluate and improve services to stakeholders including underrepresented communities and appreciates the sponsor's attention to funding and timelines needed to do a thorough analysis. The majority of Washington's farms meet the United States Department of Agriculture's definition of "small farm." New farmers must have support and resources in order to succeed. The bill would provide tools to the WSDA to evaluate its programs as well as those of other agencies who play a role in supporting farmers and agriculture.

The Farm Bureau supports the concept of the bill. Farming is not for the faint of heart, and there needs to be more people entering the industry as current farmers begin to age. The bill does not address all the hurdles new farmers face, including increased costs of land, labor, and equipment. There should be a dedicated staff person to take on this work. That person could act as a liaison to the agricultural community, underrepresented farmers and ranchers, state agencies, and other groups to build relationships and connect new farmers with resources. Another opportunity could be to expand the existing Future Farmers of America (FFA) program to urban high schools. Yelm High School, near Olympia, has the largest FFA program in the nation, and could be an opportunity to establish a sister school partnership.

Persons Testifying: (In support) Representative Morgan, prime sponsor; Nina Martinez, Latino Civic Alliance; Heather Hansen, Washington Friends of Farms and Forests; and David Mendoza, The Nature Conservancy.

(Other) Ron Shultz, Washington State Conservation Commission; Kelly McLain, Department of Agriculture; and Tom Davis, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.