



March 13, 2023

RE: Testimony in opposition to ESSB 5217 – Concerning the state’s ability to regulate certain industries and risk classes to prevent musculoskeletal injuries and disorders

Dear Honorable Members of the Washington House Labor & Workplace Standards Committee:

Thank you for the opportunity to provide comments ESSB 5217, which deals with the state’s ability to regulate certain industries and risk classes to prevent musculoskeletal injuries and disorders.

Wafla stands in opposition to this bill.

Wafla is a non-profit 501(c)(6) membership organization comprised of nearly 800 agricultural and seasonal employers. Wafla was formed to make labor stability a reality for all agricultural employers and for farmers and farmworkers to be treated with dignity and respect. We offer ways for our members to access several federal visa programs, including the H-2A program, and receive assistance complying with state and federal labor standards.

We are fully in support of workplace safety. We routinely recommend to our members that they participate in the safety consultation program at L&I, receive safety advice from industry safety consultants, and send their workers to Ag Safety Day. We are committed to farmworkers remaining safe at work, regardless of whether they are domestic or H-2A workers.

The agricultural industry in Washington state is consistently ranked among the top five safest states in the nation, which is a remarkable achievement considering that we are among the top states for hours worked in labor-intensive agriculture.

However, the provisions of ESSB 5217 would move Washington down a path that would accelerate job loss and automation because of potential L&I rulemaking on ergonomics. These types of rules create uniform workplace standards that would not be workable on every job site and with the individual personal fitness levels of each employee. The cost for employers to do appropriate analysis and implement would far outpace the funding mechanisms provided for in the bill.

We in Washington have already debated and resolved this issue with the passage of Initiative 841, and L&I retains the authority to enforce the safe place standard even without ergonomics

rules in place. This fact, especially when combined with existing voluntary assistance programs and the financial incentives (such as lower industrial insurance rates) for employers to have and maintain safe workplaces, leads us to conclude that this bill and the ergonomics rules that would likely stem from it are not necessary.

Washington's agricultural industry already has effective safety tools at its disposal for ensuring safe workplaces. Passage of this bill will not ensure safer workplaces while adding costs to farmers, increasing state requirements on them, and eliminating jobs in the meantime.

We ask you to oppose ESSB 5217.

Thank you,

A handwritten signature in blue ink, appearing to read "Enrique Gastelum".

Enrique Gastelum
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