

Farm Internship Pilot Project

2019 Report to the Legislature

December 2019

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Executive Summary

Introduction

The 2014 Washington State Legislature authorized the Department of Labor & Industries (L&I) to establish the Farm Internship Pilot Project. The goals of this project were to enable interns to safely work on small farms while learning about farming practices and obtaining hands-on experience, and to address a growing need to train the next generation of farmers.

The average age of a farmer, which has been rising for decades, was 58.3 years in 2012 -- up from 57.1 years in 2007¹. Prior to this pilot project, small farms would exchange informal on-farm education for a stipend or volunteer labor; however, these workers/interns were at risk because of the lack of insurance to protect against injuries. The Farm Internship Pilot Project ensured that participating interns received workers' compensation protections.

This project was the second² of its kind in Washington, which is the first state to conduct such a pilot. Farms with annual sales of less than \$250,000 per year were eligible to apply for a special certificate enabling them to participate in the project. Participating farms were exempt from minimum wage requirements and interns were not required to receive pay or other types of compensation; however, farms were required to provide interns with workers' compensation coverage to insure against workplace injuries. To be eligible, interns could not displace paid workers.

From 2014 through 2018, L&I was required to monitor and evaluate the farm internships included in the project and report to the legislature by December 31 of each year on participation levels, educational activities provided, wages paid, workers' compensation claims filed, and subsequent employment of interns. The project is scheduled to end December 31, 2019, and L&I volunteered to provide this final report for 2019.

2019 Information update

Participation

The pilot project began in Skagit and San Juan counties in 2010. Over the next five years, the project expanded to 20 of Washington's 39 counties, and the number of participating farms and interns rose exponentially – from four farms and seven interns in 2010 to 165 farms and 171 interns as of the writing of this report.

The pilot project received 22 requests to participate from farms located in counties that were not eligible for participation, indicating statewide interest in the program.

During Fiscal Year (FY) 2019 (July 1, 2018 – June 30, 2019), 23 farms applied for and received a special certificate enabling them to participate in the project, and 29 interns were trained.

¹ 2012 Census of Agriculture, U.S. Department of Agriculture

² The first pilot project began in June 2010 and expired in December 2011.

Educational activities

All participating farms provided education-focused work and activities based on the bona fide curriculum of an educational or vocational institution as part of their internship program. Interns received in-person instruction in hands-on farming techniques and practiced those techniques as part of their regular duties throughout the course of the internship.

In FY 2019, providing increased educational opportunities for interns continued to be a major focus of the project. Throughout the life of the project, educational activities offered by internships in the participating counties included, but were not limited to:

- Hands-on farming experience.
- Assigned reading and writing about farming practices and opportunities to take formal agricultural courses.
- Space on farms to experiment with innovative farming methods.
- Trips to neighboring farms to observe, learn from others, and build networks.
- Presentations and teaching opportunities at farms and associated farming organizations.

Wages and other compensation provided

Compensation for interns was not required; however, most participating farms offered their interns compensation of some kind, such as a stipend, room and board, and/or farm produce.

Workers' compensation claims filed

No workers' compensation claims were filed in FY 2019. Over the life of the project, one claim was filed due to a minor injury, with no work days lost.

Subsequent employment of interns

As in previous years, subsequent employment of interns varied in FY 2019. Seventeen interns were employed by the farms where they trained after completing their internships. Others were employed in similar positions elsewhere, continued their education, changed to another field of work, or started their own farms.

Project results

L&I evaluated the Farm Internship Pilot Project each year from 2014 – 2019. The Farm Internship Pilot Project coordinator conducted check-ins with interns and farmers, visiting each farm during harvest season or a busy time of year to view the environment and working conditions and discuss the merits of the project.

During these visits, the coordinator interviewed each intern and farmer separately and in private, with the aim of identifying concerns, clarifying information, mitigating any potential issues, and verifying compliance with project requirements.

In addition to the check-ins, L&I sent participating farmers and interns a written survey toward the end of the internship. This survey collected data anonymously³ and was used to determine the quality of internships.

According to the feedback L&I received, the project has been beneficial to both participating farmers and interns. Farmers benefitted from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry. Interns were able to gain hands-on experience and training in a safe and legal way.

The pilot project provided a means for small farms to continue a long-standing practice of educational internships in compliance with labor laws and regulations, and to provide safety to farm interns through the workers' compensation system. In essence, the Farm Internship Pilot Project helped keep Washington safe and working.

³ Although the survey is anonymous, the intern can choose to disclose their participating farm.

Introduction

Small farms have historically relied on informal internships to train the next generation of farmers. Informal internships are intended to be mutually beneficial both to farms and to those who wish to enter the farming industry. Washington's Farm Internship Pilot Project, established under RCW 49.12.470, aimed to minimize legal risks for small farms that provided a structured, approved curriculum as part of training for interns, while providing interns opportunities to learn and workers' compensation insurance while on the job.

Farms participating in the Farm Internship Pilot Project were exempt from requirements of the Minimum Wage Act, which includes wage and hour regulations. All other farms must meet these requirements. Participating farms were not required to pay or otherwise compensate interns; however, they were required to purchase workers' compensation insurance for their interns.

During Fiscal Year (FY) 2019, farms in 20 of Washington's 39 counties with annual sales of less than \$250,000 per year were eligible to apply for a special certificate enabling them to participate in the project. The eligible counties were:

- Chelan
- Clark
- Cowlitz
- Grant
- Island
- Jefferson
- King
- Kitsap
- Kittitas
- Lewis
- Lincoln
- Pierce
- San Juan
- Skagit
- Snohomish
- Spokane
- Thurston
- Walla Walla
- Whatcom
- Yakima

To qualify for a certificate, farms were required to:

- Have annual sales of less than \$250,000 per year.
- Have no serious violations of Industrial Insurance or Minimum Wage Act requirements, such as unpaid wages to employees, which would indicate potential noncompliance with the terms of an internship agreement.
- Demonstrate that the issuance of a certificate will not create unfair competitive labor cost advantages, and will not affect wages and working standards for experienced workers in the industry.
- Not displace a paid worker with an intern.
- Demonstrate that interns would perform work for the farm under an internship program based on the bona fide curriculum of an educational or vocational institution designed to teach farm interns about farming practices and farm enterprises.

Reporting Requirements

The law that created the Farm Internship Pilot Project required the Department of Labor & Industries (L&I) to monitor and evaluate the farm internships included in the project and report to the legislature by December 31 of each year on participation levels, educational activities provided, wages paid, workers' compensation claims filed, and subsequent employment of interns. The project is scheduled to end December 31, 2019, and L&I volunteered to provide this final report for 2019.

PROGRAM PARTICIPATION

Participating farms

During FY 2019 (July 1, 2018 – June 30, 2019), 23 farms applied for and received certificates enabling them to participate in the Farm Internship Pilot Project, bringing the total number of participating farms to 165 since the pilot began in 2014. Not all the farms that received certificates employed interns. For those that did, the number of interns employed varied from year to year. However, an individual farm was not allowed to employ more than three interns at any one time.

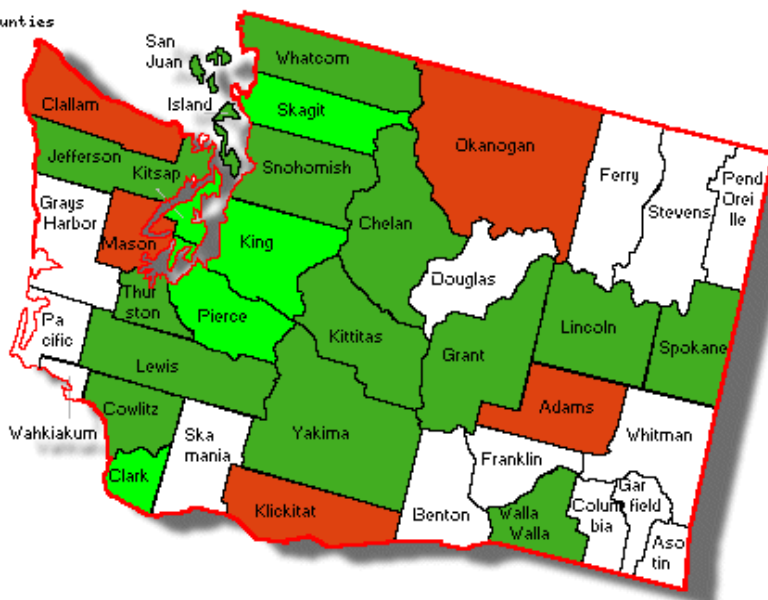
Over the course of the project (2014-2019), 22 farms around the state applied to participate in the program but were denied due to ineligible location. Other, less common, reasons for denial included incomplete applications, incomplete tax submissions, and inability to renew workers' compensation.

Figure 1 shows eligible and ineligible counties. The five counties shown in red are ineligible counties where farms expressed interest in participating in the project.

Figure 1: Farm Internship Pilot Project eligibility, participation, and interest

2019 Washington State Farm Internship Project

- - FIP eligibility
- - 2019 active counties
- - Interested counties



Participating interns

Twenty-nine new interns were trained at small farms in FY 2019, bringing the total number of participating interns over the entire project to 171. With one exception, internships lasted less than one year; most lasted between three and six months. The length of time depended on the particular farm’s size, number of interns, and length of harvest season -- often a prime time for interns to learn farming essentials⁴.

EDUCATIONAL ACTIVITIES

Interns received in-person instruction in hands-on farming techniques and practiced those techniques as part of their regular duties throughout the course of the internship. All participating farms provided education-focused work and activities based on the curriculum of an educational or vocational institution as part of their internship program. L&I reviewed submitted curricula to ensure they met educational standards.

⁴ Harvest season, typically any time between May and September, is the busiest time of year on many farms, during which farmers cultivate and harvest crops. The project also included farms with activities not centered around a harvest season, such as livestock farms.

Each educational program was tailored to the specific nature of work performed at each farm, as well as the farmer's own background, experience, and teaching style. Most farmers chose to focus on agricultural hands-on education rather than standard academic reading and writing assignments; however, some farmers did recommend books and other materials for interns to review before starting their internship.

Some interns were given reading/writing assignments, participated in seminar-style discussions with neighboring farms and their interns, and/or had opportunities to take formal agricultural courses from Washington State University, Organic Farm Schools, and other educational organizations. Some examples of curriculum resources used are available on the L&I public website at <http://www.lni.wa.gov/WorkplaceRights/agriculture/smallfarminternship/default.asp>. Any prescribed educational curriculum was mapped out at the beginning of the internship.

Some farms also provided a space for interns to try their own experimental techniques for growing agricultural and horticultural crops. Farmers also took interns on field trips, to workshops, or to local farming events.

In addition to providing educational opportunities for interns, the project provided education and outreach to communities in participating counties. Most of this outreach was done throughout the project by individual stakeholders, including the Agricultural Resources Committee, the Washington Farm Bureau, the Washington Sustainable Food and Farming Network, and Washington State University Extension.

Notable educational programs offered in FY 2019 included:

- **Farmer Innovation, Education, and Leadership Development (FIELD) Program (*Mystery Bay Farms*)** -- Jefferson County FIELD is an educational program developed by farmers and the Jefferson County WSU Small Farms Team, in which interns are paired with a host farm mentor who provides them with comprehensive instruction in farm operations. This is supplemented by intensive weekly workshops in such subject areas as humane animal slaughter, water law, farm construction, cider production, and marketing.
- **Kitsap Farm Internship Program (*Around the Table Farm and Persephone Farm*)** -- The goal of this program is to collectively provide instruction and hands-on learning in small farm agricultural practices with emphasis on Kitsap County as a farming community. This program focuses on instructional days with explanation, discussion, reading assignments and demonstration. There is also application of the topic at the farm where the instruction took place. Occasional readings on the topics provide in-depth views. Interns are also engaged in diverse practicum activities on a daily basis on their host farm that results in 35-40 hours per week learning experience.

WAGES AND OTHER COMPENSATION PROVIDED

Prior to the start of an internship, participating farms and interns must sign a written agreement describing the program offered by the farm, the responsibilities and expectations of the intern and the farm, the activities of the farm, the type of work to be performed by the intern, and any compensation the farm would provide to the intern. The written agreements must also explicitly state that interns are not entitled to unemployment benefits or minimum wages for work and activities performed as part of the internship program for the duration of the internship. However, every intern must be covered for work-related injuries through workers' compensation.

Though it was not required, the majority of farms (over 95 percent in FY 2019) offered some form of compensation to their interns. The amount and type of compensation varied from farm to farm, and most commonly consisted of hourly or monthly stipends, room and board, or farm produce.

WORKERS' COMPENSATION CLAIMS FILED

No workers' compensation claims were filed in FY 2019.

Of the 171 interns who participated in the project since 2014, one filed a workers' compensation claim in FY 2018 for a minor injury incurred during the internship. The injury sustained was not serious enough to cause the intern to miss any work days.

SUBSEQUENT EMPLOYMENT OF INTERNS

In FY 2019, as a direct result of the program, 17 of the 171 total participating interns (about 10 percent) were employed by the farms where their internships took place. For the remainder of the interns, as in previous years, subsequent employment varied widely, with interns obtaining employment at other farms, starting their own farms or farm-related businesses, continuing their education elsewhere, or obtaining employment with non-profit organizations in other communities. Some interns also determined, by virtue of the internship experience, that farming was not their field of interest.

PROJECT RESULTS

L&I evaluated the Farm Internship Pilot Project each year from 2014 – 2019. The Farm Internship Pilot Project coordinator conducted check-ins with interns and farmers, visiting each farm during harvest season or a busy time of year to view the environment and working conditions and discuss the merits of the project.

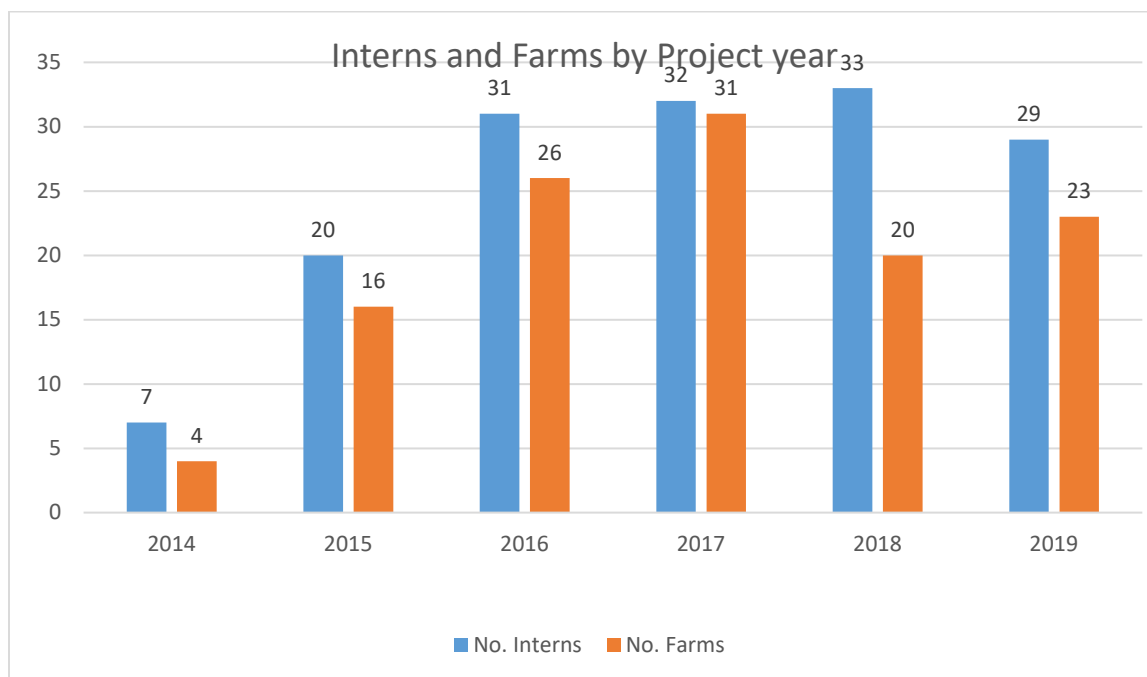
During these visits, the coordinator interviewed each intern and farmer separately and in private, with the aim of identifying concerns, clarifying information, mitigating any potential issues, and verifying compliance with project requirements.

In addition to the check-ins, L&I sent participating farmers and interns a written survey toward the end of the internship. This survey collected data anonymously⁵ and was used to determine the quality of internships.

According to the feedback L&I received, the project has been beneficial to both participating farmers and interns. Farmers benefitted from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry. Interns were able to gain hands-on experience and training in a safe and legal way.

Over the course of the project, the cumulative number of participating farms and interns has continued to increase, possibly due to increased awareness of the program. The specific numbers of participants by project year are shown in Figure 2 below.

Figure 2: Internships and farms by project year



**Note: As participating farms are only counted once in the data used in this chart, the actual cumulative number of farms that have participated in the project is higher than the numbers in this chart imply.*

Source: L&I Employment Standards

Benefits of the pilot

According to testimony on the legislation that extended the Farm Internship Project in 2014, farms encourage local growing and support their local economies; yet, the average age of

⁵ Although the survey is anonymous, the intern can choose to disclose their participating farm.

farmers is going up and the number of young farmers continues to decline⁶. The average age of a farmer was 58.3 years in 2012 -- up from 57.1 years in 2007⁷.

Prior to this pilot project, small farms would exchange informal on-farm education for a stipend or volunteer labor; however, these workers/interns were at risk because of the lack of insurance to protect against injuries. The Farm Internship Pilot Project ensures that participating interns receive workers' compensation protections.

Farms participating in the project benefit from the opportunity to pass on farmers' knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry while not displacing existing workers. Many of the participating farms might not have otherwise had the resources to accomplish this.

Due to the project's educational nature, some interns are able to introduce new concepts, experiment, and innovate processes, which provide new perspectives and ideas to their teachers and mentors. The project has also inspired some farms to coordinate their activities with other participants, thus building stronger relationships across the agricultural industry statewide.

Finally, as a direct result of this project, interns are able to gain hands-on experience and training in a safe and legal way.

LESSONS LEARNED

The Farm Internship Pilot Project provided a means for small farms to continue a long-standing practice of educational internships in compliance with labor laws and regulations, and to provide safety to farm interns through the workers' compensation system. In essence, the Farm Internship Pilot Project helped keep Washington safe and working.

L&I's experiences in implementing this project gave the agency the following insights:

- Many small farms that contribute to their local food systems lack the resources to manage a large amount of land, and must rely on interns or volunteers to get the needed work done. An organized program provided certainty for farmers who rely on this type of help, and safety for the interns and/or volunteers who provided the help while not displacing current workers.
- The pilot project directed L&I to rely solely on farm organizations and other stakeholders to perform outreach, which limited L&I's ability to ensure that all eligible counties knew about the program and provided information to farms. In interviews conducted during farm visits, farmers indicated they learned about the program either from previous participants or from stakeholders such as the Washington State University Extension Schools. A centralized, statewide approach to outreach offered through L&I may have encouraged higher participation through improved awareness of the program.

⁶ This is also documented in the U.S. Department of Agriculture's 2012 Census of Agriculture.

⁷ 2012 Census of Agriculture, U.S. Department of Agriculture

- Farms in ineligible counties around the state were eager to participate in the project, indicating broader interest in educating and supporting a new generation of farmers and farm workers.

Conclusion

During FY 2019, the Farm Internship Pilot Project continued to successfully enable interns to work on small farms while learning about farming practices and obtaining hands-on experience in farming activities in a safe and legal way. Farms continued to benefit from the opportunity to pass on their knowledge of agriculture and agricultural enterprise, and to build a working relationship with the next generation of the industry while not displacing existing workers.

The Farm Internship Pilot Project ends December 31, 2019. After December 31, the certificates issued by L&I will expire and no further certificates will be issued.