Farm Internship Pilot Project

2017 Report to the Legislature

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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 goal of the Farm Internship Pilot Project is to enable interns to safely work on small farms while learning about farming practices and obtaining hands-on experience in farming activities. Participating farms are exempt from minimum wage requirements and interns are not required to receive pay or any other type of compensation. However, interns must be provided workers’ compensation coverage to insure against workplace injuries. The agency is required to monitor and evaluate the farm internships included in the project, and report to the legislature by December 31, 2017 on participation levels, educational activities provided, wages paid, workers’ compensation claims filed, and subsequent employment of interns.

The Farm Internship Pilot Project is the second\(^1\) 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 are eligible to apply for a special certificate enabling them to participate in the project.

When the legislature authorized the project in 2014, it was scheduled to end December 1, 2017, and included 16 of Washington’s 39 counties; the 2017 legislature extended its date of expiration to December 31, 2019, and added four more counties to those eligible, resulting in a total of 20 participating counties as of July 23, 2017. Since the four additional counties were not added until fiscal year (FY) 2018, the data in this report only covers participating farms in the first 16 counties.

2017 Information update

Participation

Since the pilot began in 2014, 62 farms applied for and received a special certificate enabling them to participate in the project, and 106 interns were trained.

Educational activities

A major focus of the project was providing increased educational opportunities for interns. Educational activities offered by internships in the participating counties included, but were not limited to:

- Hands-on experience in farming.
- 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.

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\(^1\) The first pilot project began in June 2010 and expired in December 2011.
Wages and other compensation provided

Although compensation was not required, each participating farm offered compensation of some kind to their interns. Some examples include:

- A stipend.
- An hourly wage.
- Room and board.
- Farm produce.

Workers’ compensation claims filed

Of the 106 interns participating between 2014 and July 2017, one filed a workers’ compensation claim due to a minor injury. The intern did not miss any work days as a result of the injury.

Subsequent employment of interns

Subsequent employment of interns varied. Twelve 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

Participating farms were given an opportunity to provide written feedback about their experiences with the project. Farms 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.

Examples of feedback received are provided below:

*The program has been a fantastic way for us to work with interns in a legal way that protects both them and us.* – Gray Sky Farms

*Feedback from interns has been really positive about the experience and we get many applications every year for the two positions. Great news that the FIP got extended!* - Early Bird Farm

*This has been a great program. We learned a lot about interns and what it takes to have them, and it's been great to pass on as much farming knowledge as we have to give.* – Mezza Luna Farms

*This program has enabled/encouraged our farm to invest in young future farmers, and we are proud to be a part of it.* – Triple Wren Farms
The pilot project provides 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 helps keep Washington safe and working.
Introduction

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

All farms, except those participating in the Farm Internship Pilot Project, must meet the requirements of the Minimum Wage Act, which includes wage and hour regulations and industrial insurance requirements. Only those farms participating in the pilot project are exempt. In addition, participating farms are not required to pay or otherwise compensate interns; they are, however, required to purchase workers’ compensation insurance for their interns.

For the time period covered by this report, farms in 16 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:

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

To qualify for a certificate, farms must:
- 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 an experienced worker with an intern.
- Demonstrate that interns will perform work for the farm under an internship program based on the bona fide curriculum of an educational or vocational institution designed to teach farms interns about farming practices and farm enterprises.

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1 Clark, Cowlitz, Lewis, and Walla Walla counties were added to the project by the 2017 legislature.
Reporting Requirements

The law that created the Farm Internship Pilot Project requires the Department of Labor & Industries (L&I) to monitor and evaluate the farm internships included in the pilot project, and report to the legislature by December 31, 2017 on participation levels, educational activities provided, wages paid, workers’ compensation claims filed, and subsequent employment of interns. The agency is pleased to provide this report describing how the Farm Internship Pilot Project has supported small farms by creating a legal way to provide traditional educational internships.

PROGRAM PARTICIPATION

Participating farms

Between 2014 and July 2017, 62 farms have applied for and received certificates enabling them to participate in the Farm Internship Pilot Project. 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.

Participating interns

During this time period, 106 individuals have interned at small farms under this pilot project. With one exception, the duration of internships were less than one year. The length of time depended on the particular farm and generally coincided with each farm’s specific working season(s), which varied greatly.

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. Some examples of curriculum resources used are available on the L&I public website at http://www.lni.wa.gov/WorkplaceRights/agriculture/smallfarmintership/default.asp.

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. 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. Some farms also provided a space for interns to try their own experimental techniques for growing agricultural and horticultural crops.

In addition to these hands-on experiences, some interns were given reading/writing assignments and/or participated in seminar-style discussions with neighboring farms and their interns. One farmer brought an intern to a local farming association to assist in a presentation with other farmers. Some interns were given opportunities to take formal agricultural courses from Washington State University, Organic Farm Schools, and other educational organizations.

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

**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, many farms offered some form of compensation to their interns. The amount and type of compensation varied from farm to farm. Examples of compensation offered include:

- Stipends
- Hourly wages
- Room and board
- Farm produce

**WORKERS’ COMPENSATION CLAIMS FILED**

Of the 106 interns who participated in the project since 2014, one filed a workers’ compensation claim for a minor injury incurred during the internship. The intern who was injured on the job did not miss any work days.

**SUBSEQUENT EMPLOYMENT OF INTERNS**

As a direct result of the program, 12 of the 106 participating interns (about 10 percent) were employed by the farms where their internships took place. For the remainder of the interns, subsequent employment varied widely, and specific data is unavailable. However, it included interns obtaining employment at other farms, starting their own farms or farm-related businesses, continuing their education elsewhere, and 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**

Over the course of the project, the number of participating farms and interns increased each year. This may be due to increased awareness of the program. The specific numbers of participants by project year are shown in Figure 1 below.
Figure 1: Number of internships and farms by project year

![Number of Interns and Farms by Project Year](source)

Source: L&I Employment Standards

**Benefit of the Pilot**

According to testimony on the legislation that extended the Farm Internship Project, farms encourage local growing and support their local economies. Yet the average age of farmers is going up and the number of young farmers continues to decline. This bill was intended to encourage younger farmers and support the next generation. Farms 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. Many of the participating farms might not have otherwise had the resources to accomplish this. Due to the project’s educational nature, some interns were able to introduce new concepts, experiment, and innovate processes, which provided new perspectives and ideas to their teachers and mentors. The project 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 the program, interns were able to gain hands-on experience and training in a safe and legal way.
Conclusion

The Farm Internship Pilot Project is successfully enabling interns to safely work on small farms while learning about farming practices and obtaining hands-on experience in farming activities in a safe and legal way. Farms 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.

The Farm Internship Pilot Project is set to continue through December 31, 2019. L&I will continue to accept and process applications for special certificates from small farms in supported counties, and to ensure that program participants comply with all applicable laws and regulations.