

U.S. SENATOR DIANNE FEINSTEIN

AMERICA'S AGRICULTURAL CRISIS

AND

**THE AGRICULTURAL WORKER PROGRAM ACT
OF 2013**



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ONE HUNDRED AND THIRTEENTH CONGRESS
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ALABAMA

Gaines Farms is a family-owned farm located just north of the Alabama River near Autaugaville. The farm has been in business for more than 30 years and produces beef cattle, cotton, peanuts, hay, timber, and small grains.¹ Co-owner Harold Gaines traveled over 200 miles to attend a seminar on understanding the complicated requirements of the H-2A seasonal farm labor program. After attending the program, he explained the challenges he faces in finding workers to help him harvest the products on his farm. *“In agriculture, it's coming to this,”* states Mr. Gaines. *“On larger operations, especially labor-intensive operations like vegetables and produce, you can't hire good help. The ones you can hire are often not qualified, not motivated, or both.”*²

Shore Acres Plant Farm in Theodore, Alabama, is a family-owned plant nursery that sells a wide variety of foliage and flowering plants. Owner Oliver Washington IV explains how important guest workers are to the operation of his business. He states, *“We've had the same people for almost 10 years. They are a good group of guys from an agricultural area in Mexico. They grew up around plants, so they know what to do.”*³



Unpicked squash is left lying in the field

¹ “2005 Commercial Producer of the Year Nominees,” *Beef Improvement Federation*, 2005.

² Jeff Helms, “Mobile Farmers Federation Sponsors H-2A Seminar,” *Alfa Farmers News*, August 27, 2008.

³ *Ibid.*

A state immigration law that went into effect in the fall of 2011 has made it even more difficult for Alabama farmers to meet their labor needs. John Zippert, program director for the Federation of Southern Cooperatives Rural Training & Research Center, says that *“this is scaring Hispanic workers away, not just from the Alabama fields, but also from northern Alabama, in chicken processing plants.”* He adds, *“I don’t think other unemployed people are going to take these jobs. From an economic standpoint, this is a real problem.”*⁴

Chandler Mountain tomato farmer Jamie Boatwright saw all of his migrant workers leave the state following the law’s passage. He attempted to make up the labor shortfall with domestic workers, but was unsuccessful. *“Since this law went into effect, I’ve had a total [of] 11 people that were Americans come and ask for work. A total of one of those actually came back the next day.”* That one worker picked four boxes of tomatoes and quit.⁵

Fellow Chandler Mountain tomato farmer Chad Smith predicts that the labor shortage caused by Alabama’s immigration law means that *“we could lose probably fifty percent of [the tomato crop] we have left for the year.”* Mr. Smith does not believe that he could attract domestic workers even he raised his wages: *“It ain’t about the money, it’s about the work physically. If a person can’t do the work, they can’t do it no matter how much you pay them. As of next year, if nothing changes, there won’t be a tomato grown here.”*⁶

Some tomato farmers, such as K&D Farms owner Keith Dickie, have reduced production because they fear that – yet again – they will not be able to find enough workers to pick this fragile fruit. Jimmy Miller, whose farm sits on Chandler Mountain in Alabama, reduced the amount of produce he planted for this growing season, and instead planted more cotton and peanuts. Cotton and peanut crops can both be harvested mechanically with a combine, and therefore require less manpower to produce. According to Mr. Dickie, *“there’s too much uncertainty”* surrounding Alabama’s immigration law, particularly about what lasting effect it will have on the state’s agriculture industry.⁷

⁴ Katti Gray, “Alabama Anti-Immigration Law the Bane of Farmers’ Agricultural Existence,” *ABCNews.com*, July 12, 2011.

⁵ “The Economic Reality of Tough Immigration Laws,” *NPR*, October 8, 2011.

⁶ Doug Richards, “Tough new Immigration Law Hits Alabama Farmers,” *WXIA 11 Alive News*, October 4, 2011.

⁷ Jay Reeves, “Alabama Farmers Cut Crops,” *Associated Press*, May 13, 2012.

ALASKA

Land estimates by the U.S. Department of Agriculture show that 40,000 acres of Alaskan farmland closed down between 2002 and 2012.⁸ The Alaska agriculture industry, which includes over 1,200 acres of labor-intensive crops such as potatoes, lettuce, and carrots, creates approximately \$57 million economic activity for the state.⁹

Alaska's immigrant population – which grew 31 percent between 2000 and 2007 – plays a vital role in state industries, particularly seafood processing. Nelson San Juan of Alaska's Department of Labor and Workforce Development says employers recruit immigrants because there is a shortage of workers in the seafood industry.¹⁰ Many seasonal seafood jobs are filled by non-resident employees in large part because local workers are not interested in the position, according to Alaska Glacier Seafoods CEO Mike Erickson. *"It's probably the type of work and salaries that make it not really attractive for some workers,"* he says.¹¹ The industry particularly depends on the availability of Japanese roe technicians, whose highly specialized grading skills are crucial for Alaskan salmon to remain competitive in the Japanese market.¹²



Hatchery workers collect fish

⁸ National Agricultural Statistics Service, "Farms, Land in Farms, and Livestock Operations 2012 Summary," *U.S. Department of Agriculture*, February 2013.

⁹ National Agricultural Statistics Service, "2007 Census of Agriculture – State Data, Alaska," *U.S. Department of Agriculture*, 2007.

¹⁰ Gina Romero, "Refugees and Immigrants Fill Gap in Alaska Workforce," *The Alaska Journal*, November 9, 2008.

¹¹ Jonathan Grass, "Non-Residents Lead in Alaska Seasonal Seafood Jobs," *The Alaska Journal of Commerce*, June 23, 2011.

¹² Laine Welch, "Fresh or Frozen, Filets Jump-start Alaska Salmon Industry," *The Alaska Journal*, May 21, 2004.

ARIZONA

Paul Murthart is the general manager of the Pasquinelli Produce Company, a family farm that has been growing approximately 8,500 acres of winter vegetables in the Yuma, Arizona, area for over 60 years.¹³ Despite offering a salary above the minimum wage, health care benefits, paid vacations, and profit sharing, Pasquinelli Produce Company has not been able to find American workers to harvest its lettuce and watermelons.

Mr. Murthart believes *“it is appropriate to offer the jobs to American workers first.”* However, he goes on to explain the difficulty he faces when trying to recruit local workers. He says, *“This is a very remote area, and how are you going to get 5,000 people to respond to a classified ad to work out here in the elements?”* Pasquinelli Produce Company remains short-handed, and when the crop needs to be picked within a short period of time, *“As much as a fifth of our produce is left to rot because we don’t have enough workers.”*¹⁴



Field workers harvest lettuce by hand

Robbs Farms is a 200-acre family farm in Wilcox, Arizona. The farm has been in business for over 50 years and produces pistachios, pecans, onions, and pumpkins.

¹³ Testimony of Paul Murthart, “Hearing on Proposed Promulgation of a National Marketing Agreement for Leafy Green Vegetables,” *U.S. Department of Agriculture*, Yuma, Arizona, October 14, 2009.

¹⁴ Tim Gaynor, “Border Farmers Seek Change on Guest Workers,” *Reuters*, June 24, 2008.

Alan Robbs, a second-generation owner, explains that labor shortages impact the farm's crop harvests. Mr. Robbs says, "*We purposely cut back growing some of our vegetable crop because I didn't think we'd be able to get it harvested.*"¹⁵

Lettuce cultivation in Arizona is especially labor-intensive. The crop has an approximate 5-day harvest window after reaching maturity, at which point each head of lettuce must be cut and packed into boxes by hand. "*You have to sort with the eye and the hand. No machine can find defects like the human eye,*" notes Brian Church, Director of Church Brothers, a major grower-shipper of fresh vegetables in Arizona. Tom Church, Brian's brother and the President of Church Brothers, states that even though the work requires a large labor force, "*If we had to rely on American workers, it would never get done.*"¹⁶

John Boelts is a farmer in Yuma, Arizona, who grows lettuce, broccoli, spinach, cauliflower, cantaloupes, and watermelons. Mr. Boelts comes from an agricultural family. He says, "*I chose it as my profession because I enjoy feeding the country and the world.*" In the past, Mr. Boelts has not had success hiring local American workers to harvest in the fields. "*People like to refer to ag as unskilled labor – it's not,*" he says. "*If I went to the center of Phoenix and I rounded up 20 people and I put them in a tractor for a day or harvesting lettuce, regardless of the physical demands of the job, half to a quarter would probably wash out because they're not attuned to that.*"¹⁷

Arizona lettuce growers cultivate an estimated 66,000 acres of lettuce every year. An estimated 40 percent of Arizona's lettuce harvesters are year-round migrant workers who live full-time in the United States. Lettuce farms in Yuma, Arizona, produce one-third of all leafy greens – lettuce, spinach, arugula, and radicchio – grown in the United States, especially during the winter months.¹⁸ At the peak of the winter vegetable season, there are approximately 50,000 agricultural workers in Yuma, Arizona.¹⁹

Mark Ellsworth, President of the Yuma Fresh Vegetable Association, says, "*We as a vegetable industry cannot function without hand labor ... We are constantly developing new technology, but the human eye cannot be replaced.*"²⁰

¹⁶ Sarah Rubin, "Will Immigration Law Doom America's Lettuce?" *The Atlantic*, May 11, 2010.

¹⁷ Berry, Jahna and Michael Kiefer, "Arizona Immigration Law Opens Farm Jobs to Unemployed," *The Arizona Republic*, July 15, 2010.

¹⁸ *Ibid.*

¹⁹ Joyce Lobeck, "In the Fields: Skilled Hands, Trained Eyes," *Yuma Sun*, January 23, 2010.

²⁰ *Ibid.*

Growers throughout Arizona are concerned that the passage of tough new immigration laws in Arizona, like S.B. 1040, will discourage experienced, seasonal farm workers from returning to harvest lettuce and other labor-intensive crops. Nan Walden, vice president of the family-owned Farmers Investment Co., which is the world's largest pecan grower and processor, says that S.B. 1040 has caused a sense of fear to set in among employers. According to Ms. Walden, "*[S.B. 1040] has led to people leaving our state, going to other states without these ambiguous clouds and legal sanctions hanging over employers' and employees' heads.*"²¹

Third-generation Yuma farmer Tim Dunn hires 30 seasonal workers each year to help him plant vegetables, beans, and grains. He says that Congress needs to take action to address the current agricultural labor shortage. "*Americans expect produce on their shelves. Either we will grow it or Mexico or Brazil will grow it. We want to make sure we can continue to produce in the U.S.*"²²

²¹ Alfonso Serrano, "Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws," *Time.com*, September 21, 2012.

²² Emily Maltby, "Arizona Small Businesses Fret After Immigration Ruling," *The Wall Street Journal*, June 26, 2012.

ARKANSAS

Craig Andersen, a horticulturalist with the University of Arkansas Cooperative Extension Service, explains why access to a labor force is so critical to Arkansas farms. Mr. Anderson states, “*There are very few horticultural crops that are totally mechanized; somewhere in the process, you have to have labor. You can harvest sweet corn mechanically, but you still have to pack it. You can harvest green beans mechanically, but you still have to get them in boxes. Every step of the way, labor is an extremely valuable commodity.*”²³

Rocky Friend operates a 150-acre orchard near Harrison in Boone County, Arkansas. The farm produces both peaches and apples for the wholesale market. In the last decade, Friend Orchards expanded its operations by building a packing house. The orchard relies on a year-round supply of immigrant laborers who do all of the pruning, spraying and harvesting.²⁴

The Caubble family has been harvesting apples on their small family apple orchard in Cross County, Arkansas, for over 50 years. The Caubbles do most of the work on their orchard themselves because of labor shortages in the area. According to Jack Caubble, “[I]t’s getting hard now to find the labor force.”²⁵

The Friend and Caubble families are not the only Arkansans facing trouble on their farms. Land estimates by the U.S. Department of Agriculture show that over one million acres of Arkansas farmland closed down between 2002 and 2012.²⁶

²³ Nancy Cole, “Hands Ready as Farm Hits Fruitful Time,” *Arkansas Democrat-Gazette*, Apr. 27, 2006.

²⁴ Nancy Cole, “A Onetime King’s Humble Return: Apple’s Reign in Arkansas is History, but it has a Future,” *Arkansas-Democrat-Gazette*, April 1, 2007.

²⁵ Ibid.

²⁶ National Agricultural Statistics Service, “Farms, Land in Farms, and Livestock Operations 2012 Summary,” *U.S. Department of Agriculture*, February 2013.

CALIFORNIA

Steve Scaroni, of Scaroni Ranches, has been in the lettuce and broccoli industry for several decades. He moved more than 2,000 acres and 500 jobs from his \$50 million operation in Heber, California, to Guadalajara, Mexico, as a result of the agricultural labor crisis. Mr. Scaroni explains, “*I have no choice but to offshore my operation.*” As of 2007, he was exporting about 2 million pounds of lettuce per week to the United States.²⁷

Mel-Delin Dairy is a 250-acre farm with 900 cows in Turlock, California.²⁸ The family farm has been employing migrant labor for at least twenty years. Ray Souza, owner of Mel-Delin Dairy, states, “*I haven’t had a non-Hispanic want to do this work in 10 years ... Once Americans get the job description they lose interest real quick.*” Phil Martin, an agricultural economist at the University of California, Davis, reiterates this point. In 2009, he said, “*A whole lot of 18-year-olds prefer to work at McDonald’s for minimum wage than milk cows,*” despite the dairy industry’s average wage of \$11.38 an hour at that time.²⁹

California garlic and pepper farmer Tim Chiala says that the local labor supply has been tight in recent years, and the production of California peppers has largely transferred to Mexico. The Chialas are third-generation California farmers. Mr. Chiala says, “*Labor is always an issue. We might have all the people we need to harvest the crop one week and not the next. Unfortunately, even in tough economic times there are not a lot of people who want to do this work. It is hard work.*”³⁰

The produce grown on Mr. Chiala’s family farm is distributed to companies nationally for use in salsas, soups, pasta sauces, and other consumer goods.³¹ However, Mr. Chiala observes that the industry is changing due to the labor shortage: “*Smaller fruits and vegetables and anything labor intensive is going away and doesn’t get planted anymore.*”³²

²⁷ Julia Preston, “Short on Labor, Farmers in U.S. Shift to Mexico,” *New York Times*, November 5, 2007.

²⁸ Testimony of Ray Souza, “Hearing on Economic Conditions in the Dairy Industry,” *U.S. House Agriculture Committee*, July 14, 2009.

²⁹ Miriam Jordan, “Got Workers? Dairy Farms Run Low on Labor,” *Wall Street Journal*, July 30, 2009.

³⁰ Kate Campbell, “Portraits of a New Generation of Farmers,” *California Country*, September/October 2009.

³¹ *Ibid.*

³² Sheila Sanchez, “Area Growers Support New Farmworker Program,” *Morgan Hill Times*, March 31, 2008.

Asparagus plantings in California's Imperial Valley have also declined – from 786 acres in 2006 to 373 acres in 2008, a reduction of over 50 percent.³³ Ayrton Moiola, of the Imperial Valley Vegetable Growers Association, predicts that California asparagus crops may disappear completely in the Imperial Valley if the demand for specialized asparagus planters and harvesters is not met.³⁴ According to Ms. Moiola, *“Asparagus in the Imperial Valley is an indicator as to what happens with crops that are labor intensive and what happens when labor becomes unfeasible economically and also just hard to find.”*³⁵



Farm workers sort and inspect garlic

U.S. Department of Agriculture data show that over 9,000 acres of U.S. garlic crops went out of production from 1999 to 2006, and the supply of American-grown garlic reduced by 94 million pounds.³⁶ China has surpassed the United States as the lead supplier of garlic consumed by Americans.³⁷

Jon Reelhorn runs the Belmont Nursery in Fresno, California, a family-run company founded in 1942. California's nursery and floral crop industry is valued at around \$4 billion, making California the top producer of nursery greenhouse plants and trees in the United States. Despite the recession, Mr. Reelhorn has not seen American workers pursuing jobs on California farms. He states, a *“lack of*

³³ Lisa Rathke, “Farmers: Immigration Reform Needed for Ag Workers,” *Associated Press*, May 10, 2010.

³⁴ Steve Adler, “Growers Face Difficult Planting Choices,” *Ag Alert*, November 26, 2008.

³⁵ Rathke, May 10, 2010.

³⁶ Sophia Huang and Kuo Huang, “Increased U.S. Imports of Fresh Fruit and Vegetables,” *Economic Research Service, U.S. Department of Agriculture*, September 2007.

³⁷ Elizabeth Weise, “China's Budding Food Industry Faces Scrutiny,” *USA Today*, May 22, 2007.

*timely and thoughtful resolution of the farm labor crisis will hasten the off-shoring of our specialty crop and livestock agriculture.”*³⁸

Jeff Carlton, a vineyard manager from Sonoma County, California, says that unworkable regulatory changes to the H-2A program have put him in a difficult position. *“This just makes it tougher to find workers, especially if the Department of Labor wants us to try and find domestic workers to do agricultural work,”* Mr. Carlton says. *“By adding more layers of bureaucracy to the process, it will be tougher for us to find workers, because no one around here wants to do this work.”*³⁹

Paul Van Konynenburg grows almonds, apples, cherries, peaches, and apricots in Stanislaus County, California. Despite offering a \$12 to \$15 hourly wage, Mr. Von Konynenburg struggles to find workers. He fears that if something is not done, California’s fruit and tree nut industry will move offshore. *“At a time when the nation’s health community is encouraging us to eat more fruits and vegetables, we should do everything possible to encourage their production here and discourage greater dependence on imports.”*⁴⁰

“Fruit that you should be picking is not being picked,” explains California farmer John Eiskamp. Mr. Eiskamp notes that, *“The [economic] downturn should be helping us.”* However, when asked how many domestic workers applied for available agricultural jobs, Mr. Eiskamp responded: *“None. Absolutely none.”* According to Mr. Eiskamp, the farm labor shortage means that Americans will produce less of their own food. He says, *“It’ll just be grown in Mexico. Or China.”*⁴¹

The *Associated Press* analyzed labor availability on California farms between January and June 2010 and found that only 233 American citizens or legal residents applied for the nearly 1,160 agricultural positions available, and only 36 applicants were successfully placed on farms. The analysis concluded that Americans generally are not applying for jobs to harvest fruits and vegetables, and those that apply often do not take labor-intensive jobs in the fields.⁴²

³⁸ Testimony of Jon Reelhorn, *U.S. House Agriculture Committee*, May 3, 2010..

³⁹ Souza, Christine, “Farmers Say New H-2A Rule Adds Cost, Complexity,” *California Farm Bureau Federation*, February 17, 2010.

⁴⁰ Testimony of Paul J. Van Konynenburg, *U.S. House Agricultural Committee*, May 3, 2010.

⁴¹ Jane Wells, “California Farm Labor Shortage ‘Worst It’s Been, Ever,’” *CNBC*, August 20, 2012.

⁴² Burke, Garance, “Despite Economy, Most Americans Don’t Want Farm Work,” *Associated Press*, September 27, 2010.

COLORADO

High Country Orchards is a 126-acre family-owned and operated orchard, vineyard, and garden in Palisade, Colorado. High Country has not been able to retain local workers in labor-intensive agriculture jobs. Teresa High explains, “*Even now they still don’t want these jobs. Believe it or not, farming is much more skilled than people think ... As much as I’d like these jobs to go to Americans, there aren’t a lot of Americans that want to do it.*”⁴³ In 2010, High Country received 15 applications from local workers. Only nine showed up for work and after the first week, only five remained.⁴⁴

Mark Harris of Grand Valley Farms observes, “*Most unemployed today are not able to jump at the opportunity to come out and do hard farm work ... Many of them are unable to do these kinds of jobs.*”⁴⁵ In 2004, Mr. Harris moved his business outside of Colorado because he could not find enough workers. The Harris family had been growing crops in the Grand Valley since 1958.⁴⁶

Grant Family Farms, based in Wellington, Colorado, has been in business for 35 years and was the first farm in Colorado to be certified organic. Owner Andy Grant has been unable to recruit enough workers, forcing him to cut back nearly half of his operation. Mr. Grant observes that other Colorado farmers have moved their farms abroad, where labor is abundant. Mr. Grant predicts, “*In another five, 10 years, the fruit and vegetable industry will be gone out of Colorado.*”⁴⁷

Corn farmer John Harold typically relies on migrant farm workers to help him harvest his crops, but when the time came for the 2011 harvest, he made an effort to hire local workers in Montrose County, Colorado, where the unemployment rate was 9.8%. “*The thought was that we’d have a lot of [local] workers come to work. A lot filled out applications, a lot of people started, but a majority worked less than six hours.*” Mr. Harold attributes this to the “*work ethic of migrant laborers that is just not found with local labor.*”⁴⁸

⁴³ Amy Hamilton, “Demand High for Orchard Jobs,” *The Daily Sentinel*, March 6, 2010.

⁴⁴ Nancy Lofholm, “Colorado Orchards Tried to Hire Locally, but Workers Aren’t Interested,” *Denver Post*, April 19, 2010.

⁴⁵ Sharon Sullivan, “Leaders Rally for Immigration Reform,” *Grand Junction Free Press*, February 12, 2010.

⁴⁶ *Ibid.*

⁴⁷ Chris Casey, “Labor Shortage Grows Desperate for Area Farmers; Relief Sought in State Measure, but say U.S. Reform Needed,” *Greeley Tribune*, March 23, 2008.

⁴⁸ Kati O’Hare, “Local Farmer Reiterates Need for Foreign Labor After Disappointing Results with Local Crews,” *Montrose Daily Press*, September 2, 2011; “Colorado Corn Farmer Can’t Find U.S. Citizens to Replace Immigrant Labor,” *The Huffington Post*, September 2, 2011.

CONNECTICUT

The Lyman family has farmed in Connecticut since 1741. Lyman Orchards is now in its 272nd year, with John Lyman III, Executive Vice President, representing the eighth generation of his family to be directly involved in the business. Lyman Orchards has relied on seasonal migrant labor since the 1940s to harvest its apples.

John Lyman explains the importance of seasonal H-2A workers to the family's business: *"We have used the H-2A program for decades in order to find workers for the jobs that we can't fill with U.S. workers ... the foreign workers who harvest the fruit create other year-round jobs on our farm for American workers."*⁴⁹



Unpicked apples rot on the ground

According to a report from First Pioneer Farm Credit, *"Connecticut agriculture has come to rely on immigrant workers who present the necessary identity documents and are then employed on the same Federal and Connecticut terms as American workers ... These hard-working individuals are filling jobs that Americans just do not want under any circumstances – whether their location is outside of major urban areas, working outdoors in variable weather conditions, and/or the substantial physical stamina required for them."*⁵⁰

As of 2008, approximately 165 Connecticut farms and 54,000 acres of farmland were "highly vulnerable" to closing down or cutting back operations without immigrant labor. These farms supported \$261 million in economic activity for Connecticut, 3,893 full-time farm jobs, and 6,741 jobs in agriculture-related businesses in Connecticut.⁵¹

⁴⁹ Telephone Interview with Barbara Leen, former counsel to Senator Feinstein, July 12, 2010.

⁵⁰ Farm Labor and Immigration Reform: Economic Impact to Connecticut State Agriculture," *First Pioneer Farm Credit*, February 2008.

⁵¹ *Ibid.*

DELAWARE

Agriculture is a major industry in Delaware, accounting for over 43 percent of the state's land area. Delaware prides itself on producing a diverse selection of high quality agricultural products and leads the nation in the number of lima beans harvested per acre. The state is a major supplier of vegetables, producing over 12,000 tractor-trailer truck loads per year with distribution concentrated in the Eastern Seaboard region of the United States.⁵²

Lee Mannering with the Produce Marketing Association shared the frustration of a fruit and vegetable grower in Delaware who uses the H-2A program because he cannot find a stable supply of U.S. workers to hire. The farmer *“went through the H-2A process, obtained labor, and put the workers up in the labor camp housing. A day or so later after they began work, a couple of U.S. workers showed up seeking employment. He hired the local workers and provided them with housing – which added more labor costs. The U.S. workers quit after two days of work.”*⁵³

Luis Tlaseca, an administrator for the Farmworkers' Support Committee (CATA), acknowledges that immigrant labor is often irreplaceable on farms. He states, *“There's always work in the fields and in the mushroom houses. The landscaping companies, construction, restaurants, the chicken houses down in Delaware ... But those who are American citizens won't go to work in a farm labor camp.”*⁵⁴

⁵² National Agricultural Statistics Service, “About the Delaware Field Office,” U.S. Department of Agriculture.

⁵³ Lee Mannering, *Produce Marketing Association*, E-mail to Kim Alton, Immigration Counsel, Sen. Dianne Feinstein, August 5, 2011

⁵⁴ Joseph N. DiStefano, “Immigration Reform Would Ease U.S. Hypocrisy,” *Philadelphia Inquirer*, July 4, 2010.

FLORIDA

Rick Roth grows vegetables, sugar cane, sod, and trees on Roth Farms in Belle Glade, Florida. Mr. Roth has not been able to find American workers to harvest the crops on his farm. *“We have not had a native, local American worker harvesting our crops for the last 15 to 18 years,”* states Mr. Roth.⁵⁵ Similarly, Stan Wood of Everglades Botanical Nursery in Davie, Florida, states that he has *“virtually never”* been able to hire American farm workers in his 48 years of business.⁵⁶

Mr. Roth believes that Congress must improve the complicated H-2A system to bring some predictability to the labor market. *“Congress has to find the intestinal fortitude to do this. We’re businessmen and we need to know we’ll have a labor force three, four, five years down the road.”*⁵⁷

Florida’s sizable dairy industry is also highly dependent upon migrant labor. Ray Hodge of Southeast Milk, Inc., a dairy cooperative that includes over one hundred Florida milk producers, explains, *“If all those [immigrant] workers were kicked out, in about a week there would be a crisis. Foreign-born workers are the agricultural workforce in this country. Nobody else wants to do it.”*⁵⁸

Justin Sorrells cultivates oranges in Arcadia, Florida and relies on procuring seasonal immigrant workers from Mexico through the H-2A program. He says that the program is cumbersome, over-regulated, and too expensive. He explains that to use the program, he has to get certifications from the U.S. Department of Labor and the U.S. Department of Homeland Security, after which the U.S. Consulate abroad has to interview prospective farm workers. The process can take up to 90 days.⁵⁹

⁵⁵ Luis F. Perez, “Guest Worker Program for Agriculture Sought,” *South Florida Sun Sentinel*, April 6, 2009.

⁵⁶ Ibid.

⁵⁷ John Lantigua, “Florida Growers Warn of Danger to Food Supply,” *Palm Beach Post*, May 24, 2010.

⁵⁸ Ibid.

⁵⁹ Giles, Frank, “H-2A the Right Way,” *Growing Produce*, August 2010.

GEORGIA

Georgia's vegetable industry creates \$2.1 billion in economic activity and supports 18,000 jobs, according to a 2008 study by the University of Georgia. The fruit and nut industry in Georgia, including the state's well-known pecans, generates another \$754 million and supports 7,000 jobs in Georgia.⁶⁰

On May 13, 2011, Georgia Governor Nathan Deal signed into law the Illegal Immigration Reform and Enforcement Act of 2011. It requires all Georgia businesses with at least 11 employees to begin using E-Verify – an employment verification program – to confirm their workers' legal presence by July 1, 2013. Many Georgia farmers claim that the new law is already hurting their productivity, as the harsher penalties are keeping much of the undocumented labor they normally depend on away from Georgia.



Farm workers harvest cantaloupes

In a subsequent survey conducted by the Georgia Department of Agriculture, Georgia farmers reported a shortage of more than 11,000 farm workers during the 2011 spring harvest.⁶¹ A November 2011 report from the University of Georgia Center for Agribusiness and Economic Development estimates that this labor shortage caused an estimated \$140 million loss to the state's agriculture industry.

⁶⁰ "An Evaluation of Direct and Indirect Economic Losses Incurred by Georgia Fruit and Vegetable Producers in Spring 2011," *University of Georgia Center for Agribusiness and Economic Development*, 2011.

⁶¹ Jay Bookman, "Ga.'s farm-labor crisis going exactly as planned", *Atlanta Constitution-Journal*, Jun. 14, 2011.

Georgia blackberry farmer J.W. Paulk said that following the passage of Georgia's immigration law, he was only able to find 200 workers to pick the fruit, compared to his usual 300. *"I would say right now we have lost over \$100,000 and by the end of the season it will be over \$200,000 in lost sales."* Mr. Paulk says that he has been unable to hire local workers. *"We put in job requests with the local Department of Labor, and we have not had a single person come."*⁶²

Some farmers seeking to overcome the labor shortage have tried hiring workers through the H-2A visa program, but they find it difficult to use. *"I ordered 60 [H-2A workers] with the paperwork and everything,"* says onion farmer R.T. Stanley, of Lyons, Georgia. *"And now I've got only 17 people when I'm supposed to have 60. The excuse they gave me was they lost my paperwork."*

Onion farmer Bo Herndon, who has used the H-2A program for twelve years, complains that the H-2A program has only gotten more problematic. *"I mean, they've made it harder and harder. And it just gets harder and harder."* Problems with the program meant that in 2010, Mr. Herndon received none of the migrant workers that he requested. Without these workers, Mr. Herndon lost 20% of his onion crop, costing him over \$800,000.⁶³

⁶² Mike Paluska, "CBS Atlanta Investigates Migrant Labor Shortage on GA Farms," *CBS Atlanta*, Aug. 8, 2011.

⁶³ Doug Richards, "Growers: Too Few Workers to Harvest Vidalia Onions," *WXIA NBC*, April 12, 2012

HAWAII

Paradise Flower Farms ships Hawaiian flowers to locations throughout the United States. The company grows all of its flowers on a 51-acre farm on the slopes of Mt. Haleakala on Maui, Hawaii. Teena Rasmussen, owner of the flower farm, states, *“We’ve got to harvest no matter what ... [Migrant workers are] great, wonderful guys. They want to work. They want to work hard ... The work we do is outside and it’s hot. We’re going to have to scramble to do what we can short-term ... But long-term we’re going to have to find a source for labor. If not, there’s going to be some serious consequences to our farms.”*⁶⁴

Howard and Sandy Takishita own Howard’s Nurseries in Maui, which is a local producer and supplier of fresh flowers to Whole Foods Market. The nursery hires seasonal migrant workers to help harvest the plants. Sandy Takishita states, *“We’ve had a difficult time filling our labor needs ... [H-2A workers] fulfill positions I cannot fill locally.”*⁶⁵

The Kauai Coffee Company began in the early 1800s as one of the first sugar growers in Hawaii and today owns 22,000 acres of land on the island of Kauai. The company now produces over half of the coffee grown in the United States.⁶⁶ Donn Soares, Kauai Coffee’s general manager, states, *“Seasonal workers are, in fact, an important part of our agricultural staffing needs in order to have an optimum harvest/production.”*⁶⁷

Hawaiian farmers are increasingly reliant on H-2A worker programs to meet their labor needs. The number of requests for workers in Hawaii through the H-2A program nearly doubled between 2008 and 2009. Jim Hollyer, the director of an agricultural development program at the University of Hawaii at Manoa, observes, *“There is a shortage of people living in Hawaii now who want to fill existing job openings on Hawaii farms.”* Mae Nakahata, who represents 1,600 farms throughout the Hawaii Farm Bureau, states, *“If Hawaii is going to increase its agricultural sector, somebody’s gonna have to do the work in the fields ... a lot of local people don’t want to do that type of work, so where is that labor going to come from?”*⁶⁸

⁶⁴ Dan Naksao, “Island Farms Lose Workers,” *Honolulu Star Advertiser*, June 28, 2006.

⁶⁵ Dan Nakaso, “Farmers Fear Loss of Migrant Workers,” *Honolulu Star Adviser*, June 7, 2006.

⁶⁶ “About Us,” Kauai Coffee Company, <http://www.kauaicoffee.com/>, 2010.

⁶⁷ Nakaso, June 7, 2006.

⁶⁸ Koga, Dave, “Hawaii’s Farm Future: Fertile Fields?” *Honolulu Star Advertiser*, September 26, 2010.

IDAHO

Idaho farmers lost hundreds of thousands of dollars as a result of labor shortages during the fall 2006 harvest. Apple farmer John Williamson lost about 30 percent of the apple crop on his 700-acre orchard when the fruit began splitting open while still on the trees. *“We figure we lost about 3,000 boxes of apples,”* he says.⁶⁹

Snake River Fruit Growers grades, packages, and markets fruit produced at farms in the Sunny Slope region of Canyon County, Idaho. In 2006, sales agent Bob Gonzales observed, *“[The harvest] was horrible. We were either going out daily trying to find people, or we were begging Job Service to send people out here ... We lost 15,000 packages of apricots.”*⁷⁰

“Migrant labor is a huge part of our labor industry here,” says Beverley Williamson of Williamson Orchards & Vineyards, a family-owned and operated business located in Caldwell, Idaho. Ms. Williamson says, *“[Reforming the H-2A program would] keep them in business [and would be] a huge help for the local area.”*⁷¹ The Williamson family planted their first trees in the early 1900s, and since that time, four generations of Williamsons have grown the original 80-acre homestead to over 700 acres of fruit and row crop. The farm now produces a wide variety of soft fruits and apples.



Apples are hand-picked into heavy bags.

Ron Bitner, who also owns a family-run winery in Caldwell, reports that Idaho farmers and wine growers feel a desperate need for immigration reform. *“We need to have access to migrant workers but they need to be documented,”* he says. *“The*

⁶⁹ Joe Estrella, “Labor Shortage Costs Valley Fruit Growers Thousands of Dollars,” *The Idaho Statesman*, Nov. 6, 2006.

⁷⁰ Joe Estrella, “Labor Shortage Costs Valley Fruit Growers Thousands of Dollars,” *The Idaho Statesman*, November 6, 2006.

⁷¹ “More Workers Needed for Idaho Ag Industry,” *Fox 12 Idaho*, 2010.

immigrant workers are a crucial part of the industry, without them the work in the vineyards would not get done because it is very labor intensive.”⁷²

A 2009 report published by researchers at the University of Idaho indicates that Americans are not taking jobs milking cows, despite the industry’s average wage at that time of \$12 to \$13 per hour. One Idaho dairy farmer surveyed said, *“The whole reason dairy jobs are held by immigrants is because [local] people won’t take these jobs.”⁷³* Brent Olmstead of Milk Producers of Idaho observes, *“The domestic workforce no longer wants to do a lot of these jobs, even with a 10 percent unemployment rate ... It is our experience in Idaho that the domestic labor force in Idaho is not applying for manual labor positions.”⁷⁴* Adrian Boer raises dairy cows in Jerome, Idaho. He says, *“A large percentage of the hired workers on dairy farms in the West are foreign born laborers ... Failing to provide for orderly flows of greatly needed workers has the potential to create enormous economic consequences for our industry.”⁷⁵*

Jim Little of Emmett, Idaho, has turned to the H-2A visa program to try and find workers to help him on his grain and hay farm. He’s been frustrated by the whole process. He explains, *“It seems like [the government] take[s] great joy in piling on minutia and things we have to do.”* Mr. Little’s daughter, Rochelle Oxarango, an Idaho sheep rancher, said that she and her husband nearly gave up on their business over difficulties with the H-2A program. *“We needed four new workers from Peru. I started the paperwork in July and our workers didn’t arrive until February. ... It’s really hard to depend on a program that takes that long to get workers here. We had to sell most of our sheep last year and this was one of the driving factors, it was just getting too hard to manage the labor situation.”⁷⁶*

⁷² Testimony of Ron Bitner, *House Agriculture Committee*, May 1, 2010.

⁷³ Priscilla Salant, J.D. Wulforth, and Stephanie Kane, with Christine Dearien, “Community Level Impacts of Idaho’s Changing Dairy Industry,” *University of Idaho*, October 26, 2009.

⁷⁴ Betsy Z. Russell, “Idaho Committee Kills Immigration Bill,” *The Spokesman-Review*, March 8, 2010.

⁷⁵ Testimony of Adrian Boer, *House Agriculture Committee*, May 1, 2010.

⁷⁶ Sean Cockerham, “Season Farm-worker Visa Program Frustrates Growers,” *McClatchy Washington Bureau*, May 7, 2012.

ILLINOIS

Rendleman Orchards is an 800-acre family farm in Alto Pass, Illinois, that has been in operation since 1873. The farm is now in its sixth generation of family farming and grows peaches, nectarines, apples, and early vegetable crops. Rendleman Orchards hires approximately two dozen migrant workers to provide seasonal labor for the harvest. Betty Sirles, an owner of the orchard, talks about the workers on the farm: *“These are very hard-working people ... I just don't see [local] people who want to do the work they do ... There are no applicants for those jobs.”*⁷⁷



Farm workers harvest green peppers

Kankakee Nursery Company in Kankakee, Illinois, grows shade and ornamental trees, flowering shrubs, perennials, and landscape evergreens and employs about 200 workers. Dick Worth, the nursery's vice president states, *“It's hard to find labor to do the kind of work that we do here.”*⁷⁸

Over the past eight decades, Kankakee Nursery grew from 20 acres to the over 2,700 acres it sits on today. The nursery grows over 500 varieties of plants, with millions in production.

⁷⁷ Ray Quintanilla, “Migrants' dry season; Crops Falter as Gas, Immigration Woes Shrink Workforce,” *Chicago Tribune*, September 24, 2006.

⁷⁸ Katherine Glover, “Immigration Bill has Easier Terms for Farm Workers,” *Medill Reports* (Northwestern University), May 24, 2007.

Illinois farmer Howard G. Buffett, son of billionaire Warren Buffet, contends immigration needs to be understood in two ways: “*There’s farmworkers and then there’s everything else.*” He argues that “*farmworkers don’t take American jobs – they support jobs for Americans*” because “[t]here is no American that I know of that would get up at 1 a.m., do some of the hardest work I’ve ever heard of, and then get up the next day to do it again.”⁷⁹

Charlene Turczyn is the co-owner of Turczyn Farms in Central Illinois. On May 13, 2012, she published a column in the *Washington Post* in which she argues that the current system for certifying migrant farm workers to come to the United States needs to be streamlined. She believes that migrant workers are vital to the agriculture industry because they have the particular skills and experience necessary to do the job well. Ms. Turczyn says, “*Like all employers, farmers prefer experience. Apple and orange pickers climb and descend ladders lugging sacks weighing 20 to 30 pounds. Asparagus pickers bend, dig and snip stalks below the surface of the ground. Highly productive, experienced migrant farm personnel are valued.*”⁸⁰

Ms. Turczyn also says that the reform of the H-2A system is necessary, “*particularly for farmers who risk losing their investment waiting for paperwork to go through when time is of the essence.*” To prevent the possibly devastating consequences of a persistent labor shortage, such as skyrocketing food prices, “*a system should be developed to allow vital labor to enter and exit this country with ease.*”⁸¹

⁷⁹ J.D. Long-Garcia, “Center fights for farmworker dignity,” *Catholic San Francisco*, Dec. 12, 2012.

⁸⁰ Charlene Turczyn, “Immigration regs for migrant farm workers need to be streamlined,” *The Washington Post*, May 13, 2012.

⁸¹ *Ibid.*

INDIANA

Fair Oaks Farms is a family-owned farm that has 30,000 dairy cows on 10 separate dairy sites in Indiana. The farm hires workers from Latin America to assist with production. Mike McCloskey, a co-owner of Fair Oaks Farms, explains, “[Immigrant workers are in the barns] when it’s minus 10 degrees and when it’s 95 degrees and 95 percent humidity.”⁸²

Bob Benson is a Noblesville, Indiana, sheep producer who hires migrant labor to help with his herd. He says that “retention of this key labor source [is] extremely difficult ... Once you get a sheep herder trained, you don’t want to do it all over again.”⁸³



A migrant worker guides a herd of sheep

Fred Gutwein & Sons hires between 600 and 700 migrant or seasonal workers to detassel corn each year. Mr. Gutwein explains that corn must be detassled at a specific time, and hiring a workforce that can detassel the company’s 12,000 acres of corn across northwest Indiana is critically important. If the corn is not detassled at the right time, the crop is lost. Mr. Gutwein states, “It used to be we could get all of the youngsters we wanted ... I don’t know what we’d do if we didn’t have

⁸² M. Jordan, July 30, 2009.

⁸³ Dick Hagen, “Immigration, Imports Important Issues to Lamb Producers,” *The Land Online*, December 25, 2009.

migrant and seasonal workers ... We just need lots of them, and we need to get our jobs done in a timely manner.”⁸⁴

Frey Farms Produce is located in rural Wayne County, Indiana, and specializes in producing watermelons, cantaloupes, pumpkins, and fall ornamentals. Leonard Frey oversees the 1,000 acres of the Frey Farm Produce operation in Gibson and Posey Counties. The company hires approximately 100 migrant workers to harvest cantaloupes and watermelons during the summer. Mr. Frey comments, *“We don't turn away locals who want to work in the fields ... but the truth of the matter is that it's hot, hard work for as many as 12 hours a day.”*⁸⁵

The Red Gold Company is a family-owned producer of tomato products that has been in operation since 1942. Each year, the company hires migrant workers to sort tomatoes. Steve Austin of Red Gold states, *“There is a labor shortage in Indiana. There's probably 15,000 migrants who come to help get the crops planted and harvested ... [Americans] won't take them ... Few people will leave a job to come and work for two months.”*⁸⁶

⁸⁴ Joseph Dits, “Hungry for Work; Illegal Migrants Crucial for Crop Labor, Some Farmers Say.” *South Bend Tribune*, July 22, 2002.

⁸⁵ Garret Mathews, “Harvest is Hard Work, but Reward is Sweet for Workers, Consumers,” *Evansville Courier & Press*, August 14, 2009.

⁸⁶ Brandi Watters, “Red Gold Hires Migrants, Not Immigrants,” *The Herald Bulletin*, April 22, 2008.

IOWA

Iowa farmer Tom Bell of Conesville depends on seasonal H-2A workers to pick melons and detassel corn – jobs which Americans do not want to do for long hours every day. Mr. Bell says, “*They are hard workers and this is a miserable job.*”⁸⁷ He further states, “*I just hope [the Congress will] pass something so that when these workers come up here, they can go to work and then go home ... They’re excellent workers. We need them here in Iowa.*”⁸⁸



Dairy farm workers monitor milking stations

Green Meadows Dairy is a family dairy farm owned and operated by Shep and Natalie Ysselstein in northern Iowa. As of 2009, workers at Green Meadows received an annual salary of \$38,000; they often put in 11 hour days, time on the weekends, and are exposed to difficult conditions. Prior to working with immigrant dairy workers, Shep Ysselstein says that the workers he hired were unreliable and barely lasted three months. Mr. Ysselstein says that his immigrant workers “*are people that are ambitious enough to want to move to another country and apply themselves.*” For Mr. Ysselstein, the H-2A program, though costly, is worth using. “*Reliability is everything,*” he says.⁸⁹

⁸⁷Melissa Regennitter, “Migrant Workers in Conesville say They’ve Been Left Stranded,” *Muscatine Journal*, August 1, 2008.

⁸⁸ Jerry Perkins, “Agriculture Firms Study Immigration Proposal,” *Des Moines Register*, May 19, 2007.

⁸⁹ Colleen Krantz, “Iowa Farmers Hiring Foreign Workers,” *Des Moines Register*, April 15, 2006.

KANSAS

Clayton Befort, a custom wheat cutter in Hays, Kansas, worries about changes in the H-2A program. His farm, Befort Harvesting, cuts about 100,000 acres of wheat each season and hires approximately 25 workers through the H-2A program. According to Mr. Befort, *“We’re all concerned. If they make it harder [to use H-2A], it will be tough to get enough help.”* Mr. Befort typically relies on the H-2A labor program to fill about half of his 50-person workforce to cut grain in the hot Kansas wheat fields.⁹⁰ Similarly, Lance Frederick with Frederick Harvesting, states, *“Farmers could get more wheat cut if we had more labor... You worry right up until harvest whether you’ll have enough.”*⁹¹

Kansas dairy farmers are also struggling with labor shortages. A western Kansas dairy farmer states, *“The shortage of agricultural labor in Kansas has created significant challenges in filling existing positions on my dairy and has limited my ability to expand our operations in the state. Jobs on my farm include a starting annual salary of \$30,000, two weeks of paid vacation, plus health care after the first 90 days.”*⁹²



Migrant workers harvest vegetables

⁹⁰ Amy Bickel, “Visa Restrictions to Reduce Harvest Hires,” *Hutchinson News*, March 1, 2010.

⁹¹ Alan Bjerga, “U.S. Wheat Farmers Face Grim Harvests as Immigration Bill Dies,” *Bloomberg News*, July 3, 2007.

⁹² Obtained by Charlie Garrison, National Milk Producers Federation, December 2009.

KENTUCKY

Langley Farm in Shelbyville, Kentucky, produces burley tobacco, corn, and soybeans on more than 5,000 acres of land. The farm requires 12 workers for planting in the spring and 30 laborers for the harvests in August. Owner Doug Langley says that he depends on H-2A seasonal guest workers, even though using the H-2A program is cumbersome. *“This is not a one-person farm,”* he says. *“I have many talented people I rely on to make this place work. I’m no good without the people who help me.”*⁹³

Kentucky farmers grew 73,000 acres of burley tobacco in 2006, but a labor shortage decreased profits as farmers struggled to find workers to harvest the large crop. Will Snell, a tobacco economist at the University of Kentucky, says, *“Family and local labor for large producers are not available.”*⁹⁴

Mr. Snell knows of farmers who, after the 2006 labor shortages, delayed their plantings the following year due to labor anxieties. He states, *“Growers who plan on being in tobacco for the long term and getting larger are going to have to depend upon a readily available, dependable source of labor such as the H-2A worker program.”*⁹⁵

Ricky Gray has been raising tobacco for about 30 years in Glasgow, Kentucky, and for over 15 years has relied on the H-2A program to meet his labor needs. Mr. Gray credits the H-2A program for keeping his farm in business, but worries that regulatory changes could leave him subject to Labor Department fines. *“I’m not a lawyer, and I don’t understand a lot of the stuff I read,”* he states, pointing out that even one missed document could result in a \$1,500 fine. Mr. Gray predicts that maintaining a reliable workforce will continue to be a serious concern for Kentucky’s tobacco industry, especially smaller family farms, which have seen a decline in the past decade.⁹⁶

⁹³ Janie Batson, “Kentucky Farmer of the Year: Doug Langley,” *The Moultrie Observer* September 23, 2009.

⁹⁴ Wayne Harr, “Labor Shortage Plagues Harvest of Burley Acres,” *Southern Farmer*, March 2007.

⁹⁵ Ibid.

⁹⁶ Loviza, Amanda, “Farmers Feel Punished by H-2A Regulations,” *Glasgow Daily Times*, May 2, 2011.

LOUISIANA

“We would love to have local people come pick our strawberries. But if we don’t hire workers from Mexico, our strawberries would just rot in the field,” says Rhonda Poche of Landry-Poche Strawberry Farm.

“In the wake of [Hurricane] Katrina, I was having such difficulty hiring help, I called my friends in North Carolina and asked if they could find me any workers,” says Christmas tree farmer Clarke Gernon. That fall, he received a call from two North Carolina growers who put together a crew of eight migrant workers to help tend to Christmas trees damaged by the storm. Mr. Gernon said, *“Those guys worked a lot faster than I could have imagined. I would never have gotten it done working alone.”*⁹⁷

Mr. Gernon’s 45-acre Shady Pond Tree Farm is located near the Town of Pearl River in St. Tammany Parish, the Pine Belt of southeast Louisiana. The farm was founded in the late 1800s and is home to 16,000 trees of a dozen different varieties including many exotics.⁹⁸

Dr. William F. Manger of Northwestern State University in Louisiana observes: *“Agriculture is the largest source of employment for Hispanic workers in Central Louisiana ... Because of the labor-intensive nature of sweet potato farming and the difficulty of obtaining reliable seasonal sources of labor, sweet potato farmers have come to rely on Hispanic workers to plant and harvest their crops.”*⁹⁹

⁹⁷ “South Louisiana Christmas Tree Farmer Gets Help from Out-of-state Friends,” *Louisiana State University*, October 21, 2005.

⁹⁸ “Shady Pond Tree Farm,” <http://www.cgernon.com/sptf/>, 2009.

⁹⁹ Dr. William F. Manger, “The Hispanic Population of Rural Central Louisiana and Their Traditions,” *Louisiana Division of the Arts*, 1999-2003.

MAINE



Seasonal workers harvest blueberries on fields owned by Wyman's of Maine

Wyman's of Maine is a family-owned business in operation since 1874, which has grown to be the largest U.S. supplier of premium wild blueberry products. Wyman's harvests wild blueberries that grow naturally on over 7,000 acres of land. During the summer harvest season, which runs from July to early September, Wyman's of Maine employs over 500 seasonal workers. Many are H-2A workers who are employed as rakers, machine harvester operators, and factory workers.

Edward Flanagan, President and Chief Operating Officer of Wyman's, explains the importance of a steady and reliable workforce to American agriculture: *"The idea that if business paid more Americans would take the work is not true in agriculture. If labor can't get to the crops, the crops will get to the labor. We don't make our computers, autos or clothes in the U.S. anymore. We can hardly afford to send our food supply offshore."*¹⁰⁰

¹⁰⁰ Ed Flannigan, *Wyman's of Maine*, E-mail to Barbara Leen, Immigration Counsel, Sen. Dianne Feinstein, July 15, 2010.

Wyman's has helped to make Maine the largest producer of wild blueberries in the United States. The fields of wild blueberries in Maine are located in Washington, Hancock, and Waldo Counties, and the harvest involves an estimated 10,000 workers. David Yarborough, an economist with the University of Maine, warns that the sustainability of Maine's famous blueberries depends on the ability of farmers to hire all the harvesters needed to pick the crop: "*Concerns for the future health of the wild blueberry business in Maine include regulations required to hire a suitable labor force to harvest and process the crop.*"¹⁰¹

Maine's broccoli and apple farmers rely heavily on the H-2A program as well. Maine is a primary source of U.S.-grown broccoli. Due to the state's cooler climate, the broccoli must be harvested by hand. Many of Maine's broccoli farms rely on migrant workers to get the work done.

Judy Dimrock has been growing apples on her family's farm in Madison, Maine, since 1976. She reports that they rely on migrant workers because local workers often abandon apple picking before the season is over, stripping farmers of much-needed labor during the peak of the apple harvest. Maine's apple growers have expressed concern over regulatory changes to the H-2A program in 2010. Juan Perez-Febles of the Maine Department of Labor says that between its current form and constant regulatory changes, H-2A is a difficult program to use. "*This is a very expensive program,*" Mr. Febles says. "*The farmers must pay to transport the workers.*"¹⁰²

¹⁰¹ Blanca Santiago, Diane Belanger, Nicole Witherbee, Carol Hughes-Hallett, Maeve Kieffer, and Matt Crommett, "The Growing Latin American Influence," *Maine Center for Economic Policy*, 2009.

¹⁰² Mack, Sharon Kiley, "New Federal Rule on Seasonal Work Could Imperil State's Apple Industry," *Bangor Daily News*, February 22, 2010.

MARYLAND

Angelica Nurseries has been in business for three generations on the Eastern Shore in Maryland. Owner Bernie Kohl Jr. first started working on the nursery with his two brothers and their father, Thomas Kohl. The family farm, which began in 1965 on 300 acres, has since grown to be the largest nursery in Maryland with 2,100 acres.¹⁰³

Angelica Nurseries grows woody ornamentals, evergreens, and deciduous shrubs; the work requires lengthy outdoor manual labor that few locals are willing to take on. *“The recession has done virtually nothing to change the reality. While we have seen a small uptick in Americans applying for farm jobs, few actually report to work, and many fewer stay,”* explains Mr. Kohl.¹⁰⁴

Mr. Kohl has used the H-2A agricultural worker program for more than 10 years to try to fill jobs untaken by local workers, but says the program is “difficult and unattractive.” He points out that the federal government has issued new rules for using the H-2A program several times in the past few years.

Mr. Kohl believes that, without reforms, America’s specialty crop and livestock industries will relocate to other countries. This means that the jobs and economic output supported by these American growers will also move abroad.¹⁰⁵

“Lack of timely and thoughtful resolution of the farm labor crisis will hasten the offshoring of our specialty crop and livestock agriculture,” he predicts. *“As production shifts to Canada or Mexico or Chile or China, America will lose thousands upon thousands of U.S. jobs upstream and downstream of the farmer that exist here now because we are producing here.”*¹⁰⁶

¹⁰³ Debra Siedt, “Farmers in Need of Help Hope Federal Agriculture Immigrant Worker,” *The Daily Record*, June 4, 2004.

¹⁰⁴ Testimony of Bernie Kohl, Jr., *House Agriculture Subcommittee on Horticulture and Organic Agriculture*, July 21, 2010.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

MASSACHUSETTS

Patterson Farm has been farming the rich Connecticut River Valley soil in Sunderland, Massachusetts, since 1983. Patterson Farm is one of the largest sources of wholesale pumpkins in New England, supplying farm stands, specialty grocery stores, and agro-tourism destinations throughout Connecticut, Massachusetts, Maine, Rhode Island, New York, New Hampshire, and Vermont. During its 30-year history, Patterson Farm has relied on workers from Jamaica hired through the H-2A program to harvest its crops.¹⁰⁷

Cynthia Roberts, the farm's manager, hires the same workers each year: *“These guys are conscientious, hard workers who know just about everything there is to know about choosing ripe pumpkins, sizing, proper handling, and quality... They’ve worked here long enough as a team that the operation runs smoothly and efficiently ... Take away a dependable work force from any business and what do you have?”*¹⁰⁸



Workers at Patterson Farm line up pumpkins after a harvest

¹⁰⁷ Cynthia Roberts, Patterson Farm, E-mail to Barbara Leen, July 28, 2010.

¹⁰⁸ Ibid.

In 2009, Patterson Farm could not secure workers through the H-2A program or find American workers to harvest their crops, leaving its managers unsure about the farm's survival.

Ms. Roberts stated that because the farm could not secure workers through the H-2A program, *"We're behind on our harvest which means our product is over ripening on the stalk. When it becomes too overripe, it's no good – can't sell it."*¹⁰⁹

In Lancaster, Massachusetts, Cindy McLaughlin helps to oversee the Deershorn Farm, which was founded in 1904 as a dairy farm and eventually grew to include orchards, greenhouses, and vegetable fields. Farming is not your everyday 9-to-5 work, explains Ms. McLaughlin; the work depends on the season and the needs of her crops. *"You're out there in the sun, the rain, the heat, the snow, the cold,"* she says. *"When a crop needs to be picked, it needs to be picked. When plants need to be watered, they need to be watered, or they die,"* added Ms. McLaughlin.¹¹⁰

According to First Pioneer Farm Credit, *"Without immigrant labor, many farm businesses in Massachusetts and nationwide will face critical labor shortages ... With the increasing consumer demand for quality products, a delay in harvest caused by a labor shortage can have a dramatic negative impact."*¹¹¹

As of 2008, an estimated 120 Massachusetts farms and 38,800 acres of cropland were at risk of closing down without immigrant labor. If these farms were shut down, 1,593 on-farm Massachusetts jobs and over 9,000 off-farm Massachusetts jobs in agricultural services, input, processing, and marketing would be at risk.¹¹²

Tom Napoli of Acton, Massachusetts, has used the H-2A program to meet labor needs, but believes the Department of Labor has made the program almost unworkable. *"There are so many rules and regulations, and it's so cumbersome."*

Richard Bonanno of Pleasant Valley Gardens in Methuen, Massachusetts, points out that the H2-A program is problematic because it cannot provide a long-term labor supply for agriculture. *"The system doesn't work very well ... even though we advertise for the jobs beforehand, once the workers are here for three to six months, we still have to deal with the unemployment office,"* he says.

¹⁰⁹ Ibid.

¹¹⁰ Donna Boynton, "Annual Transplants; Seasonal Guest Workers From Jamaica Till New England Soil." *Worcester Gazette and Telegram*, May 4, 2007.

¹¹¹ "Farm Labor and Immigration Reform: Economic Impact to Massachusetts State Agriculture," *First Pioneer Farm Credit*, February 2008.

¹¹² Ibid.

MICHIGAN

Russ Costanza grows squash, peppers, cucumbers, tomatoes, and eggplants on 500 acres in Michigan. In the 1960s, when his father was running the Costanza family farm, 100 percent of the farm workers came from the local town, Benton Harbor. As of 2010, not one of his workers came from Benton Harbor – despite the town’s high unemployment rate.

“There are a lot of people without jobs,” says Mr. Costanza. *“But ... they won’t take these jobs ... finding people to work today is getting tough.”*¹¹³ The Costanza farm has an estimated \$4 million impact on the local economy, through their purchase of fertilizer, box and package supplies, and the payroll. The farm pays \$600,000 in local, state, and federal taxes annually.

Randy Bjorge grows peaches, apricots, cherries, and apples on orchards in Coloma, Michigan. He worries about having a sufficient workforce to help out on his 230-acre farm, Fruit Acres Farms. Mr. Bjorge employs migrant workers because local help is difficult to find. He says, *“We just don’t have the local people coming in anymore ... We used to have southern help back in the 80s. They just don’t come up anymore.”*¹¹⁴

Mike Hildebrand of Berrien Springs, Michigan, explains, *“Because the work is hard and people will stand outside in the 90-degree heat, finding qualified workers who want to do the work isn’t easy.”*¹¹⁵ Mr. Hildebrand cultivates 225 acres of cherries, peaches, nectarines, apples, and grapes on Hildebrand Fruit Farms, which has been family-owned and operated since 1927.¹¹⁶

Fred Leitz used to be able to recruit U.S. workers onto his family’s apple farm near Benton Harbor, Michigan. He says that Americans today only want to drive tractors; they do not want to work in the fields. In 2009, migrant workers accounted for 200 of the 225 positions on Mr. Leitz’s staff, and he admits that he would not be in business without their help.¹¹⁷

¹¹³ Ashley Bentley, “Labor a Growing Problem in Michigan,” *The Packer*, June 28, 2010.

¹¹⁴ John Paul, “Farmers Question Effect Immigration Reform Could Have on Workforce,” *WSBT Michigan*, May 25, 2010.

¹¹⁵ *Ibid.*

¹¹⁶ “Profile of Mike Hildebrand,” *LinkedIn*, 2010.

¹¹⁷ Jennifer Youssef, “Farmers, Workers Divided Over Proposed Migrant Workers Bill,” *The Detroit News*, October 19, 2009.



Apples are harvested into packing lines and crates

“There are no replacements,” says Mr. Leitz. “I have no domestic workers willing to come in and pick this stuff. I would be bankrupt.”¹¹⁸

Michigan is home to more than 900 apple growers, and an estimated 90 percent rely on migrant laborers to harvest their apples every fall.¹¹⁹ On average, farm workers hand-pick 20 million bushels, or 840 million pounds, of apples every year, making Michigan the third largest apple supplier in the United States, behind Washington and New York.¹²⁰

In 2007, agricultural researchers at Michigan State University estimated that 10 to 20 percent of the fresh produce harvested in the United States would be transferred abroad due to the loss of migrant labor.¹²¹ Several years ago, 20 percent of Michigan’s apples went unharvested due to the shortage of pickers.¹²² In 2007, Michigan asparagus growers lost 15 percent of their crops – valued at \$2 million– as a result of labor shortages.¹²³ John Bakker of the Michigan Asparagus Advisory

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ “Michigan Apple Quick Facts,” *Michigan Apples*, <http://www.michiganapples.com/grow1.html>.

¹²¹ Tim Alberta, “Growers Worry about Shrinking Migrant Worker Pool,” *Capital News Service*, November 9, 2007.

¹²² Denise Yockey, John Bakker, “Family Farms Feed Michigan’s Future Coalition Announced,” Michigan Apple Committee, May 17, 2007.

¹²³ Youssef, October 19, 2009.

has seen firsthand that local workers will not take these jobs: *“I’ve personally tried to find and hire local people to do the job, and despite high unemployment, we’ve had very little success ... We estimate about 5 to 8 percent of our asparagus crop this past spring was destroyed due to lack of labor.”*¹²⁴

One asparagus farmer from Montague, Michigan, expressed his frustration in the summer of 2008, when the shortage of harvesters forced him to let one-third of his asparagus crops lie fallow. The farmer tried to hire local high school students and recruit unemployed adult workers, but none of them lasted. *“They never made it through lunch,”* he explains. *“Too hard, too dirty, too little pay. They never even returned after lunch for their pay.”*¹²⁵

Alan Overhiser is a fifth-generation operator of Overhiser Orchards and a supervisor for Casco Township. Mr. Overhiser operates a 225-acre farm of mixed-tree fruit, including peaches and apples, and rents out the rest of the land to other farmers. Typically, Mr. Overhiser hires up to 15 seasonal workers beginning in the spring. The number of workers grows to 25 or 30 pickers during apple season, but he currently has only two workers, and he said he isn’t likely to take on anybody else.

“As I talk to blueberry growers and vegetable growers, the people who needed some help, everyone has been short of labor this year,” Mr. Overhiser says. *“Michigan had threatened the E-Verify law last year — that may have had some impact on [migrant workers] worrying about being harassed.”*

He adds, *“I think one thing people don’t understand is that people we normally hire are skilled at this work. It’s just not something that everyone can do. I think that’s probably the myth out there. The reality is that we’re in the business of providing safe, high-quality food that people want to buy. It takes a skilled labor force. It’s hard work. They just aren’t everywhere.”*¹²⁶

¹²⁴ Tim Alberta, “Growers Worry about Shrinking Migrant Labor Pool,” *Capital News Service*, November 9, 2007.

¹²⁵ Tom Grein, “Different Crops, Similar U.S. Labor Problem,” *The Hendon Observer*, June 5, 2009.

¹²⁶ Carl Dunker, “Weather, crop devastation, tightened immigration worry Michigan farmers,” *MiBiz*, Sept. 4, 2012.

MINNESOTA

Pepin Heights Orchards, founded in 1949, is a 300-acre apple farm in Lake City, Minnesota. Owner Dennis Courtier says the farm needs seasonal harvesters who are trained to pick the fruit with the right technique. *“A bad crew can destroy a crop,”* he says. Jose Garcia, a labor manager on Pepin Heights Orchards, acknowledges that the work is not easy. An experienced harvester can pick every apple on about 15 trees in one hour. Crews use two- and three-legged ladders for fruit on higher branches. Each apple is examined for bruises and picked with the stem intact. *“It’s a hard job to do,”* says Mr. Garcia.¹²⁷



Farm workers inspect recently picked apples

Joe Bailey runs a family-owned nursery in Newport, Minnesota, where they grow ornamental plants, trees, and fruit. *“If we relied only on our local work force we’d be short-staffed by 75 percent,”* he says. He spent many resources recruiting local workers to fill the 300 to 350 seasonal positions on his farm in the spring of 2009.

Mr. Bailey explains, *“We worked with the local job service and unemployment office and we actively advertised and recruited in the area ... The jobs were advertised as paying between \$8.25 and \$10.25 per hour for three to eight months of work. [But] we only got one-fourth of the workers we needed from the [local] recruitment process.”*¹²⁸

¹²⁷ John Weiss, “Apple Picking Involves Patience, Deft Technique,” *Post-Bulletin of Rochester*, October 7, 2001.

¹²⁸ Joan Olson, “Immigration Reform Vital to Food and Agriculture,” *Joan Olson Public Relations*, July 9, 2009.

Mr. Bailey estimates that about 85 percent of the seasonal jobs on his nursery are filled by immigrants. Importantly, these seasonal workers support the 600 full-time workers at his nursery who live in the local community. *“If we didn’t have those immigrant workers, we’d be out of business,”* he emphasizes. *“In our experience, immigrant workers aren’t taking jobs away from American workers instead they are supporting the year-round work of several hundred U.S. citizens in our company.”*¹²⁹

Family farmers George and Charlene Duban of Lonsdale, Minnesota, concur that immigrant farm workers support Minnesota’s year-round industries, including dairy, *“We operate a 400 cow dairy and a crop farm in MN. On our dairy, we milk three times a day. We have a Spanish [speaking] labor force. If we did not have them, there would be no dairy. Our [immigrant] laborers are dedicated, hard-working people. They will work 7 days a week when needed. They do their job well and are on time.”*¹³⁰

Pat and Jody Luneman of Twin Eagle Dairy in Clarissa, Minnesota, say that the H-2A program does not work for the dairy industry because it cannot provide the long-term labor needs that local resources cannot fill. *“Current temporary worker visa programs don’t work for the dairy industry because our work is year-round and not seasonal,”* Mr. Luneman said. *“We don’t want [workers] for weeks or for months ... we want them for years,”* he said, adding that *“we want professionals in our dairies and not something that has them coming and going.”*¹³¹

Davisco Foods International is a three-generation, family-owned business in Minnesota. Mitch Davis, General Manager of Davisco, believes that if our country lived a month without migrant farm workers, everyone would be begging them to come back. He says, *“In milk and many other food products, immigrant labor is a key part of production and processing. We need to give the undocumented immigrant workers who are already here a way to become legal workers. They are hard-working and reliable and they are doing jobs that were going un-filled by American workers.”*¹³²

¹²⁹ Ibid.

¹³⁰ U.S. House Committee on Agriculture, “Labor Needs of American Agriculture: Prepared statement of Amber S. Brady, General Counsel/Director of Agricultural Policy, South Dakota Department of Agriculture (Attached Letters),” October 4, 2007.

¹³¹ Stender, Carol, “Farmers Say That Something Has to be Done with Immigration Regulations,” *Agrinews*, February 24, 2011.

¹³² “Immigration in Agriculture,” *Olson Public Relations*, February 1, 2013.

MISSISSIPPI

Eddie Courtney owns Courtney Farms, located on 650 acres of land in Ocean Springs, Mississippi. His family has been farming for more than 30 years, growing watermelons, strawberries, squash, cucumbers, bell peppers, tomatoes, peas, butter beans, and okra. Mr. Courtney states that he has trouble finding a local workforce. *“We use as much domestic labor as we can, but that is hard to find,”* he says. *“We did that for six or seven years, and it just got worse every year. Nobody who lives around here wants to pick vegetables, so we have to use migrant labor.”*¹³³



Unpicked cucumbers lie in a field

The produce grown on Courtney Farms is sold locally and distributed to retail outlets on the Mississippi Coast and in Birmingham, New Orleans, and Pensacola. While members of the immediate family work on the farm and at their retail store to sell fresh produce locally, they rely on seasonal, migrant workers to keep Courtney Farms in operation. *“Our labor comes in March, is here for nine months, and in December they have to go back home and get their papers renewed,”* explains Mr. Courtney. *“If it weren’t for the migrant labor, we would probably be out of business. It would be a lot easier if you could use domestic help. But it is just not available.”*¹³⁴

¹³³ Becky Gillette, “Courtney Farms Cuts Out the Middleman for Farmers,” *The Mississippi Business Journal*, Vol. 23, Oct. 2001.

¹³⁴ *Ibid.*

MISSOURI

Every August, migrant workers arrive in Missouri to help harvest crops such as melons in the southeast region and apples on farms east of Kansas City. On Peters Orchard, family farmer Dave Peters cultivates 1,000 apple trees on 500 acres in Waverly, Missouri. He knows the migrant workers on his orchards to be hard-working and loyal, returning to the farm every year. Mr. Peters says, “*We rely on these people. We couldn't survive without them.*”¹³⁵



An immigrant worker packs melons in boxes for shipping

In Weston, Missouri, Dan Morgan harvests 150 acres of burley tobacco annually. The labor is dirty, tiring, and requires constant tending; every acre of tobacco requires an estimated 200 hours of manual labor. Mr. Morgan says that he used to hire high school students to work his tobacco crops, but today he has trouble finding sufficient local labor. He now relies on seasonal, immigrant tobacco harvesters.¹³⁶

Garold Dungy, a labor specialist in Missouri, says that he “can’t blame” local, domestic workers for not wanting to take seasonal farm jobs moving throughout the United States. “*You're traveling in a mobile bunkhouse with other guys. You're working long days, you miss your family. It is hard to get an American to do it.*” Nonetheless, Mr. Dungy says that the alternative, the H-2A guest agricultural worker program, is not functional. “*It's not friendlier,*” he states. “*It's costly and it's hard to navigate and everything about it is to discourage its use.*”¹³⁷

¹³⁵ Eric Adler, “Migrant Student Makes Most of Short Stay,” *The Kansas City Star*, October 6, 2003.

¹³⁶ Christine Metz, “Tobacco Farms Keep Plugging,” *The Lawrence Journal-World*, September 17, 2007.

¹³⁷ Bickel, *Hutchinson News*, March 1, 2010.

MONTANA

Dave McEwen raises 700 sheep on a ranch north of Shelby, Montana. In 2008, he could not find one worker to help out during the lambing season in the summer and the shearing season in the winter. He says, “*You just can't find anybody who wants to do it,*” and as a result, Montana ranchers rely heavily on shearers from Australia and New Zealand.¹³⁸

“*It's kind of lonely,*” describes Llew Jones, who raises thousands of sheep on a ranch near Conrad, Montana. His family has operated the ranch for three generations. For roughly 15 years, it was nearly impossible to hire American workers. Mr. Jones began working with experienced Chilean and Peruvian herders brought in on H-2A visas to keep his family-owned ranch properly staffed.¹³⁹



Immigrant herders tending to a flock of sheep

Marcia Zimmerman co-owns Glacier Fresh Orchards in Flathead Lake, Montana, the top exporter of flathead cherries in the state. She says that running a cherry farm requires a lot of manual, hard labor, and that most of the farm’s harvesters are migrants who move in seasonally from Washington State in the late summer. The farm’s manager, Cody Herring, says that their operation depends on retaining their migrant workers, who have learned the process over many years of helping with the harvest. Mr. Herring describes the migrant workers as, “*A consistent bunch who know what we want from them. There is minimal retraining that way. We want them here, to be a part of what we do every year, the same families coming back.*”¹⁴⁰

¹³⁸ Erin Madison, “Storm Adds Difficulty for Dwindling Sheep Ranchers,” *Great Falls Tribune*, May 24, 2008.

¹³⁹ *Ibid.*

¹⁴⁰ Devlin, Vince, “Glacier Fresh Orchards Send Flathead Cherries Around the World,” *Missoulian*, August 4, 2010.

NEBRASKA

Farmer Todd Tuls owns Double Dutch Dairy near Shelby, Nebraska. He originally hired local workers when he first moved the dairy to Shelby, but believes the hours, the weekends, and the night shifts ultimately drove local people away from jobs on his farm. “*We hired 95 percent local people and 5 percent Hispanics,*” he reports. “*Within six months, that had turned over ... The workforce just isn't out there.*”¹⁴¹

Nebraskan Andrew Campbell observes that, “*Significant parts of Nebraska's economy, such as cattle and meatpacking, are dependent on a workforce largely coming from the immigrant community.*”¹⁴² Mr. Campbell owns Campbell's Nurseries and Garden Center, a company founded in 1912 in Lincoln, Nebraska. The family business has grown to include over 200 acres of greenhouse, field, and nursery productions.¹⁴³

Land estimates by the U.S. Department of Agriculture show that between 2002 and 2012, 900,000 acres of Nebraska farmland and 5,200 Nebraska farms closed down.¹⁴⁴ Nebraska agriculture is valued at \$15.5 billion, including the \$7.4 billion cattle industry. Nebraska farmers cultivate more than 23,000 acres of vegetables, including labor-intensive crops such as potatoes, pumpkins, sweet corn, and watermelons.¹⁴⁵

¹⁴¹ Bill Hord, “Ag Bosses Not on the Fence,” *Omaha World-Herald*, June 3, 2006.

¹⁴² Obtained by Craig Regelbrugge, Co-Chair, Agriculture Coalition for Immigration Reform, November 20, 2009

¹⁴³ “History,” *Campbell's Cultivating Ideas*, <http://www.campbellsnursery.com/>.

¹⁴⁴ National Agricultural Statistics Service, “Farms and Land in Farms February 2003” and “Farms, Land in Farms, and Livestock Operations 2012 Summary,” *U.S. Department of Agriculture*, February 2013.

¹⁴⁵ National Agricultural Statistics Service, “Nebraska 2009 State Agriculture Overview” and “Nebraska Vegetables, Potatoes, and Melons Harvested for Sale: 2007 and 2002,” *U.S. Department of Agriculture*, February 2009.

NEVADA

Peri & Sons Farms is one of the largest seed-to-grocery store companies in Nevada, packing and shipping fresh market onions (white, yellow, red, sweet, and organic varieties) throughout the United States. The farm has been owned and operated by the Peri family in Yerington, Nevada, since its founding in 1979.¹⁴⁶

Butch Peri, who oversees the family's onion farm in Firebaugh, Nevada, says he cannot find local workers to do the labor, stooping and shoveling onions into 90-pound burlap bags. He says, "*Kids don't wash cars anymore. They don't mow lawns,*" just like they will not do agriculture work.¹⁴⁷



An immigrant worker examines a plant's roots

Co-owner David Peri tried to recruit workers in Nevada, California, and Arizona to harvest onions but "*it's hard work,*" he explains. "*You're bent over like that all day. It's backbreaking work.*" None of the local workers they were able to hire lasted. David Peri says, "*We'd get guys who only lasted a half day before they'd quit.*"¹⁴⁸

¹⁴⁶ Lenita Power, "Onions and the Valley," *Reno Gazette-Journal*, November 20, 2002.

¹⁴⁷ Michael Scherer, "Scrimmage on the Border," *Foundation for National Progress*, July 2005.

¹⁴⁸ Power, November 20, 2002.

NEW HAMPSHIRE

Crescent Farms in Walpole, New Hampshire, has been producing milk and dairy products for over 50 years. The family farm's owner, Sheldon Sawyer, relies on two immigrant workers, but he clarifies, *"It's not because they're cheaper. We get [migrant workers] because we need them."*¹⁴⁹



Immigrant workers package milk for distribution

John Young is a fourth-generation farmer in New Boston, New Hampshire. He has over 50 years of experience growing apples, peaches, pumpkins, and fall vegetables. Despite having tried his "very best" to recruit American workers, Mr. Young believes there are not enough local workers to supplement the role of migrant agriculture workers in New England. He states, *"While some people would say anyone can do farm work, in reality the work is strenuous, the weather is often uncomfortable and at peak times of the year the hours long."*¹⁵⁰

¹⁴⁹ Jenna Russell, "On New England's Dairy Farms, Foreign Workers Find a Home," *Boston Globe*, September 22, 2007.

¹⁵⁰ Testimony of John Young, "Hearing on: Do Federal Programs Ensure U.S. Workers Are Recruited First Before Employees Hire From Abroad?" *U.S. House of Representatives Committee on Education and Labor*, May 6, 2008.

Joseph Young, John Young's son, notices a genuine lack of local interest in farming in New England: "*There aren't workers that want to do farming ... Go to any high school or college and ask them if they want to be farmers.*"¹⁵¹

One reason for the labor shortage is that there are fewer young people in New England, says Mr. Young, which means fewer people who are physically able to take manual labor jobs. Moreover, the seasonal nature of agricultural work makes farming unappealing to Americans in the long-term, even in areas with high unemployment.¹⁵²

"My experience in New England and other areas of the country demonstrates that there are very few unemployed who will accept agricultural work," reflects Mr. Young. *"Despite advertising, contacts with any former employees, placing a job offer in local as well as interstate recruitment and now also electronic placement, few and usually no workers are interested in employment."*¹⁵³

Without immigrant workers, a 2008 study predicted that 35 to 45 farms and 22,000 acres of cropland in New Hampshire were vulnerable to being put out of business.¹⁵⁴ The closure of these farms could jeopardize up to 632 on-farm jobs and 4,385 off-farm jobs in the state. A significant farm labor shortage would impact up to 40 percent of New Hampshire's agriculture industry, worth \$58 million annually.¹⁵⁵

¹⁵¹ Boynton, May 4, 2007.

¹⁵² Testimony of John Young, May 6, 2008.

¹⁵³ Ibid.

¹⁵⁴ "Farm Labor and Immigration Reform: Economic Impact to New Hampshire State Agriculture," *First Pioneer Farm Credit and Yankee Farm Credit*, 2008.

¹⁵⁵ Testimony of John Young, May 6, 2008.

NEW JERSEY

Patricia Swider’s family has been in farming for three generations. Her farm, Godlewsky Farms, is known for producing celery, onions, cabbage, lettuce, chicory, escarole, carrots, beets, spinach, and peppers. Ms. Swider has had trouble finding even a handful of workers to staff the nursery. She says, *“It’s very hard [finding farm workers] because no one really wants to go out – it’s pretty labor intensive. It’s always been a difficult thing. Now it’s almost becoming impossible.”*¹⁵⁶



Farm workers pick and sort lettuce

Organic farmer Torrey Reade co-owns Neptune Farm, a 126-acre farm once owned by Quakers in the 17th century. Neptune Farm has been certified organic since 1992 and today specializes in grass-fed beef, lamb, eggs, and produce.

Ms. Reade and her co-owner take turns performing the hard manual labor it takes to harvest some of their produce, like asparagus. *“There’s no way to mechanically harvest asparagus,”* she says. *“It’s fragile. It breaks. The tips need to be respected. You can’t really bash it around.”*¹⁵⁷

¹⁵⁶Lynn Olanoff, “Farm Labor Pool All But Dried Up: Tougher Immigrant Rules Leave Farmers Without Many Options When Trying to Harvest,” *The Express-Times*, April 7, 2008.

¹⁵⁷ Patricia Talorico, “Asparagus Stands Tall,” *The News Journal*, May 14, 2003.

Asparagus are picked during an eight-week harvest, and harvesters today still use techniques that were utilized in centuries past, using hands and a knife. *“It’s a terrible job,”* says Ms. Reade. *“It’s stoop labor. It’s back-breaking. You’re bending over all day.”*¹⁵⁸

In Blairstown, New Jersey, the lack of labor is a source of anxiety for local farmer, Doug Race, who owns Race Farm. He is thankful for the few legal migrant farm workers who have been willing to help grow the broccoli, cabbage, pumpkins, and other fruits and vegetables on his 100 acres. *“You just hope the government is going to work out a realistic opportunity to get migrants in,”* he states. *“There’s no farming without them. If the source dries up, so does the farmer.”*¹⁵⁹

John Swanekamp, owner of wholesale greenhouse company Kube-Pak in Allentown, New Jersey, stresses the difficulty in hiring good workers: *“We offered untrained employees the opportunity to learn how to be assistant growers...and even at a starting wage of \$13 per hour, I’ve had a hard time keeping them here.”* The American Nursery & Landscape Association adds that the cumbersome H-2A hiring process is so demanding that it often leaves farmers who apply with little time left over to actually operate their businesses.¹⁶⁰

Godlewsky Farms, Neptune Farms, Race Farm, and Kube-Pak are not the only local farms with a stake in agricultural labor issues. A 2008 report found that more than 500 New Jersey farms, amounting to 155,554 acres of cropland, could go out of business or be forced to scale back operations without immigrant labor. These farms generate \$475 million in agricultural receipts for New Jersey. Their closure would jeopardize an estimated 6,200 on-farm jobs and over 19,500 off-farm jobs in agricultural services, input, processing, and marketing.¹⁶¹

¹⁵⁸ Ibid.

¹⁵⁹ Olanoff, April 7, 2008.

¹⁶⁰ Tambascio, “Hands-off Production,” *Greenhouse Grower*, July 2008.

¹⁶¹ “Farm Labor and Immigration Reform: Economic Impact to New Jersey State Agriculture,” *First Pioneer Farm Credit*, February 2008.

NEW MEXICO

As of 2007, New Mexico was home to approximately 17,000 acres of chili pepper crops – 40 percent of which were red chilies, 30 percent were green peppers, and 30 percent were cayenne peppers. While most red chilies can be harvested by machines, almost all green and cayenne peppers must be harvested by hand.¹⁶²

Shayne Franzoy is the owner of a 200-acre chili farm in Hatch, New Mexico, which is known locally as the “Chile Capital of the World.” Mr. Franzoy observes that the recent economic downturn has not improved the availability of local chili harvesters. He says, *“Even with the unemployment numbers we’re seeing today, the truth is we still can’t find enough field workers ... My goal is to always employ Americans first, but without immigrants, my business simply can’t survive during the busy harvest season ... I need a way to hire foreign workers legally.”*¹⁶³



Green peppers are piled into large collection bins

¹⁶² “Farm Labor Shortages,” *Rural Migration News*, University of California, Davis, January 2007.

¹⁶³ Gene Baca, Alex Romero and Carol Wright, “Fix Immigration So It Works for New Mexico,” *Las Cruces Sun News*, April 13, 2010.

Rick Ledbetter sells his chili peppers at local farmers markets in Clovis and Portales, New Mexico. He has been growing chilies for more than ten years but reports that finding people to harvest the chilies every summer is a serious problem. As he says, *“Foreign countries are putting a lot of pressure on chili growers here in New Mexico ... They are able to use cheap labor while we are having trouble finding harvest labor here in the [United States].”* Mr. Ledbetter says mechanization is not an option for chili farmers because harvesters have to visually discern between mature and immature chilies on the plant.¹⁶⁴

Farmers are planting fewer chili crops to deal with the shortage of field workers, according to Paul Funk, an agricultural engineer with the U.S. Department of Agriculture. National statistics show that red and green chili acreage declined from 20,000 acres in 2000 to 11,100 acres in 2008. Mr. Funk speculates: *“The main difference between production costs is not land or inputs; it’s the labor to harvest. Growers cannot find the people and cannot afford those they find, to harvest chilies by hand in this country.”*¹⁶⁵

In 2008, *“the labor shortage was catastrophic for some farmers ... They had to leave chili in the field, and they were not inclined to grow chili again,”* said Jaye Hawkins, Executive Director of the New Mexico Chile Association. Many New Mexican farmers rely on employment agencies to supply them with farm workers, but the rigors of acquiring H-2A certification mean that even these agencies cannot supply all the labor that is needed. Jaime Campos directs one such agency, a non-profit organization called Workconnection, and lamented that, as of 2011, he had been working for two years to get H-2A certification. As a result, chili farmers like Ronnie Franzoy continue to struggle. *“I never get the amount of work I need because of the quality [of workers]. There will be a day when I can’t deliver all the chili needed,”* Mr. Franzoy says.¹⁶⁶

¹⁶⁴ Thomas Garcia, “Chili Crop Checked by Available Labor,” *Portales News-Tribune*, August 12, 2008.

¹⁶⁵ Cary Blake, “Green Chili Industry Focuses on Systematic Approach,” *Southwest Farm Press*, April 16, 2009.

¹⁶⁶ Kolenc, Vic, “Labor Shortage: With Help from Agency, Mexican Laborers Get Visas Temporarily to Work Farms in New Mexico,” *El Paso Times*, June 12, 2011.

NEW YORK

Ed Schoen is a third-generation milk farmer in upstate New York who has 180 dairy cows on his farm, Schoen-Acres. According to Mr. Schoen, the dairy industry is in trouble. *“We need a stable supply of labor,”* said Mr. Schoen in July 2009. *“The dairy industry’s survival depends on it. Worrying about workers is another layer of stress we don’t need.”*¹⁶⁷



Two employees work in a double parallel milking parlor located on a 2,000 cow farm in western New York

Approximately 30 dairy farms in New York use robotic milking machines as a replacement to year-round farm workers not covered under the H-2A labor program. *“If we need extra milk, I think that the two leading options for addressing the labor issue are Latino workers and robotics,”* said Thomas Malone, who specializes in farm labor at Cornell University.¹⁶⁸

¹⁶⁷ M. Jordan, July 30, 2009.

¹⁶⁸ Brian Tumulty, “Robots Fill Need for Dairy Farmworkers,” *USA Today*, December 13, 2012.

In 2008, Jim Bittner, of Appleton, New York, was forced to destroy a quarter of his cherry and peach trees because of a lack of workers to hand pick the fruit. He cut down 25 acres of cherry orchards and 20 acres of peach orchards; some of the trees he chopped down had been planted 30 years prior.¹⁶⁹

Mr. Bittner runs Singer Farms, established in 1915 near the shores of Lake Ontario. The farm grows apples, peaches, cherries, plums, apricots, pears, and quince. In 1998, Mr. Bittner received the “Outstanding Young Farmer Award” from the United States Junior Chamber of Commerce. Today, however, Mr. Bittner explains: “*We can find tractor drivers, people who apply pesticide and truck drivers, but we can’t find people to do the harvest.*”¹⁷⁰

Apple farmers Phil and Chris Wagner in Wayne County, New York, say that their orchards have gone unattended due to a shortage of seasonal workers. “*There will be thousands of bushels of apples that won’t even get picked in New York State this year,*” Phil Wagner said in 2009. “*The fruit’s not going to wait.*”¹⁷¹

Eric and Robert Brown are brothers who grow apples and fruit on their orchards and berry patches in Orleans County, New York. The Browns believe the current state of the H-2A labor program has created “havoc” for New York farmers. The brothers hire approximately 12 workers to cultivate plants and harvest berries and stone fruits during the summer, as well as 30 workers to pick apples in the fall.¹⁷² Robert Brown indicates that local workers do not want those harvesting jobs. He says, “*They certainly don’t want to bend over and work.*”¹⁷³

Robert Brown believes that immigrant workers do not get enough credit for their dedication to growing and harvesting America’s fruits and vegetables. “*Year after year, workers from Mexico and Jamaica have proven they want the jobs, they take pride in how they do them and work hard,*” he says. The Brown family supports reform of the H-2A seasonal labor program to ensure that American farmers can bring in workers “*to do the work that the people of this country don’t want to do.*”¹⁷⁴

¹⁶⁹ Joshua Brustein, “With Migrant Workers in Short Supply, a Farmer Looks to Machines,” *New York Times*, May 27, 2008.

¹⁷⁰ Rathke, May 10, 2010.

¹⁷¹ Theresa Vargas, “A Harvest Ripe with Tension,” *Washington Post*, September 18, 2009.

¹⁷² Diana Louise Carter, “Delay in Reform Irks Area Farmers,” *ImmigrationWorks USA*, March 25, 2009.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

Without immigrant workers, an estimated 34,000 acres of farmland could close down on Long Island, New York. Agriculture is a \$1 billion industry and supports over 10,000 local jobs on Long Island. Joe Gergela, of the Long Island Farm Bureau, estimates that, *“The viability of Long Island’s agricultural industry depends on an immigrant workforce ... Do we want to import our workers or import our food? Every time a farm goes ... it’s not coming back.”*¹⁷⁵

Statewide in New York, 832 farms and 750,000 acres of cropland would be in jeopardy without immigrant labor. The loss of these farms would impact more than 22,000 New York jobs.¹⁷⁶

Many New York farmers that rely on the H-2A program are struggling to keep up with new regulatory hurdles. Jack and Martha Torrice own a 75-acre farm, Fruit Valley Orchards and Greenhouses, in Oswego, New York, and have been using H-2A for 25 years. *“I look at it as an insurance policy,”* Mr. Torrice says, *“but the government keeps putting up roadblocks. It’s very expensive and the paperwork is redundant. Every year it’s a little bit worse.”* In 2010, Mr. Torrice’s H-2A paperwork was rejected because of a typo, delaying the arrival of one of his harvesters and causing him to lose about \$5,000 worth of cherries.¹⁷⁷

¹⁷⁵ Carolyn Kormann, “Officials Focus on Immigration’s Impact on East End Economy,” *East Hampton Press*, June 2, 2009.

¹⁷⁶ “Farm Labor and Immigration Reform: Economic Impact to New York State Agriculture,” *Farm Credit Associations of New York*, February 2008.

¹⁷⁷ Groom, Debra J, “Central New York Farmers Find Federal Program Makes it Harder to Bring in Migrant Workers,” *The Post-Standard*, September 14, 2010.

NORTH CAROLINA

North Carolina is the top user of the H-2A program in the United States, and received 9,387 H-2A immigrant workers in 2010.¹⁷⁸ The state relies on approximately 90,000 migrant farm workers, of which two-thirds are undocumented immigrants.¹⁷⁹ The main crops harvested are tobacco, sweet potatoes, Christmas trees, and collard greens.

Doug Torn, whose 70-acre nursery is growing approximately one million plants in Guilford County at any one time, is one of hundreds of North Carolina farmers who use the H-2A seasonal labor program to find agricultural workers.¹⁸⁰ Mr. Torn calculates that imports of foreign produce would increase without immigrant workers. He states, “*Americans today don't want to sweat and get their hands dirty. We have a choice. Do we want to import our food or do we want to import our labor?*”¹⁸¹

The regulatory approach to reforming the H-2A labor program has made it difficult for North Carolina farmers like Mr. Torn to recruit guest workers when a local workforce is not available. Mr. Torn explains, “*The H-2A program is a very complicated program that needs a good overhaul. It seems every year or two, they are making changes to it, which only adds complication to it.*”¹⁸²

Harry Yates, who has been growing Christmas trees in the rugged Blue Ridge Mountains of North Carolina since 1975, says that Christmas tree growers strongly support reforms to the H-2A program. “*It is too expensive ... too complicated ... too slow, and it is too likely to land you in court,*” he says.¹⁸³

He believes that seasonal, labor-intensive industries like the Christmas tree industry would not exist without guest workers: “*Christmas trees are an extremely labor-intensive agricultural crop. Each activity requires physical labor*

¹⁷⁸ Andorra Bruno, “Immigration of Temporary Low-Skilled Workers: Current Policy and Related Issues,” *Congressional Research Service*, December 13, 2012.

¹⁷⁹ Editorial, “Comprehensive Immigration Reform Needed to Avert Farm-worker Shortage,” *Winston-Salem Journal*, August 5, 2012.

¹⁸⁰ Manuel Quinones, “Employers Wait for Immigrant Labor Reform,” *Capitol News Connection*, April 15, 2010.

¹⁸¹ Kristin Collins and Barbara Barrett, “Immigration Defeat Threatens N.C. Crops” *News & Observer*, June 9, 2007.

¹⁸² Quinones, April 15, 2010.

¹⁸³ Harry Yates, Testimony before the House Agriculture Committee, October 4, 2007.

*and challenging geographic conditions. These challenges, along with the seasonality of the job, mean the industry must have guest workers.”*¹⁸⁴

The unpredictable nature of agriculture often means that farmers cannot use mechanization to compensate for a lack of local labor. B.H. Casey, who grows 150 acres of tobacco in Lenoir County, North Carolina, says that one year, weather flattened 45 acres of his tobacco, rendering useless the machines generally used to gather the crop. *“We couldn’t machine-harvest it,”* he explains, *“so I had to call in a crew to help me hand-harvest it.”* In discussing his use of migrant workers he says, *“Pretty much all our labor is migrant labor ... That’s what we can count on.”*¹⁸⁵

In 2010, the North Carolina Farm Bureau initiated a short-term recruiting program to test the availability of local workers in a down economy. Larry Wooten of the Farm Bureau explains the results: *“We put an 800 number on the airwaves saying, if you want to work in agriculture call this 800 number. You know how many takers we got? About four.”*¹⁸⁶



Workers load a truck trailer with Christmas trees

¹⁸⁴ Ibid.

¹⁸⁵ Anderson, David, “Looking for Work: Local Employers Draw on Large Pool of Available Workers as Hiring Increases,” *The Free Press*, May 29, 2010.

¹⁸⁶ Quinones, April 15, 2010.

NORTH DAKOTA

Zac Browning co-owns Browning's Honey Co., a family honey company founded five generations prior in 1921. The company survived the Great Depression and World War II, and today is one of the largest honey producers in the United States, with honey farms in Jamestown, North Dakota, as well as in Idaho, South Dakota, and Nebraska. Mr. Browning says that his North Dakota farms include about 12,000 hives and produce about 900 tons of honey every year, but that the work of beekeeping "*is just not that pleasant.*" Beekeepers work long hours, visiting hives every two weeks, feeding and inspecting the bees, converting raw honey into the certified product sold in U.S. stores, and melting the wax in hot facilities. Mr. Browning says at least one-third of the staff on Browning's Honey Co. is foreign born, many South African, hired through the H-2A seasonal labor program.¹⁸⁷



Farm workers harvest crops in the rain

Demographic changes, such as slowing population growth, have contributed to the agricultural labor shortage in North Dakota. Orville Tranby, who runs a family farm in Cooperstown, North Dakota, states, "*We simply don't have enough workers.*"¹⁸⁸ Lee Zimmerman, owner of Sandhills Dairy in Towner, North Dakota, reiterates this view, saying that recruiting local farm workers has failed. He states, "*We could run ads in the newspaper for a month, and receive no applications.*"¹⁸⁹

¹⁸⁷ Ben Rodgers, "Honey Producers Use Traveling Laborers," *The Jamestown Sun*, June 4, 2009.

¹⁸⁸ Kathy Kiely, "Can Aging N.D. Resist Change Amid Immigration Debate?" *USA Today*, November 26, 2007.

¹⁸⁹ Jim Dickrell, "ICE Sends Chilling Message," *Ag Web*, June 16, 2007.

OHIO

Mark Guess, the owner of Groco Family Farms, used to produce zucchini, squash, cucumbers, green peppers, and eggplants on 600 acres in Xenia, Ohio. His peak labor demands ran between the months of May and September. In 2009, he petitioned for workers through the H-2A seasonal worker program to fill positions in which he could not hire locally. As the spring planting and harvesting season approached, however, Mr. Guess was still waiting on nearly half of the H-2A workers. At the time, Mr. Guess said, “*We’re not going to be able to grow many vegetables without workers.*”¹⁹⁰

Mr. Guess decided to abandon his vegetable crops in January 2010. Mr. Guess explains that labor was a central factor in his decision to give up vegetables. In a letter he stated, “*The lack of availability of a high-quality labor force is another reason we made this decision ... increasing government regulations has made it harder to get the labor needed on time and ready to work.*”¹⁹¹



Unpicked zucchini left in a field

¹⁹⁰ Christopher Magan, “Farmer Fears Flu Scare Will Reduce Migrant Labor Force; A Grower Says Travel Restrictions Keep Guest Workers in Mexico,” *Dayton Daily News*, May 2, 2009.

¹⁹¹ Letter from Mark Guess, *Groco Family Farms*, January 25, 2010.

Willoway Nurseries has been in business in northern Ohio since 1954. Cathy Kowalczyk, vice president of Willoway Nurseries, says that immigrant workers are keeping her company in business. She states, “*We could not get a stable work force locally and reliably without the migrants.*”¹⁹²

Dave Geary, a manager at Willoway Nurseries, explains that workers in Ohio nurseries must be able to weather harsh conditions, including sleet, snow, and freezing rain, because nursery plants require cultivation at all times of the year. Mr. Geary says, “*The biggest thing for us is [that] they are stable workers, and [that] we get a type of person who really understands the work ... You really have to be used to working in the elements. That’s the difficult part of it.*”¹⁹³

Willoway Nurseries has attempted to recruit local workers, including high school students, but their full-time nursery jobs have gone unfilled. Although general nursery workers on this Ohio farm earn a starting wage of \$9.93 per hour, the workforce is not available locally. Emily Jalkanen, another nursery manager at Willoway says, “*We cannot get 250 local, domestic workers to do these jobs.*”¹⁹⁴

Family-run Buurma Farms of Willard, Ohio, recently expanded its operations to grow cucumbers, zucchini, yellow squash, and cilantro. They rely on immigrant workers during their peak summer season, when more than 500 workers are needed in the field. Farm manager Vicky Sanders says the migrant workers are reliable and often return each year.¹⁹⁵

¹⁹² Cory Frolick, “Guest Workers: They’re Here Legally to do What We Won’t,” *Sandusky Register*, September 22, 2008.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ “Farming a Family Affair,” *Port Clinton News Herald*, May 2011.

OKLAHOMA

Bob Ramming of Hinton, Oklahoma, grew watermelons as his primary crop on Ramming Produce Inc. for over 15 years. In 2008, to deal with severe labor shortages, Mr. Ramming abandoned his farm's 300-acre watermelon crop and replaced it with wheat and soybeans, which can be harvested by machines.¹⁹⁶

"You cannot get American citizens to do this kind of work," Mr. Ramming said, explaining his decision to forgo watermelons. *"You can advertise and do whatever you want, but they're not going to work out in the fields, in the heat."*¹⁹⁷

Greg Thurman, a Burlington, Oklahoma-based wheat harvester, says finding local labor is hard because the going wage for harvesting is less than what a U.S. worker with the requisite skills could make elsewhere. *"Any American who would be good at this can find something with better hours and holidays off,"* he says.¹⁹⁸

Chad Selman, who took over his father's pecan farm near Skiatook, Oklahoma, received the Oklahoma Farm Bureau's Young Farmer and Rancher Achievement Award for his work in agriculture. He says that his family has long used legal migrant workers to help on the farm, but that immigration issues have complicated the process. *"We use a hiring agency and an immigration lawyer to manage the H-2A visas,"* Selman says.¹⁹⁹

The Selmans would prefer to hire local, legal residents to work on their farm, but they have long struggled to find legal U.S. residents interested in harvesting pecans. *"Basically we couldn't find any labor in the area,"* explains Chad. *"I was spending more time running back and forth to town to try and find guys to come work, and getting newspaper and radio ads, than I was actually harvesting the crop."*²⁰⁰

¹⁹⁶ Todd Jones, "Jobs in the Balance: Do Illegal Workers Help or Hurt U.S. Economy?" *Columbus Dispatch*, September 8, 2008.

¹⁹⁷ Ibid.

¹⁹⁸ "Wheat Harvest Could Suffer from Immigration Bill Failure," *Wallaces Farmer*, July 3, 2007.

¹⁹⁹ Jennifer M. Latzke, "Young Pecan Farmer Finds Strength in His Roots," *High Plains/Midwest AG Journal*, December 15, 2008.

²⁰⁰ Ibid.

OREGON



Workers gather trees on a Christmas tree farm in Oregon

Oregon berry growers have taken drastic measures to save their crops because hand-picked fruit sells for a higher price, compared to fruit picked by machines that are often bruised. Ron Liepold, a berry farmer in Boring, says that he lost \$15,000 because his picking crew was 20 workers short and they had to leave eight acres unpicked.²⁰¹

John Aguirre, of the Oregon Association of Nurseries, asserts that the root of the farm labor crisis is an unfeasible agricultural guest worker program. He says, “*One of our pivotal issues is a guest worker program which allows our industry to utilize immigrant guest workers.*” It was estimated in 2008 that Oregon’s agriculture industry, supported by 40,000 local farms, generates \$4 billion for the economy every year.²⁰²

²⁰¹ Anthony Schick, “Farmers Blame Tight Immigration for Labor Shortage in Fields,” *Oregon Business News*, August 24, 2012.

²⁰² Rebecca Lacey, “An Eye on the Future: Director of Oregon Association of Nurseries Finds Much to Like in the Agenda of President-elect Obama,” *The Oregonian*, November 7, 2008.

Lynne Jenson, a former onion and potato specialist at Oregon State University, indicates that farmers have had to change the way in which they grow crops to deal with the labor crisis. She says, *“People are struggling to make do with fewer people. They’re using more herbicides, trying to make it work without the hand labor.”* Ms. Jenson observes that labor problems have been especially acute in eastern Oregon, where 25 percent of America’s onions are grown.²⁰³

Camille Hukari cultivates fruit and flowers on a 45-acre farm in Hood River, Oregon. Ms. Hukari’s family has owned orchards in Hood River for four generations, starting with her great grandfathers, who both moved to the region in 1905. Ms. Hukari has been farming since 1983. Today, she grows Bartlett, Golden Bosc, and Stark Crimson pears, heirloom apples, table grapes, strawberries, blueberries, and seeded flowers such as zinnias, sunflowers, and dahlias.²⁰⁴

Ms. Hukari says that having a usable agricultural guest worker program is a *“matter of life and death”* for her farm, named the Gorge White House. In 2007, she said, *“This year the workers were just not available ... I know from talking to growers in other parts of the country that we're not the only ones who had problems.”*²⁰⁵

Don Nusom, who grows cherries near Gervais, Oregon, and pays his workers on average \$11 to \$12 an hour, says that immigrants are the only ones picking cherries on his farm. He says, *“Our entire labor supply is pretty much immigrants.”* Terry Drazdoff, a cherry farmer in Polk County, Oregon, said in 2006 that he only had enough farm workers to pick six tons of cherries, instead of the usual 25 tons that are picked on his orchards.²⁰⁶

²⁰³ Esmeralda Bermudez, “Oregon Agriculture Faces Migrant Crackdowns,” *The Oregonian*, June 22, 2008.

²⁰⁴ “Our History,” *The Gorge White House*, <http://www.thegorgewhitehouse.com/>.

²⁰⁵ Jill Morrison, “Farmers Questions Lawmakers on Ag Issues,” *Public Broadcasting*, January 3, 2007.

²⁰⁶ “Oregon Cherry Pickers Say Border Patrols Bad for Business,” *Associated Press*, June 29, 2006.

PENNSYLVANIA

Finding local labor is a constant struggle for many fruit and vegetable farmers still in business in Pennsylvania. Manager Tonya Knouse-White of Knouse Fruitlands in Peach Glen said in 2010 that in the previous 20 years, only one local worker had applied for work on the farm, and he “*lasted half a day.*”

Steve Groff of Cedar Mountain Farm, a 200-acre vegetable farm in Lancaster County, Pennsylvania, has advertised farm jobs in newspapers and at local schools and colleges for years without success. “*I need motivated people with a sense of the job,*” Mr. Groff says. “*I never had anyone reply to those advertisements from the local area.*”²⁰⁷

Rod Hissong co-owns a dairy in Mercersburg, Pennsylvania, where he milks 1,600 cows, raises 1,400 heifers, and farms 1,800 acres of land. His farm produces 42 million pounds of milk annually for U.S. dairy consumer products. His dairy also supports over 170 agricultural jobs and generates \$22 million of economic activity regionally.²⁰⁸ Mr.

Hissong states, “*Dairymen are desperately in need of a workable guest worker program for agriculture. Many Americans are unwilling to work the jobs that dairy farms have to offer ... Without them, the work of feeding our nation would*



A Christmas tree farm worker in Pennsylvania uses a pruning tool on trees taller than six feet

²⁰⁷ Stuhldreher, Tim, “Growing Concern,” *Central Penn Business Journal*, May 21, 2010.

²⁰⁸ Testimony of Rodney Hissong, *House Agriculture Committee Hearing to Review Dairy Policy*, April 20, 2010.

come to a screeching halt.”²⁰⁹ Lisa Graybeal manages a 650-cow dairy in Peach Bottom, Pennsylvania. In 2010, she said that even though her farm provided competitive wages, benefits, and housing less than a mile from the farm, in the prior seven years, “*no viable American has applied for a job on our farm.*”²¹⁰

Keith Eckel used to grow 700 acres of tomatoes on a farm in Clarks Summit, Pennsylvania. In March 2008, he closed down his family tomato farm because he could not find enough workers. In previous harvests, Mr. Eckel hired 110 people to work in his fields, most of them migrant Hispanic workers. He explains, “*Many of [our workers] have come to our same farm for 25 years... These people do extremely hard work and are doing jobs that our local people will not or care not do, and that would include myself ... They are critical to our process. Without those harvesters, we're out of business.*”²¹¹

The Eckel family farm used to be the largest producer of fresh market tomatoes in Pennsylvania. In the height of the summer harvest, workers on the farm each hand-picked 10,000 tomatoes a day.²¹² Mr. Eckel’s tomato crop was valued at \$1.5 to \$2 million, and supplied an estimated 75 percent of all the tomatoes sold in markets between Washington, D.C., and Boston, Massachusetts.²¹³

²⁰⁹ Ibid.

²¹⁰ Stuhldreher, Tim, “Growing Concern,” *Central Penn Business Journal*, May 21, 2010.

²¹¹ “Immigration’s Fallout: Fewer Fresh Tomatoes?” *National Public Radio*, March 26, 2008.

²¹² Paul Vitello, “Immigration Issues End a Pennsylvania Grower’s Season,” *New York Times*, April 2, 2008.

²¹³ Nancy Petersen, “Major Pa. Tomato Producer Quits, Blames Congress” *The Philadelphia Inquirer*, March 25, 2008.

RHODE ISLAND

Raymond Polenso has owned Pippin Apple Orchard for nearly 40 years. He is frustrated that he cannot find reliable local labor to work his 20-acre orchard in Cranston, Rhode Island. *“Local help? Forget about it,”* he states. *“You can’t get no local help these days to pick apples.”*²¹⁴

Bruce Vanicek is the fourth-generation owner of Rhode Island Nurseries, a 500-acre farm in Middletown, Rhode Island. Mr. Vanicek has essentially given up hope on recruiting local field laborers, saying, *“We don’t even advertise for employment opportunities much anymore because we really get no response ... We’ll get people in off the street sometimes who apply for a job. We’ll say, ‘Great, come in next Monday,’ and most never show.”* Mr. Vanicek counters the argument that Americans will not work in the fields because of low wages. As of 2007, he paid \$3.50 an hour above state minimum wage, in addition to overtime pay after 40 hours, nine paid holidays, and retirement benefits.²¹⁵

Allan Hill’s family has operated Hill Orchards in Johnston, Rhode Island, since 1929. During the 1960s, the apple farm found enough pickers locally, because the workers also had three-shift mill jobs and could pick apples before and after work at the mills, being paid by the bushel. Today, the mills are closed, and Hill Orchards relies on the H-2A program to fill the jobs not taken by local workers. Mr. Hill explains, *“The problem is it’s part-time work ... Who wants to work a few weeks a year? The other problem is it’s hard work.”*²¹⁶

Rhode Island farmers who grew potato, pumpkin, sweet corn, apple, and other labor-intensive crops were estimated in 2007 to have helped agriculture grow to be a \$65 million industry in the state.²¹⁷ Ken Lagerquist, Executive Director of the Rhode Island Nursery and Landscape Association, asserts that without migrant workers, at least a few Rhode Island companies would be *“seriously out of business.”*²¹⁸

²¹⁴ Tom Mooney, “The Immigration Debate Ripens,” *The Providence Journal*, September 2, 2007.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ National Agricultural Statistics Service, “State Level Data: Rhode Island,” *U.S. Department of Agriculture*, 2007.

²¹⁸ Mooney, September 2, 2007.

SOUTH CAROLINA

Clyde and Marilyn Gurosik have used H-2A workers for years on their berry plantation in North Augusta, South Carolina. Mr. Gurosik says, “*It’s the only way we can get this job done consistently every year ... the American people don’t want to harvest fruits and vegetables.*” He notes that H-2A is a very expensive process, adding that cracking down on farms that hire illegal immigrants without making H-2A more accessible could force many farms to shut down. This could hurt consumers in the long run, he says, because chain grocery stores would no longer be able to provide the quality produce that is currently available.²¹⁹

Titan Farms, in Ridge Spring, South Carolina, began as an 1,800-acre peach farm and has grown to include over 4,000 acres of peaches, 300 acres of bell peppers, and 275 acres of broccoli. Titan Farms relies on seasonal labor, and typically houses and transports more than 400 H-2A workers.²²⁰ In 2009, fewer than 40 local American workers – approximately 10 percent of the farm’s full labor needs – filled out applications for harvesting jobs. Only three of these local workers remained on the job.²²¹



Nursery worker prunes a tree

²¹⁹ O’Donnell, Christine, “Edgefield Farmer Defends Immigrant Workers,” *WJBF*, June 4, 2011.

²²⁰ “Our History,” *Titan Farms*, <http://www.titanfarms.com/history.php>.

²²¹ Julia Sellers, “Migrant Workers Harvest Job Security,” *The Augusta Chronicle*, May 15, 2010.

“It’s too hard,” says owner Chalmers Carr of the pruning, thinning, and hand-harvesting required on his peach farm. During the summer, farm workers must be willing to endure the southern humidity and heat, and during the winter, they have to work early mornings in below-freezing conditions. Mr. Carr says that the seasonal nature of peach harvesting requires that workers are available on a timely basis. He says, *“If you have three fields ripening at the same time, you have to keep going or you’ll lose the crop.”*²²²

“The work that we do is very physical, hand and stoop labor, with little opportunity for mechanization,” explains L. Payton Parsons describing the work requirements of his nursery. Parsons Nursery was started by his father, Louis Parsons, in 1959 in Georgetown, South Carolina. The nursery has always been family-owned and operated, raising trees, shrubs, and perennials on 200 acres. L. Payton Parsons says, *“Despite soaring unemployment in our area, we are unable to find Americans to work on our farms. We need about 50 seasonal and full-time field workers throughout the year.”*²²³

Tony DiMare’s family has been in farming since 1949. Mr. DiMare is concerned that labor problems are shifting U.S. agricultural production to other countries. His company, DiMare Fresh, grows tomatoes, citrus, melons, and vegetables in South Carolina, as well as in Florida and California. Mr. DiMare says, *“We as a country cannot allow the loss of our fresh vegetable market and row crop industry to foreign competition such as Mexico because we have failed to implement a workable guest worker program.”*²²⁴

²²² Ibid.

²²³ Obtained by Craig Regelbrugge, Co-Chair, Agriculture Coalition for Immigration Reform, November 9, 2009.

²²⁴ Obtained by Craig Regelbrugge, Co-Chair, Agriculture Coalition for Immigration Reform, November 6, 2009.

SOUTH DAKOTA

According to land usage data reports from the U.S. Department of Agriculture, approximately 350,000 acres of South Dakota farmland closed down between 2002 and 2012.²²⁵ The South Dakota agriculture industry generates \$6.5 billion for the economy and includes labor-intensive crops such as potatoes, grapes, watermelon, sweet corn, pumpkin, and cantaloupe.²²⁶

Dan and Wanda Dunn own a dairy farm in western South Dakota that runs 24 hours a day and employs eight full-time farm workers. The jobs are broken down into day and night positions, with workers rotating between shifts each month. Mr. and Mrs. Dunn say they have relied on migrant workers to fill these jobs. In a 2007 letter to the House Agriculture Committee, the Dunns explained: “*Our largest problem is that when we try to find help, we cannot get anyone to apply for the position. We have put ads in the local newspaper, and the jobs are listed with a job service, and still, we do not get anyone to apply. Generally, when we do get someone to apply, they are unreliable, do not have good work ethic, and have an undesirable background.*”²²⁷

Raising dairy calves on Roger Hills Farm in Veblen, South Dakota, is “*very physical hands-on work,*” says owner Jay Hill. Every day, thirty newborn calves arrive on the farm, requiring workers to bottle-feed them 16 hours a day during their first weeks. Mr. Hill has been unable to expand his business because he does not have sufficient labor. He says, “*My community suffers from the lack of a workforce that is young and able to work in the livestock industry. There are few residents that are under 40 years of age. Our school had to consolidate 4 years ago due to lack of children. The majority of the people in my community are retired senior citizens.*”²²⁸

Mr. Hill disputes the argument that Americans will not take agricultural jobs because the pay is too low; he says, “*Perhaps you think I don’t pay well, or I’ve never advertised for help. That’s not true. I’ve advertised with job placement*

²²⁵ National Agricultural Statistics Service, “Farms and Land in Farms February 2003” and “Farms, Land in Farms, and Livestock Operations 2012 Summary,” *U.S. Department of Agriculture*, February 2013.

²²⁶ National Agricultural Statistics Service, “South Dakota 2009 State Agriculture Overview” and “South Dakota Vegetables, Potatoes, and Melons Harvested for Sale: 2007 and 2002,” *U.S. Department of Agriculture*.

²²⁷ Letter from Dan and Wanda Dunn, “Hearing to Review the Labor Needs of American Agriculture,” *U.S. House Committee on Agriculture*, October 4, 2007.

²²⁸ Letter from Jay Hill, “Hearing to Review the Labor Needs of American Agriculture,” *U.S. House Committee on Agriculture*, October 4, 2007.

services and word of mouth, to no avail. My employees earn \$30,000 or more a year. The pay scale is not what keeps [local workers] away."²²⁹

Mr. Hill has tried to use the H-2A seasonal labor program despite his year-round labor needs. H-2A guest workers are required to return to their home countries soon after they build the necessary dairy labor skills. "*Hogs, dairy, beef feedlots and livestock processing all have year-round labor needs,*" he explains. "*Many of these jobs take training and experience they gain with several months of work. I find I spend half that time training them, only to have the visa expire and they need to leave. Then, I start the process over.*"²³⁰

Denny Pherson, a grain and livestock farmer in Veblen, South Dakota, owns a custom harvest business that began roughly 60 years ago under his grandfather. In 2007, Mr. Pherson's son had to transfer part of his operation to Oklahoma because he could not find a full crew. "*For the past five years, we have been unable to find enough seasonal farm labor to keep our farm business going,*" he says. "*We now have to depend on H-2A visa labor, and most of them come from South Africa. Some of our competitors are hiring H-2A labor from Europe. Not many years ago, our labor force consisted of high school and college age young people. They are no longer interested in the physical outdoors jobs we need to fill.*"²³¹

Farmer Howard Manlove is concerned that the American dairy industry cannot sustain itself without H-2A visa reforms. He says, "*An H-2A temporary worker program does not work for an agricultural industry that harvests milk 24 / 7 / 365.*" Mr. Manlove works as a manager on a 2,000-acre farm in eastern South Dakota. In 2007, he predicted, "*If we cannot find a legal source of quality employees to work on our farms, this modern and efficient dairy industry will cease to exist as we know it today. We offer good pay and benefits but U.S. workers are rarely, if ever, interested in working on a dairy farm.*"²³²

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Letter from Danny Pherson, "Hearing to Review the Labor Needs of American Agriculture," U.S. House Committee on Agriculture, October 4, 2007.

²³² Ibid.

TENNESSEE

Tennessee farmer Wayne Scott has been growing strawberries, green beans, sweet corn, and tomatoes on a farm in Unicoi, Tennessee, since 1958. Years ago, it was easy to find local workers to plant and harvest his crops. Today, Mr. Scott says, *“Local people just don’t apply for jobs on the farm.”* The 550 acres of crops on Scott’s Strawberry and Tomato Farms are cultivated by approximately 220 migrant workers, who begin the season picking strawberries in May and then harvest tomatoes through October. Mr. Scott believes that the seasonality of these farm jobs turns people away; he says, *“Most local workers have to make a choice – either work only part of a year on a farm, or work year-round in a factory.”*²³³

Ray and Emily Tidwell grow strawberries, blueberries, and peaches near Spring City, Tennessee. Their farm, Tidwell’s Berry Farm, is small, family-owned, and includes about 16 acres of strawberries. The harvest is labor-intensive, with 20,000 strawberries harvested from each acre. Ms. Tidwell says, *“Not many people want to be bent over picking strawberries all day.”* As a result, their farm relies largely on seasonal harvesters from Mexico.²³⁴

Labor availability is also a critical issue for tobacco growers in Tennessee, says Paul Denton, a tobacco specialist at the University of Tennessee. He explains, *“When a grower gets his tobacco crop in the field and sees he will have a crop to harvest, he should already be lining up his harvesting crew.”*²³⁵

²³³ Jake Herron, “Migrant Workers Help on Local Farms,” *El Nuevo Record*, September 27, 2008.

²³⁴ Ryan Harris, “Berries Rooted in Tradition: County’s Crops Diversify, but Strawberry Legacy Cemented in Festival,” *Herald News*, May 8, 2009.

²³⁵ Wayne Harr, “Labor Shortage Plagues Harvest of Burley Acres,” *Southern Farmer*, March 2007.

TEXAS

J. Allen Carnes, a third-generation farmer, runs Winter Garden Produce and Carnes Farms in Uvalde, Texas. Since 1950, he has been growing onions, melons, lettuce, cabbage, and broccoli. Mr. Carnes observes that the labor crisis is driving farmers in south Texas to grow crops across the border. He says, “*Farmers have dropped out or moved to Mexico, where labor is not an issue.*”²³⁶

In the Lower Rio Grande Valley in Texas, cattle rancher Betty Perez observes that American students looking for summer jobs will not work in the fields. She says, “*It’s hard work in the hot sun. Americans just don’t want to do it anymore.*”²³⁷

Cattle rancher Bennie Bock in New Braunfels, Texas, acknowledges public concerns about immigration, but says the economic reality on Texas farms tells a different story. He states, “*People don’t want these workers taking Americans jobs, and I understand that. But the problem is, whether here legally or illegally, these people are doing the work that Americans won’t.*”²³⁸

Bruce Fraiser is the fourth-generation president of Dixondale Farms, the largest and oldest onion plant farm in the country. In 2012, the Texas farm celebrated its 100th anniversary. According to Fraiser, “*The problem is that there just aren’t enough people willing to do this type of work, and a labor crisis is threatening my ability to keep my family farm operating.*” He noted that the problem extends beyond Texas, as shortages are occurring nation-wide. He believes, “*There’s only one solution: a workable, streamlined, legal way to hire legal foreign workers. But after more than a decade of trying, Congress hasn’t been able to do its job and create a lawful program that works ... I’d like to hire Americans ... [b]ut in the end, my crop won’t wait. If I can’t find enough willing and able U.S. workers, I need a fast, legal, reliable way to hire foreign farm hands.*”²³⁹

Bob Morlock, a honey producer in Jasper County, Texas, has struggled to find a source of workers since the experienced beekeepers he used to hire from Nicaragua were rejected by the H-2A program in 2009. “*A lot of people don’t want to work part of the year,*” says Mr. Morlock. It is particularly difficult to use H-2A to

²³⁶ Miriam Jordan, “Immigrants Turn to Farm Work amid Building Bust,” *Wall Street Journal*, June 13, 2008.

²³⁷ Ed Stoddard, “U.S. Agriculture Dependent on Migrant Workers,” *Reuters*, July 24, 2007.

²³⁸ Chris Cobb, “New Rule: Hire Americans First,” *New Braunfels Herald-Zeitung*, February 17, 2010.

²³⁹ Bruce Fraiser, “Worker shortage brings tears to your eyes,” *Statesman*, November 12, 2012.

recruit specialized workers from certain countries, making specialty industries like beekeeping especially hard-pressed for labor.²⁴⁰

Jay Cockrell, who works for Doguet's Rice Milling Company in Beaumont, Texas, tries to recruit locally but has had limited success. *"There are some very talented and hardworking young people who are pursuing careers in agriculture, but they are the exception rather than the rule ... Young people are not interested in doing that. It's hard work. It's hot. They would rather wait tables,"* he says.²⁴¹

Mandujano Brothers Produce is a 2,800-acre farm in Cayanosa, Texas. Owner Armando Mandujano says the most labor-demanding crop he grows is cantaloupes, which have a short shelf-life and must be picked constantly during the height of the harvest.²⁴² As a result, he has reduced his cantaloupe plantings and replaced them with crops like cotton, hay, and certain varieties of onions and peppers, that require less hand labor. *"I love growing cantaloupes,"* he says, *"But there are too many issues."* In 2008, Mandujano Brothers decided not to plant cantaloupes for commercial production.²⁴³

Parr Rossen, an economist with Texas A&M University, describes the labor shortages on Texas cantaloupe farms as "acute." In 2008, Texas cantaloupe farms experienced a loss of 219 jobs and \$400,000 in economic losses as a result of labor shortages. *"We've seen some fairly major shortages in field labor the past couple of seasons,"* reflects Mr. Rossen. *"Some producers might find themselves looking at switching to less labor-intensive crops ... They could possibly move operations out of Texas into production areas of Mexico."*²⁴⁴

According to a 2008 report by researchers at Texas A&M University, approximately 77 percent of Texas fruit and vegetable producers have scaled back their U.S. operations due to labor shortages. More than one-quarter of Texas growers say they have already invested in production outside the United States, and 27 percent have considered going out of business as a result of labor instability.²⁴⁵

²⁴⁰ Peveto, Kyle, "Suspended Temporary Farm Workers Rules Still Affecting Agricultural Producers," *Beaumont Enterprise*, March 19, 2009.

²⁴¹ Ibid.

²⁴² Geoff Folsom, "Cantaloupe Community Rebounds," *Odessa American*, June 6, 2009.

²⁴³ "Fuel Costs, Labor Shortages Squashing Cantaloupe Harvest," *Pecos Enterprise*, May 27, 2008.

²⁴⁴ Texas AgriLife Extension Service, "Lack of Immigrant Reform Program Could Deepen Farm Labor Shortage Woes," *Texas A&M University*, February 18, 2008.

²⁴⁵ Parr Rosson, Flynn Adcock, Marco Palma and Luis Ribera, "Hired Labor Use in the Texas Fresh Fruit and Vegetable Industry," *Texas A&M AgriLife Extension System*, April 2008.

UTAH

Mark Gibbons, of L.C. Gibbons Brothers Dairy in Lewiston, Utah, says that agriculture producers in Utah need a guest worker program. *“Today’s young people don’t want to do hard labor,”* he admits. *“There are more attractive jobs today than milking cows. We need a stable and adequate labor force provided through a guest worker program.”*²⁴⁶ David Ure, a fourth generation dairy farmer in Kamas, Utah, says, *“There’s not two kids in South Summit High School that don’t know what end of a pitchfork to lean on ... I’m telling you seriously ... You cannot hire someone to come to work on the farms anymore.”*²⁴⁷

Ray Rolly is a fruit farmer in Utah who has struggled with the unpredictability of hiring seasonal workers through the H-2A program. One year, his H-2A workers did not arrive in time and his apples went unpicked. Efforts to compensate through local hiring were unsuccessful. *“We put an ad in three or four newspapers,”* Mr. Rolly explains. *“All the calls, almost to a T, are ... ‘I just had to call to keep my unemployment benefits, and I really don’t want the job.’”*²⁴⁸

On Delta Egg Farm in Delta, Utah, operator Scott Patton said he had been short on labor for five years as of 2007, and estimated that the price of his eggs would increase as a result. *“We’re going to have to mechanize some positions ... We don’t want to; it’s going to cost a lot more, and that price is going to be passed on to the consumer.”*²⁴⁹

According to Randy Parker of the Utah Farm Bureau, one Utah rancher in 2010 reported that 300 of his lambs died because the immigrant workers he was expecting to arrive on H-2A visas were delayed by 30 days during a critical lambing period.²⁵⁰

Mark Knold, the chief economist for the Utah Department of Workforce Services, acknowledges the need for reforming the agricultural guest worker program. He says, *“We’re not letting them (migrant workers) come in legally in the volume that the economy is asking in the labor force.”*²⁵¹

²⁴⁶ “The Ag Effect: Farming in Utah Faces Drastic Changes,” February 1, 2008.

²⁴⁷ Brundin, Jenny, “UT Lawmakers Advance Guest Worker Program,” *KUER*, February 16, 2011.

²⁴⁸ *Ibid.*

²⁴⁹ Jeremy Twitchell, “Immigrant Needs, Woes: Cannon Meets in Utah about the AgJobs Bill,” *The Deseret News*, April 12, 2007.

²⁵⁰ Robert Gehrke, “Immigration Question: Bust Them or Employ Them,” *Salt Lake Tribune*, July 21, 2010.

²⁵¹ Sheena Mcfarland, “Study: Immigration Doesn’t Impact Unemployment,” *Salt Lake Tribune*, May 20, 2009.

VERMONT

In 2009, Roger Albee, then the Vermont Secretary of Agriculture, called on Congress to address shortages in critical immigrant labor sources that Vermont farmers rely on due to the lack of willing local workers. *“While we must deal with weather-related issues and wide farm price fluctuations as a result of global market conditions, the labor situation is an issue we have ways of controlling. It is imperative that this situation be addressed to avoid a labor crisis on farms.”*²⁵²

Another former Vermont Secretary of Agriculture, Stephen Kerr, agreed. *“On this issue, the feds are acting as though agriculture was not important. The only thing wrong with this picture, in my mind, is Congress and its unwillingness to deal with reality.”*

According to a farmer from Addison County, *“You just don’t find the local labor force to be as hungry for work ... to find someone to run a marathon shift is very difficult, but these [migrant workers] do it, and they refuse to take a break. I don’t see a time when we could be independent of this labor force, honestly.”*²⁵³

Clement Gervais owns and operates a 2,500-acre dairy farm located in Bakersfield, Vermont. His family has been producing dairy for over 50 years and maintains 950 milking cows. Even though his workers are paid \$10 to \$12 per hour, Mr. Gervais says, *“There’s not enough people that want to do it. That’s the real, true issue ... I mean there’s good Americans that can milk, but there’s not enough of them that can and want to.”*²⁵⁴

Jake Guest is the owner of Killdeer Farm, an organic strawberry and vegetable farm in Norwich, Vermont. He believes, *“The problem is that the kind of work that these guys do, people don’t want to do it.”* The farm relies on highly experienced and skilled Jamaican workers to harvest strawberries and weed the fields, but Mr. Guest reports that constant regulatory changes have made the H-2A program more difficult to use. Mr. Guest says, *“If you’ve got a sink drain that*

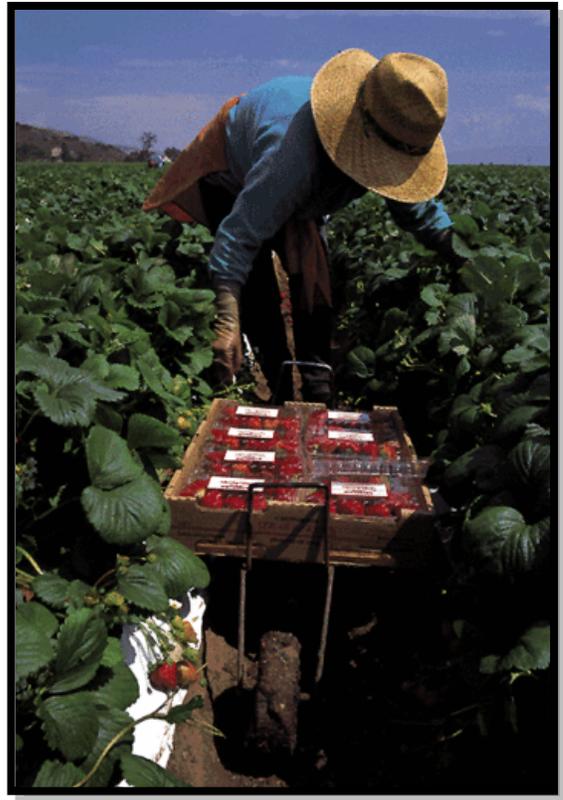
²⁵² Dolan, John R., “Even in Tough Economic Times, Vermont Dairy Jobs are a Tough Sell,” *Valley Business Journal*, May 11, 2010.

²⁵³ Ibid.

²⁵⁴ Lisa Rathke, “Dairy Farmer Says He Needs Immigrant Workers to Survive,” *The Times Argus*, March 8, 2010.

*doesn't work, you don't hire a college student to fix it ... You hire a plumber. If you've got strawberries to pick, you hire a professional picker.”*²⁵⁵

Jerry and Cheryl Connor, the family owners of Morgan Hill Farm, a 130-cow dairy in Bridport, Vermont, could not find enough local laborers to milk their cows in 2010. Mr. Connor says the farm “*used to get high school kids, but they can earn more at McDonald's than on a farm ... It's a tough situation ... They're working seven days a week, like I do.*” Morgan Hill Farm used to have 500 cows, but today they only milk 130 cows.²⁵⁶ Mrs. Connor says that Vermont's well-known dairy industry would not exist without immigrants. “*Dairy would cease to exist in this state without migrant workers,*” she states. “*Migrant workers are helping to keep our small family farms, the ones that buy from the local hardware and feed stores and make Vermont look like Vermont.*”²⁵⁷



A field worker harvests and packs strawberries

Thomas Dairy, a family-owned milk company in central Vermont that specializes in hormone-free products, had to sell off its entire stock of cattle – 130 cows in all – in 2005 because it could not find enough permanent help to milk them. Christa Thomas, who helps run the dairy, says: “*I would put ads in the paper and get maybe one or two responses ... Yeah, it was difficult to find local help.*”²⁵⁸

²⁵⁵ Rathke, May 10, 2010.

²⁵⁶ John Briggs, “Forum Focuses on Migrant Farm Workers,” *The Burlington Free Press*, April 25, 2010.

²⁵⁷ Kevin O'Connor, “Of Milk and Mexicans – Vt. Farms Vexed by Migrant Dilemma,” *Times Argus*, Mar. 8, 2009.

²⁵⁸ Dolan, John R., “Even in Tough Economic Times, Vermont Dairy Jobs are a Tough Sell,” *Valley Business Journal*, May 11, 2010.

VIRGINIA

Cromwell Produce was founded in the 1900s by John Giles Cromwell. The farm is still family-owned and operated, growing strawberries, peas, sugar snaps, and beets in Virginia Beach, Virginia.²⁵⁹ Co-owner John Cromwell says that he began using the H-2A seasonal labor program more than ten years ago to help plant and harvest vegetables on his 60 acres. He says, “*You can’t find local labor to do the field work.*”²⁶⁰

Mike Cullipher of Virginia Beach co-owns Cullipher Farm Market, a five-generation family farm that grows fresh fruits and vegetables with very little use of pesticides. Mr. Cullipher has had similar problems finding reliable field workers. In early 2009, he hired three local workers; one of the workers quit after three hours, another lasted until lunch, and the third worker quit at 3:00 p.m. the same day. Mr. Cullipher feels that the scarcity of local agriculture workers puts him in a tough position due to the size of his farm. He states, “*We’re big enough that we can’t do everything ourselves, but small enough that it’s hard to justify hiring workers through the H-2A program.*”²⁶¹

Phil Glaize, a third-generation apple farmer from Winchester, Virginia, worries that agricultural labor shortages could have a far-reaching impact if not addressed. He says that the field workers he employs power production that supports other local industries, including box makers, truckers, and port workers who handle apples. “*Rural communities and rural economies depend on these jobs,*” Mr. Glaize told the House Judiciary Committee in 2010. “*The jobs are tied to U.S. farm production, and if production moves to other nations, these jobs will too.*”²⁶²

Mr. Glaize believes that labor uncertainties have forced many apple farmers to change their planting strategies, including reducing acreage. In fact, the U.S. Department of Agriculture reported that more than 5,000 acres of apples in Virginia closed down between 2002 and 2007. Mr. Glaize worries that if these trends continue, the U.S. could become dependent on foreign countries for food, “*much as we do for oil.*”²⁶³

²⁵⁹ “About us,” Cromwell’s Produce, <http://cromwellsproduce.com/>.

²⁶⁰ “Local Labor Often Hard to Find,” *Southeast Farm Press*, July 16, 2009.

²⁶¹ *Ibid.*

²⁶² “Virginia Apple Grower Urges Congress to Act on Immigration Reform, Cites Economic Danger to Agricultural Communities,” *CF-Grower*, October 29, 2010.

²⁶³ *Ibid.*

WASHINGTON

Apples are Washington's top commodity, generating about \$7 billion annually and supporting approximately 60,000 jobs.²⁶⁴ Poor growing conditions in other parts of the country have only increased the demand for Washington apples. However, the state's apple farmers are experiencing a labor shortage, which is threatening their ability to get apples off the trees before they rot. Steve Nunley manages a 3,000 acre apple orchard in Wapato, Washington. Despite increasing pay by 33% in 2012, he said *"I'm down 40% from the labor I need."*²⁶⁵

At a recent emergency meeting of fruit growers in Wenatchee, Washington, one orchardist explained that at the start of the season, the Washington State unemployment office referred 149 unemployed Washingtonians to his orchard. Of that number, just half showed up on the first day, and only a quarter showed up for a second day of work. By October, only five of those workers remained.²⁶⁶

In 2008, nearly 500 tons of apples in Washington State went unpicked due to picker shortages, according to the Washington Farm Bureau.²⁶⁷ Randy Broetje laments the 15 million pounds of apples that went unpicked due to the labor shortages in 2006. *"Our labor supply has been our number one concern ... There's just not enough people."*²⁶⁸ Normally, the fruit on Broetje Orchards is cared for all year and grown, stored, and packed in the same on-site facilities.²⁶⁹ In 2006, however, Mr. Broetje was short



²⁶⁴ "Many Apples, Few Pickers," *U.S. News*, October 9, 2012.

²⁶⁵ Joel Millman, "Many Apples, Few Pickers," *Wall Street Journal*, October 9, 2012.

²⁶⁶ Lornet Turnball, "Washington Apple Growers Scrambling to Find Workers," *Seattle Times*, October 30, 2011.

²⁶⁷ Dan Wheat, "Farm Bureau Says Some Apples Left on Trees," *Wenatchee World*, November 22, 2008.

²⁶⁸ Hal Bernton, "With Shortage of Workers, Apple Crop Falls on Rotten Times," *Seattle Times*, October 25, 2006.

²⁶⁹ "Who We Are" and "Marketplace," *Broetje Orchards*, <http://www.broetjeorchards.com>.

300 apple harvesters. The shortage forced him to abandon apple picking on 400 of his 5,400 acres of orchards.²⁷⁰

In Mount Vernon, Washington, dairy farmer Roger Short reports, *“I know of farmers around Washington who are having tremendous problems finding help ... I know of people who've lost their milking crews.”* Mr. Short decided to give up dairying in 2003; he now uses the 350 acres on his former dairy farm to raise cattle. The lack of local labor was a significant factor in his decision to give up dairy farming. Mr. Short says, *“The native-born people didn't want to do what we were doing. They don't want to deal with the fact that a dairy is 24-7-365.”*²⁷¹

Bob Brody says that he cannot find enough local workers to staff his Brewster, Washington, orchards, a need that became even more pressing after immigration enforcement raids forced a nearby operation to let go of 500 undocumented employees. Brody notes that since harvesters are paid based on the quantity of apples they pick, skilled apple harvesters can make \$120 per day, but inexperienced workers might struggle to make even minimum wage. One woman who has lived in Brewster her whole life says of apple picking, *“I need a job bad but not that ... It's hard. That's why I haven't even, like, tried [picking apples].”*²⁷²

Suzanne Wolter, who helps run Rainier Fruit Company in Selah, Washington, says there is a strong economic argument for reforming the H-2A visa program. *“If we can't harvest our crops, you can't sell them,”* she says. *“Think of the sales left on the table because you don't have enough produce to meet demand.”*²⁷³

Fruit farmer Scott McDougall, whose farm is one of the largest fruit operations in Washington State, began using the H-2A program in 2008, but believes the program as presently constituted is beyond the reach of most American farmers. He argues that while his large operation could support the \$11,500 per bed investment required under H-2A's housing standards, such an expense – compounded by the unpredictability of the program's constant regulatory changes – would be simply unworkable for smaller companies. *“It's a moving target every year,”* he states. *“You need to be a certain sized grower to justify adding the infrastructure.”*²⁷⁴

²⁷⁰ Bernton, October 25, 2006.

²⁷¹ Diane Urbani de la Paz, “Who Will Pick the Crops? North Olympic Peninsula Farmers Lament Lack of Migrant Workers,” *Peninsula Daily News*, October 26, 2008.

²⁷² Kaste, Martin, “Farm Work: Americans Steer Clear of Apple Harvest,” *WGBH*, October 26, 2010.

²⁷³ Major, Meg, “Reforming the Choir,” *Progressive Grocer*, November, 2010.

²⁷⁴ Sparks, Brian, “H-2A the Right Way,” *American/Western Fruit Grower*, February 2011.

WEST VIRGINIA

Nearly one-quarter of West Virginia is farmland, and the state's agriculture industry is valued at \$591.7 million.²⁷⁵

In 2011, West Virginia's farms produced 67 million pounds of apples and 5,700 tons of peaches.²⁷⁶

Machines cannot be used to harvest fruit crops in West Virginia that are delicate and bruise easily, according to Bill Aiken, a field representative with the West Virginia Farm Bureau. *"It can be difficult to get adequate help,"* he says. *"It's been difficult to get people to pick since the crackdown on immigration ... Most all fruit is picked by hand because it can't be bruised."*²⁷⁷



An immigrant worker picks apples by hand

²⁷⁵ National Agricultural Statistics Service, "West Virginia 2009 State Agriculture Overview," *U.S. Department of Agriculture*.

²⁷⁶ National Agricultural Statistics Service, "West Virginia Farmers – A Production Profile – 2012," *U.S. Department of Agriculture*.

²⁷⁷ Paul Darst, "Slowing Economy Forcing Farmers to Make Changes," *ABC WBOY-TV, West Virginia*, June 12, 2008.

WISCONSIN

Tim Servais is the owner of Servais-Hamburg Hills Farms, a mid-sized 240-cow dairy farm outside of La Crosse, Wisconsin. Mr. Servais has tried hiring local high school students, but he says they were unreliable, lacked the expertise, or refused to work the unusual hours that are typical on a dairy farm.²⁷⁸

“I’ve always tried to hire people who were local so I had some background on them. I just couldn’t find people to do the work,” says Mr. Servais. *“It’s labor intense. When you’re (on) a dairy farm you’re on call 24-7, 365, no matter if you’re on vacation or you’re down at the local store or what.”*²⁷⁹

Roger Kukowski, a dairy farmer in Osceola, Wisconsin, has not been able to rely on local workers to milk his 350 cows. Mr. Kukowski needs his workers to milk cows from 4:00 a.m. to 8:00 p.m. He says, *“I was always on pins and needles because people were constantly quitting or not showing up.”*²⁸⁰

John Rosenow co-owns a fifth generation dairy farm in Buffalo County, Wisconsin, and has had similar problems finding local labor. He says that decades ago he was able to hire local milkers to work on his dairy whenever his family needed help. That all changed in the 1990s, and in 1997, Mr. Rosenow started hiring immigrant workers as local labor became more unreliable and harder to find. *“Most people would rather do anything than work on a farm,”* Mr. Rosenow observes. *“There’s a stigma to working on farms – it’s always the lowest-class job.”* They have found, however, a strong substitute in immigrant labor. *“Out of desperation, and unwillingly, we hired our first Mexican and found an incredible work ethic, incredible reliability, no problem getting people to come to work,”* he says. In 2010, he estimated that nine out of the twenty workers on his farm were Mexican immigrants.²⁸¹

²⁷⁸ Jacob Kushner, “Immigrants Now 40 Percent of State’s Dairy Workers,” *Wisconsin Center for Investigative Journalism*, November 4, 2009.

²⁷⁹ Ibid.

²⁸⁰ Georgia Pabst, “Immigrants an Increasingly Important Labor Force in Wisconsin Dairy,” *The Journal Sentinel*, February 4, 2009.

²⁸¹ Farr, Joe, “Got Migrants? Undocumented Workers are Integral to the Survival of the State’s Dairy Farms,” *The Daily Page*, June 3, 2010.

A 2009 study by the University of Wisconsin, Madison, shows that 40 percent of the laborers on Wisconsin dairy farms are foreign-born.²⁸² Sandi Zirbel, who owns 635 cows on a dairy in Green Bay, Wisconsin, said that as many as 19 of 20 applicants for farm jobs were immigrants in 2010.²⁸³ Loren Wolfe co-owns a 575-cow farm near Cochrane, Wisconsin, where the work is dirty and the hours are long. He says, “*We need them [immigrant workers] to milk cows or we'd barely be in business.*”²⁸⁴

In 2009, researchers from the University of Wisconsin, Madison, indicated that demographic changes in Wisconsin contributed to the shortage of local dairy workers. “*Farm families (like U.S. families in general) are declining in size, spouses and farm children increasingly seek off-farm careers, and the average age of Wisconsin dairy farmers is increasing. These trends further lead to the need for hired employees. Farmers we interviewed reported difficulties finding U.S.-born workers willing to fill these new dairy farm jobs. Farmers said young people in rural Wisconsin have little desire to work on dairy farms, and that it is hard to find US-born people willing to work long hours, night shifts, and weekends.*”²⁸⁵ Jill Harrison, an associate professor at the university that participated in the research, says, “*If there was a[n immigration] crackdown, the dairy industry would face difficult times ... Cows need to be milked a couple of time a day.*”²⁸⁶

Wisconsin’s unemployment rate has not meant that Wisconsinites have flocked to fill the large number of vacant dairy jobs. “*There are people who don’t have jobs, but they also aren’t qualified or don’t have the motivation to work*” says Shelly Mayer, Executive Director of the Professional Dairy Producers of Wisconsin. Farmers are not finding the H-2A visa program to be of any help either. According to Jerry Kozak, President of the National Milk Producers Federation, the current H-2A program is inflexible and “nearly impossible” to use. “*It’s simply not working,*” says Mr. Kozak.²⁸⁷

²⁸² Jill Harrison, Sarah Lloyd, Trish O’Kane, “Changing Hands: Hired Labor on Wisconsin Dairy Farms,” *University of Wisconsin – Madison*, February 2009.

²⁸³ Kushner, November 4, 2009.

²⁸⁴ Ibid.

²⁸⁵ Harrison, Lloyd, O’Kane, February 2009.

²⁸⁶ Farr, Joe, “Got Migrants? Undocumented Workers are Integral to the Survival of the State’s Dairy Farms,” *The Daily Page*, June 3, 2010.

²⁸⁷ Rick Barrett, “Seeking Workers, Wisconsin Dairy Farmers Call for Immigration Reform,” *Milwaukee Journal Sentinel*, January 27, 2013.

WYOMING



Herders tend to a flock of sheep

Fred Roberts is a third-generation sheep rancher from Cokeville, Wyoming. The Roberts family has over 30 years of experience, and a herd of 8,000 sheep in Wyoming. They receive “very few responses” from locals for herding jobs. Mr. Roberts says, “*Herding may be hard work and sometimes lonely, but many other outdoor jobs in Wyoming are also. My business cannot survive without these [immigrant] herders. We cannot fill these jobs with domestic workers.*”²⁸⁸

Because so few domestic workers are interested in the work, many Wyoming sheep farmers rely on the H-2A visa program to hire foreign workers.²⁸⁹

“*Herders are on call 24 hours a day,*” explains Mr. Roberts. “*But, as in many jobs, some days are longer than others. During lambing season, both herders and sheep operators put in many hours as this is a critical time for most sheep operations.*”²⁹⁰

²⁸⁸ Fred Roberts, “Focus on Ranchers who Hire Illegal Aliens,” *The Star-Tribune*, January 24, 2010.

²⁸⁹ Dan Frosch, “In Loneliness, Immigrants Tend the Flock,” *New York Times*, February 21, 2009.

²⁹⁰ Roberts, “Focus on Ranchers who Hire Illegal Aliens,” *supra*.