

April 22, 2020

Dear Speaker Pelosi, Leader McConnell, Leader Schumer, and Leader McCarthy:

We are organizations representing the interests of the estimated two to three million US farmworkers, officially deemed “essential workers” by the federal government but denied the aid, rights and protections needed to mitigate the risks of the COVID-19 pandemic. Farmworkers feed the world through their labor, bringing fruits, vegetables, and dairy to homes across the nation. As the backbone of this country’s food source, their work is critical to keep food on our tables and grocery stores stocked, yet they and their work is not properly valued.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act brought much-needed relief to communities across America, but excluded the undocumented community, including many farmworkers, from critical relief. We are deeply concerned that the pressing health and welfare concerns of the farmworker community is not receiving the attention and urgency needed to respond to the COVID-19 pandemic, which threatens their lives as well as the security of our entire food supply.

Farmworkers earn poverty wages, work under substandard conditions and face a myriad of health and other issues due to their living and employment conditions. We are outraged at the proposed farmworker pay cut while they continue to work on the front lines and struggle to feed their families. Even though farmworkers have been denied many of the basic protections afforded to other workers and workforces in the past, Congress must take into account the ongoing and emerging needs of the farmworker community.

We urge Congress to act quickly to support the passage of a fourth COVID-19 relief package that includes the following provisions for these vital members of our communities:

#### **Economic and Food Security**

- Ensure the nutrition of the people that feed us by ensuring that recipients of federal funding, such as the child nutrition programs and the Commodity Assistance Program, are required to develop plans to provide services to farmworker communities.
- Relax requirements for individuals to be able to receive Temporary Assistance for Needy Families (TANF) without having to prove that they are participating in work activity or doing the daily employment applications at job centers, including job centers specifically established for farmworkers.
- Ensure farmworkers can feed their own families by removing eligibility restrictions for nutrition assistance, including the federal Supplemental Nutrition Assistance Program (SNAP) benefits, and other federal programs that would provide assistance to cover basic household needs. Studies of migrant and seasonal farmworkers have found that food insecurity rates range from 50 to 65 percent of the population.

#### **Occupational Safety and Health**

- As a condition of all the subsidies, payments and other benefits agricultural employers are receiving, employers should be required to develop a written plan that follows Center for Disease Control recommendations to help prevent transmission of COVID-19 in the workplace as well as farmworker housing units, including through social distancing, providing adequate soap and handwashing facilities and sanitizers, training of

farmworkers and their supervisors, and posting of information in appropriate languages where workers will routinely see the information. The plan should address protections regarding transportation and/or housing if the employer provides or arranges housing and/or transportation for farmworkers. The plan also should include emergency responses.

- Provide paid sick leave for all farmworkers, regardless of size of farm, documentation status, and employment status. Workers should be eligible to apply for this leave from the first day that they are sick, rather than having to be out of work or sick for a prolonged period to qualify. Farmworkers should not have to fear losing their job or wages, or possible immigration detention when they feel sick themselves, have a known exposure to COVID-19 and need to self-isolate, or if they need to care for a sick family member.
- Ensure free access to COVID-19 medical tests and treatment, regardless of immigration status. In particular, immigration restrictions on the new Medicaid State Option for COVID-19 testing should be eliminated to ensure that everyone is able to receive free testing and access treatment and care for the virus.
- Dedicate investments in rural health care, including but not limited to increased funding for migrant health centers and rural hospitals, as well as health care infrastructure such as broadband to support telehealth services and medical equipment, including respirators, testing kits, and personal protective equipment for medical and outreach staff. Migrant and Community Health Centers need funding to ensure financial stability, both short-term and long-term.

### **Employment and Training**

- Ensure full and equal access to Unemployment Insurance for all farmworkers impacted directly and indirectly by COVID-19, regardless of employer size, and prohibit any employer receiving financial assistance related to COVID-19 pandemic from laying off farmworkers or reducing their work hours. Laid-off farmworkers are not able to absorb the cost of unemployment, and the many undocumented farmworkers are ineligible for the expanded unemployment benefits program provided by previous stimulus bills.
- Provide hazard pay to ensure the integrity and abundance of our food supply, in line with pay for other frontline workers in our country's critical infrastructure. Farmworkers are critical to maintaining our food supply and are considered essential workers. They must be compensated accordingly for the risk they assume by continuing to work.
- A substantial supplemental appropriation for the National Farmworker Jobs Program (NFJP) to allow program grantees needed added capacity to reach farmworkers with critical coronavirus information and provide them with increased, enhanced supportive and career services. The appropriation provision should also give the United States Department of Labor the authority to delay program competition during the coronavirus health emergency, discount crisis-impaired performance data, and adjust income-based eligibility factors to expand eligibility for farmworkers and their families.

### **Education and Technology**

- Provide mandated childcare for essential workers, including farmworker children.
- Ensure that farmworker and other rural children have access to food and homework assignments during the school closures. When schools moved towards virtual learning, many children in low-income, farmworker and rural communities were left behind.

- To ensure the children of farmworkers do not fall behind and have access to the basic tools that would enable them to participate in online education, we urge dedicated investments:
  - in the technology available to rural schools and Migrant and Seasonal Head Start centers, in addition to broadband expansion.
  - directed to tailored support programs and the tools this student population would need to fully participate in online learning.
  - funding for purchase of electronic devices, such as laptops and smartphones, and internet service to provide them with access to their virtual education.

**Immigration**

- Until the bipartisan Farm Workforce Modernization Act (H.R.5038) can become law, all essential workers including farmworkers should be given immigration status with work authorization.
- Allow farmworkers and “mixed status” families receive the economic support and COVID-19 rebates included in the COVID-19 stimulus packages. Future COVID-19 legislation must provide farmworkers with access to economic relief regardless of their immigration status, whether they filed taxes in the last two calendar years and irrespective of whether they filed their taxes with a social security number or an Individual Taxpayer Identification Number.
- Require employers that utilize the H-2A temporary foreign agricultural worker program to adopt occupational safety and health plans and practices for their US and foreign workers as described below.

Our nation’s food security depends on farmworkers, and they deserve our gratitude and our support. As Congress considers policy solutions to address this evolving crisis, we must ensure farmworkers are not left out or forgotten again.

Sincerely,

Justice for Migrant Women  
 Association of Farmworker Opportunity Programs  
 Centro de los Derechos del Migrante, Inc.  
 East Coast Migrant Head Start Project  
 Environmental Working Group  
 Farmworker Justice  
 Food Policy Action  
 MAFO, A National Partnership of Farmworker & Rural Organizations  
 National Migrant & Seasonal Head Start Association  
 UMOs