

For Immediate Release:

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**Farmworker Advocates Contest Hydroponic Tomato Operation's
Proposed Employment of Temporary Guestworkers**

*Complaint to Labor Department says jobs should be filled with permanent, year-round
workforce*

Coldwater, MICHIGAN – Farmworker Legal Services of Michigan (FLS) and Farmworker Justice submitted a written complaint to the U.S. Department of Labor (DOL) requesting that the DOL immediately reconsider its temporary labor certification authorizing Maroa Farms, a subsidiary of Mastronardi Produce, to import foreign guestworkers to fill positions available at a newly constructed \$25 million hydroponic greenhouse designed to produce gourmet tomatoes on a year-round basis.

Mastronardi, which promotes itself as the world's leading producer of hydroponically grown tomatoes, received tax incentives and public utility rate discounts to build a state-of-the-art greenhouse facility in Coldwater in 2011 with the promise of creating more than 100 jobs for the depressed local economy. However, after starting operations late last year, Mastronardi has decided to fill 54 upcoming job openings with foreign workers under the federal H-2A guestworker program.

“Given Michigan's difficult economic times and persistent high unemployment, Mastronardi's new facility in Coldwater raised hopes of providing a significant source of new jobs to the local economy,” said FLS Managing Attorney Tom Thornburg. “We are concerned that this may not be a proper use of guestworker labor.”

Coldwater is located 70 miles south of Lansing and 134 miles west of Detroit. Since 2008, Michigan's unemployment has been as high as 14% and persistently at or above 9%, according to the Michigan Department of Management, Technology and Budget.

The complaint asserts that the work for which Mastronardi seeks to employ H-2A guestworkers is not temporary or seasonal, as required for employers to participate in the H-2A program. Mastronardi itself stated in papers on file with DOL that at the Coldwater facility, “we will be planting, harvesting, grading, and packing our crops year-round.” A company video showcasing the facility's cutting edge hydroponics technology and continuous year-round operations is viewable at <http://www.youtube.com/watch?v=VftrIIH4RH4>.

Even if Mastronardi is allowed to employ H-2A guestworkers, it may not be in compliance with DOL rules that require employers to make bona fide efforts to recruit U.S. workers before offering jobs to foreign guestworkers. The H-2A rules are designed to ensure that employers hire guestworkers only when there is a true labor shortage; that such hiring does not discriminate against U.S. workers; and that employment of guestworkers will not depress wages and working conditions for U.S. workers.

According to the complaint, some U.S. workers previously hired by Mastronardi in Coldwater have been terminated, possibly in anticipation of the arrival of the H-2A guestworkers.

Discharging U.S. workers in order to make room for guestworkers would also violate rules governing the H-2A program.

“There is a long history of employers attempting to evade the H-2A program’s labor protections,” said Bruce Goldstein, President of Farmworker Justice. “Employers like Mastronardi who misuse the guestworker program hurt U.S and foreign workers. That needs to stop.”

Mastronardi is also involved in labor strife at another facility in Livonia, Michigan, where workers have filed a class action lawsuit charging the company with wage and workplace safety violations. FLS is not involved in the Livonia suit.

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***Farmworker Legal Services of Michigan** is a division of Legal Services of South Central Michigan, with attorneys and legal staff who provide free legal assistance and referrals to migrant and seasonal farmworkers throughout the state of Michigan.*

***Farmworker Justice**, based in Washington, D.C., is a nonprofit organization that seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice.*