



Farmworker Justice

Media Report

January 2011 to December 2011

www.farmworkerjustice.org

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Fox News Latino

Farmworker advocacy group says agricultural business depends on undocumented labor by Elizabeth Llorente. February 11, 2011

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Farmworker Justice: best practices in fall protection among Ag employers by Tom Krast. March 23, 2011

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Crisis' facing Ag industry complicates plan for bill by Fawn Johnson. April 13, 2011

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Let them eat produce picked by robots by Tom Krast, April 13, 2011

NumbersUSA.com

Immigration subcommittee debates the merits of the H-2A visa program by Jonathan Osborne, April 13, 2011.

The Miami Herald

Guest farm workers program not working, panel told by Michael Doyle. April 13, 2011
Distributed via McClatchy Newspaper and picked up in 21 newspapers across the USA

Sacramento Bee, Fresno Bee, Merced Sun-Star, Boston Herald, The Bellingham Herald, Fort Mill Times, Sun Herald.com, Tri-city Herald, The Wichita Eagle, The Olympian, Centredaily, Star Telegram, Lake Wylie Pilot, The State, Bradenton.com, Enquirer Herald, San Luis Obispo Tribune, The News Tribune, The Ledger Enquirer, The Idaho Stateman, Fox News Latino

Working Immigrants Blog

Critique of the H-2A farmworker visa program April 19, 2011

Food and Faith Blog

Banning documentation of farm animal abuse could make farmworkers more vulnerable
April 20, 2011

Latin America Herald Tribune (EFE wire)

*Astronaut Urges Young Latinos to 'pursue your dreams'.*By Maria Pena. May 05, 2011

Story ran on: Terra.com; Hidro Calido; Listindiario.com; Yahoo Noticias Venezuela; Telemundo Atlanta; AOL Noticias.; Fox News Latino

Dowser

Xochitl Castaneda on helping farm workers (who grow our food) stay healthy
May 23, 2011

Los Angeles Times

Farmers, farmworker groups react to possible E-verify future by P.J. Huffstutter.
June 15, 2011.

Feet in 2 Worlds: Telling the Stories of Today's Immigrants

If E-verify becomes mandatory, it won't solve the Nation's 'immigration problem' by Erwin De Leon. June 16, 2011

In These Times

California Gov. Jerry Brown's veto card check legislation underscores the priorities of the powerful by Michelle Chen. June 30, 2011.

The Packer.com

More dysfunction ahead in immigration debate by Tom Karst. September 5, 2011
[H-2A report release]

The Wall Street Journal

Farmers press GOP on hiring by Miriam Jordan. September 7, 2011.

Latina Lista

New report on guest farmworker program highlights rampant abuse by Marisa Treviño. September 7, 2011.

America's Voice

New report from Farmworker Justice and UFW documents abuses in guest worker program. September 7, 2011.

Fox News Latino

Group denounces abuses in program for farmworker visas. EFE Newswire. September 8, 2011.

Google News EFE Newswire

Denuncian abusos y falta de protección en el programa de visas de agricultores. September 8, 2011.

EHS Today

A disposable work force: Farmworker advocates push for agricultural worker protections by Laura Walker. September 9, 2011.

In These Times

Too hot at work? Uncle Same isn't looking out for you by Mike Elk. September 9, 2011

The Packer.com

There should be a Madison House in every produce town by Tom Karst. September 9, 2011.

Fox News Latino

Farmworker pay can be boosted at little cost to consumers. EFE Newswire. September 14, 2011.

Capital Press

Sheep rancher sued for labor violations by Dan Wheat. September 15, 2011.

Science Blogs

No way to treat a guest (worker) or U.S. workers for that matter by Celeste Monforton. September 22, 2011.

New York Times

So much for the Nativists. NYT Editorial created in response to Farmworker Justice advocacy efforts at New York Times.

Epicurious

Join Epicurious in a Food Day Celebration, Food Day Principle 6. October 24, 2011.

Monterey County Weekly

Growers say E-verify will destroy the modern ag industry, but Congress has yet to offer a fix by Sara Rubin. November 3, 2011.

Property Casualty 360

Many farmworkers denied workers' compensation benefits by Catilin Fairchild. November 12, 2011.

Pesticide Action Network North America

Safer fields for farmworkers long overdue by Margaret Reeves. November 14, 2011.

Agra-net.com

Environmental groups seek stronger protections for pesticide workers. November 18, 2011.

AP Newswire

Freedom Riders back to fight Alabama immigration law by Phillip Rawls. December 16, 2011.

Myrtle Beach Online

Freedom Riders back to fight Alabama immigration law by Phillip Rawls. December 16, 2011.

BLR Workplace Safety

Groups ask EPA to bolster protection from pesticides. December 21, 2011.

Trade Print and Specialty Papers

Risk Policy Report

Advisors question EPA plan to expand use of pesticide safety factors. January 14, 2011.

Bureau of National Affairs: Occupational Safety and Health

OSHA's final rule for fall protection standard should cover farmworkers, advocates say

by Pat Ware. January 20, 2011.

EPA.gov

EPA seeks comment on petition for bilingual pesticide labels March 23, 2011

BNA Daily Environment Report

Agricultural groups petition EPA to boost pesticide protections for farm workers by Patrick Ambrosio. November 18, 2011.

Letters to the Editor and Op Eds Written by Farmworker Justice

The Washington Post

Letter to the Editor: Flaws in immigration law March 16, 2011

The San Diego Tribune

Letter to the Editor: Utah plan not model to fix immigration March 19, 2011

The Salt Lake Tribune

OpEd: Paying for a guest worker law already in place. April 14, 2011

Glasgow Daily Times

Letter to the Editor: H-2A Guestworkers May 06, 2011.

Atlanta Journal Constitution

OpEd: Immigration: New state law threatens farm labor, ag industry, June 13, 2011

Macon.com

OpEd: Questioning Georgia's plans for a foreign guest worker program June 24, 2011

The New York Times

Letter to the Editor: Guest Farmworkers. July 15, 2011

Post and Courier Charleston, SC

Immigration debate is tough on farm worker's children by John Menditto.
Edited and placed by Farmworker Justice. October 6, 2011.

Radio Interviews & PSA

Utah KNRS Radio

Radio interview re: Salt Lake Tribune OpEd on guest worker program

HIV/AIDS Testing PSA

Aired on UFW Radio Campesina week of June 27th

Aired on WGUS-AM Atlanta, GA

Aired at National HIV/AIDS conference Atlanta, GA.

Radio Campesina

Hour long interview of Carlos Ugarte on Despierta Campesino for HIV Testing Week, June 30th

Press Releases and Statements Produced by Farmworker Justice

January 25, 2011

Statement by Farmworker Justice on the House Immigration Subcommittee's Hearing on ICE worksite enforcement

February 7, 2011

Statement by Farmworker Justice on the House Immigration Subcommittee's Hearing on E-Verify.

March 21, 2011

Farmworkers not seeing benefits of rising agricultural exports. Farmworker Justice statement for Economic Policy Institute's briefing paper titled: Farm Exports and Farm Labor: Would a raise for fruit and vegetable workers diminish the competitiveness of U.S. agriculture?

May 11, 2011

Statement of Farmworker Justice on the re-introduction of the DREAM Act.

May 23, 2011

Board of Directors letter to Gov. Jerry Brown re: The Fair Treatment for Farm Workers Act.

May 25, 2011

Agriculture Secretary Vilsack and American Farm Bureau President Stallman need to embrace AgJOBS to fix the broken immigration system.

June 15, 2011

Rep. Lamar Smith's Mandatory E-verify proposal leads to more exploitation of farmworkers : UFW and Farmworker Justice oppose e-verify without legalization

June 28, 2011

Farmworker Justice files comments in support of bi-lingual pesticide labeling

September 9, 2011

Farmworker Justice Statement on Rep. Lamar Smith's " American Specialty Agriculture Act" and Rep. Dan Lungren's "Legal Agricultural Workforce Act"

September 23, 2011

New Agricultural Labor Market Reform Act would stabilize U.S. farm work force, protect farmworkers.

November 14, 2011

*EPA Asked To Strengthen Long Overdue Pesticide Protections for Farmworkers
Basic protections across all states sought*



Print and Online Media



Farmworker Advocacy Group Says Agricultural Business Depends on Undocumented Labor

Published February 11, 2011

By Elizabeth Llorente

A national farmworker advocacy group says that the growing push in Congress for policies that will pressure employers to make sure their employees are not undocumented does nothing to help the agricultural business, which depends on a sizeable unauthorized workforce.

“The status quo for farmworkers and agricultural businesses is untenable and must be reformed,” the organization, Farmworker Justice, said in a statement. “Over 50% of farmworkers are undocumented.”

“The lack of immigration status,” the group said, “contributes to the significant problems in agricultural workplaces and communities: low wages, poor working conditions, pesticide poisoning, and substandard housing.”

The group released the statement on Thursday, when the House Judiciary Committee’s immigration panel held a hearing on E-Verify, an electronic employment eligibility system that allows employers to check the immigration status of their workers.

The database holds records of the Social Security Administration and the Department of Homeland Security, which includes immigration departments.

At present, participation in E-Verify is voluntary, except for certain federal contractors. House Judiciary Committee Chairman Lamar Smith, R-Texas, reiterated his support for tougher workplace enforcement of immigration laws in a statement on Thursday. Smith would like to see employer participation in E-Verify become mandatory.

“With unemployment over 9 percent now for 21 months, jobs are scarce and families are worried,” Smith said. “Seven million people are working in the U.S. illegally. These jobs should go to legal workers.”

“One effective program to help ensure jobs are reserved for citizens and legal workers is E-Verify,” Smith said.

Critics of E-Verify say the database can give misleading information, and that erroneous data that would lead an employer to believe that a lawful worker is here illegally could prompt to a wrongful firing.

Critics also say that some groups, such as Latinos and other minorities, might be put under greater, baseless scrutiny by employers because of their surname or accent. Smith acknowledged there are concerns about E-Verify.

“But the fact remains that E-Verify is a very effective tool for employers who want to hire legal workers,” he said.

Farmworker Justice is one of the latest groups to call for something to be done for industries that rely on undocumented workers.

Enforcement alone will not solve the challenges farmworkers face nor provide employers with the stable, productive workforce they need,” the group’s statement said.

“Our nation’s broken immigration system needs a lasting solution, which must include a path to immigration status.”

<http://latino.foxnews.com/latino/politics/2011/02/10/farmworker-advocacy-group-says-agricultural-business-depends-undocumented-labor/#content>



The Packer.com / Fresh Taste Blog

Farmworker Justice: best practices in fall protection among ag employers

3/21/2011

By Tom Karst

This [29-page comment](#) from Farmworker Justice argues for the need for Occupational Safety and Health Administration rules to include agriculture in the proposal of the U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") to update, revise, and reorganize the walking-working surfaces and personal protective equipment standards.

"We strenuously renew our request of OSHA to extend coverage of the standards to agricultural employment," the document states.

Given the fact that [OSHA's budget is under pressure](#), the expansion of coverage to agriculture seems unlikely, not to mention that "OSHA" is the punch line in jokes about excessive government regulation.

Yet the safeguards and protection of workers within the produce industry should be a primary concern for all employers, no matter where the farm is located. This impulse - to minimize accidents on the farm - makes good business sense, of course.

Here is a limited excerpt from the comments from Wang, Weeum, Senior Attorney and Ruiz, Virginia, Senior Attorney; Farmworker Justice, and a "model company" who has taken aggressive steps to protect workers from falls. From the comment:

Farmworker Justice offers this Post-Hearing Submission in connection with the proposal of the U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") to update, revise, and reorganize the walking-working surfaces and personal protective equipment standards set forth at 29 C.F.R. § 1910 subparts D and I (hereafter referred to collectively as "fall protection standards").

In this submission, we respond to a number of questions and requests for additional information raised by OSHA at the January 18-21, 2011, public hearing on the proposed fall protection standards, and we strenuously renew our request of OSHA to extend coverage of the standards

to agricultural employment.

1. Fall safety practices of agricultural employers subject to state requirements As we have previously indicated, three states -- California, Oregon, and Washington -- have for several years required agricultural employers to observe ladder and fall safety standards similar to the proposed OSHA fall protection standards. We have already provided evidence, including statements from occupational safety officials in Oregon and Washington, confirming the need, feasibility, and efficacy of agricultural fall protection in these three states. OSHA has asked for additional information on how fall safety requirements have been implemented in the states.

Orchard View Farms, Oregon

Eric Shrum is the horticultural and orchard manager for Orchard View Farms, located in The Dalles, Oregon. He has been with Orchard View for the past six years and has a total of over 30 years experience in the tree fruit industry. Orchard View covers over 2,000 acres of orchards, primarily growing cherries. It also operates a packing plant for its harvest as well as for other growers in the area. The farm employs about 65 permanent workers, and during harvest season, over 600 additional seasonal workers.

During the harvest season, up to 370 workers are in the orchard at a time, with approximately 300 working in the packing house. Mr. Shrum said that the owners of Orchard View have a strong interest in the safety and health of their employees. He was familiar with Oregon's fall safety requirements. He indicated that his farm has always complied with the requirements, and that compliance has not been difficult or burdensome. Orchard View maintains a comprehensive ladder safety program. The farm provides an aluminum tripod ladder to each orchard worker, and always keeps at least 25 ladders in reserve in case any of those in use has to be replaced. Aluminum ladders are chosen over wood ladders because they are lighter to carry, more durable, and more weather resistant.

The tripod design allows for greater stability on uneven ground. Ladder inspection and maintenance are key components of the ladder safety program. At the beginning of each season, all of the farm's ladders are inspected for compliance with safety requirements. Crew leaders are then responsible for ladder "culling and tagging" at the start of each work day. Ladders are checked for cracks, damaged hinges, loose rivets, and other wear and tear. Ladders needing repair are fixed on-site or sent to the shop for repair. Crew leaders are required to put a red tag on any unsafe ladders and remove them from service. The farm spends about \$6,000 annually in ladder repair and replacement costs; included in these annual costs are purchases of 30 or more new ladders at a cost of up to \$165 each.

Safety instruction is another important part of Orchard View's ladder safety program. All workers go through safety instruction before they begin working in the orchards. The instruction

includes watching a video on ladder safety provided by the state occupational safety and health agency as well as field training to make sure workers know how to safely set a ladder on the ground, and how to safely use the ladder for picking.

The farm has used trainers from the state as well as private safety consultants to help conduct training, including “train the trainer” sessions for crew leaders and direct instruction of workers. Mr. Shrum has been directly engaged in the farm’s safety instruction activities. All instruction is conducted in Spanish and there have been no language impediments to effectively providing safety instruction. The cost of safety instruction amounts to paying for a training consultant, up to \$5,000 a year, and paying workers who are on the clock during instruction, also around \$5,000 a year.

Over Mr. Shrum’s six years at Orchard View, attention to ladder safety has led to a 25 percent or more decline in worker injuries. This past year, there were 25 ladder incidents resulting in minor injuries that did not result in lost-time or doctors’ visits, only five that resulted in visits to the doctor, and only one resulting in time-loss for a worker. The injury declines have led to significant reductions in workers’ compensation insurance costs. The farm recently received an \$80,000 annual premium reduction reflecting lower injury rates over the latest three year rating period; about 50 percent of these savings were due to fewer ladder injuries.

Ladder safety has also produced cost savings in other ways, including avoiding lost production time and expenses of hiring and training new workers to replace those injured. Mr. Shrum indicated that new workers are 25 to 50 percent less productive than experienced employees. The insurance savings and efficiency advantages greatly exceed the costs of maintaining good ladder safety. In addition, the benefit derived from knowing that the farm is keeping its workers safe and healthy has a value that Mr. Shrum considers very important even if not precisely measurable.

<http://thepacker.com/Farmworker-Justice--best-practices-in-fall-protection-among-ag-employers/FreshTalkBlog.aspx?oid=1313858&fid=PACKER-FRESH-TALK&aid=117>

National Journal

Wednesday, April 13, 2011

Crisis' Facing Ag Industry Complicates Plans for Bill

By Fawn Johnson

Reps. **Dan Lungren**, R-Calif., and **Zoe Lofgren**, D-Calif., don't have a lot in common politically, but they agree on one thing: There will be a crisis in the agriculture industry if employers are required to electronically verify that their workers are in the country legally. The Labor Department reports that about half of farmworkers admit to being in the country illegally, and most policymakers guess that more than 75 percent of the agricultural labor force is undocumented.

Mandating the Homeland Security Department's E-Verify electronic employee verification program is a top priority for House Judiciary Chairman **Lamar Smith**, R-Texas. The administration has shown signs of accepting a mandatory E-Verify proposal, even though President Obama would prefer Congress to consider broader legislation that would create a path to citizenship for illegal immigrants already in the United States. At a minimum, Democrats want Congress to consider the "AgJobs" bill, a 10-year-old proposal under which undocumented farm workers could earn citizenship by pledging to work in agriculture for three to five years.

"We need to be honest with ourselves and put ideology aside," Lofgren said at a hearing on Wednesday. "We have over a million undocumented farm workers in this country, and we need them." Her pleas resonate in part because at one point agricultural growers and farmworker advocates supported the AgJobs bill, which was the product of extreme compromise for both groups. The legislation didn't go anywhere.

Lungren says Democrats are dreaming if they think AgJobs can pass. "They won't admit it. They keep talking about it as if it's something that's going to happen. You heard them: AgJobs, AgJobs, AgJobs," he told *National Journal Daily* after the hearing. "It's not going to pass."

Any proposal that smacks of legalization for illegal immigrations is a nonstarter in today's political environment, Lungren said. "President Bush used the words 'path to citizenship' " in his comprehensive immigration proposal, he noted. "It killed his chances to get anything done. You had President Obama repeat it. I said to the Bush administration, I said to some representatives of the Obama administration: 'Don't use that terminology. It kills our chance to do anything.' "

The farmworker dilemma illustrates the crux of the problem for the Obama administration and Republicans looking to find ways to better enforce immigration law: There are some industries that rely on undocumented immigrant labor. If policymakers try to help those industries get access to immigrant workers, through legalization of the undocumented population or access to foreign guest workers, they risk criticism for contributing to unemployment among American citizens.

Immigration Subcommittee Chairman **Elton Gallegly**, R-Calif., put it this way: "It's clear in the minds of many, if not most, that there is an unmet domestic need in agriculture." But, he added, "We have to be

careful when we move ahead, particularly at this point and time, that we are not taking jobs away from a person who has a legal right to be in this country.”

Lungren and Lofgren predict that there will be huge upheavals in the agriculture industry when growers no longer can hire undocumented workers because of a mandatory E-Verify law, which is likely to pass this year or next year. The two California lawmakers differ on the solution. Lofgren’s answer is AgJobs. Lungren wants to change the H-2A temporary visa program for foreign agricultural workers, making it easier for employers to use it. “That might be the most saleable because it’s an already existing program. It doesn’t involve citizenship or any of that sort of stuff,” he said.

Agriculture employers say the H-2A program is hindered with bureaucratic inefficiencies that make it difficult for growers to hire foreign farmworkers on short notice when a harvest is ready.

Democrats and farmworker advocates state adamantly that the H-2A program is not the answer to the shortage of legal farmworkers. “I hope we can agree that the solution to our problem is not to deport 1 to 1.5 million farmworkers now in our country only to replace them with 1 to 1.5 million new temporary workers on a yearly basis,” Lofgren said. **Farmworker Justice President Bruce Goldstein said employers are able to exploit guest workers under the H-2A program because the workers aren’t allowed to change employers and many borrow money to travel from their home countries to the worksite. “Workers are extremely reluctant to challenge unfair treatment. If they lose their job, they cannot repay their loans,” Goldstein said.**

Employers say the H-2A program subjects them to a frustrating bureaucracy and an inflated wage rate for the foreign workers. Since the Labor Department under President Obama rescinded a Bush-era rule that streamlined the H-2A program, fewer farmers are using it. “Those farmers haven’t stopped farming. They’ve merely switched to using illegal workers,” said Lee Wicker, deputy director of the North Carolina Growers Association.

This article appeared in the Thursday, April 14, 2011 edition of National Journal Daily.

[HTTP://WWW.NATIONALJOURNAL.COM/MEMBER/DAILY/-CRISIS-FACING-AG-INDUSTRY-COMPLICATES-PLANS-FOR-BILL-20110413](http://www.nationaljournal.com/member/daily/-crisis-facing-ag-industry-complicates-plans-for-bill-20110413)

THE PACKER

Published on 04/13/2011 09:57AM

Fresh Talk Blog

Let them eat produce picked by robots

By [Tom Karst](#)

A funny thing happened on the way to immigration reform. While American agriculture has been warning about the dire economic consequences of an “enforcement only” approach to illegal immigration these past few years, recession-wracked citizens increasingly believe that it is the lack of enforcement that is impoverishing the U.S.

Why the disconnect? There should be no great shock, of course. No plain statement relating to illegal immigration and its effects has ever been accepted as the untinged truth by all, and perhaps less so now than ever.

A recent poll at [Rasmussen Reports](#), said that 61% of adults said there would be less poverty if immigration laws were enforced. Only 19% disagreed, with 20% unsure.

It is apparently obvious to those 61%; send an illegal immigrant home and let an American fill that job.

The poll said Republicans were more prone to believe that immigration enforcement would decrease poverty levels than Democrats, and men were also more likely than woman to believe that enforcing immigration laws would help ease the pain of the poor.

The poll’s results have substantially changed from July 2007, when only 45% of Americans felt poverty would decline if immigration laws would be enforced and 32% disagreed.

Clearly, surveys like this recent result are disheartening for growers facing the possibility of mandatory E-Verify participation for farm employers. Some believe mandatory E-Verify would knock out more than half of the work force for fresh produce growers.

Wake up Mr. Produce Executive, one man says.

“The train is on the tracks,” said Steve Scaroni, with Heber, Calif.-based Valley Harvesting and Packing. “It is a wreck looking for a place to happen.”

Scaroni said produce company chief executive officers and industry leaders don’t appreciate how serious the threat is to their future.

In fact, Scaroni has moved his vegetable growing operation from California to Mexico because of labor uncertainties, he said.

While growers argue for a more workable H-2A program, groups like Farmworker Justice say that “foreign contract labor” demeans the U.S. commitment to provide for its own citizens and lead to abuse of foreign workers. The Obama Administration hasn’t exactly done handsprings to help U.S. growers who use the program. In fact, it seems just the opposite, based on my conversations with Scaroni and others.

Maureen Torrey Marshall, vice president of Torrey Farms Inc., Elba, N.Y., said growers of vegetables are considering other options like field grains that will deliver far less economic benefits to communities, she said.

Small businesses, supermarkets, hospitals and schools will suffer because of it, she said. While 1,000 acres of field corn could be produced with \$70,000 in labor, while 1,000 acres of vegetables could generate \$2 million to \$3 million in wages.

Listen up, you 61% of Americans who think banishing illegal immigrants from the workforce would reduce poverty; do you think eliminating millions in wages from a community will make it less impoverished? No, the result will be quite the opposite.

But alas, it seems mandatory E-Verify – described by one specialty crop advocate as a “man-made disaster” – could be imposed on an agricultural community ill-equipped to find legal workers to replace the illegal immigrants who will be fired.

A majority of Americans may feel vaguely reassured if Congress passes mandatory E-Verify. They shouldn’t.

While we can dream of the far-off day when robots will pick head lettuce and cherries, the labor crunch in agriculture trailing an “enforcement first” mantra promises to increase our need for imported fruits and vegetables and deliver a body blow to the American economy.

<http://thepacker.com/Let-them-eat-produce-picked-by-robots/FreshTalkBlog.aspx?oid=1317417&fid=PACKER-FRESH-TALK&aid=117>

Numbers USA Blog post



Immigration Subcommittee Debates the Merits of the H-2A Visa Program

Wednesday, April 13, 2011, 9:57 PM EDT

By [Jonathan Osborne](#),

The House Judiciary Subcommittee on Immigration Policy and Enforcement hosted a hearing Wednesday morning titled “The H-2A Visa Program: Meeting the Growing Needs of American Agriculture?”

The Congressmen in attendance were Elton Gallegly (Subcommittee Chairman) of California, Lamar Smith (Committee Chairman) of Texas, Steve King (Subcommittee Vice-Chairman) of Iowa, Dan Lungren of California, Louie Gohmert of Texas, Trey Gowdy of South Carolina, Zoe Lofgren (Subcommittee Ranking Member) of California, John Conyers (Committee Ranking Member) of Michigan, and Sheila Jackson Lee of Texas.

The witnesses were divided into two panels with Jane Oates, the Assistant Secretary for Employment and Training at U.S. Department of Labor, on the first panel and Leon Sequeira with Seyfarth Shaw LLP, Lee Wicker, the Deputy Director of the North Carolina Growers Association, and Bruce Goldstein, the President of Farmworker Justice, on the second panel.

Despite the rain, Wednesday’s hearing marked another busy day in Washington, D.C., and it was good to see a decent turnout for the hearing, in sharp contrast to the poorly attended hearing on [Visa Lottery](#) last week.

Chairman Gallegly opened the hearing by presenting the current state and recent history of the H-2A program. However, he went on to say that there were simply not enough Americans to take the jobs of migrant farm workers. The Chairman then pointed to a statistic indicating that 49% of migrant workers admitted to being in the country illegally and that the H-2A Program was handcuffed by bureaucratic processing delays.

Ranking Member Lofgren offered her opening statement by saying that over half of the migrant workers were “undocumented” and continued by saying that the solution is not to deport and replace the 1.5 million illegal farm workers. Instead, she said, “We need to put ideology aside.”

In slight contrast to Chairman Gallegly, Committee Chairman Lamar Smith began his portion of the discussion by assuring the room that there are no jobs Americans will not do. However, he

also said “there is one job that neither Americans nor immigrants seem to choose if they have other options – seasonal agricultural work.”

He went on to say, “There is no numerical limit to H-2A temporary agricultural work visas. And yet, usage of the program has always been below expectations.”

In addition, he said, “The H-2A program needs to be fair to everyone it impacts – especially American farmworkers, guestworkers, growers and American consumers. It must provide growers who want to do the right thing with a reliable source of legal labor. It must protect the livelihoods of American workers.”

Ranking Member Conyers then opened his end of the conversation like an 80-year-old man suffering from a tragic yet progressive case of dementia, and immediately went on to attack Rep. Steve King (who was in attendance but had yet to speak) by accusing him of wanting to deport all immigrants. I don’t know if Mr. Conyers is really sick and I certainly hope he is not, but his opening statement was certainly a sad moment for congeniality. He went on to say that all the hearings of the 112th Congress involved the idea of “getting rid of immigrants, especially illegal immigrants.” I’ve covered all the hearings this Congress, and Members have only advocated the removal of illegal aliens, not legal immigrants.

Mr. Conyers went on to say that “Today’s hearing is about how desperately we need immigrants because we can’t find enough Americans” before returning to his “deport them all” line of accusations.

When Mr. Conyers time had expired, Chairman Gallegly stood up for Mr. King and the Committee by assuring Mr. Conyers that he has never heard anyone say we should deport someone who is of legal standing in the United States.

The discussion then turned to Assistant Secretary Oats who, among other things, in her opening statement said the Department of Labor’s job is not to certify documentation, but to ensure benefits and wage protections. She went on to say that wage rates are best determined at the local level instead of in the hands of federal bureaucrats.

In other words, on one hand she yields responsibility to another branch of the Administration (Homeland Security) like a typical bureaucrat, but on the other hand believes in more local responsibility. If the local level can determine wages, how come the same local level is precluded from certifying documentation?

Chairman Gallegly and Ranking Member Lofgren then questioned the Assistant Secretary with little impact, but when it was Mr. King’s turn he made a firm point that “Every nation is a nation of immigrants” and asked whether Mrs. Oats had a conceptual number of Americans not in the labor force.

The Assistant Secretary responded by admitting that she did not have specifics, but understood that it was a growing number, particularly those under age 25. She continued to say that “I don’t think we should decide within the beltway, jobs Americans will or will not do.”

Conversely, when it was Dan Lungren's turn to speak, he immediately went after the Assistant Secretary like he had a chip on his shoulder. It was probably the most entertaining exchange of the hearing even if it yielded little in the way of constructive debate.

Specifically, Mr. Lungren said, "Your testimony is about as non-responsive as Steve Colbert; H-2A is a failure." He went on to say that when Congress passes mandatory E-Verify our nation will immediately have a crisis in agriculture because of the failed H-2A system. Furthermore, he scolded the Assistant Secretary by saying "you're open to opinions, but not opinions of the previous Administration when they tried to make the program work. To hear someone testify that H-2A is working is appalling."

During subsequent questions, Sheila Jackson Lee questioned wage rates and expressed support for comprehensive immigration reform (amnesty) while Trey Gowdy asked about the online job registry. However, as Mr. Lungren pointed out earlier, the answers were less than stellar and the second panel of witnesses was quickly introduced.

The most interesting statement of the second panel came from Lee Wicker, the Deputy Director of the North Carolina Growers Association, who said that the farm worker solution should not involve amnesty schemes like AgJOBS, but real reforms. He said H-2A puts legal farm workers on farms when people need them.

During questions, Chairman Gallegly **asked Bruce Goldstein, the President of Farmworker Justice, if farm workers would stay in agriculture after an amnesty or legalization. Mr. Goldstein responded by saying he believes most of the workers enjoy their jobs and would stay.**

Ranking Member Lofgren used her question time to express support for the AgJOBS amnesty proposal and insisted that, with or without E-Verify, the United States is headed for a crisis in agriculture. **This line of questions prompted Mr. Goldstein to respond by saying that AgJOBS was a balanced approach.**

Mr. Lungren took over the questioning and mentioned that that SAW/RAW Program was intended to accomplish exactly what the Ranking Member and Mr. Goldstein advocated, but when they were legalized they left for other jobs. Mr. Goldstein responded by saying there were no laws to protect their wages and working conditions, hence they left. He then expressed support for a 40% wage increase for farm workers to keep them in agriculture.

Ranking Member Conyers assumed questioning by saying "It's predicted that we will never get an Agriculture bill through and we know it. Tell me what's in it, the way we arrange the way we process immigrants from illegal status to legal status."

Mr. Goldstein responded by saying it would require workers to stay in agriculture for 3 to 5 years in a form of indentured servitude, which was part of the grand compromise. He went on to say that Congress should be more open to adopting it instead of fighting ideological battles. Of course, the ideology he criticizes is the one that opposes amnesty.

Thankfully, Mr. Lungren responded by saying “there is nothing ideological about following the law. Cutting in line is an issue of fairness.” His response really put a close to the hearing and allowed Ranking Member Lofgren and Chairman Gallegly to wrap up the hearing in time for the noon deadline.

All in all, this was a decent hearing. If nothing else, Mr. Lungren made it entertaining. While it is very clear that the H-2A program needs to be reformed and made more user friendly, it concerns me that some Members of Congress are so eager to jump on the AgJOBS bandwagon to “legalize” the “undocumented” workers (otherwise known as amnesty) and expect them to stay in agriculture instead of migrating over to other industries like construction. How does that help farmers pick the peppers or help unemployed Americans?

We need reforms, but proposals like what Rep. Goodlatte offered in previous Congresses that made the program easier to use yet remained temporary. Let’s just hope Congress can stay away from quick solutions like amnesty, which simply pushes our long term problems off to a future Congress

<http://www.numbersusa.com/content/nusablog/jonosborne/april-13-2011/immigration-subcommittee-debates-merits-h-2a-visa-program.html>

The Miami Herald

Wednesday, Apr. 13, 2011

Guest farm worker program not working, panel told

Michael Doyle

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Before bringing in foreign guest workers, the U.S. employers must first attempt to hire U.S. workers. In an effort to make this easier, the Labor Department last year established an online job registry. The registry, though, further underscores the unpopularity of H-2A in California.

Since Jan. 1, Labor Department records show, only 20 California employers have published the domestic job announcements that can be a precursor to seeking foreign guest workers. The Earlimart-based Triple E Livestock, for instance, is seeking shepherders to work in Tulare, Kern and Los Angeles counties.

"(The shepherd) moves sheep to and about area assigned for grazing, prevents animals from wandering and becoming lost ... (and) beds down sheep near campsite or in a pen each night," the job announcement explains.

Farmers in other states use H-2A guest workers more aggressively, even as they grumble about the program's hassles. Nationwide, about 60,000 of the guest-worker visas are issued annually.

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McClatchy Newspapers 2011

<http://www.miamiherald.com/news/politics/AP/index.html>

THE SACRAMENTO BEE

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McClatchy Newspapers 2011

Posted: <http://www.mercedsunstar.com/2011/04/13/1850974/guest-farm-worker-program-not.html#ixzz1JSk0Z6Bf>



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McClatchy Newspapers 2011

http://www.bostonherald.com/news/us_politics/view.bg?articleid=1330553&srvc=next_article

THE BELLINGHAM HERALD

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<http://www.bellinghamherald.com/2011/04/13/1966501/guest-farm-worker-program-not.html>

FORT MILL TIMES

Your Life, Your Times

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McClatchy Newspapers 2011

<http://www.tri-cityherald.com/2011/04/13/1449180/guest-farm-worker-program-not.html#storylink=misearch>

The Wichita Eagle

Wednesday, Apr. 13, 2011

Guest farm worker program not working, panel told

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Before bringing in foreign guest workers, the U.S. employers must first attempt to hire U.S. workers. In an effort to make this easier, the Labor Department last year established an online job registry. The registry, though, further underscores the unpopularity of H-2A in California.

Since Jan. 1, Labor Department records show, only 20 California employers have published the domestic job announcements that can be a precursor to seeking foreign guest workers. The Earlimart-based Triple E Livestock, for instance, is seeking shepherders to work in Tulare, Kern and Los Angeles counties.

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Farmers in other states use H-2A guest workers more aggressively, even as they grumble about the program's hassles. Nationwide, about 60,000 of the guest-worker visas are issued annually.

"The H-2A program is the only option for farmers if they want to employ a legal workforce," North Carolina Growers Association spokesman Lee Wicker told a House subcommittee. "Unfortunately, the H-2A program is not working well."

The House immigration policy and enforcement subcommittee chaired by Gallegly summoned Wicker to speak on all farmers' behalf.

Wicker, echoing complaints made by others, asserted the program is "slow, bureaucratic and frustrating." It has also become, Wicker said, unpredictable because of political shifts.

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McClatchy Newspapers 2011

<http://www.kansas.com/2011/04/13/1806472/guest-farm-worker-program-not.html#storylink=misearch>

The Olympian theolympian.com

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<http://www.theolympian.com/2011/04/13/v-print/1615194/guest-farm-worker-program-not.html>



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McClatchy Newspapers 2011

<http://www.centredaily.com/2011/04/13/2646584/guest-farm-worker-program-not.html>

Star-Telegram

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McClatchy Newspapers 2011

<http://www.star-telegram.com/2011/04/13/2997910/guest-farm-worker-program-not.html>

Lake Wylie Pilot

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McClatchy Newspapers 2011

<http://www.lakewyliepilot.com/2011/04/13/1090035/guest-farm-worker-program-not.html>

The State

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McClatchy Newspapers 2011

http://www.thestate.com/2011/04/13/1777457_guest-farm-worker-program-not.html

BRADENTON.COM

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http://www.bradenton.com/2011/04/13/3112266_guest-farm-worker-program-not.html

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http://www.sanluisobispo.com/2011/04/13/1561067_guest-farm-worker-program-not.html



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The foreign workers were to be paid about \$750 a month.

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Since Jan. 1, Labor Department records show, only 20 California employers have published the domestic job announcements that can be a precursor to seeking foreign guest workers. The Earlimart-based Triple E Livestock, for instance, is seeking shepherders to work in Tulare, Kern and Los Angeles counties.

"(The shepherd) moves sheep to and about area assigned for grazing, prevents animals from wandering and becoming lost ... (and) beds down sheep near campsite or in a pen each night," the job announcement explains.

Farmers in other states use H-2A guest workers more aggressively, even as they grumble about the program's hassles. Nationwide, about 60,000 of the guest-worker visas are issued annually.

"The H-2A program is the only option for farmers if they want to employ a legal workforce," North Carolina Growers Association spokesman Lee Wicker told a House subcommittee. "Unfortunately, the H-2A program is not working well."

The House immigration policy and enforcement subcommittee chaired by Gallegly summoned Wicker to speak on all farmers' behalf.

Wicker, echoing complaints made by others, asserted the program is "slow, bureaucratic and frustrating." It has also become, Wicker said, unpredictable because of political shifts.

Under the George W. Bush administration, the Labor Department revised the program to make it friendlier to farmers. Guest worker wages fell and farmers had an easier time meeting housing and other requirements.

The Obama administration, in turn, reversed some of these changes. Now, for instance, employer-provided housing must be inspected before the guest workers arrive. Even so, farm worker advocates believe protections remain inadequate.

"Abuses abound," said Farmworker Justice Fund president Bruce Goldstein. "Workers are frequently not paid the wage rate they have been promised, they are routinely exposed to pesticides and other unsafe workplace conditions (and) they are housed in unsafe and unsanitary housing ... among other problems."

The hearing Wednesday, Gallegly said, was supposed to "plant the seed for needed reform" of the H-2A program. Congress, though, has largely ducked serious debate over immigration reform ever since a comprehensive bill collapsed in 2007, and the prospects for a new bill this year appear bleak.

McClatchy Newspapers 2011

<http://www.thenewstribune.com/2011/04/13/1624732/guest-farm-worker-program-not.html#storylink=misearch>

Wednesday, Apr. 13, 2011

Guest farm worker program not working, panel told

Michael Doyle

WASHINGTON — Farmers and farm worker advocates alike voiced disdain Wednesday for a foreign guest-worker program that's largely ignored in California, the nation's leading farm state.

But with Congress stymied, significant reform appears unlikely for the H-2A program that's faced sharp criticism from the moment of its creation in 1986.

"We are here 16 years later, and apparently little has changed," said Rep. Elton Gallegly, R-Solvang.

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Last year, California employers obtained only about 4,500 foreign guest workers through the H-2A program. Most of the foreign workers hired in California were shearers, Labor Department records show.

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McClatchy Newspapers 2011

<http://www.idahostatesman.com/2011/04/13/1604296/guest-farm-worker-program-not.html#storylink=misearch>

Working Immigrants Blog

April 19, 2011

Critique of H-2A farmworker visa program

Congress held hearings this week on the seasonal agricultural worker program called H-2A. Testimony by the president of [Farmworker Justice](#) included this: “More than one million undocumented farm workers are making U.S. agriculture productive. We need to stabilize the workforce and keep agriculture productive by allowing undocumented workers to obtain legal immigration status and by improving wages and working conditions. “

The program currently brings in about 30,000 workers a year, somewhat more than 1% of America's farm workforce.

Summary of Testimony: Bruce Goldstein, President, Farmworker Justice, before the Judiciary Subcommittee on Immigration Policy and Enforcement April 13, 2011
04/13/2011

Mr. Chairman and Members: Thank you for the opportunity to testify about the H-2A agricultural guestworker program.

The H-2A program is deeply flawed and should not be a vehicle for filling the nation's 2 to 2 ½ million jobs on farms and ranches. In addition, Congress should not get mired in previously-fought battles.. Many agribusiness groups lobbied in the 1990's for changes to “streamline” the H-2A program by cutting worker protections and reducing government oversight. Their legislation would have created a system of exploitable guestworkers and set their wages and other job terms at unconscionably low levels. These efforts failed, as did efforts of farmworker advocates to pass their own policy proposals. Recognizing the need for a policy solution and the inadequacy of the H-2A program, growers and workers reached a compromise, known as the AgJOBS bill. That compromise would allow eligible undocumented farmworkers to earn legal immigration status, revise the H-2A program in balanced ways, and provide America with a stable, productive and decently-treated farm labor force.

The Bush Administration, in its last few days, made drastic, anti-worker changes to the H-2A program: the wage formula changes reduced earnings by \$1.00 to \$2.00 per hour, key recruitment protections for US workers were eliminated, and government oversight in an already abusive program was restricted.

Fortunately, the Department of Labor under Secretary of Labor Solis reversed these harmful changes, although for more than one year, thousands of U.S. farmworkers and guestworkers at H-2A employers suffered low wages and other harm. The Department also instituted additional common-sense protections, such as a surety bond requirement for labor contractors, a requirement to disclose job terms to workers by the time of the visa application, and increased opportunity for US workers to learn about H-2A employers' jobs via an online job posting.

The Bush administration failed to understand that the H-2A program cannot and should not be a solution for meeting the bulk of agriculture's labor needs. Undocumented workers constitute anywhere from 52% to 70% of the agricultural workforce. Deporting the large number of undocumented farmworkers is not feasible and would harm our agricultural production. Currently, the H-2A program only provides 3-5% of the agricultural workforce. Even if it were desirable, the H-2A program cannot be expanded rapidly enough to provide a replacement workforce for the current unauthorized workforce. DOL, DHS and the State Department do not have the capacity to handle such a huge deportation and massive new influx of guestworkers. Employers would not have their needed workforce in a timely manner, and crops would rot in the fields. Such efforts would be a vast waste of taxpayers' money.

Even today, with such a small percentage of the total workforce, DOL needs more resources to adequately police the H-2A program.

Abuses continue in the H-2A program because it is inherently flawed. The worker is tied to a single employer. H-2A workers can only work for the one employer that obtained their visa. The employer holds the power and makes the decisions about whether workers can come to the United States, whether they can continue working, and whether they can return in the future. In fear of deportation or not being called back in the following year, workers are extremely reluctant to challenge unfair or illegal treatment.

No matter how many years they work under the H-2A program, guestworkers never obtain the opportunity to become permanent immigrants. They never get the right to vote. The H-2A program's restrictions are not consistent with our nation's commitment to economic and political freedom. Ours is a nation of immigrants, not a nation of guestworkers.

Many guestworkers also fear seeking better treatment because they arrive in the U.S. deeply in debt after borrowing large sums of money to pay recruiters for the opportunity to work. If they lose their job, they will not earn enough to repay their loans and their families will suffer. While the small numbers of H-2A workers who are under collective bargaining agreements can file a grievance and obtain arbitration, the vast majority have no such opportunity.

Once employers decide to apply for guestworkers, there are financial incentives to reject U.S. workers who apply for jobs and to impose conditions on them that cause them to quit or be fired. The H-2A employer does not pay Social Security or the Unemployment Tax on the guestworkers' wages, but must do so on the U.S. workers' wages. Unfortunately, the main job preference for U.S. workers, known as the "50% rule," is not adequately enforced.

Despite improved protections, and unionization of some H-2A employers, it is our understanding that systemic problems in the H-2A program persist, and that more oversight by the Department of Labor is needed. Employers frequently fail to pay the wages owed, often relying on a "piece-rate" pay method to increase productivity standards to unrealistic levels and cheat workers out of their hourly wage guarantees. Another all-too-common violation is the failure of H-2A employers to pay the transportation costs home for migrant workers who complete the contract season. Many employers apply to DOL for an artificially long season, for example from April to November, even though few people are needed for that length of time. When the workers begin

to leave at the end of the summer due to lack of work, many employers contend that the workers are “abandoning” their employment before the end of the contract and are therefore not entitled to the payment of their transportation costs. Most workers know that if they complain, they are not likely to be called back the next year. Worker abuses also encompass violence and intimidation. My written testimony includes the complaint of H-2A workers hired to pick strawberries at Bimbo’s Best Produce in Louisiana. In addition to violations of their basic workplace protections, these workers experienced frequent verbal abuse and feared for their safety due their employer’s violence.

In conclusion, the H-2A program abuses are rampant and should be cleaned up. The H-2A program should not and cannot be the principal mechanism in our free market economy for hiring farmworkers. More than one million undocumented farmworkers are making U.S. agriculture productive. We need to stabilize the workforce and keep agriculture productive by allowing undocumented workers to obtain legal immigration status and by improving wages and working conditions. Rather than repeating past battles on immigration policy, Congress should embrace the hard-fought AgJOBS compromise. Thank you for this opportunity.

http://www.workingimmigrants.com/2011/04/critique_of_h2a_farmworker_vis.html

Food and Faith Blog

April 20, 2011

Posted by Andrew Kang Bartlett

Banning documentation of farm animals abuse would make farmworkers more vulnerable

Posted by [Harvesting Justice](#) - the blog of Farmworker Justice | 19 Apr 2011 08:42 AM PDT

Written by Jessica Felix-Romero ~ [Original article from Harvesting Justice](#)

The New York Times published an article on April 13th titled [States Look to Ban Efforts to Reveal Farm Abuse](#) in which reporter A.G. Sulzberger writes about pending legislation to criminalize taking or distributing photos or videos taken at agricultural facilities without the express permission of the facility management. The proposed law has a primary focus on stopping animal rights activists from exposing illegal or inhuman treatment of animals. However, this type of legislation has significant repercussions for farmworkers. Farmworker Justice invited attorney Melody Fowler-Green to blog on the potential impacts restricting video collection would have on farmworkers who are often working in isolated settings with limited ability to document violations of law or abuse that they experience.

Melody Fowler-Green is a Staff Attorney at Southern Migrant Legal Services, a [Project of Texas RioGrande Legal Aid](#) and has been a farmworker advocate for over ten years. She found a natural home in the worker's rights community as the daughter of a union autoworker in Flint, Michigan.

The proposed laws to criminalize surreptitious videos taken at agricultural facilities may do more than thwart animal rights activists. (see NYT article above) Southern Migrant Legal Services filed [a federal suit last week on behalf of 15 farmworkers](#) which illustrates these laws may also prevent isolated and vulnerable workers from protecting themselves against illegal activity, including pesticide exposure.

In the decade that I have represented migrant agricultural workers, cell phone ownership among our clients has increased exponentially. Affordable phones purchased from big box stores have allowed migrant workers, some of them thousands of miles from home, to keep in touch with their families, to enjoy some entertainment in the evenings listening to familiar music, and are now proving invaluable to aid them in asserting their rights. Workers are using cameras on the phones to document their living and working conditions and then to contact advocates and attorneys when those conditions violate the law. This has surely not gone unnoticed by employers and farm labor contractors. In fact, many employers who employ temporary nonimmigrant guestworkers are adopting work rules (unfortunately approved by the United States Department of Labor) that make use of cell phones or electronic devices during work hours a firing offense.

Last summer guestworkers at a large tomato farm in East Tennessee used their cell phones to

record what they believed to be by the misuse of pesticides. These workers contacted us here at Southern Migrant Legal Services complaining that tractors were spraying tomato plants just yards from their housing, on fields next to them when they were eating lunch, and directly on other workers who were in the fields. While these potentially illegal activities were taking place miles from a town or other witnesses, our clients were able to capture some of the incidents on their cell phone video cameras – providing advocates with a rare look at working conditions for farmworkers and turning these otherwise isolated workers into whistleblowers. For this, these workers were brutally fired, leading to the lawsuit they filed last week in federal court.

I applaud the bravery these farmworkers have shown in documenting their treatment and in standing up against the retaliation they faced by doing so. I fear that laws intended to prevent animal rights activists from filming the inhumane treatment of animals will also take away from farmworkers one of the few ways they can fight against inhumane treatment they themselves suffer.

Telemundo-Washington DC

Rindieron homenaje a astronauta mexicano

José Hernández comenzó recogiendo tomates en California hasta convertirse en astronauta.

Mayo 05, 2011, 12:23 AM

La organización nacional Farmworker Justice rindió homenaje esta noche al astronauta de origen mexicano José Hernández con su premio anual, en reconocimiento por su apoyo a trabajadores migrantes y por su exitosa trayectoria profesional. Hernández, quien visitó nuestros estudios, recogía de niño tomates con su familia en el valle de San Joaquín en California y terminó en el espacio. Hernández es uno de los escogidos para ir a la estación espacial internacional en la próxima misión del transbordador Discovery.

Además creó una fundación que provee becas para estudiantes interesados en carreras en el campo de la ciencia y de la ingeniería.

<http://washington.holaciudad.com/notas/151482-rindieron-homenaje-astronauta-mexicano>

LATIN AMERICAN Gerald Tribune

Astronaut Urges Young Latinos to “Pursue Your Dreams”

May 4, 2011

By Maria Pene (EFE wire)

Astronaut Urges Young Latinos to “Pursue Your Dreams”

WASHINGTON – Mexican American Jose Hernandez, who went from harvesting fruits and vegetables in California’s San Joaquin Valley to being an astronaut for NASA says that, despite the challenges they face, young Latinos must “pursue their dreams.”

Hernandez on Wednesday was to receive an award from the group Farmworker Justice for his achievements in life and, in an interview with Efe, he said that he wanted to take advantage of this opportunity to encourage young people to fight to attain their goals.

“I’ve received other recognition, but this is very special for me because it comes from our own people and because it recognizes my career, starting with my work as an agricultural laborer,” the 48-year-old shuttle astronaut said.

“I want to tell them the story of my life so they can see that I got where I am not because I’m a genius but because I followed the advice of my parents; they gave me the recipe to keep moving forward in life,” he emphasized.

The ingredients of that recipe are “very simple” – defining your goals, having a plan of action, not being afraid of work and getting a good education, he said.

“If I could achieve my goals, they can also achieve theirs,” Hernandez emphasized, recalling his origins as the son of migrants.

The California native said that it was in the dusty beet fields near Stockton, with a hoe in his hands, that he discovered his “fascination with the stars” and started to dream of being an astronaut.

“I remember when I was 5 or 6 and I went with my parents to the field at dawn. Everything was black, but we were far from the pollution of the city and I could see the stars very clearly,” he said.

Curiosity about space was forever sown in him at age 9, when he watched on a black and white television the last manned mission to the moon.

“When I saw the astronauts walking on the moon, right there I told myself, ‘That’s what I want to be,’ and that’s how my dream was born,” he recalled.

He was selected by NASA for the astronaut program in 2004 on his twelfth attempt. Five years later, he was part of the crew of the 30th shuttle mission to the International Space Station.

“It was an effort that was worth the trouble because I could see our earth from a new perspective that few human beings get,” Hernandez said.

Despite the U.S. economic difficulties at present, he emphasized the importance of investing in space exploration because “for each dollar that the government invests in NASA, it gets back a benefit of \$8, and that stimulates the economy, and makes us more competitive in technology.”

Hernandez on Wednesday evening will receive the award bestowed by Farmworker Justice, which is also honoring Janet Murguia, president and chief executive officer for the National Council of La Raza, and Roman Ramos, a paralegal with Texas RioGrande Legal Aid.

Hernandez announced his retirement from NASA on Jan. 14 and is now executive director of MEI Technologies, Inc.

Now he is devoting part of his time to the Reaching for the Stars Foundation he founded to give scholarships to young people interested in careers in science and engineering.

Hernandez breaks the mold of astronauts who do not usually involve themselves in matters outside their field and, with the same passion with which he explored space, he is asking that the United States implement immigration reform for undocumented foreigners.

“We have to continue demanding, planning and improving so that there is immigration reform. I hope that sooner or later it will come,” he said, smiling. EFE

<http://www.laht.com/article.asp?ArticleId=393203&CategoryId=12395>



Ex astronauta mexicano pide que jóvenes latinos "persigan sus sueños"

Washington, 4 Mayo (EFE)-

By: María Peña

El mexicano José Hernández, que pasó de cosechar frutas y verduras en el Valle de San Joaquín (California) a astronauta de la NASA y tripulante del Discovery, considera que, pese a los retos que afrontan los latinos en EEUU, los jóvenes deben "perseguir sus sueños".

Hernández recibe hoy un premio del grupo "Farmworker Justice" por sus logros de vida y, en una entrevista con Efe, dijo que quiere aprovecharlo para alentar a los jóvenes a que luchen por sus metas.

"He recibido otros reconocimientos, pero éste es muy especial para mí porque viene de nuestra propia gente y porque se reconoce mi trayectoria, comenzando con mi trabajo como campesino" en California, dijo Hernández, de 48 años.

"Quiero contarles la historia de mi vida para que vean que llegué hasta donde estoy no porque soy un genio sino porque seguí los consejos de mis padres; me dieron la receta para seguir adelante en la vida", enfatizó.

Los ingredientes de esa receta son "muy simples": definición de metas, plan de acción, no temer al trabajo, y obtener una buena educación, indicó.

La perseverancia, en medio de tanta pobreza, también le ayudó en sus estudios de licenciatura en la Universidad del Pacífico y de maestría en la Universidad de California en Santa Barbara, y en los empleos que comenzaron a abrirle puertas.

"Si pude lograr mis metas, ellos también podrán lograr las suyas", subrayó Hernández, al recordar su origen como hijo de migrantes, que hacían un peregrinaje anual desde Michoacán a los áridos campos de California en busca de trabajo.

Hernández, nacido en California y ahora residente en Houston (Texas), asegura que fue en unos polvorientos campos de remolacha cerca de Stockton, con azadón en mano, donde descubrió su "fascinación por las estrellas" y su sueño de vida de ser astronauta.

"Recuerdo cuando tenía cinco o seis años y acompañaba a mis padres de madrugada al campo; estaba todo oscuro, pero estábamos lejos de la contaminación de la ciudad y podía ver las estrellas muy claras", dijo.

La curiosidad por el espacio le quedó para siempre sembrada a los 9 años, cuando siguió por un viejo televisor, en blanco y negro, la última misión de Apolo XVII.

"Cuando vi a los astronautas caminar en la luna, allí me dije 'eso es lo que yo quiero ser', y así nació mi sueño", rememoró.

Fue seleccionado por la NASA en 2004, después del doceavo intento. Cinco años más tarde, formó parte de la tripulación de la misión 128 y la misión 30 hacia la Estación Espacial Internacional (EEI).

"Fue un esfuerzo que valió la pena porque pude ver nuestro mundo desde una perspectiva que pocos seres humanos consiguen", dijo Hernández, director ejecutivo de Operaciones Estratégicas de MEI Technologies.

Hernández cree que es acertada la decisión de la NASA de "jubilar" a los transbordadores porque "tienen tecnología anticuada" y apuesta por el sector privado para la comercialización de los viajes a la EEI.

Pese a las dificultades económicas de EEUU, subraya la importancia de invertir en la exploración espacial porque "por cada dólar que el Gobierno invierte en la NASA, se obtiene un beneficio de ocho dólares, y eso estimula la economía, y nos hace ser más competitivos en tecnología, frente al resto del mundo".

Hernández recibe esta noche el premio de "Farmworkers Justice", una agrupación dedicada a la defensa de los derechos de los trabajadores del campo en EEUU.

Junto a él, lo recibirán también Janet Murguía, presidenta del Consejo Nacional de La Raza (NCLR) y Roman Ramos, voluntario de la agencia de asistencia legal Texas RioGrande.

Muy admirado en México, Hernández anunció su retiro de la NASA el pasado 14 de enero, para abrirse espacio en el sector privado.

Ahora dedica parte de su tiempo a la "Fundación Alcanzando las Estrellas", que él mismo creó para otorgar becas a jóvenes interesados en carreras de ciencias e ingeniería.

Hernández rompe el molde de los astronautas que no suelen aventurarse en temas fuera de su ámbito y, con la misma pasión con que exploró el espacio, pide que EEUU ponga en marcha una reforma migratoria para los indocumentados.

"Tenemos que seguir exigiendo, planeando y mejorando para que haya una reforma migratoria. Espero que tarde o temprano sí va a llegar", puntualizó sonriente

http://noticias.terra.com/noticias/ex_astronauta_mexicoamericano_pide_que_jovenes_latinos_persigan_sus_su/act2832136



Ex astronauta mexicanoamericano pide que los jóvenes latinos "persigan sus sueños"

Washington, 4 may

Maria Pena(EFE).

- El mexicanoamericano José Hernández, que pasó de cosechar frutas y verduras en el Valle de San Joaquín (California) a astronauta de la NASA y tripulante del Discovery, considera que, pese a los retos que afrontan los latinos en EEUU, los jóvenes deben "perseguir sus sueños".

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<http://www.hidrocalidodigital.com/rss/articulo.php?id=84004>

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4 Mayo, 2011

María Peña / EFE

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<http://www.listindiario.com/la-vida/2011/5/4/186855/print-no-pics>

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Fotografía cedida sin fecha en donde aparecen Julia Hernández (i.) y Salvador Hernández (d.) con su hijo el exastronauta de origen mexicano José Hernández, que pasó de cosechar frutas y verduras en el Valle de San Joaquín (California) a astronauta de la NASA y tripulante del Discovery.

<http://ve.noticias.yahoo.com/astronauta-mexicoamericano-pide-j%C3%B3venes-latinos-persigan-sue%C3%B1os-021510493.html> .



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From Farm Worker to Astronaut, Jose Hernández, Urges Young Latinos to 'Pursue Your dreams'

5/5/2011

EFE

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"I've received other recognition, but this is very special for me because it comes from our own people and because it recognizes my career, starting with my work as an agricultural laborer," the 48-year-old shuttle astronaut said.

"I want to tell them the story of my life so they can see that I got where I am not because I'm a genius but because I followed the advice of my parents; they gave me the recipe to keep moving forward in life," he emphasized.

The ingredients of that recipe are "very simple" - defining your goals, having a plan of action, not being afraid of work and getting a good education, he said.

"If I could achieve my goals, they can also achieve theirs," Hernández emphasized, recalling his origins as the son of migrants.

The California native said that it was in the dusty beet fields near Stockton, with a hoe in his hands, that he discovered his "fascination with the stars" and started to dream of being an astronaut.

"I remember when I was 5 or 6 and I went with my parents to the field at dawn. Everything was black, but we were far from the pollution of the city and I could see the stars very clearly," he said.

Curiosity about space was forever sown in him at age 9, when he watched on a black and white television the last manned mission to the moon.

"When I saw the astronauts walking on the moon, right there I told myself, 'That's what I want to be,' and that's how my dream was born," he recalled.

He was selected by NASA for the astronaut program in 2004 on his twelfth attempt. Five years later, he was part of the crew of the 30th shuttle mission to the International Space Station.

"It was an effort that was worth the trouble because I could see our earth from a new perspective that few human beings get," Hernández said.

Despite the U.S. economic difficulties at present, he emphasized the importance of investing in space exploration because "for each dollar that the government invests in NASA, it gets back a benefit of \$8, and that stimulates the economy, and makes us more competitive in technology."

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Hernández announced his retirement from NASA on Jan. 14 and is now executive director of MEI Technologies, Inc.

Now he is devoting part of his time to the Reaching for the Stars Foundation he founded to give scholarships to young people interested in careers in science and engineering.

Hernández breaks the mold of astronauts who do not usually involve themselves in matters outside their field and, with the same passion with which he explored space, he is asking that the United States implement immigration reform for undocumented foreigners.

"We have to continue demanding, planning and improving so that there is immigration reform. I hope that sooner or later it will come," he said, smiling.

<http://noticias.aollatino.com/2011/05/05/jose-herandez-pursue-your-dreams/>



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Published May 05, 2011

| EFE

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<http://latino.foxnews.com/latino/news/2011/05/05/astronaut-urges-young-latinos-pursue-dreams/>



Latino who aided congresswoman says pursue dreams

May 6, 2011

By: Markus Atkinson

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<http://hispanicohio.northcoastnow.com/2011/05/06/latino-who-aided-congresswoman-says-persue-dreams/>



May 23, 2011

Xóchitl Castañeda on helping farm workers (who grow our food) stay healthy themselves

By: Leora Fridman

<http://dowser.org/xochitl-castaneda-on-food-security-for-farm-workers/>

We often think of agricultural workers as healthy, physically active and surrounded by produce, but obesity and diabetes are at epidemic levels in many farm-worker communities. Researchers at the University of California's [Migration and Health Research Center](#) (MAHRC) are developing a new program to improve agricultural worker health by combining elements from Mexican and U.S. health programs. The program, Sembrando Salud, seeks to increase fruit, vegetable and water consumption, increase activity, and improve mental health in a pilot group of farm workers in California and Jalisco, Mexico. Here Dowser talks with MAHRC co-director Xóchitl Castañeda about how to recognize structural issues and cultural context into a public health program for agricultural workers.

Dowser: How did your background lead you to this issue?

Castañeda: I am a medical anthropologist trained in Guatemala and Mexico, and I did my post-doc at Harvard and UCSF. During my post-doc I started going out into the fields. This dramatically changed my life and made me want to move from pure academia to something that has more impact in the lives of under-served Mexicans. Ten years ago I started the [Health Initiative of the Americas](#) (HIA), a Latino health outreach organization through U.C. Berkeley. We thought that we needed a research component to the HIA, so three years ago we launched the Migration and Health Research Center (MAHRC), a joint effort between U.C. Davis and U.C. Berkeley.

What about issue of agricultural worker health particularly captured your attention?

I went to the fields. I realized the horrible conditions that agricultural workers were experiencing in this country, and the irrationality of that. They were producing the wealth and sustenance for our country and at the same time had a lot of health problems including food insecurity, hazardous exposure, and obesity. It's such an irony to see food insecurity in agricultural workers. Such strange things happen to the people growing our food. They may live in an area where they plant strawberries, and at first they are excited, eating strawberries all time, but after two years of just eating strawberries you don't want to eat them any more. You want something else, but oftentimes there may not be corn or broccoli around, or it's very expensive.

What are the roots of this problem, and why does it continue to exist?

The problem of agricultural worker health is a structural problem with a long history. We have

had many waves of immigrants in this country and agricultural work is always an entry field for these immigrants because you don't have to have a lot of high-level skills to get work in it. This is the bottom of the pyramid of work, and has often held a connotation of racism.

Why do you think more attention is being paid to this issue right now?

First, because we have not been able to make comprehensive immigration reform, we are trying to make it in a few different segments. The process of making specific immigration reform for agricultural workers emphasizes how much we need them. Second, many wonderful groups like [Farmworker Justice](#) and some of the unions have been strongly advocating to include agricultural workers in federal programs. Third, more research has been conducted on how occupational health and safety issues in agricultural industry are the worst in any industry. Lastly, the advance of global warming brings the issue up more, because the people harvesting our food are most exposed to related heat stress and other environmental issues.

Why did you start MAHRC's new pilot diabetes and obesity prevention program Sembrando Salud?

Working with this population we started seeing that the people producing healthy food were not themselves healthy, and were themselves developing diabetes and other problems related to bad nutrition. We based Sembrando Salud on two federal models [Mexican and United States] with the goal of changing diet and to changing attitude. Sembrando Salud has five components: eat healthy, measure more, drink water, exercise, and attitude change.

What is most innovative about Sembrando Salud? I know it includes elements like a peer education model in which sessions are led by participant peers. What else distinguishes it from other public health initiatives with immigrant workers?

It doesn't just approach food intake but includes environmental context and attitude change. In contrast to other programs that place most responsibility on the individual, this approach takes on structural issues by making the curriculum relevant. We're trying to make this attractive, not just medically-oriented. We are not going to tell an agricultural worker who works in the field ten hours a day to go to the gym – there probably isn't a gym around. Instead, we'll suggest they park their car a little further from the field and walk.

What has surprised you most while working on this project?

The way people get involved and appreciate this program. People cooperate a lot and appreciate this program and are extremely motivated to get healthier.

What are the biggest challenges you've faced in designing this program and this framework for research?

The project is not traditionally funded by the NIH, so the resources we receive from the private sphere have been very important. We need financial resources to assure that promoters and health workers are able to go into these communities. We need resources for prevention and promotion to actually reduce obesity in this country.

To improve agricultural worker health, what does U.S. society need to learn that it doesn't currently understand?

We need to act today. If we do not we are condemning new generations to worse and worse

health issues. These problems are becoming increasingly racialized as more and more of our agricultural work is done by Latinos. If we don't have this workforce and have it healthy, nobody will be working our fields.

June 15, 2011

Farmers, farmworker groups react to possible E-Verify future

By P.J. Huffstutter

Amid controversy over this week's efforts to revive a federal E-Verify program, farmers are finding themselves with a slight reprieve.

The bill, which came back on Tuesday when Rep. Lamar Smith (R-Texas) introduced the Legal Workforce Act, would require businesses in the U.S. to verify the immigration status of all new hires by running their information through a government database.

Farmers in California and across the nation have long railed against such a requirement, arguing that it would essentially eradicate their workforce. They also maintain that the current system for hiring legal immigrant workers is too costly and difficult to use, and that, even with the nation's unemployment rate still high, few Americans would be willing to take low-paying, physically taxing jobs laboring in a field.

Smith told reporters earlier this week that those concerns are why the bill includes an exception for employers in agriculture: They would have three years to implement such checks, and farm operators and other agricultural employers would not have to verify the legal status of previously hired seasonal workers.

On Wednesday, however, farmworker advocates argued that the bill would do more harm than good.

In a joint statement, Farmworker Justice and the United Farm Workers claimed that if the bill passed, "undocumented farmworkers would feel tied to their employers, and would be reluctant to challenge illegal or unfair conduct for fear of losing their job and the ability to work."

"[T]he much larger problem is that this bill would allow -- indeed, encourage -- employers to evade the law by using farm labor contractors to hire workers and thus claim that they don't employ any farmworkers," the statement added.



June 16, 2011

If E-Verify Becomes Mandatory, It Won't Solve Nation's 'Immigration Problem'

By Erwin De Leon

<http://news.feetintwoworlds.org/2011/06/16/de-leon-if-e-verify-becomes-mandatory-it-wont-solve-nations-immigration-problem/>

The Chairman of the House Judiciary Committee Lamar Smith (R-Texas) on Tuesday introduced the Legal Workforce Act (H.R. 2164), a bill the lawmaker claims “could open up millions of jobs for unemployed Americans and legal immigrants” by making E-Verify mandatory for all employers.

E-Verify, an Internet-based system which confirms a person’s employment eligibility based on immigration status, is administered by the U.S Department of Homeland Security and the Social Security Administration. Currently, E-Verify is optional for most businesses, though Arizona and Mississippi require it statewide, and it’s mandatory for many businesses with federal contracts or subcontracts. More than 225,000 U.S. employers, large and small, use the program now, and DHS estimates about 1,000 new businesses sign up each week. A few weeks ago, the U.S. Supreme Court, in a 5-3 decision, ruled that Arizona’s Employer Sanctions law requiring the use of E-Verify is legal. This may have motivated Smith to propose his bill.

“Despite record unemployment,” Smith argued, “seven million people work in the U.S. illegally. These jobs should go to legal workers.” He adds that “E-Verify is a successful program to help ensure that jobs are reserved for citizens and legal workers,” and asserts that “there is no other legislation that can be enacted that will create more jobs for American workers.”

Opponents of the measure immediately voiced their dissent.

Civil liberties advocates such as the ACLU protest that the bill encroaches on the privacy of citizens that have done nothing wrong by collecting their biometric information. Latino and immigrant rights groups contend that the current E-Verify system is already error-prone as it is. Farmworker advocates and the agricultural industry, particularly concerned about how E-Verify will effect their livelihoods, argue that the bill would do more harm than good.

In a joint statement, Farmworker Justice and the United Farm Workers reason that if the bill passes, “undocumented farmworkers would feel tied to their employers, and would be reluctant to challenge illegal or unfair conduct for fear of losing their job and the ability to work.” Furthermore, they predict that such a law “would deepen problems in the farm labor force by encouraging even more employers to use farm labor contractors to avoid obligations under E-Verify.” The same argument is likely to be used by immigrant advocates in the service industry.

The debate will no doubt continue, as with any other initiative proposed by either political party that purports to solve the “immigration problem.” A measure that addresses only one aspect of the broken immigration system and is born out of ideology will not be universally welcomed.

The 2012 elections already looms on the horizon. Republicans and Democrats – including the Obama administration – have not shown a willingness to seriously look at the immigration system in its entirety and attempt a holistic approach. Rather, they can be expected to rouse their bases with red meat and dodge immigration reform once again. A few will pander to the growing immigrant population and their native-born children, who are becoming hard to ignore. In the meantime, the system will remain broken.

IN THESE TIMES

6/30/2011

Calif. Gov. Jerry Brown's veto of card check legislation underscores the priorities of the powerful

By: Michelle Chen

http://inthesetimes.com/working/print/11580/pesticides_and_farm_labor_yield_a_bitter_harvest/

Shortly after the group of Mexican “guestworkers” arrived at a Tennessee tomato farm, they realized that their job was killing them, literally. In addition to being crowded into filthy trailers with no source of clean water, they and their living quarters were regularly showered with poison. Despite requirements for protective equipment, they had to go into the fields while exposed to pesticides. Risking abuse and retaliation for challenging their boss, some tried to use cellphones to record the spraying. In the end, they got their evidence, but [then got fired](#).

The workers' struggle, which led to a [lawsuit](#) filed earlier this year, illustrates all the paradoxes of America's natural bounty. No form of labor is more ingrained in humanity than farm work, but the people who grow our food are being eaten alive every day by the toxins of modern industrial farming. Though consumers are more anxious than ever these days about the effects of pesticides on the food we eat, they seldom consider the health [hazards facing the workers](#) who feed our consumption. Yet the further you get up the production chain, the greater the danger.

[Farmworker Justice](#) has petitioned the Environmental Protection Agency to demand the [bilingual labeling of pesticides](#) for Spanish-speaking workers, many of whom cannot read English. The fact that after generations of importing migrant labor even this most rudimentary safeguard is still lacking, shows how little the government and employers value workers' health.

We should all know better by now. Various [studies](#), including a new one on [Monsanto's infamous Roundup Ready](#), have shown major threats from the chemicals sprayed on crops. In the Lake Apopka area of Florida, exposure of black farm workers to pesticides has been [linked to horrific patterns of disease and birth defects](#), on top of the backbreaking labor they suffered. Their attempts at seeking legal redress have so far failed.

One [monitoring project](#) in Washington State, published by the Farm Worker Pesticide Project, found that one in five workers surveyed suffered "significant nervous system impacts." The health risks were exacerbated by incompetent enforcement of safety standards at the federal and state levels, and threadbare regulations on protective gear for farmworkers. Finally, there was an endemic failure to promote safe alternatives to the harmful chemicals used in industrial agriculture.

The politics of the food system therefore disproportionately impact farm workers (including a huge number of [families with children](#)), yet they have virtually no political power, and don't have the option of selecting just organic fruit when they're working the farms in a chemical haze.

The consumer advocacy organization Environmental Working Group (EWG) published its “Dirty Dozen” list of chemical-laden produce, but it doesn't get at the core of the problem, [according to Tom Philpott at MoJo](#):

My only concern about campaigns like EWG's Dirty Dozen is that they keep the spotlight on consumers and off of another population segment that deserves protection from the produce industry's pesticide habit: farm workers....

The agrichemical industry's response—embraced by farm owners, government regulators, and global aid institutions—was to promote pesticides that break down rapidly. But these alternatives, known as "non-persistent" chemicals, are much more dangerous at the time of application. That is to say, they're much safer for consumers, and much more dangerous for farm workers.

In fact, such dangerous working conditions are encouraged by our food system and regulatory infrastructure.

This week, a [bill in California to enable card-check voting on farms](#), which would facilitate union organizing, was [vetoed by Democratic Gov. Jerry Brown](#), who while governor in the 1970s signed legislation giving farmworkers in his state the right to unionize through secret ballot. The defeat suggested that the loyalties of even supposedly "progressive" politicians lie more with powerful business lobbies than with voiceless farm workers. The consequences ultimately wind up on our dinner tables.

Karl Tupper with the Pesticide Action Network of North America, [takes pesticide concerns from the grocery aisle to the larger context](#):

My point is two-fold. 1) The scandal isn't cilantro, or apples. It's 2 million people doing the third most dangerous job in the country for sub-poverty wages, while facing pesticide exposure. 2) We can't shop our way out of this: pesticides are a public policy issue.

Currently, it's private and grassroots efforts that are breaking ground in environmental justice for farmworkers. Along with labor-based groups like Farmworker Justice and United Farm Workers, grassroots movements like the [Coalition of Imokalee Workers](#) have raised public awareness of agricultural labor conditions and the link to public health as well as corporate power.

In Washington, the pioneering [Excluded Workers Congress](#) is pushing [the POWER Act](#), which would aim to "protect the right of immigrant workers to expose labor violations without fear of retaliation" by boosting regulatory safeguards and legal protections for exploited immigrants.

Groups like the [Pesticide Action Network](#) and [Beyond Pesticides](#) have mobilized consumers and workers across the planet to push for a safer food system. And all the way over in Pakistan, an

international campaign known as the [Better Cotton Initiative](#) seeks to introduce more sustainable growing practices to the country's cotton fields, moving farmers away from pesticides and improving community health.

It's odd that, even as we ruin our natural resources, Americans still hold romantic visions of the heroic farmer; perhaps it's our natural yearning to connect with earth despite modern society's alienation from our ecological genesis. To truly understand environmental health, then, we must think broadly about environmental justice. Locally and globally, from seed to stomach, we are all what we eat.

THE PACKER

September 5, 2011

Blog: More dysfunction ahead in immigration debate

By: Tom Karst

Much of production agriculture in the U.S. is vying for improvements and wholesale reform of the H-2A agricultural guest worker program. Others also see deep flaws in the program, though perhaps not for the same reasons.

A press conference call is set for Wednesday, Sept. 7, by Farmworker Justice. A notice about the event trumpets that "Farmworker Justice Unveils Abuses in Agricultural Guest Worker Program: New Report Illustrates Human Toll of Flawed Visa Program."

From the press notice about the event and the new report:

"According to the report, the H-2A visa, a program meant to provide a legal workforce for farmers to harvest crops in the absence of domestic labor, lacks needed protections for the thousands of guest workers laboring to put food on America's tables.

Farmworker Justice President Bruce Goldstein will host the call with United Farm Workers President, Arturo Rodriguez, and National Guestworkers' Alliance Director, Saket Soni. They will discuss the inherent problems of the guest worker model and outline a path forward for the United States to ensure its agricultural labor force while honoring its roots as a nation of immigrants. They will also respond to the recent push for federally mandated E-Verify and the devastating effect it would have on American agriculture.

Guest workers make up roughly 10 percent of the agricultural labor force in the United States, between 50 – 70 percent of which is composed of undocumented workers. Even during a period of high unemployment and economic recession in the United States, the U.S. Department of Labor has expanded approval of H-2A visas for entering farmworkers by 80 percent from 2005 to 2009."

So the question is now: what is the "path forward" to ensure an adequate supply of agricultural labor while "honoring its roots" as a nation of immigrants?

Farmworker advocates no doubt would like to see a path to legalization for farmworkers who are now illegal immigrants. That concept isn't likely to gain traction in the current political environment. And while reform is sought by desperate growers, labor activists won't agree to make the guest worker program easier to use going forward.

From what I can tell, the Farmworker Justice press conference will be another chapter in the book of dysfunctional American immigration policy.

<http://www.thepacker.com/fruit-vegetable-news/Blog-More-dysfunction-ahead-in-immigration-debate-129252753.html>

September 7, 2011

Farmers Press GOP on Hiring

Amid Immigration Crackdown, Growers Seek Allowance for Undocumented Workers

By: Miriam Jordan

Recent Republican solidarity on illegal immigration is showing cracks under pressure from agriculture groups, with two GOP congressmen floating programs that would make it easier for foreigners to work legally in U.S. fields and orchards.

Workers pick onion bulbs on a Vidalia onion farm in Lyons, Ga., in May. Georgia is among states that have toughened undocumented-worker laws.

Labor researchers say more than 1.4 million people are employed as field workers in the U.S. each year, and the Labor Department estimates more than half of them are here illegally. Grower groups say that number exceeds 75%, and say measures pending in Congress could deprive Americans of homegrown food.

"We need land, water and labor to produce the food that feeds this country," said Tom Deardorff, a fourth-generation farmer in Southern California, who is on the board of Western Growers, a large trade group. "They've been trying to take away our labor."

Rep. Lamar Smith (R., Texas), an immigration hardliner who now heads the House Judiciary Committee, plans to introduce a bill Wednesday that would revise an existing guest-worker program and allow up to half a million foreign farm workers a year to work in the U.S.

Rep. Dan Lungren (R., Calif.), whose district includes almond, rice and grape growers, also is seeking the creation of a new visa category for agricultural workers. He said it would allow "hundreds of thousands" of foreign farm laborers to work in the U.S. for 10 months at a time, the same time frame allotted by Mr. Smith's proposal.

Stepped-up lobbying by farm groups on the issue amounts to a frank admission about their dependence on a foreign-born work force—whether legal or not. Their argument is that most American workers have shunned farm jobs because many are of a seasonal, migratory nature as well as being physically arduous.

But concern is also rising for a wider swath of corporate America about the need for a more business-friendly rationalization of immigration policy. Other sectors like fast food, hotels and construction, which also employ low-skilled workers, have been subjected to federal enforcement actions that have resulted in the loss of employees who are in the country illegally.

In general, Republican White House contenders say it's premature to discuss changing immigration law until the border with Mexico is secure. Requests for comment from the major GOP presidential campaigns went unreturned late Tuesday afternoon.

The two agriculture-related proposals in Congress are an attempt to placate farmers who have been descending on Washington since June to fight a separate bill being pushed by Mr. Smith.

Farm groups claim that bill, known as the E-Verify bill, would lead to a severe labor shortage for a sector that relies on undocumented farm hands.

"If we don't have a fix to this proven labor problem in agriculture, I don't think you can get an E-Verify program passed," said Mr. Lungren in an interview, adding that he was "dealing in reality."

Rep. Doc Hastings (R., Wash.), who said he has been hearing from farmers who rely on immigrants in his state and talking to Mr. Smith about their concerns, says "there is now recognition that agriculture workers have to be treated differently" from other sectors.

Since President Barack Obama took office, the agricultural sector has been hit by federal immigration audits of payrolls that have forced some growers to shed hundreds of workers. Growers say Mr. Smith's "Legal Workforce Act" would devastate their industry. It would require all employers to use an electronic database called E-Verify to check whether their employees are eligible to work in the U.S.

Amid high unemployment, mandatory E-Verify had resonated with many in Congress and appeared to have a solid chance of passing the Republican-controlled House. But farmers, who traditionally back the GOP, are pressuring lawmakers to oppose the bill.

Tension over E-Verify has erupted among Republican leaders, according to people involved in discussions.

Frustrated farmers have orchestrated a campaign called "Save America's Food and Economy" to raise awareness about the risks of E-Verify's passage. The group's website cautions that if Congress passes the bill, "we will find our farm industry collapsing and our nation outsourcing our food supply to nations like China and Mexico."

A House Judiciary staff member noted that while all employers would be required to use E-Verify, it would apply only to future employees. The measure would allow seasonal workers to leave the country and not be covered by E-Verify if their employer remains the same and they are allowed to return.

Meanwhile, farmers in several parts of the U.S. are already suffering from worker shortages thanks to a spate of state laws to quash illegal immigration.

Georgia and Alabama recently passed tough laws that prompted many undocumented workers to leave those states, undermining the harvest of tomatoes, blueberries and other crops.

In Michigan, some apple growers are concerned about a smaller influx of migrant workers, who normally come north from those states in time for the harvest beginning in September.

"We keep hearing we should be hiring the unemployed or prisoners," says Julia Rothwell, past chair of the U.S. Apple Association. But such individuals are either not applying for jobs or quit after a short time, she said, even if wages can reach \$15 an hour.

"We are not going to be the ones to magically lower unemployment," said Barry Bedwell, president of the California Grape & Tree Fruit League, which represents growers of grapes, peaches and plums.

Mr. Smith's proposal centers on revising the existing H-2A program to bring farm workers to the U.S, including dairy workers, and would be known as the H-2C. But many agricultural employers deem the H-2A program as being beyond repair. Currently, fewer than 5% of all U.S. farm workers are employed through the program.

Under the H-2A program, employers who anticipate a shortage of domestic farm workers can apply to hire foreigners on a temporary basis. Farmers say they have to apply months in advance, before they can accurately estimate their labor needs for the harvest. They must also advertise for U.S. workers first, which results in people who sign on and don't show up or stay on the job, they say.

About half of H-2A employers are completely dissatisfied or only slightly satisfied with the program, according to a soon-to-be-released survey commissioned by the National Council of Agricultural Employers and conducted by Washington State University. Only about 45,000 farm workers a year come to the U.S. on the program, which involves the Departments of State, Labor and Homeland Security. "Theoretically, the number of visas is unlimited but the actual restraints of the program make it self-limiting," said Frank Gasperini, the council's executive vice president.

<http://online.wsj.com/article/SB10001424053111903648204576554830735887802.html>



September 7, 2011

New report on guest farmworker program highlights rampant abuse

By Marisa Treviño

The group Farmworker Justice on Wednesday denounced abuses and the lack of protection for workers in the U.S. government's H-2 agricultural visa program.

The organization's president, Bruce Goldstein, held a conference call with reporters Wednesday to present a new report, "No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers."

Temporary workers with H-2A visas represent 10 percent of the U.S. agricultural labor force, which is made up mainly of undocumented foreigners.

The H-2A program allows U.S. farmers to hire temporary foreign workers when they need seasonal labor.

To be able to participate, employers must show that they need foreign workers because there are insufficient U.S. workers to round out their payrolls.

In addition, they have to certify that the wages and working conditions they offer satisfy the program's minimum requirements.

However, according to Farmworker Justice, the U.S. Labor Department frequently approves illegal elements in the H-2A workers' contracts such that these employees often receive lower wages than their U.S. counterparts.

In addition, in the recruiting process for these workers, abuses often occur including human trafficking and fraud, the group says.

Also, the negative consequences of the lack of protection for seasonal workers have an effect on Americans, Farmworker Justice maintains.

"For an employer it's more profitable to hire a foreigner on a temporary basis with the H-2A than an American, because they have tax and Social Security exemptions," Goldstein said.

Among the recommendations Farmworker Justice is making is a demand that workers who come to the United States to work with H-2A visas be given the chance "to earn permanent legal immigration status."

The report also urges that H-2A visa holders be allowed to change employers. For the moment, those workers are tied to their employer, something - the association says - that prevents workers from denouncing abuses.

The report was prepared after interviewing workers who have participated in the program and attorneys who have worked on lawsuits filed against employers over the past 30 years.

http://www.latinalista.net/palabrafinal/2011/09/new_report_on_guest_farmworker_program_h.html



September 7, 2011

New Report From Farmworker Justice & United Farm Workers Documents Abuses in Guest Worker Program

A new report released today by Farmworker Justice and United Farm Workers probes into the federal H-2A agricultural guest worker program designed to provide farmers and harvesters with a legal workforce. The report uncovers that the program has grown rife with abuse and is sorely lacking in legal protections for these guest workers.

The report, entitled [“No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers,”](#) is based on interviews with former and current guest workers. It exposes how the program keeps U.S. wages low for both immigrant and native-born laborers.

Because guest workers are “non-immigrants,” their status robs them of the power to bargain with and confront employers, which leads to abuses such as [debt bondage](#), human trafficking, forced labor, and wage theft. Roughly 10% of the U.S. agricultural labor force are guest workers, while 50-70% of it are undocumented workers.

[Farmworker Justice President Bruce Goldstein commented in a press release:](#)

This investigation corroborates the view that the guestworker model and the H-2A program should not be the solution to ensuring a sustainable labor force for American agriculture. Stronger protections and enforcement in the H-2A guestworker program are needed but cannot solve the labor abuses that inevitably arise. America is a nation of immigrants, not a nation of guestworkers.

The report presents potential short-term and long-term solutions to H-2A problems, including:

- The passage of the Agricultural Jobs, Opportunities, Benefits, and Security Act (AgJOBS)
- Increased oversight and enforcement of worker protections in the H-2A program
- Freedom within the H-2A program for workers to change employers

http://americasvoiceonline.org/blog/entry/new_report_documents_abuses_in_h-2a_agricultural_worker_program/



September 8, 2011

Group denounces abuses in program for farmworker visas

The group Farmworker Justice on Wednesday denounced abuses and the lack of protection for workers in the U.S. government's H-2 agricultural visa program.

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The report was prepared after interviewing workers who have participated in the program and attorneys who have worked on lawsuits filed against employers over the past 30 years.

<http://latino.foxnews.com/latino/money/2011/09/08/group-denounces-abuses-in-program-for-farmworker-visas/>



Google News (Google Noticias)

September 7, 2011-11-03

Denuncian abusos y falta de protección en el programa de visas de agricultores

Por Agencia EFE –

Washington, 7 Sep (EFE).- El grupo de defensa de los agricultores "Farmworker Justice" denunció hoy "abusos y falta de protección" en el programa federal de visas H-2A, reservado a los extranjeros que desempeñan trabajos temporales en el campo.

Así lo explicó hoy el presidente de la asociación, Bruce Goldstein, en una conferencia de prensa telefónica en la que presentó un informe sobre la visa H-2A, basado en los testimonios de trabajadores que han participado en el programa y de abogados que han llevado casos de demandas contra empleadores.

Los trabajadores temporales con este tipo de visa representan el 10 % de la mano de obra agrícola en EE.UU., que está compuesta en su mayoría (entre el 50 y el 70 %) por indocumentados.

El programa federal de visas H-2A permite a los agricultores estadounidenses contratar trabajadores temporales extranjeros cuando necesitan mano de obra estacional.

Para poder participar, los empleadores deben demostrar que necesitan trabajadores extranjeros porque no hay suficientes estadounidenses para completar su plantilla.

Además, tienen que acreditar que los sueldos y las condiciones de trabajo que ofrecen satisfacen los requisitos mínimos del programa.

Sin embargo, según "Farmworker Justice", el Departamento de Trabajo de EE.UU. aprueba "con frecuencia términos ilegales" en los contratos de los trabajadores de la H-2A, de manera que estos empleados tienen "en muchas ocasiones" sueldos más bajos que sus iguales estadounidenses.

Asimismo, en el proceso de reclutamiento de estos trabajadores en sus países de origen, se producen "abusos endémicos" que incluso llegan a traducirse en tráfico de personas y estafa, denuncia el grupo.

Además, las consecuencias negativas de la "falta de protección" que sufren, a juicio de la asociación, los trabajadores temporales de la H-2A repercuten también en los estadounidenses.

"Para un empleador es más rentable contratar a un extranjero de manera temporal con la H-2A que a un estadounidense, porque tiene exenciones de impuestos y Seguridad Social", dijo Goldstein.

Así, los estadounidenses ven "rechazadas" con frecuencia sus solicitudes para estos empleos, además de que sus sueldos y condiciones de trabajo empeoran, denuncia el informe.

Entre las recomendaciones que hace esta asociación, que lleva décadas velando por los derechos de los trabajadores del campo, está la demanda, compartida con los grupos de defensa de los inmigrantes, de que los trabajadores con empleos temporales que vienen a trabajar a EE.UU. de manera estacional tengan la oportunidad de ajustar su estatus en el país.

"El Congreso debe revisar el estatus de los trabajadores con una visa H-2A para reducir su vulnerabilidad. Estos empleados deben poder aspirar a tener un estatus migratorio permanente, así como a poder cambiar de jefe si están sometidos a abusos o a condiciones intolerables", reza el informe.

Por el momento, los empleados con una H-2A están ligados a su empleador, lo que, según la asociación, impide a los trabajadores denunciar los abusos.

Asimismo, la asociación aboga por cambiar la ley actual que impide que los agricultores empleados gracias a la H-2A puedan tener un estatus permanente en EE.UU., independientemente de las temporadas que hayan pasado en el país para trabajar las tierras.

El informe, bajo el título "No way to treat a Guest: why the agricultural visa program fails US and Foreign Workers", fue elaborado a partir de la experiencia de trabajadores que han participado en el programa y de abogados que han trabajado en los casos de demandas presentadas contra empleadores en los últimos treinta años.

http://www.google.com/hostednews/epa/article/ALeqM5ixC_nYAjV_im8xGd0a_lSHaitjjw?docId=1602714



September 9, 2011

Battle lines drawn over agricultural guest worker program

By: Colleen Scherer

Groups that support a revised agricultural guest worker program are squaring off with legislators pushing for tougher illegal immigration restrictions. The battle is heating up as Rep. Lamar Smith (R-Texas), who heads the House Judiciary Committee, plans to introduce a bill that would revise a current guest worker program to allow up to half a million foreign farm workers a year to work in the U.S. At the same time, Rep. Dan Lungren (R-Calif.) is working to create a new visa category for agricultural workers that would allow “hundreds of thousands” of foreign farm workers to work in the country for 10 months at a time.

Farm groups and farmworker groups are opposed to the proposed legislation. Previous attempts to pass the E-Verify bill has met with sharp criticism from farm groups, which claim that the bill would lead to severe labor shortages.

Farmworker Justice, a non-profit organization that supports migrant and seasonal farmworkers, released a new report documenting the abuses of the agricultural guest worker program. The group claims the federal program has grown rife with abuse and lacks needed protections for these workers.

“This investigation corroborates the view that the guestworker model and the H-2A program should not be the solution to ensuring a sustainable labor force for American agriculture,” said Farmworker Justice President Bruce Goldstein. “Stronger protections and enforcement in the H-2A guestworker program are needed but cannot solve the labor abuses that inevitably arise. America is a nation of immigrants, not a nation of guestworkers.”

The report offered multiple short-term and long-term solutions to eliminate abuses in the H-2A program and ensure a sustainable labor force for American agriculture including:

- Congress should pass the Agricultural Jobs, Opportunities, Benefits, and Security Act (AgJOBS).

- The Department of Labor should increase oversight and enforcement of worker protections in the H-2A program.
- The H-2A visa program should be changed to provide workers with the freedom to change employers.
- H-2A workers should be able to earn permanent legal immigration status in order to be able to protect their rights and improve their conditions.

Read the report here.

<http://www.alipac.us/ftopic-249504-0-days0-orderasc-.html>

EHS Today

A Disposable Work Force: Farm Worker Advocates Push for Agricultural Worker Protections

Sep 9, 2011

By: Laura Walter

A new report published by the advocacy organization Farmworker Justice criticizes the H-2A temporary guest work visa program, claiming it makes agricultural workers vulnerable to poor working conditions. Farm worker advocates argue that to improve these conditions, foreign agricultural workers should be able to seek legal immigration status.

The report, “No Way To Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers,” outlines why this visa system, which “allows agricultural employers to hire foreign guest workers on temporary work visas to fill seasonal jobs,” is flawed and exposes workers to abuse.

“This agricultural guest worker program reveals itself to be inherently problematic,” said Bruce Goldstein, president of Farmworker Justice, in a Sept. 7 press call. “The workers brought in as guest workers are treated as non-immigrants who are not permitted to switch employers, can only work for the employer who got them the job and, if they want to come back the following year, must hope that the employer will invite them back.”

Of the 2 to 2.5 million farm workers in the United States, approximately 50-70 percent are undocumented, Goldstein said. These temporary, undocumented workers do not have the option to achieve legal immigration status under the H-2A program.

“The H-2A system, in creating this restrictive, non-immigrant status, causes the guest workers to really be fearful of retaliation if they challenge unfair or illegal job conditions,” explained Goldstein.

According to the report, the H-2A guest worker program:

- Does not provide adequate protection against the exploitation of guest workers;
- Drives down wages and working conditions for domestic workers;
- Creates an incentive for employers to prefer guest workers over domestic workers;
- Creates an atmosphere in which employers are able to violate the rights of workers in “rampant and systemic” ways;
- Fosters abuse in the recruitment of foreign guest workers; and
- Deprives farm workers of bargaining power and political influence.

Health and Safety Concerns

Goldstein told *EHS Today* during the press call that workers are further made vulnerable because the H-2A program does not require employers to provide health insurance, which workers cannot afford themselves. Temporary agricultural workers also typically do not have access to their own transportation, which means they must rely on their employers to take them to a doctor if they become ill or injured – something the employer may be reluctant to do for fear of increased workers' compensation premiums.

Goldstein stressed that workers are generally “very reluctant” to report injuries and illnesses because they fear that the employer will have them deported if they are no longer able to work. Concerns surrounded being fired or deported also drives these workers to “work really hard and really fast,” he added.

“What you have is workers who are not pacing themselves at all. They are doing great damage to their bodies,” he explained. “That’s one of the problems with the H2A program ... It’s fundamentally about gaining a disposable work force and being able to replace anyone you dispose of immediately.”

Recommendations

The best solution, Goldstein said, would be “to give the undocumented farm workers the opportunity to earn legal immigration status leading to citizenship rather than relying on hundreds of thousands of future guest workers under the H-2A program or some other guest worker program.”

The report also issued the following recommendations:

- The Department of Labor must increase its enforcement of the H-2A program to address violations and illegal job terms.
- The U.S. government should exercise jurisdiction over H-2A recruitment in foreign countries, hold employers accountable for their actions and “shine a light on the dark world of labor recruitment.”
- The Department of Labor should collaborate with stakeholders to educate and empower workers.
- Wage rates and labor protections in the H-2A program should be strengthened, and the financial incentives for employers to prefer guest workers over domestic workers should be removed.
- H-2A workers should be able to change employers and earn immigration status.
- Congress should pass the Agricultural Jobs, Opportunities, Benefits, and Security Act (AgJoBs), a bipartisan effort that would “allow currently unauthorized farmworkers to earn legal immigration status by continuing to work in U.S. agriculture, make balanced changes to the H-2A program, and provide U.S. growers with a stable, productive, and decently-treated farm labor force,” according to the report.

“H-2A guest workers should be treated with dignity,” the report stated. “Ultimately, the people who put food on our tables should have the opportunity to become full-fledged immigrants on a path to citizenship.”

The report, which is based on interviews with former and current H-2A workers, can be viewed or downloaded at <http://www.farmworkerjustice.org/ebook.html>.

<http://ehstoday.com/health/agricultural-worker-protections-0909/>

IN THESE TIMES

September 9, 2011

Too Hot at Work? Uncle Sam Isn't Looking Out for You

By Mike Elk

After 40 years, still no federal rule regulating excessive heat on the job

Last week, Public Citizen, Farmworkers Justice and the United Electrical, Radio and Machine Workers of America (UE) called on the Occupational Safety and Health Administration after 40 years of delay to finally adopt a rule regulating excessive heat in the workplace. Over the past 20 years, at least 523 workers have died from heat stroke and another 43,000 have suffered from heat-related injuries serious enough to have to miss at least one day of work.

A study by the GAO, however, says the number of workers who suffer heat-related injuries and death is often underreported. Under the general duty clause of the 1970s law that created OSHA, the federal agency has the power to regulate heat in the workplace on an ad-hoc basis. During the last 40 years of workplace inspections, though, OSHA has only conducted 113 inspections on heat-related problems that led to a fine or citation. Advocates argue that OSHA must adopt a heat standard in order for there to be uniform regulation of heat problems in the workplace.

“OSHA has demonstrated an alarming lack of oversight over the past 40 years in the face of this recognized and entirely preventable hazard,” said Dr. Sidney Wolfe, director of Public Citizen’s Health Research Group. “Only with the implementation of a specific, enforceable standard will hundreds of lives be saved and thousands of heat injuries prevented over the next decade.”

In 1972, the National Institute for Occupational Safety and Health recommended a highly technical detailed set of standards for how to regulate workplace problems related to heat problems. NIOSH again recommended heat workplace safety standards in 1986, but OSHA once again ignored the proposed standard. Finally in 2011, OSHA launched a voluntary workplace education campaign about heat safety issues, but no formal standards regarding extreme heat working conditions.

OSHA did not respond to request for comment on why they have not issued a formal heat standard.

“We have never been able to figure out why OSHA will not do something on this issue,” said Dr. Sammy Almashat, researcher with Public Citizen. “We don't really know why they haven't acted. I suspect the reason they haven't done it is because of pressure from industry. But no one at OSHA has told us why they have not yet started a rule making process.”

http://inthesetimes.com/working/entry/11893/after_40_years_osh_a_still_hasnt_released_a_rule_on_heat_conditions_in_the_w/

THE PACKER

September 9, 2011

There should be a Madison House in every produce town

By Tom Karst

Every produce town needs a Madison House.

So much of the industry's relationship with its workforce is disputed and strained.

Even in early September, Farmworker Justice issued a report about the abuses and exploitation in the H-2A guest worker program.

According to a news release, the report "offers an in-depth look at the violations and abuses of the federal H-2A agricultural guest worker program, exposing the fundamental flaws of guest worker models and revealing the program's effect of keeping wages low in the U.S. for both foreign and domestic workers."

The report documents "the human toll" of a system designed to provide a legal and dependable workforce for growers, according to the release.

So agricultural employers are slammed for using the government's guest worker program. They are also damned if they don't.

Half or more of agriculture's workforce doesn't have correct documentation, and the uncertainty about the future availability of a legal work force for growers has been the great preoccupation of industry leaders for the past decade.

In the midst of the confusion and desperation of our country's broken immigration policy, Madison House — and places like it — allow children of farm workers to have hope in their own futures.

When I was in the Pacific Northwest in late July to cover the pear and apple crops, I had a chance to visit a community youth center in Yakima.

Started by the Union Gospel Mission in 1989, Madison House is a former school house that now serves as a faith-based outreach to dozens of low income youth of Yakima, Wash., many of whom are children of farmworkers.

When I visited, it was a loud house, filled with laughter and games.

I met staff and volunteers at Madison House, including Dave Connell, chairman of the advisory board for Madison House and Jake Kupp, former NFL player and volunteer at Madison House.

Connell said he has seen the fruit industry respond to the vision of helping Yakima's low-income youth.

"Employees are part of your life and you want their families to succeed, to get ahead," he said.

Many companies in the tree fruit industry over the past year-and-a-half have pledged \$400,000 over three years to fund three new staff positions at the facility, including an education coordinator and a volunteer coordinator.

Industry involvement

In visits with Ed Kershaw, chief executive officer of Domex Superfresh Growers, Yakima, and Keith Mathews, chief executive officer of FirstFruits Marketing of Washington, Yakima, I heard about the vision these men had for what Madison House could become.

"It is a safe center," Kershaw said.

"It is a place we are trying to create hope in these young kids, to get them away from gangs."

The investment in Madison House is expected to create opportunities for mentoring young kids and giving them job skills that will carry them beyond picking fruit in the orchards.

"We don't want them to escape from Yakima — we would very much like them to stay," Kershaw said.

"We want to show the youngsters the good jobs in the fruit industry."

Kershaw called the youth community center a "journey of hope" for kids.

"We're showing young people there is hope and to take advantage of the opportunities."

Money and programs alone aren't enough, of course.

Kevin Deyette, program director for Madison House, said his kids need relationships with adults, somebody to come along and encourage them, to hold them accountable.

Of course, the many-faceted problems associated with farm labor can begin to be solved with a youth community center.

Can Madison House give workers and their families a path to legalization?

The industry and workers must rely, sad to say, on the wisdom of elected officials to craft a workable immigration policy.

But every produce town — and every produce grower — should consider how investing in the future of their workers and their families can also help their own future.

Madison House is such a place.

<http://www.thepacker.com/opinion/fresh-produce-opinion/Center-gives-farmworkers-kids-needed-help-129528628.html>



Farmworker pay can be boosted at little cost to consumers

September 14, 2011

EFE

San Diego – Increasing the incomes of migrant farmworkers by 40 percent would add just \$15 to what the average U.S. household spends every year on fruits and vegetables, according to a researcher at University of California Davis.

Philip Martin, a professor in UC Davis' Department of Agricultural and Resource Economics, says Americans spend relatively little on food and that the mostly Hispanic workers who harvest U.S. produce get only a small fraction of the retail price.

The total budget for food for an average U.S. household is \$6,400 per year, Martin, the author of the 2009 book "Importing Poverty? Immigration and the Changing Face of Rural America," said in an interview with Efe.

Citing the Consumer Expenditure Survey of the U.S. Bureau of Labor Statistics, the researcher said that of this amount, about 60 percent represents the spending on food to prepare at home, with spending on meat totaling \$841, fruits \$220 and fresh vegetables \$209.

Meanwhile, he said, an average of \$435 is spent on alcoholic beverages annually by each household.

Growers and their employees are receiving an ever smaller portion of the retail price, Martin said.

"Consumer spending on fruits and fresh vegetables means earnings of \$118 for the grower. The agricultural labor costs are usually less than a third of a farm's income on fruits and fresh vegetables, and so an average home spends \$38 per year on the wages for agricultural workers," he said.

This means that for every dollar spent on fruits, consumers are funneling 30 cents to the grower and 10 cents to the farmworkers.

For vegetables, the comparable figures are 15 cents and 8 cents, respectively.

Martin emphasized that about half the farmworkers employed in the [United States](#) are undocumented foreigners, which partially explains the low labor costs for these products.

The low salaries, the physical effort and the seasonal nature of the work mean that very few U.S. citizens are willing to work in this sector, jobs in which are usually reserved for people with little knowledge of English, low levels of education or a lack of other opportunities.

"For the typical household, an increase of 40 percent in agricultural labor costs translated into an increase of 3.6 percent in retail prices. If the agricultural salaries increase by 40 percent, and this increase is passed on to the consumers, the annual spending on fruits and fresh vegetables would increase by about \$15 per year, the cost of two movie tickets," said Martin.

A migrant farmworker currently earning \$10,000 a year would see his or her annual income increase to \$14,000, Martin said.

<http://latino.foxnews.com/latino/money/2011/09/14/farmworker-pay-can-be-boosted-at-little-cost-to-consumers/#ixzz1d1cTJrX3>

September 19, 2011

Sheep rancher sued for labor violations

By Dan Wheat

Three workers allege employer withheld wages, took passports

YAKIMA, Wash. -- A Washington sheep rancher who won a labor case before the state Supreme Court in 2005 has been sued by three shepherders alleging guestworker contract violations.

The lawsuit alleges violations of the Fair Labor Standards Act and the Trafficking Victims Protection Reauthorization Act and seeks a jury trial for damages.

Defendant Max Fernandez, Centerville, Wash., declined comment. But Dennis Richins, executive director of the co-defendant Western Range Association, said allegations against the association are frivolous.

"We get included because we're joint employers and we provide insurance on them and transportation among members (ranchers using guestworkers)," Richins said.

The lawsuit was filed Sept. 2 in U.S. District Court in Yakima by Northwest Justice Project, of Seattle, and Farmworker Justice, of Washington, D.C., on behalf of shepherders Elvis Ruiz, Francisco Javier Castro and Eduardo Martinez.

The three were recruited in recent years by Western Range Association in Salt Lake City to work as shepherders in the United States under the federal H-2A guestworker program. The three came from Chile. Ruiz and Castro now reside in Yakima County and Martinez in Idaho, according to the lawsuit.

The lawsuit alleges Ruiz and Castro did some shepherding but that Martinez never did and that all three were due more money than they were paid because of the other work they were asked to do in violation of their contracts.

The three were hired solely for shepherding but built and fixed fences, cut grass, maintained machinery, built farm structures, chopped firewood and did other general ranch duties, the lawsuit alleges.

Further breaches of contract alleged in the lawsuit included inadequate rest, housing and food and confiscation of passports. Ruiz allegedly suffered a severe burn to his hand and was not provided medical care.

Ruiz left the ranch in January 2010 and Castro left in March of that year, the lawsuit states. Martinez alleges he was wrongfully terminated without cause.

The workers filed a complaint with the U.S. Department of Labor in June 2010. The department investigated and Fernandez agreed to pay unpaid wages at shepherd rates, according to the lawsuit.

However, the lawsuit alleges, the workers received letters threatening them with immigration enforcement action if they picked up the checks, the lawsuit states.

Payroll records that showed the payments were made were apparently lost or stolen and could not be provided to the Labor investigators, Richins said. The workers were paid a second time in an attempt to avoid litigation but the workers then filed the lawsuit claiming it wasn't enough, Richins said.

Richins said he reported Ruiz and Castro as illegal aliens once they left their jobs.

Dan Fazio, director of the Washington Farm Labor Association, said he is looking into helping Fernandez. Legal services such as Northwest Justice Project generally oppose the H-2A program because it takes jobs away from their clients who live here, he said.

Fernandez won a somewhat similar lawsuit in 2005 before the state Supreme Court, which ruled 5-4 that the state Minimum Wage Act exempts workers who live or sleep at their work site and spend a lot of time on call. The case involved Chilean H-2A shepherders who Columbia Legal Services alleged were paid below minimum wage.

Michele Besso, a Yakima attorney for Northwest Justice Project, said the new lawsuit is in no way retaliation for the prior case.

She declined comment on how closely Northwest Justice Project and Columbia Legal Services work together. Their Yakima offices are in the same building but have different phone numbers, according to their websites.

<http://www.capitalpress.com/mobile/djw-fernandezlawsuit-091611>



September 22, 2011

No way to treat a guest (worker) or U.S. workers for that matter

By: Celeste Monforton

At a recent congressional hearing called "Workforce challenges facing the agricultural industry," one Minnesota employer explained why he relies on "guest workers" to fill his seasonal jobs:

"...few Americans who are seriously seeking work will apply for, accept, and remain in seasonal and intermittent employment, especially in the agricultural sector. Many who are hired do not last long as they find the work too physically demanding or repetitive, are not willing to work in unfavorable weather conditions, or find the work schedule too demanding."

Under the U.S. Labor Department's H-2A program, agricultural employers can obtain permission to hire foreign workers for seasonal jobs if they demonstrate there's a shortage of U.S. workers to fill them. But, a recent report by Farmworker Justice explains why the agricultural guest worker program creates an environment ripe for abuse for both the guest workers and domestic workers. In *No Way to Treat a Guest*, the authors argue:

"Foreign guest workers should not be treated as disposable human machines, nor should they be used to deprive U.S. workers of available jobs or to undermine wages and working conditions of U.S. workers."

They provide example after example of how the guest worker program is supposed to work in theory, and how it plays out in reality.

In theory, employers must post job orders with a State's workforce agency from 60 to 75 days before they need the workers to ensure they attempt to hire U.S. workers. In practice, many employers use hiring gimmicks or impose inappropriate job requirements to 'scare away' U.S. domestic workers. One way they discourage locals from accepting a job is making them sign a labor agreement that forces them to give up their right to sue for lost wages. Some growers create situations in the fields to make it difficult for domestic workers to compete with the guest workers; (See the report's tale of Mary Jo and Kathern of Colquitt, Georgia.) If local workers "can't keep up," the employer can fire them for poor work performance. There's also a financial incentive for employers to prefer the H-2A workers: they are exempt from Social Security and unemployment taxes.

In theory, employers are required to provide at least 3/4 of the number of working hours outlined in the contract or pay wages to make up the shortfall. This is supposed to protect against over-

recruitment and a guaranteed income for the guest workers. In practice, many workers are not paid the wages promised under the 3/4's guarantee. Farmworker Justice's report provides numerous examples of how this wage theft plays out.

The authors also challenge the myth extolled by many agricultural employers, like the businessman quoted above, that U.S. workers are unwilling to work hard. This alleged laziness forces companies to hire workers from abroad.

"These claims simply reveal the disproportionate power that employers hold over a foreign labor force with few rights," they write.

Let's not forget that these guest workers are economically desperate. This desperation comes from the economic crises in their home countries which forces them to seek employment thousands of miles away in a foreign land; and their utter lack of power once employed in the H-2A system. Most guest workers will put up with just about anything to keep the seasonal jobs. As one domestic farmworker in Georgia explained in the report, after being fired for not meeting the grower's production quota,

"the farmers can take advantage of the guest workers where they can't take advantage of the Americans...because we know the laws....I think it was more or less, they didn't want to Americans out there."

Using data provided by the Labor Department, the Farmworker Justice report indicates that six States had more than 5,000 H-2A workers in fiscal year 2010: Arizona, California, Florida, Georgia, Louisiana, New York, North Carolina and Oregon. They tend crops including apples, citrus, lettuce, onions, strawberries, sugarcane, and tobacco. Yet many of these States had unemployment rates higher than the national average of 9.6%. The authors note

"because the H-2A program lacks an adequate test of the labor market, employers who could have recruited and hired U.S. workers were permitted by DOL to hire foreign guest workers instead."

Farmworker Justice's "No Way to Treat a Guest" is regrettably similar to report released last year by Centro de los Derechos del Migrante and the International Human Rights Law Clinic of American University College of Law called "Picked Apart." That report examined the Labor Department's H-2B guest worker program for non-agricultural workers, specifically the hundreds of temporary workers hired to process crab on Maryland's eastern shore. Both reports offer scores of recommendations to improve the working conditions and rights of the guest workers. They also suggest that if such reforms were put in place and enforced, employers who currently use guest workers might instead have more incentive to recruit and retrain U.S. workers.

http://scienceblogs.com/thepumphandle/2011/09/no_way_to_treat_a_guest_worker.php

October 6, 2011

Immigration debate is tough on farm worker's children

I could have used three hundred pickers. I had forty. I burned twenty-five percent of my tomato crop. These people don't cause no trouble. They just come here to work."

These are the words of a farmer in Charleston County lamenting the lack of farm labor this summer. It's a refrain echoed by farmers up and down South Carolina, a state in which agribusiness accounts for 200,000 jobs, according to the South Carolina Department of Agriculture.

But, the farm workers are not gone entirely. There always will be migrant farm worker families brave enough and desperate enough to cross the border.

But it's not the border you're thinking of.

The border these families must navigate as they migrate north from Florida begins at the state lines of Alabama and Georgia and continues on into South Carolina -- three states that have become self-destructively hostile to migrant farm workers and form a barrier to further work opportunities in North Carolina, Virginia and points north. Caught in the giant net cast by the Governors and state legislatures of Alabama, Georgia, and South Carolina are children with farm worker parents. These are the children that our organization, the East Coast Migrant Head Start Project, serves. Never an easy existence, the day-to-day experience of these children now is permeated by a crisis of fear that at any moment their parents could be taken from them.

The fear is palpable. Last week a mom whose two year old child attends one of our Head Start centers broke down in tears when I asked her to share with me her thoughts about the anti-immigrant law in South Carolina. The mom came to the United States when she was six. She is smart and articulate and speaks fluent English with a Southern twang. But because she lacks legal authority to work she is destined to a life of hard labor in our fields – at least until South

Carolina Law S.B.20 goes into effect and she is arrested by South Carolina law enforcement, and referred to the Department of Homeland Security for possible deportation to a country she hardly remembers.

There is a simple solution to the crisis faced by this mom and thousands like her. The Agricultural Job Opportunities, Benefits, and Security Act is legislation that enjoyed bipartisan support in Congress since 2000. AgJOBS represents a grand compromise between the interests of farmers and farm labor. For farm labor, individuals who can demonstrate that they have worked in agriculture and who agree to pay fines would qualify for a temporary “blue card” that would give them authority to reside and work in the United States. To gain permanent citizenship, these individuals would have to continue to labor in our fields for a minimum of three additional years. Farmers would obtain a legal, stable labor force and balanced reform of the H2A guest worker program.

Barbara Mainster, the Executive Director of Redland Christian Migrant Association, recently wrote that “some of the ugliest stains on our nation’s history resulted when one great swath of society declared open season on another.” She feared that unless people of conscience spoke up, undocumented farm workers and their American children would remain under siege to devastating effect.

I share Barbara Mainster’s sense of foreboding. So speak up we will; unsure, though we are, as to whether anyone in Congress is listening.

John E. Menditto is the interim Chief Executive Officer of East Coast Migrant Head Start Project, which operates child care centers for migrant and seasonal farm worker families in eight states.

The New York Times

October 26, 2011

So Much for the Nativists

Here's a Capitol riddle for you: [Representative Lamar Smith](#), one of the most reflexively anti-immigrant hard-liners in Congress, is sponsoring a bill to flood the agriculture sector with up to half-a-million visas for guest workers. Understand why and you're well on your way to unpacking the nation's dysfunctional relationship with undocumented immigrants.

Mr. Smith, a Texas Republican who is chairman of the [House Judiciary Committee](#), has a bill to require every employer in the country to use [E-Verify](#), the federal hiring database, and fire the workers it flags as unauthorized.

He says it will give American jobs back to Americans. But it has angered small-business owners, who know a job-killing regulation when they see one. And it has enraged the farm industry, where more than half of the work force is undocumented. Thus the need for Mr. Smith's second bill, the [American Specialty Agriculture Act](#).

A well-designed agricultural guest worker program is not a bad idea. Even when unemployment is above 9 percent, Americans don't want to stoop in the fields anymore.

But this is an awful guest worker bill. It would create a system that is far worse than the current cumbersome guest worker program. It would let growers pay even lower wages and weaken the rules on providing workers with housing and reimbursing their travel expenses. Growers would get a break on having to certify that they tried to hire Americans first. Oversight would shift from the Labor Department, with its pesky insistence on wage-and-hour protections, to the [Department of Agriculture](#), which has never run a program like this before.

The growers' rebellion against E-Verify, and Mr. Smith's contortions to buy them off, is further proof that the country cannot live without immigrant labor — no matter what the nativists may claim. That is why, even as Congress has abdicated its duty to fix immigration and left the states to run amok on enforcement, there is still an abundance of visa-related bills on Capitol Hill.

Representative [Raúl Labrador](#), an Idaho Republican, and [Zoe Lofgren](#), a Democrat of California, both have sensible bills to promote the hiring of foreign college graduates in science, technology, engineering and mathematics — the workers coveted by high-tech employers.

In the trivial category, Senators [Charles Schumer](#), a Democrat of New York, and [Mike Lee](#), a Republican of Utah, want to give visas to foreigners who buy expensive houses. Mr. Lee has another bill to allow guest dairy workers to stay in the United States year-round.

Representative [Jason Chaffetz](#), a Utah Republican, has co-sponsored a bill with Mr. Smith to speed the entry of high-tech workers by eliminating the per-country quotas on employment-based green cards that force Ph.D.'s in countries like India to wait years for visas. There are also bills to let in Cuban baseball players, Tibetan refugees and the children of Filipino veterans of World War II.

There's one group that badly needs and deserves visas that no one seems to want to go to bat for. They are the 11 million undocumented immigrants who are already living here and helping make things work. If they had a deal — pay fines, learn English, get to the back of the immigration line and, meanwhile, get back to work — the economic benefits would be enormous. We don't expect Mr. Smith to admit that. But we would like to hear a lot more from President Obama, and others, about why real immigration reform is so important for America.

http://www.nytimes.com/2011/10/27/opinion/so-much-for-the-nativists.html?_r=1



October 27,2011

Food Day promotes six basic principles, all of which provide inspiring reasons to start making changes in one's approach to food and health. Get familiar with the six principles, and you'll find that small changes make an impact not only in your life but also in the lives of those around you. Check out the list and our suggestions for how you can make a difference.

Food Day Principle #1

Reduce diet-related disease by promoting safe, healthy foods.

The problem: Two thirds of American adults and one third of children are considered overweight or obese. This is partly attributed to the fact that 16 percent of the average American's caloric intake comes from regular sugar and high-fructose corn syrup.

What you can do: Stick to eating lots of fruits and veggies, beans, whole grains, seafood, and a low-fat diet that is low in sodium. See our healthy eating guides for ideas about [how to add fiber to your diet](#) and [how to make heart-healthy dishes](#). And always reach for water and fruit rather than sugary fruit juices or sodas.

Food Day Principle #2

Support sustainable farms & limit subsidies to big agribusiness

The problem: American taxpayers and farmers both large and small are hurting. We taxpayers pay for subsidies to large farms that grow food primarily for processing, not eating. And a federal requirement mandating the production of 15 billion gallons of corn ethanol annually causes higher food prices, higher taxes, and problems for farmers.

What you can do: Promote and patronize your local farmers' markets and CSAs, seek out locally processed foods, and lend your support to bringing more locally grown fruit and vegetables into schools, hospitals, and colleges. Use Epicurious' [Seasonal Ingredient Map](#) and [Farm-to-Table Cooking Guide](#) to eat locally and seasonally every day.

Food Day Principle #3

Expand access to food & alleviate hunger

The problem: 50 million Americans can be classified as "food insecure," meaning that they lack access to nutritionally adequate foods, or enough food for an active, healthy life.

What you can do: Support the [USDA's Community Food Projects \(CFP\)](#), New York City's [Healthy Bodegas Initiative](#), the [Pennsylvania Fresh Food Financing Initiative](#), [Fair Food Network's Double Up Food Bucks](#), or [WhyHunger.org](#) and [Feeding America](#), the nation's largest network of food banks. All of these initiatives and organizations aid in improving health and food security.

Food Day Principle #4

Protect the environment and animals by reforming factory farms

The problem: The vast majority of meat Americans eat is from factory-farmed animals that live in concentrated animal feeding operations (CAFOs)—9 billion chickens and turkeys, 114 million pigs, and 24 million cattle each year, to be exact. The animals' waste pollutes the water and the air, and it is said that antibiotics given to livestock lead to antibiotic-resistant infections in humans. The corn and soybeans these animals eat consume a lot of land, water, fertilizer, and pesticides.

What you can do: Eat more plants! If you choose to eat animal products, buy organic, or select free-range chicken and pork, cage-free hen eggs, and grass-fed beef. Speak up to demand that farm animals be treated better. Seven states have passed laws that prohibit animals from long-term extreme confinement. Help your state be the next one to make a change. Help family farmers through [FarmAid.com](#).

Food Day Principle #5

Promote health by curbing junk-food marketing to kids

The problem: Kids are encouraged to eat unhealthy foods and consume sugary drinks by marketing messages in media of all types. Childhood obesity has tripled since 1980. The greatest prevalence of obesity is among Latino male teens and black female teens, but obesity has increased overall for both boys and girls, regardless of background or ethnicity. Besides causing obesity, an unhealthy diet leads to high blood pressure and blood sugar, tooth decay, and a higher risk of heart disease.

What you can do: Work closely with local schools to ban vending machines that sell soft drinks to kids. Encourage Congress to set healthy standards in our school food systems. As a parent, avoid buying products that use refined sugars such as white flour, high-fructose corn syrup, animal fats, palm oil, coconut oil, or food dyes containing Red 40 or Yellow 5. Avoid high-

sodium fast food, and provide kids with healthy snacks that taste good. Our [Healthy Snack Taste Test](#) offers plenty of ideas.

Food Day Principle #6

Support fair conditions for food and farm workers

The problem: If you've read Barry Estabrook's book [Tomatoland](#), you know how difficult conditions for farm workers can be. Farmers don't receive minimum wage, overtime pay, mandatory breaks, rest, or meals. Roughly 88 percent of farms in the United States are not inspected for basic health or safety measures. Pesticides are considered more harmful to those handling them than those who consume traces of them; exposure can lead to cancer, infertility, birth defects, and neurological damage. Poultry- and meat-processing plants may operate 24 hours a day, exposing the 500,000 workers they employ to dangerous cleaning agents as well as blood and fecal matter.

What you can do: Write to [Farmworker Justice](#) and make a donation, join that organization's Harvesters of Justice, or participate in the group's charity fund-raisers. Or write your congressional representatives and share your views.

<http://www.epicurious.com/articlesguides/entertaining/partieevents/food-day-principles#ixzz1d7xx9bXN>



November 3, 2011

Growers say E-Verify will destroy the modern ag industry, but Congress has yet to offer a fix.

By [Sara Rubin](#)

With quick strokes of the blade, workers cut romaine heads from a Gonzales field on a brisk October morning. They precisely shave off the greenest exterior leaves and pass the crisp romaine hearts to an apron-clad bagger, who methodically sprays each handful of three with chlorinated water, then slides them into a retail pack. She tosses each full bag up to a platform, where a worker seals it and packs it into a carton. He hands off the full boxes to another man who loads a truck bound for a cooler, from which the lettuce will ship to grocers across the country.

Of this crew of 18 workers, 12 are probably undocumented immigrants.

From this lettuce field, the political throes of Washington might seem remote. But if the stalled federal immigration reform debate creeps forward – and it seems to be sputtering on, even in a gridlocked Congress – Monterey County’s \$4 billion agricultural industry fears it could be plowed under.

The nation’s most abundant salad-growing region plants and picks its labor-intensive signature crops with a workforce the industry acknowledges is mostly illegal.

Some 45,000 agricultural workers in Monterey County comprise more than a quarter of the local workforce, and industry groups estimate as much as 70 percent of them are undocumented. (That’s not far above the national average: Official figures from the U.S. Department of Labor have steadily risen from 37 percent of farm workers in 1995 to 55 percent in 2000.)

It’s commonly known but taboo to speak: False documents routinely pass as legitimate. Growers and contractors check a new hire’s Social Security card or driver’s license, but unless they’re overt fakes, the docs usually pass muster. There is an easy excuse when it comes to immigration enforcement: They’re not forensic document experts.

As the law stands, U.S. Immigration and Customs Enforcement doesn’t target Salinas Valley growers for precisely that reason. “The fact that a business has an unauthorized worker on the

payroll doesn't mean they knew or should've known," says ICE spokesperson Virginia Kice. "They may have been duped."

Accountability only comes into play when workers file taxes, often months later. It's then that Salinas Valley growers frequently find themselves blanketed with letters from the federal Social Security Administration, notifying them of "no-matches" between employee names and Social Security numbers on tax returns. This year, Social Security sent more than 700,000 such letters to employers nationwide. But budget cuts ended the practice in August of this year.

The majority of no-matches are easily resolved, attributed to name changes due to marriage or divorce, according to Social Security spokesman Lowell Kepke. Besides, he says, Social Security's not in the business of immigration enforcement; its mission is to assign earnings to earners. That leaves today's slow, paper-based system with no accompanying enforcement edge.

E-Verify would change that, bringing unresolved no-matches to the front of the hiring process and shortening the document check system to mere seconds. When processing a new hire's I-9, or Employment Eligibility Verification form, employers enter a citizen's Social Security or an immigrant's alien number into the electronic database that syncs with some 60 million immigration and 144 million Social Security records.

That means erroneous documents, no matter how convincing, won't cut it if the feds mandate E-Verify, which is now voluntary for private employers.

Only about 4 percent of wage earners are left with unresolved Social Security mismatches every year – what Kepke calls "the hardcore" – and about 1 in 6 of those are agricultural workers. "That's probably the [undocumented] population. But we can't know for sure."

Four percent represents some 10 million wage earners.

Forklift drivers in parkas move cases of produce from towering stacks in a South Salinas cooler to trucks bound for market. Central Coast Cooling is one of 15 Salinas businesses to voluntarily register for E-Verify.

"We try to stay ahead of the curve," says General Manager Ron Burnett. He believes the produce shipping company's 80 employees, most of whom are Hispanic, are legal. But he's made no new hires since implementing E-Verify this year, which affects only new workers' paperwork.

Burnett says he can be more selective than growers who need harvest crews. "There are a lot of people looking for work," he says, referring to his 3-inch-thick stack of applications. "Not everybody wants to go out and work in the fields. [A cooler] is a cold, wet environment, but that's like the beach compared to the wind and the rain."

To Burnett's surprise, one of his long-time workers was deported earlier this year. Even immigration officials are moved by the oft-told stories of loyal employees deported because of immigration status. Sharon Rummery, spokeswoman for ICE sister agency U.S. Citizenship and Immigration Services, recalls one business owner who wept.

"That's the danger of hiring someone who does not have work authorization," she says. "And that danger can be avoided by using E-Verify."

But growers say a federal E-Verify mandate would leave crops rotting in the fields. It's a scenario that's playing out now in Alabama as sweet potato season picks up in the wake of a restrictive state immigration law passed in June. The rule is being challenged by the feds, but in the meantime, many fearful Hispanic workers – both documented and not – are staying out of the fields, leaving potatoes in the dirt. Though E-Verify applies only to new hires, Monterey County growers see Alabama as evidence of the fear that can drive workers away.

"We'll do everything in our power to make sure E-Verify by itself doesn't become law," says Tom Nasiff, president of Western Growers Association, an Irvine-based lobbyist for California and Arizona farmers. "If all we have is E-Verify without an agricultural fix, we're in serious jeopardy of losing our workforce and all of our business, and moving all operations offshore."

Immigration began piloting E-Verify in California and four other states in 2003; by 2009, federal government contractors were required to use E-Verify for new hires. The House Judiciary Committee in September approved a bill that would mandate E-Verify for all employers nationwide; the bill hasn't yet been brought to the floor for a vote. In October, Gov. Jerry Brown shot back by signing a bill that bans an E-Verify mandate, but the state rule would likely be superseded by a federal law.

Industry and labor groups have found a rare compromise on proposed legislation known as AgJobs. Under the law, a worker who committed to ag work for 10 or 15 years would earn the opportunity to apply for a residential visa.

Salinas growers hope Alabama's farm labor collapse moves Congress. "We employ people who perform work American citizens just will not do," Nasiff says.

But unless Sen. Diane Feinstein (D-Calif.) can shepherd a new AgJobs proposal through a deeply divided Congress, the ag industry worries an E-Verify mandate could take effect before a guest worker program is in place to backfill a mass exodus of illegal workers.

"We want access to a stable, legal workforce," says Jim Bogart, president of the Salinas-based Grower-Shipper Association, "but we need help."

One evening last fall in San Luis, Mexico, a man with fingers tough as orange peels tugged on Jorge Suarez's shirt, begging for a job cutting lettuce in Arizona. He said he needed money to

help his dying mother, Suarez recalls. But with a line of 800 eager would-be workers and only 100 open positions, Suarez had to turn him away.

“I am the person who tells them, ‘*Señores, no hay más lugares,*’” – there are no more positions – Suarez says. “It’s horrible. It breaks my heart.”

As human resources director of Castroville-based Ocean Mist Farms, Suarez is one of a handful of growers using the temporary agricultural worker visa, H-2A, in Arizona. Guest workers comprise only about 2 percent of the American ag workforce – largely thanks to the abundance of domestic, often undocumented workers, and because the U.S. Department of Labor will approve H-2A visas only when employers prove there’s a labor shortage.

H-2A employers are required to provide workers with housing and transportation to and from their home countries, which some growers calculate makes guest workers up to 40 percent more expensive than domestic workers.

Suarez goes on annual recruiting trips to Mexico to find a small labor supply for Ocean Mist’s four-month Arizona season. During his visit last fall, after three days of paperwork, an extra lettuce-cutting position opened up. Suarez offered the job to the applicant with the dying mother. The man wept.

The meandering roads that rise and fall in San Miguel Canyon east of Elkhorn Slough lead to hills topped with large brick homes surrounded by kids’ toys. One dirt road leads to a series of trailers fronted by ample porches, where a half-dozen Mexican workers are cooling down on sagging couches one recent Friday at twilight.

Fernandez Farms in Watonsville is one of the very few – and possibly the only – grower to use H-2A labor in local fields. Owner Gonzalo Fernandez has been using H-2A since 2008; of 400 workers this year, he requested 140 under H-2A from the Department of Labor. In Spanish, he says, “What’s right, bringing everyone illegally or with H-2A?”

Legal or not, there are plenty of reasons most growers would rather sidestep H-2A. Most importantly, there’s cheap labor available right now, albeit in largely undocumented proportions. Harvest timetables, they add, rarely move at the same pace of bureaucratic visa processing.

Surprisingly, some of the most immigration-averse think tanks have come around to a foreign workforce.

“At this moment, there are Americans available for every occupation in America except field work,” says Roy Beck, president of NumbersUSA, an Arlington, Va.-based nonprofit dedicated to immigration reduction, both legal and illegal. “We don’t oppose having a massive guest ag worker program.”

Beck, along with increasingly vocal hardliners on immigration enforcement, just want to see something change. “We’re tired of agricultural businesses being outlaws,” he says. “They openly admit they’ve been breaking the law for years.”

Growers have spoken before congressional committees and to the media about the high proportion of unauthorized workers producing America’s food. But with an abundant, cheap workforce, there’s been no carrot driving change. With little enforcement, there’s been no stick, either.

But the fear of a raid is real enough that growers are clamoring for a solution that won’t leave them without crews, or violating federal law.

How closely that solution resembles today’s guest worker program remains to be seen. “H-2A is terrible,” Bogart says. “It is broken and it’s unfixable. It’s time consuming, it’s litigious.”

Although Suarez has had success with H-2A workers in Arizona, he says it’s not a fix. “It only helps us in the small window of November through March in one commodity. What about Coachella, Castroville, Salinas? It’s so expensive and cumbersome. It’s broken.”

Even Fernandez agrees the visa program is onerous. “Every year it gets harder,” he says. But he persists because, he says, “It is the future.”

As a 13-year-old, Crescencio Diaz was nearer to the ground than many field workers, but hunching over to use *el cortito*, the short hoe, was still excruciating. As a young immigrant from Jalisco, Mexico, Diaz went straight to the fields and picked tomatoes alongside his father and brother.

Now a reserved, matter-of-fact union organizer with the Teamsters Local 890, which has about 2,000 farm worker members, Diaz speaks in a steady, unwavering tone even about the labor issues that most enrage him.

Even with improvements to the industry, like unionized ag workers and a 1975 ban on *el cortito*, Diaz says farm work has deteriorated in its ability to support a decent quality of life. He blames a mid-’80s surge in the popularity of labor contractors – middlemen who provide skilled crews to growers, generally at lower rates – for driving wages downward.

After Ronald Reagan granted amnesty in 1986 to some 3 million immigrants with the Immigration Reform and Control Act, growers watched employees trickle out of ag for better-paying, less demanding jobs. Between 1989 and 1999, the proportion of IRCA-legalized farm workers decreased by more than half.

Bogart says a path to citizenship isn’t a dealbreaker for ag, and the industry supports AgJobs legislation that would make residential visas available. But some industry players quietly worry

that widespread legalization of their workforce could mean another upwardly-mobile exodus from the fields.

Undocumented farm workers are caught in a paradox of invisibility. While they're largely under the radar today, E-Verify could drive them even further into the shadows.

"They are not the problem in this society," says Kirk Wagner, senior vice president at Growers Express. "They show up at 4am, they work hard, they pay taxes. By pushing them underground, you don't solve the problem. They're going to find jobs [where] they're going to get paid less."

Agriculture is still barely a generation away from its Cesar Chavez-era notoriety, and for all the industry's done to improve its image, some workers' rights advocates say a guest worker program would be a step backward.

"The history of labor relations has shown that guest worker programs inevitably lead to serious abuses," says Bruce Goldstein, president of the Washington, D.C., nonprofit Farmworker Justice.

He sees temporary guest worker systems as a return to the bracero program, which supplied 400,000 workers a year in its heyday.

Guest worker programs depress the prevailing wage because workers lack negotiating power. There's also a civil rights dimension. "These programs are inherently anti-democratic," Goldstein says. "Their employers can vote, but [workers] have no representation."

While Gonzalo Fernandez may be leading the way in Monterey County with H-2A, he's also facing a lawsuit. California Rural Legal Assistance is representing Oscar Leonardo Rodriguez Chavez in a complaint filed in October against Fernandez Farms, alleging visa and wage violations. Rodriguez says on top of his travel costs from his home in Michoacan to the pick-up point in Nogales, Mexico, he and other H-2A workers paid \$1,600 for the one-way van ride that deposited them in Watsonville in the dead of night last spring.

According to the complaint, Rodriguez was terminated after he became ill and was able to work only limited hours. Prior to that, he alleges, he'd been paid less than \$8 per hour, though his contract promised \$10.31.

An assistant supervisor who would only speak on condition of anonymity says Rodriguez just stopped showing up.

Jesus Lopez, a community worker with CRLA, says wage violations are common. "In Mexico, a worker makes at most \$5 a day. If he comes here and makes \$3 an hour, will he complain?"

There's more at stake for H-2A workers who speak up. A domestic worker may worry about getting fired, but he or she can seek other work the next day. For people under a guest worker visa, losing a job means getting sent home without a job or a season's pay.

While growers have plenty of qualms with H-2A, as the possibility of E-Verify looms, they are calling on Congress to furnish a guest worker program.

Goldstein hopes a push for immigration reform from both parties could revive AgJobs. But if H-2A or something similar is the fix, he offers a bleak prognosis: "Farm workers will be doomed to miserable wages and working conditions and powerlessness."

The distance between Washington and California widens when considering the cultural and economic impacts of immigration policy. "Congress is too far from the Salinas Valley," Diaz says. "I don't see them cutting heads of lettuce."

As politicians debate the specifics of a guest worker program, like a cap on the number of visas, local lawmakers are trying to stay a step ahead.

"[Growers] are alerting us this could impact a substantial number of their workforce," says County Supervisor Simon Salinas, which has growers discussing lodging for guest workers. "They need to be able to access housing." He's looking at revamping aging worker housing complexes and potential sites for new facilities.

Ocean Mist's Suarez thinks a guest worker visa program isn't an unreasonable response to E-Verify – with some major tweaks. "If they got rid of the housing requirement, I think you could start seeing H-2A in Salinas," he says.

Still, the bureaucracy of guest worker programs has growers panicking. Without a cheap and available workforce, some worry their labor-intensive industry will leave Salinas. Suarez says such fears are overblown: "You cannot uproot the land and ship it to Mexico."

Wagner of Growers Express wonders if there is an immigration problem to fix. "What's in place now, it functions," he says. "[The status quo] works, and works to the benefit of everyone involved."

On a recent chilly morning, Growers Express workers were setting up chairs and a grill for an end-of-season barbecue at their Salinas cooler. It's long been an annual send-off tradition for workers headed back to Arizona or Mexico.

But if E-Verify becomes a mandate, this festive lunch could become a permanent farewell.

<http://www.montereycountyweekly.com/news/2011/nov/03/field-maneuvers/>



November 12, 2011

Many Farmworkers Denied Workers' Compensation Benefits

By Caitlin Fairchild

Although agriculture is one of the nation's most hazardous industries, about half of all states allow agricultural employers to provide little or no workers' compensation coverage for migrant and seasonal farmworkers.

Many states do not require agricultural employers to provide workers' compensation coverage for migrant and seasonal farmworkers. The states are almost evenly split between those that provide all or most migrant and seasonal farmworkers with workers' compensation coverage and those that require little or no coverage for this workforce.

Specifically, only 13 states, the District of Columbia, Puerto Rico and the Virgin Islands require employers to cover seasonal agricultural workers to the same extent as all other workers. These jurisdictions are: Arizona, California, Colorado, Connecticut, the District of Columbia, Hawaii, Idaho, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, Ohio, Oregon, Puerto Rico and the Virgin Islands. In an additional 13 states (including Florida and New York), only small farmers are exempt from providing coverage to their migrant and seasonal farmworkers. Moreover, employers who hire legal temporary foreign workers under the H-2A visa program are required to provide workers' compensation insurance or equivalent benefits to their employees.

By contrast, 16 states do not require employers to provide any workers' compensation insurance for migrant or seasonal farmworkers. These states are: Alabama, Arkansas, Delaware, Georgia, Indiana, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, South Carolina, Tennessee and Texas. In an additional eight states, coverage is limited to full-time workers (e.g., Maine), workers in specialty jobs (e.g., South Dakota), or those employed on large farms (e.g., Rhode Island).

There are many obstacles preventing farmworkers from securing needed workers compensation benefits. They include: lack of coverage; a small but growing trend for states to reduce or deny benefits to undocumented workers; workers' reluctance to file claims for fear of employer retaliation; and the difficulty of finding a doctor who will keep farmworkers off work long enough to allow them to fully recover. Without workers' compensation benefits, however, injured farmworkers often forgo needed treatment or go into debt to obtain it.

Another worrisome trend is that states are beginning to follow the U.S. Supreme Court's decision in *Hoffman Plastics v. NLRB*, 535 U.S. 137, 122 S. Ct. 1275, 152 L. Ed. 2d 271 (2002), and

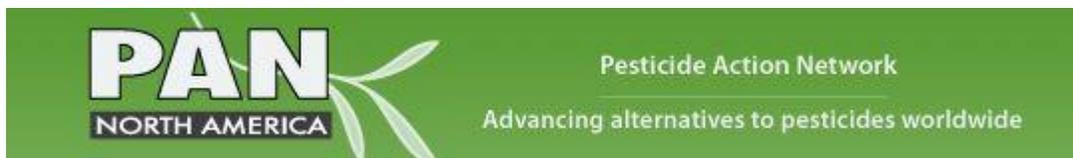
limit or eliminate benefits for undocumented workers. For example, in Michigan and Pennsylvania, courts have ruled that injured, undocumented employees could receive medical benefits but not replacement wages. In Maine, the legislature has gone even further, prohibiting undocumented workers from receiving any workers' compensation benefits.

Due to the vulnerability of this workforce, employer threats of retaliation keep many farmworkers from filing workers' compensation claims, even when they are eligible for benefits. While this practice is illegal, few cases are successfully prosecuted. This is due, in part, to the fact that undocumented workers are not eligible for federally funded legal services and that many workers would rather forego their claim than risk losing their jobs.

Finally, farmworkers face obstacles in finding a doctor who will handle their workers' compensation cases. Many migrant clinics are reluctant to handle such cases and other clinicians may not have the language skills or cultural competency to effectively treat migrant patients. In addition, clinicians may not be well informed about the workers' compensation rules in their state. One common problem is that farmworkers are released to return to work to do light duty, even though no such tasks exist at their workplace. As a consequence, these workers face the Hobson's choice of returning to work where they risk re-injuring themselves or refusing to return and suffering the loss of benefits.

[Farmworker Justice](#) is working with other groups to improve workers' access to workers' compensation benefits. It is working with the [Migrant Clinicians Network](#) to educate clinicians about the workers' compensation system so that more clinics are able to handle such cases.

<http://www.propertycasualty360.com/2011/11/12/many-farmworkers-denied-workers-compensation-benef>



November 14, 2011

By Margaret Reeves

Today, PAN and our partners at [Earthjustice](#) and [Farmworker Justice](#) filed a [legal petition](#) demanding that EPA act quickly to better protect farmworkers from hazardous pesticides. These much needed changes would be the first improvements in farmworker protection rules since 1995. The move is *long* overdue.

Back in 2000, five years after the Worker Protection Standard (WPS) for U.S. farmworkers was first implemented, EPA held a series of meetings around the country to get feedback on how well the rule was – or was not – protecting farmworkers. During those meetings, and [throughout the 11 years since](#), PAN and our partners have been raising serious concerns and strongly recommending essentially the same set of changes – to no avail.

Basic on-the-job protections missing

These recommendations form the basis of today's [legal petition](#). In brief, we're demanding workers be provided the following:

- training on pesticide hazards and protections (*more* often than once every five years);
- easy-to-access information about which pesticides are used where, and health hazards associated with each chemical;
- no-spray buffer zones around fields where farmworkers are present;
- adequate protective equipment, decontamination facilities, and areas to store and changing into clean clothes; and
- special protections for young workers and workers who are or could be pregnant.

The petition also calls for pesticide use records on all farms (like what's already required in California), and creation of a national system to report pesticide-related illnesses and injuries, including an online database.

And we are calling for medical monitoring of agricultural workers and handlers who regularly handle especially hazardous pesticides (toxicity Category I and II organophosphate and n-methyl carbamates) to evaluate whether they are being exposed to dangerous levels of these chemicals. To date, such testing is required only in California and Washington.

Many of these are basic protections already afforded non-agricultural workers throughout the country. It is unconscionable that the 1.4 million [farmworkers](#) upon whom we all depend continue to be excluded — by federal policy — from basic protections on the job.

We hear EPA plans to propose revisions to the WPS early next year. After today's [legal filing](#), they'll finally be seriously considering our recommendations. Stay tuned.

<http://www.panna.org/blog/safer-fields-farmworkers-long-overdue>



November 18, 2011

Environmental groups seek stronger protections for pesticide workers

Friday November 18 2011

Earthjustice and Farmworker Justice, on behalf of seven other groups, filed a legal petition with EPA Administrator Lisa Jackson, Nov. 10, laying out the minimum requirements EPA should adopt when proposing new standards to protect agricultural workers from pesticides, which the agency is expected to do early next year.

"As part of the expected revision to the [Worker Protection Standard, WPS] EPA must, at a minimum, bring the protections of the WPS up to the standards that safeguard workers in non-agricultural employment sectors whose safety is overseen by other federal agencies," the petition states. The WPS was last updated in 1995.

<http://www.agranet.com/portal2/home.jsp?template=newsarticle&artid=20017919925&pubid=ag100>



December 16, 2011

Freedom Riders back to fight Ala. immigration law

By: Phillip Rawls, Associated Press

MONTGOMERY, Ala. (AP) — Two Freedom Riders who risked their lives to integrate Montgomery's bus station 50 years ago are back in the capital city with a new cause: repealing Alabama's immigration law.

The Rev. C.T. Vivian and Catherine Burks-Brooks were among hundreds who gathered Friday **for a two-day event that includes a Saturday morning rally on the Capitol steps and a children's march to the governor's mansion.**

Vivian said Alabama's tough immigration law is based on the same hostility as segregation laws 50 years ago. "White America has never seen anybody as fully human except other white people," he said.

Burks-Brooks said the attitudes faced by brown-skinned people today remind her of the experiences of black Alabamians in the 1960s. "But because of what we did, it is not as open and not as rough," she said.

Burks-Brooks was one of the Freedom Riders on a Greyhound bus headed from Birmingham to Montgomery on May 20, 1961. Their goal was to test a U.S. Supreme Court decision banning segregation in interstate transportation and to force an end to separate waiting rooms designated white and colored.

When they reached Montgomery, an angry white mob attacked the riders. Several were beaten, but Burks-Brooks and a few others escaped in a cab.

Vivian, who had been active in earlier lunch counter sit-ins around the South, traveled to Montgomery to replace some of those injured. He joined the Freedom Riders as they left Montgomery on a bus bound for Jackson, Miss., where they were arrested upon their arrival.

Vivian, 87, of Atlanta, said even though 50 years have passed, some in the South still want to look down on people of color and mistreat them. "We have made our laws around putting down the lowest level and giving a little more to the ones right above it," he said.

Burks-Brooks, 72, of Birmingham, said the interest among young people in protesting Alabama's immigration law reminds her of the enthusiasm that she and other college students had in Nashville in 1961 when they volunteered to become Freedom Riders. She advised the young

people in Montgomery to go through the same training as the Freedom Riders to make sure they practice nonviolence and are prepared to be attacked and arrested.

"They need to understand the consequences of going into something like this," she said.

Several states, including Arizona, Utah, Georgia and South Carolina, have passed immigration laws, but immigrant rights groups and civil rights activists chose to make their stand in Montgomery, in part, because of the city's history as a civil rights battleground.

"Rosa Parks refused to give up her seat here. This is where Martin Luther King was a pastor — where his home was bombed. The march from Selma, the bus boycott, all these moments in the history of the fight for justice are marked here and our presence now is needed to mark another struggle: to end Alabama's anti-immigrant racial profiling law," said Deepak Bhargava, executive director of the Center for Community Change.

Proponents and opponents of Alabama's immigration law have called it the nation's toughest and most comprehensive. It affects many functions of everyday life, including proving legal residency to buy a car tag, get a job or register a child in school. Some provisions have been put on hold by federal courts.

Proponents say they designed the law to force illegal immigrants to self-deport and open up jobs for legal residents.

Burks-Brooks said the law had a dramatic effect on immigrants in her Birmingham neighborhood. "All of the sudden they vanished. I go to Walmart and don't see any," she said.

Alabama's governor is asking the Legislature to clarify and simplify the law. The state's attorney general is recommending the Legislature repeal a few sections put on hold by the federal courts.

People arriving for the Montgomery rally said that's not enough. They said a mishmash of state immigration laws is not the answer and Congress must create a way for people to gain legal status if they have a history of working in the country.

"These workers are highly valued and needed," said Adrienne DeVartanian, director of immigration and labor rights at Farmworker Justice.

Gov. Robert Bentley said he welcomes the groups' views because "I believe in free speech and that's what this is."

But he said Alabama's law was necessary because the federal government wouldn't act. "We are not going to repeal the bill," he said.

http://hosted2.ap.org/ALDEC/TDState/Article_2011-12-16-Alabama%20Immigration%20Law/id-454831a2120c4b2dbd2426f987139ae3

December 16, 2011

By Phillips Rawls (AP)

Freedom Riders back to fight Ala. immigration law

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Several states, including Arizona, Utah, Georgia and South Carolina, have passed immigration laws, but immigrant rights groups and civil rights activists chose to make their stand in Montgomery, in part, because of the city's history as a civil rights battleground.

"Rosa Parks refused to give up her seat here. This is where Martin Luther King was a pastor - where his home was bombed. The march from Selma, the bus boycott, all these moments in the history of the fight for justice are marked here and our presence now is needed to mark another struggle: to end Alabama's anti-immigrant racial profiling law," said Deepak Bhargava, executive director of the Center for Community Change.

Proponents and opponents of Alabama's immigration law have called it the nation's toughest and most comprehensive. It affects many functions of everyday life, including proving legal residency to buy a car tag, get a job or register a child in school. Some provisions have been put on hold by federal courts.

Proponents say they designed the law to force illegal immigrants to self-deport and open up jobs for legal residents.

Burks-Brooks said the law had a dramatic effect on immigrants in her Birmingham neighborhood. "All of the sudden they vanished. I go to Walmart and don't see any," she said.

Alabama's governor is asking the Legislature to clarify and simplify the law. The state's attorney general is recommending the Legislature repeal a few sections put on hold by the federal courts.

People arriving for the Montgomery rally said that's not enough. They said a mishmash of state immigration laws is not the answer and Congress must create a way for people to gain legal status if they have a history of working in the country.

"These workers are highly valued and needed," said Adrienne DerVartanian, director of immigration and labor rights at Farmworker Justice.

Gov. Robert Bentley said he welcomes the groups' views because "I believe in free speech and that's what this is."

But he said Alabama's law was necessary because the federal government wouldn't act. "We are not going to repeal the bill," he said.

<http://www.thesunnews.com/2011/12/16/v-print/2553665/freedom-riders-back-to-fight-ala.html>



December 21, 2011

Groups Ask EPA to Bolster Protection from Pesticides

Several organizations that work to protect agricultural workers have filed a petition with the Environmental Protection Agency (EPA). Their goal is to encourage the agency “to implement stronger protections for farmworkers against the hazardous health impacts of pesticides.”

Virginia Ruiz of Farmworker Justice says, “All we are asking is that the EPA protect farmworkers with standards that are as protective as industrial workers enjoy under OSHA.” She notes that EPA has not substantively updated its worker protection standard (WPS) since 1992.

According to the petitioners, about 58 out of every 100,000 agricultural workers experience acute pesticide poisoning, illness, or injury each year. They say cumulative exposures put workers and their children at risk for serious health problems such as cancer, neurological problems, and Parkinson’s disease.

The organizations urged EPA to include the following as it considers revisions to the WPS:

- Medical monitoring of workers using certain pesticides,
- Use of closed systems for mixing and loading pesticides to prevent splashing and blowing, *and*
- Use of enclosed cabs in tractors from which pesticides are being sprayed.

The groups seeking action by EPA include United Farm Workers, Farm Worker Pesticide Project, and Pesticide Action Network North America.

<http://safety.blr.com/workplace-safety-news/equipment-and-process-safety/agriculture/Groups-Ask-EPA-to-Bolster-Protection-from-Pesticid/>



Trade and Speciality Papers

Risk Policy Report

Advisers Question EPA Plan To Expand Use Of Pesticide Safety Factors

Posted: January 14, 2011

Members of a federal advisory committee are echoing industry concerns that EPA is overstepping its bounds with its new attempts to mitigate risks to agricultural workers and their children, who could be exposed to higher levels of chemicals used on non-food crops that may not be regulated under the Food Quality Protection Act (FQPA).

EPA's Tina Levine, of the agency's Office of Pesticide Programs (OPP) Health Effects Division, discussed the policy and revised risk assessment methods during a meeting of EPA's Pesticide Program Dialogue Committee (PPDC) meeting held in Arlington, VA late last year.

EPA unveiled the proposed policy for public comment in a December 2009 policy paper "Revised Risk Assessment Methods for Workers, Children of Workers in Agricultural Fields, and Pesticides with No Food Uses." The proposed policy extends the use of additional children's safety factors mandated for food-use pesticides under the Food Quality Protection Act (FQPA) of 1996 to other types of pesticides. Under FQPA, EPA must apply an additional ten-fold (10X) safety factor to some pesticide tolerances to take into account the special susceptibility of children to pesticides.

The proposal, which Levine cautioned is still in the preliminary stages of implementation, would apply an additional 10X safety factor to any pesticide risk assessment, whether it falls under FQPA jurisdiction or not, and consider aggregate exposures from multiple sources, as well as consider potential risks for subpopulations, specifically younger agricultural workers and/or farm children and children taken into fields where their parents may be working.

Levine said extension of the safety factor is "a fairly straightforward thing for us to do," but added that the other components of the revised risk assessment methodology were still in the "very preliminary" data gathering stage, and that the revised methods would be undergoing peer review.

OPP staff are still working to develop various exposure scenarios for children under 17 who may be brought into the fields to work for their families, or younger children who may be housed in daycare facilities located within close proximity to pesticides spraying or exposed to chemicals through residue on their parents' clothing, Levine said. "Obviously, we have a lot of work left to do," Levine said.

Levine defended the agency's plan to PPDC members, several of whom echoed criticism from industry that EPA was not the proper authority and risk assessment not the proper vehicle to

address various occupational scenarios, some of which would likely involve a violation of labor laws. "We're just trying to get a good scientific understanding," Levine said. "There's a variety of scenarios and we want to make sure we're considering what could be happening."

Committee member Ray McAllister, senior director of regulatory policy for CropLife America, said that pesticide labels were not the proper place to "enforce labor laws," saying that most circumstances in which children would be exposed to pesticides in the field would involve violation of federal laws. "We shouldn't conduct a risk assessment every time an illegal situation arises," McAllister said.

And member Cheryl Cleveland, of Dow AgroSciences, hinted that industry could pursue "legal challenges" to the pending policy and said the matter should be discussed further at the next PPDC meeting in April 2011.

PPDC member Cindy Baker Smith, of the Arizona-based Gowan Group, said that the committee needed additional information, particularly showing that existing uncertainty factors in pesticide risk assessments used to account for interspecies differences are not sufficiently protective. Levine said EPA was not prepared to release further detail at this point in the process.

One PPDC member, Victoria Ruiz, of Farmworker Justice, supported the policy, saying that "the reality is that children are being exposed on farms," regardless of the scenario, and EPA should take protective action in its pesticides policies to account for those exposures.

Industry groups have already challenged EPA's proposed policy, saying the agency couldn't enforce it without additional congressional authority, and charging that the proposal is unlawful because those pesticides outside of the scope of FQPA would only fall under authority of the Federal Insecticide, Fungicide, and Rodenticide Act (*Risk Policy Report*, May 4).

Bureau of National Affairs: Occupational Safety and Health

OSHA's final rule for fall protection standards should cover farmworkers, say advocates

Published January 20, 2010

By Pat Ware



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REPORTER

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HIGHLIGHTS

OSHA Withdraws Proposed Reinterpretation of Noise Standard

The Occupational Safety and Health Administration announces it is withdrawing a proposed reinterpretation of its occupational noise exposure standard, an action that has drawn criticism from industry groups over the potential cost. David Michaels, assistant secretary of labor for occupational safety and health, says the agency is looking at other avenues to address noise in the workplace. Industry groups hail the decision, saying OSHA failed to provide data showing hearing loss has steadily declined since 2004 and did not take into account the use of personal listening devices, a major contributor to hearing loss. Labor groups express disappointment that the agency is backing away from what they say is a "common-sense approach" to the issue of hearing loss from occupational noise exposure. **Page 47**

OSHA's Planned Vehicle Backing Rule Gains Support From Road Builders

A road construction group tells BNA it supports the Obama administration's plan to regulate vehicle backing operations, but also wants a performance-based standard that gives employers flexibility in complying. "It has to be performance-based because we can't predict what our work site will be like," Brad Sant, vice president of safety and education at the American Road and Transportation Builders Association, says. Because road projects vary greatly—some involve bridges, others involve narrow roads or wide highways—every work site is different. For those reasons, a highly prescriptive OSHA rule that lays out specific requirements would be impractical in road construction, Sant says. **Page 49**

Fifth Circuit Upholds Commission Citation in Case of Injury During Training

The U.S. Court of Appeals for the Fifth Circuit upholds an Occupational Safety and Health Review Commission order and finds that a Paris, Texas, pipe fabrication facility violated a machine-guarding standard and is liable for a penalty of \$1,000. A part of a pipe-fitting machine at the center of the case had no guard. During a training session by a representative of the machine's manufacturer, a trainer turned the machine on unexpectedly and injured an employee's hand. OSHA cited the employer, Turner Industries Group LLP, for a serious violation of the machine guarding standard and set a penalty of \$2,625. **Page 58**

OSHA's Fall Protection Rule Should Cover Farmworkers, Advocates Say

Labor advocates press OSHA to include agricultural workers in an upcoming fall-protection rule, but OSHA staff say no decision had been made. Weeun Wang, a lawyer with Farmworker Justice, says at a public hearing on the proposal that "there's no explanation in the rulemaking for their exclusion" and questions whether the agency had conducted a risk assessment for agricultural workers. Agricultural work consistently ranks in the top three most hazardous occupations and is typically performed by poor, uneducated, and undocumented workers. **Page 50**

2011 OUTLOOK

THE YEAR AHEAD: This issue includes a supplement, *2011 Outlook*, in which BNA's reporters examine and analyze issues expected to dominate the worker safety agenda at the federal agencies, in Congress, in industry, and within labor organizations. **Special Supplement**

REGULATORY POLICY

EXECUTIVE ORDER: President Obama signs an executive order and two memoranda intended to make upcoming regulations less burdensome and to eliminate or modify the outdated, costly regulations that currently exist. The order is expected to have minimal impact on OSHA activities. David Michaels, assistant secretary of labor for occupational safety and health, says OSHA already issues "common sense standards, taking into account the needs of the various stakeholders." **Page 48**

WHISTLEBLOWERS: OSHA is changing the procedures for handling retaliation complaints filed by nuclear industry workers under the Energy Reorganization Act (ERA) and making them consistent with provisions in environmental laws protecting other categories of workers, under a final rule. The changes implement 2005 amendments that address nuclear workers. **Page 51**

OSHA said it will publish a request for information in May. For now, the agency is "still considering which vehicles will be discussed in the RFI," the agency said in a Jan. 5 web chat.

Half of all deaths involving construction equipment involve a backing operation, OSHA said in the regulatory agenda.

Moreover, according to the Census of Fatal Occupational Injuries, trucks are the most common source of backing-related injuries, OSHA said, accounting for 45 percent of the total. Next on the list were road grading and surfacing machinery (15 percent) and cars (15 percent).

Employer Group Lists Key Items. Despite his concerns, Sant agreed with OSHA that some type of regulation is needed to protect highway construction workers.

"We're always hesitant to endorse OSHA going into a regulation, because doing that without seeing something is potentially shooting yourself in the foot," Sant said. "But backing is a huge problem in the industry, and it could be that OSHA will come out with a rule that makes a lot of sense."

Over the last 12 years, ARTBA has been engaged in a partnership with the National Institute for Occupational Safety and Health, union groups, and other construction groups, including the National Asphalt Pavement Association, to develop a voluntary program for reducing backing injuries and fatalities, Sant said.

Out of that work, Sant said he and the partnership members have identified four best practices in backing operations:

- proper internal traffic control, "meaning there are places within a construction where workers should never go and places where vehicles should never go, unless there's clear communication that they know where each other are;"
- the use of technologies such as camera and radar devices;
- driver awareness of blind spots on construction vehicles in the proximity of workers on foot; and
- the use of spotters in situations where vehicle operators must contend with blind spots.

Richard Fosbroke, a National Institute for Occupational Safety and Health statistician who has been studying vehicle backing operations in highway paving operations for 10 years, agreed with Sant that the rule should not mandate specific technologies, such as cameras. He told BNA Jan. 7 that the choice of device depends on the type of equipment and the weather conditions.

"For example, a sonar system is designed to be on a flush mount, like the rear bumper of a pickup truck," Fosbroke said. "It can't be tucked up underneath the dump bed of a dump truck. It's not a one-size-fits-all."

Rather, a suggestion to use different technologies in combination "is as close as [NIOSH] comes to a specific recommendation," Fosbroke said.

In a November 2010 issue of its *Monthly Labor Review* publication, the Bureau of Labor Statistics reported that, from 2003 to 2007, backup alarms were working in 14 cases of workers being struck and killed by backing vehicles but "did not alert the decedent." During the same period, 101 workers were killed by backing vehicles.

Blind Spots a Key Problem. Blind spots continue to be a challenge in the industry, Sant said.

"Big pieces of equipment have large blind spots around them," Fosbroke said. "And people in [construction] are very familiar and comfortable working around heavy equipment. When you're that familiar around trucks and equipment, you might not be as careful as you ought to be."

The use of spotters in situations where vehicles must contend with blind spots would be beneficial, Sant said.

However, he was less definitive on whether or how OSHA should propose to restrict entry of privately owned cars into work zones, where they can strike workers.

By STEPHEN LEE

The Bureau of Labor Statistics' Monthly Labor Review report on fatal occupational injuries at road construction sites is available at <http://op.bna.com/env.nsf/?Open=sbra-8d2uee>.

Fall Protection

OSHA's Final Rule for Fall Protection Should Cover Farmworkers, Advocates Say

Labor advocates Jan. 18 tried to press the Occupational Safety and Health Administration into declaring that agricultural workers should be included in an upcoming fall-protection rule, but OSHA staff would say only that no decision had been made on the final rule.

Weeun Wang, a lawyer with Farmworker Justice, asked the agency why agricultural workers had not been included in OSHA's proposed standards on Walking Working Surfaces and Fall Protection for general industry proposed May 24, 2010 (40 OSHR 439, 5/27/10).

"There's no explanation in the rulemaking for their exclusion," he said, asking if the agency had conducted a risk assessment for agricultural workers. Wang spoke at an informal OSHA hearing, held Jan. 18-21, on the proposed rule, which covers more protective devices for slips, trips, and falls.

Dorothy Dougherty, director of OSHA's Directorate of Standards, replied the agency had not conducted one and said riders in recent labor department spending bills have prohibited enforcement on agricultural workers.

She maintained, however, that the agency had not made a decision one way or another on coverage of agricultural workers in the bill.

Personal Fall Protection Added. The proposed rule would revise subpart D of OSHA's General Industry Standards (29 C.F.R. Part 1910) and would add a section to Subpart I.

In opening remarks, Dougherty said existing OSHA general industry standards recognize the use of guardrails and physical barriers as the primary methods for employee protection against falls. However, they do not directly recognize that personal fall protection systems can also provide effective means for employee protection, she said.

OSHA believes that adding provisions regulating the use of personal fall protection systems can protect employees from injury and death due to falls to lower levels, she said.

Wang asked why OSHA's planned injury and illness prevention program rulemaking appears to be including farmworkers while the fall protection rule does not. Sarah Shortall, a lawyer for the labor department's solicitor's office, answered that the first rule covers a range of hazards while the fall protection one addresses specific ones.

Wang also asked if OSHA had enough evidence to warrant including farmworkers in the fall protection rule.

Dougherty said the agency was still collecting information and had not yet made a decision.

Among Three Most Hazardous Jobs. In testimony presented at the hearing, Virginia Ruiz, a representative of Farmworker Justice, said agriculture consistently ranks as one of the three most hazardous occupations in the United States. In 2009, the fatality rate for workers employed in agriculture, forestry, fishing, and hunting was the highest at 26 per 100,000 workers, which was roughly eight times greater than the death rate for all workers combined, which was 3.3 per 100,000 employees, she said in written comments.

One of the primary causes of workplace fatalities in agriculture were falls, Ruiz said, noting falls in crop production accounted for 6 percent of all deaths, and that falls in animal production accounted for 9 percent of all deaths.

The high number of injuries and deaths among agricultural workers, combined with the poverty, vulnerability, and lack of knowledge among farmworkers, many of whom are poor, non-English speaking, illiterate, and undocumented, "make these workers easy prey for unscrupulous employers," she said.

Step Toward Ending Discrimination. As such, this population is one in need of special protection, she said.

"OSHA can take one step towards ending this discrimination by including farmworkers in the fall protection standard," Ruiz said.

California, Oregon, and Washington require their agricultural workers to comply with fall protection standards, Wang said, asking if federal OSHA would look at these states. Agency officials said they would have to collect data on whether the rule was successful in these states.

The proposed rule has a complex rulemaking history dating from 1971. It replaces the 1990 proposal for subparts D and I, which was never finalized because of other rulemaking priorities at OSHA, Dougherty said.

By PAT WARE

Whistleblowers

OSHA Issues Rule Making Procedures Consistent With Energy, Environmental Laws

The Occupational Safety and Health Administration is changing the procedures for handling retaliation complaints filed by nuclear industry workers under the Energy Reorganization Act (ERA) and making them consistent with provisions in environmental laws protecting other categories of workers, in a final rule published in the *Federal Register* Jan. 18 (76 Fed. Reg. 2,808).

The changes in the final rule implement 2005 amendments to the act that address nuclear workers. The rule also makes changes affecting the processing of whistleblower claims under six environmental laws for which OSHA administers whistleblower provisions.

The Energy Policy Act of 2005 amended Section 211 of the ERA, in part to extend protections to new categories of workers, such as employees of contractors and subcontractors of the Nuclear Regulatory Commission and the Energy Department, OSHA said in the final rule.

The rule addresses, among other things, protected activities and conduct that is prohibited in responding to any protected activities.

"The language generally has been revised to conform to the language in the majority of the other whistleblower regulations promulgated by OSHA, to the extent possible within the bounds of the statutory language of the ERA and the six environmental statutes," OSHA said.

The environmental laws are the Safe Drinking Water Act, the Federal Water Pollution Control Act, the Toxic Substances Control Act, the Solid Waste Disposal Act, the Clean Air Act, and the Comprehensive Environmental Response, Compensation, and Liability Act.

One change made in the interest of consistency, for example, is to use the term "retaliation" in all cases instead of "discrimination," which the agency said "reflects that claims brought under these whistleblower provisions are prototypical retaliation claims."

OSHA issued an interim final rule for public comment in August 2007 (37 OSHR 731, 8/16/07).

The final rule took effect upon publication.

Text of the final rule is available at <http://op.bna.com/dlrcases.nsf/r?Open=sngk-8d4rzp>.

More information is available from Nilgun Tolek, director of OSHA's Office of the Whistleblower Protection Program, at (202) 693-2199.

Enforcement

EPA Orders N.J. Hospital Group to Stop Applying Pesticide Foggers in Ambulances

The hospitalization of a number of New Jersey ambulance workers with respiratory problems and skin irritation prompted the Environmental Protection Agency to order a hospital group to immediately stop disinfecting ambulance interiors with antimicrobial pesticide foggers, an agency spokesman told BNA Jan. 12.

"We have reason to believe a number of ambulance workers ended up in the hospital" after working in ambulances that used the pesticides, the spokesman for EPA's Region 2 office in New York, said.

EPA ordered the Monmouth-Ocean Hospital Service Corp. (MONOC) of Neptune, N.J., Jan. 4 to stop applying any misting or fogging system pesticides made by Zimek Technologies LLC. The health care company's use of the antimicrobial pesticides Sporidin and Zimek QD, both registered with EPA, violated the Federal Insecticide, Fungicide, and Rodenticide Act, because their EPA-approved labels do not contain directions for using them to fog the interior of ambulances, according to the order.



<http://www.epa.gov/pesticides/regulating/labels/bilingual-pesticide-labels.html>

EPA Seeks Comment on Petition for Bilingual Pesticide Labels

March 2011

Esta página Web está disponible [en español](#).

EPA has received a petition from the Migrant Clinicians Network, Farmworker Justice, and other farm worker interest groups asking the Agency to require that manufacturers to make their pesticide product labels available in both English and Spanish. EPA is seeking public comment from all interested groups and members of the public before responding to the petition.

How to Comment

EPA is accepting comment on the petition until June 28, 2011. Responses to the questions below would be especially useful. The petition and [EPA's March 30, 2011 Federal Register notice](#) announcing it are available in docket [EPA-HQ-OPP-2011-0014](#) at [Regulations.gov](#).

Please submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0014, by one of the following methods:

- Federal eRulemaking Portal: [Regulations.gov](#). Follow the on-line instructions for submitting comments.
- Mail: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.
- Delivery: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). The Docket facility telephone number is (703) 305-5805.

Background

At present, EPA allows pesticide manufacturers to add labeling in other languages, in addition to providing pesticide product labels in English. For agricultural products subject to the Worker Protection Standard, EPA requires that certain parts of the pesticide label include words or phrases in Spanish. In response to the petition request, EPA is considering whether to more broadly require bilingual labeling in English and in Spanish for more or all pesticide products. The Agency would like to receive public comment on the potential benefits and costs or disadvantages of a bilingual pesticide labeling requirement, and on the potential scope of such a requirement. Some options regarding the potential scope include requiring bilingual labeling for:

- Certain types of pesticides
- Certain use sites
- Products containing certain active ingredients
- Products in particular acute toxicity categories
- Certain parts of pesticide labels

Questions for Public Comment

For the general public:

1. Language characteristics vary by culture, region, and other factors. How could EPA ensure that Spanish text on pesticide product labels would be understood by all potential Spanish-speaking users?
2. Labeling in Spanish could potentially be required for all pesticide products, for a subset of pesticide products, or for a portion of the product label. If the Agency concluded that translation of a portion or portions of the label were appropriate, which portions of the pesticide label would it be most beneficial to have in Spanish, and why? If the Agency were to limit the requirement for translation to only certain products, which products should be considered, and why? (Note: please see the sample label in the docket to consider the different sections of a pesticide label.)
3. Are there languages other than Spanish and English that EPA should consider for inclusion on pesticide labels? Which languages? Please explain your reasoning for including a language other than Spanish or English on pesticide labels, and cite documents that would further bolster your suggestion.

For people exposed to pesticides (e.g., farm workers, lawn and landscape maintenance workers, structural pest control technicians, commercial and residential cleaning staff, residential users of pesticides, children, pregnant or nursing women, older adults, others) and advocacy groups:

4. Please describe how having labels available in English and Spanish could increase or decrease pesticide user safety.
5. How do you currently obtain information in Spanish regarding a pesticide product?
6. Please describe how farm workers, their families, and others exposed to pesticides could benefit from this proposal.
7. Would this proposal affect your day-to-day work? If so, how?
8. Which parts of pesticide labeling, if any, would be most valuable to have translated into Spanish, and why? (Note: please see the sample label in the docket to consider the different sections of a pesticide label.)
9. Would having a Spanish translation of labeling be more important for some types of products than for others? Please describe why this would be so. And if so, how should EPA select products that would bear bilingual labeling?
10. What effect would the availability of bilingual labeling have on users' understanding of label text?
11. Would pictograms or other non-language methods of communication be beneficial for communication of labeling requirements?

For industry:

12. Do you currently sell or distribute any pesticides with Spanish labeling (other than as required by 40 CFR 156.206)? If so, why have you decided to do so and what effects has the use of Spanish labeling had on the marketing or safety of using these products? Can

you quantify or give examples of any added costs or benefits that have resulted from providing your products' labels in English and Spanish?

13. What additional economic costs and/or benefits would you anticipate from having your products' labels available in Spanish as well as English? Costs might include translation, printing, or packaging. Benefits might include improved market penetration or improved customer good will. Besides any increased monetary costs, would there be other obstacles to printing bilingual labeling on your pesticide products?
14. How could electronic media be used to facilitate distribution of bilingual or multilingual labeling?
15. Apart from bilingual labeling, what past and current efforts have you made to communicate with customers or potential pesticide users who do not speak or read English fluently? What have you found to be effective or ineffective?
16. If you provide Spanish labeling, do you provide it on products nation-wide or only in targeted regions? Why?
17. How could EPA implement the petitioners' proposal or a version of it efficiently and equitably?
18. Please explain whether there are any portions of a product's labeling that would not need to appear in both languages.

For the state pesticide regulatory community and the enforcement community:

19. Are there state or local laws that conflict with the proposed bilingual labeling?
20. What potential benefits or obstacles would a federal recommendation or requirement for bilingual labeling pose to the state regulation of pesticide products?

21. What potential benefits would bilingual labeling provide and what potential costs or obstacles would bilingual labeling pose to enforcement activities?

22. Do you know of any inspection or enforcement actions involving bilingually labeled products where the presence of two languages on the label has compromised bringing the action to closure?

23. Do you know of any enforcement actions that have been taken because of, or compromised by, inaccuracies in labeling translation?

24. Do you know of misuse incidents, poisonings, or other mishaps for which the lack of availability of bilingual labels may have been a contributing factor?

25. Would a requirement that pesticides bear bilingual labeling increase or decrease the ability of people to use pesticides safely and effectively? Why?

26. If pesticide products are required to carry labeling in Spanish, what effects, if any, would you anticipate on state pesticide applicator certification programs?



November 16, 2011

Agricultural Groups Petition EPA to Boost Pesticide Protections for Farm Workers

By Patrick Ambrosio

in 2009 but have been pushed back several times over the past few years.

"We want to encourage EPA to get these out as soon as possible because the current protections are not adequate for workers," Rutz said.

The worker protection standard under PIFRA has not been revised since 1992, according to the petition.

EPA did not respond to a Nov. 15 request for comment on the status of the draft revisions.

By PATRICK AMBROSIO

The *Earthjustice/Farmworker Justice* petition to EPA is available at <http://op.bna.com/news/esfr?Open=jsla>.
Annexes.

Enforcement

Mobile Completes Work Under Decree To Resolve Federal, State Water Violations

Mobile, Ala., has completed all work required under a 2002 consent decree to resolve the city's violations of the Clean Water Act and the Alabama Water Pollution Control Act, the Environmental Protection Agency announced Nov. 15 (*United States v. Water and Sewer Board of the City of Mobile, Ala.*, S.D. Ala., No. CV-0395-CB-S, 11/15/2011).

The city's Board of Water and Sewer Commissioners has paid the original \$99,000 federal fine and the \$15,000 state penalties, as well as stipulated penalties totaling \$176,000, and has implemented related environmental projects at a cost of \$2.5 million, EPA Region 4 said in a statement.

According to the Jan. 24, 2002, consent decree, discharges from three publicly owned treatment works into Mobile Bay and a tributary were a violation of their national pollutant discharge elimination system permits (18 DEN A-1, 1/28/02).

Final Major Case Terminated. Alabama and Mobile Bay Watch Inc., known as Mobile Baykeeper, were plaintiffs with the United States in the case and resulting consent decree with Mobile's sewer utility. EPA said.

The consent decree is the first major one under the Clean Water Act involving a municipal sewer system to be terminated within EPA Region 4, the agency said.

Under the consent decree, Mobile's sewer utility was required to put in place programs to ensure adequate sewer capacity, address operational and maintenance failures, control corrosion and grease in the sewer pipes, ensure proper reporting and public notification of sewer spills, prepare contingency plans for emergencies, and monitor the water quality within the utility's service area, EPA said.

EPA estimated these actions have reduced raw sewage discharges to surface waters by over 2.8 million gallons per year since they were put in place.

By PAT WARE

Water Pollution

House Passes Coast Guard Bill Requiring National Standard for Ballast Water Discharges

The House passed legislation Nov. 15 that would require owners and operators of commercial vessels to install technology to treat ballast water before discharge into U.S. waterways.

The provision addressing commercial vessel discharges is contained in the Coast Guard and Maritime Transportation Act of 2011 (H.R. 2836), which would authorize U.S. Coast Guard programs for fiscal years 2012 through 2015.

Under Title VII of the bill, the Environmental Protection Agency and the U.S. Coast Guard would be required to establish a national technology-based standard that would preempt existing state standards for treating ballast water discharges. It would apply to all commercial vessels except recreational vessels less than 78 feet in length (25 DEN A-5, 11/15/11).

Title Cleared House Committee. The Title VII provision—the Commercial Vessel Discharges Reform Act of 2011—cleared the House Transportation and Infrastructure Committee unanimously Oct. 18 as H.R. 2840.

The bill was introduced by House Transportation and Infrastructure Coast Guard Subcommittee Chairman Frank A. Lobiondo (R-N.J.) and co-sponsored by Transportation Committee Chairman John L. Mica (R-Fla.).

"Under current law, both the Coast Guard and EPA regulate ballast water, while every state and tribe is allowed to add their own requirements to those regulations," Lobiondo said Nov. 15 following House passage. "As a result, ships engaged in interstate and international commerce must comply with two federal standards, as well as 29 differing state and tribal ballast water standards, many of which are contradictory and technologically unachievable. The current system is simply impossible."

Bill language separates ballast water from the regulatory definition of discharges incidental to normal operation of vessels.

H.R. 2836 defines other incidental discharges as bilge water, air conditioner coolant, and rainwater runoff and requires the two agencies to evaluate and characterize the various types of incidental discharges.

Certification Required. To meet the ballast water performance standard for commercial vessels, owners and operators would have to treat ballast water using technology certified for the class or type of vessel.

They also would have to ensure that any ballast water discharged meets, at a minimum, the numeric ballast water performance standard adopted in 2004 in the International Convention for the Control and Management of Ships' Ballast Water and Sediments or meets a subsequent revised standard.

Starting Jan. 1, 2016, and every 10 years afterward, the EPA administrator in consultation with the Department of Homeland Security secretary would have to complete a review to determine whether revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in



**Letters to the Editor and Op Eds Written by Farmworker
Justice**

The Washington Post

AN INDEPENDENT NEWSPAPER

EDITORIALS

WEDNESDAY, MARCH 16, 2011

LETTERS TO THE EDITOR

✉ letters@washpost.com

Flaws in immigration law

Lee Hockstader sees hope for a breakthrough on immigration policy in recent Utah legislation, but he understated the dangers. There already is a federal program allowing agricultural employers to bring in guest workers on seasonal work visas, the H-2A program. It requires state agency involvement.

It is unclear why Utah would spend more tax dollars and create more bureaucracy on a pilot project to recruit foreign workers. Although the project would have to comply with federal law, it could be used to attempt to lower wages and reduce government efforts to stop abuses in the troubled guest-worker program.

We applaud Utah's recognition that a realistic policy should grant law-abiding undocumented workers the opportunity to earn legal status, but it is not wise to adopt a guest worker model. Guest workers' restricted "non-immigrant" status deprives them of bargaining power, which encourages employers to prefer guest workers and helps keep wages low.

The lack of a chance to earn a true immigration status and citizenship deprives such people of the right to vote and the opportunity to integrate into our communities. That's not good for farmworkers or for Utah.

BRUCE GOLDSTEIN, Washington

The writer is president of Farmworker Justice.

March 19, 2011

Utah plan not model to fix immigration

We agree with the U-T editorial that the federal government must address our broken [immigration](#) system (“[Utah](#) takes on immigration reform,” March 14). But Utah’s new legislation should not be America’s immigration model. Although laudable for attempting to grant legal status to unauthorized immigrants, the Utah bills undermine democratic and economic freedoms.

The federal H-2A agricultural [guest worker](#) program already allows tens of thousands of foreign workers to be hired by U.S. employers. It is not clear why Utah would want to duplicate efforts. Perhaps more concerning, the state’s pilot project may reduce wages and labor protections, harming both foreign and U.S. workers. Another of the new laws provides for the state to grant temporary work permits to undocumented workers already in Utah.

Our immigration system is broken, but the solution is not for us to become a nation of guest workers who are denied rights to become citizens and vote. Farmworker organizations and employers reached agreement on a national solution with bipartisan support that would give undocumented farmworkers – roughly half the current farm labor force – an opportunity to earn legal immigration status, and eventually citizenship. It would also make balanced changes to the H-2A program. Congress should follow their lead and enact a solution true to our democratic traditions. -- **Bruce Goldstein, President, Farmworker Justice, Washington, D.C.**

Original Editorial March 14, 2011

Utah takes on immigration reform

By: Union-Tribune Editorial Board

First came Arizona with its ill-conceived, constitutionally suspect and explosively divisive law cracking down on illegal immigrants. Then came a passel of other states with copycat proposals, plans targeting illegal immigrants in public universities and attempts to deny citizenship to the U.S.-born children of illegal immigrants.

And now comes Utah, but with a big twist.

Both houses of the Republican-controlled Legislature in Salt Lake City earlier this month passed a package of bills that seek to tighten enforcement against undocumented migrants while also recognizing that some businesses in the state depend on immigrant labor. Political leaders also hope to avoid the legal and political land mines that blew up in Arizona.

As outlined by The New York Times, the Utah balancing act includes a requirement, somewhat akin to Arizona's, that local police check the immigration status of anyone arrested for a felony or a serious misdemeanor. But it also includes a measure creating a state guest worker program allowing undocumented immigrants who can prove they've been working in the state, and who pass a criminal-background check and agree to a fine of up to \$2,500, to work there legally. And yet another part of the package would actually create a partnership between Utah and the Mexican state of Nuevo León to bring temporary farm workers to Utah. And, rather than confronting the federal government, à la Arizona, the Utah legislation requires the governor to negotiate with officials in Washington, D.C., for a waiver that would permit the state guest worker program. If no federal waiver has been granted by 2013, the Utah program would go into effect anyway.

The package, which has the endorsement of the highly influential Mormon church, is expected to be signed by Republican Gov. Gary Herbert.

Frankly, this editorial board respects the approach of Utah officials who recognize not just the problem of illegal immigration, but also the cause of it as well as the need for immigrant labor.

But there is a larger principle that is highlighted by the Utah legislation and all the other state efforts. It is that the federal government, while vigorously maintaining on one hand that immigration is a federal issue and that individual states are constitutionally prohibited from acting alone, is on the other hand abdicating its responsibility to enact comprehensive immigration reform.

It is not good enough for the Democrat in the White House to simply tell Arizona and other states that they cannot do what they are doing. It is not good enough for the Republicans who control the House of Representatives to say they will only support tougher enforcement measures. And it is not good enough for leaders of either party to say that illegal immigration is too politically sensitive to deal with now.

The Salt Lake Tribune

Paying for a guest worker law already in place

By BRUCE GOLDSTEIN

Published: April 14, 2011 12:10AM

Bruce Goldstein is president of Farmworker Justice, a nonprofit organization based in Washington, D.C., that works to improve living and working conditions for migrant and seasonal farm workers.

Amidst the debate and controversy surrounding Utah's new immigration laws, state legislators in Salt Lake City seem to think they've created a model for America. They portray their pilot guest worker program as a compromise that others might use as a model.

They must think Utah's taxpayers aren't paying careful attention, because they'll be saddled with spending money to duplicate a program that largely already exists.

Last month, Utah Gov. Gary Herbert signed into law four bills heralded by some commentators as a holistic and comprehensive state approach to immigration reform. One of the bills would create a pilot program to bring guest workers from the state of Nuevo Leon, Mexico, to perform temporary work. (Another would create a guest worker status for undocumented workers already working in Utah.)

If the pilot bill for managing guest workers in Utah sounds familiar, that's because, in spite of the media attention and self-congratulation that accompanied the state law, we have had a federal system in place since the 1940s that does virtually the same thing. In fact, the United States already has two such programs for temporary or seasonal jobs, the H-2A visa for agricultural work and the H-2B for nonagricultural work. Each visa already requires state involvement.

But aside from wasting tax dollars, Utah's legislators are duplicating a system that doesn't work well. While the federal programs grant guest workers some workplace protections, their "nonimmigrant" status deprives them of bargaining power, which encourages employers to prefer guest workers over American workers and helps keep wages low for both. And the government has been passive about enforcing the protections for both the domestic and foreign workers.

Guest workers aren't in a great position to complain, for fear of losing their jobs or not being called back the following year, and foreign governments remain quiet so they don't lose precious jobs to another needy nation. Americans displaced by these workers, where they exist, are not organized or able to do much to protect themselves.

Guest workers are refused any opportunity for citizenship and suffrage, making it impossible to integrate them fully into our communities. They work in limbo, often unaware of their

admittedly limited rights. Guest workers generally are not permitted to bring family members to the United States, causing great hardship.

The guest worker model runs contrary to our democratic, economic and pro-family traditions. And as America faces competition in the globalized economy, does it really want 50 different sets of immigration rules?

State Rep. Bill Wright seems to understand the need to find a viable solution to dealing with some of America's estimated 11 million illegal immigrants. "A lot of these people are intertwined in our society," said Wright. "They have financial obligations: they have bank notes; they've bought houses; they contribute; they have jobs."

But understanding the need for a solution isn't good enough.

In the agricultural sector, after much conflict, farm worker organizations and agribusiness employers reached agreement on a reasonable solution that has bipartisan support in Congress. Passage has been tied up largely because of congressional gridlock on comprehensive immigration reform.

Known as AgJOBS (the Agricultural Job Opportunities, Benefits and Security Act), it could lead the way as a model for immigration reform. AgJOBS would give current undocumented farm workers — roughly half the national agricultural labor force — an opportunity to earn legal immigration status, and eventually citizenship, through continued work in agriculture.

AgJOBS also would reform the H-2A program to help grant U.S. workers greater access to jobs and decrease exploitation of foreign workers, while assuring employers' access to guest workers when truly needed. It is endorsed by a broad spectrum of organizations, including farmers' associations, business groups, Latino leaders, religious groups and farm worker organizations.

Any immigration reform package must take careful consideration of its effect on the roughly 2 - 2.5 million migrant and seasonal workers on farms — men and women performing back-breaking labor in the fields to put food on America's tables.

Utah's lawmakers took an important step forward by recognizing the need for changes in our immigration laws, but these laws are not a solution. They won't protect farm workers or citizens who may want to do farm work and it's no model for federal immigration reform. While Utah begins implementing the new laws, Congress should get to work on real solutions — starting with passing AgJOBS.

Bruce Goldstein is president of Farmworker Justice, a non-profit organization based in Washington, D.C., that works to improve living and working conditions for migrant and seasonal farm workers: www.farmworkerjustice.org



Atlanta Journal Constitution

6/13/2011

<http://www.ajc.com/opinion/readers-write-6-14-975822.html>

IMMIGRATION

New state law threatens farm labor, Ag industry

Recent reports in the AJC illustrate the perils new state immigration legislation imposes on Georgia's economy. Perhaps the results of most concern are the shortage of farm labor and potentially devastating results for Georgia's ag industry.

The new state law is scaring away legal resident immigrants (as well as undocumented workers) who have harvested Georgia crops for decades. Meanwhile, farmers wonder how they will find enough workers for harvest. To avoid this devastation, growers should try to compete for U.S. workers by improving wages and working conditions.

They also should make smart use of the H-2A guest worker program. Georgia's congressional delegation also should get to work on passing the labor-management compromise called AgJOBS, which would improve the H-2A program and give current undocumented farm workers the opportunity to earn legal immigration status.

Bruce Goldstein, President, Farmworker Justice



6/24/2011

Questioning Georgia's plans for a foreign guest worker program

By Bruce Goldstein

<http://www.macon.com/2011/06/24/1607367/questioning-georgias-plans-for.html>

As commissioner of Georgia's Department of Agriculture, Gary Black oversees more than 600 employees and the state's \$69 billion industry. He regulates grocery stores and food warehouses and leads the marketing of Georgia's home grown agricultural products.

He had a lot to do even before Black found himself at the center of the country's growing immigration controversy.

Last month, Gov. Nathan Deal signed House Bill 87 into law. Starting July 1, the law will allow police to check the immigration status of criminal suspects and require businesses with more than 10 employees to use the E-Verify program in order to check whether workers are in the country legally. The legislation also requires Georgia's Department of Agriculture to research the implementation of a state-run guest worker program.

The first thing that Commissioner Black and his researchers will learn is that Georgia already has access to a guest worker program, the H-2A temporary foreign agricultural worker program. The H-2A program, overseen by the federal government, requires active participation by the Georgia Department of Labor to ensure the proper processing of employers' applications for guest workers and ensure that jobs are made available to qualified U.S. citizens and immigrants. So if Georgia designs its own guest worker program, Georgia taxpayers will be paying twice.

Black seems to understand he's been charged with duplicating efforts, saying "Just how that (the proposed state guest worker program) interfaces with the federal program is certainly a question that is out there."

What the Georgia Department of Agriculture's research would uncover is a long history in this country and in other nations of massive problems with any guest worker program. Guest workers cannot switch employers. They are dependent on employers to obtain their visas and to invite them back the next year. Their "non immigrant" status leaves them without bargaining power and creates a fear of challenging illegal treatment which encourages employers to prefer guest workers over available American workers and helps keep wages low for both.

Because guest workers cannot earn citizenship or the right to vote, they lack the political representation that their employers enjoy. The H-2A law contains modest protections to prevent

exploitation of guest workers and discrimination against U.S. workers, but rampant violations persist.

The problems in administering a guest worker program and protecting workers against inevitable abuses are compounded by thorny issues of relationships with the foreign governments whose workers receive the visas. For these reasons, our Constitution places such immigration issues in the hands of the federal government. However, Georgia is not alone in its misguided effort to enact a state solution to a federal problem. Half the legislatures in the country are considering some sort of immigration proposal. Utah recently enacted a law without a research phase that requires a pilot project for a state-run guest worker program.

There's a better solution to this problem than each state proposing its own, flawed system or researching how to establish one. Georgia's leaders should demand that Congress adopt lasting, bipartisan solutions, like AgJOBS (the Agricultural Job Opportunities, Benefits and Security Act).

AgJOBS developed after years of unproductive conflict in Congress about guest worker programs and immigration. Agricultural employers need a stable, legal, productive workforce. Farmworkers, half of whom are undocumented, need an immigration status that enables them to bargain for better wages and working conditions and challenge illegal treatment. Agribusiness employers and farmworker organizations reached an agreement with a bipartisan group in Congress on a realistic, effective solution. Unfortunately, its passage has been stalled due to congressional gridlock on immigration reform.

AgJOBS would reform the existing H-2A visa program to better protect American workers, while providing employers with prompt access to guest workers when they're needed. It would also give current undocumented farmworkers an opportunity to earn legal immigration status, and eventually citizenship, through continued work in agriculture.

AgJOBS would grant some security to the men and women in Georgia's fields performing the back-breaking labor that helps put food on America's tables. It would help America's agricultural industry continue to prosper and it could lead the way as a model for federal immigration reform.

Bruce Goldstein is president of Farmworker Justice, a non-profit organization based in Washington, D.C., that works to improve living and working conditions for migrant and seasonal farmworkers: www.farmworkerjustice.org.

The New York Times

7/15/2011

Guest Farmworkers

To the Editor:

“[Better Lives for Mexicans Cut Allure of Going North](#)” (“Immigration Upended” series, front page, July 6), about diminished Mexican emigration, suggests that changes in the H-2A visa have made it easier for farmers and immigrant workers to find one another. But while it works O.K. for farmers, it does little to protect immigrant workers.

Guest workers’ restricted status deprives them of bargaining power, which encourages employers to prefer guest workers over United States citizens and keeps their wages low. Guest workers may return annually for many years but never gain the right to vote or fully integrate into their communities.

The United States is a nation of immigrants, not a nation of guest workers. While the H-2A visa serves roughly 50,000 workers a year, the majority of our nation’s 2.5 million farmworkers are undocumented. Congress needs to find a sensible solution for agricultural workers by providing undocumented farmworkers the opportunity to earn legal immigration status.

The best solution is to pass [AgJOBS](#), a labor-management compromise that would protect workers and address growers’ frustrations about H-2A costs and paperwork, while providing undocumented farmworkers a path to citizenship.

BRUCE GOLDSTEIN
President, Farmworker Justice
Washington, July 6, 2011

HeraldNet

10/26/2011

Growers depend on guest workers

A recent Associated Press story ("[Shortage of apple pickers in state growing dire, says Gregoire](#)") laments a labor shortage to harvest the state's apples. Unfortunately, the lack of immigration-authorized workers to harvest Washington's fruits and vegetables is likely to continue until the federal government enacts an immigration reform policy that works for agriculture.

Since between 50 and 70 percent of our nation's farmworkers are undocumented, any immigration reform package must include protections to make sure apples in Washington -- and other fruits and vegetables across the United States -- don't go to waste with no workers to tend the harvest.

While the president of the Okanogan County Farm Bureau quoted in the story complains about the procedures in the federal H-2A agricultural guest worker program, many Washingtonian farmers have apparently found the program helpful. Last year alone, Washington growers applied for assistance from more than 3,000 guest workers, making Washington the eighth biggest user of the program in the nation.

But, the growers are right that Congress should avoid implementing a sweeping enforcement-only policy of verifying Social Security numbers on all newly hired employees through E-Verify. Instead, Congress should consider Rep. Howard Berman's (D-Calif.) Agricultural Labor Market Reform Act of 2011, which would enable current undocumented farmworkers in the U.S. who meet stringent requirements to earn legal work papers. It would also reform the existing H-2A program to prevent employers from displacing hundreds of thousands of authorized U.S. workers by hiring more exploitable guest workers.

*Bruce Goldstein
President, Farmworker Justice
Washington, D.C.*

<http://www.heraldnet.com/article/20111026/OPINION02/710269972#Growers-depend-on-guest-workers>



Press Releases and Statements Produced by Farmworker Justice

FOR IMMEDIATE RELEASE

January 25, 2011

STATEMENT OF FARMWORKER JUSTICE

ON THE HOUSE IMMIGRATION SUBCOMMITTEE'S HEARING ON ICE WORKSITE ENFORCEMENT

The Immigration Subcommittee in the House of Representatives begins its work to oversee the country's immigration policy on January 26th with a hearing on workplace enforcement. Farmworker Justice strongly believes that we must fix our broken immigration system. The *status quo* for farmworkers and agricultural businesses is untenable and must be reformed. Over 50% of farmworkers are undocumented. The lack of immigration status contributes to the significant problems in agricultural workplaces and communities: low wages, poor working conditions, pesticide poisoning, and substandard housing. While some argue that these problems will be solved by better enforcement of immigration laws, enforcement alone will not solve the challenges farmworkers face nor provide employers with the stable, productive workforce they need. Our nation's broken immigration system needs a lasting solution, which must include a path to immigration status.

Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with thirty years of experience on immigration and labor policy.

FOR IMMEDIATE RELEASE

February 8, 2011

STATEMENT OF FARMWORKER JUSTICE
ON THE HOUSE IMMIGRATION SUBCOMMITTEE'S HEARING ON E-VERIFY
"E-Verify- Preserving Jobs for American Workers"

The Immigration Subcommittee in the House of Representatives will continue its focus on enforcement by holding a hearing addressing the E-Verify program. Farmworker Justice strongly believes that we must fix our broken immigration system. The status quo for farmworkers and agricultural businesses is untenable and must be reformed. Over 50% of farmworkers are undocumented. The lack of immigration status contributes to the significant problems in agricultural workplaces and communities: low wages, poor working conditions, pesticide poisoning, and substandard housing. While some argue that these problems will be solved by increased use of enforcement measures, enforcement alone will not solve the challenges farmworkers face nor provide employers with the stable, productive workforce they need. Our nation's broken immigration system needs a lasting solution, which must include a path to immigration status.

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Briefing Paper

New from EPI: - Monday, March 21, 2011

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Farmworkers not seeing benefits of rising agricultural exports

The value of agricultural exports rose 2.5 times between 1989 and 2009, but the average hourly earnings of U.S. farmworkers increased only \$1.52 over the same period. In other words, farmworkers have hardly benefited economically from the increase in agricultural exports. A new Economic Policy Institute Briefing Paper, [*Farm Exports and Farm Labor: Would a raise for fruit and vegetable workers diminish the competitiveness of U.S. agriculture?*](#), finds that a 40% increase in farmworker earnings would only raise U.S. household spending by about \$16 a year. The report, by Philip Martin, a Professor of Agricultural and Resource Economics at the University of California, Davis, also provides an outline of fruit, vegetable and horticultural (FVH) production in the United States and a discussion of the earnings of the immigrant farmworkers who work on FVH farms.

###

Statement from Farmworker Justice:

Unlike many parts of the economy, labor-intensive crops actually have a positive trade balance; our produce growers are not only selling in America but they are also exporting to other countries. The report also shows that despite dramatic growth in productivity and in exports, for which farmworkers are partly responsible, farmworkers have not shared in the benefits. Farmworkers continue to be very poorly paid, rarely receiving any fringe benefits. The labor laws continue to discriminate against farmworkers.

There are solutions and one of them is to pay farmworkers higher wages and give them fringe benefits. Another is to more vigorously enforce employment laws. As the Farmworker Justice/Oxfam America report, *Weeding Out Abuses* (2010) showed, there are rampant violations of the minimum wage and other rights of farmworkers even though agricultural employers are exempt from many labor

protections afforded other occupations' workers.

This report shows that the impact on consumers of substantially higher wages paid to farmworkers would be minimal, and we believe most consumers would be willing to pay a bit more for their fresh produce if they knew farmworkers were being treated better. This report blows away the myth that a head of lettuce in the supermarket will cost \$3 if we improve farmworkers' wages, a claim we often hear. Another myth is that the small family farmer would be hurt by better treatment of farmworkers. The reality is that most farmworkers don't work for small family farms; they work for sizeable growers. Of course this is nothing new. Carey McWilliams wrote about the industrialization of agriculture in "Factories in Fields" in 1939.

Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with more than 25 years of experience on immigration and labor policy.

For more information contact Alec Saslow: 202-789-7751, asaslow@fenton.com

About EPI

The Economic Policy Institute (EPI) is an independent, nonprofit, nonpartisan research institute – or “think tank” – that researches the impact of economic trends and policies on working people in the United States and around the world.

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FOR IMMEDIATE RELEASE

May 11, 2011

**STATEMENT OF FARMWORKER JUSTICE ON
THE RE-INTRODUCTION OF DREAM ACT**

Farmworker Justice joins many other organizations in welcoming the reintroduction of the DREAM Act. The DREAM Act would enable youth who were brought to the country as children to earn legal status by pursuing higher education or performing valuable military service for our nation. The DREAM Act could benefit many farmworker children. Many farmworker children overcome significant obstacles in obtaining education and those who fight to succeed and contribute to their local communities should not be denied the opportunity to achieve their goals.

Farmworker Justice urges Congress to pass needed immigration reform measures including the DREAM Act and the AgJOBS bill (the Agricultural Job Opportunities, Benefits and Security Act which would provide the agricultural industry with a stable, legal workforce and enable productive farmworkers to continue to contribute to our nation's food security).

Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with more than twenty-five years of experience on immigration and labor policy.

The Board of Directors of Farmworker Justice met to consider the amendments to the California Agricultural Labor Relations Act in the Fair Treatment for Farm Workers Act, SB 104, recently passed by the state legislature. The FJ Board of Directors adopted a resolution calling on Governor Jerry Brown to sign the bill and to reject the requests from agribusiness for a veto. The resolution is being sent to the Governor with a cover letter. The resolution appears below:

Board of Directors of Farmworker Justice

Resolution Adopted May 23, 2011

In Support of the California Fair Treatment for Farm Workers Act

Resolution number FJ-2011-01

Whereas Farmworker Justice, a national advocacy organization based in Washington, D.C. for migrant and seasonal farmworkers, recognizes the importance of farmworkers' ability to organize and engage in collective bargaining to improve their wages and working conditions, occupational safety and health, access to justice, and immigration policy, and

Whereas, the wages and working conditions for most farmworkers are inadequate, and

Whereas, the rights to organize and engage in collective bargaining guaranteed by the California Agricultural Labor Relations Act have been undermined by employers' evasions of the law's protections, and

Whereas both bodies of the California state legislature have passed legislation, SB 104, the Fair Treatment for Farm Workers Act, containing reasonable reforms to the California Agricultural Labor Relations Act to fulfill the original law's intent, and

Whereas, the implementation of the legislature's reforms would benefit hundreds of thousands of farmworkers in California,

Therefore, be it RESOLVED, that

The Board of Directors of Farmworker Justice

DECLARES its strong support for the reforms to the California Agricultural Labor Relations Act enacted by the California legislature in SB 104, the Fair Treatment for Farm Workers Act, and

URGES Governor Jerry Brown to support the Fair Treatment for Farm Workers Act and sign the legislation, causing it to become effective, and

DIRECTS the staff of Farmworker Justice to send a letter to Gov. Jerry Brown requesting that he support and sign the Fair Treatment for Farm Workers Act, and

FURTHER DIRECTS the staff to notify Gov. Brown of the members of the Farmworker Justice Board of Directors who are residents of California

INSTRUCTS the staff of Farmworker Justice to disseminate its letter to Gov. Brown to the United Farm Workers, appropriate policy makers, and the public to show the support of Farmworker Justice for this important legislation and to build additional support for the Governor's signature.

Approved by unanimously by the Board of Directors Executive Committee on May 23, 2011 in Washington, D.C

For Immediate Release:

May 25, 2011

***Agriculture Secretary Vilsack and American Farm Bureau President Stallman Need to Embrace AgJOBS
to Fix the Broken Immigration System***

Statement of Farmworker Justice

Washington, DC – Agriculture Secretary Tom Vilsack and American Farm Bureau Federation president Bob Stallman are right to call for comprehensive immigration reform to address America’s broken immigration system. “But Our dire need to fix America’s broken immigration system and implement comprehensive immigration reform will likely not addressed quickly,” the president of Farmworker Justice, Bruce Goldstein, said today.

“In the meantime, AgJOBS (the Agricultural Jobs, Opportunities, Benefits and Securities Act) represents a bipartisan solution that will provide relief to the millions of migrant and seasonal agricultural workers in the U.S. and the farmers and ranchers who depend upon them. While we work towards a more comprehensive solution suggested by the Department of Agriculture and the Farm Bureau Federation, the best immediate solution is to pass AgJOBS.”

“The Department of Agriculture and the Farm Bureau Federation are right to call for a comprehensive solution. But to imply that we don’t need smart legislation, like AgJOBS, in the meantime only serves to prolong the problems.”

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Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with 30 years of experience on immigration and labor policy.

FOR RELEASE: June 15, 2011

REP. LAMAR SMITH'S MANDATORY E-VERIFY PROPOSAL LEADS TO MORE EXPLOITATION OF FARMWORKERS

UFW AND FARMWORKER JUSTICE OPPOSE E-VERIFY WITHOUT LEGALIZATION

UFW, FARMWORKER JUSTICE ON HOUSE SUBCOMMITTEE HEARING

The "Legal Workforce Act," a mandatory E-Verify bill introduced by House Judiciary Committee Chairman Lamar Smith (R-Texas), will harm the farmworkers who put food on our tables, according to the United Farm Workers and Farmworker Justice. The bill would require employers, as well as those recruiting and referring job applicants, to check job applicants' immigration status with a government database but would not offer a constructive solution to the fact that more than one-half of the nation's seasonal farmworkers are undocumented. The House Subcommittee on Immigration Policy and Enforcement has scheduled a hearing entitled the "Legal Workforce Act" on June 15 at 10 a.m. EST in the Rayburn House Office Building.

Despite his claims about the need for E-Verify, Smith's bill contains exceptions for agriculture. The bill delays application of E-Verify to agricultural employers for three years; at that point employers would still not be required to verify seasonal workers who had worked for them in the past. These rules and exceptions would lead to further harm. First, under the bill, undocumented farmworkers would feel tied to their employers, and would be reluctant to challenge illegal or unfair conduct for fear of losing their job and the ability to work. Second, the much larger problem is that this bill would allow – indeed, encourage – employers to evade the law by using farm labor contractors to hire workers and thus claim that they don't employ any farmworkers. Labor contractors are notorious for violating immigration and labor laws. The expansion of the farm labor contracting system will harm the wages and working conditions of all farmworkers, including U.S. workers.

We expect some members of Congress will respond to E-Verify by proposing changes to the H-2A agricultural guestworker program to weaken worker protections and "streamline" the program by removing government oversight, and thereby increase the number of guestworkers. The H-2A program is fundamentally flawed and rife with abuse; more protections for U.S. and foreign workers are needed, not fewer. In addition, H-2A changes would not solve the current challenge in the agricultural labor market: the presence of about one million undocumented workers. Undocumented farmworkers should be given an opportunity to earn legal immigration status and help ensure a productive food system.

"Instead of pursuing this misguided expansion of E-Verify and promoting an immigration policy based on an easy-to-exploit farm labor force, Congress must pass the bipartisan AgJOBS bill, negotiated by the UFW and the nation's growers, which would assure a prosperous agricultural sector while imposing the rule of law on all parties," said Arturo Rodriguez, president of the United Farm Workers.

"Rep. Smith's proposal would deepen problems in the farm labor force by encouraging even more employers to use farm labor contractors to avoid obligations under E-Verify. Farm labor contractors are notorious for poor wages and working conditions," said Bruce Goldstein, President of Farmworker Justice. He added, "The AgJOBS bill would create a balanced, workable and sensible approach."

- end -

FOR IMMEDIATE RELEASE

June 28, 2011

Farmworker Justice Files Comments in Support of Bilingual Pesticide Labeling

Farmworker Justice filed comments today with the Environmental Protection Agency (EPA) in support of requiring pesticide labels to include Spanish translations. The EPA is considering this proposal in response to a petition by Farmworker Justice and the Migrant Clinicians Network. The comments were filed on behalf of a diverse coalition of 55 farmworker, environmental, labor, and civil rights organizations, and we urge the EPA to take this long-overdue step to protect farmworkers' health and the environment.

Pesticide labels communicate crucial information, including warnings and precautionary statements, first aid instructions, what personal protective equipment (PPE) should be worn, and directions for safe use. Currently, most agricultural pesticide labels are only in English. However, the majority of farmworkers are native Spanish speakers, and over half of them cannot read English. When farmworkers cannot read safety instructions, they are at higher risk for pesticide exposure, and their communities are at risk for pesticide contamination resulting from improper use of the chemicals.

Language barriers are significant factor in pesticide exposure. In a recent study in Washington State, pesticide handlers who could not read English were more likely to be exposed to pesticides than those who could read English. In addition, farmworkers need to be able to read pesticide labels in case of emergencies.

“For far too long, farmworkers, their families, and their communities have suffered needless and avoidable injury and environmental damage as a result of not having access to pesticide safety information in the language that they can read and comprehend,” said Bruce Goldstein, President of Farmworker Justice. “Now is the time for the EPA to correct this serious regulatory shortcoming.”

Manufacturers routinely translate pesticide labels into Spanish to export their products to Mexico and other Latin American countries, and they already translate labels on Restricted Use Pesticides (RUPs) in order to sell them in Puerto Rico. The cost of translating safety directions

on pesticide labels is slight in comparison with the human health and environmental costs. Farmworker Justice urges the EPA to require Spanish labelling of pesticides immediately in order to avoid any further injury to workers and their communities.

For Immediate Release

September 8, 2011

STATEMENT OF FARMWORKER JUSTICE ON

REP. LAMAR SMITH'S "AMERICAN SPECIALTY AGRICULTURE ACT" & REP. DAN LUNGREN'S "LEGAL AGRICULTURAL WORKFORCE ACT"

Rep. Smith and Rep. Lungren have both put forth separate guestworker proposals which would lead to job losses and wage cuts for American farmworkers while continuing to ignore the roughly one million experienced foreign-born agricultural workers who, without work authorization, currently harvest most of our crops.

Representative Lamar Smith, Chairman of the House Judiciary Committee, has proposed legislation that would create a massive new agricultural guestworker system with up to 500,000 H-2C visas. Through sharp cuts in wage rates and worker protections, Smith's H-2C program encourages employers to hire these guestworkers instead of their current workforce, which includes hundreds of thousands of US workers. Up to 500,000 US workers could lose their jobs under Smith's proposal as the bill eliminates the longstanding "50% rule," which requires employers to hire qualified U.S. workers who apply for work during the first half of the season. The Smith bill also would make it cheaper to hire guestworkers than US workers by allowing employers to pay below the current average farmworker wage and to reject US workers who seek more.

Rep. Lungren proposes a massive new uncapped guestworker program with no meaningful labor protections or enforcement for workers. Lungren's bill would cause wage loss and deteriorated working conditions for current farm workers by the addition of hundreds of thousands of guestworkers into the agricultural labor force. Lungren showcases his bill as 'market-based' in that it allows guestworkers brought in to work for a grower to seek employment opportunities with other guestworker employers, but the workers can only work for employers already enrolled in the program and workers will likely face blacklisting if they report labor violations or attempt to leave their original employer. The very nature of a guestworker program is anathema to a free-market approach.

"America wants Congress to help produce good jobs for American workers. At a time of record unemployment, the creation of additional uncapped guestworker programs such as the one Rep. Lungren proposes or the removal of labor protections under Rep. Smith's proposal would be disastrous. Congress should strengthen worker protections and enforcement in the current H-2A program and remove employer incentives to prefer guestworkers over US workers. Congress also should allow undocumented farmworkers to earn legal immigration status," said Bruce Goldstein, President of Farmworker Justice. "

We are a nation of immigrants, not a nation of guestworkers. The expansion of guestworker programs in agriculture impacts all workers in the United States.,” added Goldstein.

Farmworker Justice recently released the report “*No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers*,” based on interviews with current and former H-2A workers which documents the human toll of a system meant to provide a legal and dependable workforce for American farmers.

Available Resources:

[*No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers*](#)

Farmworker Justice Summary of Rep. Smith’s bill is available [here](#).

Farmworker Justice Summary of Rep. Lungren’s bill is available [here](#).

Farmworker Justice is a nonprofit organization based in Washington, D.C., that for 30 years has sought to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice

FOR IMMEDIATE RELEASE

September 23, 2011

NEW AGRICULTURAL LABOR MARKET REFORM ACT WOULD STABILIZE U.S. FARM WORK FORCE, PROTECT FARMWORKERS

Statement of Farmworker Justice on the Introduction of bill by Congressman Berman

(WASHINGTON DC) Farmworker Justice welcomes the introduction of the Agricultural Labor Market Reform Act of 2011 and supports its enactment. We thank Representative Howard Berman for his leadership in support of reasonable, workable and fair immigration reform.

“The Agricultural Labor Market Reform Act of 2011 would offer a meaningful solution to the needs of agricultural employers, farmworkers and the nation,” said Bruce Goldstein., President of Farmworker Justice.

The bill would establish an earned legalization program under which current undocumented farmworkers in the U.S. who meet stringent requirements are given temporary permission to work in agriculture for three to five years and the opportunity to earn immigration status. Immediate family members in the U.S. also would be eligible to apply for immigration status. “Since more than one-half the seasonal agricultural workers in the U.S. lack authorized immigration status, and the supply of farm labor is threatened by increased immigration enforcement, Congress must reform our broken immigration system. This bill would help ensure a stable, legal workforce in agriculture, which is good for farmworkers, employers, consumers and the national interest,” said Goldstein..

The bill would keep the H-2A guestworker program largely intact with some modest reforms to ensure that U.S. workers continue to have preference over foreign guestworkers for jobs in American agriculture and do not experience unfair competition in wages. An earned legalization program for experienced undocumented farmworkers already present in the U.S. would avoid the

need for substantial use of the H-2A program, which requires employers to demonstrate a labor shortage. “ Farmworker Justice views the H-2A components of this bill as a positive first step toward addressing the systemic abuses in the H-2A program, but believes additional reform is necessary,” said Bruce Goldstein.

Farmworker Justice strongly opposes legislation introduced by Rep. Lamar Smith and Rep. Dan Lungren to create massive new guestworker programs that strip essential worker protections, slash farmworker wages, and would do nothing to address the reality of roughly 1 million undocumented farmworkers already here in the U.S. producing our food.

Rather than waste time discussing failed proposals of the past, Congress should embrace Rep. Berman’s Agricultural Labor Market Reform Act of 2011.

Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with thirty years of experience on immigration and labor policy.

EPA Asked To Strengthen Long Overdue Pesticide Protections for Farmworkers

Basic protections across all states sought

Washington, D.C. – Several groups that work to protect farmworkers from exposures to toxic pesticides filed a petition today with the Environmental Protection Agency to implement stronger protections for farmworkers against the hazardous health impacts of pesticides. The petition seeks to eliminate the existing dual standard providing fewer workplace protections against pesticide exposures for farmworkers than for workers using hazardous chemicals in non-agricultural sectors.

“Most American workers enjoy workplace protections created by the federal Office of Safety and Health Administration, but not farmworkers,” said Eve Gartner, lead attorney for Earthjustice, the public interest law firm representing the groups. “They get second class treatment which exposes them to high levels of very dangerous pesticides which is not only unhealthy but also fundamentally unfair.”

The health and safety of industrial workers falls under the jurisdiction of the Occupational Safety and Health Administration (OSHA) and the U.S. Department of Agriculture (USDA). Farmworkers must rely on EPA’s Worker Protection Standard of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”) which is far more lenient than the OSHA rules that protect industrial workers encountering potentially dangerous chemicals.

“All we are asking is that the EPA protect farmworkers with standards that are as protective as industrial workers enjoy under OSHA,” said Virginia Ruiz, attorney for co-counsel Farmworker Justice. “Revisions to WPS are long overdue. EPA has not substantively updated it since 1992.”

It is well-documented that a significant number of farmworkers are sickened from pesticides. An average of [57.6 out of every 100,000](#) agricultural workers experience acute pesticide poisoning, illness or injury each year, the same order of magnitude as the annual incidence rate of breast

cancer in the United States. As a result of cumulative long-term exposures, they and their children are at risk of developing serious chronic health problems such as cancer, neurological impairments and Parkinson's disease. Despite the overwhelming evidence, EPA has not effectively updated worker protections for almost 20 years.

“The agency's prolonged failure to make revisions is particularly glaring,” said Margaret Reeves, Senior Scientist and Program Coordinator for Environmental Health and Workers' Rights at PANNA, “since EPA itself has admitted for over a decade that even with full compliance of its regulations, ‘risks to workers still exceed the Agency's levels of concern.’”

EPA has said that it expects to publish proposed revisions to the WPS early next year. The groups' recommendations for those revisions focus on three key protections for the workers who handle and apply pesticides:

- Medical monitoring of workers using pesticides that inhibit enzymes necessary to the functioning of the nervous system;
- Use of "closed systems" for mixing and loading pesticides, which prevent splashing and blowing of pesticides onto workers;
- Use of enclosed cabs in tractors from which pesticides are being sprayed using an airblaster

In addition, the petition requests a range of basic measures that would afford stronger protections for agricultural fieldworkers.

While worker monitoring and closed system mixing of chemicals is already required in California and Washington, the groups believe that EPA may not be planning to include these and other vital protections.

“The fact that these protections are already in place in some states and/or for some chemicals proves that there is no significant obstacle to mandating them on a national basis,” said Anne Katten, Project Director for Pesticide and Work Safety at CRLAF. “With this petition we want to make that absolutely clear to EPA.”

The groups argue that EPA is required to incorporate these protections into its revisions both under FIFRA, the federal statute regulating pesticides, and under the agency's stated obligation to achieve environmental justice by addressing the disproportionately high and adverse human health or environmental effects of its programs and policies on minority populations and low-income populations.

The petition, which was prepared by Earthjustice and Farmworker Justice, is submitted on behalf of United Farm Workers, Pesticide Action Network North America (PANNA), Farm Worker Pesticide Project (FWPP), California Rural Legal Assistance Foundation (CRLAF), Pineros y Campesinos Unidos del Noroeste (PCUN), Farm Labor Organizing Committee (FLOC) and The Farmworker Association of Florida, Inc.

"We must speak up for the very people who help to put food on our tables," said Ms. Gartner. "Their work is integral to our daily lives and further delay in providing these basic protections is just unacceptable."

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Earthjustice is a non-profit public interest law firm that specializes in cases protecting natural resources, safeguarding public health, and promoting clean energy. The firm has been a critical player in a number of important, precedent-setting cases including forcing the EPA to fight global warming by limiting greenhouse gas emissions, the first Supreme Court case to ever address the issue of climate change.

Farmworker Justice is a national advocacy organization for migrant and seasonal farmworkers with thirty years of experience on immigration and labor policy.

Founded in 1962 by Cesar Chavez, the United Farm Workers of America is the nation's first successful and largest farm workers union currently active in 10 states.

Pesticide Action Network North America (PANNA) works to replace the use of hazardous pesticides with ecologically sound and socially just alternatives. The group and its sister

networks challenge the global proliferation of pesticides and defend basic rights to health and environmental quality.

Farm Worker Pesticide Project works to reduce and eliminate exposures to pesticides for farm workers and their families.

California Rural Legal Assistance Foundation (CRLAF) is a statewide legal and policy organization advocating for the most exploited of California's rural poor, with a focus on helping undocumented and indigenous farm workers and their families in the areas of labor, housing, education, health, worker safety, pesticides, citizenship, immigration, and environmental justice.

Pineros y Campesinos Unidos del Noroeste (Northwest Treeplanters and Farmworkers United), is Oregon's union of farmworkers, nursery, and reforestation workers, and Oregon's largest Latino organization.

The Farm Labor Organizing Committee, AFL-CIO (FLOC), is both a social movement and a labor union comprised of migrant workers in the agricultural industry, immigrant workers, Latinos, local communities, and national and international coalitions concerned with justice. The group emphasizes human rights and justice for those exploited for the benefit of others.

The Farmworker Association of Florida, Inc. (FWAF) helps a membership of over 6,330 farmworker families, from predominately Mexican, Haitian, Afro-American, Guatemalan and Salvadoran communities, to respond to and gain control over the social, political, economic, and workplace issues that affect their lives.