

June 14, 2024

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, D.C. 20250

The Honorable Julie Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, D.C. 20210

RE: Farm Bureau Follow Up on May 20th Industry Roundtable

Secretary Vilsack and Acting Secretary Su:

Thank you for hosting the roundtable discussion at the U.S. Department of Labor (DOL) on May 20 to discuss how recent regulatory actions are affecting U.S. agricultural employers. I gratefully participated in the discussion and look forward to future conversations with you and your staff on this important topic.

As you know, the American Farm Bureau Federation (AFBF) serves our nation's farmers and ranchers from all walks of life. It is a privilege to serve such a dedicated and diverse membership across all regions, demographics, farm sizes, and production practices. As I travel the country meeting with our members, the issue top of mind among all of them is the ever-growing labor shortage and the extraordinary costs and regulatory burdens associated with it. At Farm Bureau, addressing the challenges in our agricultural labor force is at the top of our priorities, which is why we are grateful for your interest and commitment.

On June 4, AFBF joined a letter, which summarized actions requested of both of your agencies, including clear and accessible guidance on the latest rulemakings, a dedicated liaison position to the agriculture industry at DOL, and a serious review of the Farm Labor Survey. While we recognize that fundamental reforms within our immigration system ultimately reside with the U.S. Congress, these recommendations – and others – could be thoughtfully explored and

implemented under your leadership. We are now writing separately to underscore and expand on those recommendations, as well as offer additional thoughts and feedback.

First, several petitions rest with DOL to reconsider the methodology of the Adverse Effect Wage Rate (AEWR). The National Council of Agricultural Employers has led a petitioning effort to re-evaluate the AEWR's function as a guardrail against an adverse effect to the domestic wages and working conditions of U.S. workers similarly employed, as embodied in the Immigration and Nationality Act. AFBF supports the petition and requests serious consideration by DOL. More specifically, AFBF asks DOL, with USDA consultation, to reconsider whether an adverse effect truly exists to justify the current framework.

Foremost among the feedback received from Farm Bureau members is the inexplicable annual rise in the AEWR. For many years, AEWR increases have significantly outpaced inflation and accelerated costs for growers well beyond their means and the financial viability of family farms. Small- and medium-sized farms struggle to stay afloat, and many are shutting down.

The Farm Labor Survey (FLS), unfortunately, offers more questions than answers. For instance, observers and academics note the FLS sample size is disconcertingly small and sampling bias among survey respondents may exist. Furthermore, the incorporation of H-2A wages in the survey, intentionally or inadvertently, has created an inflationary effect on worker wages, especially when considering existing corresponding employment provisions. To address these concerns and others among industry, it may be helpful to convene a workshop with NASS experts and stakeholders to candidly address the deficiencies and suggested improvements to data collection, analysis, and distribution surrounding the AEWR. Without question, AFBF values and appreciates the diligent work of USDA employees, but transparency and communication must be prioritized to arrive at trusted policy decisions affecting farmers and farmworkers.

Finally, there is a prevailing view amongst our membership that DOL does not seek to understand how farmers and ranchers value, trust and protect their workers. Many farmworkers are more than employees, having spent decades alongside the farmers they work with to produce a safe, abundant food supply and steward our natural resources. To that end, AFBF offers an invitation to you and your senior leaders to meet with the farmers in the field who accurately reflect our industry's care and concern for their employees. We understand that travel budgets are always tight but firmly believe it would be a highly productive use of time and resources for all involved.

Thank you again for hosting a meeting to discuss our common challenges. Your personal and direct engagement on this issue must not stop; it's too important for farmers and their employees. With your help, our staff readily awaits a chance to maintain an ongoing and intentional discussion on actionable solutions within your authority.

Regards,

A handwritten signature in black ink that reads "Zippy Duvall". The signature is written in a cursive style with a large, looping "Z" and "D".

Zippy Duvall
President