



## **Ag Workers? What Ag Workers?**

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As I write this month's column the Congress is still debating whether they should defund the Department of Homeland Security (DHS) while telling, or rather warning, agriculture groups that we should support mandatory E-Verify for every employee along with enhanced border security now, with a non-specific promise that they will get to our workforce issues later. Many of us of a certain generation cannot help but recall a particular cartoon character from our youth who always said "I will gladly pay you tomorrow for a hamburger today." You always wondered if the payer could really count on getting paid tomorrow. We still wonder about promises of help later, in return for support or non-objection today. Mandatory E-Verify that is not concurrent with or led by immigration reform that lets our current workers legally continue working for us while providing a workable, economically viable, scalable, and sustainable future flow of workers for ALL agricultural employers; including those with year-around needs is a farm and job killer. A farm and job killer, period. Since the word sustainable seems to mean whatever the writer calls it when applied to agriculture, I mean a program that can work as intended/needed for years while being ethical and moral from both business and personal grounds. Specifically that growers and workers are both better off at the end of each season than had they not worked together for years to come.

This current fight comes at the same time we face a faster and faster decline in domestic workers both local and migrant, and an increasingly hostile regulatory process for acquisition and compliance in using the legal guest worker programs, H-2A for agriculture and H-2B for non-agriculture including processing. We have discussed the growing need for willing, able,

and reliable workers in the past. We have also discussed the need for constant growth in efficiencies to allow available workers to be as productive as possible and the constant claims by those who do not understand the nature of fruit and vegetable production to say we could simply mechanize as the corn and soybean growers do, or just pay more to attract the workers we need. We will not waste ink re-plowing that ground however two relatively new studies back up our concern. One from a NY State survey of apple growers suggests that despite increasing productivity by existing workers the need for workers will continue to grow in coming years. This [survey](#), is from Tom Maloney, Sr. Extension Specialist Dyson School of Applied Economics Management of Cornell University. The second is a January 12, 2015 [American Journal of Agricultural Economics article](#) discussing and documenting steep decline of the pool of domestic migrant workers.

The continuing concern that we will not see significant legislative improvements in the 114<sup>th</sup> Congress coupled with continuing regulatory agency hobbling of the only legal temporary worker programs had caused us to focus on practical steps we might take to push the current programs to work more as they were intended. This is the conclusion that my association, NCAE, has arrived at. While we continue to work toward fuller legislative corrections, we plan to focus on using all the help we can get from agriculture friendly agencies, Congressional rep pressures, grassroots pressures, and even litigation to encourage the regulations we are now governed by, that we must all live with until better legislation is achieved, to be administered in ways that at least do no harm to US domestic agriculture. Until we get to real possibilities of Congressional action, we intend to use our limited resources to push, pull, or beg the current regulators and administrators to make the existing programs better serve agriculture.

We do not advocate that any enforcement or regulatory agencies break-faith with their legislative or regulatory mandates, but that they take time to understand the differences in agricultural businesses and those businesses with highly predictable ebbs and flows that are not so directly impacted by uncontrollable variables, and/or are part of large corporations for whom a new and last-minute reporting or procedural change is accomplished by a back-room employee or team and implemented nationwide across multiple locations.

Over the coming months you will read about our ongoing effort to engage with upper management at various agencies to educate them in the realities of agricultural business management, the economic, homeland security, and moral values of continuing to produce the bulk of our food supply

domestically, and when necessary targeted invitations to various agency personnel to visit with Congressional representatives who understand the issues. None of these activities are short-term fixes, but in lieu of major legislative reforms which appear less likely in the atmosphere of this Congress, they are the pathways open to us for whatever improvements we can harvest in the orchards, fields, and barns of Washington, DC.

The author is Executive Vice President of the National Council of Agricultural Employers (NCAE.) NCAE is the national trade association representing Agricultural Employers in Washington, DC. NCAE advocates and addresses employer issues for all employers of both domestic and H-2 agriculture workers. NCAE is proud to count many individual growers and grower associations among our Membership. The invitation to become an individual Member of NCAE and receive our communication and information direct is extended to all agricultural employers. Visit NCAE's website at [www.NCAEonline.org](http://www.NCAEonline.org) for more information and continuing updates.