

RESOLUTION # 27

FARM LABOR

1 **WHEREAS**, from the planting and harvesting of grains, fruits and vegetables, to the
2 daily care of plants and animals, agriculture is a labor-intensive industry; and while most
3 farms in New Jersey are family-owned and operated, many of them need to hire additional
4 labor in order to operate successfully; and

5 **WHEREAS**, in order to ensure the future of its agriculture, New Jersey must not only
6 preserve its farmland, but also address the needs of its farm workforce; and

7 **WHEREAS**, ensuring the availability of an adequate, legal farm labor workforce must
8 be addressed on both the state and federal levels; and the federal government needs to
9 create a counterfeit-resistant identification system, needs to establish an earned adjustment
10 of status program, and needs to reform the current practices for obtaining temporary
11 agricultural worker visas; and

12 **WHEREAS**, Congress has thus far failed to address immigration reform in a
13 comprehensive manner that would establish a clear path to legal status and provide for an
14 adequate seasonal and year-round workforce through guest worker programs, to be relied
15 upon by agriculture and related industries, which cannot currently attract enough
16 experienced and qualified United States citizens to fill their labor needs, both seasonal and
17 full-time year-round; and

18 **WHEREAS**, the House of Representatives in December 2019 passed the Farm
19 Workforce Modernization Act, which is aimed at reforming guest worker programs to make
20 agricultural workers in those programs more readily available to farmers; and

21 **WHEREAS**, that bill was passed without several amendments that were sought by
22 agricultural groups such as the American Farm Bureau Federation, amendments aimed at
23 making the changes to the guest worker programs more equitable to farmers at all levels of
24 production and addressing problems within the E-Verify system included in the bill that would
25 disadvantage many New Jersey farmers; and

26 **WHEREAS**, Congress previously has considered legislation mandating that
27 employers use an error-prone database (E-Verify) to check the legal status of prospective
28 employees, and that those employers be held legally responsible for decisions that may
29 result in workers of non-legal status being hired unwittingly by farmers as a result of
30 database errors; and

31 **WHEREAS**, a Farm Credit analysis of the impacts of an E-Verify-type system being
32 implemented, without first establishing an adequate agricultural guest worker program,
33 shows severe impacts to farm operations, including the likelihood of farmers either switching
34 to non-labor-intensive crops or going out of business; and

35 **WHEREAS**, finding local, domestic workers is exacerbated in rural areas, as rural
36 areas typically have unemployment rates lower than the current average of 4.2 percent
37 nationwide, have typically higher senior-citizen populations than the 16-percent national
38 average, have experienced greater impacts from the COVID-19 pandemic in disruptions to
39 supply chains and typically do not have adequate public transportation to help get workers
40 from their homes to the farm, all of which makes it difficult to secure local domestic
41 employees; and

42 **WHEREAS**, labor supply and training are key for sustaining and growing the
43 agricultural industry in New Jersey, and programs that support worker training, health and
44 safety, and address issues such as housing, are, and will continue to be, part of the
45 Department's outreach and education efforts on farm labor; and

46 **WHEREAS**, New Jersey Farm Bureau's current position on the efforts to reform
47 federal agricultural labor laws includes support for the following:

- 48 • Adjustment of status or workers ability to remain in the country on a guest worker
49 program.
- 50 • H2A reform or by way of another new guest worker program that streamlines the
51 process and mandates a lesser wage than the current Adverse Wage Rate and
52 eases the requirement for advertising in local newspapers prior to hiring.

- 53 • A guest worker bill that does not have a cap at all or caps that are sufficient to
54 provide an adequate number of agricultural workers in the U.S.
- 55 • A work visa that provides year-round labor force for agribusinesses such as Dairy.
56 The agricultural community opposes the requirement to use E-Verify absent a
57 revised agricultural industry-supported guest worker program

58 **WHEREAS**, New Jersey farm operators also utilize the H2B Non-agriculture Foreign
59 Temporary Worker visa program to source the seasonal workers for their retail, agri-tourism,
60 farmers markets, and landscape enterprises and are facing great hardship in obtaining
61 necessary workers due to the annual federal visa cap of 66,000 workers per fiscal year; and

62 **WHEREAS**, it behooves the state’s agricultural community to have, when possible, a
63 consistent policy approach and public message on agricultural labor legislation moving
64 through Congress; and

65 **WHEREAS**, bills such as one requiring farmers to pay overtime do not capture an
66 understanding of how, when increased labor costs are imposed upon farmers in just one
67 state, such as New Jersey, that all other states, especially those surrounding this state, enjoy
68 a competitive advantage of selling their agricultural products into the market at a much lower
69 cost than the state that imposed overtime pay for farmworkers, placing New Jersey farmers
70 on an island unto themselves and harming the viability of farms in the state.

71 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 108th State
72 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9, 2023, do
73 hereby support all efforts of the Department to ensure a stable source of well-trained and
74 legal farmworkers, and that we support efforts to ensure the proper training and education of
75 the farm workforce, especially as it relates to worker health and safety.

76 **BE IT FURTHER RESOLVED**, that we support the immediate adoption and
77 implementation of federal legislation which reforms the policies and procedures for
78 temporary agricultural worker visas, creates counterfeit-resistant identification to ensure the
79 availability and supply of farm labor, both seasonal and year-round, and that we urge the

80 New Jersey Congressional Delegation to support these efforts in both the House and
81 Senate.

82 **BE IT FURTHER RESOLVED**, that we strongly urge the Department and other
83 agricultural organizations to support the New Jersey Farm Bureau positions (enumerated
84 above) on reforming federal agricultural labor laws.

85 **BE IT FURTHER RESOLVED**, that we strongly urge federal lawmakers and policy
86 directors to delay the implementation of any E-Verify, or other employer-driven legal status
87 verification system, until after the passage and implementation of an agricultural guest
88 worker program that will ensure sufficient labor for America's farmers.

89 **BE IT FURTHER RESOLVED**, that we strongly oppose any state-level effort to
90 mandate overtime pay for farmworkers that would, when enacted unilaterally, put New
91 Jersey farmers at a competitive disadvantage to farmers in surrounding states.

92 **BE IT FURTHER RESOLVED**, the delegates support a permanent increase in the
93 annual H2B visa cap and support the implementation of a "Returning Worker Exemption" for
94 previous H2B workers so that their visas will not count against the annual cap.