**RESOLUTION # 26**

**FARM LABOR**

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

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

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

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

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

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

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

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

**WHEREAS**, difficulty in finding local, domestic workers is exacerbated in rural areas, as rural areas typically have unemployment rates lower than the current nationwide average of 3.9 percent, have typically higher senior-citizen populations than the 16-percent national average, have experienced greater impacts from the COVID-19 pandemic in disruptions to supply chains and typically do not have adequate public transportation to help get workers from their homes to the farm, all of which makes it difficult to secure local domestic employees; and

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

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

* Adjustment of status or workers ability to remain in the country on a guest worker program.
* H2A reform or by way of another new guest worker program that streamlines the process and mandates a lesser wage than the current Adverse Wage Rate and eases the requirement for advertising in local newspapers prior to hiring.
* A guest worker bill that does not have a cap at all or caps that are sufficient to provide an adequate number of agricultural workers in the U.S.
* A work visa that provides year-round labor force for agribusinesses such as Dairy. The agricultural community opposes the requirement to use E-Verify absent a revised agricultural industry-supported guest worker program.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, do hereby support all efforts of the Department to ensure a stable source of well-trained and legal farmworkers, and that we support efforts to ensure the proper training and education of the farm workforce, especially as it relates to worker health and safety.

**BE IT FURTHER RESOLVED**, that we support the immediate adoption and implementation of federal legislation which reforms the policies and procedures for temporary agricultural worker visas, creates counterfeit-resistant identification to ensure the availability and supply of farm labor, both seasonal and year-round, and that we urge the New Jersey Congressional Delegation to support these efforts in both the House and Senate.

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

**BE IT FURTHER RESOLVED**, that we strongly urge federal lawmakers and policy directors to delay the implementation of any E-Verify, or other employer-driven legal status

verification system, until after the passage and implementation of an agricultural guest worker program that will ensure sufficient labor for America’s farmers.

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

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

**BE IT FURTHER RESOLVED**, that in the absence of any cohesive, bi-partisan immigration-reform legislation being passed by the United States Congress, we strongly urge outreach to New Jersey’s Congressional Delegation, as well as for the State to consider what steps it can take to ensure a more available, trained, and competent workforce for its businesses.