



New York Farm Bureau
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MEMORANDUM OF OPPOSITION

Assembly Bill 1223 (Assemblywoman Nolan)

AN ACT IN RELATION REQUIRING COLLECTIVE BARGAINING, OVERTIME AND DISABILITY FOR FARM EMPLOYEES

Date: 6/8/2017

The New York Farm Bureau is the state's largest farm organization. Our membership is representative of the many different aspects of agricultural production within this state. Agriculture itself is a unique industry, which faces many different challenges on a day-to-day basis. The seasonality of our labor force, the perishability of our products, and the low prices farmers receive for their crops make agriculture one of the toughest, yet most personally rewarding, industries in the state.

Farm families in New York do provide a substantial amount of the food that we eat. However, more and more of our produce is being shipped in from other countries with much lower labor costs and much lower regulatory standards for food and environmental quality than our own. New York's farm families are regulated by a myriad of local, state, and federal agencies. Agricultural workers are covered by both the Migrant and Agricultural Seasonal Protection Act and the Agricultural Fair Labor Standards Act at the federal level, and are covered under state minimum wage laws, the state sanitary housing code for farm employees, and both federal and state Worker Protection Standards to ensure safe environmental working conditions. All farm workers are also required to have a completed farm work agreement with their employer, which covers pay rates, housing benefits (most farm workers also receive housing) and working conditions.

This bill would dramatically increase the cost of farming in New York State at a time when most residents are experiencing the same financial crisis as our farming families and worrying about how to afford food on their tables. This bill would have a tremendous impact on New York's smaller farmers, while also putting tremendous pressure on the larger family farms that provide the bulk of the fresh New York-grown products we enjoy eating.

New York State is one of numerous states that adopts the federal labor standards for agricultural workers. Only seven states have a state-mandated agricultural overtime requirement, most of which have adjustments that take into account the seasonality and perishability inherent in agricultural operations. Since crops are perishable and the growing season in New York is short, there are times of the year when agricultural workers, alongside the farmers, are working long hours.

However, factual statistics from the National Agricultural Statistics Service (a branch of the federal USDA) demonstrate that farm workers in New York made an average of \$12.39 an hour in 2015. There is a reason that many immigrants travel great distances to work on our farms on a seasonal basis—because New York State farmers provide good working conditions and wages.

Farmers are already rigorously regulated and inspected employers. The agricultural workforce is a crucial part of our farms. If farmers in this state did not treat their employees correctly, and fairly, in this era of tight labor markets, they would not have a workforce to harvest their crops. We cannot continue to overly regulate and place onerous mandates on our farm families, and we cannot support legislation that simply puts more laws on the books without addressing some of the more basic needs of our farm workers and our farmers.

New York Farm Bureau respectfully opposes this legislation for its failure to comprehensively examine and listen to real farmers discuss the difficulties of running a farm business and competing in a global economy. This bill does not accurately reflect either the needs of farm workers—who have self-identified in an independent study the need for housing, health care, and immigration services—or the needs of farm families.