



National Association of State Departments of Agriculture
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January 24, 2023

The Honorable Tom Vilsack
Secretary of Agriculture
1400 Independence Ave, NW
Washington, D.C. 20250

Dear Secretary Vilsack,

The National Association of State Departments of Agriculture (NASDA) appreciates the opportunity to provide feedback on USDA's proposed Farm Labor Stabilization and Protection Pilot Grant Program. NASDA recognizes the importance of our current agricultural workforce to the sustainability of U.S.-based agricultural production and food security.

NASDA represents the commissioners, secretaries, and directors of the state departments of agriculture in all 50 states and 4 U.S. territories. State departments of agriculture are responsible for a wide range of programs, including food safety, animal disease prevention and response, and fostering the economic vitality of our rural communities. Workforce development is essential to the success of agricultural operations across the country. While NASDA still supports a pathway to legal status and changes to the H-2A program more broadly, we appreciate USDA's commitment to supporting agricultural producers and workers who rely on the H-2A program.

NASDA recognizes the program's efforts to improve the resiliency of our food supply chain. Our members appreciated the opportunity to engage with USDA staff in several listening sessions, which allowed us to provide input and make suggestions to improve the program. As a follow-up to those productive conversations, NASDA submits the following points for USDA's consideration:

Worker Recruitment

According to a National Council of Agricultural Employers survey of countries of origin of H-2A visa holders for Fiscal Year 2020, over 92% of H-2A visa holders came from Mexico. NASDA supports the inclusion of Mexico on the list of countries agricultural employers may hire from in order to access funds through the pilot grant program.

Recruiting new workers and expanding the potential pool of workers to include those coming from Central America may help address some of the labor shortages that American employers are currently experiencing. We recommend expanding the pilot program to include the additional costs of travel and lodging accommodations for these workers. This would remove the financial hurdle for U.S. farmers who are unable to cover these expenses. Additionally, the program should provide technical and financial support to help address the unique needs of these specific

workers, focusing on differences in orientation, language, and culture. Employers are eager to accommodate these potential employees, and a financial incentive through the proposed pilot program would help alleviate concerns about commingling workers from different areas and cultural backgrounds.

Worker Housing and Safety

Providing safe and comfortable housing and working conditions is of paramount importance to NASDA. NASDA supports allowing employers to utilize funds from the pilot grant program to improve housing and other facilities in order to exceed current standards and requirements, such as those set forth by the Department of Labor. We recommend allowing employers to provide worksite transportation for their employees through grant funding.

Allowing participating employers to utilize these funds for the purpose of improving employee facilities will further ensure that H-2A employees are guaranteed safe and fair treatment. While considering how this program can help improve working conditions and standards, it may be useful to examine common program compliance issues and focus funding on addressing these areas. The program could provide additional support focused on these issues through outreach, education, and technical assistance. Offering additional financial incentives to employers would allow employers to offset the costs of additional training time.

NASDA also supports providing direct funding to states, state departments of agriculture, or non-profits to provide worker occupational health and safety training. States like New York have implemented programs such as the New York Center For Agricultural Health and Medicine (NYCAHM), which provides direct training to the agricultural workforce, including H-2A and migrant employees. These centers provide general farm safety training, occupational safety training, including respirator fit tests, and pesticide handling training and resources. Often, these state resources are in high demand and receive inadequate federal funding. USDA should consider directing funds from the pilot grant program to states or non-profits to provide support to worker training facilities that have well-established relationships and credibility within rural communities that heavily utilize the H-2A program.

Employer Involvement

Agricultural employers currently utilizing the H-2A visa program abide by specific requirements and obligations that have long existed. In November of 2022, the Department of Labor implemented additional changes to the program related to filing, wages, housing, surety bonds, and enforcement. For any pilot grant program implemented by USDA, NASDA seeks clarity from USDA that the pilot grant program provides support to employers through cost savings, and therefore does not hinder participation by adding additional obligations for employers.

Allowing employers to utilize funds from the pilot grant program to streamline technical requirements for housing and incentivizing training programs may increase employer participation in such a program. Recognizing USDA's intention to implement the pilot grant program for use during the 2023 growing season, it is worth noting that many employers wishing to utilize the H-2A program have already begun the application process. NASDA supports USDA re-examining the timeline for the rollout of the program, or retroactively providing

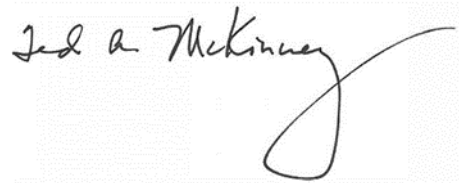
funding to employers who have begun the application process for 2023, to achieve maximum employer participation.

Union Involvement

NASDA recognizes the input and work of United Farm Workers and other unions. However, NASDA remains concerned that this pilot grant program, in its proposed form, could serve as a mechanism to fully unionize the agricultural industry. As with any program, employer involvement and participation are key to ensuring the goals of the program are accomplished. NASDA has concerns with the parameters or expectations of employers who voluntarily choose to participate in the pilot grant program. NASDA seeks clarity on the involvement of any union in a final pilot grant program and the expectation of employers who choose to participate.

NASDA appreciates USDA's attention to the H-2A program and its importance to agricultural employers and workers across the United States. With changes and improvements, this proposed pilot grant program could provide further stability to the H-2A program moving forward. NASDA members appreciate the opportunity to provide input and feedback throughout this ongoing process.

Sincerely,

A handwritten signature in black ink that reads "Ted McKinney". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ted McKinney
CEO