



FARM LABOR ORGANIZING COMMITTEE, AFL-CIO
1221 Broadway Street
Toledo, Ohio 43609
(419) 243-3456
www.floc.com

March 20, 2008

Thomas Dowd, Administrator
Office of Policy Development and Research
Employment and Training Administration, US DOL
200 Constitution Avenue NW; Room N-5641
Washington, DC 20210

Subject: Regulatory Information Number (RIN) 1205-AB55

On behalf of the more than 7,000 guestworkers represented by the Farm Labor Organizing Committee, I address this letter to firmly protest the proposed changes to H2A program and to ask the administration to: 1) to stop proposed changes, and/or 2) extend the comment period beyond March 31, 2008. It is a slap in the face of people of good faith that the day selected to close the comment period is the day the nation celebrates the life of Cesar Chavez.

FLOC is a migrant farm worker union representing farm workers and their families in Ohio, Michigan and North Carolina. As a farm worker myself, I know first hand the miseries farm worker families have to endure just to be able to harvest the crops that feed Americans everyday. We know the realities of agriculture and share the concern of growers who cannot find enough workers to harvest crops. We have had farmers in Ohio who had to plow over their cucumbers for lack of workers willing to harvest them. It is because of this reason that we have joined forces with grower organizations and other farm worker groups across the country to push for Ag Jobs. Ag Jobs is a bipartisan bill that would make the H2A program more efficient to used while keeping the existing protections for US and foreign workers.

The so-called "modernization" of the current H2A program proposed by the administration, however, will eliminate important protections that the current program includes to guarantee that domestic workers are first considered for the available positions. It will also dramatically lower the wages now guaranteed to agricultural guest workers. These protections are now included to protect domestic workers from unfair competition with foreign workers. Given that about a million farm workers are currently working in US farms as undocumented, most growers will benefit more through a simple process to legalize their current workforce.

Lack of enforcement continues to be a serious problem. Under the current rules, there is apparent willful violations in testing the labor market for job orders which are approved without questioning. Growers whom we are familiar inflate their job orders clogging the interview reservations at our consulates leaving the more honest growers at a disadvantage in securing their workforce in a timely manner.

Additionally we oppose the fee increases to growers as it discourages use of the H2A program and actually encourages employers to hire undocumented workers. The current fee of \$100.00 per grower and \$10.00 per worker increasing to \$200.00 per grower and \$100.00 per worker will significantly impact the all growers. A 100 worker employer will go from \$1200.00 to \$10,200.00 just to use the program. Small growers will also suffer by cutting into their marginal profits, if any, and discourage the cultivation of labor intensive crops and therefore the loss of jobs for our workers.

I will be happy to provide you with more extensive comments. I urge you to stop proposed changes and to extend the current comment period to allow for a more extensive dialogue about such an important subject. The future of agriculture and the way our food gets to the tables of Americans depends on it.

Thank you.

Sincerely,
Baldemar Velasquez, President