

# The New York Times

## Labor Secretary Proposes Suspending Farm Rules

By Steven Greenhouse

March 14 2009

Labor Secretary Hilda L. Solis announced Friday that she would suspend regulations that the Bush administration introduced in December to make it easier and cheaper for agricultural employers to use foreign workers in temporary jobs.

Just hours after being officially sworn on Friday morning, Ms. Solis said she would suspend the regulations for nine months. The move could create turmoil for growers who had already applied to bring in temporary farm workers under the new rules.

Last year, tens of thousands of foreign workers were brought in under the temporary agricultural program, known as H-2A, harvesting lettuce, sweet potatoes, tobacco, cucumbers, sugar cane and other crops. The new rules cut the wages that many of these workers will receive and reduced the amount that growers had to reimburse these workers for their travel. They also eased administrative burdens by letting employers simply attest that they had met various program requirements. Ms. Solis, who criticized the rules when she was in Congress, said suspending them was “the prudent and responsible action” to take “because many stakeholders have raised concerns about the H-2A regulations.”

Many farm worker and labor groups had attacked the Bush regulations, saying they would push down wages for H-2A workers and take away jobs from workers in the United States. Growers generally applauded the rules, saying they would reduce red tape in employing foreign seasonal workers who they said did arduous farm jobs that few Americans wanted to do.

Labor Secretary Elaine L. Chao announced the rules on Dec. 18, and they took effect on Jan. 17. Ms. Solis said the proposed suspension would be open for public comment for 10 days.

“It will throw a lot of people into limbo,” said Sharon Hughes, a consultant to many growers who use H-2A workers. “A lot of people have placed orders for these workers, and this will cause some panic in the industry.”

Erik Nicholson, a national vice president of the United Farm Workers, applauded Ms. Solis’s decision, calling the Bush rules “some of the worst setbacks for farm workers in decades.” He added, “They meant worse wages and worse housing conditions for these workers and worse discrimination against American workers.”

Labor Department officials said one reason for the suspension was a fear that there would be major administrative delays in granting temporary work visas.

In December, Ms. Solis, then a California representative, condemned the regulations.

“With many families already burdened by this bad economy,” she said, “our nation cannot afford these guest worker program changes. There is no question that the guest-worker program needs significant overhaul, but slashing wages and reducing basic rights for the most vulnerable workers in our country, especially hardworking Latino farm workers, is not the answer.”

Jasper Hempel, executive vice president of the Western Growers Association, praised the Bush rules as reducing red tape. But he said the nation needed legislation, known as the AgJOBS bill, that would stabilize the farm labor situation by giving the more than one million illegal farm workers a path to legalization.