



John Lemondes, Jr.  
Assemblyman 126<sup>th</sup> District  
Cayuga and Onondaga Counties

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Corporations, Authorities and  
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Economic Development, Job Creation,  
Commerce and Industry  
Environmental Conservation

May 2, 2023

U.S. Congressional Representative Glenn 'GT' Thompson  
400 Cannon House Office Building  
Washington, DC 20515

Dear Chairman Thompson:

We are writing with respect to the upcoming farm bill passage and request your consideration of the issues contained herein. Agriculture is New York's largest industry and one of paramount importance to the state economy, it is imperative that New York's structural barriers be addressed.

The H-2A program in this bill grants the U.S. Department of Labor the power to set the Adverse Effect Wage Rates (AEWR) for unskilled farm laborers. The formula used by the U.S. Department of Labor has set an AEWR for New York State at \$16.95 an hour, which is identical or similar to the rates set for other states in the Northeast region of the United States. The AEWR for New York will be detrimental to farmers and the agricultural industry in the state. We urge you and your colleagues to include a waiver request process in the H-2A section of the farm bill where New York and other states can challenge the AEWR set by the U.S. Department of Labor. This will allow for New York's unique circumstances to be adequately addressed.

The AEWR puts a tremendous burden on New York farmers who are already struggling with the state's labor law requirements. On February 22, 2023, the final farm labor overtime regulations were adopted to lower the current 60-hour threshold for overtime pay to 40 hours per week by January 1, 2032, allowing 10 years to phase in the new threshold.

When the farm bill is passed this year, it will be in effect through 2028. By that time, New York farmers will have to pay an employee for overtime at a wage rate of one- and one-half times the employee's regular rate of pay for hours worked in excess of 48 hours per week. If New York could have their AEWR decreased, it would help alleviate the increased costs farmers must bear due to the new labor overtime regulations.

Additionally, the changes to farm labor overtime regulations will force farmers to reduce the hours of their workers to avoid paying overtime pay. The result will not only increase the work of the farmer but the farmer's family as well. 98% of New York Farms are family owned. Overworked farm families will leave New York for other states where they can afford to pay H-2A migrant laborers without having to break their own backs to do so or exit the industry entirely.

When you couple these costs with the other federal requirements of the H-2A program, the cost for farmers is astronomical. Farmers must provide housing and utilities at no cost to H-2A migrant workers and to those workers in corresponding employment who are not reasonably able to return to their residences within the same day. Farmers are also required to provide or reimburse H-2A migrant workers for inbound transportation and return transportation from and back to their home country. While we do not request the law to be changed with regard to these issues, they should be considered in conjunction with other farm-related policies.

Lastly, farmers are disadvantaged because they are price takers, not price makers. They must accept the prevailing market price and sell at the same market price, despite the cost difference in production of goods with foreign competitors. The agricultural industry's economic climate has become so corrosive it has left many farmers in New York and the United States with no hope. The rate of suicide among farmers is three and a half times higher than among the general population and suicide rates in rural communities increased by 48 percent between 2000 and 2018. We cannot allow this heartbreaking trend to continue.

Again, we respectfully ask you and your colleagues to consider including a waiver process in the farm bill. New York's agriculture industry is paramount to the state's economy and the nation's overall food security apparatus. This change to the federal law could protect it for years to come.

Sincerely,



John Lemondes  
Assemblyman, 126<sup>th</sup> A.D.



Joseph Angelino  
Assemblyman, 121<sup>st</sup> A.D.



Anil Beephan  
Assemblyman, 105<sup>th</sup> A.D.



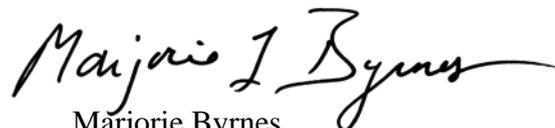
Scott Bendett  
Assemblyman, 107<sup>th</sup> A.D.



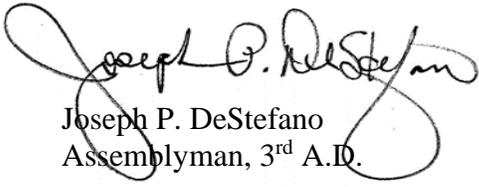
Kenneth Blankenbush  
Assemblyman, 117<sup>th</sup> A.D.



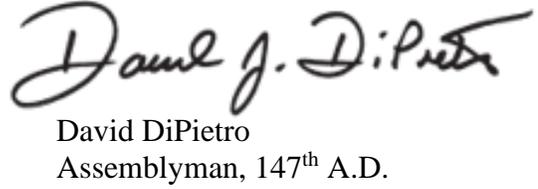
Karl A. Brabenec  
Assemblyman, 98<sup>th</sup> A.D.



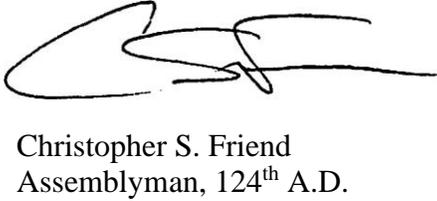
Marjorie Byrnes  
Assemblywoman, 133<sup>rd</sup> A.D.



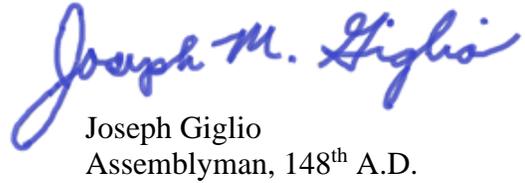
Joseph P. DeStefano  
Assemblyman, 3<sup>rd</sup> A.D.



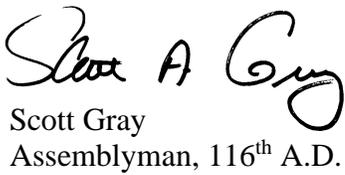
David DiPietro  
Assemblyman, 147<sup>th</sup> A.D.



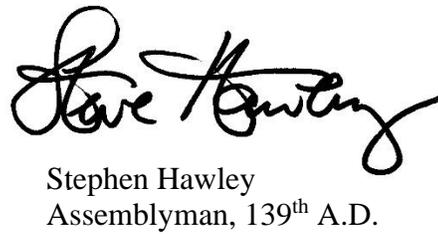
Christopher S. Friend  
Assemblyman, 124<sup>th</sup> A.D.



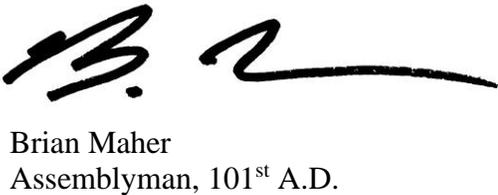
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Assemblyman, 148<sup>th</sup> A.D.



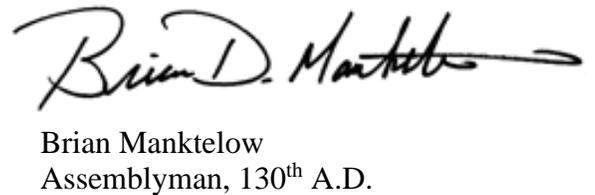
Scott Gray  
Assemblyman, 116<sup>th</sup> A.D.



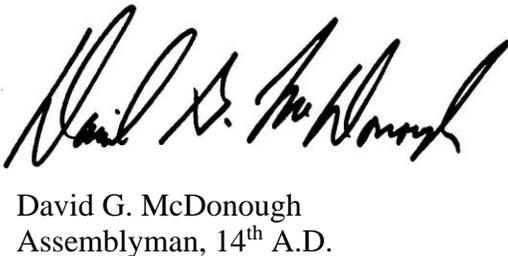
Stephen Hawley  
Assemblyman, 139<sup>th</sup> A.D.



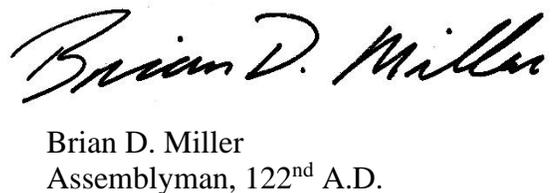
Brian Maher  
Assemblyman, 101<sup>st</sup> A.D.



Brian Manktelow  
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David G. McDonough  
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Brian D. Miller  
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Michael J. Norris  
Assemblyman, 144<sup>th</sup> A.D.

Philip A. Palmesano  
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Robert Smullen  
Assemblyman, 118<sup>th</sup> A.D.

Chris Tague  
Assemblyman, 102<sup>nd</sup> A.D.

Ari Brown  
Assemblyman, 20<sup>th</sup> A.D.

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