



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of September 12, 2022 -- 'Will Governor Hochul turn her back on farmers?'

THOMAS F. O'MARA September 12, 2022

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It's shaping up to be yet another economic disaster for New York's farmers and farm workers -- and another fiscal burden for taxpayers.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "Will Governor Hochul turn her back on farmers?"

To no one's surprise last week, a New York State Wage Board established under a 2019 law known as the "Farmworkers Fair Labor Practices Act" finalized its recommendation to lower the mandatory overtime pay threshold for farm workers from the current 60 hours to 40 hours.

If left to stand by Governor Kathy Hochul, it will change the face of New York State agriculture as we have known it for generations.

Listen to the warnings, governor. Stay at 60.

Grow NY Farms, a coalition of leading farm industry advocates, states that the Wage Board's recommendation "will put the future of farming in New York at risk. In fact, this report and its recommendations are not reflective of the significant data and research conducted by academics and industry experts, or the majority of public testimony provided throughout the public hearing process."

Northeast Dairy Producers Association Vice President Keith Kimball said, "The entire Farm Laborer Wage Board process has lacked transparency and integrity from the start, and the final report is no exception. The Wage Board report fails to represent the outpouring of testimony from New York's agriculture industry, which resulted in over 70% of testimony asking to keep overtime at 60 hours."

Upstate United Executive Director Justin Wilcox said that the recommendation "is a death sentence for many family farms across the state. The future of farming now rests in the hands of Governor Hochul."

The three-member Wage Board moved forward by a vote of 2-1. Board member David Fisher, President of the New York Farm Bureau, was the lone vote against it, stating that "the deck was stacked" against the farm community from the outset and that the board's final report "does not reflect the data, research and scope of the full testimony that was provided" in opposition.

For example, Cornell University issued a report last November detailing the potential and very troubling consequences, including that:

- Two-thirds of the dairy farms interviewed by Cornell researchers indicated they would move out of milk production;

- One of every four fruit or vegetable farms will relocate their operation outside of the state;
- Seventy percent of H-2A workers said they would consider going to another state without capped hours if the state moves to a 40-hour overtime threshold.

The decision now goes to Governor Hochul and state Labor Commissioner Roberta Reardon, a holdover from the prior Cuomo administration, who will have 45 days to review the Farm Wage Board's final report before acting.

At the very least, Governor Hochul should delay any final decision until the next United States Department of Agriculture (USDA) Census is released in 2024 when more up to date and extensive data will be available to assess the state of the agricultural industry, including the economic toll of the COVID-19 pandemic.

Governor Hochul can listen to the thousands of farmers, farm workers, farm advocates, agricultural representatives, community leaders, and legislators, including me, in near-unanimous opposition.

She can heed the warnings from the industry's top advocates, including the New York Farm Bureau, the Northeast Dairy Producers Association, Grow NY Farms, and numerous others.

She can choose not to risk the future of high quality, local food production.

She can recognize that now is no time to risk regulating and mandating an even more uncertain future for family farmers, farm workers, farm communities, and New York's agricultural industry overall.

Or she can look the other way and reaffirm that this was a charade on her part all along.

Governor Hochul has signaled her determination to walk hand in hand with the Wage Board and finish what ex-Governor Cuomo started. In late July, Governor Hochul said that if the state moves forward with forcing farmers to pay overtime after 40 hours, state taxpayers will pick up the extra costs and subsidize the move, indefinitely, to the tune of at least \$130 million annually -- even though many farmers question whether the tax credit would even cover their higher labor costs.

Even more to the point, however, is why should New York's taxpayers foot the bill to put in place yet another questionable plank of the "progressive" agenda now ruling Albany?

It's shaping up to be yet another economic disaster for New York's farmers and farm workers -- and another fiscal burden for taxpayers.

Nevertheless, there's still time to change course.

Keep sending the message to "Stay At 60" to Governor Hochul by calling [518-474-8390](tel:518-474-8390).

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