1	JOINT HEARING BEFORE THE NEW YORK STATE SENATE				
2	STANDING COMMITTEE ON AGRICULTURE AND				
3	STANDING COMMITTEE ON LABOR				
4	PUBLIC HEARING:				
5	TO HEAR PUBLIC TESTIMONY ON				
6	THE PROPOSED FARMWORKERS FAIR LABOR PRACTICES ACT				
7					
8	The Seelig Theater at SUNY Sullivan 112 College Road				
9	Loch Sheldrake, New York				
10	Date: May 2, 2019 Time: 1:00 p.m.				
11					
12	PRESIDING:				
13	Senator Jen Metzger Chair, Senate Standing Committee on Agriculture				
14 15	Senator Jessica Ramos Chair, Senate Standing Committee on Labor				
16	ALSO PRESENT:				
17	Senator Pete Harckham				
18	Senator Robert Jackson				
19	Senator John Liu				
20	Senator Thomas F. O'Mara				
21	Senator Shelly B. Mayer				
22	Senator Diane J. Savino				
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SENATOR METZGER: Good afternoon everyone.

We're going to get started in, like, 30 seconds.

Just waiting for our -- here we go.

Senator John Liu in the house, come on up.

Okay, we'll get started then.

Thank you all for being here.

I'm Senator Jen Metzger, Chair of the Senate
Agriculture Committee, as well as the proud
representative of this fair county, Sullivan County,
and parts of Orange, Ulster, and Delaware counties.

I'm joined today by my colleague

Senator Jessica Ramos, who's Chair of the Labor

Committee, and sponsor of the legislation before us

today, the proposed Farmworker (sic) Fair Practice

Labor Act.

We're also joined today by other colleagues,
Senator Pete Harckham; Senator Robert Jackson;
Senator John Liu is here somewhere, will be up here
in a moment. And I believe Senator Shelly Mayer is
on our -- her way. Senator O'Mara should be here as
well.

I wanted to thank all of my colleagues for making the trek to our area, we really appreciate it.

This is the third in our series of joint hearings by the Agriculture and Labor committees.

It is, in my view, absolutely vital to get the direct input of farmers, farmworkers, and the public.

Last week we had hearings in Morrisville and on Long Island, and it was extremely helpful to hear and get the perspectives of those who stand to be most affected.

As Agriculture Committee Chair, and the representative of farming communities in the Hudson Valley and Catskills regions, I recognize that this proposed legislation will greatly impact farming in New York.

Legislators need to hear from farmers and farmworkers alike, as we weigh this legislation and learn directly from you about the realities of small and family-owned farm operations in New York.

New York has deep roots in farming. It represents \$4.2 billion of our economy, and it's an integral part of our rural heritage and our culture.

In contrast to other parts of the country -- Welcome, Senator Liu.

-- the majority of New York's farms are small to mid-size and family-owned. Over half the farms

in New York State are under 100 acres.

Today our farms remain a pivotal engine of the state's economy and vital to the well-being of our rural communities and New York's long-term food security, yet many of New York's small and mid-size farms are struggling. And despite the popular local food movement, increasing numbers of people in rural and urban communities are experiencing food insecurity.

In my view, we have to work together, collaboratively, on solutions that sustain farming in New York for the long-term, providing real economic benefit for farmworkers and farm families, and food security for all New Yorkers.

I want to thank all of you for being here, especially the farmers and farmworkers who came today.

I know how hard it is to get off of the farm.

I was praying for rain today.

I really appreciate that you're here, and that we're going to hear your testimony.

In addition to these public hearings, we will be accepting written testimony until the end of the day tomorrow at 5 p.m.

Testimony can be submitted in English or in

Spanish, and we look forward to listening to you and taking your input very seriously.

I want to take a moment to thank my staff member, Ari Mir Pontier, who is -- I can't see her, but she's over there, who will be providing Spanish translation services.

I also want to recognize my staff and
Senator Ramos's staff who have worked very hard to
put these hearings together;

And, thank Senate conference services for helping with logistics and for live-streaming this event so that people who could not be here can still see what we're learning today.

And, of course, last, but not least, I want to thank SUNY Sullivan and President Jay Quaintance, who we'll hear from in a moment, for hosting us today.

He also, after -- actually, I'm going to first turn it over to my colleague and Co-Chair of this hearing, Senator Ramos, to say a few words.

SENATOR RAMOS: Thank you, Senator Metzger.
Good afternoon, everyone.

My name is Jessica Ramos.

I represent District 13 in the State Senate, which is located in Northwestern Queens.

I am the chair of the Labor Committee in the state Senate, where we've been looking to move through a long backlog of legislation, progressive legislation, to help uplift workers across our state, which is why I feel very fortunate that I get to work with Jen Metzger as Chair of the Agriculture Committee, so that we can ensure that we are passing the Farmworker (sic) Fair Labor Practices Act in a responsible and fiscally-prudent way.

So we're here to ensure that we are listening to all stakeholders, and make sure that every

New Yorker's voice on this matter is heard.

Thank you to my colleagues who are here, to SUNY Sullivan for hosting us, and to all of you for coming, testifying, and participating.

SENATOR METZGER: Thanks so much, Senator Ramos.

And I'd like to welcome SUNY Sullivan President Jay Quaintance to say a few words.

PRESIDENT JAY QUAINTANCE: Thank you.

Thank you, Senators, for being here.

And thank everyone in the audience for being here and participating in this important topic.

Farming is the lifeblood of many communities, and many of those communities in Sullivan County.

And we're very, very pleased to be able to host this important hearing, and to be able to hear public comment and public testimony on this.

We have a farm here on campus.

If you have a little time after, I would encourage you to take a walk out back and see what we've got going on.

It's certainly not at the scale of some of the folks in the room, but we're proud of it nonetheless, and it provides opportunities for our students to become better educated about where food comes from, how it's produced, and how it can be prepared right out the back door.

So with that, I'm going to turn it over to the Senators, and have a great meeting.

SENATOR METZGER: Thank you so much.

So I just want to go over some of the ground rules for the hearing.

We've got a very full agenda, with many speakers, and we want to make sure that everyone is heard.

So we really have to keep the testimony to four minutes.

If you could possibly -- if you've got lengthy testimony, if you could just summarize the

main points, that would be best, and then we'll leave no more than three minutes between speakers for questions from senators.

There -- we have, well, a clock right here (indicating), you'll be able to see the time.

My chief of staff, Leslie Berliant, will be calling the speaker up, as well as saying the next two speakers on deck, just so you're prepared to come up.

And you can just come up here on the side. We'll be speaking -- we'll be speaking from right over there.

And, finally, I just want to -- you know, I recognize that there are strong feelings on all sides of this issue.

I just ask that everyone be respectful of everyone, and try to keep -- let's refrain from clapping, or anything like that, between speakers.

Thanks so much, and we really appreciate it.

ARI MIR PONTIER: Hi.

As you've heard, my name is Ari Mir Pontier.

I'm the constituent manager for Senator Metzger, and

I'm going to be translating today from Spanish into

English.

(Speaking Spanish.)

LESLIE BERLIANT: So I'm going to call up the first set of speakers.

The clock is going to be right in front of you. You'll be able to see it counting down, so just keep an eye out. And when it hits zero, wrap up your testimony so we can stay on track.

Thank you.

So first up is Andrianna Natsoulas.

And then after that, on deck, will be Dr. Anu Rangarajan, and Dr. Richard Stup.

ANDRIANNA NATSOULAS: Good afternoon.

Thank you, Senators, for this opportunity to comment on the New York Farmworkers Fair Labor Practices Act.

I'm Andrianna Natsoulas, the executive director of the Northeast Organic Farming
Association of New York, or "NOFA-NY."

NOFA-NY has been advocating and educating organic farmers and consumers since 1983, and is the largest USDA-accredited organic certifier in New York, certifying over a 1,000 organic operations.

NOFA-NY member farmers agree with the basic tenants of the 2019 New York Farmworkers Fair Labor Practices Act, and in January voted to support a

revised version of the FFLP if family-scale farmers and farmworkers, including residents and immigrants, can be at the table to negotiate the final language.

However, due to the financial burden, NOFA-NY cannot support this version of the bill.

This is a really hard position for us to take as we do support farmworker rights.

Specifically, though, we just cannot support overtime-wage calculations, housing inspections, and unemployment insurance.

Seven versions of this bill have failed since 2006.

The issue of immediate implementation of overtime pay has been the most significant cause of these repeated failures.

Please do not make this a partisan issue, but an opportunity to support farmers and farmworkers alike.

Overtime pay.

The overtime provision of both acts would increase the cost of farm labor for New York farms significantly, impacting their economic viability and ability to compete with farms outside the state.

Overtime-pay provision should use the model of New York's minimum-wage legislation which

accounts for differences among business models and states' regional economies.

Any approach to farmworker overtime compensation must recognize the value of our hired farm labor as well as the challenges of family farming.

There are several reasonable alternatives.

For example, a higher seasonally-adjusted overtime-pay threshold, such as 120 hours in a two-week period;

And, for example, a multiyear phased implementation with extra time for small-scale farms to comply.

Another issue is unemployment insurance.

Lowering the trigger for required payment into unemployment insurance, from 20,000, to 6,250, will not benefit full-time farmworkers and will be a burdensome tax on small-scale family farms that only hire one or two part-time employees.

Another, to housing.

Requiring a permit and a department of health inspection of farm housing for even one worker will discourage small farms from providing housing.

Instead, all farm housing should be required to adhere to the state's sanitary code, and farmers

who provide on-farm housing for fewer than five employees should continue to be exempt from inspections under the public health law.

A 2008 NOFA-NY resolution endorses the implementation of local fair trade.

Everyone involved in the organic supply chain, from seed to plate, is entitled to living wages, a safe workplace, and respectful treatment.

Farm prices should enable farmers to cover the cost of production, sustain their families, provide a living wage for all farmworkers, and ensure the continuing development of the farm.

Farmworkers should enjoy the rights to freedom of association that are protected by law for other workers in other sectors.

Fair and transparent negotiation should provide long-term contracts between the buyers of organic productions and farmers, as well as between farmers and farmworkers.

Any solution to the complex issues of fair pay rates to farmworkers must be balanced with the need for fair prices to farmers for their products.

And I would just like to repeat, that the implementation of overtime pay is the most significant issue.

Until this is addressed, this bill will only hurt farmers, farmworkers, and consumers.

Thank you for this opportunity to present the perspectives of organic farmers, which is the fastest-growing agriculture sector in New York State.

And I do have copies of our full testimony for each of you.

Thank you.

SENATOR METZGER: Thanks so much, Adrianna.

Any questions, Pete -- Senator Harckham,

I mean?

SENATOR HARKHAM: Yeah, thank you very much.

The issue of worker housing has been a vexing challenge.

But if your organization is saying just the sanitary code, but no inspections, how would -- you know, what -- what -- what would be the accountability in just simply saying it must be up to sanitary code without some kind of regimen of inspection?

ANDRIANNA NATSOULAS: Well, that's what it currently is. And if you don't trust the sanitary code, well, maybe the sanitary code needs to be relooked at.

SENATOR HARKHAM: But -- but who -- who is 1 implementing the sanitary code now? 2 ANDRIANNA NATSOULAS: The State, from my 3 understanding. 4 5 SENATOR JACKSON: Can I follow up? 6 SENATOR HARKHAM: Please. SENATOR JACKSON: Sure. 7 Hi. 8 ANDRIANNA NATSOULAS: Hi. 9 SENATOR JACKSON: So you were saying that, as 10 11 far as the sanitary code, since you were just 12 discussing that particular matter --13 ANDRIANNA NATSOULAS: Uh-huh. 14 SENATOR JACKSON: -- you said the State would, that's the State's obligation, in order to 15 16 inspect. Is that correct? 17 But I heard you in your earlier testimony, 18 talked about, we should -- if it's under five, there 19 should be no inspection. You just assume that the 20 sanitary code is being followed --21 ANDRIANNA NATSOULAS: It's being followed --22 SENATOR JACKSON: Let me just finish it, 23 please. 24 ANDRIANNA NATSOULAS: -- uh-huh. 25 SENATOR JACKSON: -- being followed by the

farmers.

ANDRIANNA NATSOULAS: Uh-huh.

SENATOR JACKSON: We cannot $\mbox{--}$ I cannot make that assumption.

ANDRIANNA NATSOULAS: Uh-huh.

SENATOR JACKSON: Everyone needs to be able to be housed in a sanitary, appropriate place.

And I heard what you said earlier in your testimony, that the farmers are providing this housing, so they don't necessarily have do that.

But, it's a -- it's everyone working together, in order so that farmers can handle their crops, and, also, employees of them, of the farmers, can also have a decent living arrangement, and also to be able to earn a living.

And so it's about a combination of everything, in my opinion, unless someone has a different opinion on that.

But you talked about, overtime is a primary issue, overall.

ANDRIANNA NATSOULAS: Yes.

SENATOR JACKSON: And so my question is: If the workers are not being paid overtime, what are they being paid?

Are they being paid, for example, whatever

the straight time that they're earning per hour, if they're earning per hour?

And, if they work in excess of the normal workday, workweek, are they being paid straight time for as many hours as they work?

Can you tell me?

ANDRIANNA NATSOULAS: Right, what we are proposing is that they are paid straight time for what they're working within a certain amount of time; so looking at the seasonality, looking at the hours.

So rather than, for example, 40 hours overtime -- after 40 times (sic) for the overtime to kick in, to look at 120 hours, and then the overtime kicks in, because, in the agricultural sector, you're looking at seasonality; you're looking at, you know, when crops are ripe and ready to pick; you're looking at rainy season.

So there may not be any work for a week, and then, all of a sudden, they're trying to get in 120 hours.

So we're looking at moving to overtime once they hit 120 hours, for example. But a 40-hour -- hitting the 40-hour point, and then going into overtime, is just economically unviable for small

1 farms. SENATOR JACKSON: So -- if -- if we're 2 talking about 40 hours is the workweek --3 Is that correct? 4 ANDRIANNA NATSOULAS: Uh-huh. 5 6 SENATOR JACKSON: -- based on 40, you said 120, that's like two and a half --7 ANDRIANNA NATSOULAS: But it's not over a 8 one-week period, necessarily. 9 You're looking at more than a one-week 10 11 period. SENATOR JACKSON: Yeah, you talked about 12 13 120 hours. 14 And so if, in fact, a farmworker is working 15 120 hours, when you look at, what is a workweek? 16 Is a workweek, for example, in some places in 17 New York State, as workers in New York State, 35 hours is a workweek. And some businesses 18 40 hours is a workweek. 19 20 ANDRIANNA NATSOULAS: Right. 21 SENATOR JACKSON: So with respect to farmers, what is a normal workweek, if any --22 23 ANDRIANNA NATSOULAS: Well, it depends --24 SENATOR JACKSON: -- if any? 25 ANDRIANNA NATSOULAS: -- I mean, it depends.

1 It depends on the crop. It depends on the 2 season. SENATOR JACKSON: Okay? 3 ANDRIANNA NATSOULAS: And so we're looking at 4 120 hours over a two-week period. 5 6 SENATOR JACKSON: Over a two-week period? 7 ANDRIANNA NATSOULAS: A two-week period, right, rather than what's typically considered a 8 "workweek," which is 40 hours in one week. 9 SENATOR JACKSON: In order for any employee 10 11 to be eligible for overtime? 12 ANDRIANNA NATSOULAS: For overtime to kick 13 in. 14 SENATOR METZGER: So we're going to have --15 we have a lot of speakers. 16 This is just the first one, so we're going to 17 wrap this one up. 18 Thank you for your testimony. 19 ANDRIANNA NATSOULAS: Thank you. 20 SENATOR METZGER: And we'll go on to the next 21 speaker. 22 ANDRIANNA NATSOULAS: Can I give you copies? 23 SENATOR JACKSON: Sure. 24 SENATOR RAMOS: We already have them. 25 SENATOR JACKSON: Is it more than the two

double pages?

2 ANDRIANNA NATSOULAS: (Inaudible.)

LESLIE BERLIANT: Next up is

Dr. Anu Rangarajan, followed by Dr. Richard Stup.

And if Bruce Goldstein could also come up, please.

DR. ANU RANGARAJAN: Hello, and thank you for this opportunity to offer testimony.

I would like to share with you some of the efforts of the Cornell Small Farm (sic) Program, related to advancing human resource and management skills on New York State farms.

So while this testimony is not designed to take a position on the legislation being considered by the Committee, it's important to understand the scope of ag labor and workforce-development needs, as well as Cornell's commitment to serving both farmers and farm employees.

So the small-farm program and CALS

(Cornell ag and life sciences) seeks to ensure that, regardless of scale, farmers have access to high-quality information, training, and proven tactics for success.

And so one of the programs of the small-farm program is our nationally-recognized new-farmer

training efforts.

And, we also have State-funded veterans-to-ag program that helps active duty and military veterans find second careers in agriculture.

And now I want to share with you a newer effort of the program.

Under our USDA-funded project that's titled "Labor Readiness: Pathways for farmworkers to start up, and advanced beginning farmers to scale up new farm businesses."

We have the two audiences that I described:

New farmers wanting to improve their management skills, to be able to hire labor, and expand and grow their businesses;

And then the other audience is primarily

Latino farmworkers, employees who are interested in
improving their own management skills to advance
their position on farms or, perhaps, pursue their
own agricultural interests, going forward.

And so "labor-readiness" is defined as the ability to prepare for, manage, and retain a skilled workforce. And it's critical for any farm's successful ability to scale up, thrive, and make it to the 10-year mark that we consider an established farm business.

And so our project aims to create resources and training for supervisors, managers, and employees, because we understand that a farm's workforce is its most valuable resource.

So at the start of this project, we hosted a series of roundtable discussions with over 90 Latino farm employees from around the state.

And what they were able to do with us was to prioritize their own interest and needs in education and development to allow them to develop as professionals in our agriculture.

And based on these findings, we've created a unique educational program that we call a "master class" for bilingual farm employees.

It integrates an intensive management curriculum, along with English as a second language, because English-language proficiency is identified as a barrier to successful integration into agriculture activity.

So the classes cover a whole range of topics:

Farm culture, communication, leadership, business

management, conflict resolution, and team building;

all of these being topics that were prioritized in

the roundtable discussions that we held across the

state.

And together, as a team, what we were able do is create an exceptionally open and comfortable classroom atmosphere in order to help these employees build their English-language confidence.

And, we use lecture and small groups and work scenarios for them to practice management skills.

Also unique and impactful was candid conversations that we had, where we invited farmers from the Western New York fruit industry to come into the classroom and sort of be on the hot seat.

It provided a unique opportunity for the employees to actually ask questions, and to witness the challenges of being a farm owner, as well as learn more about their own visions of agriculture in New York.

The active engagement and commitment of the employers has been absolutely critical to this project's success.

The owners were engaged weekly, and provided with discussion questions by us, to foster continued engagement and development of a different kind of management relationship with these employees.

And, every farmer had felt that the course provided immediate positive benefits, and was a critical opportunity that should be offered to any

employee who seeks to advance their own skills on the farm.

Developing this type of skill set and educational opportunity for employees is absolutely critical for building a pathway for a next generation of agriculturists.

And so what we feel is one of the key goals for our project, is to make sure that those employees --

SENATOR METZGER: Start to wrap it up.

DR. ANU RANGARAJAN: Yep.

-- can actually have access to education and training to pursue their own personal agricultural aspirations.

So, thank you.

SENATOR METZGER: Thank you very much.

SENATOR JACKSON: I have a quick question.

SENATOR METZGER: Go ahead.

SENATOR JACKSON: Doctor --

SENATOR METZGER: Senator Jackson.

SENATOR JACKSON: -- regarding this training program, how many farmers took advantage of this program, if they had the time, and how many employees of the farmworkers were there? And how long was this program?

DR. ANU RANGARAJAN: So we -- we built on some history in Western New York with the fruit industry, where they had started doing bilingual education previously.

And so we actually wanted to have a very closed group, a small group, and so we offered this and allowed for farms to nominate employees to participate.

We accepted 25 nominations that -- we received 25 nominations, we only accepted 15 into the class, because we knew there is an in-depth personal interaction.

We want to create networks among the employees, as well as a chance for them to really practice their skills in a comfortable environment.

SENATOR JACKSON: The nominations were from, whom?

DR. ANU RANGARAJAN: From the owners -- the business owners or supervisors.

SENATOR JACKSON: The owners.

Okay. And so, with respect to that, I was trying to really determine how many farm owners and/or their managers took advantage of it, since they deal primarily with the workers.

And so how many --

1 DR. ANU RANGARAJAN: So our --SENATOR JACKSON: -- were that, and how many 2 were workers? 3 DR. ANU RANGARAJAN: Right. 4 -- so all of the members -- all of the people 5 6 who participated in our training were Latino 7 employees, they were workers. SENATOR JACKSON: Okay. And --8 9 DR. ANU RANGARAJAN: And the owners, they participated, there was 12 of them that came into 10 11 the room and spoke directly with the employees in 12 our sort of workshop setting. But there was a much broader conversation 13 with, I would guess, 25 to 50 actual owners about 14 15 this project. 16 We talk about it at every opportunity we can, 17 and there's people that are asking us to repeat it so that they can have additional people participate. 18 SENATOR JACKSON: And did you come out with a 19 20 report after that particular --21 DR. ANU RANGARAJAN: Yes. I'm happy to share 22 it. I summarized some of the findings that we 23 have in this, and I'd be happy to share that as 24

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well.

1 SENATOR JACKSON: I would like to see the 2 report, though. DR. ANU RANGARAJAN: Yeah, absolutely. 3 SENATOR JACKSON: Thank you. 4 5 DR. ANU RANGARAJAN: Yes, great. 6 SENATOR JACKSON: Thank you. 7 SENATOR METZGER: Any other questions? Okay. Thank you very much, Doctor. 8 9 DR. ANU RANGARAJAN: Thank you. 10 LESLIE BERLIANT: Next up is 11 Dr. Richard Stup, followed by Bruce Goldstein, and 12 Wayne Marshfield. 13 DR. RICHARD STUP: Can you hear me? Thank you for the opportunity to be with you 14 15 today. 16 I'm Richard Stup, and I lead the Cornell ag 17 workforce development program. I'm here to share some research-based 18 19 information regarding the ag workforce in New York 20 State which I hope will be helpful to you. 21 Farms are small businesses that operate in a 22 competitive labor market. 23 Most farm employees are at-will employees who 24 can move freely from one employer to another within

agriculture and to other industries.

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Farms work hard to attract and retain the best-quality employees.

The only type of farm employees who cannot move to another employer at will are foreign guest workers in the H-2A visa program. They work under contract with their farm employer for up to 10 months.

New York's farm industry is diverse.

We have about 55,000 people, farm employees, in the state, down from about 61,000 a few years ago. More than half of them are seasonal or working less than 150 days per year.

Many farm employees are long-term, year-round residents of the local communities, while others are more recent immigrants or guest workers.

In a 2016 study of Western New York dairy farms, about one-fourth of the farms had a workforce consisting of more than 75 percent Hispanic employees, half had 50 to 75 percent Hispanic employees, and another quarter had less than 50 percent Hispanic employees.

Of the 205 Hispanic employees in the study, their ages ranged from 16 to 77 years, with an average of 31 years of age.

In New York State it is legal to work on a

farm outside school hours beginning at 16 years of age.

Penalties for violating child labor laws are severe: thousands of dollars at the state level, and \$10,000 at the federal level, per incident.

We did a study -- a benchmark study of farm-employee compensation paid in 2017.

Farm employees received regular wages which must be above the New York minimums.

In addition, they often receive bonuses or incentive pay and a variety of benefits.

Front-line employees in our study, on average, had 7.2 years of tenure at their farm, earned total compensation of over 46,000. They worked about 2,787 hours, or about 54 hours per week, which comes to an average compensation of about 16.90.

Managers in the same study had about 11 years tenure at their farm, and earned total compensation of about \$59,000, which comes up to about 22.48 per hour.

 $_{\mathrm{H-2A}}$ guest workers have a strictly-regulated minimum wage that is set by the federal government.

For 2019, the New York State minimum wage for H-2A workers is 13.25 an hour, plus fully-paid

benefits, including housing, transportation into the U.S. and home again, and daily transportation to and from the work site.

In 2017, a couple of my colleagues at Cornell did an analysis of the impact of overtime and increased minimum wage on farm expenses.

They found that, through 2021, the planned minimum-wage increases and a potential overtime increase would increase wage expenses 52 to 70 percent.

In a paper published earlier this year, my colleagues and I reviewed research in other industries to better understand what might happen if overtime occurred in New York.

And we had look at other industries to see what did happen in those situations, but, generally, farm employers will do anything they can to not pay overtime.

So, in agriculture, these strategies would likely include:

Decreasing hours through downsizing operations;

Hiring additional employees so that people didn't have to work over 40 hours as much;

Adopting mechanization or automation to

eliminate jobs;

And changing crop strategies to reduce labor needs.

I would like to share a few of the initiatives that we've been working on.

I see my time's almost up.

So one is the on-boarding project, which is getting employees started well.

Another is farm-employee housing, which is to make sure that employee housing is in good shape and that it's well regulated.

The third one is supervisor training and human-resource skills.

Fourth one is anti-sexual-harassment training.

I did want to share that the industry has really picked up on that very strongly and is pushing that hard.

And then the Labor Roadshow, which is all about compliance, which -- and better human resource management.

And I'll wrap up by saying:

The modern ag workforce has come a long way.

Consumer interest in food production, combined with the competitive labor market, is

leading farms to adopt increasingly progressive human-resource management practices.

Farms work diligently to attract and keep good people, and are often rewarded with long-term committed employees.

As the land-grant partner for over 150 years with the State of New York, Cornell is committed to fostering human resources, skill development, and labor-law compliance for New York State's farm and food community.

Thank you.

Thank you very much, doctor.

Any questions?

Sure, go ahead.

SENATOR HARKHAM: You had stated --

Doctor, thank you for your testimony.

-- that farmworkers had dropped, from 61,000, to about 55,000.

Is that, do you think, through automation, or was that through economic factors?

DR. RICHARD STUP: I'm sure it's both.

I'm sure there's economic factors having an impact.

We actually reduced the number of farms in the state as well over that period of time.

Some is automation, and automation is coming, 1 2 but it's a few years off. So automation is available. 3 You've heard of dairy robots, of course. 4 5 And, you know, at some point in the future, robots 6 will milk a lot of cows, for sure. 7 And it's coming in other sectors as well, but, again, it's still a few years off. 8 9 SENATOR METZGER: So I have a follow-up question to that. 10 11 So a lot of the farms -- the dairy farms in 12 Sullivan County, dairy farms in Delaware County, are 13 small farms. 14 So how likely is it that they could afford to 15 automate? 16 It seems --17 DR. RICHARD STUP: So dairy farms, you're 18 talking about? 19 SENATOR METZGER: -- that cost would -- yeah, 20 but small dairy farms. DR. RICHARD STUP: With any automation, new 21 22 technology is very expensive. 23 ANDRIANNA NATSOULAS: Yes. 24 DR. RICHARD STUP: And I'll just -- just to 25 throw a few numbers out there:

Just the robot for a small dairy farm to milk about 65 cows is about 225,000, just the robot.

So if you need -- for that small farm,
65 cows, would need one robot. A little bit larger
farm, which is probably more economical today, is
going to need at least two of those.

It is -- it remains very inexpensive (sic) and difficult for many farms, unless they're in a very strong financial position, and I used to be a lender as well, to bring in that technology at this point.

Hopefully, over time, it will become more affordable. But, right now, it's very expensive.

SENATOR METZGER: So one other question.

You mentioned that farmers would likely -- in the face of overtime, would likely, you know, hire additional workers.

There's currently a labor shortage.

DR. RICHARD STUP: Absolutely.

SENATOR METZGER: So how feasible, in your estimation, is that a likely, you know, scenario?

DR. RICHARD STUP: It would be very difficult to do.

There may be some opportunities for farms to share employees.

So, much like other sectors, where you have a person -- a person who works multiple jobs. So they maybe have a 40-hour job here, and a 20-hour job there, and maybe another 20-hour job, in order to cobble together enough income.

That may be a factor that comes to agriculture.

And, actually, that's one of the things that, right now, people who work in agriculture don't have to do that. They don't have to go to multiple employers because, often, they can get enough hours with their current employer.

So it's something to think about.

It's probably not -- that would not be a good move for the employee to have to work multiple jobs, especially those who don't want to have to be exposed to traveling too much between workplaces.

SENATOR METZGER: Okay.

SENATOR JACKSON: Can I ask a quick question?

SENATOR METZGER: Sure.

SENATOR JACKSON: Doctor, thank you for coming and giving testimony.

If you can tell us, the percentage of farmworkers that are not H-2A guest workers, what percentage are regular workers and what are the H-2A

contract workers where they are governed by the 1 federal law? 2 DR. RICHARD STUP: Yeah, that number is 3 actually in this publication, "The State of Ag in 4 New York." 5 6 Off the top of my head, I won't look it up 7 for time, but --SENATOR JACKSON: Approximately. 8 9 DR. RICHARD STUP: -- it's relatively small. WAYNE MARSHFIELD: 7,600 H-2A workers. 10 11 SENATOR JACKSON: I'm sorry, say -- help him 12 out. 13 DR. RICHARD STUP: He said, 7,600 H-2A 14 workers. So out of that 55,000, it's a relatively 15 16 small percentage, yep. 17 SENATOR JACKSON: I see. 18 Okay, very good. 19 And that's your report, and that's a -- you 20 have the link here in your testimony? 21 DR. RICHARD STUP: Absolutely. 22 SENATOR JACKSON: Okay. Thank you. 23 DR. RICHARD STUP: And all of those things are included, including the compensation benchmark. 24 25 And, also, I wanted to share this.

This is the Labor Roadshow that I mentioned. 1 This is the book, the compliance book, that 2 3 we prepared and put together, and had over 200 farms across the state involved in that program. 4 SENATOR JACKSON: Just one little quick 5 6 question. 7 Of the H-2A, it says they're paid 13.25 per hour. 8 DR. RICHARD STUP: Correct. 9 SENATOR JACKSON: Is that for how many hours 10 11 they work, or just a certain number of hours? 12 DR. RICHARD STUP: So that is minimum wage --13 SENATOR JACKSON: Right, minimum. 14 DR. RICHARD STUP: -- so they're paid at 15 least 13.25 an hour. 16 SENATOR JACKSON: I see. 17 DR. RICHARD STUP: Many are paid above that. 18 SENATOR JACKSON: So if they work 50, 60, 70, 19 80 hours, they're paid whatever the rate they're 20 being paid? 21 DR. RICHARD STUP: Thanks for the question. 22 Yeah, it is straight time. 23 So if you work 80 hours, it's -- and you're paid \$15 an hour, you make \$15 times 80 hours. 24 25 SENATOR JACKSON: But it's, the minimum is

1 13.25? DR. RICHARD STUP: The minimum is 13.25. 2 SENATOR JACKSON: Okay. Thank you. 3 SENATOR METZGER: Thank you very much, 4 5 Doctor. 6 LESLIE BERLIANT: Next up is Bruce Goldstein. And if Wayne Marshfield and Chris Kelder 7 could please come and line up. 8 9 Thank you. 10 BRUCE GOLDSTEIN: Thank you for the 11 opportunity to testify and state our strong support 12 for enactment of the Farmworkers Fair Labor 13 Practices Act. I am president of Farmworker Justice, a 14 15 national organization based in Washington D.C., 16 founded in 1981. 17 Its mission is to empower farmworkers to 18 improve their wages and working conditions, 19 occupational safety, health, immigration policy, and 20 access to justice. 21 Our organization engages in policy analysis,

Our organization engages in policy analysis, advocacy, litigation, public education, training, and corporate-responsibility initiatives.

Farmworker Justice collaborates with organizations throughout the country, including

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organizations in New York.

There are approximately 2.4 million farmworkers in the United States, not including their family members.

About one-half of farmworkers are married with children.

More than 80 percent of farmworkers nationwide are foreign-born.

More than one-half of farmworkers are undocumented immigrants.

Today, most farmworkers do not migrate for jobs. The large majority of farmworkers are settled in communities, raising families, contributing to the economy and the society.

Farming is a dangerous job.

The agriculture, forestry, and fishing sector is ranked number one in the rate of occupational fatalities per 100,000 workers.

Farmworkers remain among the lowest-paid occupational group in the nation.

The poverty rate among farmworker families is disproportionately high.

In recent years, farmworkers' wages have improved modestly, slightly above the rate of inflation, but that is of little comfort when they

started so low, and one considers that fringe benefits are rarely paid.

Farmworkers underutilize the public benefits for which they are eligible, and undocumented farmworkers are generally ineligible for public benefits.

Many undocumented immigrants are living in fear of arrest and deportation due to highly-publicized immigration enforcement.

That fear discourages them from asking for a raise or to work fewer hours, from challenging wage theft, sexual harassment, and other illegal employment practices, and even from appearing in public places such as health centers and schools.

The exclusion of farmworkers from many federal and state labor laws limits their income, deprives them of labor protections, denies them freedom to bargain collectively for better job terms, and exacerbates their vulnerability to unfair labor practices.

The State should end its longstanding discrimination against farmworkers in its labor and employment legislation.

Consumers, increasingly, want to know how their fruits, vegetables, and dairy products are

produced, and how the people who produced them are treated.

Supermarkets and other sellers of food are responding to their consumers by investigating and reforming their supply chains.

An important step toward respecting farmworkers as human beings, who are contributing to our nation, and toward meeting the demands of consumers and businesses, is to pass the farm -- the Farmworkers Fair Labors (sic) Act.

Some employers claim that agriculture will be decimated if farmworkers are given the same labor protections that apply to other workers.

When these battles over overtime pay and the right to organize were fought long ago for other workers, employers in other industries said the same thing, and yet our economy is the strongest in the world.

California's experience shows the same thing.

Back in 1975, California passed the Agricultural Labor Relations Act.

They've also extended, basically, all labor rights to farmworkers that other workers enjoy.

And California's agribusiness grew, from \$7.5 billion in 1974, to \$45 billion in 2017.

And now California, in 2016, passed legislation to grant farmworkers overtime pay after 40 hours a week by gradually phasing it in.

I want to stress that there are other ways of improving productivity than forcing people to work extraordinary number of -- numbers of hours.

Many farmworkers do not say that they don't want to work that many hours because they are afraid of being fired, and under the H-2A program, deported.

Employers are finding new ways, non-exploitive ways, to improve productivity and share the higher profits with farmworkers.

More effective labor relations also reduces business risks, including from occupational injuries to workers, and from food-borne illnesses to consumers.

New York should recognize that victims of the denial of equal treatment under labor laws are predominantly people of color and immigrants who have been marginalized on the basis of the color of their skin and their place of birth.

This discrimination has never been appropriate, and finally must end.

Thank you very much for this opportunity.

1 SENATOR METZGER: Thank you very much. 2 Any questions? 3 Doctor -- I mean, Senator Jackson? SENATOR JACKSON: Mr. Goldstein, thank you 4 5 for coming and giving your testimony. So, obviously, in listening to some previous 6 7 testimony, and especially in hearing from my colleague about these small farmworkers (sic) and 8 how they're just struggling to get by themselves, 9 have there been an analysis with respects to, if you 10 11 know, for the New York region? And I know that you are the president of the 12 13 Farmworkers for Justice (sic) nationally, and I saw 14 your stats for California, as far as the industry, 15 up to 45, I think, billion, or -- 45 billion in 16 2017. 17 Has there been an analysis of New York State with respects to that? 18 19 Because, obviously, no one wants to see 20 farmers go out of business. 21

No one wants to see workers not receiving what they're rightfully due, and be treated with respect and dignity, and earn the monies and everything that they're entitled to.

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So has there been an analysis in

New York State?

Because, obviously, we don't want to, in my opinion, pass a law that's going to bankrupt farmers, but we want to pass a law that's going to make it work for farmers and workers.

BRUCE GOLDSTEIN: Yeah, I'll have to rely on my friends in New York State to give you that information.

I would just say that, capitalism is known for its invention and for --

SENATOR JACKSON: Innovation?

BRUCE GOLDSTEIN: -- recreating --

Innovation.

-- recreating itself.

We should not be discriminating against farmworkers to achieve an economically-viable agricultural industry.

They're workers just like anybody else.

SENATOR JACKSON: Thank you.

BRUCE GOLDSTEIN: Thank you.

SENATOR METZGER: Thank you very much.

LESLIE BERLIANT: Up next is

Wayne Marshfield, followed by Chris Kelder.

And if Elizabeth Ryan could come up to the stage, please.

WAYNE MARSHFIELD: Thank you very much for allowing to us give testimony this afternoon.

I'm a 26-year county legislator from Delaware County, and supervisor of the town of Hamden.

I was raised on a dairy farm, and it's still in operation yet today up in northern New York.

I'm well aware of the difficulties our farmers have had for decades, and I really oppose this legislation, as did our county board of supervisors.

I'm here to tell you that this will devastate our farmers and will continue to run the cycle of losing farms.

Agriculture in New York State, as you know, is over a \$5 billion economy to New York State.

Given labor shortages, New York farms are continuously seeking new labor sources.

Farm employees typically receive a whole compensation package in addition to their regular pay. They oftentimes receive housing and a free range of products that are produced on the farm.

In farming, Mother Nature governs pretty much the workday.

A bad weather day makes for a short day, and

the next day means a lot longer day.

Equipment breakdowns, animal sickness, birthing, supply shortages, family issues, all make for an erratic workday, workdays that are, one way or another, altered in length.

I'm sure you've heard it before, but, in 2017, front-line farmworkers worked an average of 56 hours a week.

In 2016, a survey of Hispanic dairy employees in New York State worked on the average of 57 hours a week, but they like to work 67 hours a week.

That's what they needed to work to be able to survive.

If farmers are forced into paying overtime above the 40 hours, they will decrease the hours to their employees.

The same farmworker employees would now be cut to 40 hours. They will go elsewhere to work in order to be able to supply their families with the income that they need.

And, more than likely, they'll be working the same hours for straight time because now they're working for two different employers.

We also run -- have the risk of farmworkers going to other states if they're restricted to a

specific workday.

If farmers are forced to pay overtime in excess of 40 hours, a farmworker will make less than they are today, forcing them to go to states that don't have these laws.

Dairy farming is close to my heart.

This law would raise the cost to a dairy farmer 101 percent.

Can you imagine that happening to a dairy farmer when they're already losing profits on the farm?

Milk prices are pitifully low, and this would just polish them right off.

New York farmers will not compete nationally or globally with this law.

We'll have farmworker employees with all these new labor benefits, yet the farmer himself, working side by side with the farmworker, will work more hours, knowing they have to do that in order to not lose the farm.

My dad did what he had to keep the family farm in operation. He loved the farm.

And, thankfully, the farm, it's still in operation today.

With this proposed law, it will be doomed and

1 lost forever. And for that reasons, I hope you would 2 consider opposition to this law. 3 And I thank you again for allowing us to 4 5 speak. 6 SENATOR METZGER: Thank you very much, 7 Supervisor. 8 We really appreciate it. 9 Any questions? 10 Senator Harckham? 11 SENATOR HARKHAM: Just a very quick question. 12 Thank you, Mr. Supervisor, for being here. 13 I don't claim you have a crystal ball, but, 14 as someone who has experience in this industry and 15 who represents a lot of farmers, is there a middle 16 ground that can be found between 40 hours a week and 17 120 hours every two weeks? Does such a place exist? 18 19 WAYNE MARSHFIELD: I don't know as I could 20 answer that, really. 21 I've talked to local dairy farmers, and if 22 this law goes -- they're just -- they're barely 23 hanging on now.

You know what the story is out there.

And, of course, we're talking, our

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5 2 Delaware County is dairy, beef, and vegetables, and, 1 you know, they're all affected, one way or another, 2 but dairy takes the big hit with this law. 3 I can't answer that question. 4 5 Sorry. SENATOR HARKHAM: Oh, that's all right. 6 7 Thank you. 8 WAYNE MARSHFIELD: Okay. 9 SENATOR JACKSON: Mr. Marshfield, thank you for coming in, because I want to hear from everyone. 10 11 And, obviously, you grew up on a farm, your 12 family still owns a farm. And you are the 13 supervisor for the town in which, you know, you're 14 are basically saying, based on the input from 15 farmers and the board of Hamden, that this bill 16 should not go forward. 17 WAYNE MARSHFIELD: Correct. 18 SENATOR JACKSON: So -- and you indicated 19 that employees that are not on the H-2A visas, they 20 can go anywhere they want. 21 WAYNE MARSHFIELD: Yes. 22 SENATOR JACKSON: And you said, if, in fact, 23 this went into effect, some would go to other places

WAYNE MARSHFIELD: If they're limited to

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in other states --

1 40 hours on Farmer A, they're going to go to 2 Farmer B, a different employer. SENATOR JACKSON: You mean after 40 hours, if 3 they --4 5 WAYNE MARSHFIELD: Yeah, yeah, so they can get their 70, 80 hours, whatever. 6 SENATOR JACKSON: But if --7 WAYNE MARSHFIELD: But farmers typically pay, 8 9 they give them a package. And in our area, they supply housing as part 10 11 of the package. 12 SENATOR JACKSON: What else do they supply? 13 WAYNE MARSHFIELD: I don't know -- well, farm 14 products. Milk, beef, you know, different things. 15 I know one that supplies wood for their 16 heating. 17 And so they supply an array of things, 18 whether it's maple syrup, or whatever. SENATOR JACKSON: Oh, so it's beside the 19 20 monetary aspect, they give other things which is in 21 value; it's value to them and their families if, in 22 fact, they're living with their families? 23 WAYNE MARSHFIELD: You got to realize that 24 Delaware County is a very -- I love the county.

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It's a very poor county.

And we're, like --1 Chamber of commerce person's here today. 2 -- but we're right on the bottom of the -- we 3 4 have no industry. 5 All we have is farming. 6 SENATOR JACKSON: Uh-huh? 7 WAYNE MARSHFIELD: And, yep, this would be tough. 8 9 SENATOR JACKSON: Thank you, sir. I appreciate you coming in. 10 11 WAYNE MARSHFIELD: Don't grill me too bad. 12 Thank you. 13 SENATOR METZGER: Thank you so much. 14 SENATOR RAMOS: We're being nice today. 15 LESLIE BERLIANT: Next up is Chris Kelder. 16 I'm told Elizabeth Ryan is on her way in, so 17 if Billy Riccaldo could also come up. CHRIS KELDER: Thank you, Senators, for the 18 19 opportunity to speak today. 20 My name is Chris Kelder. 21 My family and I operate Kelder's Farm, which 22 is a bicentennial farm in Kerhonkson, New York. 23 My wife and I are very pleased to have had our son just come back and join the business. 24 25 We grow fruits, vegetables, and livestock,

which we directly market to the public through our farm stand and CSA.

Our employees are very important to the business and to us personally.

Through the years, we have had many long-term employees that feel more like family than just employees.

We've had employees who have worked for three generations of our family.

One gentleman my grandfather hired, he worked for my father, and then he retired working for me.

So, people stay a long time.

But I'm also proud, the fact that

Kelder's Farm, and its -- the way we do business

now, has been the first job to dozens of local high
school and college students.

Many of the young people that have worked for us have gone on into careers, such as teaching, law enforcement, corrections, and banking, to name a few.

Many of the students work hard and long hours for the short summer they have, so they can make money to further their education.

The proposed legislation would make it impossible for me to offer this opportunity to them

because there's not enough margin in the jobs they have skills for in order for them -- for me to pay time and a half for those type of jobs.

It would end up hurting the employee.

In agriculture, we are price-takers in a low-margin business, and have little, if any, ability to ask our buyers to raise the prices they're willing to pay.

We are competing with other states in the country that have lower costs of production than New York State.

The proposed labor legislation would put all farms and, therefore, farmworkers, in jeopardy in our great state.

Please consider, that if farms in New York can't pay the bills, the farmworkers will also suffer.

Upstate counties will shrivel on the vine and viable, productive farmland will either grow into unkept brush fields or urban sprawl.

The proposed overtime pay rate, coupled with rising minimum wages in New York, give farmers a very unfair disadvantage when we compete with the surrounding states that have the same access we do to our metropolitan market.

Farmers live with huge amounts of risk every day, like fluctuating markets, pests, diseases, and weather, all of which are out of our control.

Like an old farmer once told me --

I guess I'm getting to be an old farmer now.

-- but, "In agriculture, you live six hours away from a flood and six days away from a drought, all the time."

I'm not afraid of the risks that we take every year, but I am afraid of the future for my children who are trying to make a future in agriculture in New York State.

I am afraid for the farmworkers who will not be able to find future employment if farms are not here.

I am afraid for the rural communities with less agriculture to sustain themselves.

And I'm also afraid of the consumers who will find it harder to find quality New York State products.

This labor bill may be the beginning of the end of an industry that is the backbone of rural New York.

I understand that the supporters of this legislation do so with the best intentions, but

there will be unintended consequences to 1 2 farmworkers, farmers, rural communities, and 3 consumers. Thank you very much for the time. 4 5 And if there's any questions. SENATOR METZGER: Thank you so much, Chris. 6 7 Any questions? SENATOR JACKSON: Chris --8 9 SENATOR METZGER: I -- oh, sorry. SENATOR JACKSON: Go ahead. 10 11 SENATOR METZGER: First of all, I just want 12 to recognize Senator Diane Savino just joined us. 13 And also I'd mentioned Senator John Liu in 14 his absence, but now he's present. 15 SENATOR JACKSON: Chris, let me thank you for 16 coming in and giving testimony. 17 And, obviously, it's important to hear from everyone, and especially you and your family. 18 19 Obviously, we all wish your family well. 20 And I don't, and I don't think anyone, wants 21 to see a situation where your farm or any other farm 22 goes out of business as a result of this. 23 But, we also know that, based on reports by 24 the farmworkers, the people that do the analysis and

interviews, many farmworkers may not want to come in

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here and give testimony for fear of retribution, and stuff like that. It's just a normal fear that they have.

And I just -- I'm just concerned about the fact that, I want to make sure that, whatever happens, it benefits both the farmers and the workers, and to me that's very important.

And I'm an urban boy. I'm born and raised in New York City. I've never worked on a farm so I don't know what it is.

And I know that, you know, I can't tell you because you have the experience and you know that.

One of the things that I was thinking about when other testimonies were being given, about the fact that, overtime, you know, whether or not, if, for example, the workers' advocates will look at, for example, the financial situation of small farmers to determine whether or not they can afford to pay X amount of dollars.

And I don't know if that's been done, but
I just throw that out there to prove to all those
that are looking to give the workers what we feel
are right and just, looking at the financial
situation of the farmers.

Any thoughts on that?

CHRIS KELDER: Well, you know, the market basically tells where -- you know, if -- we can't hire somebody if we're not competitive with the wage. They'll go somewhere else to work.

So, you have to be competitive with the wage.

But when you come into an hourly situation, with a fluctuating seasonality of a farm, and, for my instance, many of these kids only have two months that they can work. And they're trying to make every dollar they can, to put it away, so they can go away to school or do something else.

And that's going to hit them in the pocket because they're not -- they're just not going to get the hours that they may have gotten.

SENATOR JACKSON: Just, approximately, how many workers do you have, and whether or not those are the individual ones that can go anywhere they wish? Or --

CHRIS KELDER: All my workers can go anywhere they want.

We have --

SENATOR JACKSON: Approximately.

CHRIS KELDER: We have approximately

15 seasonal people, mostly our local high school and college kids.

SENATOR JACKSON: Thank you. 1 2 SENATOR METZGER: (Microphone off.) 3 Thank you very much. LESLIE BERLIANT: Next up is Billy Riccaldo, 4 followed by Elizabeth Ryan. 5 And if Eric Ooms could come up to the stage. 6 BILLY RICCALDO: Good afternoon. 7 And I want to thank the Senators for bringing 8 9 this attention to the exploitation of the farmworkers in New York State. 10 11 My name is Billy Riccaldo. I am here in my 12 capacity as president of the Hudson Valley Area 13 Federation (sic). Hudson Valley Area Federation (sic) 14 15 represents 13 -- 113,000 members from the public 16 sector, the private sector, and the buildings 17 trades. Hudson Valley Area Federation (sic) is the 18 local-affiliated New York State AFL-CIO, and the 19 20 AFL-CIO of the Hudson Valley Labor Federation (sic) 21 has advocates on behalf of the farmworkers for 22 decades. 23 We have proudly supported the farmworkers fair labor practices since the introduction in 1999. 24

It's been 20 years since there has been any

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meaningful, substantive improvements for the farmworkers in this state.

Now is the time to pass the Farmworkers Fair Labor Act (sic).

There is simply no justification for the State to afford farmworkers fewer and less-stringent protection and rights in the workplace.

There is no reason to treat them any less than any other worker in New York.

Their work is a matter of justice, and unconscionable that farmworkers do not have the same protection and rights of every other worker in this state.

This second-class treatment enshrines the state law has led to creation of subset of workers that are particularly vulnerable to exploitation.

Without collective bargaining rights, these workers have no voice at work.

Without a voice in the workplace, farmworkers are robbed of opportunity to access the few rights they have without fear of retaliation.

In the hearings last week we heard about farmworkers who have experienced sexual harassment in the workplace, wage theft.

While there is no question that these were

illegal acts under current law, it is the type of behavior that often goes unreported because the victims want to protect their jobs.

Totally unacceptable in this state, in any state, but in this state.

Other factors include language skills, race, immigration status, also makes farmworkers more susceptible to exploitation.

Another factor that leads to exploitation, but has not received enough attention, is farm housing.

There is no question that some farmworkers who live in the farm housing see it as a benefit; however, farmworkers who live on their employees' (sic) farms are more vulnerable to exploitation than anybody else.

Additionally, while some have portrayed provisions of housing, the Farmworkers Fair Labor Act (sic) provides overtime pay, a true day of rest, collective bargaining rights, which would put them on par with other workers in this state and other states, compensation, temporary disability insurance, and minimum wage.

It would also expand the application of sanitary code for all farmworkers.

This legislation would end state sanctions second-class treatment of farmworkers.

Again, on behalf of the Hudson Valley Area
Federation (sic), I ask you to pass this Farmworkers
Practice Act (sic).

I also want to say, there is no reason why this state can't get more grants out to these farms so these farmworkers can have a decent living, can earn work for their family, can earn money.

There's also grants out there, I believe, for machinery.

You know what? There should be for these farm -- for the owners, just to make it better for the farmworkers, and themselves.

So, I believe this act is a great thing, and I believe it is for the workers, their families, and I think they deserve that.

I know they deserve that.

Thank you.

SENATOR METZGER: Thank you very much.

SENATOR JACKSON: Sir?

SENATOR METZGER: There's a question.

SENATOR RAMOS: Make it a quick one, Bob.

SENATOR JACKSON: I'm trying. I mean, this

is a hearing.

So, thank you for coming in and giving your 1 2 testimony. So you mentioned about wage theft from 3 workers, and that many of them are maybe afraid 4 5 or -- to report it. Now, what -- give me an example of, what do 6 7 you mean that -- the wage theft? How are they paid? 8 Are they paid in cash? Are they paid by 9 check? 10 11 And how are they stealing if somebody is 12 stealing the wages from them? 13 BILLY RICCALDO: Well, I believe some of it 14 has to do with, when they're living there, and, just 15 say, and I'm just using this for example, they're 16 making \$50. You know what? They're charging them rent a 17 lot higher than it's supposed to be. Then they're 18 charging them more rent for their food. 19 20 That's what makes the lower rates 21 (indiscernible), which is totally unacceptable. 22 And, again, under fear, they don't want to

SENATOR JACKSON: And is this -- is this what you have heard as a leader in -- for AFL-CIO in this

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say anything.

1 area? BILLY RICCALDO: This is the information 2 3 I got, yes. SENATOR JACKSON: Okay. Thank you. 4 BILLY RICCALDO: Thank you. 5 6 SENATOR METZGER: So, I just want to point 7 out that the housing that farmers provide is free housing. They're not charged for it. 8 9 It's required by the H-2A program, that they're not charged for that. 10 11 LESLIE BERLIANT: Next up is Elizabeth Ryan. 12 If Eric Ooms and Ila Riggs could both come 13 and get ready to testify. 14 ELIZABETH RYAN: Hi, everybody. 15 I'm Elizabeth Ryan, and I own Breezy Hill 16 Orchard and Stone Ridge Orchard, and I operate three 17 farms in two counties. 18 I'm a lifelong farmer. I'm from a long line of farmers. 19 20 I'm a founder of Greenmarket, and I consider 21 myself a progressive activist farmer. 22 I believe in social justice. I believe in 23 fair wages. 24 I believe that every hand that touches the

apple should be fairly and appropriately treated and

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compensated.

I have a long history of working with the Hudson Valley American Health Centers.

I sat on that board for many years, and I'm very proud that our farm has been honored twice by that organization for our contributions to developing a more just and sustainable vision for everyone in the food and agriculture system.

And I say that not to establish our credentials, but simply to tell you that I believe that I have a deep set of shared values with the goals of this bill.

But, I respectfully would echo the testimony provided by Michael Hurwitz of Greenmarket, and Maritza Owens, that I wholeheartedly endorse.

Agriculture is under tremendous pressure from all sides: The climate. Adulterated food coming in from offshore. Pricing pressure, there is endless downward pricing pressure.

If we could get \$5 a pound for apples, everyone could have shared prosperity.

If we could get \$10 a dozen for eggs, everyone could have shared prosperity.

And with respect to the previous speaker, there are a few grants, and there are little bits of

Band-Aid solutions.

But what we need is, obviously, a green new deal for food and agriculture that is holistic and encompasses the entire system.

We need that desperately, and I want to invite you guys to be partners in that process.

You've been hearing testimony from many worthy people on both sides of the issue.

I believe that what we have in common is greater than our differences.

We disagree on this bill.

This bill has the potential to be one more nail in the coffin.

It's potentially catastrophic, and it pains me incredibly to not support a bill that I think has worthy goals.

And I'd like to see a moratorium.

I'd like to see us continue this process with all of the parties who have turned out, and really, really have a radical green new deal.

Grants, they're de minimis for farmers.

There are a few of them.

Crop insurance? De minimis.

So I think, respectfully, and I say this as a founder of Greenmarket who does many farmers'

markets, there is a large gap in understanding.

We are with you.

And, again, with respect to the previous gentleman, I've been farming for 35 years, and the growers that I know, I know of no one who engages in wage theft. I know of no one who is not compensating their workers appropriately.

And at the risk of addressing one of the many elephants in the room, immigration.

The fact that we have a population of people who are largely undocumented, it's a system of de facto Apartheid in America, and we have to end that.

And we need you to help us end it.

So this is not, I believe, the appropriate mechanism in this minute, this way, to solve those problems.

Those problems are larger; and, meanwhile, farmers are struggling terribly, as you may know.

The perception that farmers are wealthy, it takes one hour of bad weather to wipe us out for the year.

Pricing is typically below the cost for production.

Once in a while you hit it right.

1 A lot of us are creative. 2 I see my employees as partners in my business. 3 I'm in the process of giving equity to a 4 longtime farmworker who's worked at the farm for a 5 6 long time, and making him a partner in the business. 7 So, we really believe in compensation and fairness. 8 But I do not believe, and I think you're 9 10 hearing this resounding from the agricultural 11 committee community, I do not believe that this bill 12 is going to get us there. That's the long and short of it. 13 14 [Applause.] 15 SENATOR METZGER: Thank you, Elizabeth. 16 First, Senator Liu has a question, if you 17 could just answer a couple of questions. 18 SENATOR LIU: Thank you, Ms. Ryan, for your 19 passionate testimony. 20 And, good to hear that there are progressive 21 farmers. 22 ELIZABETH RYAN: Many of us. 23 SENATOR LIU: Farmers with progressive 24 values. 25 You mentioned in your testimony that,

oftentimes, the cost of production exceeds the price 1 that you can get on the market. 2 3 So, what happens? I mean, how are you able to sustain the farm 4 5 for 35 years? Is that usually a very temporary situation 6 7 that you just have to weather? Or is it, oftentimes, a longer term than 8 9 you'd like? ELIZABETH RYAN: I thank you for the 10 11 question, and it's a very profound question which doesn't have a soundbite for an answer. 12 13 Certainly, we need safety nets for farmers 14 and farmworkers. 15 I believe that the cost of food should be 16 higher. 17 And I believe that people who are low income need to be supported in every way they can to have 18 19 healthy food. We need to expand every program that 20 works with that community. 21 But, we do compete in a, quote/unquote, 22 global economy. 23 There is tremendous amount of adulterated.

I mean, go to the supermarket and pick up one of those juice boxes, and ask yourself, you know,

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72 1 what's in that juice box? It's typically concentrate coming from 2 somewhere else. It's incredibly unregulated and, 3 often, very toxic. 4 So, we have a food system that's broken. 5 6 We have a social-justice system that's broken. 7 And we all share goals. 8 9 And I'd like to see us put down our swords and come together as a community of progressive 10 11 people who want it to work. 12 There is not a simple solution. 13 I spent summers on my grandparents' farm in 14 Iowa. 15 They survived "The Depression." They 16 survived the '60s and the '70s. 17 And their solution was to get bigger and bigger and bigger, and they're still losing money. 18 19 They're now farming 2500 acres of corn. 20 So I think, without some form of government 21 support, there are a lot of European models that 22 work.

And I would invite you to convene a panel to look at some solutions.

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SENATOR LIU: So, overall, the cost of

production can't possibly exceed the prices that you 1 can garner on the marketplace for a long time. 2 ELIZABETH RYAN: It often does. 3 SENATOR LIU: It often does, but not -- it 4 can't be that much; right? 5 6 It can't happen all the time. ELIZABETH RYAN: I think one of the reasons 7 that farmers go out of business is because of a 8 chronic price. 9 We actually call it "parity." 10 11 A chronic gap between pricing in the 12 marketplace, and then when the losses occur, whether 13 they're from weather or markets, they are 14 catastrophic. 15 So, this week it was pretty cold and rainy. 16 I'm a fruit grower. 17 We had a frost event. 18 Every fruit grower I know in the valley is 19 wondering --20 SENATOR LIU: Ms. Ryan --21 ELIZABETH RYAN: -- will they have a crop at 22 all? 23 SENATOR LIU: Ms. Ryan, Senator Metzger has 24 been an incredible advocate for farmworkers, as well

as farmers, in the state. And, you know, she does

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give us information quite a bit. 1 One of the things that she's talked about is 2 the fact that farmers often go into debt. 3 Is that a chronic issue? Is that --4 ELIZABETH RYAN: That farmers go into debt? 5 SENATOR LIU: Go into debt, and continue to 6 7 go into deeper debt. ELIZABETH RYAN: I'm hesitant to answer that 8 question, but as someone who has \$2 million in 9 land-based debt right now, the answer is yes. 10 11 As someone who often posts a hundred- to 12 two-hundred-thousand-dollar loss in -- in one out of 13 every three years, at least, do we go into debt? 14 Yes. 15 Do we leverage every asset we have? 16 Yes. 17 Do I have health insurance? 18 No. 19 SENATOR LIU: Ms. Ryan, one last question for 20 you, if you don't mind.

You said you grow apples on your family farm? ELIZABETH RYAN: Yeah.

SENATOR LIU: What would be a typical cost per pound -- production cost per pound of apples?

ELIZABETH RYAN: Well, so -- so, again, there

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1 isn't a soundbite there. The obvious things, like, what does it cost 2 to grow (indiscernible)? 3 (Indiscernible cross-talking.) 4 SENATOR LIU: Well, I mean --5 ELIZABETH RYAN: What does it cost --6 7 SENATOR LIU: -- you mentioned before, if you could get \$5 a pound, then there would be plenty to 8 9 go around. If you could get \$10, everybody could be well 10 11 off. 12 ELIZABETH RYAN: So we've -- we've --13 SENATOR LIU: So what is the production cost? 14 ELIZABETH RYAN: -- we've run those numbers, 15 and I'd be happy to share them with you. 16 And when I came to the Hudson Valley, we 17 wanted to be the better farmers. 18 We wanted to be the place where people were proud to work and earned a decent living, and could 19 20 achieve their goals and dreams, every single person 21 who worked for us. 22 And we asked ourselves: What do we have to 23 do --24 SENATOR LIU: I go to my supermarket, I pay

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1.69 for Gala.

ELIZABETH RYAN: Right. 1 SENATOR LIU: 1.79 for Golden Delicious. 2 ELIZABETH RYAN: Yeah. 3 SENATOR LIU: And 1.99 for Fuji. 4 5 ELIZABETH RYAN: And the grower doesn't get 6 the \$1.99, do they? SENATOR LIU: I understand that, which is why 7 I'm trying to get a sense as to how hard it is for 8 9 apple farmers in our state. You know, I don't want to see apple farmers 10 11 leave our state. 12 I happen to like apples. I happen to not 13 like doctors. 14 [Laughter.] 15 SENATOR LIU: But, nonetheless, we want to 16 make sure that our policies --17 ELIZABETH RYAN: We have two issues, 18 respectfully. So if we had a full crop every year, \$3 a 19 20 pound for apples all of the time would probably fix 21 it, if we had a full crop of apples. 22 With climate change, we never have a reliable 23 full crop of apples. 24 We now are in a model where we have to expect 25 that we will lose our crop at least one out of every 1 three years.

2 That is the new normal.

And we are fighting to keep the pollinators going.

We are fighting for open space.

And we are fighting to pay our employees as much as we can, and, by the way, put them in the best possible housing.

And, ironically, we often don't get cooperation on housing.

If I had my dream, every employee that I have would live in a very nice house on the farm, somewhere.

We have employees that are traveling one to two hours to get to work, and living in really substandard off-farm housing, because they can't find anywhere to live in this county that they can afford.

And that is another piece of the holistic vision that we need to have.

SENATOR METZGER: Thank you, Elizabeth; thanks very much.

LESLIE BERLIANT: Next up is Eric Ooms, followed by Ila Riggs.

And if Jack Banning could come up.

ERIC OOMS: Thank you.

My name is Eric Ooms. My family and I have a dairy farm in Kinderhook, in Columbia County, where we milk 420 cows, which I don't have in my testimony, with robotics because of some of these issues.

My father started in this country in 1950 as a 17-year-old immigrant, with my uncle and my grandfather, and our family tradition goes back to 1525 in the Netherlands.

I'm here to talk about the bigger picture, though, instead of my farm so much.

We all agree that our employees deserve to be treated with dignity and respect.

We cannot put food on your table without their commitment to an occupation that we all hold dear.

New York Farm Bureau is part of a committee led by the commissioners of agriculture and markets and labor, where we work to address worker issues side by side with farmworker advocates.

Also, to end the scourge of worker mistreatment in all industries, we're part of the Governor's Exploited Worker Task Force, seeking to find workable solutions.

The farm community has been a leader in advocating for immigration reform to bring migrant workers out of the shadows.

That's one of the big issues that doesn't get brought up in this whole issue.

For 20 years -- I didn't mention verbally, but I'm the vice president of the New York Farm Bureau.

For 20 years we've been advocating for an immigration solution, and we have been rather pliable, whether it be piecemeal, comprehensive, we need to do something.

This has been our message for 20 years.

That is unsaid in this whole discussion.

New York Farm Bureau's championed the antihuman trafficking laws, worked with New York -- NYCAM, to offer safety training in Spanish to thousands of farmworkers.

The dairy community has worked with OSHA to implement the local emphasis program that has random safety audits on dairy farms.

We've also been part of a coalition with the Labor Roadshow that Dr. Stup mentioned earlier.

We also continue to push for funding for New York State agribusiness development program. We do this because it's the right thing to do, and it's, just, we're trying to be proactive on labor issues despite what some might say.

Just as important, we are supportive of a myriad of laws and regulations that already aim to protect workers from wage theft, housing violations, and alleged abuse.

If anyone in this room knows of violations, they must be reported.

Accusations that farmers as a group are treating our workers unfairly is hurtful and not grounded in fact.

It's important to note that this legislation will not change any of that.

There are bad actors in every industry, and the New York State Department of Labor is already doing its part.

And if they need more resources, they need to be given those resources.

We've also heard comparisons to California agriculture, with the assumption that if overtime can work there, it can work here.

There are dramatic differences between California and New York.

And the reality is, in California, you can

have three growing seasons, where we have one just because of our weather.

And though it isn't raining right here today, it was raining at home.

So I appreciate you scheduling this hearing for rain at my farm.

[Laughter.]

ERIC OOMS: But this means it's just -- it's just -- you've got to take all these things into account.

I urge you to understand the work that is happening on farms all across the state to provide good, safe working conditions on our farms.

I ask you to please take into account the economic realities facing farms today, and that includes the dramatic loss of more than 2100 farms.

I will just close with your question, Senator Liu.

When we talk about being below the cost of production, there's two different costs of production.

You have a cash cost of production, and then you have a cost that you can actually renew the business.

And the cash cost doesn't dip below that as

much. But what happens is, people eat into their 1 equity from previous generations. 2 Their barns start to fall apart. 3 People aren't keeping those things up. 4 So when we say "below the cost of 5 production, " that's a legit thing. 6 7 The question is, for everybody it's different, and the question is -- or, the answer is: 8 9 The reality is, the cash cost, and what you need to actually sustain as a business, are two totally 10 11 different things. 12 So, I thank you for the opportunity to be 13 here today. 14 SENATOR METZGER: Thank you very much, Eric. 15 Any questions? 16 Senator Liu? 17 Oh, I'm sorry. And we're joined by Senator Shelly Mayer. 18 Thank you so much for coming. 19 20 SENATOR LIU: Thank you, Eric, for the distinction between, I guess economists often 21 22 call -- talk about the marginal costs and the 23 marginal revenues.

And as long as the marginal revenues are slightly more than the marginal costs, then it's

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still worth sustaining the farm, even though you either go further and further into debt, or you continue to lose the equity that's been built up in past generations.

ERIC OOMS: Right.

SENATOR LIU: What we're talking about here are a set of price controls, really, I mean, for wages. A price floor for wages.

There are -- and I think Elizabeth -- Ms. Ryan mentioned what European countries do.

They either have price supports for the agricultural products.

Some Asian countries have price supports for their staples as well, just to make sure that there's a capacity to continue to grow the food domestically and, therefore, not rely on international assistance or trade.

Do the farmers, or, perhaps you yourself, do you advocate price controls, perhaps at the state level?

For example, we're saying, through this bill, the wages, the price of labor, should not be below a certain point. Perhaps the price of apples should not be below \$3 a pound.

Is there any kind of consideration there?

The other thing that the Europeans do, is they just buy up a lot of their apples, but then they have a lot of rotting apples that are being stored in barns.

ERIC OOMS: Right.

So, we could have a very long economic discussion.

When you go it into -- I'm more familiar with the area because I'm a dairy guy, so I'm not going to touch apples.

But, I know, with dairy --

SENATOR LIU: All right.

Well, earlier there was a comment about the price of milk being very low here.

ERIC OOMS: Right, no, I understand.

-- for instance, with dairy, we tried
20 years ago to institute a dairy compact that would
price milk at a higher level in the northeast.

We had to have -- we had the six New England states and about five mid-eastern states that were all going to work together to price milk.

We had to get ratification from Congress, which we never did get.

The point -- my point is, is if we talked about having a price control in the statewide level,

you're going have issues with interstate commerce. 1 And that is, we tried that, and that was my 2 3 thing, that's what I came up on. That was my issue. And I'm going to tell you, I love that issue, 4 and I'm all for that issue, it's my passion, and 5 6 it's not practical. We couldn't politically get it 7 done. So I'm not opposed to the concept, but it's 8 9 incredibly -- I'm willing to talk. SENATOR LIU: By the way, I'm not necessarily 10 11 saying I'm in favor of that concept. 12 ERIC OOMS: Fair enough. 13 [Laughter.] SENATOR LIU: I'm just say (sic), this is a 14 15 hearing, you know, and the idea of having this 16 hearing is to hear all ideas --ERIC OOMS: I understand. 17 18 SENATOR LIU: -- and see where people stand. ERIC OOMS: Sure. 19 20 Thank you. 21 SENATOR LIU: Thank you. 22 ERIC OOMS: Thank you. 23 LESLIE BERLIANT: Next up, Ila Riggs, followed by Jack Banning. 24 25 And if Jessica Orozco Guttlein could come to

the stage.

ILA M. RIGGS: Good afternoon.

Thank you, Senators, for the opportunity to voice my concerns about the Farmworker (sic) Fair Labor Practices Act.

I'm a first-generation farmer, starting my berry farm on a worn-out corn field in Stephentown, New York, in 1996.

I grow strawberries, raspberries, blueberries, diversified vegetables, and cut flowers.

Berry farmers are particularly vulnerable to weather events destroying our crops.

Most people in New York State do not know that 99 percent of the strawberries grown in the state ripen in a three- to four-week harvest window from about mid-June to the 4th of July.

Consumers may see strawberries 365 days a year in the supermarket, but New York berries are only available for three to four weeks.

Raspberries and blueberries are similar.

We have very short periods of time when these crops mature.

For this reason, the overtime pay provision in this act is particularly onerous.

In my situation, 70 percent of my income for the entire farm comes from the three berry farms.

I have a total of 8 weeks during the summer to make 70 percent of my income for the entire year.

I work 120 hours a week during the summer.

My employees understand that one heavy rain storm will turn ripe berries to mush, or moldy, making them unsaleable, and that long days are necessary to get as much harvested as possible before a rainy period sets in.

We have had the same employees return to our farm year after year.

10 Guatemalan children have received educations in Guatemala because of the wages their parents earn at the Berry Patch.

The overtime provision of this act would end all of that, as there is no way I can be economically competitive paying \$20 an hour for someone to pick berries.

In addition to their wages, we have to provide free housing and utilities, pay their travel both ways, their visa fees, and provide shopping trips once a week.

In 2018 we paid out over \$100,000 in wages, plus covered all the other associated costs, while

my husband and I, both of whom have master's degrees, lost \$2,137.

I know that many people refer to this as a social-justice issue.

I have experienced -- and I'm very -I believe very strongly in social justice.

I have experienced social injustices my entire life being a woman in a non-traditional field.

As my husband and I approach retirement age, we have been proactive about finding a young couple that can take the business that we created from nothing and take it to the next level.

After looking for three years, we have finally found a couple who we believe are a great fit.

How is it social justice, that just as we have a viable option for exiting our business, it can get snatched away from us because a young couple will not be able to afford to pay wage rates that are so much higher than our competitors?

So after 22 years of working to make our farm into an asset that will provide a retirement income, how is it social justice to have that option taken from us by people that have never had to make their

entire living in a four-month time period?

New York has a four- to five-month growing season. We can't change that.

When your entire livelihood is dependent on what is produced and sold in four to six months a year, everyone on a farm has to work more than 40 hours a week.

Employees are often making more than the owners and getting all their living expenses covered as well.

As I drive along the Route 22 Corridor, I've noticed the same economic stagnation that we have in the Taconic Valley.

Once active dairy barns are falling into the ground, farm equipment stores and restaurants have closed.

The only thing that is new along the drive are the Dollar General stores in each small town selling cheap, imported products.

How is it social justice that rural New York
State has been forgotten, and the economic wasteland
that now exists in many small towns in the rural
areas will be accelerated by more farms going out of
business because we can't compete against much lower
wages in other states and countries?

So, again, I thank you for this opportunity. 1 2 I know that people that do not grow up on farms often don't understand the impact of what 3 weather can do to berries. 4 So I actually brought you some samples of 5 6 simulated rainfall on ripe berry crops, and what it 7 does to us economically. So in here I have berries that did not get 8 wet, and they're very edible and nice and sweet. 9 SENATOR JACKSON: Okay, don't eat all of 10 11 them. 12 [Laughter.] 13 ILA M. RIGGS: And I have berries 14 (inaudible) --15 SENATOR RAMOS: At least we know it's under 16 \$15. 17 ILA M. RIGGS: -- that are moldy and collapsing, and will never be able to be sold. 18 19 And that can happen in a 10-minute rain 20 storm. 21 So we have a short growing season here. 22 cannot get around that. 23 And because of that, we have to work like 24 hell during summer, and do our other tasks during

the winter, and think during the winter about how we

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can make things better the next year so that we're 1 2 not losing money each year because of something totally out of our control. 3 So, again, thank you for the opportunity. 4 5 [Applause.] 6 SENATOR METZGER: Thank you very much. 7 If you could answer a question. Senator Savino. 8 SENATOR SAVINO: Thank you, Ms. Riggs, for 9 10 your testimony. 11 And this is the third of the hearings that 12 we've had, and there's a recurring theme from a lot 13 of the farmers about: The concern of the overtime, particularly 14 15 over 40 hours a week; 16 The fear of collective bargaining, the 17 potential strike, particularly, because, as you pointed out, you have a four-month growing season. 18 19 But the other thing that keeps coming up, and 20 I hear this over and over, is there didn't seem to 21 be a recognition of the costs associated with 22 providing housing and medical care. 23 That doesn't get calculated into the

compensation package for farmworkers?

ILA M. RIGGS: No, we -- that's a

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requirement.

We've done H-2A, so you're told what the hourly wage must be. And it's a requirement that you provide housing, transportation, visa fees, weekly trips to the supermarket.

You can't get your workers otherwise.

SENATOR SAVINO: And is that true for farmworkers in other states as well?

Because I understand, one of the other big challenges you have, and I think it might help explain the concern about the difference in pricing, is that you're competing with places like Pennsylvania and Delaware and New Jersey where the minimum wage rates are much lower.

Is that --

ILA M. RIGGS: Yes, I mean, if somebody is in H-2A, they are required to provide housing utilities, et cetera.

We provide free housing, utilities, et cetera, because we wouldn't get workers otherwise.

And we feel that if we're going to provide it for H-2A workers, we should provide it for non-H2A workers.

SENATOR SAVINO: Uh-huh?

ILA M. RIGGS: I do want to note that our former labor rep in our area actually called me a "model farm employer for New York State."

 $\label{eq:we-start} \text{We -- my employees get angry at me when I try} \\ \text{to limit their hours.}$

There are family arguments in Guatemala about who gets to come work at the Berry Patch each summer, because they want to make the money to send home again.

So a lot of -- I just can't relate to these stories of people being taken advantage of, because that's not the case on so many New York farms.

SENATOR SAVINO: Well, I can't imagine if you were that type of employer you'd be standing here talking to us.

And we admire -- you know, I certainly admire your -- the way you treat your workforce.

I just want to go back to a couple of things, because I'm confused -- I shouldn't say confused.

I'm increasingly more concerned about the state of farming and agriculture in this state because, again, you look at, New York State is an agricultural state. That's our largest industry.

Yet, and still, I can't walk into a supermarket or a farmers' market in my own community

and buy produce that came from a New York State grower.

It's coming from somewhere else.

And in even the largest redistribution center in the country, Hunts Point Terminal Market, they don't have -- the majority of their products moving through there are not from New York State farmers.

So, independent of what we're talking about here today, I think we need to have a bigger discussion about what we can do to support farming in New York State, so that our farmers are producing goods, and then able to sell them competitively in the state that they're living in.

I mean, I would hope that we can continue that discussion.

ILA M. RIGGS: Absolutely, and I would welcome that discussion, and love to be part of that discussion.

Although I will say that, we are some of the farmers that are downsizing and going out of business because, we've had it, is what it comes down to.

It has just become too difficult.

I had a decade birthday last December, and I said, I'm getting too old to be working 120 hours

1 a week.

2 SENATOR METZGER: You look older than 10.

ILA M. RIGGS: We wish.

You know, luckily, we have found this couple that, hopefully, we will be mentoring them, to help them take over the farm.

But, we live 200 yards from Massachusetts.

They can drive two miles down the road and rent land in Massachusetts, at a much lower cost for their labor than what we can in New York State.

SENATOR SAVINO: And one final question, because it just occurred to me.

You said you're at a four-month season, that's where you have to make all your money. You have to grow it, you have to -- you plant it, grow it, and harvest it.

So do your workers leave at the end of the four-month season, or do they go somewhere else? Do they go back to Guatemala?

What happens then?

ILA M. RIGGS: With the H-2A workers, they have to go back home.

So our H-2A workers work three to four months.

People that we have that are local workers

will go and find other jobs during the winter, 1 usually working in a restaurant. 2 SENATOR SAVINO: But they don't stay working 3 for you? 4 ILA M. RIGGS: Correct. 5 6 SENATOR SAVINO: Okay. Thank you. 7 Thank you. SENATOR METZGER: Senator Harckham, you had a 8 9 question? 10 SENATOR HARKHAM: Thanks. 11 I just -- thank you for your testimony, and I 12 thank everyone for their testimony. 13 The last speaker said something very 14 illuminating, in that, you know, you have one 15 season, and you've just articulated how short that 16 is. 17 You're competing against berries from 18 California where they have, essentially, three 19 growing seasons. 20 So right off the bat, there's an economic 21 pressure that you're facing. 22 And this is just the same question I have 23 asked other people, and I'll continue to pop up 24 with: 25 Is there any middle ground at all between

what's in the bill at 40 hours a week, versus what the first speaker suggested, not until 120 hours after two weeks?

Is there -- is there -- is there no room for coming towards some sort of accommodation?

ILA M. RIGGS: I think that's probably a question for people smarter than I to figure out, because, when I have to make 70 percent of my income in 8 weeks, I don't see how it can work.

You know, for other farms, there may be a way to do that.

I personally, you know, will not let my workers work more than 65 hours a week. I don't think it's healthy for them.

And they get very angry with me when I do that, and threaten to go to other farms where they can get more hours.

So, I think it's a discussion that you need all sides involved in, because our -- a non-farmer's idea of what is "middle ground" is probably very different than a farmer or farmworker's idea of what is "middle ground."

SENATOR HARKHAM: Thank you.

SENATOR METZGER: Thank you very much.

LESLIE BERLIANT: Next is Jack Banning,

followed by Jessica Orozco Guttlein.

And, Beth Lyon, if you could come up.

JACK BANNING: Good afternoon.

Thank you very much, Senators, for the opportunity to come and talk here.

My name is Jack Banning.

For the record, my wife and I are the owners of Black Sheep Hill Farm in Pine Plains, New York, which is in the northeast part of Dutchess County, not far from where the last speaker was speaking about.

For the last 11 years we've been breeding Black Welsh Mountain Sheep for both meat and wool. We also raise pigs, as well as chickens for eggs, and work a few acres for garden vegetables in the summer.

We're home to one of the largest flocks of Black Welsh Mountain Sheep in the United States, because it's a labor of love for my wife to try and save this heritage breed, which eats us alive. But we'll leave that for another discussion.

The majority of our meat products are sold to restaurants in the northeast corner of Dutchess, restaurants which are eager to offer local products on their menus, as well as through the innovative

Farms-to-Tables program, which some of you may know about, which connects farmers with chefs and other end users, not just in the Hudson Valley, but in New York City as well.

We also sell through other farm stands in the area and through our local IGA Peck's Market.

Our own farm stand is open year-round.

It's a small family farm. We employ three full-time workers. We use temporary help in the summer when we're harvesting vegetables.

Everyone in our employ earns at least \$15 an hour.

And those summer employees, I might point out, as one other person did, are -- tend to be the local high school kids or college kids home for the summer, and we use them for two or three months.

I'm here today because of my longstanding commitment to the passage of the Farm Farmworker (sic) Fair Labor Practices Act.

I'm committed to this cause, to the extent that I have traveled to Albany, as well as met with my own legislators in their districts, on many occasions over the last several years.

The fact that farmworkers have, essentially, and let's be honest here, essentially, no rights

whatsoever, for overtime pay, disability insurance, a day off, or, in my estimation, for anything else, for that matter, is not just a travesty. It is fundamentally immoral, and is contrary to everything decent people has always stood for in our society.

I acknowledge that this struggle for equality for farmworkers is in some ways different from the struggles in the '60s for civil rights, yes.

But, just as I and many others marched, demonstrated, and suffered in that time, we must continue the fight for equality, which means fighting for the passage of this bill.

I'm in support of the bill as it is written, not just because I can see no reason why farmworkers should be treated differently from any other workers in our society, in our state.

The legislation before the New York State Senate aims for nothing more than fair and just treatment of farmworkers.

My reading of the proposed legislation makes it clear to me at least, that it seeks no special status, no special privileges, for farmworkers.

Rather, it's legislation fairly drafted,

I think, by fair-minded people aimed at simple fairness.

And I believe this legislation would have no adverse economic effect whatsoever on farmers in our state.

And I know this goes contrary to what a lot of farmers will say, and I could explain it, but I only have four minutes.

Others testifying here today can likely address this part of the issue far better than I can. Some of them are a lot bigger than we are.

But as I have now said about five times, in the end, this is a moral issue.

Legislators should simply do what is right, and the right thing to do is pass this legislation.

One other point I'd like to make.

I'm well aware that the New York State Farm Bureau has come out against this bill, obviously.

They claim that they argue on behalf of small family farms.

Now, I am a small family farmer, and as I have said, I support this bill.

The arguments that they make against equality simply echo comments that have been made against the just treatment of farmworkers, and I might point out, domestic workers as well in this country, for decades.

In the end, I can't help but wonder how much the farm bureau, hiding behind the guise of concern for small family farms, is reality, doing nothing more than protecting the large agricultural interests in certain parts of our state.

That all being said, there are, of course, many obstinate challenges facing farmers within our agricultural system, this idea of a holistic solution. And many of them certainly don't have anything to do with labor.

I don't think, however, that our inability to solve those problems should lead to us force our farmworkers to carry an unfair burden.

I'd urge the Senate to vote for equality, and then we can all turn our attention to creating an agricultural system in New York that is vibrant and successful on every level.

Thank you very much.

[Applause.]

SENATOR METZGER: Thank you very much.

Senator Liu has a question.

Senator Liu.

SENATOR LIU: Yes.

Thank you for your courageous testimony.

[Laughter.]

SENATOR LIU: The name of your farm is -- is 1 2 that the name of your --JACK BANNING: "Black Sheep" --3 SENATOR LIU: -- was that name given by the 4 farm bureau? 5 6 [Laughter.] 7 SENATOR LIU: Or did you actually name that? JACK BANNING: The name of the farm came 8 9 before we started breeding black sheep, because my wife is the black sheep of her family, and I'm the 10 11 black sheep of my family. 12 SENATOR LIU: How many employees do you have? 13 JACK BANNING: Three full-time. And in the 14 summertime we use some kids. 15 We are not involved at all in the H-2A or, in 16 general, the Latino immigration questions, and that 17 sort of thing. Although that's another subject that I'm 18 happy to talk about, as you might guess. 19 20 But we have three. 21 SENATOR LIU: Okay. 22 Thank you. 23 SENATOR METZGER: I have to say, I don't know 24 much about sheep farming, but how does it compare in 25 terms of -- I mean, it's a year-round enterprise.

JACK BANNING: Very definitely. 1 2 3 enterprise. 4 5 6 farmworkers. 7 8 9 10 11

SENATOR METZGER: -- as opposed to a seasonal

And I'd just like to get a sense -- I don't know if you know this -- but how the hours compare, in terms of, like, a workweek for a farmer, for

JACK BANNING: In our case, my wife is the shepherd. I'm the swine herd, I do the pigs.

She's the shepherd, and she's devoted to this ridiculous breed of sheep that she's trying to save for the world.

[Laughter.]

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JACK BANNING: And I confess we don't make any money on the sheep.

That part of our farm operation is, in fact, a labor of love, and we're lucky enough to be able to do it.

The swine, on the other hand, the pigs, I make a reasonably decent buck on. It's a good product.

The sheep farming is absolutely year-round.

This is lambing season, where we have two lambs -- two ewes yet left to go.

My wife has had probably, on average,

2 1/2 half hours of sleep a night for the last three 1 weeks, because she's down there birthing lambs. 2 Now, she does it. 3 Somebody has to do it. 4 5 And our farm manager frequently will take a night. And sometimes we'll call up, it requires two 6 7 people to pull a lamb out. But the other workers are not working those 8 kinds of hours. 9 All of our other workers work, generally, a 10 11 35 to 45-hour week. 12 SENATOR METZGER: Okay. 13 Thank you very much. 14 JACK BANNING: Okay. 15 LESLIE BERLIANT: Next is 16 Jessica Orozco Guttlein, followed by Beth Lyon. And if Julie Patterson could come up. 17 JESSICA OROZCO GUTTLEIN: Hello. 18 Good afternoon. I'm Jessica Orozco Guttlein. 19 20 I'm assistant vice president for policy at 21 The Hispanic Federation. 22 Chairs Metzger, Ramos, Senator May (sic), and 23 Committee members, thank you for the opportunity to

testify on behalf of The Hispanic Federation and our

network of 100 Latino community-based organizations.

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The Hispanic Federation is a service-oriented membership organization that works with more than 100 Latino non-profits in the northeast and nationwide to promote the social, political, and economic well-being of Latinos -- the Latino community.

HF does that by supporting and strengthening our Latino non-profits, conducting public policy research and advocacy, and offering our New York residents an array of community programs.

Farmworkers labor under harsh conditions, as many people stated, and engage in intensive physical activity to feed all of us, yet they're exempt from several fundamental rights and protections that are afforded to other workers.

The 2017 Census of Agriculture found that Sullivan County alone has 366 farms that span over 59,942 acres, an increase of 45 farms and 6,083 acres since the 2012 Census of Agriculture.

Accordingly, the hired farm labor in Sullivan County has increased by 10 percent between 2012 and 2017.

That's 437 hired farm-labor workers, and 305 of these laborers working more than 150 days per year.

Nobody, not farmers, not farm laborers, not

New Yorkers, want to see farms suffer or fail in

New York State.

On the contrary, we want to see them prosper, but not on the backs of precluding a vulnerable class of workers from basic labor laws that everyone else enjoys.

We've heard salaried employees say, "I wish

I had overtime. You know, I work 60 hours a week."

These office jobs are not the same.

Farmers in this room will tell you that these office jobs are not the same as the jobs that take place on the farm every day, day in and day out.

We've heard many, many economic arguments today, but to say that New York's farm industry will collapse if people earn, rightfully earn, work these overtime hours, is embarrassing to me.

Are we saying that we've built this farm industry on solely exempting people from basic labor protections?

No, we haven't. We know that, we know that it's a lot more than that.

This isn't going to collapse if we provide people with basic labor protections.

And that's what you all are here for, to hear

our story and to try to fix this.

These exemptions create dangerous realities for farmworkers in New York State.

Many farmers treat their farm laborers with respect, as we've heard before. They care about them. They don't want them to work over 65 hours because of concern out of their physical safety or mental health, whatever the case may be.

Many of them independently already implement many of the protections that are outlined in this bill.

But there are farmworkers who do not treat their farm laborers well, who take advantage of them, and, many farmers in this room probably know at least one of these individuals.

We've heard through many of our advocacy activities that there are some farm laborers that have been threatened by their jobs, and I'm not saying it's anybody in this room, but that have been threatened by -- for their jobs if they speak out and advocate for overtime pay.

We know that that's a reality today as well.

We don't see a lot of farm laborers in this room, especially without the people/the farmers that they work on the land for. We don't see them

1 independently here. Well, they're working right now. Right? 2 But we don't see them here. 3 SENATOR METZGER: (Inaudible.) 4 JESSICA OROZCO GUTTLEIN: Oh, I'm so sorry. 5 6 So climate change, seasonal work, that is 7 something that we definitely agree with, that is something that is affecting our farm industry. 8 We don't want to oversee that. 9 But let's pass this bill, and then address 10 11 those issues separately. They're not mutually 12 exclusively. 13 As Senator Savino said, this is something that we do need to address, but not on the backs of 14 15 farm laborers. 16 And these overtime exemptions -- or, overtime 17 implications aren't going to fix or solve this climate change and these seasonal issues. 18 19 This is a separate issue that many people 20 talk about. So we are in favor of passing this bill. 21 22 SENATOR METZGER: Thank you very much. 23 Any questions? 24 No? 25 Thank you very much.

LESLIE BERLIANT: Next is Beth Lyon, followed by Julie Patterson.

And if Joseph Morgiewicz could come up.

BETH LYON: Chairwomen Metzger and Ramos, and honorable members of the Senate committees on Agriculture and Labor, I thank you for the opportunity to address this hearing in support of the Farmworker (sic) Fair Labor Practices Act.

My name is Beth Lyon, and I'm a clinical professor of law at Cornell Law School where

I direct the farmworker legal assistance clinic and the low-income taxpayer law and accounting practicum.

The programs I run are teaching law firms in which students handle cases for real clients who cannot afford a lawyer.

Since it opened in fall of 2015, the Cornell
Law School Farmworker Clinic has represented
unaccompanied, undocumented child and youth
farmworkers in 11 counties across several regions in
New York, including Western, Central, Southern Tier,
and North Country.

The purpose of my testimony today is to supplement the available data on child and youth farmworkers in New York State to affirm that there

are children and youth in New York's waged agricultural labor force, and a significant percentage of them are living without parents or parental figures.

There is very little government or private data on child farmworkers, and the department of labor concedes that it has failed to provide a good estimate, or state-level data, let alone county data.

In a report issued last year, the government accountability office estimated that, in the eastern region of the United States, 15 percent of crop workers were age 17 and under, and 7 percent were 13 and under, and that 34 percent of all crop workers aged 18 and under are directly hired as opposed to being contract laborers or the children of family farmers.

The service providers that refer cases to my clinic report frequent encounters with young workers, including workers who did not disclose their real age at the point of hire, and a trend toward a growing number of youth employed on New York State farms.

This is particularly concerning, given that significantly higher incidence of injury and

fatality among working children on farms than children working in other settings.

The clinic constantly receives requests to help children that it does not have the resources to accept.

Our experiences, the reports from our community partners, and the available research show that farm labor is a precarious place for minors, and that many of the young people working on farms in New York State, and living with adult men in farm-labor housing, have little recourse or safer alternatives in order to generate funds for their families.

In the long term, this tension will continue until work on New York State farms is sufficiently desirable, professionalized, to attract an all-adult workforce.

In the short run what this means, is that the lives and futures of numerous young people living with few or no family members are tied to employers who control virtually every aspect of their lives.

Even for the young people who are living and working alongside adult family members or parental figures, those workers, the people who bring their children, nephews, nieces, godchildren, onto farms

to work alongside them are faced often with very difficult choices, and must balance their own significant financial needs against the unique needs of children and child workers.

In my written testimony, I laid out the individual stories of three child workers, two who were my clinic's clients, and one of whom was interviewed by a researcher.

They showed that when an employer assumes a protective role, the child's life chances advance even while still serving as a productive member of the workforce.

But when an employer does not assume that role, the child bounces around from job to job and does not develop as they otherwise could.

To tie this back to the Farmworkers Fair

Labor Practices Act, the legislation under

consideration gives more voice, and the potential

for farmworkers to develop their own protections for

the children and youth on farms. They're aware of

their existence and they know best how to take care

of them.

These are children who lack the ability or experience to negotiate on their own.

In the end, this legislation will improve the

life chances for young workers in settings where employers are not assuming this protective role.

I thank you for your attention.

SENATOR METZGER: Thank you.

Senator Mayer.

SENATOR MAYER: Thank you for your testimony.

Would the clients that you get through your program, young people, perhaps undocumented, working on a farm, what is the preferred outcome, from your perspective; what is it that you are trying to achieve for them?

And are you successful?

BETH LYON: The reason why anyone would surface the fact that there is a child working on a farm is because there is an issue, there's a crisis.

And, typically, the reason why I'm called in is because the child is in deportation proceedings and removal proceedings, usually in the Buffalo Immigration Court.

So what the community providers have asked my students and I to learn to do, is to take the children through a process, which is a very time-consuming and sensitive process, of getting a protection order from the local family or surrogate's court, walking the protection order into

the department of homeland security to get a special immigrant juvenile visa status for them, and then terminating their removal proceedings in the immigration court.

So these are children who have been identified by immigration as people who are targeted for deportation.

So children who are working undocumented, but are not actively in deportation, are much more likely to surface themselves or to bring themselves to our attention.

SENATOR MAYER: So just to clarify, those children are no longer working?

They're in the custody of ICE or some other federal agency at the time they come to your attention?

They are subject to deportation hearings?

BETH LYON: No, these are children who have been identified in crossing the border. They've been held in detention.

We've seen the conditions, and the family separation, and the other issues at the border.

They are released to family members, and wind up working on farms all over the country, but including Upstate New York.

1 So in that moment, they are working, often full-time. Sometimes they're able to go to school, 2 again, depending on the attitude of the particular 3 employer. But also under pressure of removal 4 proceedings at the same time. 5 So we're brought in to help them maintain 6 7 stability and stop their removal proceedings. SENATOR MAYER: Okay. 8 9 Thank you. 10 SENATOR METZGER: Could I ask, so, it's 11 already illegal to hire child labor. 12 So how would this bill impact this issue? 13 14 15

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BETH LYON: The way that the bill would support these children is that workers know who the children are that are on the farm. They know what's going on.

These are children who are living in farm-labor housing with many unrelated men. are safety issues for them.

And the adults who care for them can try to make sure that certain things happen.

Maybe they get migrant education to tutor them.

Maybe they actually get to go to school, and they work shifts that are around school.

And maybe they have a safer living situation.

My students, as I mentioned in my written testimony, are often going out to farms, and we become locksmiths.

We're putting locks on the doors of children's rooms so that they're safe at night.

And then we can show the family court system that this is a child who is in a safe setting in order to continue the process for them.

SENATOR METZGER: I'd just -- I would like to point out that we -- there's a great program,

ABCD Schools in New York, a program in New York that we funded, but that needs a lot more support.

SENATOR JACKSON: Quick question.

These young children that are working in order to earn money, some of them may be with an uncle or a relative at a farm, how are they paid?

Do they pay, for example, the child, or do they pay the uncle for whatever the child's wages are, if you know?

 $\,$ And I'm going to ask that question also for farmers.

So, just, somebody tell me.

BETH LYON: Well, my experience here in New York State is three years.

1 But, in my experience, most of my clients 2 don't have anyone on the farm who is living with them in a parental role, and they're just paid as 3 workers. 4 5 SENATOR JACKSON: They're paid in cash or by check, or what? 6 7 BETH LYON: It's a mix. SENATOR JACKSON: Excuse me? 8 9 BETH LYON: It's a mix of cash and check. 10 SENATOR JACKSON: Okay. 11 BETH LYON: Uhm -- yeah. SENATOR JACKSON: Okay. 12 13 BETH LYON: And to be clear, most of the 14 people that I'm encountering, that my community 15 partners are encountering, they're more in the 16 14- to 18- to 19-year-old range. 17 Here in New York State, and other states, 18 I have encountered children who are younger than 14. Thus far in my experience I have not 19 20 encountered any children under 14. 21 SENATOR JACKSON: They have not -- I'm sorry, 22 say that again? 23 BETH LYON: I have not encountered children under 14 --24 25 SENATOR JACKSON: Under 14.

1 BETH LYON: -- thus far in my experience.

Although, the GAO data does suggest that, in the eastern United States, that 7 percent of the children working, at least on the crop side, are under 13.

SENATOR METZGER: So just to --

SENATOR JACKSON: But you have not -- between 14 and 18 are the ages that you have seen in this area here --

BETH LYON: Yes.

SENATOR JACKSON: -- in New York State?

BETH LYON: Yes, Senator.

SENATOR JACKSON: Okay. Thank you.

SENATOR METZGER: I just -- so -- but just to clarify, in your testimony, there isn't any data on -- existing data on New York on underage hiring practices?

able to break out the northeast. That's -- or, the eastern region is the region that it has broken out, which is why I came with, essentially, the anecdotal data from myself and from the many agencies that refer cases to me, to share that these children are out there.

SENATOR METZGER: Okay. Thank you.

1 LESLIE BERLIANT: Thank you. 2 BETH LYON: Thank you. LESLIE BERLIANT: Next is Julie Patterson, 3 followed by Joseph Morgiewicz. 4 And if Ken Migliorelli could come up. 5 JULIE PATTERSON: Good afternoon, Senators. 6 7 I appreciate your time today. Yes, I'm challenged, height-wise. 8 9 SENATOR JACKSON: (Inaudible) in the back, they need hear you. 10 11 JULIE PATTERSON: Sure, thank you. 12 Everybody can hear me okay now? 13 I appreciate the opportunity to speak today. 14 My name is Julie Patterson. 15 Together with my husband, John, and our three 16 children, we farm in Auburn, New York, in 17 Cayuga County. 18 We are a sixth-generation family farm. 19 Personally, though, I am a first-generation 20 farmer. 21 John and I married 24 years ago, and at that 22 time, the farm was managed by his mother, Connie, a 23 single mother to four children. Connie was also a high school business 24 25 teacher, and worked long after the school day ended

on the farm to ensure the opportunity for the sixth-generation to continue farming.

We learned to work hard, be good stewards of the land, and have empathy for all people, but most importantly, our employees who work with us every day.

Our team is proud of the work that they do.

They enjoy their work, and they don't farm -you don't farm unless you enjoy the work you do
every day, because it's hard.

If somebody has a better opportunity, they can leave. And we've had several employees that have left, and come back, after pursuing other options.

Today we employ 20 full-time people,
6 part-time, and 10 additional employees during the cropping season.

Our employees range in service of years between 1 and 38 years.

Together, our team -- our team, we milk 1500 cows and crop 2500 acres of land.

Our average worker salary is \$50,250 per year, well above the median household income of our area of \$40,700.

Although New York State law only allows us to

charge \$5 each day for housing, which we don't charge, we provide housing to our employees -- 13 of our employees.

We pay for the utilities, give our employees paid vacation, retirement plan, bonuses, pay workmen's (sic) compensation, unemployment insurance, time and a half for four major holidays, monthly payments towards health insurance, and weekly time off.

At the time of hire, our employees receive safety training in English and Spanish, depending on what language they speak, and, sexual harassment training, also in English and Spanish. And that's annually they have to receive those trainings.

We participate in the farm program, which is the farmers assuring responsible management.

This newest initiative of the farm program provides guidance and best management practices for human-resource management, which we follow these practices.

Our milk cooperative, who we sell our milk to, has a representative come to our farm to do quarterly audits of our employee housing and workplace to ensure safe work environment and housing standards.

We also grow and develop our employees
through professional training initiatives and

3 workshops.

At time of hire, our employees also have to sign a worker agreement. Laid out in that agreement is their hourly wage, their days off, what benefits they're entitled to.

They sign that work agreement. That's in Spanish and English.

Our responsibilities as employers of choice extend well beyond the typical employer-employee relationship.

I have taken the employees to necessary appointments.

I have taken them to the hospital when they are in labor.

In rare times of injury, John or I take the employees to the hospital and comfort them, never leaving their side until they are released.

We have cared for their children.

None of this is being said because I'm looking for accolades, but it is being said because we treat the people who work with us every day like they are part of our family.

You have heard it before, many farms are

struggling, but we do invite you all to visit our farms and gather facts instead of trying to decipher what testimony to believe.

Bottom line: Farms of all sizes, not just small farms and medium-size farms, are struggling.

And I've included budgets in my written testimony so you can see there's -- it doesn't really -- it's not just small farms, it's large farms.

And the majority of farms provide competitive wages, offer benefits, and good quality of life that many do not understand.

"We," meaning all industries, need your help to better integrate the 4.5 million immigrants that reside in New York State.

We need your help at providing funding for more programs to educate foreign workers on this country's cultures, access to public services.

People coming here from less-developed countries do not know our laws.

They don't know that 911 is just a phone call away and they won't be discriminated against when they call.

What they do know is, they are leaving a corrupt environment where the gross national income

is \$2,740 per year, to take advantage of 1 opportunities for them to provide for their families 2 with quality, well-paying jobs, in turn, providing 3 New York State families with affordable, safe, 4 nutritious food. 5 Again, enough laws exist to protect those who 6 7 are here in this country. What we do need is immigration reform so 8 9 people don't feel they need to live in the shadows. 10 SENATOR METZGER: Thank you so much for your 11 testimony. 12 JULIE PATTERSON: Thank you. 13 LESLIE BERLIANT: Next is Joseph Morgiewicz 14 followed by Ken Migliorelli. 15 And if Kira Kinney could please come up. 16 JOSEPH MORGIEWICZ: Good afternoon, all. 17 And I'd like to thank all of the Senators here today, and those who have left; 18 Senator Harckham; Senator Jackson; Metzger; Ramos, 19 20 who is someplace in the area; Senator Liu; 21 Senator Savino, and, I'm sorry, I did not catch the 22 last. 23 SENATOR MAYER: Mayer. 24 SENATOR JACKSON: Mayer.

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Mayer.

My name is Joseph Morgiewicz, and together with my mom and brothers, we operate 170-acre mixed produce farm in Orange County in the "Black Dirt Region" in the Lower Hudson Valley.

We are a fourth-generation farm, and my two sons and niece are staged and ready to become the fifth generation to operate our business; that is, if there is a business left to operate in the next few years.

This legislation will be pivotal in that decision.

I'm also speaking as the chairman of the Farmer Community Advisory Committee of GrowNYC, which I'm sure that all of the downstate representatives are familiar with.

We are a volunteer, elected committee made up of producers, community members, city dwellers, and GrowNYC staff, and we're tasked with ensuring that the green markets in New York City are vibrant, fair, and integral parts of the communities they serve by providing the freshest produce that our consumers -- customers can buy at the best price.

Our customers, your constituents, demand it.

Many of the green markets in your districts will be severely affected if and when this bill is

passed.

I'm already aware of several farms that are dropping some of the markets they attend because of already high costs that takes -- that it takes to produce our crops.

We will not be able to survive in those markets and compete with our neighbors from New Jersey, Pennsylvania, and Connecticut.

I struggled with what I was going to say in this testimony today.

You have my written testimony.

And I've also heard repeatedly the stories of many farmers and employees, so I wanted to try and say something different.

This issue is complex, and I don't know where to begin or which issue is the most important or more important than the other.

There's a butterfly effect to this bill that will take another generation to be realized, so what good was four minutes going to do?

I'd like to focus my comments more on the statements from previous hearings.

In opening statements made at the

April 26th hearing, it was mentioned how the

manufacturing industry has the type of protections

that this bill offers in place, and has had for many years.

That it was the duty of the elected officials to figure out how to mesh the guidelines that the manufacturing industry uses with the agricultural industry.

My question is, how, and why?

They're very different from each other and have different needs.

We are not even the same as California agriculture, but yet they are used as the example to follow.

We have, at best, six months of good weather to grow and harvest a crop.

They have eight to ten.

Ask a farmer in California how they are dealing with overtime since it has been implemented.

When was the last time you heard of a factory losing its entire income in a 15-minute hailstorm, or a company like Benjamin Moore losing the materials used to make paint because it rotted in the back?

We produce a life-giving, highly perishable commodity.

You have all had vegetables rot in your

refrigerator because you didn't use them in time, or had the melon on the counter ripen faster than you expected it to, and I'm sure that you were ticked at the fact that you spent good money on something you couldn't use.

Imagine that that \$2.00 you spent on that melon or a bunch of cilantro is actually \$200,000 that you had invested in an entire farm, and the hailstorm with ice the size of marbles cuts it down in a matter of seconds.

That scenario has happened to every farmer at some time in their careers, and it will happen again, I guarantee it.

And guess what?

Most of us brush it off, we figure out how to do it again, because we know that our job is a higher calling.

In 2011 "Hurricane Irene" hit our valley in late August.

We had just begun harvesting many of our main cash crops. It was late season because of the weather earlier.

The nearly \$400,000 that we, my farm, had invested in manhours, seed, fuel, chemical, fertilizer, and packing supplies sat under 10 feet

of water for almost a month.

Eight years later we're still paying for that.

Fall of 2018 saw devastating losses again for area farmers because of the excess rain.

Many of the fall crops never made to it harvest because of too much rain.

Crops that were ready to be harvested before the rain could not be harvested and rotted in the field.

The result, again, expense and no income.

These are not made-up stories to try and gain sympathy, but they are the realities of farming in the northeast and in New York where it costs more to grow a crop.

As farmers, we don't expect anyone else to understand this.

My wife grew up in Southern California with parents who had, pretty much, 9-to-5 jobs.

We have been married 25 years, and she still can't understand why or how we do what we do, or why my kids want to follow me.

We don't expect elected officials who have the power to put us out of business with this bill to understand, or the advocates who state that this

is a civil and moral issue, and that it's not about the money, but the money will make all the bad things go away.

Another testimony given by a labor advocate or economist of some sort truly believes that a farm can be run as 8-to-5 like any other business, and can't understand how we have not figured that out yet.

I wonder if he's interested in buying a 170-acre farm in Orange County because I'd like to give him my contact info.

In another testimony, the speaker congratulated farmers for being entrepreneurs and savvy business people, and that we would figure this out and survive.

We have survived for 40 -- four generations, but when do we get to prosper also?

In agriculture, it's a morbid fact that we silently hope for another area to have a bad season so that we can have a good one, and then the tables turn.

The fact that many advocates for this legislation would have you believe that most farmers are prospering on the backs of our employees and that we exploit them for our own gain is infuriating

and makes the issues personal for me.

My employees make more per hour for the time they work than I do, and believe me, I wish I could pay them more.

We believe in the sanctity of human life and that every person deserves to be treated with dignity and respect, and we do.

There are bad actors in every industry and profession, politics and religious orders included.

SENATOR METZGER: I'm sorry, (inaudible).

JOSEPH MORGIEWICZ: The perpetrators --

SENATOR METZGER: I'm sorry, you need to (inaudible).

JOSEPH MORGIEWICZ: In closing:

This legislation is bad for everyone; there are no winners.

There's a reason why in the last 20 years this bill fails to pass.

It would do more to destroy agriculture in New York than it would do good.

Most of the portion of this bill is fluff, and in my opinion, because we're already doing those things.

The right to collective bargaining would be worked with some tweaks.

Overtime, as it is written, though, has no 1 place in New York agriculture. 2 3 So I want to ask you all, where do you want your food to come from? 4 5 SENATOR METZGER: Thank you very much. 6 Does anyone have any questions? 7 SENATOR SAVINO: In his testimony -- you didn't mention it, but in your testimony you 8 9 actually have some suggestions for things that we can do to help the farming industry. 10 11 I just want thank you for that. 12 SENATOR METZGER: Sir. 13 JOSEPH MORGIEWICZ: All of those were 14 things -- would be things that would need to be 15 worked out. 16 SENATOR SAVINO: Obviously. 17 JOSEPH MORGIEWICZ: And I am not the person 18 to go to for that. 19 I'm speaking with two hats. 20 In my farm, at this point in time, overtime 21 would not work for me. Speaking on behalf of the members in the 22 23 FCAC, which is an entire group of 200 farmers, a lot of them could work with 60 hours, but, it will be 24

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devastating.

My payroll went up \$50,000 alone last year. 1 2 Adding overtime to that would increase it by 3 another \$80,000, just on the hours put in last year, which was not a typical year. 4 5 SENATOR RAMOS: That's assuming the 40 or the 60? 6 7 JOSEPH MORGIEWICZ: That's at the 40, because that's what is discussed. 8 9 Even at 60, it's still a crawl. I lost over \$200,000 on my farm. 10 11 The losses last year would have been close 12 \$100,000 on my farm, just in crops alone and the 13 manhours that I had. 14 Recoup, or try to put on, another \$80,000, if 15 that bill were in place last year, would not have 16 been possible. 17 And I still don't know if it would be possible this year because I'm still recouping from 18 19 the costs last year. I lost last year. 20 SENATOR METZGER: Thank you very much, 21 appreciate your testimony. 22 LESLIE BERLIANT: Thank you. 23 Ken Migliorelli is up next, followed by Kira Kinney. 24

And Maritza Owens, if you could come up.

And just to remind everybody to please keep 1 2 your eye on the clock. 3 We are already going over, and we want to make sure everybody has time to testify. 4 5 Thank you. KEN MIGLIORELLI: Hi. 6 7 Good afternoon, Senators. My name is Ken Migliorelli. I'm the current 8 owner of Migliorelli Farm, LLC. 9 My family and I have been farming for almost 10 11 a century in New York State. 12 Our farm began in The Bronx in the late 13 '20s, and is currently located in Reddick, 14 New York, which is in northern Dutchess County. 15 We currently farm approximately 1,000 acres 16 of fruits, vegetables, grain, and hay. 17 We direct-market through farmers' market, roadside stands, and wholesale accounts. 18 19 During peak season, which is May to November, 20 we employ 70 to 80 employees. 21 I'm wanting to discuss the farmworker bill 22 proposed by you, Senators. 23 There's a part of this bill which we have

little or no effect -- it would have little or no

effect on my farm operation.

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1 Other portions would be extremely detrimental to the survival of not only our operation, but to 2 other agricultural entities, such as dairy, 3 livestock, poultry, greenhouse production, 4 et cetera. 5 6 We have been and have always provided the 7 following: One day off a week; 8 9 Workmen's (sic) comp; 10 Unemployment insurance, which is an issue. 11 Now that we're in the H-2A program, they 12 can't benefit from unemployment, so it would be nice to have that eliminated; 13 14 Available housing with proper sanitation 15 conditions. And it's checked monthly by the 16 Dutchess County Health Department. 17 The part of the bill that I'm concerned about, collective bargaining. 18 I guess I've been doing collective bargaining 19 20 for years. 21 I talk to my employees, I find out their 22 issues, and I make changes. 23 Probably 20 percent of my employees have

families, wives and children. So there's school

events, so we work things out. And, you know,

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sometimes they need off certain parts of the week.

And, so -- but it's the labor strikes that I'm concerned about.

You know, during peak season, you know, I can't afford to not have a workforce.

But the biggest thing, as you heard, is the time and a half.

I feel it should be eliminated.

This would be the most detrimental action brought against agriculture in decades.

Agriculture is currently running at such a tight profit margin, and this action would put the nail in the coffin for many farmers.

Agriculture is not like any other industry or business.

We are dependent on many facets that control our profitability: Insects. Disease. Weather.

Market share, which is changing.

Senator?

I'd like your attention.

Thank you.

My production crew, during peak season, takes home \$800 to \$1,000 a week, and they don't have to pay for rent, and they don't have to pay for utilities.

1 Now, I feel that's a pretty fair wage. 2 So -- and this year we have to pay, you heard, 13.25. That will come out to \$19.88 over the 3 40 hours. 4 5 It's not happening, not here. 6 And I don't have the capacity to put on 7 another 30 or 40 employees to keep it at 40 hours. So I'm going to -- we have already made 8 changes, but I will be, if this gets passed, laying 9 off 70 to 80 percent of my employees. 10 11 I'm looking -- we're looking to cut back on 12 fruits and vegetable production because it's such 13 high inputs go into that, and just do more grain and 14 hay. 15 But what concerns me more is, you're making a 16 law that, how many of you sitting at this table have 17 ever been in business for yourself? SENATOR METZGER: Not me. 18 19 KEN MIGLIORELLI: Nobody? 20 Nobody at this table's never been in 21 business. 22 So you don't know what it is to wake up every 23 day and worry about the bottom line. 24 You know, so it's -- you know --25 (Audience member claps.)

1 KEN MIGLIORELLI: Thank you. -- it's just, you know, when you wake up at 2 3:00 in morning because an alarm goes off, because 3 the greenhouse heat is down, and you got to get 4 there because, you know, you'll lose the whole --5 you know, you're whole tomato crop or peppers or 6 7 eggplant in one night. So, you know, you're making laws that, you 8 9 know, you don't know. 10 You may think you know what it is to be in 11 business, but until you're living it every day, and 12 wake up every morning worrying about the bottom line. 13 14 So... 15 [Applause.] 16 SENATOR METZGER: Thank you. 17 Does anyone have any questions? Diane -- or, Senator Savino. 18 19 SENATOR SAVINO: Thank you for your 20 testimony. 21 You said that you employ about 70 to 22 80 employees. 23 How many of them are H-2A? 24 KEN MIGLIORELLI: Half. 25 SENATOR SAVINO: Half of them.

And so because there's no exemption on the 1 2 requirement of overtime -- of unemployment insurance 3 coverage, what does that cost you, just you, on 4 average, every year? 5 KEN MIGLIORELLI: Well, it's, I think 6 unemployment runs, I want to say, 8 to 9 percent. SENATOR SAVINO: And these are workers who 7 could never qualify to --8 9 KEN MIGLIORELLI: No. SENATOR SAVINO: -- collect it, those 10 11 particular workers? KEN MIGLIORELLI: Correct. 12 13 And we have to pay for their travel in and 14 out of the country. 15 I mean, they're going home with a chunk of 16 money at the end of the year. 17 I mean, just like it was stated before, you 18 know, they're sending home money to buy farms, to, 19 you know, put their kids through school. 20 You know, you said that this was a 21 responsible bill. 22 I think that part is irresponsible. 23 SENATOR RAMOS: I said that we would pass the 24 bill in a responsible and fiscally-prudent way.

KEN MIGLIORELLI: Well, if you allow time and

a half, that's irresponsible. 1 2 SENATOR RAMOS: Okay. Thank you opinion. 3 SENATOR SAVINO: Thank you. 4 5 SENATOR METZGER: Thank you; thank you for 6 your testimony. 7 LESLIE BERLIANT: Kira Kinney, followed by Mr. Maritza Owens. 8 9 And if Mark Doyle could please come up. KIRA KINNEY: Thank you for having us, and, 10 11 truly, I hope you're listening, because there's a 12 lot that's really riding on this, and I'm not sure 13 that I get that you get it. 14 Like, I have these stress reactions. 15 One, I cry. 16 One, I yawn. 17 Or, two, like, I basically run away. So, I'm sorry, but, trying, I'm trying. 18 19 So I want to also extend my sincerest 20 gratitude to Senator Montgomery, who was at 21 Morrisville, because when she stated in her closing 22 remarks, that she grew up in the south, and that 23 she's seen Jim Crow, and this is no Jim Crow, what

Like, it means a lot to me, because farmers,

she's seeing and hearing from us.

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in the media and through the advocacy testimonies, like, we're terribly maligned as exploiters of other human beings, and it's said that it's basically common and accepted practice.

Which is entirely false.

Like, the statement that farmworkers are afraid to speak out, mine were afraid to speak out because, as immigrants, to stand in front of you, the government, who has supreme authority, in reality, over their being or not being here, was the fright.

We have talked about this legislation.

I actually had someone help me translate it to Spanish, the main provisions.

I gave it to them on Easter Sunday. Said, if you have time, we need to talk about this tomorrow, so please read it up.

Our water cooler is behind the market trucks that are parked in the driveway.

So we meet up there in the morning to decide what we're doing.

We had to do that first, talk about this.

We go over it step by step.

Pedio (ph.) is off to my left, and he says,

Kira, can't we just go chueco?

1 Which is "crooked," "outside of the law," if 2 you pass it. 3 I said, Pedio, we can't do that. You know the inspectors come here every year. 4 5 You know, like, my heart swells because he's, like, let's keep it the same and do what we're doing 6 7 because it's a good and decent thing. But at the same time, it breaks, because 8 I can't come up with 22,440 extra dollars to pay 9 them, and each of them is going to lose \$9,010 over 10 11 the season. 12 Like, their hours have to be capped. 13 My farmers' market is in Brooklyn, New York. 14 I sell next to producers. 15 Like I actually paced out the market this 16 past Saturday. 17 24 1/2 farm spaces --I take keep the bakers and the fishermen, and 18 19 whatever, because they don't have the same rules. 20 -- 24 1/2 are New York State ag producers. 21 20 -- I think it was 20 were farms from 22 New Jersey, Pennsylvania, and Connecticut. 23 That's who I have to compete against to come

up with that \$22,000 to pay them.

You know, yesterday we're talking about this,

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1 I say, Here's the plan for tomorrow. I have to go 2 do this thing. Blass (ph.) tells me, "Tell them to leave us 3 alone." 4 5 I'm, like, Okay, Blass. Blass is 55 years old, the most decent, like 6 7 quiet, respectful person, and he's telling me to tell you, "to leave us alone." 8 9 And I'm, like -- I'm really at a loss. There's a lot in this testimony that isn't 10 11 even anything I'm telling you. 12 And I just would rather, if you have 13 questions, ask them. I'm dead honest. 14 15 I mean --16 SENATOR METZGER: She is. 17 [Laughter.] 18 KIRA KINNEY: I don't cry. 19 SENATOR JACKSON: So I thank you for your 20 testimony, and from your experience in talking to 21 the workers that work for you. 22 I say to you that, I believe you, that your 23 relationship with your workers are what you say it 24 is, and in the way you treat them.

But I do know that, as an employer, some

people will not say certain things to their employer, and especially those individuals that are most vulnerable.

I know that.

I'm an employer myself as a state Senator.

I employ, through the system, about 11 employees.

And they will talk to me about certain things, but I know other things they won't, they just won't, because I'm the employer.

KIRA KINNEY: Right?

SENATOR JACKSON: So I just say to you, with all due respect, I do understand, and I -- based on your communication here today, I truly believe you.

But I do know that employees that are very vulnerable may not say anything and just go along in order to do what they have to do, in order to, the bottom line, is to get the money so that they can do what they need to do wherever they live, and I understand that.

KIRA KINNEY: I got that.

SENATOR JACKSON: I think that that's why --

KIRA KINNEY: Do you realize, though, that, in New York State, like, the department of labor has the division of immigrant policies and affairs with

ag-labor specialists?

It's the only part of the department of labor with a specific unit working for a specific population. And they're out in the field doing the inspections.

And that, from all of us who are doing right, we would much prefer you increase the funding to have the inspections go up and bring the others in line.

This legislation will do nothing to bring anybody who isn't doing right to do right.

They might end up doing more wrong.

SENATOR JACKSON: And I think that that's why the hearings are being held --

KIRA KINNEY: Right.

SENATOR JACKSON: -- so we can hear from farmers and workers, and try to bring together something, as I said earlier when I spoke, I don't want to see any farmer go out of business.

I don't -- and I want to see employees earn the money that they need in order to take home to their families.

So we're looking for a solution, and everything that people are saying is being taken under consideration.

1 KIRA KINNEY: Sure. 2 In the back of my testimony there's a 3 compromise that you can see. SENATOR JACKSON: Thank you. 4 KIRA KINNEY: Uh-huh. 5 SENATOR METZGER: Any other questions? 6 7 SENATOR MAYER: I'm sorry I missed your testimony in Morrisville. 8 9 KIRA KINNEY: No, no, I wasn't there. I watched it. 10 11 SENATOR METZGER: She watched it. SENATOR MAYER: Oh, you watched it. 12 13 KIRA KINNEY: Yeah. 14 SENATOR MAYER: Okay. 15 Oh, you're talking about Senator Montgomery. 16 Do you have both H-2A and non-H-2A employees? 17 KIRA KINNEY: Well, four of my guys that are There are five employees. One is from 18 on H-2A. Mexico, also, and travels back and forth. 19 20 He's on the same wage base as the H-2A. 21 Like, you have to treat everybody the same unless 22 they're doing separate jobs. 23 SENATOR MAYER: And during a harvest season, 24 or peak harvest season, approximately how many hours 25 do these folks work?

KIRA KINNEY: We'll work, like, in July, 1 August, September, around 70. 2 I work a bit more because I do the farmers' 3 market, so that one day alone for me is 18. 4 5 SENATOR MAYER: Right. 6 Do they have their one day off? 7 KIRA KINNEY: Yep, we take Sundays off. I mean, last -- no -- well, this past week on 8 9 Sunday, I had to go knock on their door and ask a couple guys to come help me cover up the 10 11 strawberries because a frost was coming. 12 But, in general, nobody works on Sunday. 13 I mean, we've had other weird weather things. 14 That's really the only thing that would make us 15 have to do a Sunday. 16 SENATOR MAYER: Okay. 17 KIRA KINNEY: I mean, they have the option. And sometimes I'll catch somebody out 18 19 weed-whacking around the pond because they want to 20 go fishing, but, I'll just pay them for it. 21 SENATOR MAYER: Okay. Thank you. 22 KIRA KINNEY: Uh-huh. 23 Anything else? 24 SENATOR METZGER: Thanks so much, Kira. 25 KIRA KINNEY: Sure.

LESLIE BERLIANT: Next is Maritza Owens, followed by Mark Doyle.

And if Mark Rogowski could come up, please.

MARITZA OWENS: Good afternoon.

Thank you so much for this opportunity.

I'm way out of my wheelhouse, but I'll do my best.

I am the founder and CEO of Harvest

Home Farmers' Market, a non-profit organization in

New York City.

Since 1993 we have operated farmers' markets in low-income neighborhoods.

Our mission was driven by my determination to provide low-income neighborhoods with access to farm-fresh local produce and the education to achieve healthier lifestyles.

Our markets are located in neighborhoods where there are minimal -- where there's minimal access to fresh fruits and vegetables. On average, there are 18 to 25 bodegas for every supermarket in these neighborhoods.

I am here today not to testify against the bill, but to share another often obscured point of view that I hope will help to round out the discussion and impact the decision-making.

We always say that there are two sides to every story; however, in this case, I think that there are three sides: the farmworkers, the farmers, and the consumers.

Since the early 1900s, we are all aware that laws and policies have supported and perpetuated a farming economy built on the backs of people of color who are socially marginalized, primarily racially-oppressed immigrants from the Caribbean, Mexico, and Central America.

These policies have excluded farmworkers from fundamental federal and state labor protections across the country and in New York State.

As an immigrant, yes, I am also an immigrant, born in Cuba, and my parents migrated to the United States in 1971.

A minority and a target of discrimination,

I clearly understand the need for better wages, and
strongly believe that this bill is long overdue.

However, for the farmers, farmers like

Morgiewicz produce, Migliorelli, R&G, and many of
the farmers that come to our markets and work with
operators like Harvest Home and GrowNYC, they rely
on -- we rely on these small and mid-scale family
farms for fruits and vegetables.

These farms produce 49 types of fruits and vegetables considered specialty crops.

Go figure, the notion that nourishing food is considered a specialty crop.

These farms have narrow profit margins and limited ability to influence the market for their products.

Hired farm labor represents a significant amount of their operational costs.

In order to keep costs down, family members provide much of the labor, working side by side with hired farmworkers.

For the consumer, New Yorkers are increasingly struggling with food insecurity and are falling farther and farther behind.

The WIC FMNP program connects over

1.5 million low-income families to

17,000 independent farmers, and provides 67 million servings of fruits and vegetables annually to low-income pregnant women and children, produce that otherwise would not have been put on their tables.

If costs increase and farmers go out business, already food-insecure families will fall far behind.

Since 2009, federal, state, and local

1 organizations, both government and philanthropic, have invested millions, if not trillions of dollars 2 to increase access to healthy food as a way to 3 reduce astronomical medical costs resulting from 4 nutrition-deficient diets. 5 Only this week alone, the USDA announced 6 7 four grants to support the consumer side. The FMPP grant from USDA is investing 8 11.5 million; 9 10 The local food promotion is investing 11 11.5 million; 12 The new-entry sustainable farmer is investing 4.8 million; 13 14 And the nutrition incentive program, which my 15 organization is a recipient of, is investing 16 41 million. 17 That is a total of \$68.8 million invested in 18 consumer access to healthy food products. But if you notice, for farmers, it was only 19 20 4.8. 21 I'm done? 22 I'll stop. 23 SENATOR METZGER: Thank you. 24 It's a very important perspective to bring. 25 I wanted to see if any of my colleagues.

Senator Liu.

SENATOR LIU: I want to thank you for your testimony, but are you in favor of or against this bill?

MARITZA OWENS: I'm in favor of the bill, but I think that it can't be done in a vacuum. It needs to consider all sides.

I think that one of the things that I have observed over the 25 years that I've been doing this, is that we've been very good at investing dollars in the consumer -- on the demand side, but not on the supply side.

So we get grants for, you know, a lot of consumer-access programs, but farmers don't have access to grants.

They get access to tax credits or they get access to loans.

Most of the farms are already overextended in debt.

So, how do we balance the equation?

And so that's really why I'm here, because, if you -- if farms go out of business, all of the investments that you have made in access to healthy food; all of the programs that have been started, to reduce the cost of -- medical costs, we are going

1 backwards. So the pendulum is going back to the left if 2 we don't consider what the impact of this 3 legislation would not only have on the farmworkers, 4 the farmers, but also those of us who have to eat. 5 SENATOR LIU: You have to eat? 6 7 MARITZA OWENS: Yes, I think we all do, don't you? 8 SENATOR LIU: I do my share. 9 10 [Laughter.] 11 SENATOR METZGER: Thank you so much. 12 So we're going to hear from two more 13 speakers, then we're going to take a five-minute break. 14 15 We're just a little over halfway through the 16 testimony. 17 Thank you. 18 LESLIE BERLIANT: Okay, so next up is 19 Mark Doyle. 20 MARK DOYLE: Senators Ramos, Metzger, 21

MARK DOYLE: Senators Ramos, Metzger,

Senators, ladies and gentlemen, thank you very much

for the opportunity to speak and provide testimony

on an issue so vitally important to our state.

Quality of life and the food we eat are

inseparable.

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I was born in South Africa, and studied agricultural management before immigrating to the Hudson Valley 30 years ago, farming since then.

I have or continue to serve on the boards of Dutchess, Putnam, and Westchester farm bureau;
Hudson Valley Agribusiness Development Corporation;
Dutchess IDA; Cornell Cooperative Extension; and have chaired the town of Amenia Comprehensive Plan Committee.

This is my 12th year working at

Fishkill Farms where we grow about 120 acres of
fruits, berries, and vegetables, and sell to,
roughly, 80,000 Piquant customers and 300 CSA
members.

The heart of our workforce is a group of 11 men on H-2A visas from Jamaica, many whom are in the 11th year of employment with us, and whose sons have joined them more recently.

We also employ 16 people year-round, and during the peak season we employ over 100 people, in total, many of whom are high-schoolers.

Overtime pay.

The farmers I know support the goal of your proposed legislation of providing the opportunity and supportive environment for employees to advance

their careers and lead successful lives.

It makes good business sense.

And that said, I'm extremely concerned that the proposed overtime rule for our cultural workers contradicts those goals, for these reasons:

Number one: Food is a price-elastic commodity, and we're simply not able to pass increased business costs along to consumers who are primarily price-driven, and will choose products from other states or countries.

And this means that we will have to take measures to curb labor costs, including constraining workers' hours to overtime thresholds.

Number two: It will be necessary to hire additional part-time employees, adding costs of the coordination, training, housing, transport, and productivity.

Number three: As a result, workers will not have the opportunity to take sole charge of tasks and see them through to completion.

They will have to clock out and leave, and this leads to a cascade of effects: The loss of income, the loss of opportunity to show one's talent, drive, and loyalty; and, therefore, the loss of career-advancement opportunity.

Advocates of the proposed Farmworker (sic)

Fair Labor Practices Act postulate that farmworkers have been unfairly and uniquely singled out by this exemption.

That is not the case.

There are several other categories of exempt employees, including government interns, for example.

The New York State Department of Labor criteria for the eligibility of professional employees contains key phrases that easily fit agriculture, but, are limited to the fields of science and learning, including the professions of law, medicine, accounting, teaching, as well as technology and creative arts.

Are we to deduce that these people with the means and opportunity to study and qualify in those -- in these fields are the real cream of crop; ambitious, intelligent, knowledgeable, and decisive?

No.

It seems much more likely that the legislative rationale for granting this group exemption from overtime laws was that their hard work would foster success and they would willingly work long hours to accomplish their goals.

Farming is the essence of creativity,

science, and the consistent exercise of discretion

and judgment.

Why place a cap on opportunity for

advancement of agricultural workers?

In summary:

Overtime pay will result in unsustainable expense for -- in a very competitive marketplace, and create constraints to farmworkers' opportunity for advancement.

Limited time requires me to end, but if

I may, in my opinion, a balanced policy of

farmworker advancement would also include the right

to individual and collective bargaining for

employees.

If you wouldn't mind, please, look at my written testimony for the rest of my comments on the other aspects of this legislation.

SENATOR METZGER: Thank you very much.

MARK DOYLE: Thank you.

SENATOR METZGER: Any questions?

Thank you very much.

LESLIE BERLIANT: Next is Mark Rogowski, followed by a quick five-minute break.

MARK ROGOWSKI: Thank you, Senators, for allowing me to speak.

My name is Mark Rogowski, and I'm a fourth-generation farmer in Pine Island, New York.

I raise about 120 different varieties of vegetables, and I supply New York City farmers' markets, as well as Orange County farmers' markets, on about 600 acres.

I currently employ about 25 domestic workers, as well as about 50 H-2A visa workers.

In New York State the current minimum wage in Orange County is 11.10 an hour.

I pay all my workers a minimum of 13.25 an hour.

And all my workers are given an optional day of rest.

My workers choose to work as many hours as I can give them, which is around 70 to 80 hours a week. They gross between 900 and 1100 dollars a week.

In addition, they receive free housing.

Housing is nice. In fact, some of the housing is the house I grew up in as a child.

If this law passes, I don't even know where to begin.

I'll have to hire more help, cut my workers' hours, come up with a plan to try to stay in business.

I'm not going to be happy because I will not able to supply the vegetables to the farmers' markets that we're used to.

My workers aren't going to be happy because their hours of going to be cut. They come here to work as many hours as they possibly can.

And the constituents that we supply our food to are going to suffer as well.

I'll have to give up farmers' markets in neighborhoods where we offer discounted produce, lower-income neighborhoods, because the margins won't be there anymore.

And I'll have to significantly raise my vegetable prices at other remaining markets.

This is going to force people to shop for vegetables at supermarkets, destroying the buy-local that we've been promoting as a state for so long.

And when people buy vegetables at supermarkets, you're promoting your carbon footprint, because vegetables come from supermarkets from other states and other countries.

Doing business in New York is tough enough as

1 it is, and many of us family farms are hanging on by 2 a thread. This may be the icing on the cake for a lot 3 of us. 4 5 Before you vote for this bill, please 6 consider not only the impacts that it's going to 7 have on the farmers, but on my workers, and on your constituents. 8 Thank you. 9 SENATOR METZGER: Thank you, Mark. 10 11 Any questions? Thanks so much. 12 13 MARK ROGOWSKI: Thank you. 14 SENATOR METZGER: Okay, we're going to take a 15 five-minute break, and then finish up. 16 Thanks so much for everyone's patience. 17 (The public hearing stands in recess.) 18 (The public hearing resumes.) 19 LESLIE BERLIANT: If everybody could please 20 sit down and quiet down, we need to get started 21 again. If Jacinto Carino, Patricia Smith, and 22 23 Carlos Gutierrez could please come up. Actually, and Ray Pucci. 24 I'm sorry, I promised Ray. 25

1 Ray is up next.

SENATOR METZGER: Acknowledged, and express my appreciation for -- to Matt Martine for being here from New York State Comptroller DiNapoli's Office.

Thanks for joining us.

LESLIE BERLIANT: So next up after Ray will be Jacinto Carino and Patricia Smith, followed by Carlos Gutierrez.

RAY PUCCI: Good afternoon.

I am Ray Pucci, president of the Delaware County Chamber of Commerce, and I speak today on behalf of hundreds of small-business owners, including farmers in Delaware County.

We believe the legislation as currently proposed in both the Senate and the Assembly bills will have serious negative consequences for the viability of agriculture, our local economies, the sustainability of our communities, and the security of our food supply.

Let me share with you a few facts about farms in my rural neighborhood.

The USDA Census of Agriculture, released a little bit more than a week ago, identifies 689 farm operations in Delaware County.

Nearly 60 percent are owned in full or part by women.

Labor-related costs are a major component of the overall cost of production on many of our farms, due in part to the labor-intensive nature of our agricultural products, including dairy, vegetable, and grass crops.

According to USDA, farm-labor expense was about 12.3 percent of the value of gross receipts, compared to the national average of 9.5 percent.

Net income to individual farm owners, who often work without paying themselves, in Delaware County is less than \$16,000 annually.

Now, these are not large corporate-owned enterprises; rather, our farms are more likely to be small, multi-generational operations.

The more fortunate ones enjoy having next generations of family members learning that craft and willing to carry their farms into the future.

Illustrative of this entrepreneurial spirit is Kyle Clark.

Kyle is a 24-year-old, fifth-generation dairy farmer in Delhi.

In a note to me, Kyle notes, quote here now:

It is important to realize that farm labor is

compensated proportionately to the economic viability of the business itself.

As an owner and manager, I want nothing more than to pay a better wage to the people who dedicate their lives to the well-being of the animals that make this business possible.

He adds, again I'm quoting:

The priority must to be save farms first, as the jobs they create stretch far beyond those who are employed on-site.

Additionally, he points out, quote:

The nature of agriculture does not lend itself to a traditional 40-hour workweek.

Weather conditions, harvest readiness, animal health, and other factors often limit or extend the workday.

The Delaware County Chamber of Commerce agrees with Kyle that a better solution is a broader plan, developed in partnership with farmers and national policymakers, to stabilize prices our farmers receive for their efforts that are based on actual regional market conditions.

More profitable farms will result in higher wages to all farmworkers.

One more time to quote Kyle:

The legislation threatens the entire dairy industry and all the jobs it creates, not because farmworkers do not deserve a fair wage, but because it is lazily constructed, premature, and places an undue burden on a struggling industry that cannot bear its weight.

Additionally, mandating overtime pay in

New York may shift agriculture to less-intensive

activities and away from putting food our on tables.

We will become more reliant on food sources from other states and countries.

Local food that we all enjoy may become little more than just a memory.

Rushing through legislation without a full discussion, and holding more hearings such as today's, in all regions of New York, and likening current farm practices to the racially-discriminating policies of post-Reconstruction southern confederacy, is disingenuous, and diminishes the seriousness of the reality confronting many areas in Upstate New York.

Instead, let's work toward creating solutions to the causes of the distress on our farms rather than a selected symptoms.

My neighbors in my communities deserve

1 nothing less. 2 SENATOR METZGER: Thank you, Ray. Any questions? 3 Thank you very much. 4 LESLIE BERLIANT: Next up is Jacinto Carino, 5 followed my Patricia Smith. 6 7 And if Carlos Gutierrez could also please 8 come up. JACINTO CARINO: Good afternoon, all the 9 10 Legislators. My name is Jacinto Carino. 11 I am the Soons Orchard foreman and manager of 12 the farm, more than 30 acres of fruit trees and 13 14 vegetables and garden. 15 This is my co-workers (indiscernible) with 16 me, Fausto (ph.), Roberto, and Miguel. 17 I have worked with Soons Orchards since 1990 -- '89, a very long time. 18 19 I come to U.S. from Mexico in 1983. 20 In 2010 I become a resident. 21 January 15, 2019, I become a United States 22 citizen. 23 OFF-CAMERA SPEAKER: Congratulations. JACINTO CARINO: Thank you. 24 I still visit my family in Mexico every year 25

for about -- during the winter season. 1 We (indiscernible) and live in Brooklyn. 2 I have working in different restaurant as a 3 cook. 4 I also did some construction jobs. 5 6 And other at one point, tour around to the 7 USA, play and singer with my Mariachi band. After a few years I learned English in 8 New York (indiscernible). 9 (indiscernible) Soons Orchard found me and my 10 brother on (indiscernible) of local restaurant. 11 12 He asked if we wanted to work for him, and we 13 said, yes, of course. 14 Of all the jobs that I have had, I prefer 15 working on the farm because I have always been a 16 farmer. As a (indiscernible) boy in Mexico, my father 17 was a farm (indiscernible) worker in the field. 18 19 That how I was raised, always working hard. 20 So when this opportunity was offered, how 21 could I say no. 22 I come to work at Soons, almost feel like 23 being back home in Mexico. 24 My daughter read the next page, please. 25 DAUGHTER OF JACINTO CARINO: I'm just going

to continue on. His English is a little -- I'm just going to continue on for his reading.

He says:

I have raised two daughters here, now 31 and 23, both of whom worked in Soons Farms' stores as teenagers.

I also have family members that travel here every other year on $H\mbox{-}2A$ visas. Together we work as a team.

We do pruning, planting, vegetables, and trees, harvesting and picking fruit, and many other tasks that takes over six months to bring good crops to the market at Soons.

My fellow workers and I receive free housing, utility, and good wages.

As a full-time, year-round employee, I also receive paid time off.

Some days I only work a few hours. For example, if there is rain half of the day or it's very cold in the winter.

Other days we'll work 10, or even 11 hours.

It all depends on what is ready and what the weather allows.

We take most Saturdays off, but sometimes we'll work half a day and continue picking apples.

It all depends.

I talk to Jeff Soons, and we decide what's most important to get picked and when.

Many people don't want apples that will fall off the trees if you don't pick them when they are ready. Once they fall, we can't sell them.

And other vegetables will get overripe, rot, or otherwise spoil if you don't pick them when they're ready.

I do not support this bill because it is unneeded.

My coworkers and I (indiscernible) and enjoy our jobs, and we are doing very wells for ourselves; otherwise, we would not be here for almost 30 years.

We take great pride in what we grow here:

25 acres of apples, 5 acres of peaches, 10 acres of
pumpkins and squashes, and several acres of mixed
vegetables, including garlic, which I suggested
planting a few years ago, and it's been very
successful.

We are doing very well, and we do not want to risk losing hours because farms cannot afford overtime.

And I know the farm is just breaks even each year.

1 Ours makes just enough to get another used tractor or overdo upkeep. 2 Art Soons fixes everything and doesn't ever 3 buy anything new. 4 5 And since I'm doing so well, I also see no 6 reason to pay out of our paychecks for a union, which is also unneeded. And I know my fellow 7 workers and I feel the same. 8 9 Thank you for your chance to share my 10 experience and views with you. I hope you will do everything right for 11 New York farmers like me. 12 13 Let us continue to do what we do best, grow 14 great food. 15 Thank you. 16 SENATOR METZGER: Thank you very much. 17 Any questions? SENATOR RAMOS: Yes, I have a few. 18 19 One, did you register to vote? 20 JACINTO CARINO: Yes, he did. 21 SENATOR RAMOS: Very good. 22 Excellent. 23 And the second is: Did you and/or your father write this testimony? 24 DAUGHTER OF JACINTO CARINO: Well, he -- it's 25

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his words, and I helped him put them together as --
1
        as I could.
 2
 3
               SENATOR RAMOS: Thank you.
               SENATOR MAYER: I have a question.
 4
               SENATOR METZGER: Okay.
 5
 6
               Senator Mayer.
7
               SENATOR MAYER: So does your father, or if
        you live together, live on housing provided by
8
        Soons Orchards?
9
10
               DAUGHTER OF JACINTO CARINO: Yes, they do.
11
               SENATOR MAYER: They provide the housing?
12
               DAUGHTER OF JACINTO CARINO: Yes, they do.
               SENATOR MAYER: And does he pay -- do you pay
13
        for the housing?
14
15
               DAUGHTER OF JACINTO CARINO: No.
16
               SENATOR MAYER: And is that where he's lived
17
        for all these years?
               DAUGHTER OF JACINTO CARINO: He has lived
18
19
        there for so many years.
20
               I was raised there.
21
               SENATOR MAYER: You were raised there?
22
               DAUGHTER OF JACINTO CARINO: Yes.
23
               SENATOR MAYER: Okay. Thank you.
24
               DAUGHTER OF JACINTO CARINO: Thank you.
25
               SENATOR METZGER: Senator Jackson.
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SENATOR JACKSON: So, Senior, let me thank you for coming in and giving testimony.

It's important for us as legislators to not only hear from farmers, but to hear from the workers.

And as you know, when I was sitting up there,
I had an opportunity to talk to you, and the farmer
who employs you, along with the other three
gentlemen up there that work the farm.

And it clearly appears, based on your testimony, and I believe 100 percent of what you're saying, that you're being treated with all decency and respect, and given the time off.

And as I've heard testimony, sometimes you may work a half a day, sometimes you have to work 10, 11, 12 hours.

The most important thing I've heard is that, workers like yourself, you want to earn enough money in order to send home to family members, and to do what you have to do.

I understand that.

My wife's family is in Tanzania, East Africa, in which we, my wife and I, send \$500 every single month to family members in East Africa, along with her sister who is a retiree who lives in

Connecticut. She sends money home to family.

That's what family is supposed to do, is to help one another.

So I thank you for your testimony.

I think that what's important, overall, we need to address the issue of the fact that employees are not being paid overtime; address the issue that they're not being treated, at least some of them, and I don't know about all of them because I'm not there in all of the farms, and how the farmers are treating all of their employees, but we hear testimony from workers themselves that they're not being treated with the ultimate respect and dignity, and all of the things.

So we have to -- we held a hearing, this is the last one, and we're trying do come up with the solution that works for everyone.

And I hope that you can understand that.

SENATOR RAMOS: I'd also like to point out with -- in your testimony you said that there's no reason to pay out of your paychecks for a union.

There's no one that is going to force a union upon you.

What the bill does is grant you the right to collectively bargain if you so choose.

So just to be clear, that, you know, there's 1 2 no one forcing it upon you. It's if the workers feel that they need to 3 organize, that they can. 4 5 SENATOR METZGER: Thank you. By the way, Soons Orchard has great apples. 6 Great cider. Been there before. 7 [Laughter.] 8 9 LESLIE BERLIANT: Next is up Patricia Smith, followed by Carlos Gutierrez. 10 11 And if Paul -- oh, you told me how to say it, 12 I'm going to butcher it -- Ruszkiewicz could come 13 up, please. 14 SENATOR METZGER: Just, we're going to have 15 to be mindful. You have very long testimony, so 16 I just -- written. So I just want to make sure --17 PATRICIA SMITH: I have four minutes. SENATOR METZGER: Right, okay. 18 PATRICIA SMITH: I always follow the rules. 19 20 SENATOR METZGER: You've got four minutes, 21 very good girl. 22 PATRICIA SMITH: Senators, thank you. 23 My name is Patricia Smith. I'm currently a 24 senior counsel at the National Employment Law

25

Project.

I've spent over 30 years in state and federal government working on labor issues.

From 2007 to 2010, I was commissioner of labor here in New York.

And I think that this act gives lawmakers the opportunity to rectify an 80-year-old unjust exclusion, and to reaffirm that all workers deserve basic protections, no matter what their job, no matter what their race.

Although the -- both the state Labor

Relations Act and the state minimum-wage law

originally excluded from its coverage a number of
occupations.

Today, farmworkers are really the only blue-collar category of workers in New York State that are excluded from these basic protections.

They need the right to advocate for themselves without fear of retaliation.

And one thing I want to point out is that collective bargaining rights give them that protection; to be able to speak up, to be able to speak to their fellow workers, without fear of retaliation, even if there is no formal agreement or if there is no union.

Currently, farmworkers can be retaliated

against, and even fired, for speaking to their fellow workers, for asking for a raise, for pointing out either unsafe or some other working condition that they think is bad.

And it's not a theoretical concern.

Their stories abound of farmworkers in this state who have been fired or retaliated against for speaking out.

Farmworkers are generally low-wage workers.

According to the New York State Labor

Department, their medium (sic) income is 28 -
between 28,000 and 30,000. Their entry-level wages

can be as low as 21,000.

Now, I know that the overtime provisions of this act are controversial.

However, every time the Legislature has tried or considered improving labor rights or wages of farmworkers, it's been controversial.

Frankly, every time the Legislature has considered bringing in occupations that had been excluded from overtime protections, it's been controversial.

So -- and while the opposition to the overtime requirements focus on the costs, one thing you have to understand is that farmers are already

paying for long working hours in the form of lost productivity, in the form of increased injuries.

And farming is one, really, of the most dangerous and injury-prone occupations that there are.

I don't think that the arguments against paying any overtime to farmworkers stand up.

Farm work is not unique.

Yes, it's seasonal.

Other occupations, like landscaping, construction, and retail are also seasonal, but those workers are entitled to overtime.

Yes, farm products can be perishable, but other workers who work with perishable items, like in the food-supply chain, are -- cannery workers are entitled to overtime.

Yes, hours can be unpredictable and can be influenced by the weather.

A construction worker's schedules are also seasonal and unpredictable and influenced by the weather, but they're entitled to overtime.

I think it's impossible to predict what the cost of overtime will be on any individual farm owner or any individual farm, because farm owners will have certain flexibility if there are overtime

requirements, and how to respond to that.

But I do want to point out, that I know that a number of opponents to this bill have cited the Farm Credit East report as showing that the costs of overtime, at 40 hours, would be entirely unmanageable in this state.

But, actually, if you look at the report and analyze the report --

Oh, I'm sorry --

SENATOR METZGER: If you can (inaudible).

PATRICIA SMITH: -- it's much -- it is much lower.

And you can look in my written testimony to talk about that.

And, finally, four other states successfully have overtime requirements, and it's not just California that has three seasons.

Minnesota has an overtime requirement for farmers of 48 weeks, and I'm sure their growing season is just as short as New York's.

SENATOR METZGER: Senator Savino.

SENATOR SAVINO: Good to see you again, Pat.

I remember, when you were the commissioner of the department of labor here, you left in 2010, that was when we finally passed the Domestic Workers'

Bill of Rights.

And I want to thank you for your efforts on that, and working with me on it.

But when you were commissioner of DOL, what was the experience of the department of labor with respect to inspections on farms in New York?

What -- what -- as the commissioner, what did you see as the state of farmworkers across the industry, if you recall?

PATRICIA SMITH: Well, immigrant workers in this country tend to be vulnerable and oppressed, and farmworkers tend to be vulnerable and oppressed no more than any other immigrant.

I'm not saying that farm owners are -- are -- are anything else.

But, just sort of the nature of the system and the exclusion from protections.

So, you see many farm owners who treat their workers very well, and you see farm owners who don't treat their workers very well, and that's -- that's just a fact of the life.

But what you do see is a system where farmworkers aren't able to protect themselves as well, and just because they are denied these basic rights.

And because, as the farm owners are talking, and they're true, that they have seasonable -- they have seasonable work, and that they're making a lot of their money in a very short period of time, the same thing is true of farmworkers.

I mean, those farmworkers who are working 80 hours a week, or 60 hours a week, during the growing season probably aren't making any income at all, or very little income, outside of that season.

So, I mean, the situation for farm owners and farmworkers in that way is compatible.

Yes, they're making -- well, unless they're dairy farmers and they're year-round, but many of the growers are making their income, including the farmworkers, in a very short period of time.

But they're working long hours, but they're still getting the same amount of pay for hour 1 than for hour 51.

SENATOR SAVINO: Right.

And you mentioned four other states that right now provide overtime at time and a half.

Do they do it at 40 hours?

PATRICIA SMITH: Minnesota does it at 48.

California will eventually get to 40, but they are phasing it in.

And I can't remember the other two, but it's 1 2 in the report. SENATOR SAVINO: Okay. 3 And do you -- off the top of your head, do 4 you know if minimum wage in those states? 5 6 I'm assuming California is probably as close 7 to New York. PATRICIA SMITH: California is, probably, 8 actually higher than New York. 9 It may not be higher in New York in 10 11 four years, but we don't know what California will 12 be in four years. And Minnesota is more than the federal 13 14 minimum wage, but I don't know exactly what it is. 15 SENATOR METZGER: I believe one of them was 16 60 hours, maybe. 17 SENATOR SAVINO: Okay. Thank you. 18 [Applause.] 19 LESLIE BERLIANT: Next up is 20 Carlos Gutierrez, followed by Paul Ruszkiewicz, and 21 Rhode Dolrlus, I think. 22 CARLOS GUTIERREZ: Good afternoon, and thank 23 you for being here after so many years of trying to have this bill through the Senate. 24 25 So it's nothing new that we've been seeing

lately.

My name is Carlos Gutierrez, and I work for the Tompkins County Workers' Center. I've been there for eight years. My title there, basically, what I do is, occupational safety and health training.

I do outreach to workers in many places.

Lots of them to dairy farms, restaurant workers; basically, workers that are most vulnerable, to train them in occupational safety and health, and see how they're doing.

The other part that we do at the workers' center is that we have a hotline, and people call us on the phone every single day. We receive about 400 average calls or visit at the workers' center.

Basically, we live in Ithaca, we are in Ithaca. It's a small community, 100,000 in population, but, we have a strategic plan.

We support, advocate, educate, train, to develop what we call "empowerment," so the individual, the workers, can feel in some way that, you know, has the basic tools, or basic knowledge, to, basically, stand for himself, or with the help of others.

Farmworkers are -- or, things that I have

learned through that is, lots people get injured at work.

And what I have learned is, that many people are taken to the hospitals, and employees are failing to file for unemploy -- for workers' compensation.

I have heard of cases where workers have been going -- have been hospitalized after working injured, and then coming back to work to be, basically, deducted money as from their paychecks as wage advancement.

All right?

The average that I know is 72 hours a week.

In calculating, imagine, you know, if they were paid time and a half after 32 hours, it amounts, at least for a worker in New York State, to not being paid \$9,000 a year for that little amount of -- the half of the -- of the one time and a half.

Think about it, when you have a farm that is minimum 10 workers. That is not under the jurisdiction of OSHA.

And I come up with exorbitant number, millions of dollars, that, basically, looks like an in-kind contribution that the farmworkers are give -- making to the agricultural industry, to our

state, to the country, and to the consumer.

You know, this -- if you do the calculations yourself, you are going to see that millions of dollars that, basically, the industry is saving, all right. And you have a job (indiscernible). I hear, you know, the situation in the farms.

But, you have to understand that farmworkers, basically, are being exploited, regardless of why they come to this country.

In the words of a worker that -- a former dairy farmworker, I asked him about this, and he said:

I like the passage of this bill because -- (speaking Spanish) -- to be like the citizens, to be paid the same way.

Our labor is worth much more than the minimum wage. And we are the ones that work 12 hours a days, 6 days a week, 7 days a week.

We are who do the work. It is only just that we get paid.

And, of course, the workers' (indiscernible) in support of the bill.

Thank you very much.

SENATOR METZGER: Thank you.

[Applause.]

1 LESLIE BERLIANT: Next we have Paul Ruszkiewicz, followed by Rhode Dolrlus. 2 3 And, Caesar Arenas, if you could come up, please. 4 5 PAUL RUSZKIEWICZ: Thank you. I really appreciate the fact that you're 6 taking the time to listen to all these speakers. 7 My name is Paul Ruszkiewicz. 8 I'm a fourth-generation onion grower from 9 10 Pine Island, New York. 11 My father and I farm approximately 225 acres in the "Black Dirt Region" of Orange County. 12 13 In addition to onions, we also produce winter 14 squash, pumpkins, corn, and soy beans. 15 In addition to farming, I also serve as the 16 president of the Orange County Vegetable Growers 17 Association, and I'm here representing over 50 growers from Orange County. 18 19 I also serve as an Orange County legislator. 20 And I would like to say that Orange County 21 also passed a resolution, opposing this legislation, as well as a number of other counties. 22 23 Yeah, I have submitted my written testimony, so I'm not going to read it word for word. 24

going to deviate a little bit, but I'll try to stay

within the four minutes.

You know, other speakers already talked about the -- you know, the overtime and how that's going to affect our businesses.

Collective bargaining, it's also not something that's appropriate for agriculture.

Senator Metzger, I think you mentioned, currently, agriculture, one of our other labor challenges is we have a labor shortage right now.

It's tough for us to find workers.

Workers on our farms, if they're not happy with their working conditions or the wages they receive, they can leave. They can go down the road and easily get a job at another farm.

One of our biggest challenges of labor is labor retention.

We do everything we can to provide for our workers and make it so they want to come back.

We have one employee who has been with us 30 years.

And I think you'll find that's similar in a lot of other operations.

You know, other speakers have also talked about some of the other benefits.

Housing, transportation, we all provide that.

One of the other benefits that we're able to provide is, because of the seasonal nature of our work and the short amount of time we have to get the work done, we're able to offer the amount of hours that these workers want to work.

They come here because they know that they can get those hours.

If we're unable to provide those hours, they're going to go to other states that don't have those requirements.

It's going to be, you know, harmful to our businesses, it's going to be harmful to our workers.

Also in Orange County, a lot of our growers go to the green markets in New York City. They have to compete with growers in other states who have lower minimum wages, fewer requirements.

And I know a lot of growers that I talk to, that do go to the green markets, they've had to cut back on the number of markets that they attend, just because of the increase in minimum wage and other costs.

I mean, if those costs continue to go up, they're going to have to continue to cut back on the markets or stop doing the markets all together.

Again, you know, agriculture is unique.

You know, we're not factories. We're not producing widgets where we can control the quality or the quantity of the product.

We're subject to Mother Nature.

You know, what we produce is what we have to sell.

I mean, whether it's -- I mean, we hope for a bumper crop with excellent quality at high market price, but that's not always the case.

A lot of times we're devastated by weather, we have poor quality.

We have to do the best we can to market that product.

Again, I'd like to thank you for hosting these hearings, getting feedback from farmers, from farmworkers, community members, but I think this has to be just the beginning of the conversation.

I would like to encourage you to do further research. You know, we're coming into our growing season right now.

This upcoming growing season, excellent opportunity for you to come out, visit our farms, you know, see what we do. See what challenges we face.

Talk to our workers, see what they want.

You know, I'd be -- the Orange County

Vegetable Growers would be more than happy to

organize a tour for any legislators who want to come

out and -- to our area, to our farms.

Also, Senator Metzger has my contact

information.

If any of you individually want to come out

If any of you individually want to come out and see the farm, see what we do, I'd be more than happy to take the time to do that.

So, again, I know your session ends in June, and there may be some urgency to get this passed, but I would encourage you to take more time.

You know, extend the conversation, come out, see what we do.

Hear from more farmers, more farmworkers, and, you know, gather as must information as you can to fully understand how this is going to impact our businesses, and our employees, and consumers.

Thank you.

SENATOR METZGER: Thanks very much, Paul.

Any questions?

SENATOR JACKSON: I have a quick question.

SENATOR METZGER: Senator Jackson.

SENATOR JACKSON: First, thank you for coming

in, appreciate it.

1 I may take you up on that, as far as visiting your farm. 2 3 But, how many employees do you employ? And you talked about that they try to get as 4 5 many hours. How many hours, on average, do you think 6 7 during the season do they work, per week? PAUL RUSZKIEWICZ: Well, yeah, that varies a 8 lot --9 SENATOR JACKSON: Of course. 10 11 PAUL RUSZKIEWICZ: -- with, you know, 12 different operations, different commodities. 13 I do -- everything I do is wholesale, so 14 I don't have the labor requirements that some of the 15 green-markets' growers do, where they're working, 16 you know, 60, 70, 80 hours a week. 17 On our farm, you know, at one point, when my uncle was still in the business, we were growing, 18 19 I think, one year, 265 acres of onions. 20 We had eight seasonal workers that year. 21 You know, we've downsized quite a bit, and 22 diversified a little bit. 23 So, currently, we have three seasonal workers. 24 25 SENATOR JACKSON: Seasonal workers?

1 PAUL RUSZKIEWICZ: Seasonal workers, right. 2 Not H-2A. We're not at the size where we can afford the 3 H-2A --4 5 SENATOR JACKSON: Orange County, what's the 6 minimum wage in Orange County? 7 PAUL RUSZKIEWICZ: The minimum wage is the same as it is with the state. I think it's --8 9 SENATOR JACKSON: No, it's different based on 10 regions. 11 New York is \$15 an hour. 12 I think yours would be 11 --13 PAUL RUSZKIEWICZ: Oh, yeah, like, 11 -- one 14 of the speakers --15 SENATOR JACKSON: What do you pay your 16 employees? 17 PAUL RUSZKIEWICZ: We pay them minimum wage. 18 SENATOR JACKSON: Okay. And how many 19 hours --20 PAUL RUSZKIEWICZ: Well, on our farm, a 21 typical week is 55 hours. You know, 10 hours a day, 5 hours (sic) a week. We do half a day on Saturday, 22 23 and they'll work on Sunday. 24 SENATOR JACKSON: They work on Sunday, or --25 PAUL RUSZKIEWICZ: No, no work on Sunday.

They have Saturday afternoon and Sunday off. 1 2 SENATOR JACKSON: And the housing you provide 3 for them? PAUL RUSZKIEWICZ: We provide housing, yes. 4 5 We provide transportation. That's usually 6 me. 7 SENATOR JACKSON: At no cost? PAUL RUSZKIEWICZ: No cost, nope. 8 SENATOR JACKSON: When you say 9 "transportation," you don't have housing on your 10 11 farm, no? 12 PAUL RUSZKIEWICZ: Oh, no, we have housing on 13 the farm. 14 But as far as transportation, you know, once 15 a week, it's usually Saturday afternoon or Sunday, 16 either my father and I will drive them to the 17 grocery store, to Walmart, wherever they want to go to do their shopping, and whatnot. 18 19 You know, sometimes they'll have a doctor's 20 appointment, and we'll transport them there, and 21 whatnot, so -- as far as the transportation. 22 And, you know, I mentioned a typical week is 23 55 hours. 24 Last year we had an extremely glut-growing

season, and we struggled right through harvest

trying to get our crop. 1 I mean, we still have 8 acres in the 2 ground -- 8 acres of onions in the ground that we 3 couldn't harvest last year, just because we couldn't 4 get into the field to get them out. 5 6 And, you know, we had extensive, you know, 7 weather delays, harvesting. And then, when we could get in, had a break 8 in the weather, you know, I think some weeks last 9 year we worked 70-plus hours a week, just trying to 10 11 catch up and get our work done. 12 SENATOR JACKSON: Try to get in and do as 13 much as you can with the time --14 PAUL RUSZKIEWICZ: Right, right.

SENATOR JACKSON: Okay. Thank you.

PAUL RUSZKIEWICZ: So, yeah, it varies.

So -- you know, but thank you for having this conversation.

I hope you continue to have it.

SENATOR RAMOS: Thank you.

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PAUL RUSZKIEWICZ: Thank you.

SENATOR METZGER: Thanks very much.

LESLIE BERLIANT: Next up is Rhode Dolrlus, followed by Caesar Arenas.

And if Douglas Davenport could please come

1 up. RHODE DOLRUS: Good evening, everyone. 2 My name is Rhode Dolrlus. 3 SENATOR JACKSON: (Inaudible.) 4 RHODE DOLRUS: Okay. 5 6 My name is Rhode Dolrlus. I'm from Haiti. I came to the United States in 1997, and 7 I have been working at Mead Orchard since 2014. 8 9 When they was hired me, they was hired me for packing house, like packing apples, stuff like that. 10 11 And later on, I learning more skill, I'm 12 working on the farm. 13 And, bushing, after they do pruning, I'm 14 behind the guys from the H-2A worker, and follow 15 them. 16 And then I working in the cider. 17 I'm working everywhere they need me. I will be able to do whatever he need me to do. 18 And since thens I went to the farmers' 19 20 market, White Plain, Westchester, Tarrytown, 21 (indiscernible), Blazenville. 22 My -- I see what's going on on the farm. 23 I got a good boss. 24 Things getting hard.

I can see that myself, it's getting hard for

them.

I see it.

We go to the farm, we (indiscernible) and vegetables. By the end of the afternoon, we came back with half of it.

And when we came back with half of it, sometimes we give some to food pantry.

And then when we get back home, we got local church, we give them like donation.

And later on you put it in compost.

And we leave at the market, like -- we leave the packing house 3:00 in the morning. Get to at the market, like, I would say 6:00, 7:00, get set up, and came back for 5:00. By the time, 6:00, that's when we pack up with everything together, and then we, like, go to do our thing.

But, selling or not, they have to pay us.

Sometime we feel bad, but they have to pay us.

We leave early. We keep late.

I don't have no problem. I would take time and a half, no problem with it.

But when I take the time and a half, how (indiscernible) for this season, for next season?

I will think to myself, what am I going to

1 pay my kids tuition for next season? How am I going to pay it? 2 Because I know they can't afford me for time 3 and a half. 4 5 We work every -- not every day. Today is raining, no work. 6 7 Tomorrow, nice day out. We work all that we can because we don't know 8 9 tomorrow. We don't know what is going to happen 10 tomorrow. 11 I will love you to understand: 12 I love my co-worker. We like a team, we like 13 a family. 14 We got H-2A worker, Jamaican, Haitian. Local 15 people we work with. We work like a team, like 16 brothers and sisters. 17 But we see what's going on with the owner of 18 the farm. They struggle. 19 They struggle. 20 We don't mind to work whatever we can do. 21 But time and a half, like I said, I will 22 enjoy time and a half. 23 But this week, yes, good for us. 24 Next week, yes, good for us. 25 For next season, they might not call me

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because they cannot afford me.
 1
               SENATOR METZGER: Thank you very much.
 2
 3
               Can I ask, how many years have you been at
        Mead Farm?
 4
               RHODE DOLRUS: I been in 2014.
 5
               SENATOR METZGER: Oh, 2014. You did say
 6
 7
        that.
 8
               Okay. Thank you.
               RHODE DOLRUS: 2014.
 9
10
               And we got a new manager here. And we got a
11
        good -- we have a plan, we work on it.
12
               We want to work on it.
               But, I don't think for this time and a half
13
14
        is going to be good for the farmers.
15
               SENATOR JACKSON: Wouldn't you like to be
16
        paid time and a half?
17
               RHODE DOLRUS: I would love to.
               SENATOR JACKSON: I know. I would --
18
19
               RHODE DOLRUS: But they can't afford it.
20
               They can't afford it.
21
               SENATOR JACKSON: I guess that's the issue.
22
               tho: That's the struggle.
23
               You know, even we -- I talk to other
24
        co-worker like mine, yes, but we see what's going
25
        on. We see how struggle they are.
```

SENATOR JACKSON: That's why we're listening 1 to testimony, and I asked you a very simple 2 question, and of course you answered it yes. 3 Who wouldn't want to be paid overtime. 4 5 RHODE DOLRUS: Yes, but, they cannot afford 6 it. 7 They cannot. SENATOR JACKSON: Okay. We're looking at all 8 of those things then. 9 And let me just say that we appreciate your 10 11 testimony; your coming up here, giving testimony as 12 a worker. 13 And I don't know if you came on your own 14 accord or your employer asked you to come --15 RHODE DOLRUS: I came on my own. 16 When I hear --17 SENATOR JACKSON: -- but the bottom line is, you're here. 18 RHODE DOLRUS: -- when I heard that, I go to 19 20 the office. I asked (indiscernible), what's going 21 on? How you think about it? 22 And then they say, We don't know. What do 23 you think? 24 They say, "What do you think?" 25 I say, I don't think so, because I want to be

1 able to retire. 2 I want to be able to work the next year after 3 the next year after the next year. SENATOR RAMOS: What's currently your 4 5 retirement plan? RHODE DOLRUS: Oh, when my kids finish on 6 7 college, I'm going to go back home, enjoy my retirement, and then come and visit United States 8 9 all the -- you know, most of the time. SENATOR RAMOS: And how -- and your savings 10 11 so far towards that ideal life that you would like, you're on pace? 12 13 RHODE DOLRUS: Excuse me? 14 SENATOR RAMOS: Are your savings on pace to 15 be able to provide you with the retirement that 16 you're seeking? 17 RHODE DOLRUS: Yes. 18 I go to my country every -- after season, 19 I go to my country every December. 20 SENATOR JACKSON: And you work in 21 Orange County? Or --22 RHODE DOLRUS: I work Mead Orchard, Tivoli, 23 New York. 24 SENATOR JACKSON: And how much are you paid

an hour, if I may ask, if that's not asking too

1 much? RHODE DOLRUS: 13.25. 2 3 SENATOR METZGER: It's the H-2A wage. SENATOR JACKSON: You're H-2A? 4 RHODE DOLRUS: Yes. 5 6 SENATOR JACKSON: Okay. So, H-2A, you're 7 meeting whatever the requirements of the federal government say that, you know, H-2A workers have. 8 9 Okay, thank you. I appreciate it. SENATOR RAMOS: You live between 10 11 New York City and Tivoli? 12 Where in New York City do you live when you 13 live there? 14 RHODE DOLRUS: I live in Brooklyn. 15 But my family is in Brooklyn, because I can 16 get more work up here than Brooklyn. 17 I just come in, and go back and forth sometime. But, most of the time I stay up here. 18 19 But I go to visit my family. 20 Like, if it's raining tomorrow, I know they 21 have no work, I go to the city and see my family. 22 SENATOR JACKSON: Very good. 23 Thank you very much. 24 SENATOR RAMOS: Thank you. 25 SENATOR METZGER: Thank you very much.

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[Applause.]
1
               LESLIE BERLIANT: Next up is Caesar Arenas,
 2
        followed by Douglas Davenport.
 3
               And if Sarah Dressel could please come up.
 4
 5
                   (Ari Mir Pontier now translating Spanish
          to English/English to Spanish on behalf of
6
7
          Cesar Arenas.)
               CESAR ARENAS: (Speaking Spanish, English
 8
        translation.)
9
               Good afternoon.
10
11
               My story and my history, is that I am
12
        Caesar Arenas, originally from Mexico.
13
               (Speaking Spanish, English translation.)
14
               I came to this country 20 years ago with
15
        goals and aspirations --
16
               (Speaking Spanish, English translation.)
17
               -- like the others that came from our
18
        countries.
               (Speaking Spanish, English translation.)
19
20
               I am very blessed to be in this great
21
        nation --
22
               (Speaking Spanish, English translation.)
23
               -- that which gives us the opportunity --
24
               (Speaking Spanish, English translation.)
25
               -- to prosper --
```

```
(Speaking Spanish, English translation.)
1
 2
               -- since, in our country, the labor is scarce
 3
        and poorly paid.
               (Speaking Spanish, English translation.)
 4
               That is the reason that I am here in front of
 5
6
        you today --
 7
               (Speaking Spanish, English translation.)
               -- to express my opinion about the law that
 8
        you wish to implement --
9
               (Speaking Spanish, English translation.)
10
11
               -- with the goal to help us, which we
12
        appreciate very much.
13
               (Speaking Spanish, English translation.)
14
               But in the livestock sector, the goal of
15
        eight hours is basically impossible --
16
               (Speaking Spanish, English translation.)
               -- some of which requires more time.
17
               (Speaking Spanish, English translation.)
18
19
               We understand that some employers exploit
20
        their workers.
21
               (Speaking Spanish, English translation.)
22
               During the time that I have worked on the
23
        farm, I can attest to --
24
               (Speaking Spanish, English translation.)
25
               -- that with 10 hours per day of work --
```

```
(Speaking Spanish, English translation.)
 1
                -- which would be 50 hours a week --
 2
                (Speaking Spanish, English translation.)
 3
                -- would be enough to sustain our families.
 4
 5
                (Speaking Spanish, English translation.)
               My family consists of six members --
 6
 7
                (Speaking Spanish, English translation.)
                -- of which I am the only provider.
 8
                (Speaking Spanish, English translation.)
 9
               And just like me, there are many families
10
11
        that find themselves in the same situation --
12
                (Speaking Spanish, English translation.)
13
                -- because, if you implement 40 hours and
14
        overtime pay --
15
                (Speaking Spanish, English translation.)
16
                -- it would be a decision that would affect
17
        the employers.
                (Speaking Spanish, English translation.)
18
               They would be forced to invest in
19
20
        technology --
21
                (Speaking Spanish, English translation.)
22
               -- and the jobs that we now have --
23
                (Speaking Spanish, English translation.)
24
               -- would disappear little by little, and we
25
        would be forced to --
```

```
1
                (Speaking Spanish, English translation.)
                -- to find other sources of employment --
 2
                (Speaking Spanish, English translation.)
 3
                -- or to move out of the state.
 4
 5
                (Speaking Spanish, English translation.)
 6
                I have the duty and responsibility --
 7
                (Speaking Spanish, English translation.)
                -- to hand in this petition --
 8
                (Speaking Spanish, English translation.)
 9
                -- that have been signed by my co-workers.
10
11
                (Speaking Spanish, English translation.)
12
               Please analyze the advantages and
13
        disadvantages --
14
                (Speaking Spanish, English translation.)
15
               -- that this law would regulate into
16
        eight hours.
17
                (Speaking Spanish, English translation.)
               Ten hours would be sufficient to do a good
18
19
        job --
20
                (Speaking Spanish, English translation.)
21
               -- and have a healthier life.
22
                (Speaking Spanish, English translation.)
23
               We also ask you to use your conscience to
24
        pass a law --
25
                (Speaking Spanish, English translation.)
```

```
-- called "Green Light" --
 1
               (Speaking Spanish, English translation.)
 2
               -- so that, in this state, all immigrants can
 3
        have driver's licenses.
 4
 5
               (Speaking Spanish, English translation.)
 6
               Thank you very much, and God bless you.
 7
               SENATOR METZGER: Muchas gracias.
               Any questions?
 8
 9
               Senator Mayer?
               SENATOR MAYER: You work on a dairy farm; is
10
11
        that correct?
12
               (Speaking Spanish, English translation.)
13
               CESAR ARENAS: Yes.
14
               SENATOR MAYER: And are you year-round, all
15
        year-round? Not seasonal, year-round?
16
               CESAR ARENAS: Uh-huh.
17
               SENATOR MAYER: Right.
18
               And you say in your testimony that if it was
19
        10 hours a week (sic), and then overtime, that would
20
        be okay because you could do the work in 10 hours a
21
        day?
22
               Am I understanding that correctly?
23
               (Speaking Spanish, English translation.)
24
               CESAR ARENAS: It could be just 10 hours and
25
        not extra hours.
```

1 SENATOR MAYER: Right, that's what I thought 2 you meant. 3 Okay, thank you very much. SENATOR METZGER: 4 Thank you. 5 [Applause.] 6 LESLIE BERLIANT: Next up is Douglas --7 Sorry. If you guys could hold your applause, we're 8 really trying to get through the whole program. 9 Next up is Douglas Davenport, followed by 10 11 Sarah Dressel, and Reverend Richard Witt. 12 DOUGLAS DAVENPORT: Good afternoon. 13 SENATOR METZGER: Good afternoon. 14 DOUGLAS DAVENPORT: My name is 15 Doug Davenport, and I'd like to thank the Senators 16 for giving me the opportunity today to speak. My brother Bob and I are here to represent 17 our fifth-generation vegetable farm located in 18 19 Hudson Valley. 20 We have a strong connection with our land and 21 the people who work beside us. 22 We are proud of our 150-year stewardship of 23 the land and indebted to the labor force that has 24 enabled us, enabled our farm, to remain viable. 25 We employ 40 H-2A workers.

The bulk of our harvest season takes place in 12 to 15 weeks.

Our workers come with expectations that there is enough work on our farm to provide up to a 60-plus-hour workweek.

Workers want the options to work seven days a week.

We offer a weekly day of rest, but many choose to work instead.

I broke down our labor costs for 2018.

If our farm paid overtime based on a 40-hour workweek, our payroll costs would increase, from 30, to 42 percent, of our overall expenses.

Average margins in farming are between zero and 15 percent. Many times these margins dip into the negative range.

If we have a 1 to 2 percent rise in an expense category, it becomes a major concern, and at that point my brother and I sit down to figure out if this cost increase can be offset elsewhere.

With this proposed legislation, our labor costs would increase 12 to 15 percent. Coupled with the annual rate hike for H-2A workers, this percentage would -- increase will rise each year.

There is no room for negotiation on the

revenue side.

We cannot come close to absorbing the cost of this labor increase. We are competing with growers in Georgia, North Carolina, Florida, Virginia, New Jersey, Pennsylvania, Ohio, Massachusetts, Vermont, Michigan, Colorado, California, Connecticut, and Canada.

Many of these states will offer similar commodities and more competitive prices.

This will result in our farm going out of business in one year.

In the last 35 years our farm has endured floods, droughts, heatwaves, hurricanes, and tornadoes.

The frequency and intensity of these events has noticeably heightened in the last 10 years.

This added burden of climate change directly increases our labor costs and is an unpredictable expense.

We know that these expenditures will continue to rise in the future.

We appreciate land-preservation organizations that protect farmland, but this proposed legislation will spike labor costs so high that it will reduce the overall number of farms in New York State.

As a result, there will be open land with no one to farm it.

This proposed legislation impact does not just affect our farm. It's about the economic prosperity of rural communities across New York State.

Operational farms allow New York State residents to fully interact with the land by visiting local farm markets, you-pick operations, and farm-to-table experiences.

New York State residents reap many health and recreational benefits.

I urge lawmakers to sit down with professionals who run farms, dairies, and other agribusinesses, along with their employees, and reevaluate the components that set farmers apart from other industries where an 8-hour day, 40-hour workweek, is the norm.

Let's further collaborate and draft a bill that would be fair to all parties involved.

In conclusion:

Farms work -- farmer -- farms require work hours outside the normal business day and workweek.

The failure to modify this proposed legislation to align itself with the reality of the

1 day-to-day farming will permanently change the landscape of New York State agriculture. 2 New York farms that produce enough fresh 3 produce and other farm products to supply local 4 retail markets, wholesale markets like Hunts Point, 5 6 and the green markets in New York City will be gone. 7 This legislation creates an impenetrable barrier for those entering the agricultural industry 8 within our state. 9 10 First-generation farmers will choose to start 11 their operations outside of New York. 12 There will be too much to lose and nothing to 13 gain. 14 Thank you. 15 SENATOR METZGER: Thanks so much. 16 And, questions? 17 Okay. 18 We appreciate your testimony. 19 Thank you. 20 DOUGLAS DAVENPORT: Thanks. 21 LESLIE BERLIANT: Next is Sarah Dressel. If Reverend Richard Witt and Roberto Herrera 22 23 could come up as well.

SARAH DRESSEL-NICHOLS: Good afternoon.

Good to see you again, Senator Metzger.

24

She was out at our place about a month ago, taking a walk around to see, in the mud.

It was really fun.

My name is Sarah Dressel-Nichols, and my family owns and operates Dressel Farms in New Paltz.

We grow approximately 350 acres of apples, along with about 5 acres of strawberries, some peaches, and other fruits.

The majority of our operation is wholesale apples that make their way into grocery stores around the country, but we also have a retail operation open, virtually, year-round so we can interact with our community face-to-face.

We employ, roughly, 30 people year-round, and add another 20 or so via the H-2A program each fall, depending on how plentiful the harvest is.

Most of those people that we hire are families. We do have several families that live (sic) for us, and I can name all 20 children that live on the farm -- well, 19. There's one that's new, and I'm not positive on his name yet.

But I can name 19 out of the 20 children that live on our farm.

This is an incredibly busy time for farmers.

Fruit growers have a lot of disease pressure,

courtesy of all the rain.

We're trying to get new orchards planted and established.

Greenhouse growers are looking at Mother's Day coming up, and trying to get plants into stores as quickly as they can.

Folks with livestock never stop caring for their animals and are always busy.

Sorry, guys.

The fact that these hearings have been filled with farmers and farmworkers should show you just how impactful this bill would be to all of us, because we have a lot better things to do.

But, this is the most important thing to be doing.

This bill, as it's written, would put most of us out of work, and that means, by default, that all of our employees would also be out of work, because agriculture is not your usual 9-to-5.

We're at the mercy of the weather and really do have to make hay when the sun shines.

For example, earlier this week we had a frost advisory.

With blossoms just starting to pop, that means that we needed to think about using our wind

1 machines in the cooler orchard spots to protect the

2 apple blossoms that were just starting to begin.

My father, and my grandfather, who is 83, spent all day on Sunday in the rain, getting the wind machines ready and trying to get them as prepared as we possibly could.

At midnight my mother woke my father up because we were quickly approaching the freezing mark.

And once you dip below 32, anything below 27 is catastrophic.

So the two of them went out and found that one of the propane tanks was empty, and there was a snafu with one of the other engines. And it took them four hours in the cold, wet, to get them up and running, so then they could go back home just before 5 a.m.

My grandfather went back out at six to turn them off when we had, you know, exceeded 33 degrees.

By 7:30 both my parents were back at work.

Dad was in the sprayer, mom was in the office doing payroll and other such things.

My dad and I were at work until seven that night.

My point is, that Mother Nature really is the

one calling the shots, and we don't have much of a say in what she does.

We just have to find ways to work with her.

We cannot help the fact that one workday is longer than the next, so punishing us with an 8-hour day overtime is unrealistic.

Even a 40-hour workweek is heavily restrictive for overtime.

We're done packing and shipping our apples, which means that our weekly influx of checks from our distributor are just about over, but our bills don't stop.

We have spray bills.

We have to pay the electric for the housing for those 30 employees and their 20 children.

We have general upkeep of the orchard.

We still have to payroll.

We are on a tight budget, and if we had to make a 40-hour overtime right now, we would be forced to cap our employees at 38 hours just to be safe.

But what happens, if, like what happened this morning?

When I left this morning, my grandfather and one of our senior managers were working at digging

up a septic tank because someone in the seasonal housing had clearly been dumping grease down their kitchen drain all season, and it finally congealed enough to block some septic for some of the year-round employees.

We need his help.

My 83-year-old grandfather cannot dig up a septic tank by himself.

But, if we had to pay our senior manager, who's been there for over 25 years, to do that overtime, we would be in dire straits.

There's no -- I'm sorry.

Right now, with just the payroll we have right now, this bill would cost us over \$800,000, because there is a way to calculate what the overtime would cost.

We would have extra workmen's (sic) comp, we would have extra insurance, we would everything to pay for, and we probably wouldn't be able to afford to bring up the H-2A employees that we normally do.

I'm the fourth-generation on my family farm.

I graduated from Cornell 2011 with a degree in agricultural sciences.

I'm the chair of the New York Apple
Association, the chair of the New York Farm Bureau

Labor Committee. I sit on the board of directors 1 for the Hudson Valley Research Lab, and I'm the 2 secretary of my county farm bureau. 3 We all own family businesses, because most of 4 5 New York farms are family-owned and operated, for 6 now. As this bill stands, we will either be 7 eliminated or we will have to create those so-called 8 9 "corporate farms" that people so greatly fear. Either way, this could be the demise of the 10 11 New York family farm, and with it, the upstate 12 economy. I would like to conclude with a quote from 13 14 President Dwight Eisenhower from 1956. 15 "Farming looks mighty easy when your plow is 16 a pencil and you're a thousand miles away from the 17 cornfield." 18 Thank you. 19 SENATOR METZGER: Thank you very much. 20 Questions? 21 SENATOR RAMOS: Thank you. Thanks so much. 22 23 [Applause.]

LESLIE BERLIANT:

Next is

Reverend Richard Witt, followed by Roberto Herrera.

24

1 And if Beatrice Stern could please come up.

REVEREND RICHARD WITT: Senators, thank you for this the opportunity to speak before you today.

My name is Richard Witt, and I am an Episcopal priest, and I have served as executive director of Rural Migrant Ministries since 1991.

The ministry is an upstate organization that works with hundreds of farmworkers and their families.

The task of the New York State Senate in deciding the future of the Farmworker (sic) Fair Labor Practices Act is not an easy one, but the path before you is clear.

The children, women, and men who labor on our farms have the inherent and unalienable right to equality.

Every generation before us has found a way to deny these basic human rights, utilizing an array of justifications.

At first glance, the roots of this injustice can be found in historic racism, as we have heard through many testimonies.

The basis of opposition for the equal treatment of farmworkers, however, has been and continues to be economic.

We have built an agricultural system in this state that depends upon the use of subjugated labor.

Many of us recoil at such a description, as it offends our sense of propriety and our sense of self, and yet here are the facts:

We have written into law in New York State that farmworkers shall be exempted from the rights afforded others;

And, two, almost all farmworkers in New York are brown-skinned and poor.

To protect their interests throughout our history, and even today, farmers have had greater access to our ear.

We go to church with them.

They sit on our town boards.

They speak our language and share our mores.

We run into them in our CSAs and our farmers' markets.

Their voices are magnified through the powerful Farm Bureau and Cornell's College of Agriculture and Cooperative Extension, and countless other organizations.

I have listened to the voices of the farmers throughout these hearings and they appear to be good people.

I can't imagine a bad person would come and testify, though one farmer who did testify had in their employ people who were convicted of enslavement of workers.

Tragically, the voices of the workers are not a part of the fabric of our communities, nor part of our consciousness.

Many are temporarily residing in our communities, many don't speak the same language, they don't know our community, or find that they are not welcome, except to work.

They work long hours, so they can't participate in town meetings, school functions, and community dinners.

By and large, they have not been able to be present and testify at these hearings, save for those who have been dragged in by their bosses.

Thus, when we are faced with making decisions about their well-being, their future, and their livelihood, as you are, Senators, it becomes all the more easy to hear only one side of the discussion.

That one side would have you focus on the personal plight of farmers, and ignore the historic and systemic and personal plight of the thousands of men, women, and children who farmwork.

That one side would tell you there is only one way to work things out, and that is not to pass this bill.

That one side would have the audacity to speak for the workers and tell you that the workers will suffer if there is justice.

These hearings appear to come down to a simple and personable argument laid out by the farmers and the agricultural industry: We cannot afford to have a just system.

To accept the belief that we cannot afford to give farmworkers equal treatment under law is also to say that the agricultural industry has a different moral agency which allows it to claim different relationships to workers than the rest of New York.

What gives the industry this moral difference?

Are farmers different than the family who owns the local diner, or the ones who own the corner market, or the family who runs the ag-and-feed store, all of whom I'm sure would welcome the opportunity to be excluded from having to pay overtime and disability insurance.

Senators, you have arrived at a point in

1 history that rests on the legacy of shame. You have the power to change the arc of 2 history and create a harvest of hope. 3 I urge you to pass the Farmworker (sic) Fair 4 Labor Practices Act. 5 6 [Applause.] 7 SENATOR METZGER: Thank you. LESLIE BERLIANT: Next is Roberto Herrera. 8 And if Beatrice Stern and Shannon Kelly could 9 10 please both come up to the stage. 11 (Ari Mir Pontier now translating Spanish to 12 English/English to Spanish on behalf of 13 Roberto Herrera.) 14 ROBERTO HERRERA: (Speaking Spanish, English 15 translation.) 16 Good afternoon. 17 (Speaking Spanish, English translation.) I appreciate the opportunity to be here. 18 19 I'm an H-2A employee. 20 (Speaking Spanish, English translation.) I am a farmworker that maintain vegetables so 21 22 that others can enjoy them. 23 (Speaking Spanish, English translation.) I'm very happy to work for the company that 24 25 I work for now.

```
1
                (Speaking Spanish, English translation.)
 2
               My employer and my co-workers are a great
 3
        team.
                (Speaking Spanish, English translation.)
 4
                I came here to share my opinion about the law
 5
 6
        that you wish to implement.
 7
                (Speaking Spanish, English translation.)
               For me, it would be like cutting off my
 8
        hands.
 9
10
                (Speaking Spanish, English translation.)
11
               Because I explain to you --
12
                (Speaking Spanish, English translation.)
13
                -- if we work 40 hours and our boss has to
14
        pay overtime --
15
                (Speaking Spanish, English translation.)
16
                -- he would need to find other workers to
17
        keep up with the work.
                (Speaking Spanish, English translation.)
18
19
               They would remove my hours and the money that
20
        I need for my family in Mexico.
21
                (Speaking Spanish, English translation.)
22
                If this legislation is passed --
23
                (Speaking Spanish, English translation.)
                -- I would have to find another form of work
24
25
        in another state.
```

```
(Speaking Spanish, English translation.)
 1
                I feel very happy with my employer.
 2
                (Speaking Spanish, English translation.)
 3
               They give us a beautiful home.
 4
                (Speaking Spanish, English translation.)
 5
 6
               They provide transportation so that we can go
 7
        to the store to buy what we need.
                (Speaking Spanish, English translation.)
 8
 9
               Would simply like to beg you --
                (Speaking Spanish, English translation.)
10
11
                -- that you analyze this possibility --
12
                (Speaking Spanish, English translation.)
13
                -- because those affected would be us as
14
        employees.
                (Speaking Spanish, English translation.)
15
16
               That is all.
17
               Thank you very much, and think about it.
18
                   [Applause.]
                SENATOR METZGER:
                                  Gracias.
19
20
               LESLIE BERLIANT: Next up is Beatrice Stern,
21
        followed by Shannon Kelly.
22
               And if Jesus Lorenzo Robles could please come
23
        up.
24
               BEATRICE STERN: Hi, my name is
25
        Beatrice Stern.
```

Thank you for this opportunity.

I live in Orange County, New York, where my grandfather was a dairy farmer.

Please note that I'm testifying today as an individual; however, it is through my work that I've learned about agriculture and food-system change over the last several years.

I'm president of a private family foundation, and one of our areas of interest has to do with land rights, food sovereignty, and food-system change, and we've supported numerous local, national, and international groups who are working in this area.

In 2014 I became deeply involved in the founding of the Chester Agricultural Center in Orange County, an organization set up to provide affordable access to "Black Dirt" farmland for beginning organic farmers.

In addition, our mission is to increase diversity among farming, and create opportunities for underrepresented groups to enter the farming business.

We are now beginning our fifth growing season, and I've learned an enormous amount from our farmers and partners about issues facing small farmers in Orange County and throughout the

Hudson Valley.

In addition, through this work, I've been part of many meetings, national and local, having -- and organizations that have to do with farming.

So suffice it to say, that I'm an advocate for farming, particularly for small farms, and building strong local food systems.

And that is why I am testifying today in support of the Farmworker (sic) Fair Labor Practices Act.

For many reasons, we should all be working toward building a robust, resilient, and equitable local food system in New York.

As we look toward how to best address climate change, small farms, regenerative practices, and local markets are the best way to overcome environmental damage from industrial agriculture.

Many farms in New York are small and are using sustainable practices that are good for soil, water, and health.

So how is it that so many of us in New York cannot afford fresh, healthy food?

And how is it that farmers, particularly small farmers, are in such a precarious financial situation that they see this bill as a threat to

their livelihoods?

And how is it that we have somehow normalized a system that excludes farmworkers from fundamental labor protection under the law?

And how is it that racial diversity that exists in our farming system is so often overlooked, and I would say, very much linked to the fact that our farm labor is excluded from protection under the law, and really becomes an invisible but completely, you know, very important part of the system?

So, obviously, we have a broken system, and there is much work to be done.

That being said, I'm really -- it's painful to hear over and over again that farmers will go under if this bill is passed.

Farmers are in a very precarious situation, but the system must truly be broken if farmers themselves are scared of providing their farmworkers, who are the backbone of our agricultural system, these basic protections under the law.

In my opinion, nothing will improve for farmers, or certainly farmworkers, or even consumers, if this bill does not pass.

Year after year, farmworkers have borne the

burden of helping sustain, even subsidizing, this broken system.

And every year there is an outcry against this bill perpetuating the same system.

Nothing is changing.

Farmers are, for the most part, an invisible part of our food system. The reasons behind this are complex, but their exclusion from normal protection under New York law is a factor keeping farm laborers apart and out of the system, and promotes the paternalistic relationships that we see on so many farms where farmworkers are dependent on the beneficence of farm owners.

This is not right and it's not sustainable.

In order to change the food system for the better, we need to understand how agriculture really works and who is growing our food.

We cannot make things better for our farm owners by continuing to exclude farmworkers from labor laws. They deserve equal protection under the law.

Passing this act, I believe, is a necessary first step in creating a more equitable food system for everyone in this state.

I think you've probably seen throughout the

hearing process that farmers are pretty good advocates.

Wouldn't it be great to let farmers advocate for the support they really need to thrive, instead of having to focus, year after year, thinking that blocking this bill will help keep them solvent for one more season.

Let's create the conditions for real change in our food system by passing this law.

[Applause.]

SENATOR METZGER: Thank you very much.

LESLIE BERLIANT: Shannon Kelly, followed by Jesus Lorenzo Robles.

And if Morse Pitts could please come up.

SHANNON KELLY: Good evening, and thank you for the opportunity to testify on this important legislative issue facing our state.

My name is Shannon Kelly, and I'm the chief operating officer for Catholic Charities of Orange, Sullivan, and Ulster.

As one of the human-service agencies of Catholic Charities of the Arch Diocese of New York, our agency is committed to building a compassionate and just society.

Catholic Charities of Orange, Sullivan, and

Ulster serves the homeless, hungry, those with emotional and physical disabilities, as well as immigrants, marginalized and vulnerable, of the tri-county region.

Last year we served more than 42,000 individuals regardless of race, religion, or the ability to pay.

I speak today on behalf of our regional agency, as well as for Catholic Charities agencies across New York State, and in solidarity with the New York State Catholic Conference which represents the Catholic bishops of New York State.

Catholic Charities and the Catholic

Conference have been advocating for the passage of
the Farmworkers Fair Labor Practices Act for more
than two decades.

At the same time, the church has been working on the ground to meet the spiritual, material, needs of farmworkers and their families, through Catholic Charities, Catholic parishes, and individual clergy, religious and lay.

It is through this lens that I deliver my remarks today.

Let me begin by making one thing clear: Support for basic rights for farmworkers is not

anti-farmer, at least it need not be.

Our organization serves farm families and farmworkers alike.

We are in this community, and we are well aware of the unique nature of farming, and the challenges facing farmers from the uncontrollable weather factors, to the pressures of modern economy, injuries, the high cost of maintenance, distribution of perishable product, and competition from foreign markets.

We need our family farms for our local economy, and for our very subsistence.

But at the same time, just as farming has evolved technologically, it must also evolve to a twenty-first-century understanding of fair working conditions for farmworkers.

We must ensure that farmworkers are treated humanely and with dignity.

I think we've heard from a lot of farms today that do that.

And in the same way, we work to ensure that other workers of our state are treated.

This is not about putting farmworkers ahead of farms. You can't support the farmworker without supporting the farms, and vice versa. Both need and

depend on the other.

Justice and human dignity demand, however, that changes come to the industry in terms of worker treatment.

It is important to remember that farmworkers do not seek special rights. They seek only the same rights guaranteed to workers in every other sector: the right to overtime pay, the right to a day of rest a week, the right to worker compensation, the right to sanitary housing conditions, and the right to collectively bargain.

We hear and appreciate the concerns of those who argue that providing fair treatment to this population will raise prices for consumers, but can we truly make the -- we can truly make the same case about any other sector of the workforce, and we do not allow that from stopping us to doing what is right.

If New York is truly the progressive state that we say we are, how do we justify this continued unfair playing field?

We can't -- we have an opportunity, we must grab the chance, and not let it slip away yet again.

I hope and pray that the Legislature will work collaboratively with farmworkers and family

```
1
        farms to create meaningful reform this year, one
        that recognizes the unique contributions of our
 2
        farmers and the human dignity of our farmworkers.
 3
               Thank you again for the opportunity to speak.
 4
               SENATOR METZGER: Thanks so much, Shannon.
 5
 6
               LESLIE BERLIANT: Next up is
7
        Jesus Lorenzo Robles.
               (Ari Mir Pontier now translating Spanish
 8
9
        to English/English to Spanish on behalf of
10
        Jesus Lorenzo Robles.)
11
               JESUS LORENZO ROBLES: (Speaking Spanish,
12
        English translation.)
13
               My name is Jesus Lorenzo Robles.
14
               I work at Gade Ranch for 12 years.
15
               I like this ranch.
16
               I have great friends.
17
               (Speaking Spanish, English translation.)
18
               They give us a house. We have privacy.
        have a kitchen and a living room.
19
20
               (Speaking Spanish.)
21
               ARI MIR PONTIER: He talks a lot faster than
22
        me.
23
               I'm sorry.
24
               (Speaking Spanish.)
25
               SENATOR METZGER: It's late in the day.
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```
(Speaking Spanish, English translation.)
 1
 2
                I live with three men from my town and we get
 3
        along very well.
                (Speaking Spanish, English translation.)
 4
 5
               My American employers appreciate us and we
        get along well.
 6
 7
                (Speaking Spanish, English translation.)
               We come for 7 to 8 months to work and, with
 8
        40 hours, it would not be enough.
 9
                (Speaking Spanish, English translation.)
10
11
               They give us cable.
12
               We have our own room.
13
                (Speaking Spanish, English translation.)
               They don't treat us badly, and they take us
14
15
        where we need to go.
16
                (Speaking Spanish, English translation.)
               For me, it would be very sad to leave the
17
        ranch if they don't give me more than 40 hours.
18
19
                (Speaking Spanish, English translation.)
20
               We regularly work 50 to 70 hours every week,
21
        so it would not be good.
                (Speaking Spanish, English translation.)
22
23
                I'm one of those that came here to work, and
        we're good people, and we just want to make money
24
25
        for our families.
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(Speaking Spanish, English translation.) 1 And I am opposed to this. 2 Gracias. 3 (Senator Ramos and Mr. Robles converse in 4 Spanish, with no English translation.) 5 SENATOR RAMOS: Gracias. 6 SENATOR METZGER: Gracias. 7 [Applause.] 8 9 LESLIE BERLIANT: And our last speaker is 10 Morse Pitts. 11 SENATOR RAMOS: But not least. 12 MORSE PITTS: We shall see. 13 So I got to listen to this whole thing, so 14 I'm going to try to answer a couple of questions 15 that I've been jumping out of my seat, trying to 16 say, "isn't that obvious?" 17 Because one of the big questions was, how do 18 you operate as a loss? 19 And my answer is, it's a farm. 20 You know, that's the definition. 21 How can you not know that farms operate at a 22 loss? 23 And I want to start -- I'll try to be quick, 24 but, to say -- there was also a question, what can 25 we actually do to help farms?

I want to tell you what you've actually done for mine.

Between New York State and a whole bunch of other organizations, American Farmland Trust, seeing the cuts in Orange County land trust, equity trust, and GrowNYC, I get to keep my farm for as long as I can because you helped preserve it.

But, I'm one of 100 farms that needs this help.

That's what you've already done to help.

Please do 100 times more of it, then you might get to keep farms.

But the second thing that allow a farm to operate at a loss, is farms work -- farmers work infinite hours for no pay.

And I'm getting old, and there's this thing called "law of diminishing returns."

I can't keep doing this.

I'm trying to pass my farm on to the people that work there, and to new farmers.

But as they realize this means no more wage, but lots of debt and risk and liability, and endless paperwork, taxes, and insurance, they go, Oh, we can't do this right away.

Please don't pass this law.

It's just another nail in the coffin of being able to employ people on a farm.

My farm is preserved. I can work there the rest of my life and be happy.

But I can't employ people, paying them more than the farm can produce.

I tried to scratch out most of the things
I wanted to say because I know this is a long day
and we're at the end time.

But something else you could do, is if you can find a way to regulate imported food into

New York more than you regulate food grown in

New York, it would be fantastic.

It's just, like, it's cheaper to grow apples in China.

And New York State apple farmers, a lot of whom are my friends -- and I just want to say one thing.

One of my friends who testified here didn't say, when she started when her farm, she and her husband felt, like, farmworkers get 5 cents a bushel to pick apples. That's ridiculous. We're going to pay them 50 cents a bushel.

At the end of their first season, they were deep in debt, and went, Oh, my God. That's why

they're only paid 5 cents a bushel. 1 And two more little quick things: 2 Farm labor is not unskilled labor. 3 If you can find somebody that can do this 4 5 work on your farm, you pay them as much as you 6 possibly can to try to keep them there. 7 And that's something else about farms people don't understand. 8 And the last thing I decided I needed to say 9 is, this law would be great if it provided a minimum 10 11 wage for farmers as well as farmworkers. 12 If you can find a way to do that, I'm on 13 board, the people that work on my farm are on board; we're all on board. 14 15 But just forcing the farmer to pay more money 16 and not be able to farm is not a solution. 17 And thanks very much for listening. 18 SENATOR METZGER: Thank you. 19 MORSE PITTS: And aren't you glad I'm the 20 last one? 21 [Laughter.] 22 [Applause.] 23 SENATOR METZGER: Thank you very much. 24 So I just want to thank all of you for coming 25 and staying this afternoon.

I really, really, want to express my deep appreciation to the farmers and the farmworkers who came here.

You know, a number of the farms that -farmers that testified today, you know, they're
families -- farm families from my neck of the woods,
that I've been -- you know, I've been a parent along
with them. Our kids go to school together.

I eat their food. I go to their farm stands.

And now I'm representing a much larger community of farmers, the entire state of New York.

But I wanted to be the chair of the Agriculture Committee because I know how important farming is to my community.

I know how important it is to strong -- keeping, create -- making sure we have strong communities in rural New York.

I'm a lifelong environmentalist, and I know how important it is for us to keep a small -- a diverse farming economy in New York, and an economy in which we can feed ourselves.

I'm also a lifelong fighter for workers' rights.

And, you know, it's this -- it's not -- the world -- this is not a black-and-white situation.

You know, it's a very nuanced situation.

And these hearings have been -- you know, have been exactly what I wanted them to be, which was -- which was, you know, to really hear from everyone, just, the challenges that people face, everyone, on a daily basis; the opportunities we have, so that we can all work together, collaboratively, with all the information we need on this legislation.

I want to express some real gratitude to my colleague Senator Ramos for holding these hearings with me, and for -- she's been going out and meeting, going to visit farms.

And even though she's from the city, she's been getting out there and doing the work that you have to do when you're considering this kind of legislation.

We also -- I want to thank Senator Mayer and our other Senators.

We had a great turnout, actually, for this hearing.

It's hard at this time of year for legislators to make this kind of time, because they're -- they have face-competing demands.

So, I really appreciate that.

And, thank you for being here.

I don't know if, Senator Ramos, if you would like to say a few words.

SENATOR RAMOS: Sure, very quickly.

I, of course, also want to thank everyone who testified, and even those who attended but didn't testify, for participating in our hearing, for hearing everybody else out.

I can tell you that your testimonies will be taken into consideration as we move the bill forward.

I appreciate the stories of the farmers and how hard you work.

I've often shared that I do come from a farming family.

My parents are from Colombia in

South America, where my mom's parents and my mom's

siblings and many of my cousins still farm coffee to

this day, and we raise pigs and chickens and all

sorts of things.

And so that was a big part of my childhood during summer vacation.

And it was there that I began to have an interest in where our food comes from, and why, and what that ecosystem actually looks like.

So, as the Senate Labor Chair, it's quite an honor to carry this bill.

I look forward to working with everyone to ensure its passage in a way, again, that is fiscally prudent.

Everyone who comes to testify in the past three hearings are, of course, excellent employers by their own volition.

And all we're looking to do is to ensure that these rights are codified in a way that it is law, so that there is no confusion as to how a farmworker deserves to be treated in the state of New York.

Thank you.

[Applause.]

SENATOR METZGER: Thank you.

And I just want to, if anyone in the audience didn't get a chance to speak, but wants to give testimony -- written testimony, we're accepting testimony until end of day tomorrow.

Thank you.

(Whereupon, at approximately 4:03 p.m., the joint committee public hearing concluded, and adjourned.)