



## NEW YORK STATE LEGISLATURE

August 16, 2022

Dr. David Fisher  
New York Farm Bureau  
159 Wolf Road, Suite 300  
Albany, New York 12205

Mr. Denis Hughes  
c/o Commissioner Roberta Reardon  
NYS Department of Labor  
Building 12  
W.A. Harriman Campus  
Albany, New York 12240

Ms. Brenda McDuffie  
Buffalo Urban League  
15 Genesee Street  
Buffalo, New York 14203

Dear Farm Laborers Wage Board:

As the Wage Board reconvenes to vote to advance your final report and recommendations on the overtime threshold for farm laborers, we write again to urge you to save the future of farming in New York State by rejecting any reduction of the overtime threshold beyond the current 60 established in the Farm Laborer Fair Labor Practices Act (FLFLPA) of 2019.

On January 28, 2022, you voted to reduce the overtime threshold from 60 hours to 40 over the next decade, decreasing the threshold by four hours every two years. While the recommended phase-down approach may seem like a fair compromise to some, to many others, this is nothing more than a scheduled collapse of New York's agricultural industry.

During public hearings held by this Board, hundreds of farmers took time from their busy days to give emotional comments expressing their concerns that the increased labor costs will threaten their small family farms, which make up 96 percent of New York's farms. Several economic development and business organizations have come out in opposition to reducing the 60-hour overtime threshold, including the Grow NY Farms Coalition, the Business Council of New York State, the National Federation of Independent Businesses of New York (NFIB) and Upstate United. Most recently, the

owner of Indian Ladder Farms in Feura Bush stated that lowering the OT threshold would force smaller, family-run farms out of business and leave only large factory farms across the state.

The FLFPA has hurt the very people it was intended to help – farm workers – by restricting the number of hours they can work, meaning smaller paychecks. At a time when we have already seen many businesses leave New York and family farms have been forced to shut down, a further reduction will cause further damage, more farms will be forced out of business and farmworkers will be driven to seek seasonal work opportunities in other states without such restrictions.

Additionally, with the release of the latest inflation data, we see that the CPI has finally flattened after rising 25 consecutive months. However, inflation is still 8.5 percent higher than one year ago, an unacceptable rate to all New Yorkers. While we hope that inflation returns to historical averages as quickly as possible, it is unclear if food prices will do so due to lingering geopolitical forces affecting fertilizers and other agriculture petrochemicals prices. Doing anything that may increase the price of our food, or impact the stability of the food supply-chain (which we learned during COVID just how fragile it is), regardless of when the policies claim to start, would be extremely irresponsible.

For these reasons we urge you to reject any reduction of the overtime threshold. Thank you in advance for your consideration of this urgent request and please do not hesitate to contact us should you wish to discuss further.

Sincerely,



Senator Robert G. Ort



Senator Sue Serino



Senator George M. Borrello



Senator Fred Akshar



Senator Anthony H. Palumbo



Senator Andrew J. Lanza



Senator Patty Ritchie



Senator Phil Boyle

Pamela A. Helming

Senator Pamela Helming

Patrick M. Gallivan

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Daniel G. Stec

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Daphne V. Jordan

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Alexis Weik

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Peter Oberacker

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Thomas F. O'Mara

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James Tedisco

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Michael P. Martucci

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Joseph A. Griffo

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