

1 JOINT HEARING BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON AGRICULTURE
3 AND
4 STANDING COMMITTEE ON LABOR

5 PUBLIC HEARING:

6 TO HEAR PUBLIC TESTIMONY ON
7 THE PROPOSED FARMWORKERS FAIR LABOR PRACTICES ACT

8 The Seelig Theater at SUNY Sullivan
9 112 College Road
10 Loch Sheldrake, New York

11 Date: May 2, 2019
12 Time: 1:00 p.m.

13 PRESIDING:

14 Senator Jen Metzger
15 Chair, Senate Standing Committee on Agriculture

16 Senator Jessica Ramos
17 Chair, Senate Standing Committee on Labor

18 ALSO PRESENT:

19 Senator Pete Harckham

20 Senator Robert Jackson

21 Senator John Liu

22 Senator Thomas F. O'Mara

23 Senator Shelly B. Mayer

24 Senator Diane J. Savino
25

	SPEAKERS:	PAGE	QUESTIONS
1			
2	Jay Quaintance	10	
3	President		
4	SUNY Sullivan		
5	Andrianna Natsoulas	13	17
6	Executive Director		
7	Northeast Organic Farming		
8	Association (NOFA-NY)		
9	Dr. Anu Rangarajan	23	27
10	Director		
11	Cornell Small Farm Program		
12	Dr. Richard Stup	30	35
13	Agricultural Workforce Specialist		
14	Cornell University, College of		
15	Agriculture and Life Sciences		
16	Bruce Goldstein	41	46
17	President		
18	Farmworker Justice		
19	Wayne Marshfield	48	51
20	Supervisor		
21	Town of Hamden		
22	Chris Kelder	54	58
23	Owner		
24	Kelder's Farm		
25	Billy Riccaldo	61	64
26	President		
27	Hudson Valley Area Labor Federation		
28	Elizabeth Ryan	66	70
29	Owner		
30	Stone Ridge Orchard &		
31	Breezy Hill Orchard		
32	Eric Ooms	78	82
33	President, New York Farm Bureau		
34	Co-owner, Ooms and Sons		
35	Ila M. Riggs	86	91
36	Owner		
37	Berry Patch Farm		

	SPEAKERS:	PAGE	QUESTIONS
1			
2	Jack Banning	98	102
3	Owner		
4	Black Sheep Hill Farm		
5	Jessica Orozco Guttlein	105	
6	Assistant Vice President		
7	The Hispanic Federation		
8	Beth Lyon	110	114
9	Director		
10	Farmworker Legal Assistance Clinic		
11	Julie Patterson	120	
12	Owner		
13	Patterson Farms		
14	Joseph Morgiewicz	125	133
15	Chairman		
16	Farmer Community Advisory Committee		
17	of GrowNYC		
18	Ken Migliorelli	135	139
19	Owner		
20	Migliorelli Farm, LLC		
21	Kira Kinney	141	144
22	Owner		
23	Evolutionary Organics Farm		
24	Maritza Owens	149	152
25	Chief Executive Officer		
	Harvest Home Farmers' Market		
	Mark Doyle	154	
	Manager		
	Fishkill Farms		
	Mark Rogowski	159	
	Owner		
	S&SO Produce Farms		
	Ray Pucci	162	
	President		
	Delaware County Chamber of Commerce		

	SPEAKERS:	PAGE	QUESTIONS
1			
2	Jacinto Carino	166	170
3	Orchard Foreman & Garden Manager		
4	Soons Orchards		
5	(Daughter reads most of the testimony and provides answers to questions)		
6	Patricia Smith	174	178
7	Chief Counsel		
8	National Employment Law Project		
9	Carlos Gutierrez	181	
10	Occupational Safety and Health Trainer		
11	Tompkins County Workers' Center		
12	Paul Ruskiewicz	185	
13	President		
14	Orange County Vegetable Growers Assoc.		
15	Rhode Dolrlus	194	197
16	Farmworker		
17	Mead Orchards		
18	Cesar Arenas	201	205
19	Farmworker		
20	Willow Bend Farm		
21	Douglas Davenport	206	
22	Owner		
23	Davenport & Sons Farm		
24	Sara Dressel	210	
25	Owner		
	Dressel Farms		
	Reverend Richard Witt	217	
	Executive Director		
	Rural and Migrant Ministry		
	Roberto Herrera	221	
	Head Farm Associate		
	Altamont Orchards		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPEAKERS:	PAGE	QUESTIONS
Beatrice Stern President Chester Agriculture Project	223	
Shannon Kelly Chief Operating Officer Catholic Charities of Orange, Sullivan, and Ulster counties	228	
Jesus Lorenzo Robles Farmworker Gade Farms	232	
Morse Pitts Owner Windfall Farms	234	

1 SENATOR METZGER: Good afternoon everyone.

2 We're going to get started in, like,

3 30 seconds.

4 Just waiting for our -- here we go.

5 Senator John Liu in the house, come on up.

6 Okay, we'll get started then.

7 Thank you all for being here.

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

12 I'm joined today by my colleague
13 Senator Jessica Ramos, who's Chair of the Labor
14 Committee, and sponsor of the legislation before us
15 today, the proposed Farmworker (sic) Fair Practice
16 Labor Act.

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

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

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

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

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

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

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

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

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

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

1 in New York State are under 100 acres.

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

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

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

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

19 I was praying for rain today.

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

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

25 Testimony can be submitted in English or in

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

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

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

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

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

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

21 SENATOR RAMOS: Thank you, Senator Metzger.

22 Good afternoon, everyone.

23 My name is Jessica Ramos.

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

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

10 So we're here to ensure that we are listening
11 to all stakeholders, and make sure that every
12 New Yorker's voice on this matter is heard.

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

16 SENATOR METZGER: Thanks so much,
17 Senator Ramos.

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

20 PRESIDENT JAY QUAINANCE: Thank you.

21 Thank you, Senators, for being here.

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

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

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

4 We have a farm here on campus.

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

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

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

16 SENATOR METZGER: Thank you so much.

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

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

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

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

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

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

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

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

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

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

19 Thanks so much, and we really appreciate it.

20 ARI MIR PONTIER: Hi.

21 As you've heard, my name is Ari Mir Pontier.
22 I'm the constituent manager for Senator Metzger, and
23 I'm going to be translating today from Spanish into
24 English.

25 (Speaking Spanish.)

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

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

7 Thank you.

8 So first up is Andrianna Natsoulas.

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

11 ANDRIANNA NATSOULAS: Good afternoon.

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

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

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

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

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

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

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

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

11 Seven versions of this bill have failed since
12 2006.

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

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

19 Overtime pay.

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

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

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

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

7 There are several reasonable alternatives.

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

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

14 Another issue is unemployment insurance.

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

20 Another, to housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Thank you.

10 SENATOR METZGER: Thanks so much, Adrianna.

11 Any questions, Pete -- Senator Harckham,
12 I mean?

13 SENATOR HARKHAM: Yeah, thank you very much.

14 The issue of worker housing has been a vexing
15 challenge.

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

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

1 SENATOR HARKHAM: But -- but who -- who is
2 implementing the sanitary code now?

3 ANDRIANNA NATSOULAS: The State, from my
4 understanding.

5 SENATOR JACKSON: Can I follow up?

6 SENATOR HARKHAM: Please.

7 SENATOR JACKSON: Sure.

8 Hi.

9 ANDRIANNA NATSOULAS: Hi.

10 SENATOR JACKSON: So you were saying that, as
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
15 would, that's the State's obligation, in order to
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

1 farmers.

2 ANDRIANNA NATSOULAS: Uh-huh.

3 SENATOR JACKSON: We cannot -- I cannot make
4 that assumption.

5 ANDRIANNA NATSOULAS: Uh-huh.

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

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

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

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

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

21 ANDRIANNA NATSOULAS: Yes.

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

25 Are they being paid, for example, whatever

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

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

6 Can you tell me?

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

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

19 So there may not be any work for a week, and
20 then, all of a sudden, they're trying to get in
21 120 hours.

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

1 farms.

2 SENATOR JACKSON: So -- if -- if we're
3 talking about 40 hours is the workweek --

4 Is that correct?

5 ANDRIANNA NATSOULAS: Uh-huh.

6 SENATOR JACKSON: -- based on 40, you said
7 120, that's like two and a half --

8 ANDRIANNA NATSOULAS: But it's not over a
9 one-week period, necessarily.

10 You're looking at more than a one-week
11 period.

12 SENATOR JACKSON: Yeah, you talked about
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,
18 35 hours is a workweek. And some businesses
19 40 hours is a workweek.

20 ANDRIANNA NATSOULAS: Right.

21 SENATOR JACKSON: So with respect to farmers,
22 what is a normal workweek, if any --

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.

3 SENATOR JACKSON: Okay?

4 ANDRIANNA NATSOULAS: And so we're looking at
5 120 hours over a two-week period.

6 SENATOR JACKSON: Over a two-week period?

7 ANDRIANNA NATSOULAS: A two-week period,
8 right, rather than what's typically considered a
9 "workweek," which is 40 hours in one week.

10 SENATOR JACKSON: In order for any employee
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

1 double pages?

2 ANDRIANNA NATSOULAS: (Inaudible.)

3 LESLIE BERLIANT: Next up is

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

5 And if Bruce Goldstein could also come up,
6 please.

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

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

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

19 So the small-farm program and CALS
20 (Cornell ag and life sciences) seeks to ensure that,
21 regardless of scale, farmers have access to
22 high-quality information, training, and proven
23 tactics for success.

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

1 training efforts.

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

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

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

11 We have the two audiences that I described:
12 New farmers wanting to improve their
13 management skills, to be able to hire labor, and
14 expand and grow their businesses;

15 And then the other audience is primarily
16 Latino farmworkers, employees who are interested in
17 improving their own management skills to advance
18 their position on farms or, perhaps, pursue their
19 own agricultural interests, going forward.

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

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

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

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

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

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

20 So the classes cover a whole range of topics:
21 Farm culture, communication, leadership, business
22 management, conflict resolution, and team building;
23 all of these being topics that were prioritized in
24 the roundtable discussions that we held across the
25 state.

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

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

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

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

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

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

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

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

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

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

10 SENATOR METZGER: Start to wrap it up.

11 DR. ANU RANGARAJAN: Yep.

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

15 So, thank you.

16 SENATOR METZGER: Thank you very much.

17 SENATOR JACKSON: I have a quick question.

18 SENATOR METZGER: Go ahead.

19 SENATOR JACKSON: Doctor --

20 SENATOR METZGER: Senator Jackson.

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

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

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

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

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

16 SENATOR JACKSON: The nominations were from,
17 whom?

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

20 SENATOR JACKSON: The owners.

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

25 And so how many --

1 DR. ANU RANGARAJAN: So our --

2 SENATOR JACKSON: -- were that, and how many
3 were workers?

4 DR. ANU RANGARAJAN: Right.

5 -- so all of the members -- all of the people
6 who participated in our training were Latino
7 employees, they were workers.

8 SENATOR JACKSON: Okay. And --

9 DR. ANU RANGARAJAN: And the owners, they
10 participated, there was 12 of them that came into
11 the room and spoke directly with the employees in
12 our sort of workshop setting.

13 But there was a much broader conversation
14 with, I would guess, 25 to 50 actual owners about
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
18 so that they can have additional people participate.

19 SENATOR JACKSON: And did you come out with a
20 report after that particular --

21 DR. ANU RANGARAJAN: Yes. I'm happy to share
22 it.

23 I summarized some of the findings that we
24 have in this, and I'd be happy to share that as
25 well.

1 SENATOR JACKSON: I would like to see the
2 report, though.

3 DR. ANU RANGARAJAN: Yeah, absolutely.

4 SENATOR JACKSON: Thank you.

5 DR. ANU RANGARAJAN: Yes, great.

6 SENATOR JACKSON: Thank you.

7 SENATOR METZGER: Any other questions?

8 Okay. Thank you very much, Doctor.

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?
14 Thank you for the opportunity to be with you
15 today.

16 I'm Richard Stup, and I lead the Cornell ag
17 workforce development program.

18 I'm here to share some research-based
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
25 agriculture and to other industries.

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

3 The only type of farm employees who cannot
4 move to another employer at will are foreign guest
5 workers in the H-2A visa program. They work under
6 contract with their farm employer for up to
7 10 months.

8 New York's farm industry is diverse.

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

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

16 In a 2016 study of Western New York dairy
17 farms, about one-fourth of the farms had a workforce
18 consisting of more than 75 percent Hispanic
19 employees, half had 50 to 75 percent Hispanic
20 employees, and another quarter had less than
21 50 percent Hispanic employees.

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

25 In New York State it is legal to work on a

1 farm outside school hours beginning at 16 years of
2 age.

3 Penalties for violating child labor laws are
4 severe: thousands of dollars at the state level, and
5 \$10,000 at the federal level, per incident.

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

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

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

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

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

22 H-2A guest workers have a strictly-regulated
23 minimum wage that is set by the federal government.

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

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

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

7 They found that, through 2021, the planned
8 minimum-wage increases and a potential overtime
9 increase would increase wage expenses 52 to
10 70 percent.

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

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

19 So, in agriculture, these strategies would
20 likely include:

21 Decreasing hours through downsizing
22 operations;

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

25 Adopting mechanization or automation to

1 eliminate jobs;

2 And changing crop strategies to reduce labor
3 needs.

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

6 I see my time's almost up.

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

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

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

14 Fourth one is anti-sexual-harassment
15 training.

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

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

22 And I'll wrap up by saying:

23 The modern ag workforce has come a long way.

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

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

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

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

11 Thank you.

12 Thank you very much, doctor.

13 Any questions?

14 Sure, go ahead.

15 SENATOR HARKHAM: You had stated --

16 Doctor, thank you for your testimony.

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

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

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

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

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

1 Some is automation, and automation is coming,
2 but it's a few years off.

3 So automation is available.

4 You've heard of dairy robots, of course.
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,
8 but, again, it's still a few years off.

9 SENATOR METZGER: So I have a follow-up
10 question to that.

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.

21 DR. RICHARD STUP: With any automation, new
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:

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

3 So if you need -- for that small farm,
4 65 cows, would need one robot. A little bit larger
5 farm, which is probably more economical today, is
6 going to need at least two of those.

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

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

14 SENATOR METZGER: So one other question.

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

18 There's currently a labor shortage.

19 DR. RICHARD STUP: Absolutely.

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

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

24 There may be some opportunities for farms to
25 share employees.

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

6 That may be a factor that comes to
7 agriculture.

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

13 So it's something to think about.

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

18 SENATOR METZGER: Okay.

19 SENATOR JACKSON: Can I ask a quick question?

20 SENATOR METZGER: Sure.

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

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

1 contract workers where they are governed by the
2 federal law?

3 DR. RICHARD STUP: Yeah, that number is
4 actually in this publication, "The State of Ag in
5 New York."

6 Off the top of my head, I won't look it up
7 for time, but --

8 SENATOR JACKSON: Approximately.

9 DR. RICHARD STUP: -- it's relatively small.

10 WAYNE MARSHFIELD: 7,600 H-2A workers.

11 SENATOR JACKSON: I'm sorry, say -- help him
12 out.

13 DR. RICHARD STUP: He said, 7,600 H-2A
14 workers.

15 So out of that 55,000, it's a relatively
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
24 are included, including the compensation benchmark.

25 And, also, I wanted to share this.

1 This is the Labor Roadshow that I mentioned.

2 This is the book, the compliance book, that
3 we prepared and put together, and had over 200 farms
4 across the state involved in that program.

5 SENATOR JACKSON: Just one little quick
6 question.

7 Of the H-2A, it says they're paid 13.25 per
8 hour.

9 DR. RICHARD STUP: Correct.

10 SENATOR JACKSON: Is that for how many hours
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
24 paid \$15 an hour, you make \$15 times 80 hours.

25 SENATOR JACKSON: But it's, the minimum is

1 13.25?

2 DR. RICHARD STUP: The minimum is 13.25.

3 SENATOR JACKSON: Okay. Thank you.

4 SENATOR METZGER: Thank you very much,
5 Doctor.

6 LESLIE BERLIANT: Next up is Bruce Goldstein.

7 And if Wayne Marshfield and Chris Kelder
8 could please come and line up.

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.

14 I am president of Farmworker Justice, a
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,
22 advocacy, litigation, public education, training,
23 and corporate-responsibility initiatives.

24 Farmworker Justice collaborates with
25 organizations throughout the country, including

1 organizations in New York.

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

5 About one-half of farmworkers are married
6 with children.

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

9 More than one-half of farmworkers are
10 undocumented immigrants.

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

15 Farming is a dangerous job.

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

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

21 The poverty rate among farmworker families is
22 disproportionately high.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 California's experience shows the same thing.

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

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

24 And California's agribusiness grew, from
25 \$7.5 billion in 1974, to \$45 billion in 2017.

1 And now California, in 2016, passed
2 legislation to grant farmworkers overtime pay after
3 40 hours a week by gradually phasing it in.

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

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

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

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

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

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

25 Thank you very much for this opportunity.

1 SENATOR METZGER: Thank you very much.

2 Any questions?

3 Doctor -- I mean, Senator Jackson?

4 SENATOR JACKSON: Mr. Goldstein, thank you
5 for coming and giving your testimony.

6 So, obviously, in listening to some previous
7 testimony, and especially in hearing from my
8 colleague about these small farmworkers (sic) and
9 how they're just struggling to get by themselves,
10 have there been an analysis with respects to, if you
11 know, for the New York region?

12 And I know that you are the president of the
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
18 with respects to that?

19 Because, obviously, no one wants to see
20 farmers go out of business.

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

25 So has there been an analysis in

1 New York State?

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

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

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

11 SENATOR JACKSON: Innovation?

12 BRUCE GOLDSTEIN: -- recreating --
13 Innovation.

14 -- recreating itself.

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

18 They're workers just like anybody else.

19 SENATOR JACKSON: Thank you.

20 BRUCE GOLDSTEIN: Thank you.

21 SENATOR METZGER: Thank you very much.

22 LESLIE BERLIANT: Up next is
23 Wayne Marshfield, followed by Chris Kelder.

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

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

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

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

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

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

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

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

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

23 In farming, Mother Nature governs pretty much
24 the workday.

25 A bad weather day makes for a short day, and

1 the next day means a lot longer day.

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

6 I'm sure you've heard it before, but, in
7 2017, front-line farmworkers worked an average of
8 56 hours a week.

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

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

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

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

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

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

1 specific workday.

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

6 Dairy farming is close to my heart.

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

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

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

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

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

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

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

25 With this proposed law, it will be doomed and

1 lost forever.

2 And for that reasons, I hope you would
3 consider opposition to this law.

4 And I thank you again for allowing us to
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?

18 Does such a place exist?

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.

24 You know what the story is out there.

25 And, of course, we're talking, our

1 Delaware County is dairy, beef, and vegetables, and,
2 you know, they're all affected, one way or another,
3 but dairy takes the big hit with this law.

4 I can't answer that question.

5 Sorry.

6 SENATOR HARKHAM: Oh, that's all right.

7 Thank you.

8 WAYNE MARSHFIELD: Okay.

9 SENATOR JACKSON: Mr. Marshfield, thank you
10 for coming in, because I want to hear from everyone.

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
24 in other states --

25 WAYNE MARSHFIELD: If they're limited to

1 40 hours on Farmer A, they're going to go to
2 Farmer B, a different employer.

3 SENATOR JACKSON: You mean after 40 hours, if
4 they --

5 WAYNE MARSHFIELD: Yeah, yeah, so they can
6 get their 70, 80 hours, whatever.

7 SENATOR JACKSON: But if --

8 WAYNE MARSHFIELD: But farmers typically pay,
9 they give them a package.

10 And in our area, they supply housing as part
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.

19 SENATOR JACKSON: Oh, so it's beside the
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.
25 It's a very poor county.

1 And we're, like --
2 Chamber of commerce person's here today.
3 -- but we're right on the bottom of the -- we
4 have no industry.

5 All we have is farming.

6 SENATOR JACKSON: Uh-huh?

7 WAYNE MARSHFIELD: And, yep, this would be
8 tough.

9 SENATOR JACKSON: Thank you, sir.

10 I appreciate you coming in.

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.

18 CHRIS KELDER: Thank you, Senators, for the
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
24 our son just come back and join the business.

25 We grow fruits, vegetables, and livestock,

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

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

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

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

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

12 So, people stay a long time.

13 But I'm also proud, the fact that
14 Kelder's Farm, and its -- the way we do business
15 now, has been the first job to dozens of local high
16 school and college students.

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

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

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

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

4 It would end up hurting the employee.

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

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

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

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

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

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

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

4 Like an old farmer once told me --

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

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

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

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

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

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

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

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

1 there will be unintended consequences to
2 farmworkers, farmers, rural communities, and
3 consumers.

4 Thank you very much for the time.

5 And if there's any questions.

6 SENATOR METZGER: Thank you so much, Chris.

7 Any questions?

8 SENATOR JACKSON: Chris --

9 SENATOR METZGER: I -- oh, sorry.

10 SENATOR JACKSON: Go ahead.

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
18 everyone, and especially you and your family.

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
25 interviews, many farmworkers may not want to come in

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

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

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

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

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

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

25 Any thoughts on that?

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

5 So, you have to be competitive with the wage.

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

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

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

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

21 We have --

22 SENATOR JACKSON: Approximately.

23 CHRIS KELDER: We have approximately
24 15 seasonal people, mostly our local high school and
25 college kids.

1 SENATOR JACKSON: Thank you.

2 SENATOR METZGER: (Microphone off.)

3 Thank you very much.

4 LESLIE BERLIANT: Next up is Billy Riccaldo,
5 followed by Elizabeth Ryan.

6 And if Eric Ooms could come up to the stage.

7 BILLY RICCALDO: Good afternoon.

8 And I want to thank the Senators for bringing
9 this attention to the exploitation of the
10 farmworkers in New York State.

11 My name is Billy Riccaldo. I am here in my
12 capacity as president of the Hudson Valley Area
13 Federation (sic).

14 Hudson Valley Area Federation (sic)
15 represents 13 -- 113,000 members from the public
16 sector, the private sector, and the buildings
17 trades.

18 Hudson Valley Area Federation (sic) is the
19 local-affiliated New York State AFL-CIO, and the
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
24 fair labor practices since the introduction in 1999.

25 It's been 20 years since there has been any

1 meaningful, substantive improvements for the
2 farmworkers in this state.

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

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

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

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

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

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

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

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

25 While there is no question that these were

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

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

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

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

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

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

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

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

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

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

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

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

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

18 I know they deserve that.

19 Thank you.

20 SENATOR METZGER: Thank you very much.

21 SENATOR JACKSON: Sir?

22 SENATOR METZGER: There's a question.

23 SENATOR RAMOS: Make it a quick one, Bob.

24 SENATOR JACKSON: I'm trying. I mean, this
25 is a hearing.

1 So, thank you for coming in and giving your
2 testimony.

3 So you mentioned about wage theft from
4 workers, and that many of them are maybe afraid
5 or -- to report it.

6 Now, what -- give me an example of, what do
7 you mean that -- the wage theft?

8 How are they paid?

9 Are they paid in cash? Are they paid by
10 check?

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.

17 You know what? They're charging them rent a
18 lot higher than it's supposed to be. Then they're
19 charging them more rent for their food.

20 That's what makes the lower rates
21 (indiscernible), which is totally unacceptable.

22 And, again, under fear, they don't want to
23 say anything.

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

1 area?

2 BILLY RICCALDO: This is the information
3 I got, yes.

4 SENATOR JACKSON: Okay. Thank you.

5 BILLY RICCALDO: Thank you.

6 SENATOR METZGER: So, I just want to point
7 out that the housing that farmers provide is free
8 housing. They're not charged for it.

9 It's required by the H-2A program, that
10 they're not charged for that.

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
19 of farmers.

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
25 apple should be fairly and appropriately treated and

1 compensated.

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

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

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

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

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

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

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

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

1 Band-Aid solutions.

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

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

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

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

11 We disagree on this bill.

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

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

17 And I'd like to see a moratorium.

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

21 Grants, they're de minimis for farmers.

22 There are a few of them.

23 Crop insurance? De minimis.

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

1 markets, there is a large gap in understanding.

2 We are with you.

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

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

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

14 And we need you to help us end it.

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

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

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

23 Pricing is typically below the cost for
24 production.

25 Once in a while you hit it right.

1 A lot of us are creative.

2 I see my employees as partners in my
3 business.

4 I'm in the process of giving equity to a
5 longtime farmworker who's worked at the farm for a
6 long time, and making him a partner in the business.

7 So, we really believe in compensation and
8 fairness.

9 But I do not believe, and I think you're
10 hearing this resounding from the agricultural
11 committee community, I do not believe that this bill
12 is going to get us there.

13 That's the long and short of it.

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,

1 oftentimes, the cost of production exceeds the price
2 that you can get on the market.

3 So, what happens?

4 I mean, how are you able to sustain the farm
5 for 35 years?

6 Is that usually a very temporary situation
7 that you just have to weather?

8 Or is it, oftentimes, a longer term than
9 you'd like?

10 ELIZABETH RYAN: I thank you for the
11 question, and it's a very profound question which
12 doesn't have a soundbite for an answer.

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
18 need to be supported in every way they can to have
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.

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

1 what's in that juice box?

2 It's typically concentrate coming from
3 somewhere else. It's incredibly unregulated and,
4 often, very toxic.

5 So, we have a food system that's broken.

6 We have a social-justice system that's
7 broken.

8 And we all share goals.

9 And I'd like to see us put down our swords
10 and come together as a community of progressive
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
18 bigger and bigger, and they're still losing money.

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.

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

25 SENATOR LIU: So, overall, the cost of

1 production can't possibly exceed the prices that you
2 can garner on the marketplace for a long time.

3 ELIZABETH RYAN: It often does.

4 SENATOR LIU: It often does, but not -- it
5 can't be that much; right?

6 It can't happen all the time.

7 ELIZABETH RYAN: I think one of the reasons
8 that farmers go out of business is because of a
9 chronic price.

10 We actually call it "parity."

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

1 give us information quite a bit.

2 One of the things that she's talked about is
3 the fact that farmers often go into debt.

4 Is that a chronic issue? Is that --

5 ELIZABETH RYAN: That farmers go into debt?

6 SENATOR LIU: Go into debt, and continue to
7 go into deeper debt.

8 ELIZABETH RYAN: I'm hesitant to answer that
9 question, but as someone who has \$2 million in
10 land-based debt right now, the answer is yes.

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.

21 You said you grow apples on your family farm?

22 ELIZABETH RYAN: Yeah.

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

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

1 isn't a soundbite there.

2 The obvious things, like, what does it cost
3 to grow (indiscernible)?

4 (Indiscernible cross-talking.)

5 SENATOR LIU: Well, I mean --

6 ELIZABETH RYAN: What does it cost --

7 SENATOR LIU: -- you mentioned before, if you
8 could get \$5 a pound, then there would be plenty to
9 go around.

10 If you could get \$10, everybody could be well
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
19 proud to work and earned a decent living, and could
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
25 1.69 for Gala.

1 ELIZABETH RYAN: Right.

2 SENATOR LIU: 1.79 for Golden Delicious.

3 ELIZABETH RYAN: Yeah.

4 SENATOR LIU: And 1.99 for Fuji.

5 ELIZABETH RYAN: And the grower doesn't get
6 the \$1.99, do they?

7 SENATOR LIU: I understand that, which is why
8 I'm trying to get a sense as to how hard it is for
9 apple farmers in our state.

10 You know, I don't want to see apple farmers
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.

19 So if we had a full crop every year, \$3 a
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.

3 And we are fighting to keep the pollinators
4 going.

5 We are fighting for open space.

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

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

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

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

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

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

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

25 And if Jack Banning could come up.

1 ERIC OOMS: Thank you.

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

7 My father started in this country in 1950 as
8 a 17-year-old immigrant, with my uncle and my
9 grandfather, and our family tradition goes back to
10 1525 in the Netherlands.

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

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

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

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

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

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

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

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

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

13 This has been our message for 20 years.

14 That is unsaid in this whole discussion.

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

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

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

24 We also continue to push for funding for
25 New York State agribusiness development program.

1 We do this because it's the right thing to
2 do, and it's, just, we're trying to be proactive on
3 labor issues despite what some might say.

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

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

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

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

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

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

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

23 There are dramatic differences between
24 California and New York.

25 And the reality is, in California, you can

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

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

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

7 [Laughter.]

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

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

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

17 I will just close with your question,
18 Senator Liu.

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

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

25 And the cash cost doesn't dip below that as

1 much. But what happens is, people eat into their
2 equity from previous generations.

3 Their barns start to fall apart.

4 People aren't keeping those things up.

5 So when we say "below the cost of
6 production," that's a legit thing.

7 The question is, for everybody it's
8 different, and the question is -- or, the answer is:
9 The reality is, the cash cost, and what you need to
10 actually sustain as a business, are two totally
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.

18 And we're joined by Senator Shelly Mayer.

19 Thank you so much for coming.

20 SENATOR LIU: Thank you, Eric, for the
21 distinction between, I guess economists often
22 call -- talk about the marginal costs and the
23 marginal revenues.

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

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

5 ERIC OOMS: Right.

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

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

11 They either have price supports for the
12 agricultural products.

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

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

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

25 Is there any kind of consideration there?

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

5 ERIC OOMS: Right.

6 So, we could have a very long economic
7 discussion.

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

11 But, I know, with dairy --

12 SENATOR LIU: All right.

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

15 ERIC OOMS: Right, no, I understand.

16 -- for instance, with dairy, we tried
17 20 years ago to institute a dairy compact that would
18 price milk at a higher level in the northeast.

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

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

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

1 you're going have issues with interstate commerce.

2 And that is, we tried that, and that was my
3 thing, that's what I came up on. That was my issue.

4 And I'm going to tell you, I love that issue,
5 and I'm all for that issue, it's my passion, and
6 it's not practical. We couldn't politically get it
7 done.

8 So I'm not opposed to the concept, but it's
9 incredibly -- I'm willing to talk.

10 SENATOR LIU: By the way, I'm not necessarily
11 saying I'm in favor of that concept.

12 ERIC OOMS: Fair enough.

13 [Laughter.]

14 SENATOR LIU: I'm just say (sic), this is a
15 hearing, you know, and the idea of having this
16 hearing is to hear all ideas --

17 ERIC OOMS: I understand.

18 SENATOR LIU: -- and see where people stand.

19 ERIC OOMS: Sure.

20 Thank you.

21 SENATOR LIU: Thank you.

22 ERIC OOMS: Thank you.

23 LESLIE BERLIANT: Next up, Ila Riggs,
24 followed by Jack Banning.

25 And if Jessica Orozco Guttlein could come to

1 the stage.

2 ILA M. RIGGS: Good afternoon.

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

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

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

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

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

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

21 Raspberries and blueberries are similar.

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

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

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

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

5 I work 120 hours a week during the summer.

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

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

13 10 Guatemalan children have received
14 educations in Guatemala because of the wages their
15 parents earn at the Berry Patch.

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

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

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

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

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

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

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

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

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

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

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

1 entire living in a four-month time period?

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

4 When your entire livelihood is dependent on
5 what is produced and sold in four to six months a
6 year, everyone on a farm has to work more than
7 40 hours a week.

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

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

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

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

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

1 So, again, I thank you for this opportunity.

2 I know that people that do not grow up on
3 farms often don't understand the impact of what
4 weather can do to berries.

5 So I actually brought you some samples of
6 simulated rainfall on ripe berry crops, and what it
7 does to us economically.

8 So in here I have berries that did not get
9 wet, and they're very edible and nice and sweet.

10 SENATOR JACKSON: Okay, don't eat all of
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
18 collapsing, and will never be able to be sold.

19 And that can happen in a 10-minute rain
20 storm.

21 So we have a short growing season here. We
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
25 the winter, and think during the winter about how we

1 can make things better the next year so that we're
2 not losing money each year because of something
3 totally out of our control.

4 So, again, thank you for the opportunity.

5 [Applause.]

6 SENATOR METZGER: Thank you very much.

7 If you could answer a question.

8 Senator Savino.

9 SENATOR SAVINO: Thank you, Ms. Riggs, for
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:

14 The concern of the overtime, particularly
15 over 40 hours a week;

16 The fear of collective bargaining, the
17 potential strike, particularly, because, as you
18 pointed out, you have a four-month growing season.

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
24 compensation package for farmworkers?

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

1 requirement.

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

6 You can't get your workers otherwise.

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

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

15 Is that --

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

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

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

25 SENATOR SAVINO: Uh-huh?

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

4 We -- my employees get angry at me when I try
5 to limit their hours.

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

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

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

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

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

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

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

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

3 It's coming from somewhere else.

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

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

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

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

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

23 It has just become too difficult.

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

1 a week.

2 SENATOR METZGER: You look older than 10.

3 ILA M. RIGGS: We wish.

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

7 But, we live 200 yards from Massachusetts.

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

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

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

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

20 What happens then?

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

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

25 People that we have that are local workers

1 will go and find other jobs during the winter,
2 usually working in a restaurant.

3 SENATOR SAVINO: But they don't stay working
4 for you?

5 ILA M. RIGGS: Correct.

6 SENATOR SAVINO: Okay. Thank you.

7 Thank you.

8 SENATOR METZGER: Senator Harckham, you had a
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

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

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

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

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

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

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

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

23 SENATOR HARKHAM: Thank you.

24 SENATOR METZGER: Thank you very much.

25 LESLIE BERLIANT: Next is Jack Banning,

1 followed by Jessica Orozco Guttlein.

2 And, Beth Lyon, if you could come up.

3 JACK BANNING: Good afternoon.

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

6 My name is Jack Banning.

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

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

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

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

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

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

7 Our own farm stand is open year-round.

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

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

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

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

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

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

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

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

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

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

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

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

23 Rather, it's legislation fairly drafted,
24 I think, by fair-minded people aimed at simple
25 fairness.

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

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

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

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

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

14 One other point I'd like to make.

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

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

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

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

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

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

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

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

18 Thank you very much.

19 [Applause.]

20 SENATOR METZGER: Thank you very much.

21 Senator Liu has a question.

22 Senator Liu.

23 SENATOR LIU: Yes.

24 Thank you for your courageous testimony.

25 [Laughter.]

1 SENATOR LIU: The name of your farm is -- is
2 that the name of your --

3 JACK BANNING: "Black Sheep" --

4 SENATOR LIU: -- was that name given by the
5 farm bureau?

6 [Laughter.]

7 SENATOR LIU: Or did you actually name that?

8 JACK BANNING: The name of the farm came
9 before we started breeding black sheep, because my
10 wife is the black sheep of her family, and I'm the
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.

18 Although that's another subject that I'm
19 happy to talk about, as you might guess.

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.

1 JACK BANNING: Very definitely.

2 SENATOR METZGER: -- as opposed to a seasonal
3 enterprise.

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

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

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

13 [Laughter.]

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

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

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

22 The sheep farming is absolutely year-round.

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

25 My wife has had probably, on average,

1 2 1/2 half hours of sleep a night for the last three
2 weeks, because she's down there birthing lambs.

3 Now, she does it.

4 Somebody has to do it.

5 And our farm manager frequently will take a
6 night. And sometimes we'll call up, it requires two
7 people to pull a lamb out.

8 But the other workers are not working those
9 kinds of hours.

10 All of our other workers work, generally, a
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.

17 And if Julie Patterson could come up.

18 JESSICA OROZCO GUTTLEIN: Hello.

19 Good afternoon. I'm Jessica Orozco Guttlein.

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
24 testify on behalf of The Hispanic Federation and our
25 network of 100 Latino community-based organizations.

1 The Hispanic Federation is a service-oriented
2 membership organization that works with more than
3 100 Latino non-profits in the northeast and
4 nationwide to promote the social, political, and
5 economic well-being of Latinos -- the Latino
6 community.

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

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

16 The 2017 Census of Agriculture found that
17 Sullivan County alone has 366 farms that span over
18 59,942 acres, an increase of 45 farms and
19 6,083 acres since the 2012 Census of Agriculture.

20 Accordingly, the hired farm labor in
21 Sullivan County has increased by 10 percent between
22 2012 and 2017.

23 That's 437 hired farm-labor workers, and
24 305 of these laborers working more than 150 days per
25 year.

1 Nobody, not farmers, not farm laborers, not
2 New Yorkers, want to see farms suffer or fail in
3 New York State.

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

8 We've heard salaried employees say, "I wish
9 I had overtime. You know, I work 60 hours a week."

10 These office jobs are not the same.

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

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

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

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

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

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

1 our story and to try to fix this.

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

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

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

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

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

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

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

1 independently here.

2 Well, they're working right now. Right?

3 But we don't see them here.

4 SENATOR METZGER: (Inaudible.)

5 JESSICA OROZCO GUTTLEIN: Oh, I'm so sorry.

6 So climate change, seasonal work, that is
7 something that we definitely agree with, that is
8 something that is affecting our farm industry.

9 We don't want to oversee that.

10 But let's pass this bill, and then address
11 those issues separately. They're not mutually
12 exclusively.

13 As Senator Savino said, this is something
14 that we do need to address, but not on the backs of
15 farm laborers.

16 And these overtime exemptions -- or, overtime
17 implications aren't going to fix or solve this
18 climate change and these seasonal issues.

19 This is a separate issue that many people
20 talk about.

21 So we are in favor of passing this bill.

22 SENATOR METZGER: Thank you very much.

23 Any questions?

24 No?

25 Thank you very much.

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

3 And if Joseph Morgiewicz could come up.

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

9 My name is Beth Lyon, and I'm a clinical
10 professor of law at Cornell Law School where
11 I direct the farmworker legal assistance clinic and
12 the low-income taxpayer law and accounting
13 practicum.

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

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

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

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

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

10 In a report issued last year, the government
11 accountability office estimated that, in the eastern
12 region of the United States, 15 percent of crop
13 workers were age 17 and under, and 7 percent were
14 13 and under, and that 34 percent of all crop
15 workers aged 18 and under are directly hired as
16 opposed to being contract laborers or the children
17 of family farmers.

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

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

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

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

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

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

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

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

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

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

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

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

16 To tie this back to the Farmworkers Fair
17 Labor Practices Act, the legislation under
18 consideration gives more voice, and the potential
19 for farmworkers to develop their own protections for
20 the children and youth on farms. They're aware of
21 their existence and they know best how to take care
22 of them.

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

25 In the end, this legislation will improve the

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

3 I thank you for your attention.

4 SENATOR METZGER: Thank you.

5 Senator Mayer.

6 SENATOR MAYER: Thank you for your testimony.

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

12 And are you successful?

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

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

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

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

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

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

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

14 They are subject to deportation hearings?

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

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

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

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

1 So in that moment, they are working, often
2 full-time. Sometimes they're able to go to school,
3 again, depending on the attitude of the particular
4 employer. But also under pressure of removal
5 proceedings at the same time.

6 So we're brought in to help them maintain
7 stability and stop their removal proceedings.

8 SENATOR MAYER: Okay.

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

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

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

22 Maybe they get migrant education to tutor
23 them.

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

1 And maybe they have a safer living situation.

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

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

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

10 SENATOR METZGER: I'd just -- I would like to
11 point out that we -- there's a great program,
12 ABCD Schools in New York, a program in New York that
13 we funded, but that needs a lot more support.

14 SENATOR JACKSON: Quick question.

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

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

21 And I'm going to ask that question also for
22 farmers.

23 So, just, somebody tell me.

24 BETH LYON: Well, my experience here in
25 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
3 them in a parental role, and they're just paid as
4 workers.

5 SENATOR JACKSON: They're paid in cash or by
6 check, or what?

7 BETH LYON: It's a mix.

8 SENATOR JACKSON: Excuse me?

9 BETH LYON: It's a mix of cash and check.

10 SENATOR JACKSON: Okay.

11 BETH LYON: Uhm -- yeah.

12 SENATOR JACKSON: Okay.

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.

19 Thus far in my experience I have not
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
24 under 14 --

25 SENATOR JACKSON: Under 14.

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

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

6 SENATOR METZGER: So just to --

7 SENATOR JACKSON: But you have not -- between
8 14 and 18 are the ages that you have seen in this
9 area here --

10 BETH LYON: Yes.

11 SENATOR JACKSON: -- in New York State?

12 BETH LYON: Yes, Senator.

13 SENATOR JACKSON: Okay. Thank you.

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

18 BETH LYON: No, at this point, the GAO is
19 able to break out the northeast. That's -- or, the
20 eastern region is the region that it has broken out,
21 which is why I came with, essentially, the anecdotal
22 data from myself and from the many agencies that
23 refer cases to me, to share that these children are
24 out there.

25 SENATOR METZGER: Okay. Thank you.

1 LESLIE BERLIANT: Thank you.

2 BETH LYON: Thank you.

3 LESLIE BERLIANT: Next is Julie Patterson,
4 followed by Joseph Morgiewicz.

5 And if Ken Migliorelli could come up.

6 JULIE PATTERSON: Good afternoon, Senators.

7 I appreciate your time today.

8 Yes, I'm challenged, height-wise.

9 SENATOR JACKSON: (Inaudible) in the back,
10 they need hear you.

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.

24 Connie was also a high school business
25 teacher, and worked long after the school day ended

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

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

7 Our team is proud of the work that they do.

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

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

15 Today we employ 20 full-time people,
16 6 part-time, and 10 additional employees during the
17 cropping season.

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

20 Together, our team -- our team, we milk
21 1500 cows and crop 2500 acres of land.

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

25 Although New York State law only allows us to

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

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

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

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

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

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

1 We also grow and develop our employees
2 through professional training initiatives and
3 workshops.

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

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

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

13 I have taken the employees to necessary
14 appointments.

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

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

20 We have cared for their children.

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

25 You have heard it before, many farms are

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

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

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

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

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

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

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

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

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

1 is \$2,740 per year, to take advantage of
2 opportunities for them to provide for their families
3 with quality, well-paying jobs, in turn, providing
4 New York State families with affordable, safe,
5 nutritious food.

6 Again, enough laws exist to protect those who
7 are here in this country.

8 What we do need is immigration reform so
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
18 here today, and those who have left;
19 Senator Harckham; Senator Jackson; Metzger; Ramos,
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.

25 Mayer.

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

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

10 This legislation will be pivotal in that
11 decision.

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

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

23 Our customers, your constituents, demand it.

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

1 passed.

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

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

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

11 You have my written testimony.

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

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

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

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

23 In opening statements made at the
24 April 26th hearing, it was mentioned how the
25 manufacturing industry has the type of protections

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

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

7 My question is, how, and why?

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

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

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

15 They have eight to ten.

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

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

23 We produce a life-giving, highly perishable
24 commodity.

25 You have all had vegetables rot in your

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

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

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

14 And guess what?

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

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

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

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

1 of water for almost a month.

2 Eight years later we're still paying for
3 that.

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

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

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

11 The result, again, expense and no income.

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

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

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

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

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

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

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

9 I wonder if he's interested in buying a
10 170-acre farm in Orange County because I'd like to
11 give him my contact info.

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

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

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

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

1 and makes the issues personal for me.

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

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

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

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

11 JOSEPH MORGIEWICZ: The perpetrators --

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

14 JOSEPH MORGIEWICZ: In closing:

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

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

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

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

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

1 Overtime, as it is written, though, has no
2 place in New York agriculture.

3 So I want to ask you all, where do you want
4 your food to come from?

5 SENATOR METZGER: Thank you very much.

6 Does anyone have any questions?

7 SENATOR SAVINO: In his testimony -- you
8 didn't mention it, but in your testimony you
9 actually have some suggestions for things that we
10 can do to help the farming industry.

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.

22 Speaking on behalf of the members in the
23 FCAC, which is an entire group of 200 farmers, a lot
24 of them could work with 60 hours, but, it will be
25 devastating.

1 My payroll went up \$50,000 alone last year.

2 Adding overtime to that would increase it by
3 another \$80,000, just on the hours put in last year,
4 which was not a typical year.

5 SENATOR RAMOS: That's assuming the 40 or the
6 60?

7 JOSEPH MORGIEWICZ: That's at the 40, because
8 that's what is discussed.

9 Even at 60, it's still a crawl.

10 I lost over \$200,000 on my farm.

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
18 possible this year because I'm still recouping from
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
24 Kira Kinney.

25 And Maritza Owens, if you could come up.

1 And just to remind everybody to please keep
2 your eye on the clock.

3 We are already going over, and we want to
4 make sure everybody has time to testify.

5 Thank you.

6 KEN MIGLIORELLI: Hi.

7 Good afternoon, Senators.

8 My name is Ken Migliorelli. I'm the current
9 owner of Migliorelli Farm, LLC.

10 My family and I have been farming for almost
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,
18 roadside stands, and wholesale accounts.

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
24 little or no effect -- it would have little or no
25 effect on my farm operation.

1 Other portions would be extremely detrimental
2 to the survival of not only our operation, but to
3 other agricultural entities, such as dairy,
4 livestock, poultry, greenhouse production,
5 et cetera.

6 We have been and have always provided the
7 following:

8 One day off a week;

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
13 to have that eliminated;

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
18 about, collective bargaining.

19 I guess I've been doing collective bargaining
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
24 families, wives and children. So there's school
25 events, so we work things out. And, you know,

1 sometimes they need off certain parts of the week.

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

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

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

8 I feel it should be eliminated.

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

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

14 Agriculture is not like any other industry or
15 business.

16 We are dependent on many facets that control
17 our profitability: Insects. Disease. Weather.
18 Market share, which is changing.

19 Senator?

20 I'd like your attention.

21 Thank you.

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

1 Now, I feel that's a pretty fair wage.

2 So -- and this year we have to pay, you
3 heard, 13.25. That will come out to \$19.88 over the
4 40 hours.

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.

8 So I'm going to -- we have already made
9 changes, but I will be, if this gets passed, laying
10 off 70 to 80 percent of my employees.

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?

18 SENATOR METZGER: Not me.

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.

2 -- it's just, you know, when you wake up at
3 3:00 in morning because an alarm goes off, because
4 the greenhouse heat is down, and you got to get
5 there because, you know, you'll lose the whole --
6 you know, you're whole tomato crop or peppers or
7 eggplant in one night.

8 So, you know, you're making laws that, you
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
13 line.

14 So...

15 [Applause.]

16 SENATOR METZGER: Thank you.

17 Does anyone have any questions?

18 Diane -- or, Senator Savino.

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.

1 And so because there's no exemption on the
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.

7 SENATOR SAVINO: And these are workers who
8 could never qualify to --

9 KEN MIGLIORELLI: No.

10 SENATOR SAVINO: -- collect it, those
11 particular workers?

12 KEN MIGLIORELLI: Correct.

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.

25 KEN MIGLIORELLI: Well, if you allow time and

1 a half, that's irresponsible.

2 SENATOR RAMOS: Okay.

3 Thank you opinion.

4 SENATOR SAVINO: Thank you.

5 SENATOR METZGER: Thank you; thank you for
6 your testimony.

7 LESLIE BERLIANT: Kira Kinney, followed by
8 Mr. Maritza Owens.

9 And if Mark Doyle could please come up.

10 KIRA KINNEY: Thank you for having us, and,
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.

18 So, I'm sorry, but, trying, I'm trying.

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
24 she's seeing and hearing from us.

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

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

5 Which is entirely false.

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

12 We have talked about this legislation.

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

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

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

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

22 We had to do that first, talk about this.

23 We go over it step by step.

24 Pedio (ph.) is off to my left, and he says,
25 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
4 the inspectors come here every year.

5 You know, like, my heart swells because he's,
6 like, let's keep it the same and do what we're doing
7 because it's a good and decent thing.

8 But at the same time, it breaks, because
9 I can't come up with 22,440 extra dollars to pay
10 them, and each of them is going to lose \$9,010 over
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 --

18 I take keep the bakers and the fishermen, and
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
24 up with that \$22,000 to pay them.

25 You know, yesterday we're talking about this,

1 I say, Here's the plan for tomorrow. I have to go
2 do this thing.

3 Blass (ph.) tells me, "Tell them to leave us
4 alone."

5 I'm, like, Okay, Blass.

6 Blass is 55 years old, the most decent, like
7 quiet, respectful person, and he's telling me to
8 tell you, "to leave us alone."

9 And I'm, like -- I'm really at a loss.

10 There's a lot in this testimony that isn't
11 even anything I'm telling you.

12 And I just would rather, if you have
13 questions, ask them.

14 I'm dead honest.

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.

25 But I do know that, as an employer, some

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

4 I know that.

5 I'm an employer myself as a state Senator.

6 I employ, through the system, about
7 11 employees.

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

11 KIRA KINNEY: Right?

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

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

21 KIRA KINNEY: I got that.

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

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

1 ag-labor specialists?

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

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

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

12 They might end up doing more wrong.

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

15 KIRA KINNEY: Right.

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

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

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

1 KIRA KINNEY: Sure.

2 In the back of my testimony there's a
3 compromise that you can see.

4 SENATOR JACKSON: Thank you.

5 KIRA KINNEY: Uh-huh.

6 SENATOR METZGER: Any other questions?

7 SENATOR MAYER: I'm sorry I missed your
8 testimony in Morrisville.

9 KIRA KINNEY: No, no, I wasn't there.

10 I watched it.

11 SENATOR METZGER: She watched it.

12 SENATOR MAYER: Oh, you watched it.

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
18 on H-2A. There are five employees. One is from
19 Mexico, also, and travels back and forth.

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?

1 KIRA KINNEY: We'll work, like, in July,
2 August, September, around 70.

3 I work a bit more because I do the farmers'
4 market, so that one day alone for me is 18.

5 SENATOR MAYER: Right.

6 Do they have their one day off?

7 KIRA KINNEY: Yep, we take Sundays off.

8 I mean, last -- no -- well, this past week on
9 Sunday, I had to go knock on their door and ask a
10 couple guys to come help me cover up the
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.

18 And sometimes I'll catch somebody out
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.

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

3 And if Mark Rogowski could come up, please.

4 MARITZA OWENS: Good afternoon.

5 Thank you so much for this opportunity.

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

8 I am the founder and CEO of Harvest
9 Home Farmers' Market, a non-profit organization in
10 New York City.

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

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

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

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

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

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

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

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

17 A minority and a target of discrimination,
18 I clearly understand the need for better wages, and
19 strongly believe that this bill is long overdue.

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

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

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

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

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

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

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

16 The WIC FMNP program connects over
17 1.5 million low-income families to
18 17,000 independent farmers, and provides 67 million
19 servings of fruits and vegetables annually to
20 low-income pregnant women and children, produce that
21 otherwise would not have been put on their tables.

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

25 Since 2009, federal, state, and local

1 organizations, both government and philanthropic,
2 have invested millions, if not trillions of dollars
3 to increase access to healthy food as a way to
4 reduce astronomical medical costs resulting from
5 nutrition-deficient diets.

6 Only this week alone, the USDA announced
7 four grants to support the consumer side.

8 The FMPP grant from USDA is investing
9 11.5 million;

10 The local food promotion is investing
11 11.5 million;

12 The new-entry sustainable farmer is investing
13 4.8 million;

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.

19 But if you notice, for farmers, it was only
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.

1 Senator Liu.

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

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

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

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

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

18 Most of the farms are already overextended in
19 debt.

20 So, how do we balance the equation?

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

1 backwards.

2 So the pendulum is going back to the left if
3 we don't consider what the impact of this
4 legislation would not only have on the farmworkers,
5 the farmers, but also those of us who have to eat.

6 SENATOR LIU: You have to eat?

7 MARITZA OWENS: Yes, I think we all do, don't
8 you?

9 SENATOR LIU: I do my share.

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
14 break.

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 Senators, ladies and gentlemen, thank you very much
22 for the opportunity to speak and provide testimony
23 on an issue so vitally important to our state.

24 Quality of life and the food we eat are
25 inseparable.

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

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

10 This is my 12th year working at
11 Fishkill Farms where we grow about 120 acres of
12 fruits, berries, and vegetables, and sell to,
13 roughly, 80,000 Piquant customers and 300 CSA
14 members.

15 The heart of our workforce is a group of
16 11 men on H-2A visas from Jamaica, many whom are in
17 the 11th year of employment with us, and whose
18 sons have joined them more recently.

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

22 Overtime pay.

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

1 their careers and lead successful lives.

2 It makes good business sense.

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

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

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

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

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

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

1 Advocates of the proposed Farmworker (sic)
2 Fair Labor Practices Act postulate that farmworkers
3 have been unfairly and uniquely singled out by this
4 exemption.

5 That is not the case.

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

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

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

20 No.

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

1 Farming is the essence of creativity,
2 science, and the consistent exercise of discretion
3 and judgment.

4 Why place a cap on opportunity for
5 advancement of agricultural workers?

6 In summary:

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

11 Limited time requires me to end, but if
12 I may, in my opinion, a balanced policy of
13 farmworker advancement would also include the right
14 to individual and collective bargaining for
15 employees.

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

19 SENATOR METZGER: Thank you very much.

20 MARK DOYLE: Thank you.

21 SENATOR METZGER: Any questions?

22 Thank you very much.

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

25

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

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

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

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

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

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

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

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

21 In addition, they receive free housing.

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

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

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

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

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

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

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

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

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

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

25 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.

3 This may be the icing on the cake for a lot
4 of us.

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
8 constituents.

9 Thank you.

10 SENATOR METZGER: Thank you, Mark.

11 Any questions?

12 Thanks so much.

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.

22 If Jacinto Carino, Patricia Smith, and
23 Carlos Gutierrez could please come up.

24 Actually, and Ray Pucci.

25 I'm sorry, I promised Ray.

1 Ray is up next.

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

6 Thanks for joining us.

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

10 RAY PUCCI: Good afternoon.

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

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

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

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

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

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

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

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

14 Now, these are not large corporate-owned
15 enterprises; rather, our farms are more likely to be
16 small, multi-generational operations.

17 The more fortunate ones enjoy having next
18 generations of family members learning that craft
19 and willing to carry their farms into the future.

20 Illustrative of this entrepreneurial spirit
21 is Kyle Clark.

22 Kyle is a 24-year-old, fifth-generation dairy
23 farmer in Delhi.

24 In a note to me, Kyle notes, quote here now:

25 It is important to realize that farm labor is

1 compensated proportionately to the economic
2 viability of the business itself.

3 As an owner and manager, I want nothing more
4 than to pay a better wage to the people who dedicate
5 their lives to the well-being of the animals that
6 make this business possible.

7 He adds, again I'm quoting:

8 The priority must to be save farms first, as
9 the jobs they create stretch far beyond those who
10 are employed on-site.

11 Additionally, he points out, quote:

12 The nature of agriculture does not lend
13 itself to a traditional 40-hour workweek.

14 Weather conditions, harvest readiness, animal
15 health, and other factors often limit or extend the
16 workday.

17 The Delaware County Chamber of Commerce
18 agrees with Kyle that a better solution is a broader
19 plan, developed in partnership with farmers and
20 national policymakers, to stabilize prices our
21 farmers receive for their efforts that are based on
22 actual regional market conditions.

23 More profitable farms will result in higher
24 wages to all farmworkers.

25 One more time to quote Kyle:

1 The legislation threatens the entire dairy
2 industry and all the jobs it creates, not because
3 farmworkers do not deserve a fair wage, but because
4 it is lazily constructed, premature, and places an
5 undue burden on a struggling industry that cannot
6 bear its weight.

7 Additionally, mandating overtime pay in
8 New York may shift agriculture to less-intensive
9 activities and away from putting food our on tables.

10 We will become more reliant on food sources
11 from other states and countries.

12 Local food that we all enjoy may become
13 little more than just a memory.

14 Rushing through legislation without a full
15 discussion, and holding more hearings such as
16 today's, in all regions of New York, and likening
17 current farm practices to the
18 racially-discriminating policies of
19 post-Reconstruction southern confederacy, is
20 disingenuous, and diminishes the seriousness of the
21 reality confronting many areas in Upstate New York.

22 Instead, let's work toward creating solutions
23 to the causes of the distress on our farms rather
24 than a selected symptoms.

25 My neighbors in my communities deserve

1 nothing less.

2 SENATOR METZGER: Thank you, Ray.

3 Any questions?

4 Thank you very much.

5 LESLIE BERLIANT: Next up is Jacinto Carino,
6 followed my Patricia Smith.

7 And if Carlos Gutierrez could also please
8 come up.

9 JACINTO CARINO: Good afternoon, all the
10 Legislators.

11 My name is Jacinto Carino.

12 I am the Soons Orchard foreman and manager of
13 the farm, more than 30 acres of fruit trees and
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
18 1990 -- '89, a very long time.

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.

24 JACINTO CARINO: Thank you.

25 I still visit my family in Mexico every year

1 for about -- during the winter season.

2 We (indiscernible) and live in Brooklyn.

3 I have working in different restaurant as a
4 cook.

5 I also did some construction jobs.

6 And other at one point, tour around to the
7 USA, play and singer with my Mariachi band.

8 After a few years I learned English in
9 New York (indiscernible).

10 (indiscernible) Soons Orchard found me and my
11 brother on (indiscernible) of local restaurant.

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.

17 As a (indiscernible) boy in Mexico, my father
18 was a farm (indiscernible) worker in the field.

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

1 to continue on. His English is a little -- I'm just
2 going to continue on for his reading.

3 He says:

4 I have raised two daughters here, now 31 and
5 23, both of whom worked in Soons Farms' stores as
6 teenagers.

7 I also have family members that travel here
8 every other year on H-2A visas. Together we work as
9 a team.

10 We do pruning, planting, vegetables, and
11 trees, harvesting and picking fruit, and many other
12 tasks that takes over six months to bring good crops
13 to the market at Soons.

14 My fellow workers and I receive free housing,
15 utility, and good wages.

16 As a full-time, year-round employee, I also
17 receive paid time off.

18 Some days I only work a few hours. For
19 example, if there is rain half of the day or it's
20 very cold in the winter.

21 Other days we'll work 10, or even 11 hours.

22 It all depends on what is ready and what the
23 weather allows.

24 We take most Saturdays off, but sometimes
25 we'll work half a day and continue picking apples.

1 It all depends.

2 I talk to Jeff Soons, and we decide what's
3 most important to get picked and when.

4 Many people don't want apples that will fall
5 off the trees if you don't pick them when they are
6 ready. Once they fall, we can't sell them.

7 And other vegetables will get overripe, rot,
8 or otherwise spoil if you don't pick them when
9 they're ready.

10 I do not support this bill because it is
11 unneeded.

12 My coworkers and I (indiscernible) and enjoy
13 our jobs, and we are doing very wells for ourselves;
14 otherwise, we would not be here for almost 30 years.

15 We take great pride in what we grow here:
16 25 acres of apples, 5 acres of peaches, 10 acres of
17 pumpkins and squashes, and several acres of mixed
18 vegetables, including garlic, which I suggested
19 planting a few years ago, and it's been very
20 successful.

21 We are doing very well, and we do not want to
22 risk losing hours because farms cannot afford
23 overtime.

24 And I know the farm is just breaks even each
25 year.

1 Ours makes just enough to get another used
2 tractor or overdo upkeep.

3 Art Soons fixes everything and doesn't ever
4 buy anything new.

5 And since I'm doing so well, I also see no
6 reason to pay out of our paychecks for a union,
7 which is also unneeded. And I know my fellow
8 workers and I feel the same.

9 Thank you for your chance to share my
10 experience and views with you.

11 I hope you will do everything right for
12 New York farmers like me.

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?

18 SENATOR RAMOS: Yes, I have a few.

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
24 father write this testimony?

25 DAUGHTER OF JACINTO CARINO: Well, he -- it's

1 his words, and I helped him put them together as --
2 as I could.

3 SENATOR RAMOS: Thank you.

4 SENATOR MAYER: I have a question.

5 SENATOR METZGER: Okay.

6 Senator Mayer.

7 SENATOR MAYER: So does your father, or if
8 you live together, live on housing provided by
9 Soons Orchards?

10 DAUGHTER OF JACINTO CARINO: Yes, they do.

11 SENATOR MAYER: They provide the housing?

12 DAUGHTER OF JACINTO CARINO: Yes, they do.

13 SENATOR MAYER: And does he pay -- do you pay
14 for the housing?

15 DAUGHTER OF JACINTO CARINO: No.

16 SENATOR MAYER: And is that where he's lived
17 for all these years?

18 DAUGHTER OF JACINTO CARINO: He has lived
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.

1 SENATOR JACKSON: So, Senior, let me thank
2 you for coming in and giving testimony.

3 It's important for us as legislators to not
4 only hear from farmers, but to hear from the
5 workers.

6 And as you know, when I was sitting up there,
7 I had an opportunity to talk to you, and the farmer
8 who employs you, along with the other three
9 gentlemen up there that work the farm.

10 And it clearly appears, based on your
11 testimony, and I believe 100 percent of what you're
12 saying, that you're being treated with all decency
13 and respect, and given the time off.

14 And as I've heard testimony, sometimes you
15 may work a half a day, sometimes you have to work
16 10, 11, 12 hours.

17 The most important thing I've heard is that,
18 workers like yourself, you want to earn enough money
19 in order to send home to family members, and to do
20 what you have to do.

21 I understand that.

22 My wife's family is in Tanzania, East Africa,
23 in which we, my wife and I, send \$500 every single
24 month to family members in East Africa, along with
25 her sister who is a retiree who lives in

1 Connecticut. She sends money home to family.

2 That's what family is supposed to do, is to
3 help one another.

4 So I thank you for your testimony.

5 I think that what's important, overall, we
6 need to address the issue of the fact that employees
7 are not being paid overtime; address the issue that
8 they're not being treated, at least some of them,
9 and I don't know about all of them because I'm not
10 there in all of the farms, and how the farmers are
11 treating all of their employees, but we hear
12 testimony from workers themselves that they're not
13 being treated with the ultimate respect and dignity,
14 and all of the things.

15 So we have to -- we held a hearing, this is
16 the last one, and we're trying do come up with the
17 solution that works for everyone.

18 And I hope that you can understand that.

19 SENATOR RAMOS: I'd also like to point out
20 with -- in your testimony you said that there's no
21 reason to pay out of your paychecks for a union.

22 There's no one that is going to force a union
23 upon you.

24 What the bill does is grant you the right to
25 collectively bargain if you so choose.

1 So just to be clear, that, you know, there's
2 no one forcing it upon you.

3 It's if the workers feel that they need to
4 organize, that they can.

5 SENATOR METZGER: Thank you.

6 By the way, Soons Orchard has great apples.
7 Great cider. Been there before.

8 [Laughter.]

9 LESLIE BERLIANT: Next is up Patricia Smith,
10 followed by Carlos Gutierrez.

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.

18 SENATOR METZGER: Right, okay.

19 PATRICIA SMITH: I always follow the rules.

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.

1 I've spent over 30 years in state and federal
2 government working on labor issues.

3 From 2007 to 2010, I was commissioner of
4 labor here in New York.

5 And I think that this act gives lawmakers the
6 opportunity to rectify an 80-year-old unjust
7 exclusion, and to reaffirm that all workers deserve
8 basic protections, no matter what their job, no
9 matter what their race.

10 Although the -- both the state Labor
11 Relations Act and the state minimum-wage law
12 originally excluded from its coverage a number of
13 occupations.

14 Today, farmworkers are really the only
15 blue-collar category of workers in New York State
16 that are excluded from these basic protections.

17 They need the right to advocate for
18 themselves without fear of retaliation.

19 And one thing I want to point out is that
20 collective bargaining rights give them that
21 protection; to be able to speak up, to be able to
22 speak to their fellow workers, without fear of
23 retaliation, even if there is no formal agreement or
24 if there is no union.

25 Currently, farmworkers can be retaliated

1 against, and even fired, for speaking to their
2 fellow workers, for asking for a raise, for pointing
3 out either unsafe or some other working condition
4 that they think is bad.

5 And it's not a theoretical concern.

6 Their stories abound of farmworkers in this
7 state who have been fired or retaliated against for
8 speaking out.

9 Farmworkers are generally low-wage workers.

10 According to the New York State Labor
11 Department, their medium (sic) income is 28 --
12 between 28,000 and 30,000. Their entry-level wages
13 can be as low as 21,000.

14 Now, I know that the overtime provisions of
15 this act are controversial.

16 However, every time the Legislature has tried
17 or considered improving labor rights or wages of
18 farmworkers, it's been controversial.

19 Frankly, every time the Legislature has
20 considered bringing in occupations that had been
21 excluded from overtime protections, it's been
22 controversial.

23 So -- and while the opposition to the
24 overtime requirements focus on the costs, one thing
25 you have to understand is that farmers are already

1 paying for long working hours in the form of lost
2 productivity, in the form of increased injuries.

3 And farming is one, really, of the most
4 dangerous and injury-prone occupations that there
5 are.

6 I don't think that the arguments against
7 paying any overtime to farmworkers stand up.

8 Farm work is not unique.

9 Yes, it's seasonal.

10 Other occupations, like landscaping,
11 construction, and retail are also seasonal, but
12 those workers are entitled to overtime.

13 Yes, farm products can be perishable, but
14 other workers who work with perishable items, like
15 in the food-supply chain, are -- cannery workers are
16 entitled to overtime.

17 Yes, hours can be unpredictable and can be
18 influenced by the weather.

19 A construction worker's schedules are also
20 seasonal and unpredictable and influenced by the
21 weather, but they're entitled to overtime.

22 I think it's impossible to predict what the
23 cost of overtime will be on any individual farm
24 owner or any individual farm, because farm owners
25 will have certain flexibility if there are overtime

1 requirements, and how to respond to that.

2 But I do want to point out, that I know that
3 a number of opponents to this bill have cited the
4 Farm Credit East report as showing that the costs of
5 overtime, at 40 hours, would be entirely
6 unmanageable in this state.

7 But, actually, if you look at the report and
8 analyze the report --

9 Oh, I'm sorry --

10 SENATOR METZGER: If you can (inaudible).

11 PATRICIA SMITH: -- it's much -- it is much
12 lower.

13 And you can look in my written testimony to
14 talk about that.

15 And, finally, four other states successfully
16 have overtime requirements, and it's not just
17 California that has three seasons.

18 Minnesota has an overtime requirement for
19 farmers of 48 weeks, and I'm sure their growing
20 season is just as short as New York's.

21 SENATOR METZGER: Senator Savino.

22 SENATOR SAVINO: Good to see you again, Pat.

23 I remember, when you were the commissioner of
24 the department of labor here, you left in 2010, that
25 was when we finally passed the Domestic Workers'

1 Bill of Rights.

2 And I want to thank you for your efforts on
3 that, and working with me on it.

4 But when you were commissioner of DOL, what
5 was the experience of the department of labor with
6 respect to inspections on farms in New York?

7 What -- what -- as the commissioner, what did
8 you see as the state of farmworkers across the
9 industry, if you recall?

10 PATRICIA SMITH: Well, immigrant workers in
11 this country tend to be vulnerable and oppressed,
12 and farmworkers tend to be vulnerable and oppressed
13 no more than any other immigrant.

14 I'm not saying that farm owners are -- are --
15 are anything else.

16 But, just sort of the nature of the system
17 and the exclusion from protections.

18 So, you see many farm owners who treat their
19 workers very well, and you see farm owners who don't
20 treat their workers very well, and that's --
21 that's -- that's just a fact of the life.

22 But what you do see is a system where
23 farmworkers aren't able to protect themselves as
24 well, and just because they are denied these basic
25 rights.

1 And because, as the farm owners are talking,
2 and they're true, that they have seasonable -- they
3 have seasonable work, and that they're making a lot
4 of their money in a very short period of time, the
5 same thing is true of farmworkers.

6 I mean, those farmworkers who are working
7 80 hours a week, or 60 hours a week, during the
8 growing season probably aren't making any income at
9 all, or very little income, outside of that season.

10 So, I mean, the situation for farm owners and
11 farmworkers in that way is compatible.

12 Yes, they're making -- well, unless they're
13 dairy farmers and they're year-round, but many of
14 the growers are making their income, including the
15 farmworkers, in a very short period of time.

16 But they're working long hours, but they're
17 still getting the same amount of pay for hour 1 than
18 for hour 51.

19 SENATOR SAVINO: Right.

20 And you mentioned four other states that
21 right now provide overtime at time and a half.

22 Do they do it at 40 hours?

23 PATRICIA SMITH: Minnesota does it at 48.

24 California will eventually get to 40, but
25 they are phasing it in.

1 And I can't remember the other two, but it's
2 in the report.

3 SENATOR SAVINO: Okay.

4 And do you -- off the top of your head, do
5 you know if minimum wage in those states?

6 I'm assuming California is probably as close
7 to New York.

8 PATRICIA SMITH: California is, probably,
9 actually higher than New York.

10 It may not be higher in New York in
11 four years, but we don't know what California will
12 be in four years.

13 And Minnesota is more than the federal
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 Ruskiewicz, 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
24 have this bill through the Senate.

25 So it's nothing new that we've been seeing

1 lately.

2 My name is Carlos Gutierrez, and I work for
3 the Tompkins County Workers' Center. I've been
4 there for eight years. My title there, basically,
5 what I do is, occupational safety and health
6 training.

7 I do outreach to workers in many places.

8 Lots of them to dairy farms, restaurant
9 workers; basically, workers that are most
10 vulnerable, to train them in occupational safety and
11 health, and see how they're doing.

12 The other part that we do at the workers'
13 center is that we have a hotline, and people call us
14 on the phone every single day. We receive about
15 400 average calls or visit at the workers' center.

16 Basically, we live in Ithaca, we are in
17 Ithaca. It's a small community, 100,000 in
18 population, but, we have a strategic plan.

19 We support, advocate, educate, train, to
20 develop what we call "empowerment," so the
21 individual, the workers, can feel in some way that,
22 you know, has the basic tools, or basic knowledge,
23 to, basically, stand for himself, or with the help
24 of others.

25 Farmworkers are -- or, things that I have

1 learned through that is, lots people get injured at
2 work.

3 And what I have learned is, that many people
4 are taken to the hospitals, and employees are
5 failing to file for unemploy -- for workers'
6 compensation.

7 I have heard of cases where workers have been
8 going -- have been hospitalized after working
9 injured, and then coming back to work to be,
10 basically, deducted money as from their paychecks as
11 wage advancement.

12 All right?

13 The average that I know is 72 hours a week.

14 In calculating, imagine, you know, if they
15 were paid time and a half after 32 hours, it
16 amounts, at least for a worker in New York State, to
17 not being paid \$9,000 a year for that little amount
18 of -- the half of the -- of the one time and a half.

19 Think about it, when you have a farm that is
20 minimum 10 workers. That is not under the
21 jurisdiction of OSHA.

22 And I come up with exorbitant number,
23 millions of dollars, that, basically, looks like an
24 in-kind contribution that the farmworkers are
25 give -- making to the agricultural industry, to our

1 state, to the country, and to the consumer.

2 You know, this -- if you do the calculations
3 yourself, you are going to see that millions of
4 dollars that, basically, the industry is saving, all
5 right. And you have a job (indiscernible). I hear,
6 you know, the situation in the farms.

7 But, you have to understand that farmworkers,
8 basically, are being exploited, regardless of why
9 they come to this country.

10 In the words of a worker that -- a former
11 dairy farmworker, I asked him about this, and he
12 said:

13 I like the passage of this bill because --
14 (speaking Spanish) -- to be like the citizens, to be
15 paid the same way.

16 Our labor is worth much more than the minimum
17 wage. And we are the ones that work 12 hours a
18 days, 6 days a week, 7 days a week.

19 We are who do the work. It is only just that
20 we get paid.

21 And, of course, the workers' (indiscernible)
22 in support of the bill.

23 Thank you very much.

24 SENATOR METZGER: Thank you.

25 [Applause.]

1 LESLIE BERLIANT: Next we have
2 Paul Ruskiewicz, followed by Rhode Dolrlus.

3 And, Caesar Arenas, if you could come up,
4 please.

5 PAUL RUSZKIEWICZ: Thank you.

6 I really appreciate the fact that you're
7 taking the time to listen to all these speakers.

8 My name is Paul Ruskiewicz.

9 I'm a fourth-generation onion grower from
10 Pine Island, New York.

11 My father and I farm approximately 225 acres
12 in the "Black Dirt Region" of Orange County.

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
18 50 growers from Orange County.

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,
22 as well as a number of other counties.

23 Yeah, I have submitted my written testimony,
24 so I'm not going to read it word for word. I'm
25 going to deviate a little bit, but I'll try to stay

1 within the four minutes.

2 You know, other speakers already talked about
3 the -- you know, the overtime and how that's going
4 to affect our businesses.

5 Collective bargaining, it's also not
6 something that's appropriate for agriculture.

7 Senator Metzger, I think you mentioned,
8 currently, agriculture, one of our other labor
9 challenges is we have a labor shortage right now.

10 It's tough for us to find workers.

11 Workers on our farms, if they're not happy
12 with their working conditions or the wages they
13 receive, they can leave. They can go down the road
14 and easily get a job at another farm.

15 One of our biggest challenges of labor is
16 labor retention.

17 We do everything we can to provide for our
18 workers and make it so they want to come back.

19 We have one employee who has been with us
20 30 years.

21 And I think you'll find that's similar in a
22 lot of other operations.

23 You know, other speakers have also talked
24 about some of the other benefits.

25 Housing, transportation, we all provide that.

1 One of the other benefits that we're able to
2 provide is, because of the seasonal nature of our
3 work and the short amount of time we have to get the
4 work done, we're able to offer the amount of hours
5 that these workers want to work.

6 They come here because they know that they
7 can get those hours.

8 If we're unable to provide those hours,
9 they're going to go to other states that don't have
10 those requirements.

11 It's going to be, you know, harmful to our
12 businesses, it's going to be harmful to our workers.

13 Also in Orange County, a lot of our growers
14 go to the green markets in New York City. They have
15 to compete with growers in other states who have
16 lower minimum wages, fewer requirements.

17 And I know a lot of growers that I talk to,
18 that do go to the green markets, they've had to cut
19 back on the number of markets that they attend, just
20 because of the increase in minimum wage and other
21 costs.

22 I mean, if those costs continue to go up,
23 they're going to have to continue to cut back on the
24 markets or stop doing the markets all together.

25 Again, you know, agriculture is unique.

1 You know, we're not factories. We're not
2 producing widgets where we can control the quality
3 or the quantity of the product.

4 We're subject to Mother Nature.

5 You know, what we produce is what we have to
6 sell.

7 I mean, whether it's -- I mean, we hope for a
8 bumper crop with excellent quality at high market
9 price, but that's not always the case.

10 A lot of times we're devastated by weather,
11 we have poor quality.

12 We have to do the best we can to market that
13 product.

14 Again, I'd like to thank you for hosting
15 these hearings, getting feedback from farmers, from
16 farmworkers, community members, but I think this has
17 to be just the beginning of the conversation.

18 I would like to encourage you to do further
19 research. You know, we're coming into our growing
20 season right now.

21 This upcoming growing season, excellent
22 opportunity for you to come out, visit our farms,
23 you know, see what we do. See what challenges we
24 face.

25 Talk to our workers, see what they want.

1 You know, I'd be -- the Orange County
2 Vegetable Growers would be more than happy to
3 organize a tour for any legislators who want to come
4 out and -- to our area, to our farms.

5 Also, Senator Metzger has my contact
6 information.

7 If any of you individually want to come out
8 and see the farm, see what we do, I'd be more than
9 happy to take the time to do that.

10 So, again, I know your session ends in June,
11 and there may be some urgency to get this passed,
12 but I would encourage you to take more time.

13 You know, extend the conversation, come out,
14 see what we do.

15 Hear from more farmers, more farmworkers,
16 and, you know, gather as much information as you can
17 to fully understand how this is going to impact our
18 businesses, and our employees, and consumers.

19 Thank you.

20 SENATOR METZGER: Thanks very much, Paul.

21 Any questions?

22 SENATOR JACKSON: I have a quick question.

23 SENATOR METZGER: Senator Jackson.

24 SENATOR JACKSON: First, thank you for coming
25 in, appreciate it.

1 I may take you up on that, as far as visiting
2 your farm.

3 But, how many employees do you employ?

4 And you talked about that they try to get as
5 many hours.

6 How many hours, on average, do you think
7 during the season do they work, per week?

8 PAUL RUSZKIEWICZ: Well, yeah, that varies a
9 lot --

10 SENATOR JACKSON: Of course.

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
18 uncle was still in the business, we were growing,
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
24 workers.

25 SENATOR JACKSON: Seasonal workers?

1 PAUL RUSZKIEWICZ: Seasonal workers, right.

2 Not H-2A.

3 We're not at the size where we can afford the
4 H-2A --

5 SENATOR JACKSON: Orange County, what's the
6 minimum wage in Orange County?

7 PAUL RUSZKIEWICZ: The minimum wage is the
8 same as it is with the state. I think it's --

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,
22 5 hours (sic) a week. We do half a day on Saturday,
23 and they'll work on Sunday.

24 SENATOR JACKSON: They work on Sunday, or --

25 PAUL RUSZKIEWICZ: No, no work on Sunday.

1 They have Saturday afternoon and Sunday off.

2 SENATOR JACKSON: And the housing you provide
3 for them?

4 PAUL RUSZKIEWICZ: We provide housing, yes.
5 We provide transportation. That's usually
6 me.

7 SENATOR JACKSON: At no cost?

8 PAUL RUSZKIEWICZ: No cost, nope.

9 SENATOR JACKSON: When you say
10 "transportation," you don't have housing on your
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
18 to do their shopping, and whatnot.

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
25 season, and we struggled right through harvest

1 trying to get our crop.

2 I mean, we still have 8 acres in the
3 ground -- 8 acres of onions in the ground that we
4 couldn't harvest last year, just because we couldn't
5 get into the field to get them out.

6 And, you know, we had extensive, you know,
7 weather delays, harvesting.

8 And then, when we could get in, had a break
9 in the weather, you know, I think some weeks last
10 year we worked 70-plus hours a week, just trying to
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.

15 SENATOR JACKSON: Okay. Thank you.

16 PAUL RUSZKIEWICZ: So, yeah, it varies.

17 So -- you know, but thank you for having this
18 conversation.

19 I hope you continue to have it.

20 SENATOR RAMOS: Thank you.

21 PAUL RUSZKIEWICZ: Thank you.

22 SENATOR METZGER: Thanks very much.

23 LESLIE BERLIANT: Next up is Rhode Dolrlus,
24 followed by Caesar Arenas.

25 And if Douglas Davenport could please come

1 up.

2 RHODE DOLRUS: Good evening, everyone.

3 My name is Rhode Dolrlus.

4 SENATOR JACKSON: (Inaudible.)

5 RHODE DOLRUS: Okay.

6 My name is Rhode Dolrlus. I'm from Haiti.

7 I came to the United States in 1997, and

8 I have been working at Mead Orchard since 2014.

9 When they was hired me, they was hired me for
10 packing house, like packing apples, stuff like that.

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
18 be able to do whatever he need me to do.

19 And since thens I went to the farmers'
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.

25 I can see that myself, it's getting hard for

1 them.

2 I see it.

3 We go to the farm, we (indiscernible) and
4 vegetables. By the end of the afternoon, we came
5 back with half of it.

6 And when we came back with half of it,
7 sometimes we give some to food pantry.

8 And then when we get back home, we got local
9 church, we give them like donation.

10 And later on you put it in compost.

11 And we leave at the market, like -- we leave
12 the packing house 3:00 in the morning. Get to at
13 the market, like, I would say 6:00, 7:00, get set
14 up, and came back for 5:00. By the time, 6:00,
15 that's when we pack up with everything together, and
16 then we, like, go to do our thing.

17 But, selling or not, they have to pay us.

18 Sometime we feel bad, but they have to pay
19 us.

20 We leave early. We keep late.

21 I don't have no problem. I would take time
22 and a half, no problem with it.

23 But when I take the time and a half, how
24 (indiscernible) for this season, for next season?

25 I will think to myself, what am I going to

1 pay my kids tuition for next season?

2 How am I going to pay it?

3 Because I know they can't afford me for time
4 and a half.

5 We work every -- not every day.

6 Today is raining, no work.

7 Tomorrow, nice day out.

8 We work all that we can because we don't know
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

1 because they cannot afford me.

2 SENATOR METZGER: Thank you very much.

3 Can I ask, how many years have you been at
4 Mead Farm?

5 RHODE DOLRUS: I been in 2014.

6 SENATOR METZGER: Oh, 2014. You did say
7 that.

8 Okay. Thank you.

9 RHODE DOLRUS: 2014.

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.

13 But, I don't think for this time and a half
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.

18 SENATOR JACKSON: I know. I would --

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.

1 SENATOR JACKSON: That's why we're listening
2 to testimony, and I asked you a very simple
3 question, and of course you answered it yes.

4 Who wouldn't want to be paid overtime.

5 RHODE DOLRUS: Yes, but, they cannot afford
6 it.

7 They cannot.

8 SENATOR JACKSON: Okay. We're looking at all
9 of those things then.

10 And let me just say that we appreciate your
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,
18 you're here.

19 RHODE DOLRUS: -- when I heard that, I go to
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.

4 SENATOR RAMOS: What's currently your
5 retirement plan?

6 RHODE DOLRUS: Oh, when my kids finish on
7 college, I'm going to go back home, enjoy my
8 retirement, and then come and visit United States
9 all the -- you know, most of the time.

10 SENATOR RAMOS: And how -- and your savings
11 so far towards that ideal life that you would like,
12 you're on pace?

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
25 an hour, if I may ask, if that's not asking too

1 much?

2 RHODE DOLRUS: 13.25.

3 SENATOR METZGER: It's the H-2A wage.

4 SENATOR JACKSON: You're H-2A?

5 RHODE DOLRUS: Yes.

6 SENATOR JACKSON: Okay. So, H-2A, you're
7 meeting whatever the requirements of the federal
8 government say that, you know, H-2A workers have.

9 Okay, thank you. I appreciate it.

10 SENATOR RAMOS: You live between
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
18 sometime. But, most of the time I stay up here.

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Applause.]

LESLIE BERLIANT: Next up is Caesar Arenas,
followed by Douglas Davenport.

And if Sarah Dressel could please come up.

(Ari Mir Pontier now translating Spanish
to English/English to Spanish on behalf of
Cesar Arenas.)

CESAR ARENAS: (Speaking Spanish, English
translation.)

Good afternoon.

My story and my history, is that I am
Caesar Arenas, originally from Mexico.

(Speaking Spanish, English translation.)

I came to this country 20 years ago with
goals and aspirations --

(Speaking Spanish, English translation.)

-- like the others that came from our
countries.

(Speaking Spanish, English translation.)

I am very blessed to be in this great
nation --

(Speaking Spanish, English translation.)

-- that which gives us the opportunity --

(Speaking Spanish, English translation.)

-- to prosper --

1 (Speaking Spanish, English translation.)

2 -- since, in our country, the labor is scarce
3 and poorly paid.

4 (Speaking Spanish, English translation.)

5 That is the reason that I am here in front of
6 you today --

7 (Speaking Spanish, English translation.)

8 -- to express my opinion about the law that
9 you wish to implement --

10 (Speaking Spanish, English translation.)

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.)

17 -- some of which requires more time.

18 (Speaking Spanish, English translation.)

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 --

1 (Speaking Spanish, English translation.)
2 -- which would be 50 hours a week --
3 (Speaking Spanish, English translation.)
4 -- would be enough to sustain our families.
5 (Speaking Spanish, English translation.)
6 My family consists of six members --
7 (Speaking Spanish, English translation.)
8 -- of which I am the only provider.
9 (Speaking Spanish, English translation.)
10 And just like me, there are many families
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.
18 (Speaking Spanish, English translation.)
19 They would be forced to invest in
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.)
2 -- to find other sources of employment --
3 (Speaking Spanish, English translation.)
4 -- or to move out of the state.
5 (Speaking Spanish, English translation.)
6 I have the duty and responsibility --
7 (Speaking Spanish, English translation.)
8 -- to hand in this petition --
9 (Speaking Spanish, English translation.)
10 -- that have been signed by my co-workers.
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.)
18 Ten hours would be sufficient to do a good
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.)

1 -- called "Green Light" --
2 (Speaking Spanish, English translation.)
3 -- so that, in this state, all immigrants can
4 have driver's licenses.
5 (Speaking Spanish, English translation.)
6 Thank you very much, and God bless you.
7 SENATOR METZGER: Muchas gracias.
8 Any questions?
9 Senator Mayer?
10 SENATOR MAYER: You work on a dairy farm; is
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.

4 SENATOR METZGER: Thank you.

5 [Applause.]

6 LESLIE BERLIANT: Next up is Douglas --

7 Sorry.

8 If you guys could hold your applause, we're
9 really trying to get through the whole program.

10 Next up is Douglas Davenport, followed by
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.

17 My brother Bob and I are here to represent
18 our fifth-generation vegetable farm located in
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.

1 The bulk of our harvest season takes place in
2 12 to 15 weeks.

3 Our workers come with expectations that there
4 is enough work on our farm to provide up to a
5 60-plus-hour workweek.

6 Workers want the options to work seven days a
7 week.

8 We offer a weekly day of rest, but many
9 choose to work instead.

10 I broke down our labor costs for 2018.

11 If our farm paid overtime based on a 40-hour
12 workweek, our payroll costs would increase, from 30,
13 to 42 percent, of our overall expenses.

14 Average margins in farming are between zero
15 and 15 percent. Many times these margins dip into
16 the negative range.

17 If we have a 1 to 2 percent rise in an
18 expense category, it becomes a major concern, and at
19 that point my brother and I sit down to figure out
20 if this cost increase can be offset elsewhere.

21 With this proposed legislation, our labor
22 costs would increase 12 to 15 percent. Coupled with
23 the annual rate hike for H-2A workers, this
24 percentage would -- increase will rise each year.

25 There is no room for negotiation on the

1 revenue side.

2 We cannot come close to absorbing the cost of
3 this labor increase. We are competing with growers
4 in Georgia, North Carolina, Florida, Virginia,
5 New Jersey, Pennsylvania, Ohio, Massachusetts,
6 Vermont, Michigan, Colorado, California,
7 Connecticut, and Canada.

8 Many of these states will offer similar
9 commodities and more competitive prices.

10 This will result in our farm going out of
11 business in one year.

12 In the last 35 years our farm has endured
13 floods, droughts, heatwaves, hurricanes, and
14 tornadoes.

15 The frequency and intensity of these events
16 has noticeably heightened in the last 10 years.

17 This added burden of climate change directly
18 increases our labor costs and is an unpredictable
19 expense.

20 We know that these expenditures will continue
21 to rise in the future.

22 We appreciate land-preservation organizations
23 that protect farmland, but this proposed legislation
24 will spike labor costs so high that it will reduce
25 the overall number of farms in New York State.

1 As a result, there will be open land with no
2 one to farm it.

3 This proposed legislation impact does not
4 just affect our farm. It's about the economic
5 prosperity of rural communities across New York
6 State.

7 Operational farms allow New York State
8 residents to fully interact with the land by
9 visiting local farm markets, you-pick operations,
10 and farm-to-table experiences.

11 New York State residents reap many health and
12 recreational benefits.

13 I urge lawmakers to sit down with
14 professionals who run farms, dairies, and other
15 agribusinesses, along with their employees, and
16 reevaluate the components that set farmers apart
17 from other industries where an 8-hour day, 40-hour
18 workweek, is the norm.

19 Let's further collaborate and draft a bill
20 that would be fair to all parties involved.

21 In conclusion:

22 Farms work -- farmer -- farms require work
23 hours outside the normal business day and workweek.

24 The failure to modify this proposed
25 legislation to align itself with the reality of the

1 day-to-day farming will permanently change the
2 landscape of New York State agriculture.

3 New York farms that produce enough fresh
4 produce and other farm products to supply local
5 retail markets, wholesale markets like Hunts Point,
6 and the green markets in New York City will be gone.

7 This legislation creates an impenetrable
8 barrier for those entering the agricultural industry
9 within our state.

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.

22 If Reverend Richard Witt and Roberto Herrera
23 could come up as well.

24 SARAH DRESSEL-NICHOLS: Good afternoon.

25 Good to see you again, Senator Metzger.

1 She was out at our place about a month ago,
2 taking a walk around to see, in the mud.

3 It was really fun.

4 My name is Sarah Dressel-Nichols, and my
5 family owns and operates Dressel Farms in New Paltz.

6 We grow approximately 350 acres of apples,
7 along with about 5 acres of strawberries, some
8 peaches, and other fruits.

9 The majority of our operation is wholesale
10 apples that make their way into grocery stores
11 around the country, but we also have a retail
12 operation open, virtually, year-round so we can
13 interact with our community face-to-face.

14 We employ, roughly, 30 people year-round, and
15 add another 20 or so via the H-2A program each fall,
16 depending on how plentiful the harvest is.

17 Most of those people that we hire are
18 families. We do have several families that
19 live (sic) for us, and I can name all 20 children
20 that live on the farm -- well, 19. There's one
21 that's new, and I'm not positive on his name yet.

22 But I can name 19 out of the 20 children that
23 live on our farm.

24 This is an incredibly busy time for farmers.

25 Fruit growers have a lot of disease pressure,

1 courtesy of all the rain.

2 We're trying to get new orchards planted and
3 established.

4 Greenhouse growers are looking at
5 Mother's Day coming up, and trying to get plants
6 into stores as quickly as they can.

7 Folks with livestock never stop caring for
8 their animals and are always busy.

9 Sorry, guys.

10 The fact that these hearings have been filled
11 with farmers and farmworkers should show you just
12 how impactful this bill would be to all of us,
13 because we have a lot better things to do.

14 But, this is the most important thing to be
15 doing.

16 This bill, as it's written, would put most of
17 us out of work, and that means, by default, that all
18 of our employees would also be out of work, because
19 agriculture is not your usual 9-to-5.

20 We're at the mercy of the weather and really
21 do have to make hay when the sun shines.

22 For example, earlier this week we had a frost
23 advisory.

24 With blossoms just starting to pop, that
25 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.

3 My father, and my grandfather, who is 83,
4 spent all day on Sunday in the rain, getting the
5 wind machines ready and trying to get them as
6 prepared as we possibly could.

7 At midnight my mother woke my father up
8 because we were quickly approaching the freezing
9 mark.

10 And once you dip below 32, anything below 27
11 is catastrophic.

12 So the two of them went out and found that
13 one of the propane tanks was empty, and there was a
14 snafu with one of the other engines. And it took
15 them four hours in the cold, wet, to get them up and
16 running, so then they could go back home just before
17 5 a.m.

18 My grandfather went back out at six to turn
19 them off when we had, you know, exceeded 33 degrees.

20 By 7:30 both my parents were back at work.

21 Dad was in the sprayer, mom was in the office
22 doing payroll and other such things.

23 My dad and I were at work until seven that
24 night.

25 My point is, that Mother Nature really is the

1 one calling the shots, and we don't have much of a
2 say in what she does.

3 We just have to find ways to work with her.

4 We cannot help the fact that one workday is
5 longer than the next, so punishing us with an
6 8-hour day overtime is unrealistic.

7 Even a 40-hour workweek is heavily
8 restrictive for overtime.

9 We're done packing and shipping our apples,
10 which means that our weekly influx of checks from
11 our distributor are just about over, but our bills
12 don't stop.

13 We have spray bills.

14 We have to pay the electric for the housing
15 for those 30 employees and their 20 children.

16 We have general upkeep of the orchard.

17 We still have to payroll.

18 We are on a tight budget, and if we had to
19 make a 40-hour overtime right now, we would be
20 forced to cap our employees at 38 hours just to be
21 safe.

22 But what happens, if, like what happened this
23 morning?

24 When I left this morning, my grandfather and
25 one of our senior managers were working at digging

1 up a septic tank because someone in the seasonal
2 housing had clearly been dumping grease down their
3 kitchen drain all season, and it finally congealed
4 enough to block some septic for some of the
5 year-round employees.

6 We need his help.

7 My 83-year-old grandfather cannot dig up a
8 septic tank by himself.

9 But, if we had to pay our senior manager,
10 who's been there for over 25 years, to do that
11 overtime, we would be in dire straits.

12 There's no -- I'm sorry.

13 Right now, with just the payroll we have
14 right now, this bill would cost us over \$800,000,
15 because there is a way to calculate what the
16 overtime would cost.

17 We would have extra workmen's (sic) comp, we
18 would have extra insurance, we would everything to
19 pay for, and we probably wouldn't be able to afford
20 to bring up the H-2A employees that we normally do.

21 I'm the fourth-generation on my family farm.

22 I graduated from Cornell 2011 with a degree
23 in agricultural sciences.

24 I'm the chair of the New York Apple
25 Association, the chair of the New York Farm Bureau

1 Labor Committee. I sit on the board of directors
2 for the Hudson Valley Research Lab, and I'm the
3 secretary of my county farm bureau.

4 We all own family businesses, because most of
5 New York farms are family-owned and operated, for
6 now.

7 As this bill stands, we will either be
8 eliminated or we will have to create those so-called
9 "corporate farms" that people so greatly fear.

10 Either way, this could be the demise of the
11 New York family farm, and with it, the upstate
12 economy.

13 I would like to conclude with a quote from
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.

22 Thanks so much.

23 [Applause.]

24 LESLIE BERLIANT: Next is

25 Reverend Richard Witt, followed by Roberto Herrera.

1 And if Beatrice Stern could please come up.

2 REVEREND RICHARD WITT: Senators, thank you
3 for this the opportunity to speak before you today.

4 My name is Richard Witt, and I am an
5 Episcopal priest, and I have served as executive
6 director of Rural Migrant Ministries since 1991.

7 The ministry is an upstate organization that
8 works with hundreds of farmworkers and their
9 families.

10 The task of the New York State Senate in
11 deciding the future of the Farmworker (sic) Fair
12 Labor Practices Act is not an easy one, but the path
13 before you is clear.

14 The children, women, and men who labor on our
15 farms have the inherent and unalienable right to
16 equality.

17 Every generation before us has found a way to
18 deny these basic human rights, utilizing an array of
19 justifications.

20 At first glance, the roots of this injustice
21 can be found in historic racism, as we have heard
22 through many testimonies.

23 The basis of opposition for the equal
24 treatment of farmworkers, however, has been and
25 continues to be economic.

1 We have built an agricultural system in this
2 state that depends upon the use of subjugated labor.

3 Many of us recoil at such a description, as
4 it offends our sense of propriety and our sense of
5 self, and yet here are the facts:

6 We have written into law in New York State
7 that farmworkers shall be exempted from the rights
8 afforded others;

9 And, two, almost all farmworkers in New York
10 are brown-skinned and poor.

11 To protect their interests throughout our
12 history, and even today, farmers have had greater
13 access to our ear.

14 We go to church with them.

15 They sit on our town boards.

16 They speak our language and share our mores.

17 We run into them in our CSAs and our farmers'
18 markets.

19 Their voices are magnified through the
20 powerful Farm Bureau and Cornell's College of
21 Agriculture and Cooperative Extension, and countless
22 other organizations.

23 I have listened to the voices of the farmers
24 throughout these hearings and they appear to be good
25 people.

1 I can't imagine a bad person would come and
2 testify, though one farmer who did testify had in
3 their employ people who were convicted of
4 enslavement of workers.

5 Tragically, the voices of the workers are not
6 a part of the fabric of our communities, nor part of
7 our consciousness.

8 Many are temporarily residing in our
9 communities, many don't speak the same language,
10 they don't know our community, or find that they are
11 not welcome, except to work.

12 They work long hours, so they can't
13 participate in town meetings, school functions, and
14 community dinners.

15 By and large, they have not been able to be
16 present and testify at these hearings, save for
17 those who have been dragged in by their bosses.

18 Thus, when we are faced with making decisions
19 about their well-being, their future, and their
20 livelihood, as you are, Senators, it becomes all the
21 more easy to hear only one side of the discussion.

22 That one side would have you focus on the
23 personal plight of farmers, and ignore the historic
24 and systemic and personal plight of the thousands of
25 men, women, and children who farmwork.

1 That one side would tell you there is only
2 one way to work things out, and that is not to pass
3 this bill.

4 That one side would have the audacity to
5 speak for the workers and tell you that the workers
6 will suffer if there is justice.

7 These hearings appear to come down to a
8 simple and personable argument laid out by the
9 farmers and the agricultural industry: We cannot
10 afford to have a just system.

11 To accept the belief that we cannot afford to
12 give farmworkers equal treatment under law is also
13 to say that the agricultural industry has a
14 different moral agency which allows it to claim
15 different relationships to workers than the rest of
16 New York.

17 What gives the industry this moral
18 difference?

19 Are farmers different than the family who
20 owns the local diner, or the ones who own the corner
21 market, or the family who runs the ag-and-feed
22 store, all of whom I'm sure would welcome the
23 opportunity to be excluded from having to pay
24 overtime and disability insurance.

25 Senators, you have arrived at a point in

1 history that rests on the legacy of shame.

2 You have the power to change the arc of
3 history and create a harvest of hope.

4 I urge you to pass the Farmworker (sic) Fair
5 Labor Practices Act.

6 [Applause.]

7 SENATOR METZGER: Thank you.

8 LESLIE BERLIANT: Next is Roberto Herrera.

9 And if Beatrice Stern and Shannon Kelly could
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.)

18 I appreciate the opportunity to be here.

19 I'm an H-2A employee.

20 (Speaking Spanish, English translation.)

21 I am a farmworker that maintain vegetables so
22 that others can enjoy them.

23 (Speaking Spanish, English translation.)

24 I'm very happy to work for the company that
25 I work for now.

1 (Speaking Spanish, English translation.)

2 My employer and my co-workers are a great
3 team.

4 (Speaking Spanish, English translation.)

5 I came here to share my opinion about the law
6 that you wish to implement.

7 (Speaking Spanish, English translation.)

8 For me, it would be like cutting off my
9 hands.

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.

18 (Speaking Spanish, English translation.)

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.)

24 -- I would have to find another form of work
25 in another state.

1 (Speaking Spanish, English translation.)
2 I feel very happy with my employer.
3 (Speaking Spanish, English translation.)
4 They give us a beautiful home.
5 (Speaking Spanish, English translation.)
6 They provide transportation so that we can go
7 to the store to buy what we need.
8 (Speaking Spanish, English translation.)
9 Would simply like to beg you --
10 (Speaking Spanish, English translation.)
11 -- that you analyze this possibility --
12 (Speaking Spanish, English translation.)
13 -- because those affected would be us as
14 employees.
15 (Speaking Spanish, English translation.)
16 That is all.
17 Thank you very much, and think about it.
18 [Applause.]
19 SENATOR METZGER: Gracias.
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.

1 Thank you for this opportunity.

2 I live in Orange County, New York, where my
3 grandfather was a dairy farmer.

4 Please note that I'm testifying today as an
5 individual; however, it is through my work that I've
6 learned about agriculture and food-system change
7 over the last several years.

8 I'm president of a private family foundation,
9 and one of our areas of interest has to do with land
10 rights, food sovereignty, and food-system change,
11 and we've supported numerous local, national, and
12 international groups who are working in this area.

13 In 2014 I became deeply involved in the
14 founding of the Chester Agricultural Center in
15 Orange County, an organization set up to provide
16 affordable access to "Black Dirt" farmland for
17 beginning organic farmers.

18 In addition, our mission is to increase
19 diversity among farming, and create opportunities
20 for underrepresented groups to enter the farming
21 business.

22 We are now beginning our fifth growing
23 season, and I've learned an enormous amount from our
24 farmers and partners about issues facing small
25 farmers in Orange County and throughout the

1 Hudson Valley.

2 In addition, through this work, I've been
3 part of many meetings, national and local, having --
4 and organizations that have to do with farming.

5 So suffice it to say, that I'm an advocate
6 for farming, particularly for small farms, and
7 building strong local food systems.

8 And that is why I am testifying today in
9 support of the Farmworker (sic) Fair Labor Practices
10 Act.

11 For many reasons, we should all be working
12 toward building a robust, resilient, and equitable
13 local food system in New York.

14 As we look toward how to best address climate
15 change, small farms, regenerative practices, and
16 local markets are the best way to overcome
17 environmental damage from industrial agriculture.

18 Many farms in New York are small and are
19 using sustainable practices that are good for soil,
20 water, and health.

21 So how is it that so many of us in New York
22 cannot afford fresh, healthy food?

23 And how is it that farmers, particularly
24 small farmers, are in such a precarious financial
25 situation that they see this bill as a threat to

1 their livelihoods?

2 And how is it that we have somehow normalized
3 a system that excludes farmworkers from fundamental
4 labor protection under the law?

5 And how is it that racial diversity that
6 exists in our farming system is so often overlooked,
7 and I would say, very much linked to the fact that
8 our farm labor is excluded from protection under the
9 law, and really becomes an invisible but completely,
10 you know, very important part of the system?

11 So, obviously, we have a broken system, and
12 there is much work to be done.

13 That being said, I'm really -- it's painful
14 to hear over and over again that farmers will go
15 under if this bill is passed.

16 Farmers are in a very precarious situation,
17 but the system must truly be broken if farmers
18 themselves are scared of providing their
19 farmworkers, who are the backbone of our
20 agricultural system, these basic protections under
21 the law.

22 In my opinion, nothing will improve for
23 farmers, or certainly farmworkers, or even
24 consumers, if this bill does not pass.

25 Year after year, farmworkers have borne the

1 burden of helping sustain, even subsidizing, this
2 broken system.

3 And every year there is an outcry against
4 this bill perpetuating the same system.

5 Nothing is changing.

6 Farmers are, for the most part, an invisible
7 part of our food system. The reasons behind this
8 are complex, but their exclusion from normal
9 protection under New York law is a factor keeping
10 farm laborers apart and out of the system, and
11 promotes the paternalistic relationships that we see
12 on so many farms where farmworkers are dependent on
13 the beneficence of farm owners.

14 This is not right and it's not sustainable.

15 In order to change the food system for the
16 better, we need to understand how agriculture really
17 works and who is growing our food.

18 We cannot make things better for our farm
19 owners by continuing to exclude farmworkers from
20 labor laws. They deserve equal protection under the
21 law.

22 Passing this act, I believe, is a necessary
23 first step in creating a more equitable food system
24 for everyone in this state.

25 I think you've probably seen throughout the

1 hearing process that farmers are pretty good
2 advocates.

3 Wouldn't it be great to let farmers advocate
4 for the support they really need to thrive, instead
5 of having to focus, year after year, thinking that
6 blocking this bill will help keep them solvent for
7 one more season.

8 Let's create the conditions for real change
9 in our food system by passing this law.

10 [Applause.]

11 SENATOR METZGER: Thank you very much.

12 LESLIE BERLIANT: Shannon Kelly, followed by
13 Jesus Lorenzo Robles.

14 And if Morse Pitts could please come up.

15 SHANNON KELLY: Good evening, and thank you
16 for the opportunity to testify on this important
17 legislative issue facing our state.

18 My name is Shannon Kelly, and I'm the chief
19 operating officer for Catholic Charities of Orange,
20 Sullivan, and Ulster.

21 As one of the human-service agencies of
22 Catholic Charities of the Arch Diocese of New York,
23 our agency is committed to building a compassionate
24 and just society.

25 Catholic Charities of Orange, Sullivan, and

1 Ulster serves the homeless, hungry, those with
2 emotional and physical disabilities, as well as
3 immigrants, marginalized and vulnerable, of the
4 tri-county region.

5 Last year we served more than
6 42,000 individuals regardless of race, religion,
7 or the ability to pay.

8 I speak today on behalf of our regional
9 agency, as well as for Catholic Charities agencies
10 across New York State, and in solidarity with the
11 New York State Catholic Conference which represents
12 the Catholic bishops of New York State.

13 Catholic Charities and the Catholic
14 Conference have been advocating for the passage of
15 the Farmworkers Fair Labor Practices Act for more
16 than two decades.

17 At the same time, the church has been working
18 on the ground to meet the spiritual, material, needs
19 of farmworkers and their families, through Catholic
20 Charities, Catholic parishes, and individual clergy,
21 religious and lay.

22 It is through this lens that I deliver my
23 remarks today.

24 Let me begin by making one thing clear:
25 Support for basic rights for farmworkers is not

1 anti-farmer, at least it need not be.

2 Our organization serves farm families and
3 farmworkers alike.

4 We are in this community, and we are well
5 aware of the unique nature of farming, and the
6 challenges facing farmers from the uncontrollable
7 weather factors, to the pressures of modern economy,
8 injuries, the high cost of maintenance, distribution
9 of perishable product, and competition from foreign
10 markets.

11 We need our family farms for our local
12 economy, and for our very subsistence.

13 But at the same time, just as farming has
14 evolved technologically, it must also evolve to a
15 twenty-first-century understanding of fair working
16 conditions for farmworkers.

17 We must ensure that farmworkers are treated
18 humanely and with dignity.

19 I think we've heard from a lot of farms today
20 that do that.

21 And in the same way, we work to ensure that
22 other workers of our state are treated.

23 This is not about putting farmworkers ahead
24 of farms. You can't support the farmworker without
25 supporting the farms, and vice versa. Both need and

1 depend on the other.

2 Justice and human dignity demand, however,
3 that changes come to the industry in terms of worker
4 treatment.

5 It is important to remember that farmworkers
6 do not seek special rights. They seek only the same
7 rights guaranteed to workers in every other sector:
8 the right to overtime pay, the right to a day of
9 rest a week, the right to worker compensation, the
10 right to sanitary housing conditions, and the right
11 to collectively bargain.

12 We hear and appreciate the concerns of those
13 who argue that providing fair treatment to this
14 population will raise prices for consumers, but can
15 we truly make the -- we can truly make the same case
16 about any other sector of the workforce, and we do
17 not allow that from stopping us to doing what is
18 right.

19 If New York is truly the progressive state
20 that we say we are, how do we justify this continued
21 unfair playing field?

22 We can't -- we have an opportunity, we must
23 grab the chance, and not let it slip away yet again.

24 I hope and pray that the Legislature will
25 work collaboratively with farmworkers and family

1 farms to create meaningful reform this year, one
2 that recognizes the unique contributions of our
3 farmers and the human dignity of our farmworkers.

4 Thank you again for the opportunity to speak.

5 SENATOR METZGER: Thanks so much, Shannon.

6 LESLIE BERLIANT: Next up is

7 Jesus Lorenzo Robles.

8 (Ari Mir Pontier now translating Spanish
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. We
19 have a kitchen and a living room.

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.

1 (Speaking Spanish, English translation.)
2 I live with three men from my town and we get
3 along very well.
4 (Speaking Spanish, English translation.)
5 My American employers appreciate us and we
6 get along well.
7 (Speaking Spanish, English translation.)
8 We come for 7 to 8 months to work and, with
9 40 hours, it would not be enough.
10 (Speaking Spanish, English translation.)
11 They give us cable.
12 We have our own room.
13 (Speaking Spanish, English translation.)
14 They don't treat us badly, and they take us
15 where we need to go.
16 (Speaking Spanish, English translation.)
17 For me, it would be very sad to leave the
18 ranch if they don't give me more than 40 hours.
19 (Speaking Spanish, English translation.)
20 We regularly work 50 to 70 hours every week,
21 so it would not be good.
22 (Speaking Spanish, English translation.)
23 I'm one of those that came here to work, and
24 we're good people, and we just want to make money
25 for our families.

1 (Speaking Spanish, English translation.)

2 And I am opposed to this.

3 Gracias.

4 (Senator Ramos and Mr. Robles converse in
5 Spanish, with no English translation.)

6 SENATOR RAMOS: Gracias.

7 SENATOR METZGER: Gracias.

8 [Applause.]

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?

1 I want to tell you what you've actually done
2 for mine.

3 Between New York State and a whole bunch of
4 other organizations, American Farmland Trust, seeing
5 the cuts in Orange County land trust, equity trust,
6 and GrowNYC, I get to keep my farm for as long as
7 I can because you helped preserve it.

8 But, I'm one of 100 farms that needs this
9 help.

10 That's what you've already done to help.

11 Please do 100 times more of it, then you
12 might get to keep farms.

13 But the second thing that allow a farm to
14 operate at a loss, is farms work -- farmers work
15 infinite hours for no pay.

16 And I'm getting old, and there's this thing
17 called "law of diminishing returns."

18 I can't keep doing this.

19 I'm trying to pass my farm on to the people
20 that work there, and to new farmers.

21 But as they realize this means no more wage,
22 but lots of debt and risk and liability, and endless
23 paperwork, taxes, and insurance, they go, Oh, we
24 can't do this right away.

25 Please don't pass this law.

1 It's just another nail in the coffin of being
2 able to employ people on a farm.

3 My farm is preserved. I can work there the
4 rest of my life and be happy.

5 But I can't employ people, paying them more
6 than the farm can produce.

7 I tried to scratch out most of the things
8 I wanted to say because I know this is a long day
9 and we're at the end time.

10 But something else you could do, is if you
11 can find a way to regulate imported food into
12 New York more than you regulate food grown in
13 New York, it would be fantastic.

14 It's just, like, it's cheaper to grow apples
15 in China.

16 And New York State apple farmers, a lot of
17 whom are my friends -- and I just want to say one
18 thing.

19 One of my friends who testified here didn't
20 say, when she started when her farm, she and her
21 husband felt, like, farmworkers get 5 cents a bushel
22 to pick apples. That's ridiculous. We're going to
23 pay them 50 cents a bushel.

24 At the end of their first season, they were
25 deep in debt, and went, Oh, my God. That's why

1 they're only paid 5 cents a bushel.

2 And two more little quick things:

3 Farm labor is not unskilled labor.

4 If you can find somebody that can do this
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
8 don't understand.

9 And the last thing I decided I needed to say
10 is, this law would be great if it provided a minimum
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;
14 we're all on board.

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.

1 I really, really, want to express my deep
2 appreciation to the farmers and the farmworkers who
3 came here.

4 You know, a number of the farms that --
5 farmers that testified today, you know, they're
6 families -- farm families from my neck of the woods,
7 that I've been -- you know, I've been a parent along
8 with them. Our kids go to school together.

9 I eat their food. I go to their farm stands.

10 And now I'm representing a much larger
11 community of farmers, the entire state of New York.

12 But I wanted to be the chair of the
13 Agriculture Committee because I know how important
14 farming is to my community.

15 I know how important it is to strong --
16 keeping, create -- making sure we have strong
17 communities in rural New York.

18 I'm a lifelong environmentalist, and I know
19 how important it is for us to keep a small -- a
20 diverse farming economy in New York, and an economy
21 in which we can feed ourselves.

22 I'm also a lifelong fighter for workers'
23 rights.

24 And, you know, it's this -- it's not -- the
25 world -- this is not a black-and-white situation.

1 You know, it's a very nuanced situation.

2 And these hearings have been -- you know,
3 have been exactly what I wanted them to be, which
4 was -- which was, you know, to really hear from
5 everyone, just, the challenges that people face,
6 everyone, on a daily basis; the opportunities we
7 have, so that we can all work together,
8 collaboratively, with all the information we need on
9 this legislation.

10 I want to express some real gratitude to my
11 colleague Senator Ramos for holding these hearings
12 with me, and for -- she's been going out and
13 meeting, going to visit farms.

14 And even though she's from the city, she's
15 been getting out there and doing the work that you
16 have to do when you're considering this kind of
17 legislation.

18 We also -- I want to thank Senator Mayer and
19 our other Senators.

20 We had a great turnout, actually, for this
21 hearing.

22 It's hard at this time of year for
23 legislators to make this kind of time, because
24 they're -- they have face-competing demands.

25 So, I really appreciate that.

1 And, thank you for being here.

2 I don't know if, Senator Ramos, if you would
3 like to say a few words.

4 SENATOR RAMOS: Sure, very quickly.

5 I, of course, also want to thank everyone who
6 testified, and even those who attended but didn't
7 testify, for participating in our hearing, for
8 hearing everybody else out.

9 I can tell you that your testimonies will be
10 taken into consideration as we move the bill
11 forward.

12 I appreciate the stories of the farmers and
13 how hard you work.

14 I've often shared that I do come from a
15 farming family.

16 My parents are from Colombia in
17 South America, where my mom's parents and my mom's
18 siblings and many of my cousins still farm coffee to
19 this day, and we raise pigs and chickens and all
20 sorts of things.

21 And so that was a big part of my childhood
22 during summer vacation.

23 And it was there that I began to have an
24 interest in where our food comes from, and why, and
25 what that ecosystem actually looks like.

1 So, as the Senate Labor Chair, it's quite an
2 honor to carry this bill.

3 I look forward to working with everyone to
4 ensure its passage in a way, again, that is fiscally
5 prudent.

6 Everyone who comes to testify in the past
7 three hearings are, of course, excellent employers
8 by their own volition.

9 And all we're looking to do is to ensure that
10 these rights are codified in a way that it is law,
11 so that there is no confusion as to how a farmworker
12 deserves to be treated in the state of New York.

13 Thank you.

14 [Applause.]

15 SENATOR METZGER: Thank you.

16 And I just want to, if anyone in the audience
17 didn't get a chance to speak, but wants to give
18 testimony -- written testimony, we're accepting
19 testimony until end of day tomorrow.

20 Thank you.

21 (Whereupon, at approximately 4:03 p.m.,
22 the joint committee public hearing concluded, and
23 adjourned.)

24
25 ---oOo---