

Statement of Arturo S. Rodriguez
President Emeritus, United Farm Workers of America
Before the House Judiciary Committee's Subcommittee on
Immigration and Citizenship
"Securing the Future of American Agriculture"

April 3, 2019

Chairwoman Lofgren, Ranking Member Buck, and members of the subcommittee, thank you for the opportunity to testify today. My name is Arturo Rodriguez. I had the honor of serving as the elected President of the United Farm Workers until last year. Today, I am representing the United Farm Workers Foundation, a sister organization of the United Farm Workers, which is connected to a network of farm worker organizations like Farmworker Justice and farm workers in the 10 largest agricultural producing states.

We Feed You.

I am joined today by Martha Montiel, Eugenia Gonzalez, Vicente Reyes, Raul Esparza, Adelaida Mendoza, Rogelio Lona, Sidronio Jimenez, Leobardo Padilla, Miguel Vazquez, Valentina Dominguez, and Carlos Gonzalez. Collectively, these women and men have more than 200 years of experience working in agriculture, and they have planted, cared for, harvested, and produced vegetables, mushrooms, citrus, tomatoes, nuts, wine grapes, and milk.

We Feed You. We feed people throughout the country without regard to region of the country, race, gender, age, ability, or whether they are Republicans or Democrats. And so it's time. It's PAST time to change our immigration laws.

The women and men who are professional farm workers have earned the right to apply for legal status. And the agricultural employers that farm workers partner with to feed America deserve stability and more certainty given all of the challenges we face in agriculture.

We are ready to work with members of both political parties to come up with policy that honors those who feed us and respects a nation of laws.

Some facts:

1. There is an ugly, race based history of Federal law excluding farm workers from the same basic labor protections as other workers, including the overtime and child labor provisions of the Fair Labor Standards Act (FLSA), and even the minimum wage at some employers; many of the OSHA standards for safe work, even though agriculture is one of the most dangerous occupations; and worker protection regulations and pesticide registrations approved under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Present day biases against farm workers and rural communities include the fact

that chemicals like chlorpyrifos, which have been shown to lower IQ in children are banned everywhere else, continue to be permitted in agriculture

2. According to the Federal government, at least half of our agricultural work force does not have legal status.
3. The agricultural visa program, the H-2A program, has tripled in size from about 82,000 positions certified in FY 2008 to over 240,000 positions certified in FY 2018. The vast majority of applications— 96% in FY 2018—are approved. Although the Reagan era H-2A protections were restored in 2009, the fees for employers to participate in the program have stayed the same since the H-2A program's inception in the 1980s.
4. The difficulty of agricultural work, – and the uneven enforcement of laws – have meant all kinds of farm workers have suffered. Miguel Vazquez, a worker on an H-2A visa, died while picking tomatoes in 95 degree heat in Georgia – just one of dozens of farm workers that have died in the last 10 years because they did not have proper access to water, shade or breaks. Dairy workers in Washington State and Idaho have died gruesome deaths drowning in manure ponds. A sheepherder in the H-2A program in Colorado had to physically escape his employer and get support of legal services who were able to get his passport which had been held illegally by his employer; the UFW Foundation worked on a similar case with a group of dairy workers just last year. In 2017, the US Department of Labor found a group of farm workers in the H-2A program housed in converted school buses, roasting in the hot Arizona sun. Last week, Maria Gonzalez from Washington and Librada Paz from New York shared in a Congressional briefing their fight against sexual harassment and assault.

And yet, overwhelmingly, when asked what farm workers most enjoy about their work, you will hear over and over again a pride in feeding the rest of the country and many parts of the world.

While it can be hard for the 2 million some people who feed the 330 million rest of us, there are also moments of recognition. Millions of Americans have watched and shared short videos posted on UFW and UFW Foundation social media sites of farm workers like Amadeo when he shared his work harvesting radishes outside Oxnard, California.

We Feed You.

The goal of any new immigration proposal should be improvements in farm worker wages and working conditions. There needs to be an end to the status quo of poverty and abuse. Farm workers cannot continue to be second class workers. Unless this changes – there will always be challenges attracting a stable workforce. The employers who have led in fair treatment should not be put at a competitive disadvantage by employers willing to break the law.

A new immigration program should be based on a few very simple principles:

1. **Fairness** – Farmworkers need to be paid more not less. A group of 4 US citizen and legal permanent resident farm workers joined the United Farm Workers in court defending this

basic principle. The mean and median income for farmworkers in 2015-2016 was in the range of \$17,500 to \$19,999¹ and one-third of farmworkers had family incomes below poverty.

2. **Equality of Treatment** – Temporary workers should have the same rights and protections, including access to the courts, as the U.S. workers. Women and men should receive equal treatment.
3. **No Discrimination** – There should be no incentives to discriminate against U.S. workers (including newly legalized workers) i.e. it cannot be cheaper to hire temporary workers than U.S. workers.
4. **Economic freedom and opportunity**
5. **Family unity**
6. **Eligible to earn lawful permanent residency for the workers who form the heart of our rural communities and feed us all.**

The United Farm Workers and major grower associations have come together after sometimes tough negotiations on immigration policy that makes sense for the United States. That's notable because we have opposed each other in most other legislative fights. I expect Tom Nassif and others in this room don't agree with everything I've presented today. But I have every confidence we will come to agreement again on immigration policy that will ensure America's food supply, improve the lives of farm workers, and ensure agricultural employers can continue to be successful.

In fact, just a few weeks ago, pesticide manufacturers, agricultural employers, farm workers, and major forces within our food supply worked with Congress on a bipartisan basis to set aside differences to come together and achieve sensible solutions that are good for workers, consumers and American agriculture when Congress unanimously reauthorized the Pesticide Registration Improvement Registration Act, or "PRIA 4." PRIA 4 brought about long overdue parity that you all passed ended decades of discrimination against farm workers and their children when it came to protections from pesticides – and provided stability to the agricultural industry.

You can do it again. We can do it again. Let's work together, farm workers and agricultural employers, Republicans and Democrats, each region of the country, to make sure we are able to continue to feed America.

¹ "Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers," Research report #13, Department of Labor, accessed March 25, 2019, https://www.doleta.gov/naWS/pages/research/docs/NAWS_Research_Report_13.pdf.