



MEMORANDUM

TO: Transition Team's USDA Agency Review Team

FROM: Southern Poverty Law Center

DATE: December 2, 2008

I write on behalf of the Southern Poverty Law Center's Immigrant Justice Project. Founded in 1971, the Southern Poverty Law Center is a civil rights organization dedicated to advancing and protecting the rights of minorities, the poor, and victims of injustice in significant civil rights and social justice matters. Our Immigrant Justice Project represents low-income immigrant workers in litigation across the Southeast. As a result of our work, we have developed substantial expertise in issues affecting rural workers.

During my legal career, I have represented and spoken with literally thousands of farmworkers in many states. Currently, the Southern Poverty Law Center is representing agricultural workers in at least six class action lawsuits in the South. Our staff has handled dozens of cases in many states, and are familiar with the kinds of routine exploitation that low-wage immigrant workers generally—and farmworkers specifically—experience.

Too often, we see that the Department of Agriculture has considered the views and needs of employers only—to the exclusion of rural workers—in making policy and in taking actions. We call upon the Department to consider the needs of rural workers, and in particular, to consider the needs of agricultural workers, in formulating and carrying out policy.

Farmworker Demographics

There is no question that, as a group, farmworkers are desperately poor and require the protection and advocacy of the federal government.

There are two to three million farmworkers in the United States. Nearly 80 % are male, and most are younger than 31 years of age. Most farmworkers are married and/or have children, but most live apart from their immediate family members as a function of their employment.¹

¹ National Agricultural Workers Survey, U.S. Department of Labor, 2005.



While the federal government has estimated that the average annual income of farmworkers is a mere \$11,000², that estimate is actually quite high because it includes higher paid workers, such as crewleaders. In addition, farm labor is among the most dangerous occupations in the United States. Migrant farmworkers are very poor, and they receive very few social benefits. Less than 1 % of farmworkers receive general assistance welfare, and only 2% receive Social Security benefits.³

Farmworkers have long periods of unemployment, and most do not receive any form of pay, including unemployment compensation, during those periods. Crop workers are employed in the U.S. an average of 34 1/2 weeks (66%) of the year.⁴

By the time a migrant farmworker child is 12 years old, he or she may work in the fields between 16-18 hours per week, leaving little time for school work.⁵

Agriculture is consistently rated as one of the most dangerous occupations in the United States.⁶ Farmworkers suffer from the highest rate of toxic chemical injuries and skin disorders of any workers in the country.⁷ The children of migrant farmworkers have higher rates of pesticide exposure, malnutrition, and dental disease than the general population. Children of migrant farmworkers are also less likely to be immunized against disease.⁸

Only 10 % of farmworkers report having employer-provided health insurance.⁹ In our experience, this number is actually quite high; we have not encountered any field workers in the Southeast who have employer provided health insurance.

Challenges and Opportunities

The new Administration provides enormous opportunities for the Department to think more broadly about its commitment to rural America. That commitment should explicitly include agricultural workers, not just farmers. Specifically, we call upon the Department to do the following:

² National Agricultural Workers Survey, U.S. Department of Labor 2005.

³ National Agricultural Workers Survey, U.S. Department of Labor, 2005.

⁴ National Agricultural Workers Survey, U.S. Department of Labor, 2005.

⁵ Migration Education Messages and Outlook (MEMO) 1994.

⁶ National Center for Farmworker Health.

⁷ National Agricultural Workers Survey, U.S. Department of Labor, 2005.

⁸ National Center for Farmworker Health.

⁹ National Institute for Occupational Safety and Health, 2004.



- The USDA, when consulted by the White House Office of Management and Budget regarding proposed regulations and other policy changes or appropriations, should communicate with farmworker advocates and take their concerns into account. Historically, the USDA, which should represent all interests in agriculture, has viewed its responsibility as a one-sided obligation to represent the interests of employers, and not workers.
- The coordinator for labor affairs in the Office of the Chief Economist should be responsible for ensuring fairness in the agency's approach and should reach out to farmworker organizations on a regular basis. The Office of Civil Rights of USDA also should assist in this effort at reducing discrimination against farmworkers as an occupation. For too long, agricultural exceptionalism has been the norm, and that norm has resulted in agricultural workers being excluded from basic labor protections other workers take for granted.
- The 2008 Farm Bill contains a new program to study the relationship between cancer and farmworkers' exposure to pesticides; to develop technology for testing humans for pesticide poisoning of certain categories of pesticides for which there are not currently tests; and for testing sprayed fields for pesticide residues and degradation of the pesticides to determine scientifically the time for farmworkers to re-enter the fields safely. The USDA should collaborate with farmworker advocates and other agencies and Congress to obtain the appropriations needed to carry out these studies and should contract with the National Cancer Institute and other appropriate entities for this research. The estimated cost over 5 years is just \$22.5 million.
- The USDA should support the continuation and expansion of the DOL National Agricultural Workers Survey, which is the best single source of demographic and economic data on farmworkers because it engages in effective random sampling of farmworkers where they are located. It is an important complement to the USDA Farm Labor Survey, which surveys employers.
- New initiatives aimed at dialogue between farmworker organizations and agribusiness representatives should be developed to promote stabilization of the farm labor force in accordance with numerous recommendations for decades. Such efforts should include modernization of labor practices, support for state and federal enforcement of wage-hour, pesticide-safety and other laws (to protect farmworkers but also to prevent unscrupulous employers from undermining law-abiding employers through unfair competition), improved wages and working conditions, and reasonable efforts to increase productivity. These efforts could also include a plan under which a public-private partnership would promote the products of companies that are producing safe, healthy food where farmworker organizations certify that the employers are meeting socially responsible criteria.



- Significant attention should be paid to issues affecting farmworkers' health, particularly related to short-term and long-term pesticide exposure. Many anticipate that the next years will bring the passage of Agricultural Job Opportunities, Benefits and Security Act ("AgJOBS"), which will require that individuals who have received their blue card continue to work in agriculture for 4-5 years to receive their permanent residency. This will commit many individuals to agricultural work over a longer period of time than they might otherwise have worked. USDA should consider the health consequences to farmworkers from long-term chemical exposure when formulating and enacting policies.

We appreciate your consideration of these comments, and we look forward to working with the Department to serve the needs of rural workers.

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