



May 13, 2019

Re: Farmworker Fair Labor Practices Act (S.2837/A.2750)

Dear Members of the New York State Senate and Assembly:

On behalf of our organizations which represent businesses responsible for employing thousands of workers throughout New York, we are writing in strong opposition to the proposed Farmworker Fair Labor Practices Act and the negative impact it will have on the economy throughout the state.

This bill would impose costly new labor requirements on farms across New York State, adding significant burdens to our agriculture industry. Some of the provisions in this legislation include allowing for collective bargaining for farm laborers, establishing an eight-hour work day, requiring overtime pay for workers who exceed a 40-hour work week, as well as other additional requirements.

This proposal comes at a time where our agriculture industry already faces significant challenges competing in a rapidly changing global marketplace. Recent USDA Census data found that New York lost approximately 2,100 farms since 2012. We cannot afford to add additional obstacles to over 30,000 New York farms, many family owned and operated, that have a significant benefit to our state's economy

Despite the noble intent of some of these provisions, the reality is this proposal will dramatically increase labor costs and add to an already onerous regulatory environment. These mandates, coupled with the recently enacted minimum wage hike and other costly legislative mandates familiar to New York employers, will jeopardize New York's robust agriculture industry and the nearly 200,000 jobs it supports across the state.

The requirements in this proposal fail to consider the unique realities of the agriculture industry. According to a recent study from Farm Credit East, mandating overtime pay for work exceeding 8 hours per day and 40 hours per week would add an estimated \$299 million in increased labor costs for farms across New York.

Given the competitive marketplace, including cheaper out-of-state producers, farmers cannot simply pass these additional labor costs onto consumers. Instead, employers will be forced to find savings by reducing hours for existing employees, hiring part-time workers or reducing the number of workers through an increase in automation.

In each scenario, the farmworkers will see their earning potential reduced. Given the brief growing season in New York, many workers looking to maximize their earnings during a short season will be forced to look beyond New York's borders for good opportunities. This will only further exacerbate a difficult labor environment in the agricultural industry.

Allowing for collective bargaining also raises significant concerns for the industry. Given the narrow windows many farms have to harvest their crops, a work dispute, however brief, could have dire consequences. Without protections in place to prevent a work stoppage, a farm could lose a years' income in the span of a few days.

As was evident by the testimony from farm owners and workers at recently held Senate hearings, this proposal represents an existential threat to New York's agricultural industry. Given the exodus of jobs and population in New York, the last thing we should be doing is adding more burdens to businesses - especially in such a critical industry.

Agriculture is an important part of New York's economy and a piece of our state's identity. The industry provides healthy and affordable food for New York families, supports hundreds of thousands of jobs and has an economic impact felt in every corner of the state. The effects of this proposal will be felt not only by those directly involved in agriculture, but by everyday New Yorkers from Niagara Falls to Montauk.

On behalf of our organizations and the employers we represent, we respectfully request that the Legislature reject this proposal and instead focus on ways to support farmers and farmworkers across the state.

Your time and attention to this matter is appreciated and we look forward to working with you to build a strong and growing New York State economy.

Sincerely,

**Associated Builders and Contractors,
Empire State Chapter**
Buffalo Niagara Partnership
Capital Region Chamber of Commerce
The Chamber of Southern Saratoga County
Chemung County Chamber of Commerce
Delaware County Chamber of Commerce
**Fulton Montgomery Regional Chamber of
Commerce**
Genesee County Chamber of Commerce
Greater Binghamton Chamber of Commerce

National Federation of Independent Business
**New York State Economic
Development Council**
North Country Chamber of Commerce
Niagara USA Chamber
Seneca County Chamber of Commerce
Tioga County Chamber of Commerce
Unshackle Upstate
Victor Chamber of Commerce
Wyoming County Chamber of Commerce

CC: Alphonso David, Counsel to the Governor
Commissioner Roberta Reardon – New York State Department of Labor
Commissioner Richard A. Ball – New York State Department of Agriculture and Markets