



NEW YORK STATE LEGISLATURE

March 15, 2019

Hon. Andrea Stewart-Cousins
Temporary President and Majority Leader
Room 907 LOB
Albany, NY 12247

Hon. Carl E. Heastie
Speaker of the Assembly
Room 932 LOB
Albany, NY 12248

Hon. Jen Metzger
Chair, Senate Agriculture Committee
Room 817 LOB
Albany, NY 12247

Hon. Jessica Ramos
Chair, Senate Labor Committee
Room 946 LOB
Albany, NY 12247

Hon. Donna A. Lupardo
Chair, Assembly Agriculture Committee
Room 829 LOB
Albany, NY 12248

Hon. Marcos A. Crespo
Chair, Assembly Labor Committee
Room 524 LOB
Albany, NY 12248

RE: Call for statewide public hearings on the Farmworkers Fair Labor Practices Act

Dear Legislative Leaders:

We appreciate this opportunity to contact you directly to express our deep concerns over legislation (S.2837/A.2750) that, if enacted, would have a devastating impact on New York State's farm communities and agricultural economies across rural, upstate New York, throughout the mid-Hudson Valley, on Long Island, and in virtually every corner of the state.

In fact, we believe it is urgent to highlight this fact: the enactment of this legislation, known as the "Farmworkers Fair Labor Practices Act," would decimate net farm income for every sector of New York State's leading agricultural economy and risks putting thousands of family farms out of business.

It is not an overstatement that the approval of this Act would mark the end of agriculture in New York State as we have known, valued, and benefitted from it for generations.

The misguided and misrepresented Farmworkers Fair Labor Practices Act poses an extreme action at a time of already severe economic struggle for New York State farmers. Worse, the Act's consequences would produce a nightmare of a ripple effect across local communities in every region of this state and profoundly diminish the future of high quality, local food production.

In short, S.2837/A.2750, far from implementing fair labor practices, would in reality spark an enormous loss of family farms and the thousands of livelihoods these farms support across the industry and throughout hundreds of local economies statewide.

According to a 2016 report from Farm Credit East, total farm labor costs in New York State were 63 percent of net cash farm income, compared to 36 percent nationally. Mandatory overtime pay as prescribed by S.2837/A.2750

would greatly exacerbate the impact of farm labor costs on farm income at a time when the farm economy is already struggling.

The most recent Farm Credit East economic analysis estimates that under the Act, labor costs on farms would increase by nearly \$300 million or close to 20%, resulting in a drop in net farm income of 23%. For many sectors, these cost increases will simply not be sustainable. For vegetable growers, according to the Farm Credit East analysis, net farm income would decline by 43%. Fruit growers would face a 74% drop in net income. For greenhouse and nursery operations, income losses would approach 60%.

And for New York State dairy farms barely making ends meet under current economic conditions (and keeping in mind that New York State has already lost nearly 20% of our dairy farms over the past five years), the Act would wipe out remaining net farm income.

It is alarming and it cannot go forward.

First, the profound consequences of this legislation to one of New York State's economic and cultural cornerstones demands, at the very least, a series of statewide public hearings. We urge you to schedule hearings across every agricultural region of New York State. Every voice that deserves to be heard should have the chance to provide direct input: every farmer, every fruit and vegetable grower, every agribusiness, small business owners, representatives of the hospitality and tourism industry, local government officials, community leaders, and all others for whom the Act stands as a threat to short- and long-term quality, strength, and sustainability.

It is critical that you receive firsthand testimony that we believe will dispel the falsehoods and myths underlying the purported justification for the Farmworkers Fair Labor Practices Act.

In short, we cannot be strong enough in urging all of you to move forward with a careful, comprehensive, and cooperative public hearing process and examination before there is any further movement on the Farmworkers Fair Labor Practices Act.

Thank you for your consideration of our concerns and we certainly stand ready to be of any assistance that can be helpful.

Sincerely,



Thomas F. O'Mara
NYS Senator, 58th District



Philip A. Palmesano
NYS Assemblyman, 132nd District

cc:

Hon. Andrew M. Cuomo, Governor
Honorable John J. Flanagan, Senate Minority Conference Leader
Honorable Brian M. Kolb, Assembly Minority Leader
Richard Ball, Commissioner, NYS Department of Agriculture and Markets
Roberta Reardon, Commissioner, NYS Department of Labor
Pat Hooker, Deputy Secretary for Food and Agriculture
Elizabeth DeLeon, Deputy Secretary for Labor
David Fisher, President, New York Farm Bureau