July XX, 2022

The Honorable Tom Vilsack

Secretary

United States Department of Agriculture

1400 Independence Avenue, SW

Washington, DC 20250

Dear Secretary Vilsack,

The fresh produce industry is very concerned about the United Farm Workers (UFW) union role in USDA’s H-2A pilot program funded using American Recovery Plan funds.

As you know, the vast majority of American farmers and growers value their employees and treat them with respect and fairness. Which is why we are disappointed that the department is placing UFW in the position to provide technical guidance for the H-2A pilot program. UFW has a history of contentious, engagement with agricultural employers. Sadly, that sentiment was reinforced at the July 20th House Education and Labor Subcommittee hearing on Workforce Protections where Teresa Romero, President of UFW, derided the H-2A program and showed open animosity toward agricultural employers and farmers. Ms. Romero stated she believes the H-2A program to be “inherently flawed” and repeatedly questioned the usefulness of a federal program that is the sole source for providing desperately needed workers to farms as well as the integrity of employers trying their best to provide Americans with a robust, affordable domestic supply of fresh fruits, vegetables, and other commodities. We believe that UFW’s bias against H-2A employers should disqualify the union from participating in any formal or official role in the new pilot program, or any federal effort related to the H-2A.

Providing resources to farm employers who have long struggled with accessing and maintaining an adequate domestic workforce is a welcome development. However, we are disheartened that USDA chose to only involve UFW and did not solicit input from the growers, farmers, or agricultural employers prior to establishing the pilot program. Despite UFW involvement, we believe that the H-2A pilot program can positively impact growers and farmers who voluntarily choose to meet the program’s enhanced worker protections. But, complying with the existing high standards of H-2A requirements is costly and challenging, particularly for smaller scale operations. Though USDA’s grant funding could provide relief to some operations, it is unlikely that the grants will cover the full cost of complying with added pilot program requirements as currently structured. In addition to the program’s incomplete cost recovery, the idea that UFW will be acting on behalf of the Department discourages agricultural employers from participating. Going forward, it is imperative that UDSA engage all agricultural stakeholders including H-2A employers to improve and better implement a fair, more useful program.

We ask that you end USDA’s contract with UFW to provide technical guidance to the H-2A pilot program and urge the Department to directly engage with American farmers and growers who employ H-2A workers to ensure the success of this voluntary program. We appreciate your consideration of our concerns and await your response.

Sincerely,