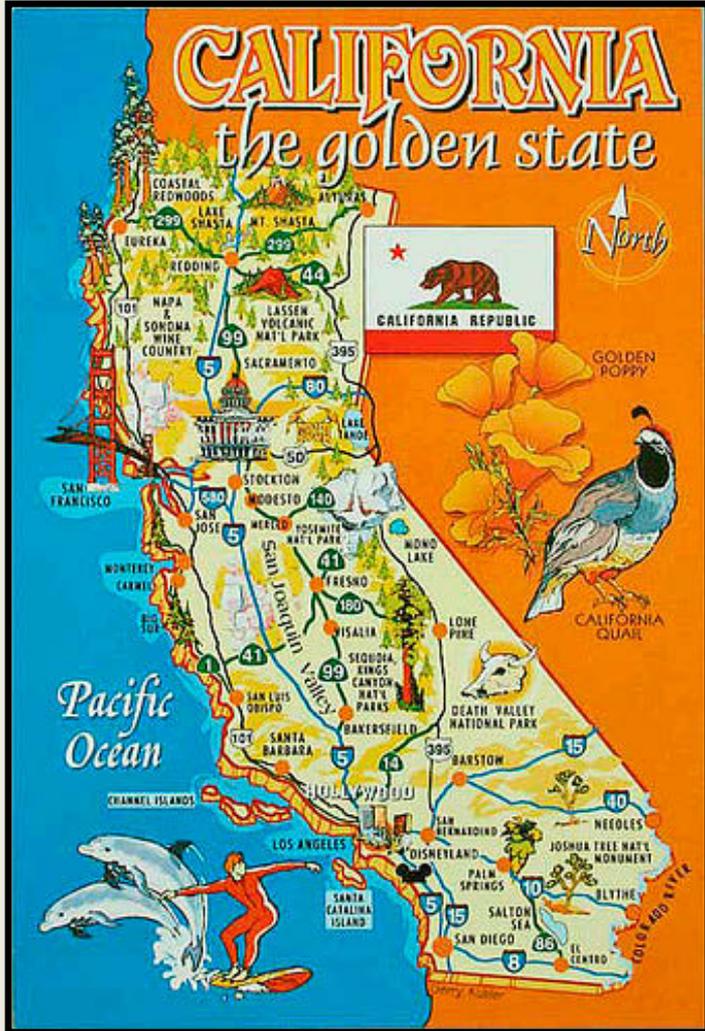


# H-2A Expansion in California

Philip Martin: [plmartin@ucdavis.edu](mailto:plmartin@ucdavis.edu)

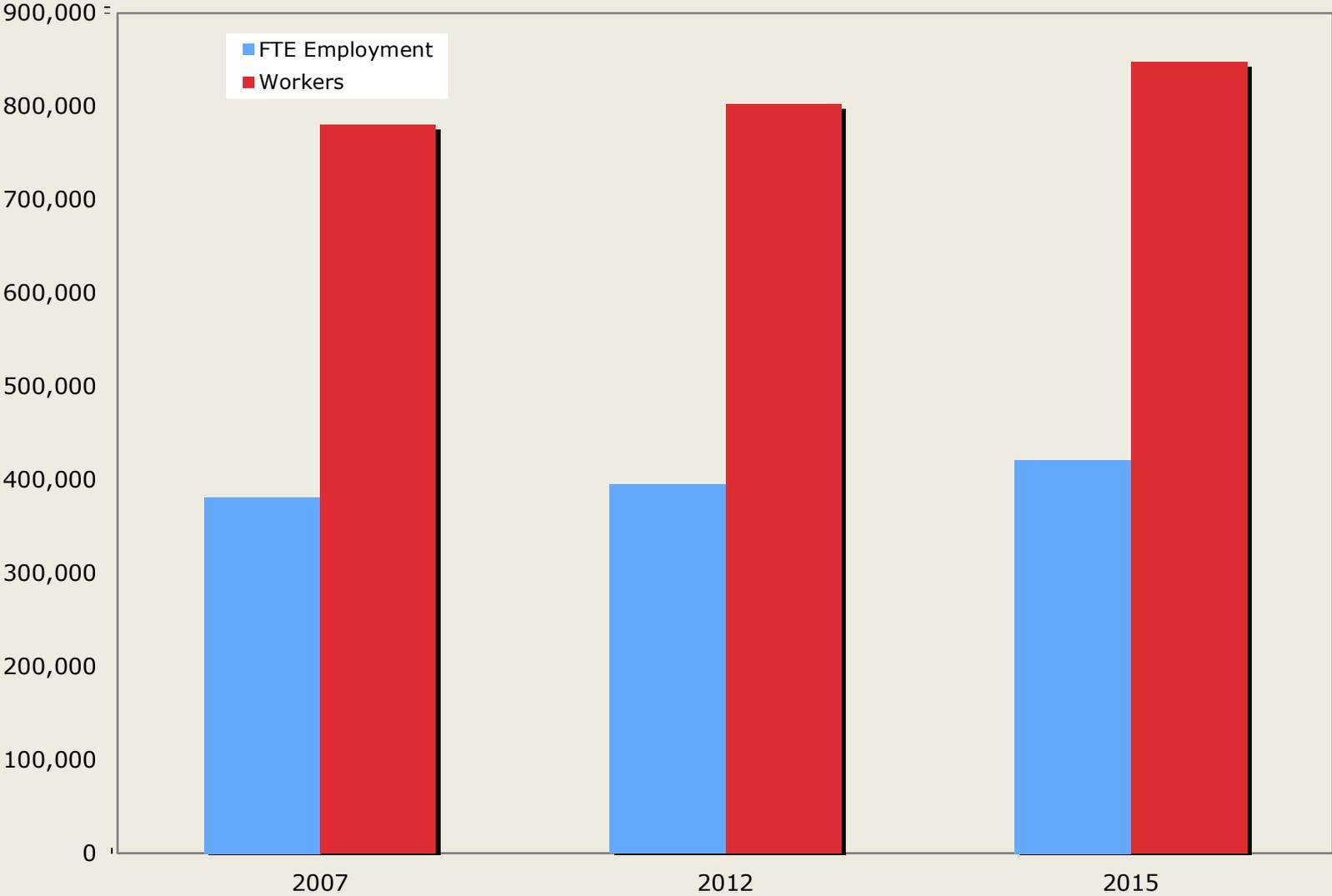


# Highlights

- **CA hired workers:** average employ, 424,000 in 2015; unique farm workers, 848,000: up 10% since 2005
- **CA hired farm workers** = Mexican-born (90%); **not** authorized (55%); settled & aging (39); less flexible
- **H-2A:** no US workers, no adverse effects
- **3 major requirements** (employers would like to change)
  - Try to recruit US workers (certification, not attestation)
  - Provide free housing & food or cooking facilities
  - Pay AEWR of \$13.18/hour in 2018
- **Options & outlook**
  - AgJOBS: redo IRCA, legalize current, easier H-2A in future
  - Goodlatte H-2C: attestation, no housing, no AEWR; 450,000 cap
  - Allow H-2A in year-round jobs? 3-year visas?

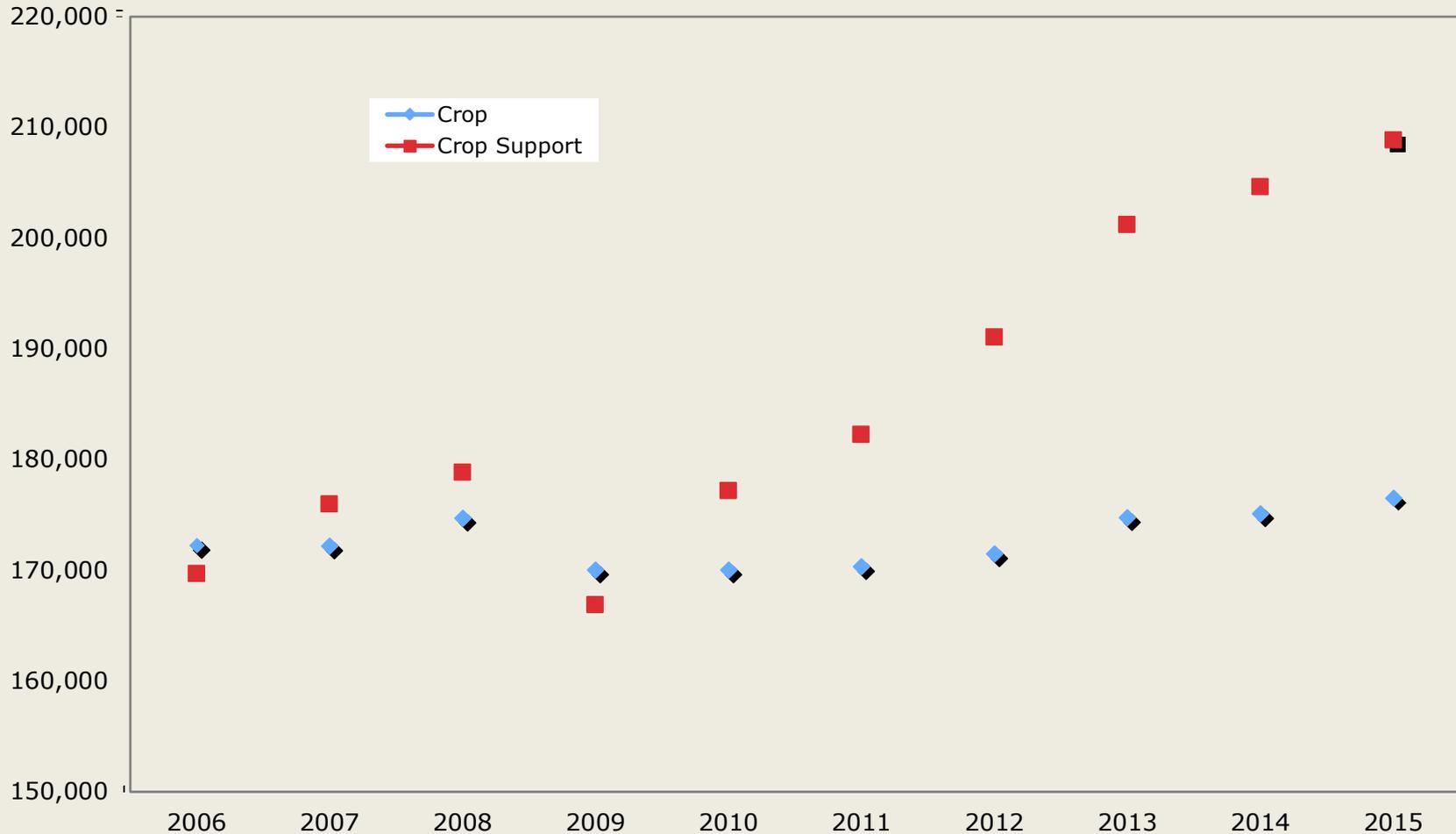
# FTE employment (blue) and workers (red) up 10%

Average FTE Employment and Unique Farm Workers: 2007, 2012, 2015



# Since 2009: more workers are brought to California crop farms by nonfarm employers than are hired directly by crop farms

Average FTE Crop and Crop Support Employment, 2006-15



# California Farm Workers: 90% born abroad





**3,000 US FLCs;  
1,400 in CA  
FLCs: Increase  
efficiency of  
worker-job  
matching OR act  
as risk absorbers?**



# FLC crews: harvest tree fruits

Hard to monitor workers in trees = piece rates



**CA strawberries #1 ag employer  
90% of US 3 billion pounds, 60,000+ workers**



# Vegetables: direct-hire & workers via crop support firms (some are partners)

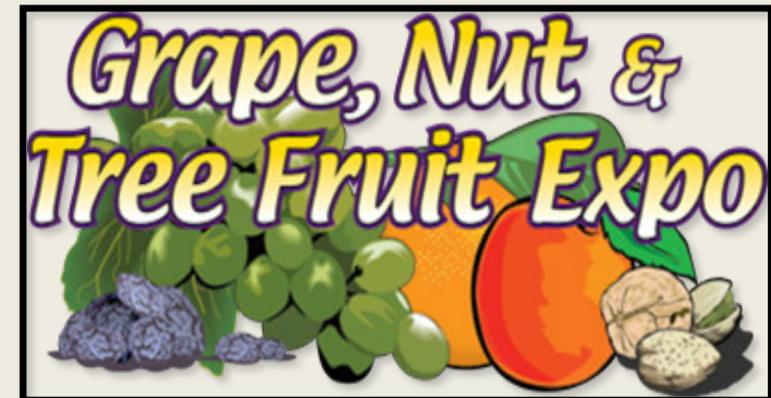
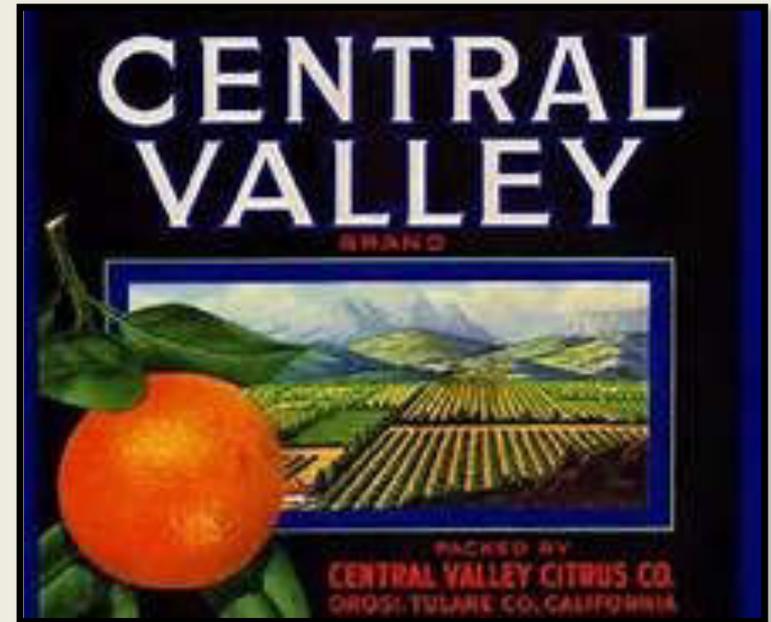
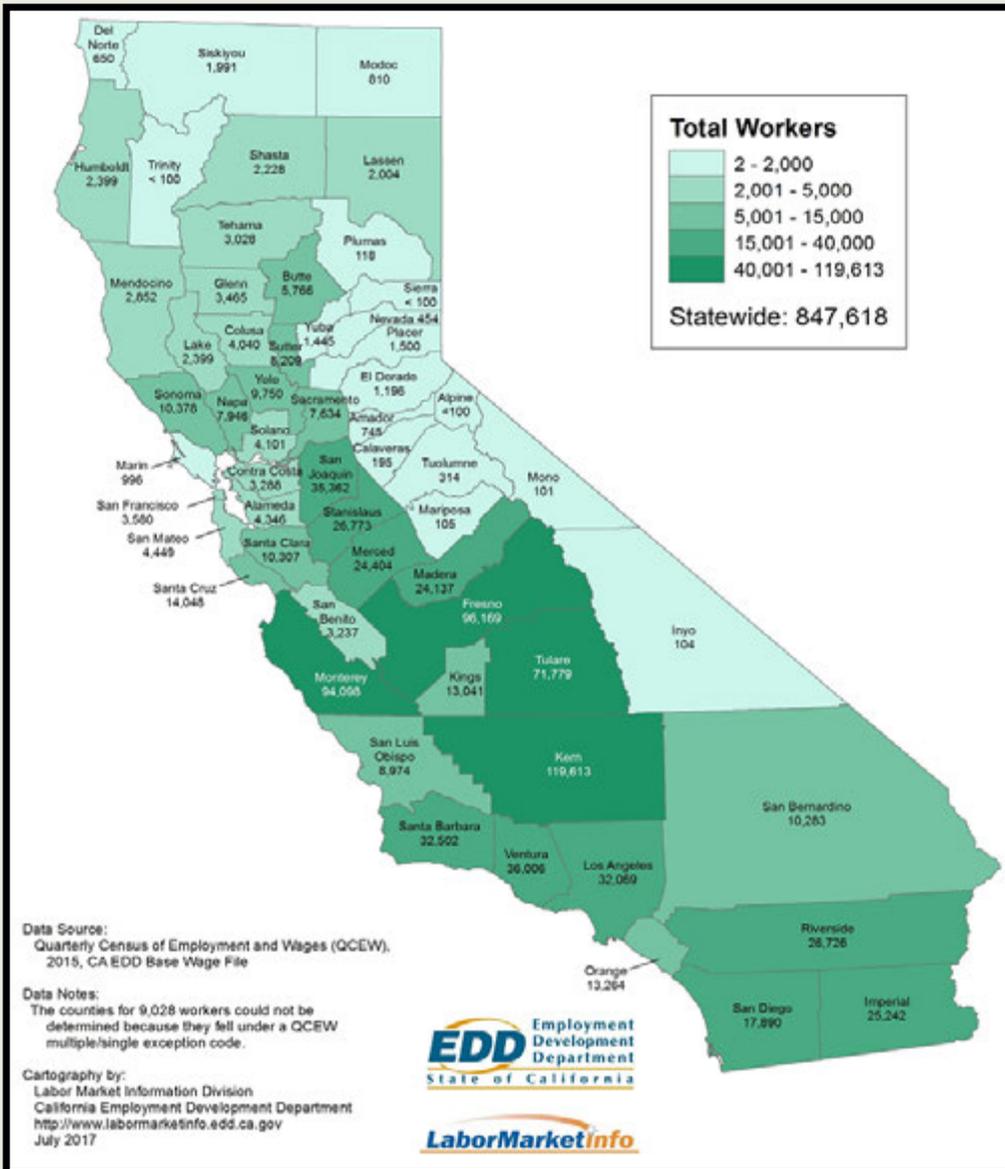




**Nursery & dairy  
Big 5 of 20: crop  
support, FVH, &  
dairy = 82% of  
\$12.7 bil CA ag  
wages in 2015**



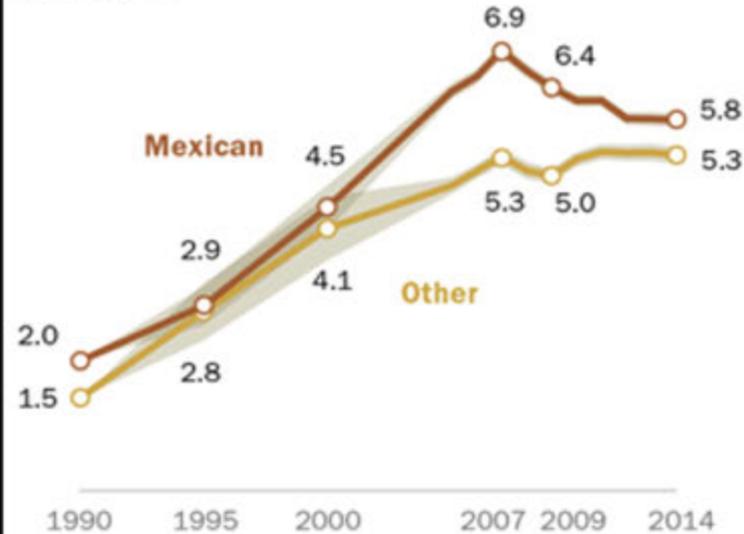
# CA farm workers: 410,000 or half of 848,000 in SJV Kern, Fresno, Tulare = 70% of SJV workers



# Unauthorized Mexicans down: settled & less mobile

## Among unauthorized immigrants, a decline from Mexico but rise from elsewhere since 2009

In millions



Note: Shading surrounding lines indicates low and high points of the estimated 90% confidence interval. The differences in 1995 and 2000 between Mexican and Other are not statistically significant at 90% confidence interval.

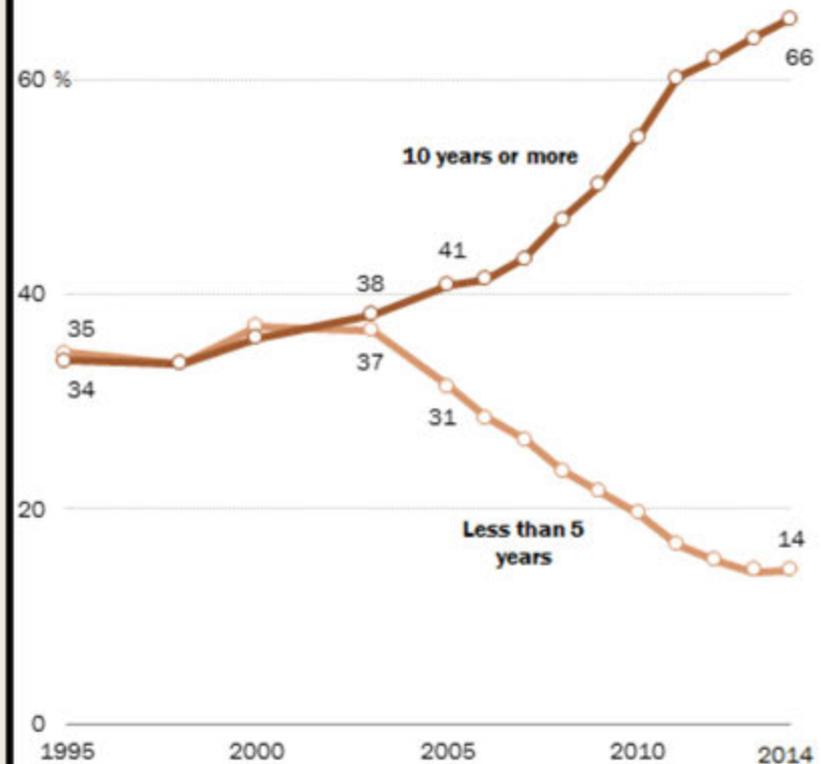
Source: Pew Research Center estimates for 2005-2014 based on augmented American Community Survey data (IPUMS); for 1995-2004 based on March Supplements of the Current Population Survey. Estimates for 1990 from Warren and Warren (2013).

"Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009"

PEW RESEARCH CENTER

## Larger share of unauthorized immigrants are long-term residents

% of adult unauthorized immigrants, by duration of U.S. residence



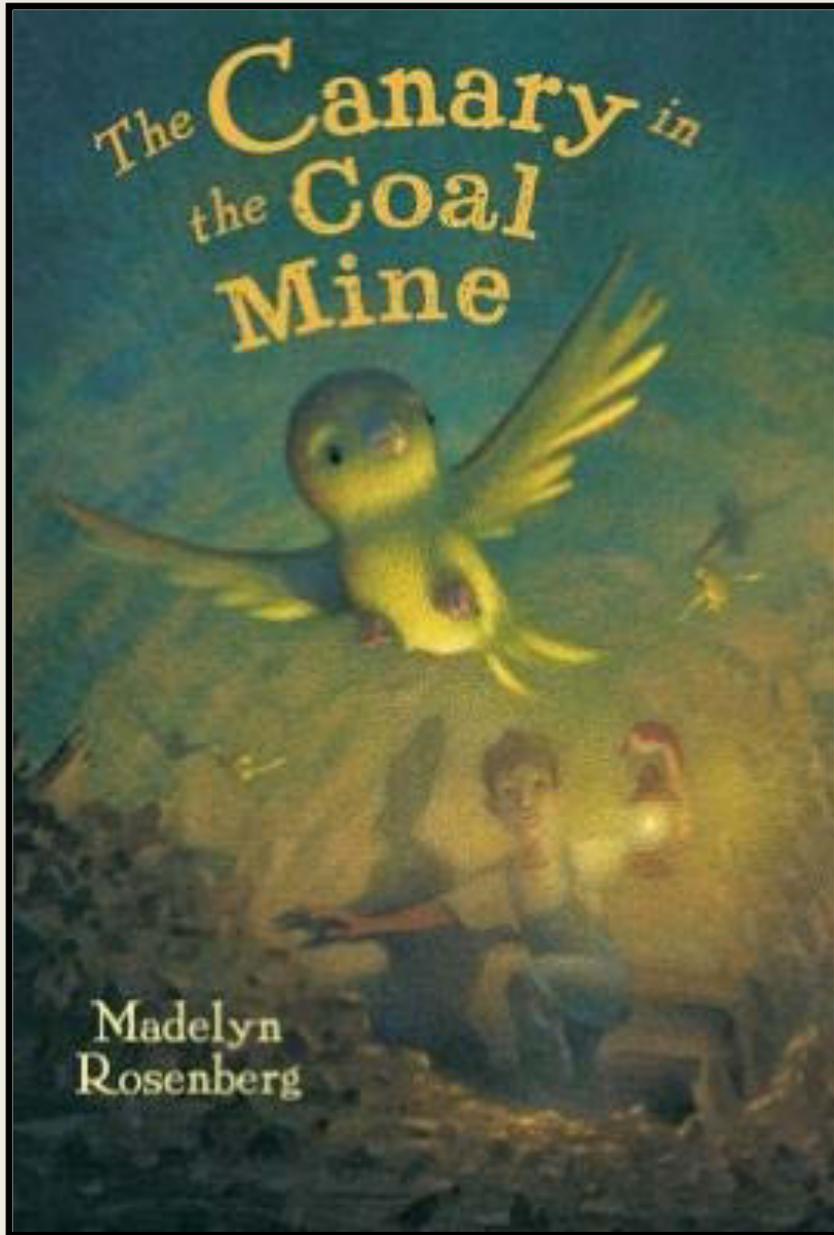
Note: Data labels are for 1995, 2003, 2005 and 2014.

Source: Pew Research Center estimates for 2005-2014 based on augmented American Community Survey data (IPUMS); for 1995, 1998, 2000 and 2003 based on March Supplements of the Current Population Survey.

"Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009"

PEW RESEARCH CENTER

**Agriculture: first to feel effects of fewer unauthorized newcomers since 2008-09**

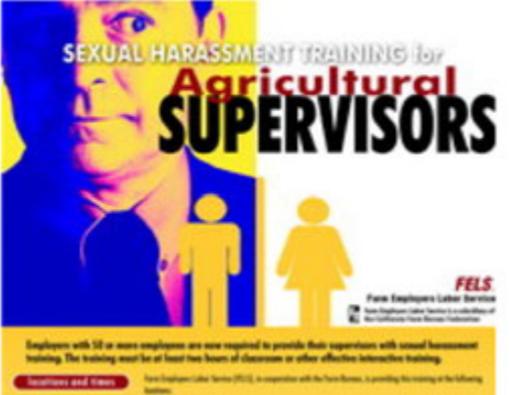


## Employers: 4-S responses

- **Satisfy** current farm workers with bonuses, benefits, & better supervisors. *If supply of US workers = inelastic, wage increases do not add workers*
- **Stretch** with mechanical aids that increase productivity: conveyor belts in fields, dwarf trees. *How much to invest, how fast to deploy?*
- **Substitute**: labor-saving mechanization. *Will wages keep rising to justify investments? Involve seed companies with long time horizons? (Switch crops?)*
- **Supplement** the labor force with H-2As. *Expand or change current program (1) no-recruitment (2) no-housing, and (3) reduced AEW program? Allow H-2A workers in dairy & other year-round jobs? From 10-month to 3-year visas & Asians?*

**Satisfy: bonuses, benefits, supervisor training & respect**  
**Most farmers: satisfy will not ENLARGE ag workforce**

**Sexual Harassment  
Training for  
Supervisors**



SEXUAL HARASSMENT TRAINING for  
**Agricultural  
SUPERVISORS**

**FELS**  
Farm Employees Labor Service

Employees with 50 or more employees are now required to provide their supervisors with sexual harassment training. The training must be at least two hours of classroom or other effective interactive training.

Locations and Dates



**Farm Labor Supervisor Training Program (FLS)**

**UF** UNIVERSITY of FLORIDA  
IFAS Extension

Farm Labor Supervisor Training Program

**Certificate of  
FARM LABOR MANAGEMENT**

Awarded to  
**Jose Smith**

For successful completion of required coursework and testing in the  
Farm Labor Supervisor Training Program

Date



Fritz M. Roka  
FLS Program Director  
University of Florida-IFAS

# Stretch: mechanical aids increase productivity



# Substitute: mechanize olives, carrots, nursery



# Supplement with H-2As: 75,000 FY07, 200,000 FY17

## Top 5 states: FL, NC, GA, CA, WA: 51% of H-2A jobs certified

EMPLOYMENT AND TRAINING ADMINISTRATION, U.S. DOL

### OFFICE OF FOREIGN LABOR CERTIFICATION

H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2017

#### Applications Received

FY 2017	Q1	Q2	Q3	Q4	% Change FY16
10,115	2,355	4,131	2,438	1,191	14.9%

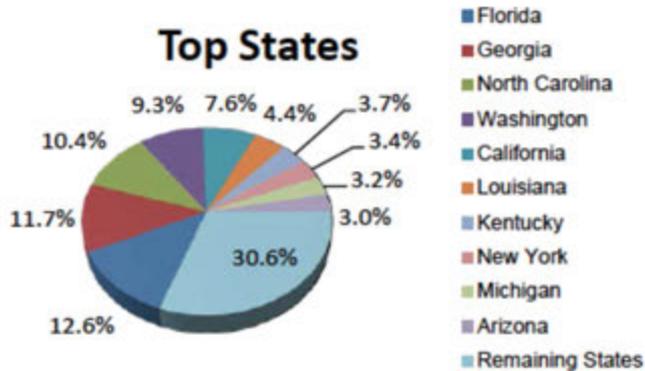
#### Applications Processed

Determination	FY 2017	Q1	Q2	Q3	Q4
<b>Total Determinations</b>	10,097	1,549	4,418	2,690	1,440
- Certified	9,797	1,495	4,334	2,601	1,367
- Denied	144	28	39	45	32
- Withdrawn	156	26	45	44	41
<b>Positions Requested<sup>1</sup></b>	206,156	28,964	70,409	65,405	41,378
<b>Positions Certified</b>	200,049	28,013	68,834	62,966	40,236
<b>Processed Timely<sup>2</sup></b>	97.6%	98.7%	98.0%	97.1%	95.9%

#### Review of Positions Certified FY 2017 (% of total certified FY 2017)

<b>Top 10 States</b>	Florida	25,303	12.6%
	Georgia	23,421	11.7%
	North Carolina	20,713	10.4%
	Washington	18,535	9.3%
	California	15,232	7.6%
	Louisiana	8,875	4.4%
	Kentucky	7,403	3.7%
	New York	6,870	3.4%
	Michigan	6,432	3.2%
	Arizona	6,060	3.0%
<b>Top 10 Employers</b>	North Carolina Growers Association, Inc.	11,947	6.0%
	WAFLA	7,134	3.6%
	Fresh Harvest, Inc.	4,623	2.3%
	Zirkle Fruit Company	2,970	1.5%
	Elkhorn Packing Co, LLC	2,653	1.3%
	Stemilt Ag. Services LLC.	2,082	1.0%
	R & R Harvesting, Inc.	1,999	1.0%
	Foothill Packing, Inc.	1,854	0.9%
	Peri & Sons Farms, Inc.	1,739	0.9%
	Virginia Agricultural Growers Assoc., Inc.	1,602	0.8%

#### Top States



# H-2A expansion continues: 28,000 Q1-17; 32,000 Q1-18, up 14%

EMPLOYMENT AND TRAINING ADMINISTRATION, U.S. DOL

## OFFICE OF FOREIGN LABOR CERTIFICATION

H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2018 YTD

### Applications Received<sup>1</sup>

FYTD	Q1	Q2	Q3	Q4	% Change FY 2017
2,756	2,756	--	--	--	17.0%

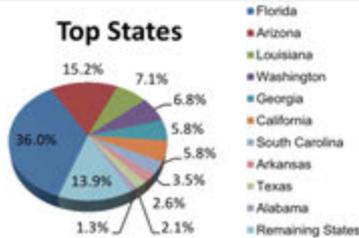
### Applications Processed

Determination	FYTD	Q1	Q2	Q3	Q4
Total Determinations	1,733	1,733	--	--	--
- Certified	1,628	1,628	--	--	--
- Denied	39	39	--	--	--
- Withdrawn	66	66	--	--	--
Positions Requested	33,830	33,830	--	--	--
Positions Certified	32,084	32,084	--	--	--
Processed Timely <sup>2</sup>	96.6%	96.6%	--	--	--

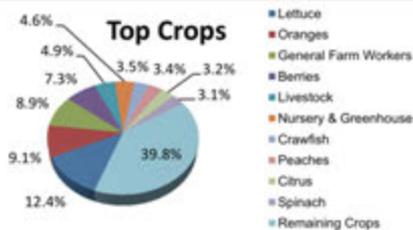
### Selected Statistics by Worker Positions Certified

Review of Positions Certified FY 2018 YTD (% of total certified FY 2018 YTD)			
Top 10 States	Florida	11,535	36.0%
	Arizona	4,864	15.2%
	Louisiana	2,290	7.1%
	Washington	2,168	6.8%
	Georgia	1,852	5.8%
	California	1,845	5.8%
	South Carolina	1,128	3.5%
	Arkansas	842	2.6%
	Texas	688	2.1%
	Alabama	407	1.3%
Top 10 Employers	Elkhorn Packing Co., LLC	1,068	3.3%
	Foothills Packing, Inc.	974	3.0%
	Fresh Harvest, Inc.	929	2.9%
	Tanimura & Antle Fresh Foods, Inc.	686	2.1%
	Zirkle Fruit Company	635	2.0%
	Overlook Harvesting Company, LLC	581	1.8%
	The Growers Company, Inc.	570	1.8%
	Citrus Harvesting, Inc.	561	1.7%
	AG Labor, LLC	528	1.6%
	A. Oseguera Company, Inc.	489	1.5%
Top 10 Crops/Occupations	Lettuce <sup>3</sup>	3,986	12.4%
	Oranges <sup>4</sup>	2,905	9.1%
	General Farm Workers	2,865	8.9%
	Berries <sup>5</sup>	2,344	7.3%
	Livestock <sup>6</sup>	1,557	4.9%
	Nursery and Greenhouse Workers	1,460	4.6%
	Crawfish	1,111	3.5%
	Peaches	1,081	3.4%
	Citrus	1,030	3.2%
	Spinach	988	3.1%

### Top States



### Top Crops

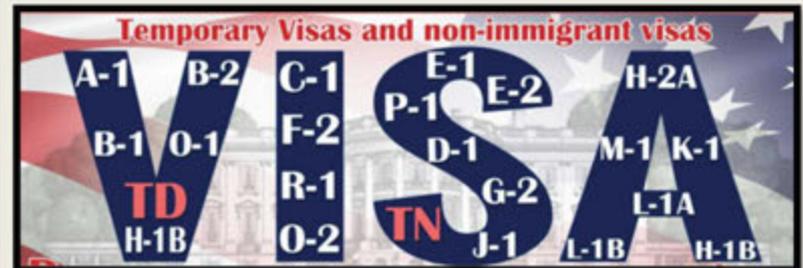
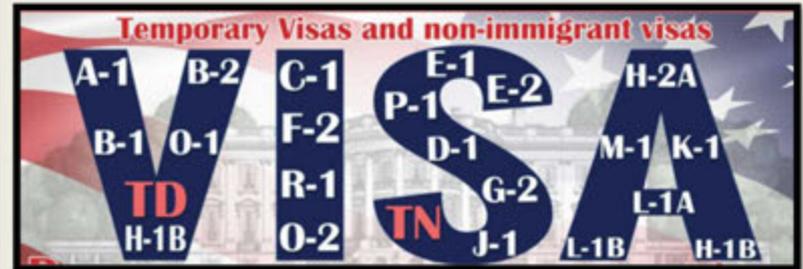
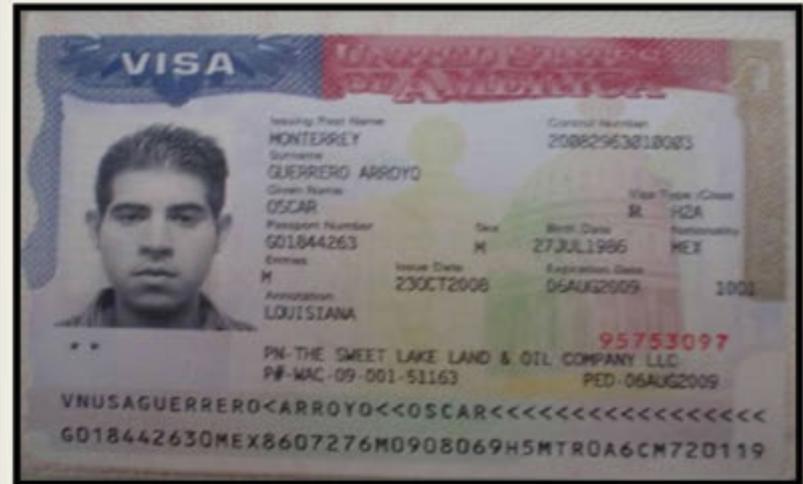


<sup>1</sup>Applications Received<sup>1</sup> is derived from data not publicly disclosed.

<sup>2</sup>Percent of complete H-2A applications resolved 30 days before the start date of need. A complete H-2A application is defined as one containing all the documentation (e.g., housing inspection report, workers' compensation, recruitment report) necessary for the OFLC Certifying Officer to issue a final determination 30 days before the start date of need.

<sup>3</sup>Lettuce Category includes listed Primary Crops of Iceberg, Lettuce and Romaine.  
<sup>4</sup>Oranges Category includes listed Primary Crops of Oranges, Tangerines, and Valencia Oranges.  
<sup>5</sup>Berries Category includes listed Primary Crops of Blueberries and Strawberries.  
<sup>6</sup>Livestock Category includes listed Primary Crops of Cattle, Goats, Livestock, Open Range Livestock, Pigs, and Sheep.

Data as of December 31, 2017. All figures are rounded and not audited.



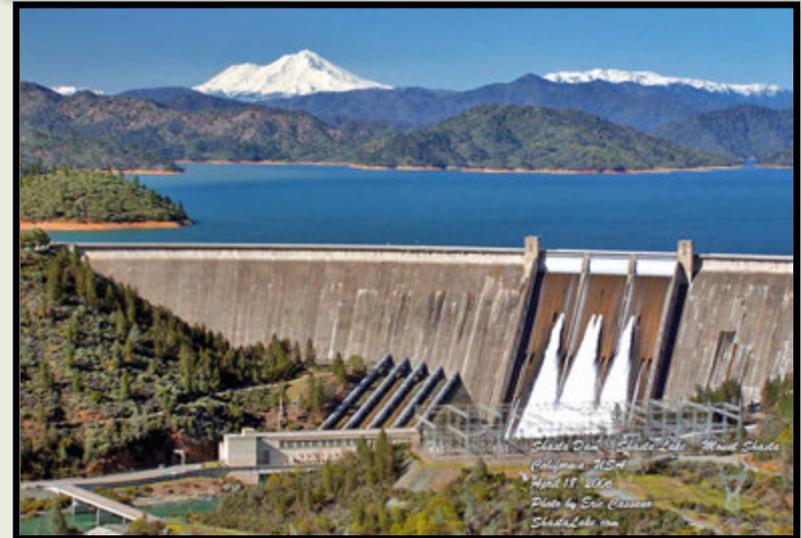
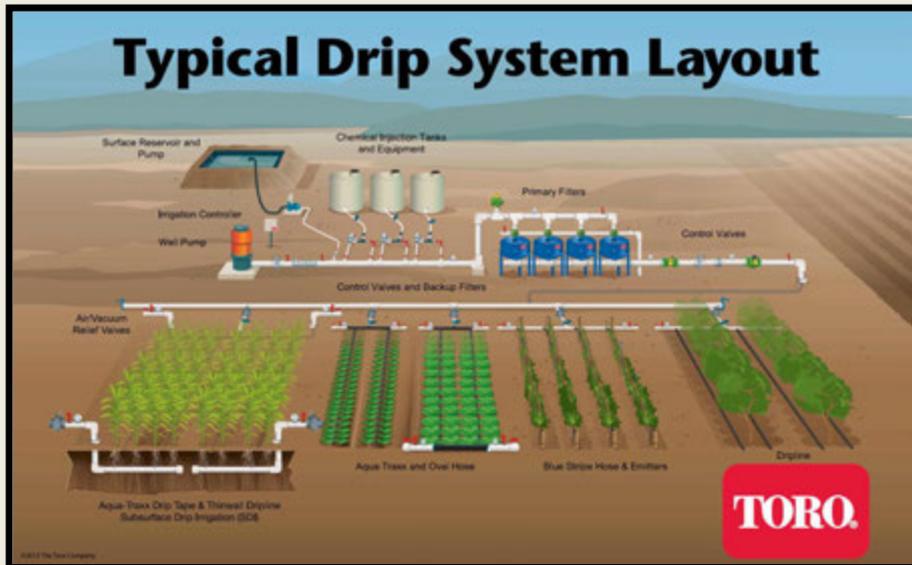
## **CA H2A: 3,000 in 2012, 8,600 in 2015, 15,000 in 2017**

- CA: vegetable firms operate in Yuma & Salinas
  - Border labor force is legal; BP agents check buses
  - H-2As from Yuma to Salinas: house in motels or on-farm housing? T&A: \$17 million for 800 workers in Spreckels, \$20,000 per bed
  - Fresh Harvest certified to fill 4,800 jobs with H-2A workers in FY17; 1 / 3 of CA H-2A jobs
- SJV fruit: more seasonal, less grower-shipper integration, less profitable?
- **Challenge in coastal California = housing, for BOTH local & H-2A workers**

**40<sup>th</sup> percentile fair market rent Monterey 2017: \$1,400 for 2-bedrooms. Earn \$12/hour, 160 hours/month = \$1,920/month**



# H-2A strategies & water: individual versus collective effort to obtain labor & water (or both)



## AgJOBS: repeat IRCA with changes

1. Legalize unauthorized farm workers, & require 3-5 years more farm work to become immigrants (with families)
2. Easier for farmers to hire legal guest workers
  - W-3: tied to employers with up to 3-year contracts
  - W-4: free agent workers who cannot be U >60 days
  - Housing allowance to both W-3 & W-4 OK; No SS, UI

### **AgJOBS:**

#### **New Solution or New Problem?**

**An historic compromise between employer and worker advocates would legalize some currently unauthorized workers and make it easier for farmers to obtain guest workers, but may not fundamentally change the farm labor market.**

*Article by Philip Martin and Bert Mason • May 2004*



# Goodlatte: 450,000 H-2C visas (40,000 for meatpacking)

1. 24-month visas for seasonal or year-round jobs
2. Employers attest to need & post jobs; pay 115% of minimum wage
3. No transportation or housing for H-2Cs required

I

115TH CONGRESS  
1ST SESSION

## H. R. 4092

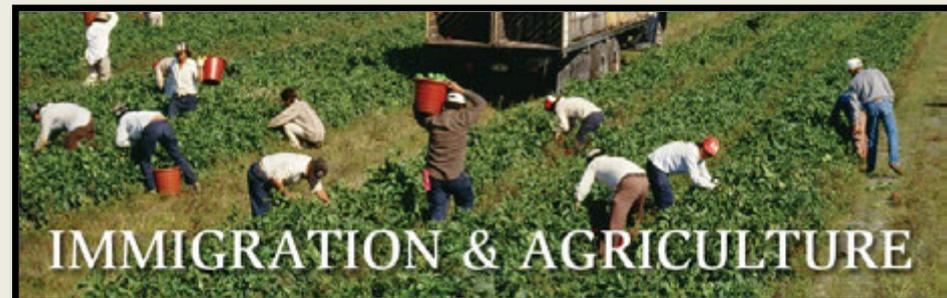
To create a nonimmigrant H-2C work visa program for agricultural workers,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

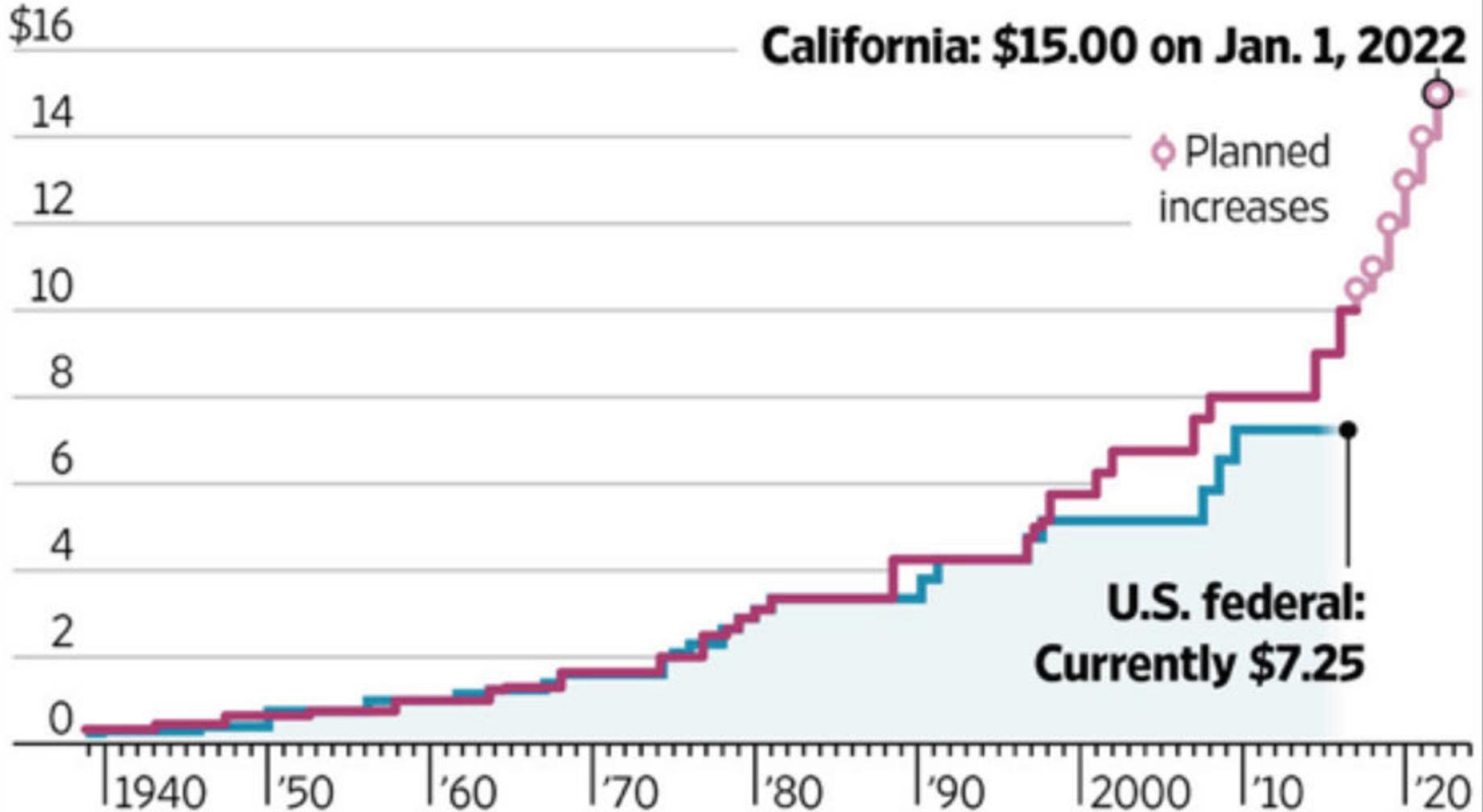
OCTOBER 23, 2017

Mr. MARSHALL, Mr. ARRINGTON, Mr. CRAMER,  
sylvania, Mr. DUFFY, Mr. ROUZER, Mr. BISHOP  
(GALLAGHER, and Mr. BARR) introduced the fol-  
ferred to the Committee on the Judiciary, and  
mittees on Education and the Workforce, and  
a period to be subsequently determined by the  
r consideration of such provisions as fall within  
committee concerned



# CA: 50% increase in minimum wage by 2022 (now \$10.50)

## Comparing minimum wages



Source: Labor Department (U.S.); California Department of Industrial Relations (Calif.)

# Summary

- Hired worker employment up; farm workers aging & settled with US citizen children
- Employer 4-S responses: satisfy, stretch, substitute, supplement with H-2A
- Satisfy & stretch mostly shorter term
- Race in the fields: mechanization, migrants, or imports?
  - How fast will technology improve, costs drop, and plant breeders adapt to technology?
  - New guest worker program? Relax H-2A housing & AEWR regs? 3-year visas?
  - Imports:  $\frac{1}{2}$  fresh fruit;  $\frac{1}{4}$  of fresh vegs = imports

# Most H-2A workers are younger than 35

Statistics from the U.S. State Department showing the age distribution of H-2A visa holders in 2010.

Employers' preferences for younger workers are evident.

