



Christopher W. Tague
Assemblyman, 102nd A.D.

Albany, Columbia, Delaware,
Greene, Otsego, Schoharie and
Ulster Counties

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER

Committee on Agriculture

COMMITTEES

Election Law
Environmental Conservation
Real Property Taxation
Tourism, Parks,
Arts and Sports Development

February 9, 2022

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

The Honorable Roberta Reardon, Commissioner
New York State Department of Labor
W.A. Harriman Campus, Building 12
Albany, NY 12240

Dear Governor Hochul & Commissioner Reardon,

We are facing a precarious moment for the future of New York agriculture after the Farm Laborers Wage Board recently recommended a reduction to the overtime threshold for farmworkers – an imprudent decision based on the immense response from both farmers and farmworkers who testified of the disastrous impact this change would have on their future viability in New York State. We write to respectfully request your rejection of this proposed policy and urge you to preserve the current sixty-hour threshold.

Agriculture is an industry unlike any other and we do a disservice to farms when we fail to recognize the unique circumstances faced by those in this sector. The operation of a farm relies upon crop, animal, and weather-dependent work schedules, often exceeding the standard eight-hour workday. Always at the mercy of the unpredictable, farmworkers need to be available when it is time for harvest or when Mother Nature threatens. The growing frequency of extreme weather events has made these irregular work schedules even more erratic. A forecast of torrential rains means all hands-on-deck to save as many crops as possible; a sudden frost necessitates working after sundown to protect yields and prolong the growing season.

In New York, the agricultural industry is overwhelmingly composed of small, family-owned operations that are fortunate to turn a profit. The impacts of fluctuating commodity prices and burdensome regulations mean that farmers function on slim margins, often forgoing a paycheck themselves, and do not have the financial resources to pay their employees overtime wages. The estimated burden to do so is staggering. Farm Credit East recently reported that lowering the overtime threshold to forty hours, coupled with minimum wage raises, would result in a 42% increase in labor costs for these small businesses.

Since the implementation of a sixty-hour work week took effect in January of 2020, many farmers have had to reduce the number of hours available for their employees, financially harming the very workers this measure is intended to help. As a result, we have already witnessed seasonal workers leave the industry and migrant workers, who have labored on the same farm for years, seek employment in other states in order to maximize their earning potential. Faced with a forty-hour overtime threshold, the outlook appears even more grim. According to a Cornell University report, 70% of farmworkers interviewed indicated that they would consider going to another state without capped hours, if hours were to be further limited in New York.

Beyond a shrinking workforce, we are also contending with an interrupted food supply chain crisis the likes of which is being felt in the wallets of all New Yorkers. A limited and unpredictable food supply has led to dramatic increases in prices, with grocery bills becoming a significant expense for families, and restaurants passing on the inflated costs to consumers. As fewer laborers are available to harvest crops locally, the accessibility of New York foods diminishes, further compounding the problem. Not only does this make us reliant on outside products and, therefore, more vulnerable to market volatility, but it also means that too many of our neighbors will not be able to afford to put fresh food on their tables.

Equally important to consider, farmers are price takers, beholden to the prevailing market prices of a global economy. They have little to no control over the value of their products, regardless of the actual cost it takes to produce them. In New York particularly, where it is expensive to do business, farmers are barely able to recoup their expenses. Our State's products are already priced at such a competitive disadvantage that, despite the strong presence of agriculture here, many of our schools import milk and some even procure apples, which are grown in abundance right here, from as far away as Washington State.

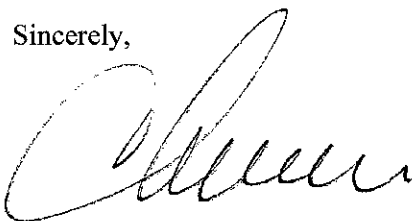
Despite these challenges, our farmers produce some of the healthiest and safest foods in the world and were a lifeline during the COVID-19 pandemic for so many of our neighbors who were hungry, struggling to make ends meet. At a time of renewed focus on food insecurity and developing permanent solutions to getting fresh, local products into the hands of those in need, it would be irresponsible to adopt a policy that will inhibit our farmers' ability to thrive.

While we respect the push to safeguard the labor rights of our farmworkers, we cannot do so at the expense of farms themselves. Simply put, the imposition of such an onerous overtime threshold will make economic conditions so difficult here that it will end this way of life as we know it, taking with it all opportunity for farmworkers in our State.

To that end, we respectfully request that you reject any further reductions, below sixty hours, to the current overtime threshold and continue to examine the financial health of New York State farms and their ability to absorb such a cost. Beyond that, we remain ready to work with you to ensure all farmworkers, who make it possible for us to have access to high-quality, safe, and fresh foods, are fairly compensated for the essential jobs they do.

Thank you for your consideration of our concerns and we look forward to hearing from you.

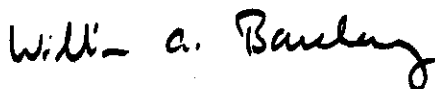
Sincerely,



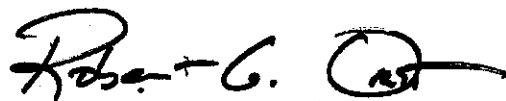
Christopher W. Tague, Ranking Member
Assembly Agriculture Committee
Assemblyman, 102nd A.D.



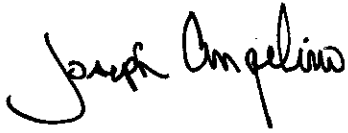
George M. Borrello, Ranking Member
Senate Agriculture Committee
Senator, 57th S.D.



Will Barclay, Minority Leader
New York State Assembly
Assemblyman, 120th A.D.



Robert Ortt, Minority Leader
New York State Senate
Senator, 62nd S.D.



Joe Angelino
Assemblyman, 122nd A.D.



Fred Akshar
Senator, 52nd S.D.



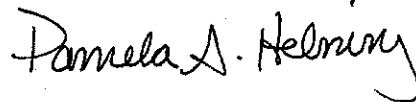
Ken Blankenbush
Assemblyman, 117th A.D.



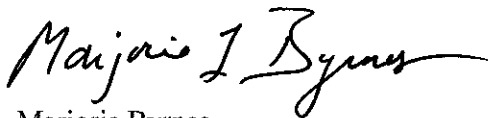
Patrick Gallivan
Senator, 59th S.D.



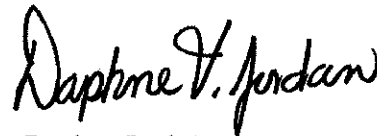
Karl Brabenec
Assemblyman, 98th A.D.



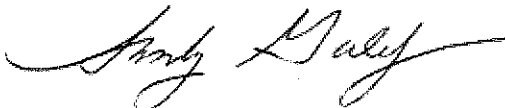
Pamela Helming
Senator, 54th S.D.



Marjorie Byrnes
Assemblywoman, 133rd A.D.



Daphne Jordan
Senator, 43rd S.D.



Sandy Galef
Assemblywoman, 95th A.D.



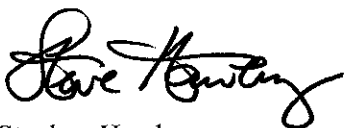
Mike Martucci
Senator, 42nd S.D.



Jeff Gallahan
Assemblyman, 131st A.D.



Peter Oberacker
Senator, 51st S.D.



Stephen Hawley
Assemblyman, 139th A.D.



Anthony Palumbo
Senator, 1st S.D.



Mike Lawler
Assemblyman, 97th A.D.



Patty Ritchie
Senator, 48th S.D.



Brian Manktelow
Assemblyman, 130th A.D.



Sue Serino
Senator, 41st S.D.



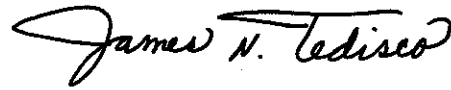
John Mikulin
Assemblyman, 17th A.D.



Daniel Stec
Senator, 45th S.D.



Brian Miller
Assemblyman, 101st A.D.



James Tedisco
Senator, 49th S.D.



Melissa Miller
Assemblywoman, 20th A.D.



Alexis Weik
Senator, 3rd S.D.



Michael Montesano
Assemblyman, 15th A.D.



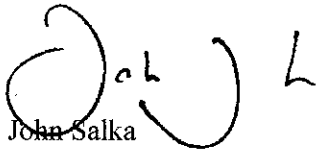
Angelo Morincho
Assemblyman, 145th A.D.



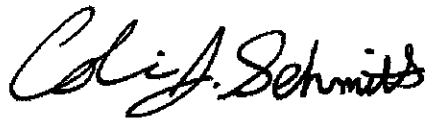
Michael Norris
Assemblyman, 144th A.D.



Philip Palmesano
Assemblyman, 132nd A.D.



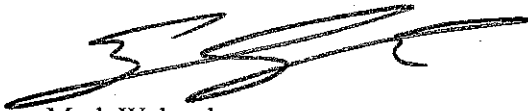
John Salka
Assemblyman, 121st A.D.



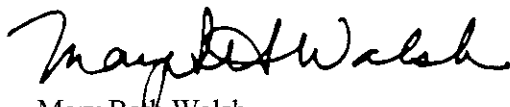
Colin Schmitt
Assemblyman, 99th A.D.



Matthew Simpson
Assemblyman, 114th A.D.



Mark Walczyk
Assemblyman, 116th A.D.



Mary Beth Walsh
Assemblywoman, 112th A.D.