



Aug. 17, 2007

Employers on the hook for immigration enforcement

Feds to crack down on "no-match" Social Security numbers

Beginning next month, agricultural employers who receive letters from the federal Social Security Administration or Homeland Security Department indicating "no-match" Social Security numbers for their employees will have 90 days to correct the situations or be faced with employee lay-offs.

Tougher enforcement rules on undocumented workers by the federal government were announced on Aug. 10, and a grower meeting and news conference were held on Monday to discuss what's at stake for the county's leading employer—agriculture.

FCFB, Nisei Farmers League and other agricultural leaders blasted the federal government for the bad timing on release of the new rule during harvest for many San Joaquin Valley labor-intensive specialty crops and for placing the onerous burden of immigration enforcement on the backs of agricultural employers.

"If anyone thinks this rule will make things better, he's mistaken. Instead it will punish the breadwinners in families by forcing employers to layoff working parents," said Barry Bedwell of the California Grape and Treefruit League.

"This makes it very difficult for us to do our jobs. Congress needs to take care of the job we voted them to do," said FCFB President Russel Efir, citing Congress' failure to enact comprehensive immigration reform and a guest worker program.

The result from enforcement of the new rule could be significant. Fresno County's leading industry, agriculture, as well as other major employers in the County such as the construction, landscape, hotel and restaurant industries, may be faced with significant worker shortages and subsequent financial losses resulting from implementation of the new rule. Also concerning for employers is the potential discriminatory effect of the rule upon workers and the resulting lawsuits that employers may face if they do terminate employees.

On Aug. 10, the U.S. Department of Homeland Security issued a safe-harbor rule for employers receiving so-called "no-match" letters from SSA. A no-match letter states that the combination of name and Social Security account number submitted by the employer to the SSA for an employee does not match SSA's records, raising suspicion the employee may not be legally eligible to work in the U.S.

The new rule, which took effect Aug. 13, requires employers to take certain steps to ensure the employee is work-eligible within a 30-day period. If still not resolved at the completion of the employer's 30-day period, the employee has 90 days to provide verifiably legitimate documents. If unsuccessful in documenting the employee's eligibility, the employer must terminate the employee or face stiff civil and criminal penalties for "having constructive knowledge" the employee is unauthorized.

At a time when unemployment still remains at unacceptable levels in the Valley, we do not need to be laying-off additional employees, adding to the burden on social programs and creating financial hardships for working families.

Family farmers and ranchers in Fresno County want to hire people who are legally able to work, and they comply with employment eligibility verification rules when hiring employees. "Ag has always wanted a legal work force, but we have not been given the tools we need to do that," said Bedwell. The new rule comes at a time farmers and ranchers already face great uncertainty with having an adequate, long-term labor supply.

Much is at stake with the potential loss of employees in the agricultural sector alone. Perishable fruits and vegetables may go unpicked. Dairies may not be able to find qualified milkers and breeders. Packing house and related food processing jobs may be terminated from a reduction in the value-added products. And, in a county where every \$1 produced on-farm generates another \$3.50 in the local and regional economy, the trickle-down economic impacts will be felt far and wide. Add these losses to similar losses expected in other affected industries; it's clear the financial and social strain on Fresno County will be significant.

“If we don’t come up with an answer, the rest of the economy will be hurt,” said Bill Smittcamp, of the Clovis-based Wawona Frozen Foods.

Time to act is now

Farmers, ranchers and other agricultural employers are urged to contact Senate and Congressional representatives, letting them know this recent action is unacceptable and to emphasize the need for a temporary worker program.

The ultimate solution to the problem is to assure that there are enough people available to work legally on farms via the proposed AgJOBS bill, which calls for a five-year pilot program to legalize those who have worked in agriculture for 150 days over the past two years. Congress must approve this agricultural temporary worker program and must do so quickly. DHS’ new rule makes it imperative that AgJOBS be passed this year. The existing H-2A agricultural guest-worker program simply doesn’t have enough flexibility to help the Valley’s unique fruit and vegetable production. AgJOBS offers a more flexible and workable program for on-farm jobs.

Sample letters to send to Congressional representatives and Senators are available. Contact info@cfbf.org or reply to this email to request sample letters and addresses.

Help is needed on state level, too

California Farm Bureau Federation’s Farm Team is called to action this week to urge the State Legislature to defeat seven bills that pose to weaken the business climate and throw obstacles in the way of farmers’ work to provide safe, affordable food and farm products in a sustainable manner.

The seven bills targeted by Farm Team are:

- Senate Bill 180 (Migden, D-San Francisco): Strips farm employees of their right to a secure, secret-ballot election by substituting an unprotected process known as “majority sign-up election”;
- SB 719 (Machado, D-Linden): Undermines government accountability by expanding the San Joaquin Unified Air Pollution Control Board to include appointed members who would be neither accountable to district residents nor elected by constituents;

- SB 974 (Lowenthal, D-Long Beach): Threatens the business climate by imposing new taxes on all containerized cargo moving through California ports, with the resulting increase in shipping costs putting the state’s farmers and ranchers at a competitive disadvantage;

- Assembly Bill 8 (Núñez, D-Los Angeles): Imposes a tax on farmers, ranchers and other small employers to fund health-care coverage for those who do not purchase it themselves;

- AB 377 (Arambula, D-Fresno): Holds farmers responsible for illegal activities of farm labor contractors, over which farmers have no control, by requiring contractors to disclose on employees’ pay stubs the name and address of the farm that secured the contractor’s services;

- AB 1100 (Ruskin, D-Redwood City) and SB 63 (Migden, D-San Francisco): Threatens the availability of production practices by requiring meat or milk from cloned animals or their progeny to be labeled, essentially banning new technology with benefits to farmers, ranchers and consumers.

State legislators will reconvenes on Monday, Aug. 20 and has until Sept. 14 to take final action on bills. The Governor has until Oct. 14 to sign or veto bills.

Grassroots advocacy is effective. Your voice does make a difference. For contact information and additional information visit, www.cfbf.com.

Light Brown Apple Moth funding is increased

The U.S. Department of Agriculture announced this week an additional \$15 million in federal funding to combat the light brown apple moth infestation in California.

The Cooperative Light Brown Apple Moth Eradication Project can now move forward with plans to eradicate the pest in a number of California counties. The light brown apple moth eradication project is a multi-year program. The USDA funding will cover expenditures incurred already this year and projected expenses for the remainder of 2007.

To date, the pest has been detected in Alameda, Marin, Contra Costa, San Francisco, San Mateo, Napa, Santa Cruz, Monterey, Santa Clara,

Solano and Los Angeles counties. The light brown apple moth can damage a wide range of crops and ornamentals. For more information, visit: http://www.cdfa.ca.gov/phpps/pdep/lbam_main.htm

Hearing set for Aug. 21 in Delta Smelt case

An evidentiary hearing is set for Aug. 21 in U.S. District Court in Fresno as part of an ongoing lawsuit over water project operations and Delta Smelt protection.

The hearing before U.S. District Judge Oliver Wanger marks the next step toward implementing interim actions to protect the Smelt. Parties involved in the suit have proposed a range of actions, with potentially significant impacts on water deliveries by the State Water Project and federal Central Valley Project, which could impact the west side of Fresno County.

Judge Wanger ruled in May that permits under which the two projects export water from the Delta are inadequate and do not comply with the federal Endangered Species Act. Details on interim actions by the CA Department of Water Resources to protect smelt and address other Delta problems are available at: <http://gov.ca.gov/index.php?/press-release/6972/>.

Long-time Farm Bureau leader to be honored

A special event to honor George Gomes, a long-time California Farm Bureau Federation executive, will be held on Friday, Sept. 7 at 6 p.m. at the Mohamed's Quail Run Gardens in Sacramento.

The "Celebration of Leadership" will focus on Gomes' career of commitment to the California agriculture. Gomes, who served as CFBF's administrator for many years, was appointed by the Governor to serve in the California Department of Food and Agriculture. The event, which is a fundraiser to benefit the California Foundation for Ag in the Classroom, will feature presentations by John Garamendi, A.G. Kawamura, Doug Mosebar, Bob Vice and others.

Individual tickets are \$200 and sponsorship opportunities are available. For details, contact CFAITC at (916) 561-5625.

Visit www.fcfb.org

Raisin harvest begins – forecast is up

As the raisin harvest gets underway in Fresno County, the USDA crop forecast was revised from its July estimate to 2.2 million tons of raisin-type varieties, up 18 percent from last year and five percent more than the July forecast. Bearing acreage is 234,000 acres.

The harvest has begun in the Del Rey area with hand crews picking on individual trays, and hand-harvest of Flames for raisin production has begun in the Easton area.

According to USDA, the 2007 California raisin type grape crop is shaping up to be an average-to-slightly above-average sized crop. Some vineyards experienced cane die-back due to the cold temperatures during January. Grapes are Fresno County's number one crop, worth \$563 million in 2006.

This date in history

Aug. 18 is the 45th anniversary of historic groundbreaking ceremonies at San Luis Reservoir, a key water storage facility that helps supply both the State Water Project and the federal Central Valley Project.

President John F. Kennedy and California Governor Edmund G. (Pat) Brown, Sr., launched the groundbreaking on Aug. 18, 1962, with a landmark celebration that drew more than 10,000 people to the reservoir site near Los Banos in western Merced County. The surface water supply made available from San Luis Reservoir helped the west side of Fresno County transition into a diverse blend of permanent and vegetable crops from the historic reliance on field and dryland-farmed crops.

Next Week's Calendar

- Aug. 20 Chamber Governmental Affairs Committee, 3:30 p.m., Chamber office
- Aug 24 Kerman Rotary presentation, noon, Kerman

This Week's Calendar

- Aug. 13 Grower meeting/News Conference on no match rule
- Aug. 16 FCFB Public Relations Committee meeting

Fresno County
Farm Bureau

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