

Tom De Marree Testimony

April 20, 2011

Good afternoon! I appreciate being given the opportunity to discuss apple industry labor concerns. Thank you for your kind attention. My name is Tom De Marree and I own and operate a two hundred acre fruit farm in Town of Williamson, Wayne County. I am also the current President of the NYS Horticultural Society and past a board member of the New York Apple Association.

We grow over 100,000 bushels of apples as well as process peaches and a few other stone fruits. We also own and operate cold storages which hold over 60,000 bushels of apples. Six people work full or part-time on our farm and an additional twenty nine people depend on the seasonal work available through our farm to support their families.

According to the 2006 NYS Orchard and Vineyard Survey there are over 42,000 commercial acres of apples in this state. In the past 20 years, growers have renewed their acreage at rates of 3 to 4% annually.

More than 65% of New York's apple acreage is in seven counties on the south shore of Lake Ontario. In the past four years, most of the fresh apple growers in these counties have been replanting apple trees at 500 to 1,300 trees per acre, which costs between \$6,500 to \$13,000 per acre.

This means that apple growers in these counties over the past four years have invested around \$46 million in new apple orchards alone. **Twice** this amount has also likely been invested in on-farm machinery and equipment, labor housing and other real estate improvements as well as in apple storages, packing lines and other cooperative marketing facilities in this same time period.

Our own operation has invested hundreds of thousands of dollars in capital improvements over the past four years. We also spend over \$5,000 an acre annually growing, harvesting and delivering our fruit, **eighty percent of which benefits the local economy.**

This is our sixth year of using H-2A labor. Securing H-2A labor is expensive and increasingly fraught with government red tape and stress. The US Department of Labor and the NYS Department of Labor in Albany are attempting to make this program so difficult that no one will choose to use it.

Growers, however have almost no choice, but to use this program if they wish to secure legal employees skilled enough to perform the required work efficiently and on time.

The labor department tells growers what they must put on their work orders; limiting experience requirements and requiring employers to tolerate employees missing up to 5 consecutive days of work without notifying the employer in advance. How are growers supposed to harvest each apple variety at optimum quality when workers can miss work without notifying their employer?

The Department of Labor in Albany has also been requiring “referred” Puerto Ricans to be interviewed within ten days, when these “referred” persons often have no experience working on a fruit farm. Growers should not have to argue with or petition DOL employees (with no practical experience in operating a fruit farm) about the experience requirements for fruit farm employees in a business producing a perishable crop.

Thousands of dollars were lost to New York fruit farms and their local economies last year because of delays in securing farm labor. Fruit was picked late and of lower quality, thus lower value. The failure to secure labor or the loss of skilled labor during critical planting, crop protection (spraying) or harvest operations results in financial losses that not only jeopardize the farm business, but also the local economy. Losses in apple quality jeopardize both year round and part time employee income.

Fruit growers need employees familiar with their particular varieties and the market requirements those farms are attempting to meet to secure the best possible price for each fruit variety. Growers do not want to train new employees annually, they want to retain trained employees. Untrained employees make expensive mistakes that today’s businesses cannot afford! Workers also prefer to work for the same farm, year after year.

As time goes on, there are fewer skilled people who are willing to move from place to place every 6 to 10 weeks to harvest crops as they reach maturity. Given a choice, most people prefer to earn their living in one place in a clean, dry environment that does not require continued physically strenuous labor.

I know that this is a difficult and controversial matter, but growers need some assurance that they will have a consistent, skilled labor force available to them and that they will be able to retain trained workers. Congresswoman Louise Slaughter has recently been a strong advocate on the growers’ behalf in contacting the labor department to begin to solve these problems. I would urge you to contact her office and to work with her to get the H-2A program to be more responsive to grower needs as well as support Ag Jobs. Thank you for listening to my concerns.