

Congress of the United States
Washington, DC 20515

February 24, 2022

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

Dear Governor Hochul:

We write deeply disappointed in the New York State Farm Laborers Wage Board's recent decision to lower the overtime wage threshold over the next decade from 60 hours a week to 40 hours a week. We urge you to reject this decision to lower the overtime threshold.

The Farm Laborers Wage Board ignored 70% of the testimony that was in favor of keeping a 60-hour a week threshold. Their decision was made for our agricultural community without considering what the majority of our state's farmers and farmworkers actually had to say. We stand with these hardworking individuals. As a result of this decision, the future of agriculture in New York State is now in jeopardy.

We were also disappointed the Farm Laborers Wage Board ignored the report recently released by Cornell University's College of Agriculture and Life Sciences that projected many New York farms will be forced to close or reduce their operations if the 40-hour week for farmworkers is implemented.¹ As the report stated, *two-thirds* of dairy farms interviewed indicated they would "move out of milk production, direct future dairy investment to other states, invest outside of dairy or exit agriculture entirely if faced with a 40-hour overtime threshold for employees."² You cannot allow this to happen.

Given the current labor market, New York farmers will not be able to hire enough additional farmworkers to reduce hours to 40 per week.³ To continue operations, mandatory overtime pay will raise labor costs approximately \$264 million per year across the state.⁴ If our farmers are unable to keep up with these costs, farmworkers made clear in the testimony that they will move to other states where they have the ability to work more hours.⁵ New York's specialty crop industry will also suffer, as it relies on the H-2A guest worker visa program for a reliable workforce during a short planting and harvest season. These workers want to take advantage of

¹ Joshua Solomon, *Cornell University Study Raises Questions Ahead of Farm Workers Wage Board Hearing*, TIMES UNION (Dec. 13, 2021), <https://www.timesunion.com/state/article/Cornell-University-study-raises-questions-ahead-16699377.php>

² *Id.*

³ Tom Cosgrove & Chris Laughton, *The Economic Impact of Overtime Pay for New York State Agriculture*, FARM CREDIT EAST (Oct. 2021), <https://www.farmcrediteast.com/knowledge-exchange/Reports/economic-impact-of-overtime-pay-for-nys-agriculture>

⁴ *Id.*

⁵ WCAX News Team, *Farmers furious as N.Y. looks to lower overtime limit*, WCAX (Jan. 29, 2022), <https://www.wcax.com/2022/01/30/farmers-furious-ny-looks-lower-overtime-limit/>

extra hours to support their families. With even less workforce available, farms could be forced to close operations completely, further increasing the unemployment rate in New York. Additionally, fewer workers and rising labor costs will result in even less locally produced food, causing prices to increase for our local consumers.⁶ New York families are already facing significantly higher food costs due to record levels of inflation and cannot afford further increases to their grocery bills that would result from this misguided decision.

Therefore, we urge you to reject the Farm Laborers Wage Board's decision. Our dairy farmers, apple growers, maple producers, their hardworking employees, and others in our state's agriculture industry will be severely impacted by your action on this critical issue. A failure to reject the wage board's decision will destroy their livelihoods and devastate the future of agriculture in our state.

Thank you for your prompt attention to this matter.

Sincerely,



Elise Stefanik
Member of Congress



Andrew R. Garbarino
Member of Congress



John Katko
Member of Congress



Claudia Tenney
Member of Congress



Lee Zeldin
Member of Congress



Tom Reed
Member of Congress



Chris Jacobs
Member of Congress

⁶ John Pirsos, *Lowering the overtime threshold for farmers, could it backfire?*, 7 NEWS (Nov. 14, 2021), <https://www.wnnytv.com/2021/11/14/lowering-overtime-threshold-farmers-could-it-backfire/>

cc: Roberta Reardon, Commissioner, New York State Department of Labor