



Commission Hosts Labor Seminars; Path Forward Remains Rocky

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In August, the California Avocado Commission (CAC) conducted grower seminars to discuss labor availability and immigration enforcement, and to explore possible options for a stable labor force. Speakers included Craig Regelbrugge, senior vice president for AmericanHort and co-chairman of the Agriculture Coalition for Immigration Reform (ACIR), and Jason Resnick, vice president and general counsel for Western Growers.

Regelbrugge, who is based in Washington, D.C., gave a report on the political dynamics and outlook for Congressional action (http://californiaavocadogrowers.com/sites/default/files/documents/Regelbrugge_Avocado-Labor_080217.pdf). During the first few months of the Trump administration there has been significant discussion about enforcing immigration laws and building a border wall. While there have been no reports of Immigration and Customs Enforcement (ICE) conducting raids directly in agricultural production operations, ICE is actively pursuing undocumented felons. Those activities have had a significant detrimental impact on labor availability in agriculture.

Efforts in Congress remain stalled. Two immigration bills have been introduced by Chairman Bob Goodlatte to the House Judiciary Committee, and indications are that an immigration bill could be introduced to the House sometime in September. The bills, in their current form, do not address the needs of agriculture, neither in creating a workable guest worker program nor in establishing a pathway for existing workers to receive authorization to work. Representatives from agriculture are already working hard to identify needed improvements, with a goal of getting the best possible legislation out of the Judiciary Committee and then improving it on the floor of the House.

A fix that works for agriculture must include:

- Improvements to the H-2A program that make it less challenging and burdensome
- A new “modernized” visa program element (probably separate from H2A) that allows for a more flexible employment arrangement (often referred to as a “portable” or “at will” visa) where a worker is able to move freely among job opportunities offered by



registered employers

- A practical and realistic solution for current workers to attain legal presence and authorization to work.

Any one of these above goals is lofty, let alone trying to tackle all three concurrently.

Looking forward to the 2018 California avocado harvest with a crop projected at around 400 million pounds (roughly double that of this year), there are only two current options. Growers can rely on, and hope, that the existing status quo will provide enough workers, or they can utilize the H2A program. Reports on labor availability for this year, in most instances, seemed adequate. However, with next year's crop potentially double the size of this year's and the ongoing uncertainty for workers based on enforcement activities, it's likely that next year labor availability will be a daunting challenge for many growers. This has led some growers to pursue the H2A program.

Resnick provided a detailed overview of the H2A program, both the administrative requirements and costs (<http://californiaavocadogrowers.com/sites/default/files/documents/H-2-A-CA-Avocado-Presentation.pdf>). The housing requirement costs make it very difficult for many growers to participate. In short, a farming operation must have the appropriate scale of operations to make the investment necessary to utilize the H2A program.

The CAC seminars included panel discussions with growers and labor contractors who are utilizing or considering the H2A program. The one consistent takeaway from the discussions was the need for the industry to work together. Growers, packers and labor contractors must cooperate and coordinate to ensure that all the crop is harvested.

Behind the scenes rumblings are that a "deal" between Democrats and Republicans may be possible on immigration legislation that addresses "Dreamers" (people brought illegally as children to the United States) in exchange for border wall

funding and E-verify. That alone won't be enough for agriculture. The Deferred Action for Childhood Arrivals (DACA) program, created by President Obama in June 2012, has allowed about 800,000 "Dreamers" to remain in the U.S. legally. Under DACA, "Dreamers" are provided temporary work permits and protection from deportation. At the time of this writing, President Trump had rescinded DACA but delayed enforcement for six months to give Congress time to address the issue.

President Trump has signaled he may be willing to cut a deal that allows "Dreamers" to retain legal status, but only if funding for a border wall is provided. On August 22, President Trump said, "Believe me, if we have to shut down the government, we're building that wall." The fringe elements of both political parties are digging in their heels. Those on the far right are firmly opposed to allowing the "Dreamers" to remain, and those on the far left will not support funding for a border wall. The stand-off continues.

Unfortunately, a legislative solution that addresses agriculture's needs for labor appears to be stuck in the abyss of this relentless political battle. It's critical a fix to the labor shortages in the agriculture workforce is part of any immigration reform legislation. Commission staff continues to work with Congressional members on the importance of finding a solution, as fast as possible. There is too much at stake for anything less. 🍌