



October 9, 2012

David Hancock, NASS Clearance Officer  
U.S. Department of Agriculture  
Room 5336 South Building  
1400 Independence Ave SW  
Washington, DC 20250-2024

VIA EMAIL: [OMBofficer@nass.usda.gov](mailto:OMBofficer@nass.usda.gov)

Re: Comments re: National Agricultural Statistics Service Request for Revision and Extension of Information Collection: Agricultural Labor Survey  
Office of Management and Budget Control Number 0535-0109

Dear Mr. Hancock:

Farmworker Justice submits these comments in support of the Department of Agriculture's ("USDA") request for revision and extension of a currently approved information collection, the Agricultural Labor Survey ("QALS"), Office of Management and Budget ("OMB") Control Number 0535-0109. 77 Fed. Reg. 47,029 (August 7, 2012). The proposed information collection action for which USDA seeks comment relates to USDA's Agricultural Labor Survey which collects quarterly information on the number of US agricultural workers, the number of hours worked and wage rates.

Farmworker Justice offers these comments as a national advocacy organization representing migrant and seasonal farmworkers who perform work in the United States. Farmworker Justice seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice. We work with farmworkers and their organizations throughout the nation. We also seek to ensure that operation of the H-2A temporary agricultural guestworker program serves the dual statutory purposes of ensuring that there are not adequate numbers of domestic workers who are willing and able to perform the work and ensuring that US workers do not suffer adverse effects in wages or working conditions because of the employment of H-2A workers.

We strongly support USDA's continued collection of this information as it is an important and unique source of information on the size of the farmworker population, the hours that they work and the wages paid. More specifically, the QALS provides the only national data on farm labor employment and wage rates, as well as regional and seasonal (quarterly) data. Importantly, the

QALS includes all types of employers of hired farm workers, no matter how small their payroll, and also includes crew leaders and labor contractors, who have been deliberately excluded from Economic Census coverage. The QALS is the analog for agriculture of the monthly Current Employment Statistics (CES) payroll survey of the Bureau of Labor Statistics (BLS) that is closely watched by policy makers and business economists. Agriculture is deliberately excluded from the CES survey. But, unlike the CES, the QALS is based only on reports for four months, one in each calendar quarter. Other BLS data, such as the Census of Employment and Wages (CEW) based on quarterly unemployment insurance reports, are incomplete for agriculture because most small farms are excluded. This is because many states specifically exclude smaller farm employers from UI coverage.

In particular, the USDA wage survey is used by the Department of Labor (“DOL”) to calculate the Adverse Effect Wage Rates (“AEWR”) used in the H-2A temporary agricultural guestworker program. The Immigration and Nationality Act requires that before employers may hire H-2A workers, DOL must certify that there is a shortage of available workers who are “able, willing and qualified” for the positions and that the wages and working conditions of agricultural workers in the United States will not be “adversely affected” by the importation of guest workers. In order to ensure that US workers are not adversely affected, DOL requires that employers pay H-2A workers and US workers in corresponding employment “the highest of the AEWR, the prevailing wage or piece rate, the agreed-upon collective bargaining wage, or the Federal or State minimum wage.” The AEWR is the most important wage rate under the H-2A program and the USDA wage survey is critical to ensuring that farmworkers do not suffer large wage cuts. While we were disappointed that the USDA chose not to continue funding the wage survey, we are pleased that the survey has continued because of DOL’s recognition of its importance and decision to fund the survey. We urge USDA to recognize the importance of this critical survey.

In addition to the critically important use of the Farm Labor Survey to determine the AEWR, the QALS has many other important uses. The QALS can be combined with other data sources to extract important information about farmworkers. For example, the QALS provides information on a regional and large state basis that can be combined with other data sources such as the Agricultural Census to make estimates of the number of farmworkers by area. The QALS can also be combined with the Department of Labor’s National Agricultural Workers Survey (NAWS) to make fine-grained estimates of the demographics of farmworkers by region and large state. These estimates can even be made by season. The age, gender, place of origin, migration patterns, housing patterns, education levels and social service utilization can be estimated by combining the NAWS and the QALS. The NAWS itself uses QALS data in order to implement its sample and weight its results.

The QALS is also used for the support of various other government programs. The NAWS, QALS and Agricultural Census are being used in various configurations but always with a big role for the QALS to allocate resources for the National Farmworker Jobs Program, the Migrant and Seasonal Head Start Program, the Legal Services Corporation Migrant Program and the Migrant Health Program. Other agencies such as the 1992 Commission on Agricultural Workers and the Congressional Budget Office have used the QALS usually in conjunction with other data sources to describe the farmworker population. Moreover, estimates from these data

sources are used by farmworker programs and by state policy makers to design, implement and obtain resources for their activities.

The QALS data is useful in showing trends in the farm labor population over time. Therefore, Farmworker Justice would not support any substantive changes to the QALS that would result in fewer points of data or data that is not comparable to that of previous years.

In conclusion, Farmworker Justice strongly supports the extension of the currently approved information collection, the Agricultural Labor Survey. This information collection gathers important and needed data that is used to inform policymakers and advocates in their decision-making and analysis of issues related to the agricultural labor market and to help ensure that needed services to farmworkers and protections for farmworkers are in place.

Thank you for your consideration of these comments.

Sincerely,

Adrienne DeVartanian  
Director of Immigration and Labor Rights

Megan Horn  
Staff Attorney/Policy Analyst