



Farmworker Legal Services

Ayuda Legal Para Trabajadores del Campo

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www.FarmworkerLaw.org

VIA ELECTRONIC SUBMISSION

Office of Policy Development and Research
Employment and Training Administration
Department of Labor
Room N-5641
200 Constitution Ave. NW
Washington, DC 20210

by email: carroll.daniel.j@dol.gov

September 23, 2019

**RE: Agency Information Collection Activities; Comment Request
Support for National Agricultural Workers Survey**

Dear Mr. Carroll:

Farmworker Legal Services (“FLS”) and the Michigan Immigrant Rights Center (“MIRC”) submit these comments in strong support of the continuation of the Department of Labor’s National Agricultural Workers Survey (NAWS) and the publication of periodic reports based on the NAWS.

FLS is a statewide non-profit legal services provider in Michigan that represents indigent migrant, immigrant, and seasonal farmworkers and their dependents. Since 1997, FLS has advocated for the rights of farmworkers through its network of community partnerships and its representation of farmworkers in cases involving unlawful recruitment fees, wage theft, substandard housing or working conditions, retaliation, discrimination, and other exploitative schemes. MIRC is also a statewide organization that provides free legal services to immigrants and farmworkers throughout the state of Michigan, regardless of their immigration status. Both FLS and MIRC provide direct legal representation to farmworkers. As a result, FLS, MIRC, and our clients have genuine interests and expertise on the impact of NAWS.

Farmworkers have specialized legal needs that arise from their work in agriculture and the temporary and transitory nature of their work. The NAWS has been and continues to be a valuable, detailed, and unique source of data that identifies the unique barriers faced by agricultural workers in the United States. The NAWS is the only federal survey in which the data is collected directly from farm workers, which is obtained through its complex sampling procedure and in-depth and virtually year-round farmworker interviews.



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The NAWS data collection is critical for DOL's ability to enforce farmworkers' rights. USDOL is charged with enforcing the Migrant and Seasonal Agricultural Worker Protection Act, Occupational Safety and Health Act, Fair Labor Standards Act, job services regulations, and several other laws related to farmworkers. Also, farm labor contractors must register with the USDOL and obtain certifications from USDOL. The data captured in the NAWS is useful in determining trends and demographics of farmworker populations, allowing USDOL to prepare for and provide more targeted enforcement and certification programs. NAWS data identifies the language capacity and reading level of agricultural workers interviewed, which is useful in USDOL's creation and improvement of educational materials, such as its forms, disclosures, and postings.

The extreme benefit of the NAWS far outweighs its limitations. For example, the NAWS survey could be expanded to include retired farmworkers, seasonal farmworkers who are not employed in agriculture during the interview period, packinghouse workers (beyond those who are engaged in handling produce grown by the packinghouse owner), and workers in additional agricultural industries (such as livestock, reforestation, pine straw, beekeeping, fish farming, etc.). The NAWS could also seek additional information (such as additional information regarding dependent household members, health, etc.) However, such expansions would require significant increases in funding and the input from farmworkers, farmworker advocates, and farmworker –serving organizations for the development of future NAWS survey questions regarding the quality and clarity and potential burden on respondents. Already, the NAWS provides the most comprehensive data available regarding U.S. farmworkers and their families and is a critical tool in developing educational materials and enforcing of farmworker rights.

For these reasons, FLS and MIRC strongly support DOL's continuation of the NAWS and appreciate the opportunity to provide our feedback.

Sincerely,

s/Kara K. Moberg
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