

# PUBLIC SUBMISSION

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**Docket:** NASS-2024-0002  
Agricultural Labor ICR (0535-0109)

**Comment On:** NASS-2024-0002-0001  
Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** NASS-2024-0002-DRAFT-0005  
Comment on FR Doc # 2024-04850

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## Submitter Information

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**Organization:** Alianza Nacional de Campesinas, Inc.

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## General Comment

See attached file(s)

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## Attachments

Alianza - NASS Agricultural Labor Comment



## **ALIANZA NACIONAL DE CAMPESINAS, INC.**

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**May 6, 2024**

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*Submitted via regulations.gov*

### **Response to Notice of Intent to Request Revision and Extension of a Currently Approved Information Collection (Docket number 0535–0109).**

Alianza Nacional de Campesinas, Inc. applauds the USDA for seeking public comment on improving the agency's data reporting methods concerning farm labor. For far too long, farmworkers have been excluded from major legislation, such as the Farm Bill, and one critical element to incorporating agricultural labor in a meaningful way into policy discussions is to know how many people are employed in our food and farm system, where they work, and how long they perform their activities.

Through our work engaging both policymakers and farmworker communities, we regularly rely on information collected by surveys such as the Agricultural Labor Survey as well as the Agricultural Worker Survey (NAWS), among other academia and non-profit sources. We are concerned with what appears as significant differences between these data sources.

In the past, NASS' Agricultural Labor Survey has reported that there are just over one million farmworkers employed in agriculture.<sup>1</sup> Yet, reporting from non-profit organizations,<sup>2</sup> as well as from the U.S. agricultural census, shows

<sup>1</sup> USDA Economic Research Service, Size and Composition of the U.S. Agricultural Workforce, 2023, <https://www.ers.usda.gov/topics/farm-economy/farm-labor/#size>.

<sup>2</sup> Legal Services Corporation, Final Estimates of the 2021 LSC Agricultural Worker Poverty Population-Summary Table, 2021, <https://lsc-live.app.box.com/s/9zb1ak1knkzabrohs1mstu0eckcd9i06>.

that there are more likely double that number of people who are paid to work on farm operations.<sup>3</sup>

As a national non-profit organization that works directly with farmworkers across at least 20 different states, particularly women, we understand many of the challenges that come with accounting or not accounting for labor. Accordingly, we submit the below comments for your consideration in conducting future surveys.

## **Target Population**

### Domestic Work Routes

Farmworkers - primarily those who are domestic and not temporary agriculture visa holders - migrate around the country following the harvest seasons of different crops. At the same time, we know from the National Agricultural Workers Survey (NAWS) that workers remain with the same employers for considerable periods of time and travel established routes (e.g. tomatoes in Florida to blueberries in Maine). As a result, we would like to see more information gathered on the migratory nature of workers, where they work and change location over the course of the year.

### Crews and contractors

The NASS should also include data on contracted labor, workers hired and paid by third party contractors. Currently, contracted labor is not accounted for in the NASS and is excluded in the number of people who are farmworkers because respondents to the survey only report workers they hire and pay directly. However, this is an ever-growing population of workers, for instance, in the poultry industry or on operations that rely on day or short term laborers. Neglecting to include contracted labor leads to a gross under representation in the number of agricultural workers in the country. We're aware the NASS has considered the collection of this data in the past, and we recommend further testing survey questions that are simple and ask respondents to report on the entire number of workers regardless of who hired or paid them.<sup>4</sup>

### Dairy

Unlike fruit and vegetable workers, dairy workers are increasingly represented in the ranks of agricultural laborers. At the same time, dairy workers are not part of the temporary agricultural visa program, H-2A, and it is estimated that a large number of

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<sup>3</sup> USDA National Agricultural Statistics Service, Census Agriculture, 2017, <https://www.nass.usda.gov/Publications/AgCensus/2017/index.php>.

<sup>4</sup> Ridolfo, H. (2020). *Reporting Contract Labor on the Agricultural Labor Survey*, (RDD Research Report Number RDD-20-030). NASS Research and Development Division. [https://www.nass.usda.gov/Education\\_and\\_Outreach/Reports,\\_Presentations\\_and\\_Conferences/reports/AltToContractorFinalReport\\_09\\_21\\_2020.pdf](https://www.nass.usda.gov/Education_and_Outreach/Reports,_Presentations_and_Conferences/reports/AltToContractorFinalReport_09_21_2020.pdf).

dairy farm workers do not have immigrant status which means that they are seriously undercounted in the Agricultural Labor Survey.<sup>5</sup> It is estimated that 51% of the dairy farm workforce are immigrant workers, and produce about 79% of the U.S. milk supply.<sup>6</sup> This group of workers work year round, likely on the same farm for several years, and contribute immensely to a large sector of the agriculture sector. For these reasons we would like to see that their representation is accounted for as they also are an emerging group of workers in comparison to farmworkers working on produce operations.

### Demographics

Currently, the NASS assembles data based on state and wages. We would also like to see other attributes included, for instance, gender, race, language/s spoken, and age. Such figures would also help include the diverse makeup and different needs of the farmworker population into policy discussions, particularly by disclosing who actually is working in our food and farm system.

### **Number of Mailings**

Currently, there are 18,000 mailings sent out to farmers this month requesting their participation in the survey.<sup>7</sup> We are curious how many of the 18,000 people contacted are repeatedly contacted or if the non-respondents get dropped off the list. Additionally, we're concerned that since the process is randomized, that repeat non-respondents are being randomly contacted multiple times rather than reaching new farmers. Also, we would like to know more about the size of operations being contacted, as of right now, the only criteria is that operations are considered farms and eligible to respond to the survey if at least \$1,000 in agricultural products are produced and sold that year.<sup>8</sup> We are also aware that generally the response rate has been decreasing over time.<sup>9</sup> Depending on the rate of response, we recommend the NASS include more than 18,000, perhaps doubling the size, as well as include more ways to conduct outreach to large operations.

### **Survey Length/Content**

We believe it would be beneficial for the questionnaire to include different terms at various parts. For instance, we know that roughly half of farmworkers are undocumented. Because of this, we wonder if farmers underrepresented labor for fear of breaking labor law. To avoid such challenges, we recommend considering there be some kind of disclaimer early in the

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<sup>5</sup> National Milk Producers Federation, Labor and Immigration Reform, <https://www.nmpf.org/issues/labor-rural-policy/labor-and-immigration-reform-efforts/>.

<sup>6</sup> *Ibid.*

<sup>7</sup> USDA National Agricultural Statistics Service, Guide to NASS Surveys: Farm Labor, [https://www.nass.usda.gov/Surveys/Guide\\_to\\_NASS\\_Surveys/Farm\\_Labor/](https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Farm_Labor/).

<sup>8</sup> USDA National Agricultural Statistics Service, Guide to NASS Surveys: National Agricultural Classification Survey, [https://www.nass.usda.gov/Surveys/Guide\\_to\\_NASS\\_Surveys/NACS/index.php](https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/NACS/index.php).

<sup>9</sup> University of Illinois: Farmdoc Daily, Falling Response Rates to USDA Crop Surveys: Why It Matters, 2017, <https://farmdocdaily.illinois.edu/2017/01/falling-response-rates-to-usda-crop-surveys.html>.

survey about how this is primarily about data collection and does not have any relationship to immigration law enforcement. Similarly, the word ‘reporting’ as it appears in the survey could be construed to mean something related to law enforcement. We encourage considering different terms such as ‘accounting.’

We also encourage the survey to request more information on the hours worked. Typically the Department of Labor requires employers to maintain an accurate record of employee hours and wages; however, that does not apply to many farmworker employers because of the Fair Labor Standard Act agricultural worker exemption.<sup>10</sup> Therefore, the data collected through the Agricultural Labor Survey is one of the few sources to know how many hours farmworkers are laboring in certain industries, seasons, conditions, and more. This information will help inform policy discussions at both the national and state level.

We appreciate the opportunity to comment on NASS’ intention to revise the collection information collected for the Agricultural Labor Survey and commend the USDA for incorporating the feedback from our farmworker members and member organizations on this subject. If you have any questions please contact us at [mily@campesinasunite.org](mailto:mily@campesinasunite.org) or [amy.tamayo@campesinasunite.org](mailto:amy.tamayo@campesinasunite.org).

Respectfully submitted,

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Mily Trevino Saucedo  
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<sup>10</sup> U.S. Dept. of Labor, Recordkeeping and Reporting,  
<https://www.dol.gov/general/topic/workhours/hoursrecordkeeping>.