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In response to the open public comment period for the United States Department of Agriculture National Agricultural Statistics Service (USDA NASS) Farm Labor Survey (FLS) currently set to expire September 30th, 2024 (OMB Control Number 0535-0109), we would like to make you aware of the comments we plan on submitting for recommendation to improve the survey tool below. We are bringing this to the attention of leadership at both USDA and USDOL since the FLS is currently utilized to establish the annual Adverse Effect Wage Rates (AEWR) rate by the US Department of Labor (USDOL). This USDA NASS farm labor survey and the data collected is used by USDOL under the current AEWR methodology to determine H-2A hourly wages for the upcoming year. The survey is intended to determine the living and working wages of US workers. This survey should not include any wages of H-2A workers or any other workers in corresponding employment. The AEWR rate is determined annually and dictates the wage amount for most employees at a farm that utilizes the H-2A program to source labor that they are unable to hire domestically. Given the increasing challenges farmers face in finding domestic workers, increased utilization of the H-2A program and how the FLS is utilized by USDOL to establish the AEWR rates, we feel that it is critical for the survey to be revised to more accurate and relevant to today's agricultural production practices.

With the attached recommendations, we believe these crucial changes will provide a more accurate reflection of farm wage rates and provide new information to make the FLS more relevant since it is used as the base for establishing the annual AEWR rate by USDOL. According to data published by the USDA Economic Research Service (USDA ERS), in 2020 labor expenses were almost 40 percent of all production expenses for specialty crop farms, so these improvements are desperately needed. North Carolina produces many specialty crops across the state that are highly dependent on H-2A workers to produce commodities. With annual AEWR increases of approximately 6% per year in North Carolina, labor continues to be one of the biggest challenges and expenses facing many of the farms in our state.

The attached recommendations are being submitted by Legacy Labor, Inc., a Farm Labor Contractor, doing business in North Carolina and several other states. Please see the uploaded file for our comments.