



VIA ELECTRONIC SUBMISSION

Mr. Daniel Carroll
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Employment and Training Administration
U.S. Department of Labor
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Re: OMB Control Number 1205-0453; Information Collection for the National Agricultural Workers Survey

Dear Mr. Carroll:

Farmworker Justice submits these comments on behalf of the undersigned organizations and individuals in response to the U.S. Department of Labor's (DOL) request for comment on the proposed changes to the National Agricultural Workers Survey (NAWS).

Farmworker Justice is a national advocacy organization that works to improve the living and working conditions of migrant and seasonal farmworkers throughout the United States. We represent farmworker interests in issues relating to wages and working conditions, immigration, occupational health and safety, and access to justice. We seek to accomplish these aims through litigation, policy analysis, legislative and administrative advocacy, training and capacity building, and public education.

DOL is seeking approval to administer the revised NAWS instrument for three years. The proposed changes include questions on farmworkers' use of digital technology, their participation in education and training programs, and their utilization of health care services. DOL is also proposing to delete several questions for a variety of reasons.

We generally support DOL's proposed changes to the NAWS questionnaire and in some areas suggest language to enhance the quality, utility, and clarity of the information to be collected. We disagree with some proposed deletions. We also suggest ways in which the information collected could be expanded. We agree with DOL's assessment that the NAWS data are essential in understanding the U.S. hired farm labor force and monitoring the terms and conditions of agricultural employment. The information collected provides valuable information not only to

federal and state government agencies, but also to farmworker advocates, researchers and service providers across the country.

Comments on proposed changes to the survey instrument

Household Grid

HA15 - Spouse or child's use of health care services.

It is problematic to have “illness” and “injury” lumped together under question HA15a because policy and program planning requires information on each separately. Although there may not be enough responses to the question of “injury” for farmworker dependents to yield good analyses, it would still be valuable to have information about the number of injuries in this subpopulation. In the alternative, the interviewer could ask the respondent about “illness or injury” and if the answer is yes, follow up with “which?”

HA16 - Response codes for health care service providers.

It is unclear how the interviewer (or the respondent) will distinguish between services sought at a “community health center” and services sought at a “migrant health clinic.” Most migrant health centers are part of a larger community health center network. When we speak with farmworkers, many refer to the health center as “la clinica” or by its name (for example, a migrant health center in Goshen, NY is widely referred to as the “Alamo.” The Alamo is a clinic site of Hudson River Health Care). It is unlikely that farmworkers will know if any health center they visit is a “community” or “migrant” health center. To avoid confusion and errors, interviewers should code simply for “community health center.”

HA18 – Why no health service was used.

Interviewers should also be instructed to record why an individual did not seek treatment for an illness or injury (HA15). Such information can yield helpful information, such as obstacles to treatment, severity of illness or injury or the lack thereof.

B4 – Education and training of family members.

We recommend retaining this question. We assume that this question is being deleted because the responses were too few to be useful for analysis. Nonetheless, this is an important question to determine whether few or no farmworkers are receiving these services, and to take steps to correct that deficit. Responses for “citizenship” classes should be separate from “adult education such as English/ESL/ABE,” since they are different kinds of education services.

G4 – Use of social programs.

The responses regarding use of “disaster relief” and “legal services” should be retained. Although the responses to these programs have historically been few, they could change in the

near future. For example, given the impact of California's current drought on the state's agricultural industry, or the widespread wildfires in western states, it is likely that a fair number of farmworkers may get some form of disaster relief. The response for "legal services" should be rephrased as "legal advice or services" since many farmworkers may not think that advice is "service." And some may believe that "legal services" or "servicios legales" refers to the institution (such as Legal Services of North Carolina) rather than the services themselves.

D65 – Labor camp or migrant center.

The definition of a "labor camp" is complex and respondents may not be able to distinguish between a "labor camp" (presumably private) and a "Migrant Center" (presumably public). The question could be rephrased as "Do you live in a labor camp run by your employer or labor contractor or a Migrant Center run by a public agency?" Responses would then be coded as: employer labor camp, FLC labor camp, or Migrant Center.

D35 – Location of living quarters.

In conjunction with the changes to D65, the responses should be rephrased to "off farm" or "on farm" in order to determine if the respondent lives in a labor camp on a grower's farm or not.

Work Grid

D2 and D3 – Hours and income from non-farm jobs.

These questions should not be deleted. It is important to know the extent to which farmworkers work in non-farm jobs and how much they are paid in them. In addition to helping determine the work history of people who perform farm work and reflect the portion of annual income that may come from farm and non-farm work, this information also will help inform policy choices about guestworker programs. Some proponents of expanded guestworker programs argue that farmworkers are paid more in non-farm jobs than in farm jobs and argue that U.S. workers do not wish to accept farm work because it is lower paid. This data would serve to analyze such assertions. Analysis of the data could also identify (by linking work grid responses and D2) when a farmworker worked in a non-farm job -- e.g. during the off-season or during the peak season.

D28 – Seasonal employment.

This question should be rephrased and not deleted. The question could be changed to "Do you regularly return to your current employer the next year after the season is over?" This information is important in the context of laws and policies, such as the Affordable Care Act, that distinguish between seasonal and permanent employees to determine eligibility for programs and benefits. It can also be helpful in analyzing labor force stability and instability.

Personal Health

NH4-NH6 Response codes for health care service providers (see comments for HA16 in Household Grid).

Quality of and Access to Health Care

HA1-9

It would be useful to have this detailed information about the health of all farmworker family members, not just the respondent. Instead of the limited information about family members' health in the Household Grid (questions HA 15 – 18), questions HA 1-9 could be expanded to ask whether the response is about the respondent or a family member. HA1 could be rephrased to say "...a few questions about health care services that you (the respondent) or a family member may have used..." The added burden of asking these questions instead of HA15-18 is minimal.

HA1 – Use of health care services.

Migrant and seasonal farmworkers and their families are prone to issues related to behavioral health, such as depression, alcoholism, and intimate partner violence. According to the most recent data, there were a total of 225,645 visits related to mental health and substance abuse at migrant health centers in 2014.¹ In addition to health centers capturing this data, the NAWS should also capture data related to behavioral health to ensure that there are sufficient behavioral health resources in farmworker communities.

HA1a – Use of health care services for illness or injury. (see comments for HA15 in Household Grid re combining questions on both "illness and "injury.")

HA2 – Response codes for health care service providers (see comments for HA16 in Household Grid).

HA8(e) and HA9(e) – Explanation for non-utilization of health care services.

Combining the responses "too expensive" and "no insurance" is problematic because these are not always the same barrier to health care. In focus groups conducted by Farmworker Justice, farmworkers with health insurance cited cost as a barrier to health care due to co-pays and deductibles. To understand how health insurance impacts access to and utilization of health care for farmworkers, it is important to collect data regarding costs associated with health insurance and its effect on health care decisions.

¹ 2014 National Migrant Health Centers Program Data, Health Resources and Services Administration, U.S. Department of Health and Human Services, available at <http://bphc.hrsa.gov/uds/datacenter.aspx?q=tall&year=2014&state=&fd=mh>

GAD-7

We are pleased that questions about stress and anxiety have been added to the survey instrument, as studies show that stress is highly prevalent in farmworker communities. It would also be valuable to ask follow-up questions about whether the respondent sought or received treatment -- advice, counseling, medication.

We are concerned about the validity of the GAD-2 scale for Spanish-speaking and indigenous farmworkers in the US. Depending on their country or region-of-origin, farmworkers in the US use a wide variety of terms to describe anxiety. There are varying levels of stigma associated with the words that are used.

The validation of the GAD-2 scale with Spanish speakers was performed by García-Campayo and colleagues in 2012. An article describing the validation process was published in *Health and Quality of Life Outcomes* (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3462108/>). The GAD-2 in Spanish was developed and validated with urban-dwelling individuals in Spain. The cultural adaptation and translation process that was used to develop the questions in Spanish was lengthy and involved several translators and panels of experts. The resulting questions were appropriate for patients in urban regions of Spain and do not seem appropriate for Spanish- or indigenous-language speaking farmworkers in the U.S. The authors of the study concluded that “the Spanish for Spain version of the GAD-2 scale has been shown to have appropriate psychometric properties for rapidly detecting probable cases of GAD in the Spanish cultural context under conditions of routine clinical practice.”

The questions of the GAD-2 scale developed for the Spanish population do not match the vocabulary used by most farmworkers in the U.S. Unless the questions are understandable and culturally appropriate, the results may underestimate the prevalence of anxiety in the farmworker population of the US and have a detrimental effect on support for farmworker health programming that focuses on mental and emotional health issues.

There has been some academic research on the meaning and the use of the word “*nervios*” in farmworker communities. The Question GAD-7-1 could ask simply if the respondent has felt *nervios* rather than adding the words “anxious” or “on edge,” which are encompassed in the term *nervios*.

Digital Information

DI1 – Access to Digital Information Sources

Farmworker Justice has worked with farmworker community-based organizations and community health workers to provide outreach and education on health and safety in agriculture. These outreach and community-based partners use mobile phones extensively and creatively in their outreach. A qualitative study by Iana Simeonov from the Public Health Institute on the use

of mobile technology among farmworkers in California found high rates of mobile phone use.² Farmworkers ranked their mobile phone among their most important possessions and use them to talk, text, share photos, watch and record videos, listen to music, play games, and access the Internet, among other uses. Farmworker communities primarily (or only) access the digital world through their mobile devices. Text messaging as well as social and messaging apps like WhatsApp or Facebook Messenger, are also very popular with Latino immigrant communities.

We welcome the survey questions on farmworkers' use of information and mobile technology. We are concerned, however, that the questions as written will leave out valuable information about how farmworkers use digital and mobile technology, and will hamper efforts to use that technology to provide important information and services to them.

Framing the first question in this way – “Do you have access to *digital information services*” -- is not consumer friendly and will not be clear to farmworkers. We suggest breaking up this question and being more specific about internet use, text messaging, apps and other ways people communicate using a computer or mobile phone.

Questions could be rephrased as

Do you or any member of your family use the internet?

If YES, then how do you access the internet?

- a. Computer
- b. Cell phone
- c. Tablet
- d. Other [Specify]

How else do you receive and send information on your cell phone?

- a. Voice calls
- b. Text messaging
- c. Facebook
- d. Other apps [Specify]
- e. Other [Specify]

DI2 and DI4 – Digital information devices used.

The distinction here between “cellular phones” and “smartphones” will not be clear to farmworkers. A smartphone does seamless email and calendar synching with programs on other devices such as desktop or laptop computers. This distinction will not be important to most farmworkers and may confuse them. Many other cell phones used by farmworkers have the kind of sophisticated internet, social media, music and video streaming experience as smartphones. We recommend eliminating the “smartphone” response and simply asking about cell phone usage.

² Simeonov, I. and Hamm, K., Use of Mobile Devices by Low-Income, Low-English Proficiency Hispanic Consumers, session at the American Public Health Association Annual Meeting (2012) available at <https://apha.confex.com/apha/140am/webprogram/Paper269521.html>

Education and Training

We welcome the new questions on farmworkers access to and use of education and training programs. The questions are useful to understand and improve their use of these services.

Question 1a – Worker safety training.

Several kinds of worker safety training are a workplace requirement, including pesticide safety under the EPA's Worker Protection Standard, and heat safety under California law. This kind of training is distinct from other job training or traditional educational classes because it is usually a short training conducted at work (30 minutes to one hour). Questions about whether it was completed are irrelevant. For this kind of training, it would be useful to know if the respondent understood it, and if not why not.

Question 1f – GED classes.

We suggest adding a question about GED classes that is tabulated separately from ESL or "basic skills" classes.

Questions 4, 8, 11, and 12 Response codes

Some of these responses are not clear or too subjective. It is not clear what "Did (will) not learn" means or "too tired to continue." This latter question seems too subjective. This response could be rephrased as "the schedule did not fit with my work hours" or "offered at a time that was inconvenient." We suggest adding another choice that addresses linguistic or cultural competency. For example "taught in a language I didn't understand." Also, include a response about cost, e.g. "too expensive."

Legal Status

We suggest including a special supplement on immigration status of farmworker families that focuses on administrative relief and includes the questions below. This information has important implications for the agricultural labor supply since those eligible for Deferred Action Program for Childhood Arrivals (DACA) receive work authorization and, in some states, may apply for drivers' licenses. Analysis of information about DACA application rates and farmworkers will be helpful to federal agencies and service providers seeking to understand why farmworkers do or do not apply for DACA or other forms of administrative relief. Information about pending family visa (green card) petitions and priority data would also be useful in understanding the proportions of mixed-status families and the extent to which beneficiaries will become part of the farm labor force.

L3-A1 Have you heard of the Deferred Action Program for Childhood Arrivals (DACA)?
Y/N

L3-A2 Have you or any of your family members applied for that or planned to apply for it? (check all that apply)

- Yes-I applied and was granted DACA
- Yes-I applied but was rejected
- Yes—I've planned to apply for it, but was not sure so I haven't
- Yes—but I don't think I meet the program qualifications
- No—I don't qualify
- No—I'm not interested in that
- I didn't apply but some of my family members did and got DACA
- I didn't apply but some of my family members did and were rejected

L3-A3 [If you've thought about applying for DACA but haven't] Why is it that you thought about applying but didn't? [check all that apply]

- It cost too much
- It wouldn't really benefit me enough
- It seems too hard to get all the documents together
- I would need help in applying and don't know how to get that help
- It's dangerous to provide all that personal information
- Other _____

L3-A4 [If US citizen or LPR] Do you have a family visa petition pending to authorize your spouse, child, or some other foreign-born relative to live here with you in the US?

L3-A5 Do you know when their priority date will be? Y/N

L3-A6 [If yes] What year is that?

Thank you for the opportunity to submit comments on this important issue.

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