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William H. Thompson II
Administrator, Office of Foreign Labor Certification
Box PPII 12-200
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

RE: Agency Information Collection Activities; Proposed Revision of a Currently Approved Collection; Request for Comments; H-2B Temporary Non-Agricultural Labor Certification Program Forms (OMB Control Number 1205-0509)

Dear William H. Thompson II:

The Forest Resources Association (FRA) represents the interests of nearly 300 organizations and businesses in the forest products industry. Our members range from loggers, mills, equipment manufacturers, land owners, tree planters to local forestry associations. FRA members are part of the forest products economy of the United States that provides employment for nearly one million individuals and a value of shipments that exceed \$285 billion, annually.

Members of FRA employ nonimmigrant H-2B foreign workers to perform forestry-related work such as brush clearing, application of herbicide and tree planting to regenerate forested areas. This work is itinerant and requires workers to travel from site to site in multiple counties and/or multiple states over the course of a season. This work typically has a narrow window for completion that is weather dependent. As a result, the precise timing of work schedules and work locations must often be adjusted due to weather and corresponding logistical considerations over the course of the season. These conditions make it virtually impossible to identify exact locations where work will be completed on a daily basis.

The Department's Federal Register notes that the new proposed *Appendix A* to the Form 9142B, "would require an employer to use a standard format to disclose multiple worksites and, if applicable, multiple wage offers for the job opportunity within an area of intended employment." Forestry employers with an itinerant workforce and that participate in the H-2B program utilize the Department's longstanding Special Procedures (TEGL 27-06) and as part of the current

application process are already required to submit an itinerary with their application listing each worksite and applicable wage rate.

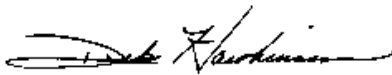
It appears, based on the *Federal Register* notice, that the Department's proposal for a new *Appendix A* would not require employers to provide new or additional information in order to participate in the H-2B program. It appears that the Department's proposal would require forestry employers to only provide the information (work locations and wages) that they currently provide on an addendum to Form 9142 on a new standard form (*Appendix A*) instead. In the *Federal Register* notice, however, the Department has not included a sample of the proposed new *Appendix A*, so it is not clear exactly what the Department proposes.

We are concerned that the Department's proposal for a new *Appendix A* would include changes requiring additional specific detailed information that requires exact street address locations and precise dates describing exactly when and where work will take place.. As described above, on current H-2B applications, forestry employers provide itineraries that describe the work to be performed, the general location (typically by county), the applicable wage rate, and the general time period in which the work will be performed. Requiring more specificity about locations and dates would all but erase the possibility of forestry employers participating in the H-2B program. As the longstanding current Special Procedures have long recognized, forestry work takes place in remote areas (with no fixed address) and often schedules are changed due to unforeseen weather events or specific forest site location conditions (e.g., sites being too wet to plant with tree seedlings).

FRA recommends that for forestry related work that the proposed new *Appendix A* requires only that employers provide the same information in the same format that is currently required by the Department's Special Procedures (TEGL-27-06). A requirement for employers to submit an H-2B application with exact locations and exact dates would be next to impossible for forestry employers to comply with and would result in them no longer being able to utilize the H-2B program.

FRA appreciates the opportunity to comment on the proposed changes to Form ETA-9142B.

Sincerely,



Deborah Hawkinson
President, Forest Resources Association