



Communicating for Agriculture
Foundation

Comments on proposed rule RIN 1205-AB55

Dear Mr. Dowd,

Communicating for Agriculture is a nonprofit association with members all across rural America. Many of our farmer members use the H2A program for seasonal agricultural labor.

CA appreciates the opportunity to comment on the proposed rule and will concentrate on a few general areas, and some specific. In general there is a definite need for positive changes in the H2A program. CA agrees with the goal of more use of the program to increase the number of legal guest workers in the United States. We do, however, think that there are several proposed changes that will not work toward the goal of more legal workers.

The tenfold increase in fees seems to be excessive and will certainly prohibit some of our CA members from participating in the program. The prohibition of any fees charged to the workers and no fees paid to parties in the foreign country also adds to the increase in costs for the employer.

There have been several different definitions for some critical term in the H2A regulations. Agriculture and farming and agricultural labor should be interpreted as broadly as possible to allow all legitimate areas of agriculture, including the wine and equine areas, to use the H2A program. Some continuity in using these definitions would also be helpful because it would allow farmers to know in advance that certain agricultural skills would definitely allow participation in the H2A program. This would go a long way toward expansion of the use of H2As, especially if all NPC and SWA employees use the same definition. The new proposed regulations would allow workers to participate in non-listed H2A skills on a limited basis. This is a very positive step toward leveling the playing field for all H2A workers.

The definition and interpretation of temporary and seasonal could also be made to allow for expanded use of H2As, even within the scope of changing regulations. Temporary and seasonal mean different things to different types of farming and even to the same types of agriculture in different parts of the country.

The proposed rule has a goal of streamlining the application process and expanding the use of H2A guest worker program. Many of the proposed changes are positive, and those that are negative could be made to work toward improving the program as well.

Sincerely,
Wayne Nelson
CA President