

Florida Fruit and Vegetable Association Meeting

EREC, Belle Glade, Florida October 4, 2006

(Notes by Chris Miller)

Walter Kates, FFVA: Labor Issues in Florida

The primary issue is immigration. Both the Federal House and Senate have submitted legislation for reform. The two bills will go to committee after the election occurs to work out a compromise. Both bills support mandatory documentation of citizenship at the time of hiring and require that employers take action if an employee is known to be illegal. Their advice is to keep labor crews happy.

- House bill contains border and interior enforcement
 - a. Border: fences, high-tech detection devices, mobile check points, use of National Guard, adds 10,000 enforcement agents. Florida is included in this issue because by definition Florida is within 100 miles of the Atlantic and Gulf Coast
 - b. Interior: fines will be increased and Homeland security will use Social Security “No Match” letters to determine which employers to target for inspection
- Senate bill includes the above plus a method of legalization of illegal aliens, a guest worker program and the AgJobs Bill
 - a. H-2A Reform
 - i. Guest workers are not capped
 - ii. Freezes pay at \$7.69 for three years
 - iii. Allows employers to pay for a housing allowance instead of requiring them to provide housing
 - iv. No employment contract required
 - b. Guest worker Program = H-2C
 - i. For low and unskilled laborers to work here for three years with an option to renew for an additional three years before having to reapply.
 - ii. Caps guest workers at 200,000/yr
 - iii. Agriculture is special and gets its own legislation = Ag Jobs
 1. Illegal immigrants can get a Blue Card if they have worked for 150 days between 1/1/04-06
 2. To keep the card they must work 100days/5yr or 150days/3yr. After doing so, they can then apply for permanent status
 - c. Legalization:
 - i. There are 12-13 million illegal immigrants and legalizing them would allow them to petition for their relatives to live in the USA. This is a long respected tradition but a controversy in the negotiations due to allowing legalized immigrants’ families to join them.
 - ii. Illegal immigrants that have been here for more than five years can apply and will be required to work for an additional six years and pay a \$2000 fine. Illegal immigrants that have been here for 3-5 years can stay to work for three more years and then will have to leave. Those here for less than three years will have to leave.
 - iii. Senator Mel Martinez has been the major negotiator in the Senate in trying to reach amicable solutions for the ag industry.

Mike Aerts, FFVA: WPS Update & Florida Ag Worker Safety Act (FAWSA)

- Florida Department of Agriculture and Consumer Services (FDACS) has hired ten new inspectors
 - Any call to their hotline by an employee automatically requires an inspection
 - In 2008 a complete report of hotline calls, responses, & results will be published
 - One of four Florida farms were in violation from 1995-2004
 - 50% of hotline calls resulted in (a) violation(s) during 2004-05
 - 80% of those violations are from improper WPS posting, no or inadequate safety training, PPE equipment & REI non-compliance
 - Fines are now \$250 for each violation

- Proposed WPS changes (should be completed by Summer 07)
 - Employees (users) must demonstrate competency
 - Dealers and trainers must be tested and competent, especially dealers of RUP
 - Eliminate “under the supervision of” clause
 - Bring Ag under OHSA – this is regarded as not a good thing
 - CCAs and aerial applicators remain exempt

- FAWSA
 - MSDS must be provided at the time of purchase so they are current
 - A worker or representative can request MSDS within 30 days of an application. It must then be provided within two days.
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- Audience Q & A
 - Refer to the label of an RUP to determine if the field itself requires posting. Using a RUP does not automatically mean that the field where it was applied needs to be posted.
 - The REI starts when the application is completed.