

Testimony of  
**The Honorable Arthur Hershey**

July 5, 2006

Chairman Specter, thank you for this opportunity to testify. My name is Art Hershey, and I represent historic Chester County in the Pennsylvania House of Representatives. I am also the Chairman of our House Agriculture and Rural Affairs Committee.

Labor-intensive agriculture and value-added industries like food processing are very important to Pennsylvania. Growing industries like mushrooms, fruit, vegetables, nursery and greenhouse, and dairy require large workforces. In fact, Pennsylvania ranks 10th in the nation in the size of our hired farm worker payroll. Our specialty agriculture is much more reliant on labor than the national average.

In the end, we are talking about more than just the jobs of farm workers. These industries create thousands of good-paying jobs for Pennsylvanians that would cease to exist if we don't have labor on our farms. I'm talking about jobs providing inputs and supplies, equipment, marketing, packaging and processing, transportation, lending and insurance. Economists tell us there are three to four such jobs created for every single farmworker job.

As Agriculture Committee chairman, I know and care about all these industries in the Commonwealth. My own background is in the dairy industry. Even highly mechanized dairies have a significant need for labor, and rely heavily on an immigrant labor force. We need these workers year-round. Dairy falls through the cracks of all the existing programs, which are for seasonal workers only, or for non-agricultural workers.

Who makes up our farm labor force?

? In 2002 Pennsylvania farmers employed 67,672 hired workers.

? 26,066 were employed 150 days or longer, with the rest in more seasonal jobs.

? In 1998, a Department of Labor survey showed that 52% of farm workers self-admitted they lacked work authorization. In a regional Northeast breakout (including Pennsylvania), 65% admitted they lacked work authorization.

? Also in 1998, an astounding 99% of new entrants into the farm labor force lacked proper status. This clearly shows we lack domestic labor seeking work on our farms.

? Private estimates suggest that the overall percentage of farm workers who lack immigration status is approaching 75%. It is crucial that we solve the agricultural labor crisis calmly and wisely.

? The average farmworker wage in Pennsylvania last year was \$9.76 per hour. This is not a problem of "minimum wage work." Without immigrant workers, we would not have a labor force. It is that simple.

The industry I really want to talk about today is the Mushroom Industry.

Seventy percent of our nation's commercial mushroom farms are in Chester County, in my district.

More than 500 million pounds are grown in the state -- 60 percent of all mushrooms grown in US. Every single one is picked by hand. The crop has an annual value of more than \$400 million.

There are estimated to be over 5,000 mushroom farm workers in Pennsylvania. Most are year-round.

The mushroom industry, and in fact all of the Pennsylvania agricultural industries I've mentioned here today, need three things out of immigration reform. For the long term, they need a guest worker program that allows for seasonal and year-round workers. In the near term, they need a transition that allows the industry to retain its trained and experienced workforce. And finally, employers need to be assured that the responsibility for ultimate verification of a worker's legal status lies with the federal government, not with employers. And certainly not with the state government, as some of my well-meaning colleagues in Harrisburg have recently proposed.

Chairman Specter, the bill you guided to passage in the Senate contains these essential provisions. First, S.2611 overhauls the H-2A program. While it does extend it to year-round dairy workers, a very important provision for Pennsylvania, it does not extend to year-round mushroom or nursery workers. We would prefer that it does. However, we believe that these other industries could use the new H-2C program for positions that do not qualify for H-2A.

On the issue of transition, the bill provides for earned legalization for qualifying farm workers willing to pay a fine and meet tough conditions. This is not automatic citizenship, which some call "amnesty." Adjustment of status is crucial to mushroom industry, not to mention other Pennsylvania agricultural sectors.

Some say that we tried legalization for agriculture in 1986, and they say that it failed. The failure of the Reagan-era legislation was not the legalization program. Many of the mushroom workers who legalized are now the owners, operators, and managers of our mushroom farms and many other businesses today!

Rather, the failure of IRCA was the lack of a long-term solution for our farm labor needs. This time, Chairman Specter, the Senate bill does it right. The "AgJOBS" provisions of the bill address both the long-term, and the need for transition.

In closing, I know Pennsylvania agriculture, and what we will lose if Congress fails to enact the right reforms in the right way. I urge Pennsylvania's delegation in the U.S. House of Representatives to tone down the rhetoric, come to the negotiating table, and produce a final bill that contains these critical reforms. Time is indeed of the essence.