

1 JOINT HEARING BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON AGRICULTURE
3 AND
4 STANDING COMMITTEE ON LABOR
5 -----

6 PUBLIC HEARING:

7 TO HEAR PUBLIC TESTIMONY ON
8 THE PROPOSED FARMWORKERS FAIR LABOR PRACTICES ACT
9 -----

10 William H. Rogers Building
11 William J. Lindsay County Complex
12 725 Veterans Memorial Highway
13 Smithtown, New York

14 Date: April 26, 2019
15 Time: 2:30 p.m.

16 PRESIDING:

17 Senator Jen Metzger
18 Chair, Senate Standing Committee on Agriculture

19 Senator Jessica Ramos
20 Chair, Senate Standing Committee on Labor

21 CO-SPONSOR:

22 Senator Monica R. Martinez

23 ALSO PRESENT:

24 Senator Diane J. Savino

25 Senator Toby Ann Stavisky

Senator Gustavo Rivera

Assemblywoman Cathy Nolan

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1 SENATOR MARTINEZ: Okay, ladies and
2 gentlemen, we are ready to begin our joint hearing.

3 If you can all find your seats so we may
4 begin.

5 Again, welcome.

6 Today's April 26, 2019, and we welcome you to
7 today's joint hearing by the Senate Committee on
8 Agriculture and the Senate Committee on Labor.

9 Before we begin, please turn your attention
10 to the American flag that stands behind us as we
11 recite the Pledge of Allegiance, and to honor the
12 men and women who fight for us every single day at
13 home and abroad.

14 (All in the room say:)

15 "I pledge allegiance to the Flag of the
16 United States of America, and to the Republic for
17 which it stands, one nation under God, indivisible,
18 with liberty and justice for all."

19 SENATOR MARTINEZ: If we could just reserve a
20 moment of silence, please, for not only the lives
21 lost in the last bombing in Sri Lanka, but also
22 armed forces. And I know that Rob Carpenter is
23 here, and I'm sorry for the loss of your mother.

24 If we could just have a moment of silence for
25 them.

1 (All in the room observe a moment of
2 silence.)

3 SENATOR MARTINEZ: Thank you.

4 Again, welcome to today's joint meeting.

5 My name is Monica Martinez, senator
6 representing the 3rd District, Brentwood, all the
7 way to Mastic-Shirley.

8 I am joined today by Senator Metzger to my
9 left, who is the Chairwoman of the Agriculture
10 Committee;

11 I have Senator Ramos, the Chairwoman of the
12 Labor Committee;

13 To her right we have
14 Senator Toby Ann Stavisky;

15 And to Senator Metzger's left, we have
16 Senator Diane Savino.

17 Thank you for being here today, and welcome
18 to the Suffolk County Legislature.

19 It is great to be back behind this dais. It
20 feels nice to see all of you here.

21 We picked Hauppauge today, as it is the
22 central location of Long Island and the Long Island
23 region.

24 This is something that we're doing because it
25 affects Long Island as a whole. And to make it

1 feasible for all stakeholders to join us, we figured
2 this would be the spot to do it.

3 But we're also open, I know, that
4 Legislator Krupski would like to see this also in
5 Riverhead.

6 And I am completely supportive of that if my
7 colleagues support that endeavor as well.

8 I would also like to thank the
9 Patrick Library for providing us with translation
10 devices.

11 Anyone who needs translation devices, please
12 let one of my team members know, and we will provide
13 one for you.

14 My team members, please raise your hands.

15 (The team members comply.)

16 SENATOR MARTINEZ: Thank you.

17 If you see any of them, and you need
18 translation devices, please let them know, and we
19 will give that to you.

20 And, of course, to my amazing team, thank you
21 for your hard work and dedication, everything that
22 you do, to make things possible in my office.

23 Also, I am joined by our presiding officer,
24 Dwayne Gregory.

25 He is around here somewhere.

1 Thank you for hosting us today.

2 We're also joined by Suffolk County
3 Legislator Al Krupski, who is a farmer himself. And
4 it was great to serve with him the last six years
5 behind this dais.

6 I know that we're also waiting for
7 Legislator Rudy Sunderman who represents the
8 Mastic-Shirley area, as I do at the state.

9 Today's hearing will focus on Senate
10 Bill 2387, which is sponsored by Senator Ramos to my
11 right, which is the Farmworkers Fair Labor Practices
12 Act.

13 Public comment is exclusively limited to this
14 topic and on this bill.

15 Any other comments outside the scope of this
16 bill will not be permitted.

17 Thank you for understanding, because our time
18 is limited, and we have a long list of individuals
19 who do want to speak and testify, so please be
20 cognizant of that.

21 The hearing will be an opportunity for
22 interested parties to provide testimony and public
23 comment on the impact of the proposed legislation,
24 express concerns, and provide recommendations for
25 the proposed legislation to the relevant committees.

1 I would like to now introduce Senator Metzger
2 to make opening remarks, followed by Senator Ramos,
3 followed by Senator Stavisky, and ending with
4 Senator Savino.

5 Thank you.

6 SENATOR METZGER: Thanks so much,
7 Senator Martinez.

8 My name is Jen Metzger. I chair the
9 Senate Agriculture Committee. I also represent the
10 42nd District, which is -- represents the regions
11 of Catskill and the Hudson Valley region, where we
12 have many, many farms.

13 I'm very pleased to co-sponsor these hearings
14 with Senate Labor Committee Chair, Jessica Ramos.

15 And I'm very glad that our Senators Savino
16 and Stavisky can join us.

17 In my view, it is vital to receive the direct
18 input of farmers, farmworkers, and the public on
19 this important legislation.

20 This -- these are the first hearings on this
21 subject in nearly a decade, and the first ever held
22 outside of Albany.

23 So it's really important to get your
24 community's perspectives.

25 Yesterday we held our first hearing upstate

1 in Morrisville, where we heard some really valuable
2 testimony from over 40 farmers, farmworkers, and
3 others.

4 And on May 2nd we'll be holding a third
5 hearing in my district in Sullivan County.

6 As Chair of the Senate Agriculture Committee,
7 and representative of many farmers and farmworkers
8 in Ulster, Orange, Delaware, and Sullivan counties,
9 I recognize that this proposed legislation will
10 greatly impact farming in New York.

11 The purpose of these public hearings is to
12 hear from farmers and farmworkers alike, as we weigh
13 this legislation, and learn directly from you, about
14 the realities of small and family-owned farm
15 operations in New York, and listen to the concerns
16 and needs of all of those who will be affected by
17 the proposed legislation.

18 New York has deep roots in farming.

19 We're going to learn about the deep roots
20 right here on Long Island.

21 It represents \$4.2 billion of our economy,
22 and it is an integral part of our rural heritage and
23 culture.

24 In contrast to agriculture in other parts of
25 the country, most of New York's farms are small and

1 family-owned. Over half of the farms in the state
2 are under 100 acres.

3 Today our farms are a pivotal engine of the
4 state's economy, and vital to the well-being of the
5 rural communities and our state's long-term food
6 security, yet many of New York's small and midsized
7 farms are struggling. And despite the popular local
8 food movement, increasing numbers of people in rural
9 and urban communities are experiencing food
10 insecurity.

11 In my view, we have to work together,
12 collaboratively, on solutions that sustain farming
13 in New York for the long-term, providing real
14 economic benefit for farmworkers and farm families
15 and food security for all New Yorkers.

16 I want to thank all of you for being here,
17 especially the farmers and farmworkers.

18 This is not an easy time to get away from the
19 farm at this time of year, and we really appreciate
20 you coming and giving -- providing some testimony.

21 Thank you very much.

22 SENATOR MARTINEZ: Thank you,
23 Senator Metzger.

24 Just before Senator Ramos does her
25 introduction, I also want to make sure that

1 I acknowledge Oscar, who is here from
2 Senator Montgomery's Office.

3 Thank you for being here.

4 And, also, we'll be hearing from him as well.

5 And John Marafino, he is representing the
6 supervisor from Riverhead, Supervisor Smith.

7 SENATOR METZGER: Good afternoon, everybody.

8 Buenas tardes.

9 My name is Jessica Ramos. I am a state
10 senator from District 13 on the other side of
11 Long Island called Queens.

12 I am born and raised in my district, but I am
13 also the proud granddaughter, niece, cousin, of
14 farmers who harvest coffee, avocado, many fruit. We
15 also raise chickens and pigs in Columbia.

16 So farming is not foreign to me at all,
17 despite being a city girl.

18 Nevertheless, we're here because we do want
19 to hear from everyone, from every stakeholder, with
20 regard to this bill, which is critical in ending a
21 Jim Crow Era law that's been on the books unfairly
22 in New York for 80 years.

23 So I am very happy to be here with all of
24 you, and I look forward to ensuring that we are
25 lifting up every single worker in New York State.

1 Thank you.

2 SENATOR MARTINEZ: Thank you, Senator.

3 And also to the deputy sheriffs, thank you
4 for being here, and keeping order, and providing
5 safety here.

6 Senator Stavisky.

7 SENATOR STAVISKY: Thank you, and thank you
8 to my colleagues for bringing everybody together.

9 My name is Toby Stavisky. I chair the
10 Committee on Higher Education in the Senate.

11 And I represent a district adjacent to
12 Senator Ramos in central and eastern Queens.

13 And, in fact, until recently, we did have a
14 working farm in Queens.

15 I am the daughter of a graduate of the
16 College of Agriculture at Cornell, so my family
17 understood the meaning of agricultural work.

18 But more importantly, I just wanted to
19 mention that this is not an upstate/downstate,
20 suburb/city, issue.

21 We are very aware of the issues involved, in
22 New York City.

23 And, in fact, I am proud in my Senate
24 District to represent a high school, John Bowne
25 High School, that has an agricultural program. And

1 they train 600 students for agricultural, as well as
2 animal service.

3 And I look forward to listening to what
4 everybody has to say because this is a hearing, and
5 we are hear to hear.

6 Thank you.

7 SENATOR MARTINEZ: Senator Savino.

8 SENATOR SAVINO: Thank you.

9 First, I want to thank my colleagues for
10 hosting this hearing.

11 And I want to thank Senator Martinez
12 particularly for hosting us out here in
13 Suffolk County.

14 So, I am Senator Diane Savino. I represent
15 the 23rd Senate District, which is parts of Brooklyn
16 and Staten Island.

17 I have, in the past 14 years, this is my
18 15th year in the Senate, I've chaired many
19 committees. And over the course of these years,
20 I've actually chaired the Senate Labor Committee,
21 and I come out of the labor movement. I started my
22 career as a labor official in the public sector.

23 You know, the history of workers banding
24 together for mutual aid and protection is certainly
25 not a new one. Dates back to the medieval craft

1 guilds. Didn't start in the United States. It
2 started way back in European countries, and they
3 brought that ethic with them here.

4 But labor law is pretty young. It's only
5 about 85 years old, maybe 100 years old if you
6 factor in some of the pre-labor laws that were
7 written before the NLRA.

8 We all know the history of the NLRA, and why
9 farmworkers were excluded, along with independent
10 contractors and domestic workers.

11 In 2010, when I was the chair of the Civil
12 Service and Labor Committee, I wrote, and enacted,
13 along with former-Assemblyman Keith Wright, the
14 first Domestic Workers' Bill of Rights in the
15 country, changing that history for that subset of
16 workers.

17 There's only been four states that have
18 adopted a farmworkers' bill of rights.

19 And I think it's partly in recognition of the
20 complexities of the farming industry. It's, how do
21 you adapt the industrial manufacturing model to an
22 agricultural industry?

23 And I think that's the most important thing
24 for those of us, as policymakers, to try and figure
25 out: How do we do this?

1 How do we create a system that provides a
2 profound difference in the lives of farmworkers, so
3 that they're treated with fairness and dignity and
4 respect, and also a recognition of the complexities
5 of the agricultural industry?

6 And I think the -- I think one of the most
7 important things I've found out when I got to Albany
8 was that New York City was not the center of the
9 world; that Westchester was not Upstate New York;
10 and that finance and real estate are not the biggest
11 industries in New York.

12 That agriculture is.

13 And we have to do what we can to protect our
14 agricultural industry and, at the same time,
15 recognize the dignity of the people who work in our
16 agricultural fields.

17 So, again, I look forward to hearing your
18 testimony, and hoping that we can finally right what
19 many recognize as an injustice, and do so in
20 treating everybody fairly.

21 Thank you.

22 SENATOR MARTINEZ: Thank you, Senators, for
23 the introductions to our audience today.

24 We will continue with our agenda.

25 But I have been told that Senator Rivera is

1 also here.

2 He is probably making his way through,
3 I guess, our doorways.

4 SENATOR RAMOS: Did you know, yesterday,
5 we had a hearing in Morrisville, in
6 Senator Rachel May's district, and it was actually
7 the first time in the history of the New York State
8 Legislature that there was a hearing presided by
9 entirely women state senators.

10 And I just want to --

11 [Applause.]

12 -- I just want to note, that before
13 Senator Rivera enters the room, this, too, would
14 have been a hearing entirely presided by women.

15 Thanks, Senator (inaudible).

16 SENATOR MARTINEZ: Yeah, too bad, we got to
17 accept him.

18 Welcome, Senator Rivera, to Suffolk County.

19 SENATOR RIVERA: A pleasure to be here.

20 SENATOR MARTINEZ: Great.

21 We'll get you set up.

22 But -- okay, so we will continue with our
23 agenda.

24 And, again, thank you to my colleagues for
25 being here, and for, really, the whole purpose and

1 the intention is to hear you, and to listen, and we
2 are ready to do so.

3 But before we begin, we do have a brief
4 presentation on the overview of farming here in
5 Suffolk County by the Cornell Cooperative Extension.

6 If -- Cornell Cooperative Extension, if you
7 are ready to present, please come forward.

8 And if you could draw your attention to the
9 screen to my right, will be your left.

10 NORA CATLIN: All right, am I on?

11 SENATOR MARTINEZ: You're on.

12 If you could just state your name for the
13 record.

14 NORA CATLIN: (Inaudible.)

15 (Comments from the audience of
16 inaudibility.)

17 Speak louder and into the mic.

18 All right, how's this, are we good?

19 SENATOR MARTINEZ: Can everybody hear?

20 NORA CATLIN: Can everyone hear me?

21 Okay.

22 So, yes, I'm Nora Catlin. I'm the ag program
23 director for Cornell Cooperative Extension of
24 Suffolk County, and thank you for inviting me here
25 today to share information with you.

1 Cornell University has been the land-grant
2 partner for New York State for over 150 years.

3 Cornell Cooperative Extension of
4 Suffolk County was founded in 1917, and we support
5 our stakeholders through education and research
6 through our affiliation with Cornell University.

7 As we are an educational resource, we don't
8 have a position on today's issue that we're
9 discussing at the hearing today, but we're more than
10 happy to share educational information with you.

11 So, in Suffolk County, for those of you not
12 familiar with agriculture in Suffolk County, it
13 probably will come as a surprise that we are the
14 number-three in value for agriculture in
15 New York State. It's a \$226 million industry.

16 (Slide show begins.)

17 We have a highly diversified agriculture here
18 on Long Island, with a focus on high-value crops and
19 a lot of direct retail.

20 We have about 30,000 acres in farms.

21 This is information from the recently
22 released 2017 census of agriculture.

23 But when you look at our average size of farm
24 and the median size of farm, predominantly, we are
25 made up of small farms. These are almost all

1 family-run and family-owned operations.

2 It's no surprise, of course, that there is a
3 very high population density on Long Island and
4 within our 100-mile radius.

5 So what this means, is that Long Island
6 agriculture and the ag-related products has access
7 to a large population, to meet both their demand --
8 to meet their demand for fresh farm and local
9 products.

10 One of the other things it means, is that
11 there is an ever-increasing threat to loss of
12 farmland through development.

13 Many years ago that was -- you know, we
14 realized how -- Suffolk County realized how precious
15 farmland is, and they created the purchase
16 development rights program to help prohibit loss of
17 farmland to development. It started in the '70s.
18 It was the first of its kind in the nation, and
19 efforts are continuing to this day to protect as
20 much farmland as we can for development.

21 But it is a very precious resource here.

22 So I just want to go through and highlight a
23 little bit about the major commodities grown here on
24 Long Island.

25 One of them -- a few of them are in what we

1 call "ornamentals."

2 One is greenhouse flora culture.

3 We produce about 50 percent of
4 New York State's value here in Suffolk County.

5 Now, there's about 10 million square feet
6 under coverage, 420 acres in the open, and it's
7 about 90 million in sales.

8 Nursery crops are also a very -- another very
9 large crop on Long Island, about 40 percent of
10 New York State's production. About 3500 acres in
11 the open, 600,000-plus under -- square feet under
12 cover.

13 Sod is another important industry here, about
14 3500 acres.

15 Vegetables as well, about 6,000 acres, about
16 29 million in sales.

17 Long Island used to be known for, say,
18 cauliflower and potatoes many years ago. And that
19 landscape has changed quite dramatically over the
20 years as farmers have adopted to meet different
21 demands.

22 The first vineyard on Long Island was planted
23 in the '70s. That's expanded to, now, about
24 2,000 acres and 50 tasting rooms.

25 There are many other crops grown here as

1 well.

2 We have tree fruit, berries, small -- berries
3 and small fruit, field crops, hay, hops, poultry, to
4 name a few, and many others.

5 A lot of these are small amounts meant to,
6 you know, support -- community-supported agriculture
7 and/or farm stands.

8 In addition to the wholesale sales that
9 Long Island agriculture contributes to the local
10 economy, they're also a big driving force in tourism
11 for the local areas. Wineries, breweries, cideries,
12 farm stands, you-pick operations, all bring people
13 out to Long Island. And it's a considerable
14 contribution to Long Island's, about, 3 billion
15 tourism industry.

16 Wineries themselves are estimated to generate
17 99 million in tourism spending, producing
18 1.3 million visits to tasting rooms around
19 Suffolk County.

20 So just to discuss a little bit about
21 agriculture labor, and how it differs from, pretty
22 much, most other jobs out there.

23 Agriculture, just by the definition of it, is
24 intense, and seasonal.

25 So intense-and-seasonal labor is critical

1 need for agricultural producers.

2 They have a very short window in which to
3 grow and sell their crops. And for them to maximize
4 their profit, they need to be able to take advantage
5 of that short window.

6 So, as such, you're going to need more labor,
7 and more labor hours, during the production season,
8 compared to the off-season. And, you're going to
9 need to be able to take advantage of things like
10 good weather, and you're going to need to have more
11 labor and longer hours during those periods of time.

12 And as the counterpart, you will need fewer
13 hours and less labor in poor weather.

14 So the timing and labor that's needed for
15 agricultural producers is going to be really
16 affected by a lot of things that they can't control.

17 Weather is the biggest example, of course.

18 You know, for example, in a vineyard, if you
19 have your crop that's ready to be harvested, and
20 there's a terrible, heavy rainstorm predicted to
21 come, you need to get all those grapes off the vines
22 in a very short window before that rain starts, or
23 you're facing a potential loss of your entire crop.

24 Same thing, if the fields are wet and you
25 can't bring your equipment into the field.

1 Where you might have had a task you could
2 have spread out over the course of, say, three or
3 four days, but if it's been raining, you know you
4 have a two-day window, and you know more rain is
5 coming, you really have to take advantage and
6 condense the work into a short time span.

7 Just a few points about some of our
8 vegetables on Long Island.

9 They're pretty much exclusively fresh market.
10 We don't generally grow vegetables for processing.

11 The one exception to that is, some local
12 product is put into local value-added products;
13 jams, jellies, pickles, things like that.

14 So, for fresh market, it's a little different
15 from processing.

16 It tends to be, you're growing many different
17 varieties and many different things, so that means
18 it's harder to mechanize, and things like that.

19 Fresh market needs to be harvested when
20 they're ready. They're -- you're not always able to
21 pick early and store like you can for some other
22 processing. And it requires some very careful
23 handling on -- because the quality demands are
24 really high by the customers.

25 So it means, ultimately, that there's a

1 higher labor demand on these smaller farms.

2 One of the other things, and this is very
3 weather-related also, is, you know, sometimes
4 there's other things like disease that will put
5 pressure on the timing of harvest.

6 For example, one of the best management
7 practices that our association has for things like
8 phytophthora blight, pardon, on winter squash, is
9 that, if you know some rainy weather is coming and
10 the crop is ready, that you need to pick it and
11 remove it out of the field, or you're facing a
12 potential loss to a disease.

13 So a lot of times you might need to shorten
14 that harvest window and get everything done really
15 quick to stave off some dis -- you know, loss from
16 things like diseases.

17 A similar example would be late blight on
18 tomato. If you have weather conditions that are
19 appropriate for the disease to develop and spread,
20 this disease can spread very rapidly.

21 You would want to harvest as many tomatoes as
22 you can before the disease wipes them out, so that
23 you don't incur -- you know, so you can reduce the
24 losses that you would incur.

25 I just want to take a short moment to point

1 out that, mostly I've been discussing thus far
2 things that are obviously perishable, like
3 vegetables.

4 But I also wanted to point out that our local
5 ornamentals are also affected by seasonality.

6 Sometimes there's -- you know, the gardening
7 season of when you can plant plants, and when plants
8 are demanded, is very short. So that means a lot of
9 work has to get done in a short amount of time.

10 Poinsettia is a good example of something
11 that you really can't sell in October, and no one
12 really wants it in January. So you really have a
13 short four- to six-week window where you need to
14 pack and ship it.

15 So, things like ornamentals that may not
16 obviously have a shelf life compared to, let's say,
17 tomato, are also affected by things like
18 seasonality, and things like holidays.

19 On numerous surveys done in various trade
20 magazines, many associations, labor availability and
21 cost are routinely listed as one of the major
22 challenges for local producers.

23 And I'm just going to share some the
24 information on some of stats about labor and labor
25 use on Long Island industry.

1 So this is information that a study had put
2 together about labor share for different type of,
3 you know, agricultural sector.

4 And if you look, the types of crops we grow
5 on Long Island have a heavier labor demand than the
6 crops that aren't as common here, just by the nature
7 of how the crop is grown and what labor is needed
8 for.

9 When you look at the ag census that just came
10 out, you can take away a couple of things from this
11 chart, is, one, that you're average total
12 farm-production expenses is considerably higher in
13 Suffolk than the average in New York State, and
14 that's for many various reasons.

15 It's Long Island, pretty much everything is
16 more expensive here.

17 But, when you look at the percent share of
18 your labor payroll compared to your total farm
19 expenses, it is considerably higher in Suffolk than
20 New York State.

21 The last slide I showed you, some of that's
22 reflected of the types of industry we have here,
23 the types of agriculture we have here, because it
24 does require a higher amount of labor compared to
25 other parts of the state. And some of that, no

1 doubt, is due to the cost of operations here in
2 Suffolk County.

3 Let's see.

4 On to just a snapshot of the type of labor
5 statistics here for Suffolk County:

6 Looking at the number of farms and the number
7 of workers, comparing those hired for short-season
8 work, those hired for longer than 150 days, as well
9 as migrant label -- labor, pardon me.

10 And then just another comparison is the
11 number of workers per farm, to give you a snapshot
12 of the type of agricultural need that we need here
13 on Long Island.

14 All right, moving on, just a couple more
15 comments.

16 Growers, you know, as labor has been
17 consistent as being one of their largest issues and
18 largest expenses here on Long Island, they're
19 constantly looking at ways to try to address this.

20 One of the ways to address this is
21 mechanization; however, you have to keep in mind
22 that this technology is not available for all crops,
23 nor all tasks.

24 In many cases, this will be too costly for
25 many of the smaller growers or folks that have, you

1 know, a much -- a highly diversified crop. It's
2 really too costly for that capital investment.

3 And it does reduce, but it does, in no way,
4 eliminate the need for labor.

5 And some industries have been able to adapt
6 to that, and some have not.

7 One of the other ways folks have tried to
8 address some labor challenges in finding labor, is
9 they seek other sources of labor.

10 Predominantly, we've seen a great increase in
11 the use of the H2A, the temporary seasonal worker
12 visa, over the past 10 years. And that's one other
13 way that folks have attempted to address that.

14 So it's been a very broad overview that I've
15 given you.

16 I'm happy to try to address any questions
17 that you have.

18 Before I do that, I do want to just put an
19 open invite out there that, after today, if you have
20 any other questions, I encourage you to contact me,
21 and I can find information that you need or answer
22 your questions.

23 I also invite you to come out and visit our
24 research facility in Riverhead.

25 And, also, there's plenty of other research

1 facilities around New York State as well if you're
2 not here on Long Island. And I'd be happy to put
3 you in touch with any of my colleagues at those
4 other locations.

5 SENATOR MARTINEZ: Thank you; thank you so
6 much for that presentation.

7 I know that some of my colleagues are asking
8 for the presentation to be submitted.

9 NORA CATLIN: I can e-mail it to you, and
10 I have one copy right now.

11 SENATOR MARTINEZ: Perfect.

12 If you can submit it, we will get you our
13 e-mails, and if you could forward that over to us,
14 that would be great.

15 Okay?

16 I don't think we have any --

17 SENATOR RIVERA: (Raises his hand.)

18 SENATOR MARTINEZ: -- we do?

19 Yes, Senator Gustavo -- Rivera. Sorry.

20 SENATOR RIVERA: Could you tell us again,
21 that there was a point in your presentation that you
22 said that the -- that the cost associated with
23 farming in Long Island was higher than the rest of
24 the state?

25 NORA CATLIN: Uh-huh.

1 SENATOR MARTINEZ: Could you tell us again
2 what that percentage is?

3 And, again, your -- some of the explanations
4 that you have for why that is the case?

5 NORA CATLIN: I think it's just generally
6 expensive here.

7 So that would be the one takeaway point, is
8 that it's just higher cost of most everything.

9 The other thing is that, if you look at the
10 labor expenses as a percent of total expenses, it's
11 much more expensive here on Long Island than
12 elsewhere. In part, that could be just for the
13 labor-availability demand.

14 But it's also the labor need, so that we have
15 a much greater need for labor for the types of crops
16 that we have here. So then your labor expenses will
17 be higher.

18 SENATOR MARTINEZ: Thank you.

19 Any other questions?

20 All right.

21 So thank you so much for being here and for
22 presenting.

23 Also, we were joined by Assemblywoman
24 Cathy Nolan. She is the Assembly person who is
25 carrying this bill on the Assembly side, and that

1 number is A2750.

2 Thank you for coming out here and being part
3 of this discussion and hearing.

4 Okay, we will continue with our agenda.

5 We have two elected officials who would like
6 to speak before us.

7 We will have John Marafino come up first,
8 representing Supervisor Smith from the town of
9 Riverhead;

10 Followed by Legislator Al Krupski.

11 JOHN MARAFINO: Good afternoon.

12 Thank you, Senator Martinez.

13 I just want to introduce myself.

14 My name is John Marafino. I'm the chief of
15 staff to the Riverhead Town Supervisor.

16 I'm here to read a statement into the
17 record on behalf of Riverhead Town Supervisor
18 Laura Jens-Smith.

19 So the supervisor would like to state:

20 She is not in support of current Senate
21 Bill S2837 and Assembly Bill A2750, due to the
22 damaging impact it would have on our agriculture
23 community on the North Fork.

24 The legislation would be an added burden to
25 our small family farms that have been passed down

1 from generation to generation for years.

2 These families are already facing many
3 challenges on their farms due to high costs of
4 operating on Long Island, as you just heard,
5 competing with out-of-state pricing, and getting
6 their product to market.

7 This would make these already-struggling
8 family farms less competitive than other farming
9 regions where they're not facing the same high and
10 ever-increasing costs.

11 This legislation has the possibility to
12 completely devastate the North Fork's fragile
13 farming industry.

14 It is unfortunate that it was decided to have
15 this meeting at this location far away from our
16 farmers, but, you know, we're very excited to hear
17 you're considering coming out to Riverhead, we
18 welcome you.

19 And we would like to emphasize how important
20 it is to protect our farming community on the east
21 end, as it is an important component to the beauty
22 of New York State.

23 Our identity is tied to our rural character
24 and intrinsically a part of our rural farms.

25 So, please, do not harm our identity by

1 moving forward with this legislation in its current
2 form.

3 It could have long-term disastrous effects on
4 our struggling farmers who are in Riverhead, and
5 what the entire east end of Long Island is about.

6 Thank you.

7 SENATOR MARTINEZ: Thank you.

8 And please send our regards to
9 Supervisor Smith.

10 And, also, I just want to make sure that it
11 is clear, we will talk about future hearings, if
12 necessary.

13 But I do appreciate you coming out here
14 because, obviously, we want to hear from all.

15 If they were unable to come today, please let
16 them know that they are able to submit their
17 comments via a written statement. And I will
18 provide that in a few minutes where they can send it
19 to.

20 But, you know, I support it, but I have to
21 make sure that the rest of my colleagues support
22 going over to Riverhead.

23 All right, we now have Legislator Al Krupski.

24 AL KRUPSKI: Good afternoon.

25 And I want to thank Senator Martinez, you

1 know, for coming out here and for bringing your
2 colleagues.

3 I'm going to echo what Supervisor Smith said,
4 and invite everyone to come to Riverhead.

5 The county seat of Suffolk County is actually
6 in Riverhead, and it would be more appropriate to
7 have the -- this available to people in Riverhead.

8 If you look at -- I represent the
9 1st District, which is all of Southold town, from
10 Fisher's Island, all the way out to all of Riverhead
11 and eastern Brookhaven.

12 And there's still a lot of agriculture.

13 Our communities have spent a great deal of
14 time and money trying to preserve agriculture, not
15 only the farmland, but also agriculture itself.

16 As you heard from Dr. Catlin,
17 Suffolk County has a long history in agriculture, so
18 much so that the seal of the legislature, behind you
19 on the wall, is a plow. And the seal of
20 Suffolk County is a bull.

21 And those are really the strongest
22 agricultural symbols as you can get.

23 So, you know, I want to thank, you know,
24 Monica for coming out here. I've worked with her
25 for years. As a legislator she sat right over

1 here (indicating).

2 And, you know, we didn't always agree on
3 everything, but you were always very good to work
4 with because you were very respectful and you
5 listened to everybody.

6 And I told people that -- who were coming to
7 the meeting today that they could take confidence in
8 that, that you would always listen to both sides of
9 every issue, and make an informed decision.

10 And that's why I think it would be better if
11 everybody came out and, I think, got a little more
12 familiar with the agriculture in Suffolk County.

13 I'm -- so I'm a county legislator, this is my
14 seventh year, but I'm also a fourth-generation
15 farmer. So I know very well the labor issues.

16 I could tell stories all afternoon about the
17 different experiences, working on the farm, working
18 alongside all the people that we have hired, but
19 I don't have, certainly, all afternoon to do that.

20 There are some downsides to this legislation.

21 And there is a lot of -- so my wife, Mary,
22 does all the paperwork and bookkeeping for the farm.

23 And adding any more -- she and I have had a
24 lot of discussion about this, because we have a
25 family farm, like most of these farmers that you'll

1 hear from today.

2 And when you put more regulation and more
3 bookkeeping, that kind of burden on a family farm,
4 it is a big stress.

5 You know, we're not big corporations. You
6 can't just hire someone else to do the work.

7 And that becomes a big stress for any
8 operation.

9 What you're at risk here, if you lose more
10 farms:

11 Right now we've got this great fertile soil
12 on Long Island. We've got a great climate.

13 People talk a lot about climate change.

14 Someone -- a professor from Cornell came out
15 to speak to the farm bureau a few years ago about
16 climate change.

17 And they said, you know, in the northeast --
18 and this is when California was burning, and Texas
19 had those really historic droughts, and the
20 breadbasket of our country was really -- was really
21 hurting, you know, without rainfall.

22 And people started to take food production
23 I think a lot more seriously when you -- because it
24 is a matter of real national security.

25 That on Long Island you've got millions of

1 people.

2 And if you look at the -- you know, the
3 opportunity to have a market for fresh food, and you
4 think about the big carbon footprint, when something
5 is picked somewhere else, refrigerated and stored
6 somewhere else, shipped across the country or around
7 the world, stored and refrigerated here, and then
8 sold, that produce does not have the nutritional
9 value that it could have if it were harvested --
10 grown and harvested locally.

11 Plus, you have the environmental controls
12 that you have here, and you know who grew it, and
13 it's usually, you know, a lot of times, people know
14 the growers.

15 So you have that assurance about the food
16 security and the nutritional value that you're
17 eating.

18 And I think that shouldn't be lost here.

19 And, finally, I was at the town hall the
20 other day, the Town of Southold did pass a
21 resolution opposing these new measures.

22 And the -- you talk about farm labor, the
23 supervisor in Southold used to work for my parents,
24 when I was away at college, on the farm. He and his
25 brother both worked for my parents.

1 So there's a lot of history of people working
2 on local farms and benefiting from that, and I think
3 that shouldn't be lost here either.

4 So thank you for having this here, and I'm
5 sure you will hear a lot of interesting thoughts
6 today.

7 And we look forward to seeing you in
8 Riverhead.

9 SENATOR MARTINEZ: Thank you.

10 Legislator Krupski, it's always a pleasure
11 seeing you.

12 We will continue with our agenda.

13 And, again, I just want to thank Nora from
14 Cornell Cooperative Extension who gave that
15 presentation on the history and the impact of
16 farming, and the agriculture industry here on
17 Long Island.

18 We will now move into our expert testimony
19 period, where organizations will be called up in
20 alphabetical order, and allotted three minutes to
21 address the panel.

22 Following this, we will open it up to
23 public-comment period. Each speaker will also be
24 allotted three minutes to address the panel as well,
25 and it will be done on first come, first serve

1 basis.

2 I know that you were given a card out in the
3 front.

4 If you do need a card, please raise your hand
5 if you are going to make a comment, and my team will
6 provide you with a card.

7 Also, if you have not submitted a
8 public-comment card, like I said, please visit our
9 desk outside in order to do so.

10 Our hearing today will end at 5:30, or, if we
11 do have to go a little longer, we will.

12 But those who aren't able to address the
13 panel today, you can do so via written comment, up
14 until the end of day, which is May -- on May 3,
15 2019, by e-mail at SenatorMonicaRMartinez@gmail.com,
16 or by written mail postcard -- postmarked by
17 May the 3rd, to my district office, which you can
18 also get the address from my team.

19 It will also be at the bottom of the address
20 card, I believe, of the comment card.

21 Okay, so, this is a very important issue for
22 everybody, this is the reason why we're having this
23 hearing.

24 We want to hear from all stakeholders; we
25 want to hear from the farmers, from workers, from

1 organizations.

2 This is your time to address the panel.

3 This is your time to let us know how you feel
4 about this bill.

5 This is your time to let us know what we, as
6 policymakers, can do to better what we have in
7 possession right now, if needed.

8 Please know that every single one of you has
9 a different viewpoint, and the most important thing
10 of a hearing is to respect each other's viewpoint.

11 This is something that will go a long way
12 when you show that respect to one another.

13 And I do hope that we can keep that decorum
14 in this building.

15 And, please feel free to contact any of us at
16 the end of this hearing if you have any further
17 questions and/or comments.

18 We will now begin.

19 Ross, if you could start bringing the first
20 person up.

21 ROSS SLOTNICK: First we have
22 Professor Maggie Gray from Adelphi University.

23 MARGARET GRAY: Thank you so much for the
24 opportunity to be here today.

25 My name is Maggie Gray. I'm an associate

1 professor of political science at Adelphi University
2 here on Long Island, and I've been studying New York
3 farmworkers and agriculture for the past 19 years.

4 I want to start with a thank-you for
5 Dr. Catlin from Cooperative Extension for her very
6 professional and informative presentation.

7 We learned about crops, labor demand, and
8 some of the implications for this for farmers
9 themselves.

10 But putting on my professorial hat, I would
11 ask my students, What was missing there?

12 And we didn't really get any perspective from
13 farmworkers in that presentation.

14 And I just want to point that out, because
15 that was presented as an overview of agriculture,
16 and I think that's a glaring absence.

17 As committee members, I'm sure you find the
18 labor rights' side of this argument very compelling,
19 yet I know that's not the issue before us today.

20 The question is: How might this bill affect
21 New York's farms?

22 I've interviewed many farmers in the past
23 19 years.

24 I know there are many of you in the room.

25 And I just want to say, I know our farmers

1 are incredibly intelligent, savvy, and innovative
2 business people.

3 And today's farmers have been transforming
4 their practices in order to survive and prosper, and
5 this dates back to the 1820s when the Erie Canal
6 opened and flooded the New York market with wheat,
7 causing farmers to reimagine their practices.

8 So, how are farmers' expenses expected to
9 change if this passes?

10 Farm Credit East put out a report, with the
11 claim, looking at increased labor costs, of
12 \$299 million.

13 The Farm Bureau has repeated this claim,
14 saying it's a 17 percent increase in labor costs.

15 So, there's some basic math issues here that
16 I'd like to point out, and that the Farm Bureau is
17 conflating two different numbers all together.

18 That 299 million would represent a 44 percent
19 increase in agricultural-wage expenses, but, this is
20 not about overtime pay.

21 That number takes into consideration three
22 different factors:

23 One, is a prediction of a forecasted increase
24 in the agricultural wage.

25 Such a prediction would not be in place if

1 there were no overtime protections.

2 If overtime protections were in place, that
3 prediction would be off.

4 Second, they're comparing the minimum wage
5 right now to the minimum wage in two years.

6 And I have a final one, but I'm conscious of
7 time.

8 So let's look at a scenario. I'm very
9 conscious that farmers are concerned.

10 For a farmworker being paid minimum wage and
11 working 72 hours a week, their pay, in 2021, when
12 the wage goes up to 12.50, will be \$900.

13 If overtime were set at 55 hours a week,
14 their pay would increase 12 percent.

15 I think that the current bill, we all know
16 that this will not pass with a 40 hours a week on
17 fruit and vegetable farms. Most workers put in
18 fewer than 50 hours a week. So if overtime kicks in
19 at 55, they will not be affected.

20 More important, the Farm Credit East report
21 and the Farm Bureau tells us again and again that
22 the average farmworker wage in New York State is
23 more than \$14 an hour.

24 For farmers paying anywhere near \$14 an hour,
25 or above the minimum wage, I just want to tell you,

1 you won't have labor increases.

2 Economists have pointed out, there's
3 something called the "fixed job model."

4 And if you're paying higher than the minimum
5 wage, you have flexibility to lower the minimum wage
6 in order to make room for overtime pay, and this is
7 what will happen.

8 At the end of the day, farmers -- farmworkers
9 want to know they're making the same pay that they
10 made the year before.

11 In addition, there are plenty of benefits, as
12 the Farm Bureau points out: free housing, heat,
13 electric, sometimes satellite TV, transportation.

14 All of this could shift, to allow farmers to
15 compensate for overtime pay were it to kick in.

16 I know one farmer who saved \$12,000 a year by
17 charging for heat instead of covering that expense.

18 Finally, I just want to talk about the
19 benefits to this.

20 I think that we're all aware that, with the
21 food movement taking off, there are a lot of
22 conscientious consumers who would be attracted to a
23 market that New York has the strongest labor laws in
24 the northeast, and that would be a selling point.

25 I think we also should keep in mind about

1 the -- we talk about the multiplier effect of farms,
2 and we often think about this in terms of the
3 veterinarians and the tractor repairs and the other
4 service providers.

5 But the majority of New York State
6 farmworkers live in the state, and there would be a
7 multiplier effect from their income increasing as
8 well.

9 Finally, New York farmworkers are part of the
10 community, they're part of the sustainability.

11 And, unfortunately, because so many of them
12 are new arrivals, it means they didn't have a chance
13 to grow up working close with your parents and
14 forming those networks and relationships.

15 And I just want to say, I'm a political
16 scientist. Right? I study power, and I understand
17 how power works.

18 And we're talking about a largely
19 undocumented workforce here that's not showing up at
20 the election poll -- election booths. They're not
21 making political donations.

22 So you, Senators, you have a heavy burden on
23 you to consider some of the more vulnerable of
24 New York State population.

25 Thank you.

1 SENATOR MARTINEZ: Thank you, Ms. Gray.

2 And thank you for being cognizant of the
3 time.

4 And, look, if you are not wrapping up within
5 the three minutes, obviously, please don't feel
6 rushed. I just want to make sure that we do hear
7 you out. All right?

8 But please be cognizant. We do have a long
9 list of people who would like to comment.

10 So thank you, Miss Gray, for your testimony,
11 and we will bring up the next speaker.

12 ROSS SLOTNICK: Next we have Amanda Merrow
13 from Amber Waves Farm.

14 And on deck, we have Alexander Balsam from
15 Balsam Farms.

16 AMANDA MERROW: Hello. Thank you for having
17 me, and for having this hearing today.

18 My name is Amanda Merrow. I co-founded
19 Amber Waves Farm in 2009 with my partner,
20 Katie Baldwin, as a 501(c)(3) community educational
21 farm, where our mission is to educate people about
22 food and farming.

23 In addition to a variety of educational
24 programs that we offer to children and families, and
25 aspiring farmers through our apprenticeship program,

1 we're also a production operation.

2 We lease and own a total of 25 acres on
3 3 properties in East Hampton, in Amagansett, where
4 we produce 350 varieties of 60 crops for our CSA
5 program, our on-farm market, and an off-site
6 farmers' market as well.

7 Our farm staff includes paid apprentices who
8 are paid for both their time working and learning,
9 farm managers, and part-time summer help.

10 As required by law, our employees are
11 protected by our workers' compensation and
12 disability insurance, and the farm contributes to
13 unemployment insurance and all other required state
14 and federal withholdings.

15 All of our employees are presented with a
16 work agreement at the start of the season, outlining
17 their job description, the farm's expectations of
18 their work, and their compensation package.

19 All of our employees are offered a day of
20 rest each week, and can -- and are welcome to
21 schedule additional personal days as needed.

22 One of our greatest challenges in eastern
23 Long Island, and I think this speaks for the whole
24 island, is access to housing.

25 The farm attempts to alleviate this stress

1 and expense on behalf of our workers by taking on
2 leases for multiple residential properties that we
3 offer at a subsidized rate to our farmworkers.

4 In 2018, the subsidy that we provided to our
5 workers was \$25,000.

6 And, in 2019, as rental rates continued to
7 increase, we think that that number is probably
8 going to be closer to \$40,000 this year.

9 Agricultural work is physically, mentally,
10 and emotionally hard.

11 And the people on our team, and on farms
12 across the state, are motivated, conscientious,
13 intelligent individuals who are driven by the
14 challenge of the work.

15 They're more than just our staff. They're
16 part of our extended family, and we rely on each
17 other to get through the season.

18 This line of work is certainly not for
19 everyone, but for those who choose to pursue careers
20 in agriculture, they're comfortable with the extreme
21 seasonal swings of intensity that are dictated by
22 the weather and the growing season.

23 Agriculture is inherently risky, and farm
24 owners and operators may walk away empty-handed
25 after particularly challenging seasons, such as the

1 one that we had last year.

2 Most farms, particularly in New York State,
3 are not corporate empires with huge profits, and the
4 difference in compensation between farm
5 owner-operators and farmworkers is not vast.

6 The change -- a change in
7 overtime-compensation requirements on farms will
8 have outcomes that aren't necessarily beneficial to
9 workers, including a reduction in base wages,
10 particularly for skilled agricultural workers who
11 are already making well above minimum wage, as well
12 as a cut in available work hours for those who
13 depend on long workweeks, to save, to take time off
14 in the off-season, or a disappearance of other
15 benefits like the ones I described, including
16 subsidized or free housing.

17 As financial pressures on farms continue to
18 increase, I worry about the future viability of
19 agriculture.

20 I'm not from a farming family.

21 I built my farm with my partner over the last
22 10 years. We have made considerable investments in
23 investing in future farmers of America through our
24 training program, and that component of our work is
25 integral to our mission.

1 And it's our hope that the industry and this
2 honorable profession can survive and thrive for the
3 coming generations.

4 SENATOR MARTINEZ: Thank you, Ms. Merrow.

5 I don't know if my colleagues have any
6 questions, but just let me know if you do so we may
7 have that opportunity.

8 Thank you.

9 ROSS SLOTNICK: Next up we have is
10 Alexander Balsam from Balsam Farms.

11 On deck we have Patrick Young from CARECEN.

12 ALEXANDER BALSAM: Hi. My name is
13 Alex Balsam. I'm the founder and co-owner of
14 Balsam Farms in East Hampton. I own the farm with
15 Ian Piedmont (ph.), my college friend from Cornell.

16 2019 marks our 17th year in business.

17 Although it's been obvious from my earliest
18 days that farming is in my blood, we didn't step
19 into an existing family-farm operation.

20 We didn't have a wealthy family member to
21 cosign loans for us.

22 We didn't have any family landholdings.

23 I'm proud to say that we started the farm,
24 literally, from the ground up, with \$3500 of seed
25 money to start the business and a short-term lease

1 on 10 acres of land.

2 Today we're farming over 100 acres, most of
3 which is in vegetable production.

4 My parents are social-studies teachers in
5 Baldwin High School, so I come here today with an
6 appreciation for unions and labor rights.

7 Giving employees the option for a day of rest
8 is appropriate.

9 Also, the -- it's fair to note the existing
10 exceptions in the current law for workers' comp
11 coverage is very narrow. Essentially, all
12 farmworkers are already covered by workers' comp and
13 unemployment.

14 So this bill doesn't change much in that
15 regard.

16 But, for me, overtime provision -- the
17 overtime -- the overtime provision of this bill
18 would be devastating to my farm, and, in turn, would
19 negatively impact our employees.

20 In 2018 our farm's wages totaled well over a
21 million dollars.

22 If that number gets magnified by the proposed
23 overtime provision, I'm done. I'm telling you,
24 I can't absorb the additional cost.

25 Our average hourly rate for our field hands

1 is already well above the pending \$15 minimum wage.

2 I'm proud to pay a strong wage to those who
3 work alongside of us, but there are years that
4 I don't put money in my own pocket, including last
5 year.

6 The bad weather, essentially, wiped away our
7 opportunity for profit, but, there are employees on
8 our farm who still got raises for this year.

9 Many of our employees consistently have a
10 larger salary than I take home from the farm.

11 For many reasons, farming is really tough,
12 it's really hard, but, producing food and being a
13 steward of the land is incredibly rewarding.

14 Our employees understand and appreciate the
15 lifestyle and the dedication that is required.

16 They take pride and satisfaction in their
17 work which is a delight to see.

18 Our workers do not have to be farmers. They
19 have many options here by us.

20 For example, the wages for landscaping,
21 hospitality, and construction are very strong. And
22 our farmers have to keep pace with that -- with what
23 the other industries can offer.

24 We often compete in -- for the same labor
25 pool.

1 On our farm, I think it's fair to say that
2 every single employee, from our managers, to our
3 farmhands, could readily find employment in another
4 sector. But, our employees are happy to work with
5 us, and they're treated well.

6 I also want to note that, look, most farmers
7 don't have a big bank account.

8 If you decide to be a farmer, you're
9 sacrificing economic opportunity. You can almost
10 certainly make more money using your skill set in
11 another industry.

12 So, look, if overtime for farm labor does
13 come to fruition, where is that money coming from?

14 We can't raise our prices.

15 We're price-takers. We can't set our price.

16 We don't have the means to dip into our
17 pockets for an overtime wage.

18 At the end of the day, this bill, as
19 proposed, would cause many farms to shut down,
20 including mine.

21 Thank you.

22 SENATOR MARTINEZ: Thank you, Mr. Balsam.

23 We do have a couple of questions, if you
24 don't mind?

25 ALEXANDER BALSAM: Absolutely.

1 SENATOR METZGER: Yes, thank you so much for
2 your testimony.

3 I just want to ask, how many farm laborers do
4 you employ?

5 ALEXANDER BALSAM: Our total, this would
6 include the people who work at our farm stand, we're
7 about at 80 people, yeah.

8 SENATOR METZGER: Okay.

9 And is --

10 ALEXANDER BALSAM: And that includes -- the
11 numbers are skewed there because it's a lot of,
12 like, high school kids who are -- who are, you know,
13 again, working at the farm stand, and things like
14 that, working very minimal hours each week.

15 SENATOR METZGER: Okay.

16 ALEXANDER BALSAM: So I tried to focus my
17 numbers, really, on the -- I think, the segment
18 that -- of the population that this bill is looking
19 to protect.

20 SENATOR METZGER: Right.

21 Is there a threshold in terms of hours that
22 would work for your farm for overtime?

23 ALEXANDER BALSAM: No.

24 To be clear, I mean, we -- we never -- you
25 could come to us and say, I want to work one day a

1 week. You can come to us and say, I want to work
2 seven days a week.

3 Those -- don't get me wrong, those who want
4 to work seven days a week, that might happen once or
5 twice a year.

6 But, generally, everyone wants at least one
7 day of rest, which is great, and we would encourage
8 that.

9 But, again, I -- there's -- because -- if we
10 had this -- if we had a threshold somewhere, and our
11 employees wanted to work that seventh day, or those
12 extra hours, we would have to say no.

13 SENATOR METZGER: Thank you.

14 ALEXANDER BALSAM: Thank you.

15 SENATOR MARTINEZ: Thank you.

16 Any other questions?

17 Okay.

18 ROSS SLOTNICK: Up next is Patrick Young from
19 CARECEN.

20 And following him, we have
21 Juan Antonio Zungia.

22 PATRICK YOUNG: My name is Patrick Young.
23 I'm an attorney with the Central American Refugee
24 Center (CARECEN). We're located in Hempstead and
25 Brentwood.

1 I'm also a special professor of immigration
2 law at Hofstra University School of Law.

3 CARECEN is a non-profit legal-services agency
4 that has advocated for protections for farmworkers
5 for two decades, unsuccessfully, unfortunately.

6 Farmworkers form an important part of the
7 immigrant community here on Long Island, and yet
8 their voices are not really heard.

9 I mean, we even heard from a town supervisor
10 who I don't think mentioned the farmworkers in her
11 presentation on agriculture in her town.

12 They're not only important for the county's
13 nutrition, but they're also important, as we heard
14 from Cornell, for tourism.

15 The work that they do is as vital to the
16 creation of a vibrant agricultural section on
17 Long Island as the farm owners. And, often, it's a
18 multi-generational.

19 But what we also know, is that many of the
20 farmworkers here on Long Island are immigrants.

21 Nationally, over half of all farmworkers are
22 undocumented immigrants.

23 And given the -- both the difficulties that
24 farmworkers labor under, and the particular
25 circumstances that we're seeing now during the

1 Trump Administration, it's extremely important that
2 New York State step in to make sure that the rights
3 of farmworkers are carefully protected.

4 You know, I do not doubt that most farmers
5 value the lives and the work that's done by the
6 workers on their farms.

7 But as we know, over the last two years,
8 increasingly, immigrants have gone underground
9 rather than risk going to federal agencies in order
10 to seek protections.

11 We know that they're not going to the police
12 departments.

13 We've seen declines nationally in the number
14 of immigrant women going for protection to the
15 police from domestic violence.

16 And we certainly also know that, under these
17 types of circumstances, we have seen in the past,
18 when farmers begin to exploit farmworkers in ways
19 that they might not have done in earlier years, that
20 the farmworkers are less and less likely to seek
21 assistance, particularly from federal agencies, or
22 even from some local agencies, that they may see as
23 in alliance with their employers.

24 So we would ask that this legislation be
25 passed.

1 You know, we certainly believe it should be
2 done in consultation with farm owners.

3 But we would like this legislation to be
4 passed because we think it's important that the
5 rights of these workers be protected at a time when
6 they're at their most vulnerable.

7 You know, I would echo the sentiment of the
8 last speaker.

9 You know, I was at Easter vigil on Saturday
10 night, and two-thirds of the people at the Easter
11 vigil were Latinos, some of them who were
12 farmworkers.

13 And to think that anyone could be denied the
14 right to go to church, the right to be with their
15 communities one day a week, it's very painful for me
16 to think.

17 So I hope the State Senate will take this
18 legislation up.

19 Thank you.

20 SENATOR MARTINEZ: Thank you, Patrick.

21 There is -- Patrick, sorry, we do have a
22 question for you.

23 Senator Stavisky.

24 SENATOR STAVISKY: Yes.

25 Have -- in your experience, are -- I have a

1 number -- all the same question, really, different
2 variations.

3 Do you find that they are able to organize
4 and bargain collectively?

5 And do the farmworkers, in your experience,
6 have opportunities for health care, for workers'
7 comp, and other benefits that are available to
8 people who are documented?

9 PATRICK YOUNG: You know, in the experience
10 that we've had, I mean, there's very limited access
11 to health care.

12 I am not an expert on their right to
13 organize.

14 And I know we have Roger Clayman from the
15 federation of labor, I know we have a speaker from
16 Rural Migrant Ministries. And they would be better
17 equipped than I am to answer those questions.

18 SENATOR STAVISKY: And you are suggesting
19 that they're working six days a week?

20 PATRICK YOUNG: Yeah, in many cases they are
21 working six days a week.

22 You know, and, again, I'm not suggesting that
23 most farmers are abusive in their relations.

24 But we do know that, in other workers'
25 conditions, as well as in situations of housing,

1 et cetera, that, in other sectors, we've seen
2 increased discrimination, increased exploitation,
3 over the last two years.

4 And I think it's important for the State --
5 this is one of the least regulated aspects of labor
6 in the state because of the decision during the
7 Jim Crow Era to exempt, you know, I think at the
8 time, largely, African-American laborers, from the
9 protections that were offered to almost every other
10 worker.

11 I mean, the workers -- the protections that
12 are being asked here are largely the protections
13 that were won by other sectors of labor under
14 The Wagner Act, under The National Labor Relations
15 Act, in the 1930s.

16 You know, Bob Wagner, when was he mayor of
17 New York City? 1950s.

18 He had been a congressman in the 1920s,
19 along with Al Smith.

20 OFF-CAMERA SENATOR: (Inaudible.)

21 PATRICK YOUNG: Okay, it was his father.

22 Okay.

23 You know your history much better than I.

24 Thank you.

25 SENATOR MARTINEZ: I'm sorry, Mr. Young, you

1 have an additional question from Senator Savino.

2 PATRICK YOUNG: I'm sorry.

3 SENATOR SAVINO: Thank you.

4 Thank you.

5 I'm just -- I'm curious, because you said
6 that, if the passage of this bill is critically
7 important to protect these -- particularly the
8 undocumented.

9 But I'm not sure, right now, there are
10 undocumented workers who are working in occupations
11 that do have the right to organize, that are -- that
12 aren't in this gray area here, and they're still
13 vulnerable to the vicissitudes of a federal
14 government that might seek to prosecute them or to
15 go after them.

16 So I'm not sure if I agree with your
17 assertion that this would protect them.

18 Not to negate the fact that I think we need
19 to do things to protect all the workers --

20 PATRICK YOUNG: Well, I think it would
21 provide additional protections, because you would
22 have the State of New York providing those
23 protections.

24 SENATOR SAVINO: But if you're an
25 undocumented worker working in the construction

1 industry --

2 PATRICK YOUNG: Uh-huh?

3 SENATOR SAVINO: Being labeled "an employee,"
4 because that's, essentially, the difference.

5 If you're a farmworker, or, now in New York
6 if you're a domestic worker, you are an employee.

7 But if you're a farmworker in New York State,
8 you are not an employee under the labor law, which
9 is what prevents you from being covered by all of
10 the other laws that everyone else that's an employee
11 is.

12 PATRICK YOUNG: Right.

13 SENATOR SAVINO: So all I'm suggesting,
14 though, is that we have a lot of people who are --
15 who do not have legal resident status, but who are
16 "employees" under labor law, and they are still at
17 risk from a federal government that would seek to
18 treat them unfairly.

19 So I don't think that -- I think -- I just
20 want to --

21 PATRICK YOUNG: They're at risk from the
22 federal government, we've seen --

23 SENATOR SAVINO: Yeah.

24 PATRICK YOUNG: -- and that's been the case
25 since 1986. I mean, that's not something that's

1 brand new.

2 But what we've been seeing over the last
3 two years has been an increasing fear among
4 immigrants, and undocumented immigrants, and not
5 simply in the area of labor law, but in housing law
6 and other areas of law.

7 And that's why it's become particularly
8 important for the states and localities to step in
9 to provide the additional protections.

10 So I think that's why this is particularly
11 timely now.

12 SENATOR SAVINO: Thank you.

13 PATRICK YOUNG: Thank you.

14 SENATOR MARTINEZ: Thank you.

15 ROSS SLOTNICK: Now speaking, we have
16 Juan Antonio Zungia, a farmworker.

17 SENATOR MARTINEZ: Zungia (different
18 pronunciation.)

19 ROSS SLOTNICK: My apologies.

20 On deck we have Jeff Rottkamp from Fox Hollow
21 Farms.

22 Translating for Juan will be Denise Rivera
23 from Senator Monica Martinez's Office.

24 JUAN ANTONIO ZUNGIA: Buenas tardes.

25 SENATOR MARTINEZ: Buenas tardes.

1 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

2 DENISE RIVERA (translating): He says, "Thank
3 you, and good afternoon." And he just wants to
4 introduce himself, his name.

5 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

6 DENISE RIVERA (translating): His name is
7 Juan Antonio Zungia.

8 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

9 DENISE RIVERA (translating): He's from
10 El Salvador.

11 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

12 DENISE RIVERA (translating): He is an
13 agricultural worker, also known as "a farmer."

14 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

15 DENISE RIVERA (translating): He has worked
16 in agricultural fields since 2006.

17 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

18 DENISE RIVERA (translating): He says that he
19 just wants to let you know that this working
20 experience has been very difficult for him. It
21 hasn't been an easy job to partake.

22 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

23 DENISE RIVERA (translating): At times, there
24 are weeks where they work 70 hours per week.

25 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

1 DENISE RIVERA (translating): These are --
2 long hours are needed to in order to tend to the
3 agricultural needs that come up when working on
4 agricultural land.

5 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

6 DENISE RIVERA (translating): There's -- they
7 need to spend a lot of time on the land in regards
8 to production, taking care of planting seeds, of the
9 weather that's also involved in, and any other needs
10 for agricultural production.

11 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

12 DENISE RIVERA (translating): We collaborate
13 with the bosses who are in charge of these companies
14 that take part in agricultural production, and we
15 have to continue collaborating with them in order to
16 do and make sure the work gets done.

17 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

18 DENISE RIVERA (translating): It's difficult
19 because, the amount of work they need in order to
20 take care of the agricultural fields, takes them
21 away from spending time with their family. And they
22 aren't really able to have any benefits from the
23 company and provide for their children.

24 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

25 DENISE RIVERA (translating): So a typical

1 workday, they start as early as six in the morning,
2 and they end as late as seven or eight at night.

3 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

4 DENISE RIVERA (translating): Particularly
5 for the mothers.

6 So, if they start working at six, they have
7 to drop off their children earlier to a babysitter.

8 And after a workday, which he says, it ends
9 at seven or eight, they have to pick up their
10 children afterwards.

11 And, obviously, it causes the mothers to
12 spend little time with their family, especially with
13 their children.

14 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

15 DENISE RIVERA (translating): And although we
16 are agricultural workers, we do not get the
17 recognition needed, based on the amount of hours we
18 put in, or we're not even protected, we don't have
19 any laws that protect us, from the hard work that we
20 do.

21 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

22 DENISE RIVERA (translating): And it's for
23 this reason that I'm here testifying before you.

24 I've been working for 12 or 13 years as an
25 agricultural worker, and I'm about to retire.

1 And I hope that my words will affect you,
2 and, hopefully, it will point out the benefit of
3 this law for the future agricultural workers who
4 would like to pursue this job, and for their
5 families as well.

6 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

7 DENISE RIVERA (translating): I am very
8 grateful that you have taken the time to listen to
9 my testimony, and I hope that it will impact and
10 affect your decision in passing this law, that he --
11 that I fully support for the benefit of future
12 agricultural workers and their families.

13 Thank you.

14 SENATOR MARTINEZ: Thank you.

15 Senior Zungia -- Zungia, Senior --

16 Sorry, I went into my Spanish mode.

17 -- Senator Rivera has a question for you.

18 And I just want to say, thank you, Denise,
19 that was good.

20 I haven't heard you do that since you've been
21 with me, but thank you for helping translate.

22 Senator Rivera.

23 SENATOR RIVERA: (Asking question in Spanish,
24 and translating answer to English.)

25 I'll be translating, don't worry.

1 (Asking question in Spanish, and translating
2 answer to English.)

3 I asked him what type of farming he does.

4 He works in the -- in the -- in the
5 ornamental --

6 OFF-CAMERA SENATOR: Horticulture.

7 SENATOR RIVERA: -- horticulture.

8 Thank you.

9 See, you have to go to the professional.

10 (Asking question in Spanish, and translating
11 answer to English.)

12 Just asked him, like, does he travel to other
13 parts of the country, other parts of the state?

14 And, no, he travels -- he works on
15 Long Island year-round, heat, cold, what have you.

16 (Asking question in Spanish, and translating
17 answer to English.)

18 I asked him how much he earned last year.

19 He said, \$29,000 a year.

20 (Asking question in Spanish, and translating
21 answer to English.)

22 I asked him, how is he going to -- if he's
23 close to retirement, how he's going to take care of
24 himself after he retires.

25 He says he does not know.

1 (Asking question in Spanish, and translating
2 answer to English.)

3 I asked him whether it's \$29,000 a year with
4 70-hour workweeks, et cetera?

5 And he said yes.

6 SENATOR SAVINO: I'm not a math teacher, but
7 that's way less than the minimum wage.

8 SENATOR RIVERA: That's your joke.

9 I'm not going to take credit for your joke.

10 SENATOR RAMOS: (Asking question in Spanish,
11 and translating answer to English.)

12 So I asked him if the \$29,000 salary included
13 housing, and he says it includes everything:
14 housing, medical costs, and everything that he has
15 to provide for himself.

16 SENATOR MARTINEZ: Any other questions?

17 Okay, so we need to also be cognizant that we
18 have people who are in the audience that do not
19 understand Spanish.

20 So if my colleagues who are speaking in
21 English, if one of us can help translate, or,
22 speaking in Spanish, help translate in English, so
23 those who are in the audience can also benefit from
24 what is being spoken here at the Legislature.

25 Yes.

1 SENATOR STAVISKY: Quick question.

2 You mentioned the children.

3 Do they go to school locally?

4 SENATOR MARTINEZ: Denise.

5 DENISE RIVERA (translating): (English to
6 Spanish.)

7 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

8 DENISE RIVERA (translating): He says his
9 children work as farmers as well, and they have
10 someone take their children, his grandchildren, to
11 the bus.

12 SENATOR STAVISKY: But they do go to school,
13 not just daycare, not just babysitting?

14 DENISE RIVERA (translating): (English to
15 Spanish.)

16 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

17 DENISE RIVERA (translating): Yes.

18 SENATOR STAVISKY: Good.

19 SENATOR MARTINEZ: And did we have any --
20 Senator Metzger?

21 SENATOR METZGER: Are you comfortable sharing
22 who your employer is?

23 DENISE RIVERA (translating): (English to
24 Spanish.)

25 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

1 SENATOR MARTINEZ: So I think I -- I don't
2 think that was meant purposefully, but it's
3 employee, not owner.

4 So, Senior, (speaking Spanish).

5 JUAN ANTONIO ZUNGIA: (Speaking Spanish.)

6 SENATOR MARTINEZ: No, he does not feel
7 comfortable saying.

8 Okay. Gracias.

9 ROSS SLOTNICK: We now have Jeff Rottkamp,
10 owner of Fox Hollows Farms.

11 On deck, Karl Novak, general manager,
12 Half Hollow Nursery.

13 JEFF ROTTKAMP: Good afternoon.

14 My name is Jeff Rottkamp. I'm from
15 Calverton, in Riverhead.

16 And our family has been involved in
17 agriculture since the early 1800s.

18 And I would just like to say that I treat my
19 help very, very well, and they have a beautiful home
20 that I provide for them.

21 I pay more than minimum wage.

22 They can go to the clinic if they need health
23 care, which they rarely ever do.

24 And when we have crops on the farm, they're
25 free to help themselves to whatever they would like.

1 We grow asparagus, strawberries, sweet corn,
2 tomatoes, melons, string beans, and they ask me if
3 they can help themselves, and I tell them, yes, they
4 can.

5 They occasionally have some relatives from
6 out of state visit them. They also pick some of
7 their own vegetables and put them in the trunk of
8 their car and take them along, at my expense,
9 because I'm grateful to have the help.

10 I pay them well.

11 I give them a nice place to live.

12 I don't swear at them or cuss, nothing.

13 I treat them just like family because, when
14 you work seven days a week with someone, they're
15 pretty much like family.

16 And I'm not going to abuse my help for my own
17 good. I don't need to do that.

18 I need them to produce so that I can be
19 profitable, and it's getting tougher every single
20 year.

21 Our hands in agriculture always seem to be
22 tied behind our back, whether it's markets, labor,
23 rules, regulations, requirements, restrictions.

24 It's getting out of hand.

25 Every time I go to the mailbox, it's an

1 increased fee for something. It's another bill that
2 never used to be.

3 And we're getting to the point in agriculture
4 where it's getting very, very tough to make a
5 profit.

6 And if we don't make a profit, the end is
7 close.

8 And I get kind of upset about it because I've
9 been in this my whole life. So was my
10 great-grandfather.

11 And we commute -- we commuted from Astoria,
12 Queens, in Hicksville, Carle Place, to Riverhead.

13 And believe me or not, that's the last place
14 we can go, we're done. If we have to leave here,
15 it's over, because the cost of labor, fuel, school
16 taxes, property taxes, everything under the sun,
17 we're getting bombarded from every degree, every
18 angle, that you can think of.

19 And I give my men at least 55, 60 hours a
20 week. I pay them well.

21 Like I said, they're entitled to free
22 vegetables from the farm.

23 At the end of the year, when they leave to go
24 somewhere else, they always come and give me a
25 handshake, pat on the back, "I want to come back

1 next year."

2 That's what I get from my help, and I'm
3 grateful for that.

4 And they're real good people, but I don't see
5 where I'm going to be able to pay overtime. It's
6 just not going to be in the cards for me.

7 And that's about all I have to say.

8 And I hope we don't bite the hand that's
9 feeding agriculture, because that's going to be a
10 dangerous position.

11 And right now, there's at least 50 percent of
12 the food coming into this country is from overseas
13 or other countries.

14 And I don't know if I want to be in that
15 position, to have 50 percent of what I eat from
16 somewhere else. That's dangerous.

17 I think we better really do a lot of support
18 of agriculture, and hope it stays around here for a
19 long time, because it's dwindling.

20 SENATOR MARTINEZ: Well, thank you, sir, for
21 your testimony.

22 JEFF ROTTKAMP: Thank you very much.

23 SENATOR MARTINEZ: We do have a couple of
24 questions for you.

25 [Applause.]

1 SENATOR MARTINEZ: Senator Savino.

2 SENATOR SAVINO: Thank you.

3 Mr. Rottkamp, don't go, don't go.

4 Turn around, turn around.

5 SENATOR MARTINEZ: Sir, you have a couple of
6 questions.

7 SENATOR SAVINO: Thank you.

8 I just have a couple of questions.

9 Thank you for your testimony.

10 I was born and raised in Astoria too.

11 I just went in the opposite direction, I went
12 to Staten Island.

13 JEFF ROTTKAMP: Okay.

14 SENATOR SAVINO: Senator Ramos also.

15 JEFF ROTTKAMP: I'd rather go east, actually.

16 SENATOR MARTINEZ: I was curious, how -- you
17 didn't mention how large your farm is.

18 JEFF ROTTKAMP: We far about 200 acres.

19 SENATOR MARTINEZ: 200 acres.

20 And how many -- how many employee do you
21 have?

22 JEFF ROTTKAMP: It varies at certain times of
23 the year.

24 SENATOR SAVINO: Uh-huh?

25 JEFF ROTTKAMP: Right now I only have a few.

1 But then when the harvest season begins to
2 come upon us, I can go anywhere from 10, 12, to 14.

3 Some of my help wants to work five days a
4 week, some wants to work six.

5 Some will work in the mornings.

6 I have one lady that works for me in the
7 morning, and then she works at Tango Mall in the
8 afternoon, and she's thrilled, because she likes
9 doing that.

10 SENATOR MARTINEZ: And you also said that, at
11 the end of the season, a lot, they leave, they want
12 to come back.

13 How long is the period of time -- generally,
14 how long do they stay working for you, during --

15 JEFF ROTTKAMP: I finish up, most times, by
16 Halloween --

17 SENATOR MARTINEZ: And when do they start?

18 JEFF ROTTKAMP: -- maybe shortly after, but
19 that's about it.

20 SENATOR SAVINO: So when do they start, when
21 do they end?

22 JEFF ROTTKAMP: We will be starting with
23 asparagus probably in about a week.

24 SENATOR SAVINO: Uh-huh?

25 JEFF ROTTKAMP: And, that, you have to pick

1 every day because it grows so rapidly.

2 But, like, on a Saturday or a Sunday, if they
3 can finish picking half a day, then I give them the
4 rest of the day off.

5 And then we go into strawberries.

6 Well, strawberries, you have to pick every
7 single day. It has to be in the morning when
8 they're the freshest.

9 So they enjoy doing that.

10 It's peaceful work, it's quiet, it's not
11 stressful, not -- not -- you know, you don't have to
12 do a lot of heavy lifting, or anything like that.

13 Then we go into green squash, yellow squash,
14 cucumbers, sweet corn.

15 We grow some sunflowers, string beans,
16 rhubarb, a few other items. And pumpkins for the
17 fall.

18 And they can -- you know, I can keep the help
19 busy all daylong.

20 I mean, I tell them, if they want to work,
21 I got the work.

22 Oh, yes, we want to work. We'll come to
23 work. Yeah, we're coming to work.

24 SENATOR SAVINO: And the final question:

25 You mentioned something about the cost of

1 food, or, most of the food coming into New York
2 comes from out of state.

3 JEFF ROTTKAMP: Right.

4 SENATOR SAVINO: As you know, Hunts Point
5 Terminal Market in the Bronx is the largest food
6 redistribution center, I think, in the country.

7 JEFF ROTTKAMP: If my father continued to go
8 to Hunts Point, I wouldn't be standing here. He'd
9 be broke.

10 SENATOR SAVINO: So one of the things
11 we've -- I've toured Hunts Point a few times, and
12 most of the produce that goes through Hunts Point is
13 not grown in New York State.

14 It's coming from Pennsylvania, New Jersey,
15 and Connecticut, and other places.

16 Do you move your products through
17 Hunts Point?

18 JEFF ROTTKAMP: Not anymore. We gave it up,
19 we had to.

20 SENATOR SAVINO: Thank you.

21 JEFF ROTTKAMP: We had to.

22 Any other questions?

23 SENATOR RIVERA: Yes, sir.

24 SENATOR MARTINEZ: Yes, Senator Rivera.

25 SENATOR RIVERA: Could you actually elaborate

1 on that?

2 You couldn't -- you said you were not moving
3 your product through the Bronx anymore.

4 JEFF ROTTKAMP: Probably about 20, 25 years
5 ago, we sent in 50 boxes, half-bushel boxes, of
6 squash.

7 They gave us a dollar for a box.

8 SENATOR RIVERA: For each box?

9 JEFF ROTTKAMP: Each box, when it should have
10 been, probably eight, nine dollars.

11 My father got the check in the mail, with the
12 bill of lading, and he said to me, he says, We can't
13 do this anymore or we're going broke. We got to
14 find another way.

15 By the time we pay our taxes, pay our
16 insurances, pay the labor, pay for the box, the
17 seed, the fertilizer, the rent, the fuel, you have
18 nothing left for yourself.

19 You're out, you're done.

20 So we had to do a different thing.

21 SENATOR RIVERA: And what did -- and could
22 you tell us a little bit about what you're doing now
23 that's different that --

24 JEFF ROTTKAMP: We're selling produce more to
25 local farm stands and local markets.

1 SENATOR RIVERA: And one more question.

2 You said you had 200 acres?

3 JEFF ROTTKAMP: Yes.

4 SENATOR RIVERA: And there are about

5 14 workers that you have?

6 JEFF ROTTKAMP: Right.

7 SENATOR RIVERA: There was another --

8 somebody speaking a little bit earlier, that talked

9 about 100 acres, with a much, like, 80 employees or

10 something, I don't recall exactly, a gentleman that

11 spoke a little bit earlier.

12 JEFF ROTTKAMP: Yes, I know the gentleman.

13 SENATOR RIVERA: So is that -- does that have

14 to do, I guess, with the type of -- the type of

15 farming --

16 JEFF ROTTKAMP: The type of crops he's

17 growing is extremely labor-intensive.

18 And he grows some crops that are organic, so

19 there's probably lots and lots of weeding that has

20 to be done by hand.

21 And that's probably his biggest expense, of

22 course, is labor, and mine also, because you can't

23 let a crop compete against weeds, because you'll

24 never get the crop.

25 SENATOR RIVERA: Thank you, sir.

1 JEFF ROTTKAMP: Thank you.

2 Any other questions?

3 SENATOR MARTINEZ: Senator Metzger, just a
4 follow-up.

5 SENATOR METZGER: You may have mentioned
6 this. I'm sorry, I stepped out.

7 But do you participate in the H2A program?

8 Or --

9 JEFF ROTTKAMP: I am trying that this year
10 for the first time.

11 I don't know how it's going to work.

12 A few other fellows that I know have tried it
13 for the last couple of years. They say it's okay.
14 It's nothing -- not a silver bullet, but, it's okay.

15 And the other thing I would like to mention
16 is that, I do house -- I have housing for enough for
17 four to five men.

18 It's in exceptional condition. It's not like
19 other people might think.

20 The labor department comes in my yard two,
21 three times a year.

22 The Health Department comes in my yard, talks
23 to the help.

24 And I cannot be with that conversation, and
25 I've never had an issue, ever, and I want to keep it

1 that way.

2 So, other people may think that a farmworker
3 is being, I don't know if I should even use the
4 word, but, discriminated against.

5 No. Not for me.

6 And not for a lot of other folks either.

7 Without labor we're out of business, so we
8 have to take care of our labor.

9 Thank you.

10 SENATOR METZGER: Thank you very much.

11 SENATOR MARTINEZ: Thank you, sir.

12 ROSS SLOTNICK: Next we have Karl Novak of
13 Half Hollow Nursery.

14 On deck we have Randi Dresner of
15 Island Harvest.

16 KARL NOVAK: I'd like to, first of all, thank
17 Senator Ramos, Senator Martinez, and Senator Metzger
18 for putting together this public hearing, and all
19 the other Senators for attending.

20 My name is Karl Novak.

21 I manage a growing facility in Laurel,
22 New York, that during peak season employs over
23 70 full-time workers.

24 Our work schedule is not always predetermined
25 in advance.

1 Our harvest and sales windows are affected by
2 seasonal demand. They're also affected by the
3 weather.

4 There are times our workdays are cut short or
5 we are not able to work at in all the fields.

6 Because of this, work that is not able to be
7 completed one day because of weather must be made up
8 on another day when the weather permits.

9 We don't determine when we harvest crops.

10 The crops themselves determine when they are
11 ready to be harvested for shipment and sale.

12 In order to harvest our crops, there are
13 times and seasons when we have to work long hours in
14 order to harvest and ship before our crops spoil in
15 the field and are rendered unsalable.

16 We value our employees. Without them we
17 would not be in business.

18 We pay into the state unemployment
19 compensation fund, carry a worker disability policy,
20 and carry a workmen's (sic) compensation policy, as
21 most farming operations do.

22 Our farm -- our employees earn paid vacation,
23 which averages two weeks per employee, or more.

24 They get paid personal and sick time,
25 amounting to another week, and they get paid

1 holidays.

2 I have never denied -- they also get a day of
3 rest for our operation, which is Sunday.

4 I have never denied an employee time off if
5 they give me a day's notice, so they can plan -- so
6 we can plan our work crews, if they have personal
7 issues that they need to attend to, and that's
8 important to me.

9 We also provide housing for employees who
10 request it, at no charge.

11 We do work long hours, which is the nature of
12 all our business, and our employees understand that.

13 And this is one of the reasons why they like
14 working in our operation and other seasonal farm
15 operations.

16 I have worked side-by-side in the field with
17 the seasonal farm workforce for over 40 years.

18 I've worked with people from Poland, Mexico,
19 Guatemala, El Salvador, Jamaica, Dominican Republic,
20 and Haiti.

21 I respect the work ethic and dedication they
22 bring to our industry.

23 As a manager, I demand that our workers are
24 treated with respect, and work in a safe and healthy
25 environment, not because that is what the law

1 requires and ensures, but because it is the right
2 thing to do.

3 Our state department of labor and county and
4 local health departments also ensure we are
5 complying with laws and regulations.

6 As Jeff mentioned, we are routinely inspected
7 by the department of labor, by the county and local
8 health departments.

9 When Jose Vega, our agricultural department
10 of labor specialist, comes, I make sure that he is
11 left alone with the employees, where they live, and
12 he is allowed to talk to them so they do not feel
13 intimidated, and are free to talk to him freely.

14 We operate in the highest minimum-wage state
15 in the country, and it's scheduled to go higher in
16 the next three years.

17 We compete and sell all our products with
18 states surrounding us with much lower minimum wages,
19 as Jeff said.

20 And as you pointed out, when you go to
21 Hunts Point, you see produce from Pennsylvania,
22 Delaware, Maryland, Connecticut; very little from
23 New York State because, farmers who try to sell
24 through Hunts Points, they only do it as a last
25 resort because they cannot get the price that they

1 need to get to make a profit.

2 We're already at a competitive disadvantage
3 to sell a commodity product due to lower wages in
4 neighboring states, and also countries, like Mexico
5 and Canada, and are just beginning to make progress
6 in compensating for the higher minimum wage.

7 Just to make note, the minimum wage on
8 Long Island is now at \$12 an hour, and will be at
9 \$15 an hour, not \$12.50 like the rest of the state.

10 The addition of an overtime rule makes us
11 even -- will make us even less competitive than we
12 already are, and may force some of us to close our
13 doors.

14 Also, addressing the collective bargaining
15 issue, what leverage would farmers have to bargain
16 if workers went on strike during peak harvest season
17 when a farm is most vulnerable?

18 And if the farmer goes out of business or
19 loses customers, because of a strike, how do the
20 workers benefit?

21 I support many of the same things you do:
22 Immigration reform, a viable guest-worker program,
23 and a path to citizenship for those who would
24 qualify.

25 I urge you to visit our farms and talk to our

1 workers. Ask them about the conditions that they
2 work in, and how they are treated by us, the
3 employers.

4 I believe that you will find, as you may
5 already have, that they do not take issue with
6 working long hours during the busy season, and,
7 overall, our workers like the work that they do.

8 I believe that while this legislation may be
9 well-intentioned, it is misguided, and the
10 proponents are misinformed, either because they have
11 not given the legislation its due diligence, or they
12 honestly just don't care about the people and
13 businesses that it will affect in an adverse way.

14 I urge to you carefully consider this
15 legislation because, once a farm is gone and the
16 land is developed, the ability to farm and produce
17 from that ground is gone forever.

18 One last statement that you might take into
19 account while considering this, and everybody, as
20 has been pointed out, is a farmer's feed is three
21 times a day, and think about where we would be
22 without farms.

23 As an example, New York farmers donated or
24 heavily discounted almost 12 million pounds of
25 ag products to food banks in 2018.

1 Included in this number is 3.8 million pounds
2 of ag products coming from Long Island farmers alone
3 that went to Island Harvest and Long Island Cares.

4 I ask, is this the work of people who do not
5 care about the well-being of others and about the
6 well-being of their employees?

7 Farmers are some of the most caring, kind
8 people I've ever known, and it is one reason I chose
9 this profession in the first place.

10 SENATOR MARTINEZ: Thank you, Mr. -- no, we
11 do have questions for you, okay, if you'd just bear
12 with us a little longer.

13 Senator Metzger.

14 SENATOR METZGER: Thanks so much for your
15 testimony.

16 I'm going ask a question I asked earlier.

17 In terms of the overtime provision, is there
18 a threshold of hours at which --

19 KARL NOVAK: I'm not sure if there is a
20 threshold.

21 A threshold for my operation might be
22 different than other operations.

23 Our operation -- I grow -- we grow nursery
24 stock.

25 I operate a 600-acre farm, of which, right

1 now, we only have 400 acres in production because we
2 can't -- we just -- we wouldn't even have the labor
3 to be able to operate 600 acres.

4 So our season is a little different than the
5 vegetable growers, than the wine growers.

6 So, no, I can't really state what that
7 threshold would be.

8 I think that's something that needs to be
9 worked out at a later date when all stakeholders sit
10 around the table and negotiate.

11 SENATOR METZGER: Okay.

12 And, just, if I could ask one more question.

13 So what -- what do -- could you just give us
14 an estimate of the percentage of your costs that are
15 labor costs.

16 JEFF ROTTKAMP: Percentage of, what?

17 SENATOR METZGER: That are labor costs.

18 JEFF ROTTKAMP: Our labor cost is over
19 50 percent of our total operating cost.

20 SENATOR METZGER: Thank you.

21 JEFF ROTTKAMP: Over 50 percent.

22 Which a lot of businesses would find totally
23 unacceptable.

24 But we are -- we are -- it's an industry --
25 the industry that I am in is very hard to mechanize,

1 and -- as well as other places on Long Island.

2 In order to survive on Long Island, you saw
3 the Cornell presentation, at one time it was
4 potatoes and cauliflower.

5 Well, the market price for potatoes and
6 cauliflower went through the floor.

7 Farmers had to diversify.

8 Many farmers grow such a diversity of crops,
9 it would be very hard to mechanize their harvest.

10 SENATOR METZGER: And that's a good thing,
11 diversification.

12 Thank you.

13 SENATOR MARTINEZ: Thank you, sir.

14 Any other questions?

15 Okay, thank you.

16 I do want to -- before --

17 Sorry, Ms. Dresner, but please come forward.

18 -- but before Island Harvest presents, I just
19 want to acknowledge that Senator Phil Boyle has
20 joined us, and I just want to thank him for being
21 here.

22 ROSS SLOTNICK: Now speaking, Randi Dresner,
23 president and CEO of Island Harvest.

24 On deck, William Zalakar, general manager of
25 Kurt Weiss Greenhouses.

1 RANDI DRESNER: As you heard, my name is
2 Randi Shubin Dresner, president and CEO of
3 Island Harvest Food Bank.

4 I thank you for holding this important
5 hearing and for asking me to speak today.

6 By the end of this year, our organization
7 will have provided over 130,000 meals to people in
8 need since our founding in 1992.

9 Our success can be contributed to many strong
10 partnerships, including the Long Island Farm Bureau,
11 whose generous members have donated and deeply
12 discounted millions of pounds of produce annually
13 for nearly 20 years.

14 This hearing helps us to begin an important
15 dialogue, allowing all sides of the issue to rise,
16 ensuring the best possible conclusion.

17 Island Harvest Food Bank does not have a
18 formal position on this legislation as it is
19 currently drafted; however, we wanted to provide the
20 perspective of its impact on a local organization.

21 Please know that we strongly support the
22 ability for farmworkers to receive important labor
23 protections and appropriate pay so that they
24 themselves are able to live in financial stability.

25 It's counterintuitive if farmworkers leave

1 their work on the fields and then have to rely on
2 public-assistance programs and organizations like
3 ours to ensure that they have adequate food for
4 themselves and their families.

5 That would not be right.

6 In turn, local farms are tremendous
7 contributors to our local economy, protecting local
8 farmlands, growing great produce, offering local
9 jobs, and providing charitable donations to
10 organizations like Island Harvest Food Bank.

11 We have heard concerns of our agricultural
12 partners who worry about the increased costs that
13 would result from the enactment of this bill.

14 I completely understand their concerns.

15 You see, we are currently struggling
16 ourselves with the changes in the minimum-wage law
17 and its impact on our own operations at our food
18 bank.

19 I want to be sure that my employees get a
20 fair wage as well, yet we struggle with the
21 complications that it offers us.

22 New York farming is a very seasonal and
23 compressed business, as you heard, and it stresses
24 both farmers and farmworkers.

25 The New York farm industry is also

1 diminishing.

2 We are losing too many legacy farms, and with
3 fewer farms, as you know, come fewer pounds of fresh
4 local produce, and that is not good for any of us.

5 Quite frankly, without the generous donations
6 and deep discounts from farms across New York State,
7 10 food banks in this state would dramatically see
8 increased costs, leading to find other ways to
9 acquire healthy dairy and agricultural products.

10 Paying more for these products would mean
11 cuts from somewhere else within our organizations
12 that could have unintended consequences of less food
13 for far too many people who are already struggling
14 with compounded industries, and, in New York State,
15 there are more than 2.5 million people struggling
16 with food insecurity.

17 At the end of the day, I would encourage the
18 Legislature to continue to work with the farming
19 community on both sides, to create a policy that
20 would balance both increased protections and to pay
21 farmworkers, while also taking into consideration
22 the needs and challenges of the farming sector.

23 I thank you for the opportunity to testify
24 and to speak to you today.

25 Thank you.

1 SENATOR MARTINEZ: Thank you, Randi.

2 And I just want to say thank you for all that
3 you do as an organization, feeding those in need.

4 And, as always, we look forward to our
5 continued partnership.

6 RANDI DRESNER: To that point, we don't do it
7 alone.

8 We do it with a lot of partnership; that
9 includes the Legislature, but it includes our
10 community partners as well.

11 SENATOR MARTINEZ: Exactly.

12 Thank you.

13 Any questions Ms. Dresner?

14 Okay.

15 ROSS SLOTNICK: Now speaking, William Zalakar
16 of Kurt Weiss Greenhouses.

17 On deck, Robert Carpenter, administrative
18 director of the Long Island Farm Bureau.

19 WILLIAM ZALAKAR: Good afternoon, Senators,
20 Assembly members, industry members, friends, and
21 family.

22 My name is Bill Zalakar, the vice president
23 of the Long Island Farm Bureau, and general manager
24 of one of the largest greenhouse companies in
25 New York.

1 I have been on both sides, as a business
2 owner and as an employee.

3 Each and every one of us are in this unique
4 industry because we so choose to be.

5 Whether you're White, Latino, Black, Asian,
6 or any nationality, there are no restraints that are
7 keeping us in this industry.

8 Our industry is still on the lower end of the
9 pay scale, unfortunately.

10 The reasons being, we cannot dictate our
11 prices to the market; the market dictates the prices
12 to us.

13 Products flow in, just like we heard earlier,
14 from neighboring states, Pennsylvania, New Jersey,
15 Connecticut, Canada. All of these states have
16 consistently lower labor expenses and costs of doing
17 business.

18 Our labor expense runs anywhere, about,
19 40 percent of the product cost.

20 By adding in overtime, this would put many of
21 the producers in a severe disadvantage by nearly a
22 100 percent difference in payroll figures.

23 Any of the larger businesses that have
24 locations out of state would be either looking at
25 relocating, other than that, cutting their volume,

1 or, reducing the number of hours of our workers so
2 that they don't exceed any overtime.

3 A perfect example, in our industry, we grow
4 Easter lilies.

5 Last week was Easter.

6 That Easter lily is virtually worthless the
7 day after Easter.

8 You're on a limited time scale to get those
9 products out of the door. If they're not out the
10 door by then, we lose the money.

11 The workloads vary from season to season.

12 Using H2A, J-1 visa trainees, they're here --
13 when they come here, they don't want to work for a
14 set period of time. They usually want to work for
15 as much as they can.

16 Many of our farmworkers want to work, learn,
17 and earn.

18 Our employees are our number-one asset.

19 Without any of our employees, our businesses
20 would not remain in business.

21 At the same time, however, we must be able to
22 pay the employees, run our businesses, and reinvest
23 the money into our businesses to keep it afloat.

24 Many of us are struggling to survive in the
25 agricultural industry.

1 If the businesses fail, the number of workers
2 without employment would be substantial.

3 Agriculture has always been the initial
4 building block in any economy in this world.

5 It's the American dream for people to travel
6 to this country, and work hard, advance through
7 their ways up to success.

8 Over many years of managing hundreds of
9 ag workers, I have had the great opportunity to see
10 many of them advance into management positions, that
11 they still hold today, and build comfortable futures
12 for their families.

13 We talk about mandating workers' comp,
14 unemployment, and disability.

15 These are already mandated by New York State
16 law, and as a business, we are already paying all of
17 those.

18 This is where there's many misconceptions of
19 the benefits for farmworkers.

20 Many farms provide housing.

21 On Long Island, that's a cost of, usually,
22 about \$800 to \$1,000 per worker per month.

23 Hudson River Health Care provides health
24 services that come to each and every one of our
25 farms, free of charge, for the employees.

1 We talk about daycare.

2 In New York State, we have ABCD Child
3 Development, which is a free service for child care
4 for all of the ag workers for their children.

5 Only in New York.

6 To consider the possibility of overtime in
7 any form, and collective bargaining, we first must
8 be on a level playing field with all the other
9 states and countries.

10 If this does not happen, any form of this
11 bill passes, we could lose nearly 25 percent of the
12 ag industry in New York and thousands of jobs.

13 The New York State Department of Labor has
14 their own ag division that visits each and every one
15 of the farms, checks for mandated paperwork, such as
16 contractual work agreements, workers' comp,
17 unemployment. They interview the people without the
18 owners being there.

19 This is one of the best aspects of ag-labor
20 monitoring that you can have, and it's already in
21 place out there.

22 These are only a few stories that I have to
23 tell, and I urge that you consider, carefully, the
24 economic and viability of the agricultural industry
25 in New York.

1 SENATOR MARTINEZ: Thank you, Mr. Zalakar.

2 Any questions?

3 Senator Savino.

4 SENATOR SAVINO: Thank you, Senator Martinez.

5 Mr. Zalakar, I noticed that in the opening
6 part of your testimony, which you skipped over, you
7 indicated a story from your youth, where you
8 actually blame the unions, and I'm assuming it's the
9 UAW, for collective bargaining, for the closure of a
10 General Motors ship -- dealership, and your
11 father -- and the loss of your father's employment.

12 I would just look to make the point, though,
13 that it is probably the advocacy of the UAW that
14 saved the American auto industry. In fact, a few
15 years ago, their advocacy --

16 [Applause.]

17 SENATOR SAVINO: -- yes.

18 So I just thought it was interesting that you
19 chose not to read that portion of your testimony.

20 So I'm assuming -- I'm assuming you might be
21 somewhat biased against the concept of collective
22 bargaining, because you do then reference it again
23 in your testimony.

24 But if I read your testimony, and I listened
25 to you, and you talk about how you treat your

1 employees, you pay them higher than the minimum
2 wage, you provide them with days off, workers' comp,
3 employment insurance, all of the things that every
4 other employer provides for employees, as identified
5 under New York State labor law, what are you so
6 afraid of about this particular piece of
7 legislation?

8 WILLIAM ZALAKAR: Okay.

9 [Applause.]

10 WILLIAM ZALAKAR: That's a very good point,
11 and I really wanted to explain that, because I could
12 write about many things, but I was limited on time,
13 so I opted to leave that out.

14 While I was growing up, my father did work,
15 for 35 years, for General Motors.

16 Okay?

17 As collective bargaining -- he would not get
18 home till eight or nine at night, originally, before
19 any collective bargaining or unions came in there.

20 When the unions came into the General Motors
21 dealerships, it was great to have my father come
22 home at 5:00, have dinner with us as a family, and
23 everything.

24 Several years later, however, the business
25 could not adapt with the expense, the overhead

1 expenses of labor and other things, that were
2 brought on with that, such as the overtime, things
3 like that.

4 The business closed its doors, just like
5 that. Left all the employees without a job.

6 My father then started his own automotive
7 business at 62 years of age.

8 I was a freshman in college at Penn State.

9 He worked for 10 years on his own. Paid for
10 my entire college career and my sister's college
11 career. And 10 years later retired.

12 The point being, a lot of our businesses,
13 like I said, cannot absorb that additional overtime
14 cost, even in the agricultural industry with some of
15 the figures that I was just showing.

16 SENATOR SAVINO: Again, I'm going to try this
17 one more time.

18 You are currently, according to your
19 testimony, you are paying higher than the minimum
20 wage to your workforce?

21 WILLIAM ZALAKAR: Yes.

22 SENATOR SAVINO: You are paying workers'
23 comp, unemployment insurance, paid days off,
24 vacation?

25 WILLIAM ZALAKAR: Yes.

1 SENATOR SAVINO: All of those things?

2 WILLIAM ZALAKAR: Yes.

3 SENATOR SAVINO: And that is what the
4 Farmworkers Bill of Rights would provide for,
5 including the ability to band together and,
6 potentially, organize and have collective bargaining
7 rights.

8 What you are so afraid of, other than
9 collective bargaining rights?

10 WILLIAM ZALAKAR: The overtime.

11 SENATOR SAVINO: The overtime?

12 WILLIAM ZALAKAR: Yes.

13 SENATOR SAVINO: Okay, just the overtime?

14 WILLIAM ZALAKAR: The over -- overtime,
15 and --

16 SENATOR SAVINO: The overtime, that -- that
17 if you were still working -- if you were working in
18 your father's shop, you would be entitled to under
19 labor law.

20 WILLIAM ZALAKAR: I would be entitled to --

21 SENATOR SAVINO: Sure, you would.

22 If you working for your father's shop, you
23 would be entitled to overtime if you were worked
24 more than 40 hours a week, wouldn't you?

25 WILLIAM ZALAKAR: If it's a privately held

1 business, no.

2 SENATOR SAVINO: Of course you would be.

3 You're an employee, you'd be an employee,
4 wouldn't you, you work more than 40 hours a week?

5 WILLIAM ZALAKAR: Yes.

6 SENATOR SAVINO: Okay.

7 So, again, if the only thing you're afraid of
8 is collective bargaining, you really don't have much
9 to be afraid of under this law.

10 WILLIAM ZALAKAR: Except the overtime.

11 The overtime is our primary concern, yes.

12 SENATOR MARTINEZ: Thank you.

13 Any other questions?

14 Okay.

15 Thank you, Mr. Zalakar.

16 ROSS SLOTNICK: Now speaking, Rob Carpenter,
17 administrative director of Long Island Farm Bureau.

18 On deck, Roger Clayman of the Long Island
19 Federation of Labor.

20 ROBERT CARPENTER: Good afternoon.

21 Thank you for the opportunity to present to
22 you today.

23 I would also like to recognize the Senate
24 Labor Committee for holdings these hearings
25 throughout New York State.

1 Farmers are incredibly important in our lives
2 in so many ways.

3 The majority of people today forget the most
4 important part of what farmers do, and why they
5 should be called "heros" like police officers,
6 firefighters, and teachers, and that is, feeding us
7 every day, day in and day out, three square meals a
8 day.

9 Citizens take for granted that there is an
10 abundant, safe food supply, allowing us to have the
11 leisure time to spend with our loved ones, work at
12 our jobs, and affording us the ability to do the
13 things that we enjoy.

14 I ask all of you, if there were no farmers,
15 how would you feed yourselves?

16 This proposed legislation will have great
17 impact on all of us, including the ability for the
18 United States to not become dependent upon foreign
19 countries for our food.

20 Imagine, if we were forced to trade with
21 Russia or China for our agricultural commodities,
22 how much leverage would they have on us today, or
23 even worse, in difficult times or tense times?

24 This proposed legislation needs to be
25 thoroughly thought through, discussed, and the

1 impacts that will come from this if passed.

2 In particular, today's farmers work on
3 razor-thin margins, and have not yet even had a
4 chance to implement New York's minimum-wage increase
5 that is currently in the second year of a five-year
6 phase-in period.

7 Farmers are unable to pass along these
8 increases like Apple does with iPhones or Ford
9 does with automobiles.

10 I would like to set the record straight on a
11 number of common misconceptions that have been
12 floating out in the public domain.

13 Farmers are some of the most incredible --
14 incredibly fair and generous employees (sic) that
15 I have ever known.

16 Farmers are also among the most heavily
17 regulated, and are inspected or follow laws and
18 rules put into place by at least two dozen, if not
19 more, regulatory bodies and municipalities.

20 Additionally, we have the most dedicated
21 New York State Department of Labor specialists who
22 visit hundreds of farms every year, and inspect all
23 documentation and housing facilities, and speak
24 personally to many workers away from the eyes of the
25 farmers.

1 If there are abuses going on, wouldn't these
2 inspectors know about it since they're on the front
3 lines every day?

4 Climate change has also been in the news for
5 the last number of years.

6 Scientists are predicting that, in the
7 future, the midwest and southwest regions of the
8 United States will become more arid and dry.

9 The one place where conditions, they say,
10 will actually improve is the northeast.

11 Does this mean that the northeast will
12 eventually become the bread basket of America,
13 supplying food and fiber to our citizens?

14 How will this be accomplished if there is a
15 reduction in tillable land and a loss of farmers due
16 to the unsustainable economic conditions today?

17 Unlike a warehouse or office space that can
18 easily be reconditioned, once farmland is lost, it's
19 lost forever.

20 New York State's annual budget is
21 \$170 billion-plus. Out of that, the total dedicated
22 to agricultural programs is somewhere in the
23 neighborhood of \$300 million.

24 I encourage you to consider more investment
25 in the agricultural industry through development of

1 programs that will help the profitability of our
2 farms in New York State.

3 After all, a rising tide lifts all boats, and
4 the creation of jobs for workers and additional
5 wages will come naturally if farmers can be
6 profitable.

7 The United Nations just released a report
8 about the world's food system, and their population
9 studies show that, by 2050, we will need to produce
10 an additional 50 percent more food over today's
11 levels just to feed ourselves.

12 Are we prepared for that?

13 In closing, I would like to invite all of
14 you, and all of your colleagues, if you pass the
15 word, out to Long Island for a farm tour.

16 I'm happy to host anytime that you would like
17 to come out and see exactly what's going on in the
18 farms and in the fields, and I welcome you with open
19 arms.

20 Thank you very much.

21 SENATOR MARTINEZ: Thank you, Robert.

22 Sorry for the loss of your mother.

23 Our condolences to you and your family.

24 ROBERT CARPENTER: Thank you very much.

25 Any questions for Mr. Carpenter?

1 Okay.

2 Thank you.

3 ROSS SLOTNICK: Now speaking, Roger Clayman,
4 executive director of the Long Island Federation of
5 Labor.

6 On deck is going to be Victoria Daza on
7 behalf of the Long Island Jobs with Justice, in for
8 Anita Halasz.

9 ROGER CLAYMAN: Thank you, Senators, for
10 coming to Long Island.

11 We're honored to have you here to discuss
12 these issues.

13 And, Senator Martinez, welcome back to the
14 Suffolk ledge.

15 I want to say that the -- I'll try to
16 summarize the testimony as quickly as I can.

17 We speak with one voice for the New York
18 labor movement in concert with the New York State
19 AFL-CIO.

20 We are together on this, from Buffalo to
21 Montauk.

22 We support the rights of farmworkers to
23 achieve collective bargaining, and the issues that
24 have been raised, such as overtime and a day of
25 rest.

1 These are not issues that were simply pulled
2 out of nowhere, but come from the voices of
3 farmworkers.

4 So I would try to give you some reasoning why
5 you should consider supporting this bill, and I hope
6 I can be helpful in that respect.

7 What this legislation would do is really
8 erase a disgraceful stain our national and state
9 history, which is the exclusion of farmworkers from
10 the National Labor Relations Act, from the Fair
11 Labor Standards Act, and even from our New York
12 State Constitution which says, "All employees shall
13 have the right to organize and bargain," but which
14 we do not provide.

15 And the reason for that is not some of the
16 administrative reasons that were given at the time,
17 but, rather, a disrespect in the idea that
18 farmworkers were not employees, and, therefore,
19 don't need to be considered as people.

20 And we should.

21 And I think the best way for you to consider
22 the necessity of this is to talk to farmworkers,
23 listen to their voices.

24 I think that as you hear from farmworkers,
25 I mean, I'm very pleased to hear about the

1 compatible relationships, labor-management, that
2 exists on some of the farms that we've heard from
3 today. I think that's ideal.

4 However, the Rural & Migrant Ministry has
5 been studying this for years, and has gone all
6 across the state, and has compiled stories, and
7 there are stories of physical and sexual abuse; wage
8 theft; simple disrespect; back-breaking work, from
9 sunup to sundown, with no breaks, rest, or sanitary
10 facilities.

11 These need to be taken into consideration
12 because, they exist.

13 The farmworkers have organized, despite the
14 fact that many are undocumented across the country.

15 But I think that the idea that we could right
16 those wrongs of the National Labor Relations Act on
17 a national level are non-existent.

18 It simply is not going to happen in this
19 climate, in this country, at this time.

20 We need state legislation, and we're in a
21 position to do it.

22 In the campaigns that have been -- where
23 farmworkers have exercised self-organization, such
24 as the Farm Labor Organizing Committee in Ohio, or
25 the Coalition of Immokalee Workers in Florida, gains

1 have been made when farmworkers leveraged management
2 and -- and the industry against abusive farm
3 practices, through the boycott, and, unfortunately,
4 through shedding blood, over many years, 10 years of
5 efforts in some of these cases, in order to get the
6 right to bargain and the right to stand toe-to-toe
7 with management, with the farmer, on an equal basis.

8 And, unfortunately, we think of collective
9 bargaining only in the context of a strike.

10 That's really not the whole context of the
11 discussion here.

12 The discussion is, whether issues of
13 disrespect, sexual harassment, for example, for wage
14 discrimination, where women and youth, who are
15 routinely disadvantaged in this industry, can be
16 addressed.

17 The results are there.

18 In California, for example, compared to its
19 neighboring states, gains were made for farmworkers
20 after collective bargaining.

21 It didn't mean the struggle was easy, and it
22 didn't mean they won everywhere on every farm, and
23 it doesn't mean that they don't still work very
24 hard; they do.

25 So none of this that I'm saying here is meant

1 to -- in any way, to disrespect our Long Island
2 farms and Long Island farmers.

3 In fact, we have more in common than we have
4 differences with -- in working for goals on
5 Long Island in this region.

6 For example, as a labor movement, we've
7 worked very hard to address issues of groundwater,
8 and clean water and sewers, and contamination of
9 water, that makes farming possible.

10 We agree with the farming community that we
11 need to have stop sprawl and build in our downtowns.

12 We agree that we should buy local produce.

13 And our unions on Long Island, particularly
14 in the retail industry, are well-positioned to work
15 with their stores where they represent them, to urge
16 them to buy local produce, and they do.

17 And we're in agreement on immigration reform.

18 We know that something has to come about that
19 will give a steady supply of workers to farms on
20 Long Island, and across New York State, but without
21 exploitation.

22 And so we do have a lot in common.

23 But, this hearing today is about the farmer;
24 it's about the worker, the agricultural worker, they
25 need respect.

1 They've waited years and years to get it, and
2 I hope you will give it to them.

3 Thank you.

4 SENATOR MARTINEZ: Thank you, Roger.

5 [Applause.]

6 ROSS SLOTNICK: Now speaking Victoria Daza
7 from Long Island Jobs with Justice, in for
8 Anita Halasz who is sick.

9 VICTORIA DIAZ: Hi.

10 Hi. So, I'm Victoria Daza, and I'm the
11 organizer for Long Island Jobs with Justice, and
12 I've been in my position for six years.

13 And I've also been listening to a lot of the
14 testimony that farm owners have been giving in this
15 hearing.

16 And I would like to point out that, without
17 the farmworker bill, this paying more than minimum
18 wage, vacation days, day of rest, those are all
19 things that farm owners are able to do at their
20 discretion, and don't represent what they are
21 mandated to do by law.

22 And this legislation would cement that so
23 that all farm owners would have to do that.

24 As an organizer for the past six years,
25 I have heard of people losing their limbs in the

1 field.

2 I have heard women talk about having to wear
3 diapers while they do farm work because they aren't
4 allowed bathroom breaks.

5 There have been reports of children, infants,
6 dying in the field because there's no child care, so
7 the women have to bring them into the field with
8 them in the heat.

9 I have also heard reports of people losing
10 limbs while in the field.

11 These are not exemptions to what's normal.

12 This is -- these are things that other
13 organizers, I'm sure my colleagues, will also be
14 able to substantiate.

15 And to echo sentiments of my colleagues and
16 other advocates for farmworker justice, this did
17 originate because of Jim Crow, and this shouldn't
18 represent -- these labor practices shouldn't be what
19 our country allows at this current moment.

20 And, that's all.

21 Thank you.

22 [Applause.]

23 SENATOR MARTINEZ: Thank you.

24 ROSS SLOTNICK: Now speaking, Ryan Madden
25 from the Long Island Progressive Coalition.

1 On deck, Eliana Fernandez for Make the Road
2 New York.

3 I would just like to take a second to remind
4 everybody that comments are limited to
5 three minutes.

6 RYAN MADDEN: Thank you.

7 My name is Ryan Madden. I'm the
8 sustainability organizer for the Long Island
9 Progressive Coalition.

10 We're a grassroots community-based
11 organization founded in 1979, dedicated to promoting
12 sustainable developments, enhancing human dignity,
13 and achieving social, economic, and racial justice.

14 Over the past 40 years, with hundreds of
15 members, thousands of supporters, and countless
16 local, state, and national partnerships, we've been
17 able to achieve significant victories for workers on
18 Long Island, throughout New York State, and the
19 country.

20 We led a successful national campaign that
21 expanded unemployment benefits, from 26, to
22 39 weeks.

23 We all passed a strong living-wage bill in
24 Nassau County. And most recently, we helped win the
25 Fight for 15 campaign in New York State, increasing

1 the minimum wage to \$15 an hour.

2 Currently, we're playing a leading role in
3 the statewide coalition fighting for climate
4 policies grounded in equity and justice for
5 communities and working people.

6 We are fighting for 100 percent clean,
7 renewable New York State that invests in those most
8 impacted by environmental degradation and the
9 impacts of climate change.

10 We are fighting for a just transition, and
11 this transition must include the empowerment of
12 farmworkers who are on the front line of climate
13 impacts on Long Island.

14 With this background, ideology, and vision
15 for Long Island, New York State, and the world at
16 large, the Long Island Progressive Coalition, in
17 solidarity with partners from labor, faith,
18 immigrant, and environmental justice communities,
19 stand in support of the Farmworkers Fair Labor
20 Practices Act as a first step in rectifying decades
21 of racist and xenophobic labor policies that have
22 systematically barred farmworkers from needed
23 protections since the Fair Labor Standards Act of
24 1938.

25 Farmworkers and allies have been trying to

1 pass this bill for nearly 20 years, and the time is
2 now to ensure it finally does.

3 We must listen to workers who have shared
4 their struggles, who are telling us what they need
5 to feel safe, protected, and dignified in their
6 work.

7 Passing this bill is a matter of economic
8 justice.

9 All workers must have the right to safe
10 working conditions, adequate compensation,
11 reasonable working hours, and most importantly, the
12 ability to collectively bargain.

13 Passing this bill is a matter of
14 environmental justice.

15 Farmworkers are on the front line of
16 exposures to pesticides, are often from poor
17 communities sited closer to dirty industries and
18 polluting sources, and are reliant on a stable
19 climate system to do their work, which is in
20 jeopardy from anthropogenic climate change.

21 Passing this bill is a matter of food
22 justice.

23 If we want everyone to have access to
24 healthy, nutritious, and diverse foods that are
25 affordable, we must include the rights of

1 farmworkers to have their labor respected and have
2 the means to take care of their families.

3 This means that they need safe jobs, safe
4 housing, sanitary working conditions, fair
5 employment, labor protections, and fair pay, at a
6 minimum.

7 The Farmworkers Fair Labor Practices Act
8 helps achieve economic, environmental, and food
9 justice.

10 To not act on this bill is to perpetuate the
11 legacy of structural violence and racism faced by
12 farmworkers.

13 We must pass this bill and ensure that
14 farmworkers are guaranteed the same protections
15 enjoyed by other workers.

16 We can no longer leave farmworkers behind.

17 We must pass this bill now.

18 [Applause.]

19 SENATOR MARTINEZ: Thank you.

20 ROSS SLOTNICK: Now speaking,
21 Eliana Fernandez of Make the Road New York.

22 On deck, Jennifer Halsey-Dupree of
23 The Milk Pail.

24 ELIANA FERNANDEZ: Good afternoon.

25 My name is Eliana Fernandez. I am the lead

1 organizer for Make the Road New York. We are
2 located in Brentwood, and we are a non-profit
3 corporation.

4 I am also a longtime Suffolk County resident.

5 I am here today standing in solidarity with
6 our farmworkers from Long Island and their right to
7 have a better and improved work conditions.

8 People of color have been excluded from basic
9 labor protections that others workers across the
10 country have had for decades.

11 The Farmworkers Fair Labor Practice (sic) Act
12 will help rectify this egregious injustice that goes
13 back to the Jim Crow period when farmworkers of
14 color were excluded from those basic rights, by
15 restoring some of those basic protections to all
16 farmworkers throughout the state.

17 Every worker should have the ability to
18 organize, advocate for themselves, be paid overtime,
19 have access to unemployment insurance benefits, and
20 a day of rest.

21 These are basic protections that all workers
22 should be afforded at this time of age, especially
23 in New York, one of the most progressive states.

24 Every day New York's farmworkers work
25 tirelessly to contribute to the state's

1 multi-billion-dollar agriculture industry; however,
2 they are excluded from basic labor-law protections.

3 Farmworkers across the state, including
4 farmworkers in Suffolk and Nassau counties, are the
5 backbone of our \$5 billion agriculture industry.

6 We cannot continue to maintain an injustice
7 that rests on the -- that rests -- that rests on the
8 backs of farmworkers and treats them unfairly.

9 We must pass the Farm (sic) Fair Labor
10 Practice (sic) Act to protect our farmworkers, and
11 ensure that they have access to fair labor
12 practices, such as a day off to spend with their
13 families, attend church, or see a doctor, and be
14 paid overtime.

15 Additionally, basic labor protections will
16 level the playing field for farm that employ very
17 few workers, and ensure that all the workers are
18 fair -- are treated fair.

19 We cannot turn our backs on our farmworkers.

20 Today, more than ever, we need to elevate our
21 voices to make sure this (indiscernible) becomes a
22 reality.

23 We are talking about families, just like
24 yours and mine, asking for a fair system which will
25 help improve their lives and the lives of their

1 loved ones.

2 Thank you.

3 [Applause.]

4 ROSS SLOTNICK: Now speaking,
5 Jennifer Halsey-Dupree of The Milk Pail.

6 On deck, Sister Margaret Smyth from the
7 North Fork Spanish Apostolate.

8 JENNIFER HALSEY-DUPREE: Good afternoon.

9 My name is Jennifer Halsey-Dupree.

10 Thank you for allowing me to speak today.

11 I am the 12th generation of the Halsey
12 family on the South Fork who has been producing food
13 for people to eat for over 350 years.

14 I was born and raised on my farm, as both of
15 my children are now.

16 I am hoping my children will be able to
17 follow in my footsteps to produce high-quality and
18 safe produce, as well as earn a living to survive in
19 The Hamptons.

20 With each passing year, and each new
21 regulation added to the agricultural industry, I'm
22 having less and less hope that my farm will survive.

23 My employees are treated as part of the
24 family. We respect them for all that they do for us
25 and treat them accordingly.

1 Farming is seasonal and the weather can be
2 very unpredictable.

3 Work hours are never the same, and you work
4 when the weather allows.

5 That sometimes includes over an 8-hour day.

6 As more and more regulations are added, food
7 prices will rise or farms will go out business.

8 I don't foresee consumers willing to pay more
9 for their food because food costs have always
10 remained very low.

11 Therefore, farms will be forced out of
12 business.

13 Agriculture is about the only business that
14 cannot operate Monday to Friday, 9 to 5.

15 I have still yet to find a cow that only
16 needs to be milked five days a week, or apples that
17 will hang on the tree until Monday to be harvested.

18 There are too many variables out of the
19 control of the farmer to deal with. Our hands are
20 tied.

21 My employees earn over \$17 per hour, which is
22 well over minimum wage.

23 I pay into both state and federal
24 unemployment funds, and have both workers'
25 compensation and disability insurance, on top of the

1 Social Security and Medicare contributions.

2 My H2A employees also receive free housing
3 and transportation, and I pay all the expenses to
4 obtain their visas and their travel to the
5 United States.

6 I require my employees to have a day of rest
7 during most of the year.

8 During harvest there may be times where there
9 isn't a full day of rest each week, but it is made
10 up the next week.

11 No one on my farm is forced to work.

12 As of now, I have not been able to find local
13 American employees to work, for over 10 years.

14 I've been using the H2A visa program to keep
15 my farm going.

16 H2A workers are only allowed to work for the
17 employer who sponsors them.

18 If they are cut down to a 40-hour workweek,
19 they will lose too much money to support their
20 families and will leave my farm.

21 I provide extensive safety training that goes
22 above and beyond any department of labor regulations
23 to all the employees to keep everyone safe, as well
24 as avenues to obtain affordable health care.

25 My farm is inspected regularly by both

1 New York State and federal department of labor,
2 among many others.

3 Furthermore, if other states do not follow
4 suit with this challenge -- with this change,
5 agriculture in New York will be competing against
6 other states with lower costs of production.

7 Based on my payroll calculations, my payroll
8 costs will increase by 26 percent if I am required
9 to pay overtime, just in the first year.

10 We will not be able to compete with other
11 states.

12 Before you consider approving this change,
13 please take a look at all that is at stake.

14 Please think about all of us involved in
15 New York agriculture every time you take a bite to
16 eat.

17 Thank you.

18 [Applause.]

19 SENATOR MARTINEZ: Thank you.

20 Ms. Dupree, I'm sorry, we do have a couple of
21 questions for you.

22 Senator Savino has a question, and
23 Senator Metzger.

24 SENATOR SAVINO: Thank you, Ms. Dupree.

25 Thank you for your testimony.

1 I just want to ask you, like, two questions.

2 So you noted in your testimony that you have
3 not been able to hire anybody local for the past
4 10 years, and you've relied almost solely on the H2A
5 program, which restricts who they can work for.

6 So they can only work for you; correct?

7 JENNIFER HALSEY-DUPREE: Correct.

8 SENATOR SAVINO: And it's astounding that you
9 can't find anybody local to do this work.

10 So from what I'm hearing, over and over, from
11 many of the farm owners, is it's the threshold of
12 the 40-hour workweek triggering overtime that seems
13 to be the most difficult for you all to figure out
14 how to absorb.

15 Is that true?

16 JENNIFER HALSEY-DUPREE: Correct.

17 And as I was saying, as everyone here has
18 been saying, farming is seasonal.

19 In the middle of winter we could work
20 30 hours, 35 hours.

21 And keep in mind that all of us as farmers
22 are working right next to them.

23 As a matter of fact, yesterday I was up at
24 three in the morning, and then kept going.

25 Come harvest time, there's a lot more going

1 on, a lot of things that need to be done, so then
2 hours per week go upwards, anywhere from 60 to 70.

3 It depends.

4 We could have a week in the middle of fall
5 where it rains all week and it could be 35 hours.

6 It is a very touchy subject as to how many
7 hours per week --

8 SENATOR SAVINO: So -- so --

9 JENNIFER HALSEY-DUPREE: -- would be a decent
10 threshold.

11 Everybody is different.

12 SENATOR SAVINO: -- uh-huh.

13 Thank you.

14 JENNIFER HALSEY-DUPREE: Did you have a
15 second question?

16 SENATOR SAVINO: (Inaudible.)

17 SENATOR METZGER: I was going to ask a
18 related question, of whether, if it kicks in -- if
19 overtime kicks in at 60 hours a week, would that
20 (inaudible)?

21 JENNIFER HALSEY-DUPREE: Hearing other
22 testimony, and hearing us saying we provide all
23 these other options, availabilities, housing,
24 transportation, all these other costs, yes, maybe we
25 could handle it, but the employees are ultimately

1 the ones that lose out.

2 That money has to come from somewhere else.

3 So they are going to lose.

4 They will be the ones that lose, and they are
5 the ones that need this the most.

6 I understand that there are certain
7 individuals that treat people terribly.

8 That is horrendous.

9 Not on my farm, and not on many of these
10 farms.

11 SENATOR MARTINEZ: Thank you.

12 [Applause.]

13 ROSS SLOTNICK: Now speaking,
14 Sister Margaret Smyth from the North Fork Spanish
15 Apostolate.

16 On deck, Kareem Massoud from
17 Paumanok Vineyards.

18 SISTER MARGARET SMYTH: Thank you very much.

19 My name is the Sister Margaret Smyth. I'm
20 the director of the North Fork Spanish Apostolate
21 which is housed in Riverhead.

22 22 years ago I came out to Long Island, via
23 Guatemala, in order to be able to work with the
24 immigrant communities.

25 The first lunch I ever had on Long Island was

1 at Half Hollow Farm, sitting with the
2 (indiscernible) farmworkers, having tortillas
3 (indiscernible), because they told me, That's what
4 we have for lunch today.

5 Over the years I have been in and out of many
6 farms, from both points of view.

7 I have received many phone calls from
8 farmers, saying, Sister Margaret, would you come out
9 to the farm, because we're having new benefits, and
10 I'd like you to explain to the workers at lunchtime
11 what they mean.

12 I help them because I speak Spanish, and,
13 therefore, I can be an in-between person with both.

14 I've also been on farms, at the behest of the
15 owners, to help them in terms of resolving some
16 little problems that might come up, and we work with
17 them.

18 Over the years we've become -- we brought
19 Hudson River down to become the health providers for
20 farmworkers on Long Island.

21 But at the same time, my biggest constituency
22 are the farmworkers themselves, and they will call
23 me up, or they'll come in to see me, and say,
24 (Indiscernible) Margarita, we have this problem.
25 This is what I'm facing. What can we do?

1 And very often the answer is, Well, we really
2 can't do much because there are no protections for
3 you. There is no plan. There is not a purpose for
4 what's happening right now.

5 When we talk about competition, the
6 competition exists even at a low level.

7 The competition among farmworkers who see the
8 farm over here offers different benefits, so they
9 want to leave where they are and go and progress
10 even further.

11 We have farm work -- farm owners that call up
12 because there's a labor shortage.

13 People are leaving the industry because they
14 can do better outside of it than they can within it,
15 although within the farming industry is where they
16 find their heart.

17 I look at a thing called the "three Ps":

18 Prevention. What can we do to make sure that
19 we're all on a playing field that is good for
20 everyone?

21 Protection. The abuses that I have seen over
22 the years, how can we make sure that they will not
23 keep occurring, that that will be ended?

24 Because putting those two together, I see
25 that "production" becomes much better.

1 And when production on the farms, because
2 everybody is being able to benefit, only -- will
3 only have a win-win situation.

4 I think it's possible to be able to look at
5 this farm bill, to be able to look at the farm
6 owners, and the farmworkers, and be able to come up
7 with an intelligent way to make farming the great
8 industry it is, and continue to have that happen.

9 Thank you.

10 [Applause.]

11 ROSS SLOTNICK: Now speaking, Kareem Massoud
12 of Paumanok Vineyards.

13 On deck, Philip Schmitt of
14 Philip A. Schmitt & Sons Farms.

15 KAREEM MASSOUD: Good afternoon.

16 My name is Kareem Massoud. I'm a
17 second-generation winemaker at Paumanok Vineyards.

18 In the 36 years that we have been farming at
19 Paumanok Vineyards, I cannot recall a labor market
20 as tight as this one.

21 The rate at which our payroll expenses have
22 increased over the past two years is unprecedented.

23 Our margins are very slim to begin with, as
24 wine-growing is a high-cost, long payback, and
25 highly competitive business.

1 As farmers -- by the way, winemakers
2 absolutely are farmers too -- we are partners with
3 Mother Nature. Unfortunately, she is the senior
4 partner.

5 Farming is inherently risky and challenging.

6 Why?

7 Well, think about it.

8 If you have work to do on the farm, and the
9 work is dependent on dry weather, what do you do
10 when it rains for several days in a row?

11 No, you cannot resume work as soon as it
12 stops raining.

13 You have to wait until the soil dries out so
14 that you can complete the job.

15 Keep in mind, every day that goes by, the
16 days are getting longer, and it's getting warmer.

17 This puts even more pressure on the farmer,
18 as the plants are now experiencing explosive growth,
19 having been soaked with water and now getting plenty
20 of sun and heat.

21 Mother Nature is not interested in overtime;
22 however, this is exactly what is required in
23 situations like this.

24 In the weeks that are rained out, our
25 workers' hours may be significantly reduced simply

1 because there is no work due to the rain, such as
2 today.

3 The opposite is also true.

4 When the rain stops and better weather
5 returns, you find yourself doing double the work,
6 not because you planned it that way, because those
7 were the cards you were dealt by Mother Nature.

8 I believe the exemption on overtime pay for
9 ag workers dates back to the 1930s.

10 You have to ask yourself the following
11 question: Why is it that an exemption was granted
12 in the first place?

13 The answer to that question has not changed.

14 The answer, is because a farm has no control
15 over the weather. It's as simple as that.

16 Make no mistake, if agricultural enterprises
17 are required to pay overtime above 40 hours, many
18 ag businesses will go out business.

19 Many farms are operating on razor-thin
20 margins, and their success or failure already
21 depends heavily on what kind of crop they bring in.

22 We compete in a global marketplace with
23 low-cost (indiscernible) being produced in countries
24 where there is no overtime pay.

25 The last thing we need is poorly thought out

1 legislation that accomplishes nothing other than a
2 political victory for some, and the possible ruin of
3 farm families that are nothing but honest,
4 hard-working men and women.

5 We care deeply about all of our employees,
6 including our ag workers.

7 As required by law, we pay Medicare,
8 Social Security, withhold income taxes. We provide
9 unemployment insurance, workmen's comp insurance,
10 disability insurance, as well as protective and
11 safety equipment and training.

12 We provide paid lunch breaks, and additional
13 breaks as needed during the workday.

14 For our full-time ag workers, we offer up to
15 two weeks of paid vacation per year, in addition to
16 five paid holidays.

17 We also offer a health-insurance plan, as
18 well as a simple IRA retirement savings plan.

19 We also offer a 50 percent employee discount
20 on our wines.

21 I invite you to visit us at Paumanok in
22 Palmer, to see our operation and witness firsthand
23 how we do what we do.

24 Thank you for your attention.

25 [Applause.]

1 ROSS SLOTNICK: Now speaking, Philip Schmitt
2 of Schmitt & Sons Farms in Riverhead.

3 On deck, Angel Reyes Rivas from the Rural &
4 Migrant Ministry.

5 PHILIP SCHMITT: Good afternoon.

6 I'm Phil Schmitt.

7 Thanks for having this hearing today.

8 I just -- I wrote my testimony and it's too
9 long, so I'm just going to highlight a couple of
10 things, if that's okay. I'll keep it brief.

11 We have a 200-acre vegetable farm.

12 My whole family is involved.

13 My two sons, one only part-time. But, my
14 daughter -- my daughter -- my wife and my
15 daughter-in-law. And my parents are still involved,
16 and help out when they can.

17 My farm is very similar to Jeff and some of
18 the others.

19 I'm a food producer.

20 I produce food at a wholesale level for
21 people in New York, mostly Long Island and
22 metropolitan area, to have on their table.

23 I just wanted -- one quick story about the
24 workers.

25 I had one -- one of the girls that worked for

1 me stopped by last spring. She hadn't received her
2 W-2, for some reason, and we were chatting. And
3 when she -- I was talking to her, and she's working,
4 cleaning houses.

5 And I said, Oh, good. You know, that's nice,
6 and everything.

7 Then she asked me, When can I come back?

8 I'm, like, you want to come back?

9 I said, you know, you have a nice job. You
10 stay clean, it's inside, clothed consignment --

11 Excuse me, I'm very nervous.

12 -- climate-controlled.

13 And she said, Well, I only get 40 hours a
14 week there. You know, I want to come back here.
15 And I like working here.

16 So, you know, I don't know where you want to
17 set -- they talk thresholds, but, the workers want
18 to work hours.

19 And Senator Metzger mentioned earlier that
20 some of the farms in New York are under duress.

21 We're under duress. Really under duress.

22 I know I couldn't afford to pay overtime.

23 Whatever you set it at, that's where we'll
24 stop working.

25 It's -- it's -- I -- you know, we compete

1 with every other state, every other country, that
2 has lesser standards, and that's really what it
3 comes down to: How am I supposed to survive, when
4 Pennsylvania or these other -- this state, that
5 state?

6 A big one is Canada.

7 I don't think most of the people in New York
8 realize that a lot of the produce they eat comes
9 from Canada every day.

10 They have the exact same season as me.

11 Never mind subsidies, anything else. They
12 may get lesser benefits.

13 They make money on the exchange. It's 30 to
14 35 percent. Okay?

15 And I deal with, some local customers, I can
16 maybe squeeze a little bit out of.

17 But any chance -- I've even had restaurants
18 tell me, Well, Phil, I can get it out of the market
19 for \$2 less.

20 I'm, like, you're buying two boxes.

21 Well, that's all I get out of market.

22 But that's the reality of the local program:
23 it ends with the buyer's bottom line.

24 It's all about price.

25 And, you know, I don't know if we're going to

1 survive the minimum wage.

2 And now you want to -- me and my son talked
3 over the winter, how we're going to -- you know,
4 because it's not the minimum wage.

5 It's the pay scale.

6 Everybody -- you know, everybody up the scale
7 wants a little more money.

8 And, honestly, they deserve it.

9 But there's something wrong with this society
10 and this economy, the way it works, that, you know,
11 it's the bottom line.

12 And I really don't know if we're going to
13 survive.

14 I have a son on the farm, and, you know, he
15 really wants to make it work.

16 He has a work ethic that, you know, most
17 people don't understand.

18 He graduated from Pace University, magna cum
19 laude, with a business degree.

20 He came back here in 2006. And my wife and
21 I, we're very proud that he came back to the farm.

22 And we kind of regret it now.

23 Thank you.

24 [Applause.]

25 SENATOR MARTINEZ: Thank you, Mr. Schmitt.

1 ROSS SLOTNICK: Now speaking,
2 Angel Reyes Rivas, Long Island coordinator for the
3 Rural & Migrant Ministry.

4 On deck, Jennifer Gil-Vinueza from
5 SEPA Mujer.

6 ANGEL REYES RIVAS: How are you?
7 My name is Angel Reyes. I'm the Long Island
8 coordinator for Rural & Migrant Ministry.

9 I'm also an immigrant, and I'm also a
10 business owner.

11 Rural & Migrant Ministry has been standing
12 with farmworkers since 1981 through leadership
13 development and advocacy.

14 The work that we do on Long Island, it's
15 primarily leadership development. We offer
16 different programs.

17 I'm the one overseeing those programs.

18 We have a group of workers, we have possibly
19 50 workers getting together, and many of those are
20 farmworkers.

21 So we get to hear those stories.

22 You know, I'm really proud to see someone
23 that I truly admire, which is Juan Antonio, speak
24 up, because it's not easy.

25 I would say most of the workers wouldn't be

1 able to do that.

2 And when Juan Antonio tells me that I'm doing
3 this, not because I will benefit from it, but
4 because many families that are starting off will
5 benefit for 20, 30, 40 years, it really touches me
6 to keep doing the work that we do.

7 So, from the workers that we talk to, I also
8 know that there are many good-hearted farmers that
9 are trying to do the right thing, but what we are
10 asking is that those good intentions remain by being
11 lawful.

12 That's why we need to amend the New York
13 labor law because, if there's a change of heart, how
14 can we protect those workers?

15 As a business owner also, back in 2008, I was
16 a junior in high school, I lived in Suffolk County.
17 And my mom was deported back to Peru.

18 And the first thing that I promised her was
19 that I was going to make her proud, and I was going
20 to fight to achieve the American dream.

21 And I decided to open a business.

22 So, I understand business ain't easy.

23 My first try, I failed.

24 My second try, I saved close to \$20,000. So
25 I opened a repair shop -- a cell phone repair shop

1 in the city two blocks away from Times Square.

2 I was there for eight months, and, also,
3 I couldn't make it work.

4 I ended up with probably \$30,000 in debt,
5 that I'm still paying today.

6 And now I'm on my third try.

7 I have a cell phone repair shop with some
8 friends in Glen Cove, Nassau County, and we're doing
9 good.

10 However -- I mean, we recently hired an
11 employee, and we do pay minimum wage, more than \$15.
12 We try to do overtime, even though he works only
13 40 hours.

14 The thing is this, you know, new competition
15 came a few months after we opened that business in
16 Glen Cove. We were like the only one doing that,
17 and new competition came, and, you know what?

18 We could have, pretty much, you know, hired
19 someone for less, or get someone and not pay
20 overtime, just to remain competitive.

21 But, we understand that our employee is the
22 most important fundamental part of our business, and
23 we like to take care of him.

24 That's why I empathize with the farm owners,
25 and I understand the struggle.

1 However, we shouldn't -- we shouldn't -- we
2 shouldn't rely on exploitation for the financial
3 relief of our businesses.

4 And we shouldn't keep oppressing this group
5 of people so we can remain profitable.

6 It's not the right thing to do.

7 So just to finish up, I want to say that the
8 fight for the farmworker bill, it's a fight for
9 human dignity, it's a fight for human rights.

10 The fight for the farmworkers bill is a fight
11 against exploitation, a fight against economic
12 injustice, and it's a fight to move New York forward
13 to be a more equitable society.

14 And we cannot accept the argument that says
15 that we cannot afford a just society.

16 Thank you.

17 [Applause.]

18 ROSS SLOTNICK: Now speaking,
19 Jennifer Gil-Vinueza from SEPA Mujer.

20 On deck is Sister Karen Burke from the
21 Sisters of St. Joseph.

22 JENNIFER GIL-VINUEZA: Hello, good afternoon.

23 My name is Jennifer Gil-Vinueza, and I'm here
24 representing SEPA Mujer.

25 I'm also here individually as a recent

1 graduate from the University of Vermont, and
2 I majored in natural resource and sustainable
3 agriculture, so I have my hands in, like, the two
4 buckets.

5 SEPA Mujer, Inc., is a non-profit
6 organization that has been working to support
7 immigrant women on Long Island since 1993.

8 We stand for the well-being and the success
9 of Latina immigrant women, and aim to raise and
10 unite our voices to be heard by social and political
11 systems in our communities.

12 Through our work, we strive to nurture and
13 improve civic engagement by way of leadership skills
14 and legal representation.

15 SEPA Mujer supports the Farmworkers Fair
16 Labor Practices Act, and stands with migrant and
17 seasonal farmworkers across New York State who are
18 most marginalized and exploited.

19 Farmworkers should have the rights of
20 collective bargaining and overtime pay.

21 These workers are the pillars of our economy
22 and our lives.

23 We sustain ourselves every day at the expense
24 of their hard labor.

25 This is not mutually exclusive to our fight

1 in SEPA Mujer.

2 Migrant and seasonal farmworkers include
3 women, and their livelihoods are at risk. They are
4 overworked, often when pregnant, exposed to harsh
5 working conditions, and not fairly compensated.

6 There are, roughly, 80,000 farmworkers across
7 fields, greenhouses, and dairy farms in New York
8 State.

9 In those 80,000 workers, there's a growing
10 population of female workers.

11 These women are not only exposed often to
12 assault, discrimination, and physical abuse in the
13 workplace, often by their own farm owners, but are
14 forced into unwanted situations due to the fact of
15 them not being justly compensated for their labor.

16 Here's a story from one of our members.

17 She is a Latina migrant farmworker in the
18 greenhouses in eastern Long Island.

19 She is a mother and works over 55 hours a
20 week.

21 She is not able to afford to move out of her
22 living space with her abusive partner.

23 After working long hours every day, she
24 returns home to care for her children and live in a
25 traumatic environment with her continuous abuser.

1 Now, this trauma is being inflicted on her
2 children.

3 She can't take her children to the doctor
4 when they need to because her employer threatens her
5 with her job.

6 Now she's stuck in a situation where she
7 cannot adequately care for herself or her children.

8 Why is her life, labor, and dignity so
9 disposable?

10 Exploitation of farmworkers has a deep
11 historical and racial background in this country.

12 It is time for each state to take a stance
13 and support this vulnerable and integral workforce.

14 We urge for the support and passing of this
15 act in order to continue advocating for the rights
16 of farmworkers in New York State and across the
17 country.

18 This is just the beginning to a long fight
19 for justice.

20 Thank you.

21 [Applause.]

22 ROSS SLOTNICK: Now speaking,
23 Sister Karen Burke from the Sisters of St. Joseph.

24 On deck, George Starkie from Starkie Family
25 Farms.

1 SISTER KAREN BURKE: Hi.

2 My name is Sister Karen Burke. I speak here
3 today representing the Sisters of St. Joseph of
4 Brentwood.

5 As Sisters of St. Joseph, our charism calls
6 us to love of God and neighbor without distinction.

7 We see the whole community of life as the
8 neighbor through whom God continues to be revealed.

9 Our charism of union with all of our
10 neighbors, our call to love them as God loves them,
11 and the reverence for them that flows from this
12 continues to challenge us, on many issues, including
13 the Farmworkers Fair Labor Practice.

14 As many of you know, the Sisters of
15 St. Joseph are working to conserve natural resources
16 that have significant impact for generations to
17 come.

18 And most importantly, in partnership with
19 Suffolk County, we preserve 27 acres of working
20 farms in perpetuity through a permanent agricultural
21 easement on our property which is less than 4 miles
22 this location.

23 And thank you to Senator Martinez and
24 Legislator Krupski for working with us on that.

25 The fields of our Brentwood property that

1 were once working farmlands have been restored to
2 agriculture.

3 Supporting farmers on our Mother House campus
4 promotes sustainable farming practices, and will
5 help to ensure the future of farming on Long Island
6 by putting more farmers, more securely, on more
7 land.

8 We have made a commitment to farmers and
9 farms, but at the same time, we are strongly
10 committed to take responsibility for the farmworkers
11 and all the communities that work on the land so
12 that they might be cared for as one.

13 Many of the speakers today have passionately
14 outlined the specific rights of farmworkers that
15 have been denied for far too long.

16 I do not need to repeat the shame that has
17 been brought to our brothers and sisters, but I do
18 need to call us, all of us, to talk about the key
19 issues, and to find a way to bring an end to
20 80 years of racist labor policy.

21 Passing the Farmworkers Fair Labor Practices
22 Act is a social-justice issue, and it is undeniably
23 a moral issue.

24 We have more than 400 Sisters of St. Joseph
25 on Long Island. We cannot do all of the same things

1 with the same physical energy, but we can respond to
2 the present ills of our society because we have the
3 power to make decisions and influence the decisions
4 of others.

5 Those who come after us will know us not only
6 for our spiritual works, but they will know us for
7 the challenges that we meet in the twenty-first
8 century.

9 My prayer is that they will talk about the
10 Sisters of St. Joseph as a group religious women who
11 had their finest hour because they had the foresight
12 and commitment to make a basic issue of human
13 rights, a basic issue of the rights of our brothers
14 and sister farmworkers.

15 So in conclusion, let us make a commitment
16 today that those who come after us will remember
17 that, in 2019, the elected officials and the people
18 of New York State came together and had one of their
19 finest moments because they worked collaboratively
20 to address a basic issue of human rights.

21 My friends and colleagues, we have been
22 called to respond to our moral responsibility.

23 Let us be sure that we do not miss this
24 moment.

25 Thank you.

1 [Applause.]

2 ROSS SLOTNICK: Now speaking, George Starkie,
3 owner of Starkie Family Farms.

4 GEORGE STARKIE: It's going to be tough.

5 Don't start the clock.

6 Okay, now you can go.

7 I'm not even running for office, and I was
8 bold and I threw my hat over the fence, and I sent
9 you tax returns. And I would be more than happy --

10 [Laughter.]

11 -- I would be more than happy to share as
12 many years that you want.

13 I think you need to see the reality.

14 You know, what I heard is a lot of feelings,
15 and I get it. No one wants to hear about these
16 horrible stories about any abuse on any level.

17 What I did is, I sent you facts.

18 And I happen to have a partner in this
19 particular farm that's like a data junky, and he
20 like froths to put data into spreadsheets.

21 And so we, actually, I sent you two years of
22 tax returns, and a wage report from 1999 to the year
23 2018.

24 As of last year, it took 32,208 man- and
25 woman-hours to run this farm.

1 And, because we haven't even digested the
2 minimum-wage increase, you can't raise the lower
3 level without just going up across the board, and
4 you will see that data play out.

5 We do provide housing.

6 We just borrowed \$60,000, for any farmer
7 here, 5 percent, flat, through Farm Credit in
8 New York State.

9 We just spent \$60,000, brand-new kitchen,
10 brand-new bathrooms.

11 I'd live in it, this house is gorgeous.

12 And that doesn't count with any of the wages.

13 And you'll see, only the newest hires that
14 are just learning are at minimum wage, and everyone
15 else got a bump.

16 So next year, at a minimum, and for the next
17 two years after that, I'm looking at a minimum of a
18 \$32,000 increase in overhead, and we're not even
19 talking about, you know, overtime.

20 I totally agree that if there are some laws
21 that are on the books -- or, not on the books as it
22 relates to workmens' (sic) comp liability, like, by
23 all means. I mean, we pay it now.

24 What I will share is that, we ship into the
25 tri-state area, and just getting off the island is a

1 joke in itself with the costs and whatnot. But it
2 puts us at a tremendous disadvantage when all the
3 states.

4 I have no problem, if minimum wage went up
5 nationwide, we're all -- at least all ships rise on
6 a high tide and we're competing and it works.

7 I also heard a couple of people say -- first
8 of all, I'd love you, if you had subpoena power, you
9 want to get Jose Vega here. He works for the
10 department of labor. And this guy is not only --
11 like he's fair, and he's good. And everyone has to
12 have a contract. And when he comes in to check
13 documents, we're not talking about immigration
14 status or anything like that.

15 He wants to see that, number one, all of our
16 posters are posted.

17 They know what their -- all our labor knows
18 what their rights are.

19 And, also, that they have a contract, and
20 what day's paid off, and what other benefits that
21 they're going to get.

22 The majority of the men and -- I don't have
23 any women that live in the housing, but the men that
24 stay at the housing all take their chips and they go
25 back to their country, and they love it. It works

1 for them.

2 And you can see from the data I provided,
3 that I've had people for over 25 years on my home
4 farm, and they have choice in the matter.

5 There's carpenters now, roofers,
6 construction, the east end is booming. And every
7 year it's not just, can I get them back?

8 It's, like, I lost one of my best key guys
9 because he's getting \$300 a day cash off the books.

10 Like, how can he say no to that?

11 And that's what we're dealing with.

12 But there are people that want to be legit
13 and pay their taxes and be part of the system.

14 We're at the top end.

15 And I'll share, I'm an open book.

16 I have no problems sharing data with anyone
17 at the Senate here to show you, like, this is the
18 nail in the coffin.

19 Please, give the workers their rights, and
20 believe me, dignity.

21 They are family members, I mean that.

22 I call one of them "my adopted son."

23 So I would think long and hard about it.

24 There's some marginal farms, we heard from a
25 few, that this is definitely the end.

1 Land, taxes, just the cost of doing business,
2 is such that it just doesn't work anymore.

3 So, thank you.

4 SENATOR MARTINEZ: Thank you.

5 And, Mr. Starkie, we do have a question.

6 Senator Rivera has a question for you.

7 SENATOR RIVERA: Since you are batting
8 cleanup, sir.

9 This the first hearing that I've come to for
10 the farmworkers bill, but I've heard from many
11 farmers like yourself in years past, and I visited
12 some farms upstate as well.

13 And I've been very lucky to speak to folks
14 like yourself, and the folks who are here today, who
15 are, as you said, these -- the folks that are
16 working for you are family members, you take care of
17 them, you respect them.

18 My question to you, and this is in good
19 faith, because I certainly believe that --
20 I understand that I would not be able too eat at
21 home if it wasn't for farmers.

22 I understand that our entire system -- you
23 know, I don't want your farms to go away,
24 particularly folks like yourselves.

25 If you've actually put yourselves on the

1 record as you have today, then I have no doubt that
2 you're being honest with us, that you are good
3 people, that you care about your workers, and that
4 you're doing the best that you can under the
5 circumstances.

6 My sincere question to you is:

7 Since I am sure that you know, individuals
8 would never come into this room, who would never
9 come into our office to talk to us, who are farmers,
10 who don't particularly care about their workers, who
11 might be disrespectful to their workers, who might,
12 you know, threaten their workers.

13 My question, sincere question, to you is:

14 What should we do if not create a state standard for
15 are what are that parameters that everybody is like
16 you?

17 GEORGE STARKIE: You need more Jose Vegas.

18 I mean, he is -- he works for the department
19 of labor, supposed to be, but he is the advocate for
20 all of the labor at our farm.

21 He visits a couple of times a year.

22 He doesn't request that he talk to the men by
23 themselves.

24 He says, "You leave now."

25 And he has a heart-to-heart with these folks,

1 and just says, Tell me the truth. If there's
2 something that is going on here, now's the time, and
3 I'll cover you. I have your back.

4 Maybe they don't have that in the other parts
5 of the state, I don't know.

6 I only know Long Island.

7 But we pay -- we even have a simple IRA for
8 Pinewood. The one that I sent you the tax returns
9 for, there's even a simple IRA.

10 I haven't drawn a paycheck from that place
11 since I bought it.

12 I'm fortunate, I have a garden center, I have
13 other means of income.

14 But this thing is so marginal, that this
15 gentleman that says he's farming 100 acres, like,
16 started with 20 grand, God bless.

17 I mean, I trust him when he says he's
18 marginal.

19 It's a labor of love.

20 I was a troubled kid at 12.

21 My father sent me to a Pete Kiowski's (ph.)
22 farm, right across from where you live, because
23 I was a troublemaker, and I was 12.

24 And you got up at sunrise, and you picked
25 beans after dinner because it was the coolest time

1 of the day. And I worked, six days, seven days a
2 week. You didn't have a choice.

3 Right?

4 You'd go to church, and that was it, and you
5 come back.

6 SENATOR RIVERA: I have a sense you're still
7 a troublemaker, by the way.

8 [Laughter.]

9 GEORGE STARKIE: So, anyway, I fell in love.
10 You know, if you love what you do, you never
11 worked a day in your life.

12 And everyone in agriculture that I know loves
13 what they do.

14 They have choices.

15 All of my men have choices.

16 They could be carpenters, roofers, they could
17 make more money.

18 They love what they do.

19 And how do we find so -- what's fair and
20 legal and right?

21 I was also an elected official, I was the
22 mayor of my town.

23 So I got out quick. I did a term, and, whoa,
24 this isn't for me.

25 So I appreciate what you're all doing.

1 [Laughter.]

2 GEORGE STARKIE: While I have an opinion, and
3 sometimes as a politician you shouldn't do that.

4 But, there's got to be a way.

5 I'm not saying it's not broken, but, be
6 careful about the fix because, there will be damage,
7 and how do you balance that?

8 That's the key.

9 SENATOR RIVERA: Thank you, sir.

10 GEORGE STARKIE: Thank you.

11 [Applause.]

12 SENATOR MARTINEZ: Thank you.

13 Thank you, for every single individual who
14 came up and spoke.

15 I know that we were scheduled to be here till
16 about 5:30, and we have reached that mark, but we
17 are extending it, obviously, to hear those of you
18 who have comment cards.

19 We do have to be out of here by 6:15, so --
20 just because of the Legislature and the usage.

21 But, if you can all bear with us, I would
22 appreciate that.

23 And I believe, Ross, you have the next group.

24 ROSS SLOTNICK: First speaker is going to be
25 Charlotte Koons, followed by Michael Hurwitz.

1 CHARLOTTE KOONS: Good afternoon.

2 I'm Charlotte Koons, a retired school teacher
3 with 43 years of service, and a board member of the
4 New York Civil Liberties Union, Suffolk Chapter.

5 And we are an affiliate of the American Civil
6 Liberties Union, and with eight offices throughout
7 New York State, and more than 120,000 members and
8 supporters.

9 Our mission is to promote and protect the
10 fundamental rights, principles, and values embodied
11 in the Bill of Rights of the U.S. Constitution and
12 of the New York State Constitution.

13 I'm here today to speak in support of the
14 Farmworkers Fair Labor Practices Act which would
15 remove the exclusion of farmworkers from New York
16 State labor-law protections, and, thereby, provide
17 farmworkers with the basic labor rights that almost
18 all other hourly workers in our state receive.

19 Farmwork is grueling, dangerous, and can even
20 be life-threatening.

21 Many years ago, and this is a personal
22 statement, my late-husband, Chester Koons, one of
23 the original founders of our NYCLU Suffolk Chapter,
24 and I searched out where one or two of the "camps"
25 were.

1 And being young and daring, we would head out
2 at night with clothing and other things we had
3 gathered, drive out east, whistle at a fence, and we
4 would be met by some of the workers, and smuggled
5 clothing, food, and first-aid supplies to them.

6 We knew that they are, were, and still are
7 exposed to pesticides and other chemicals, intense
8 physical strain, extreme heat and cold, and
9 dangerous animals and machineries.

10 Between 2006 and 2016, 69 farmer -- farm
11 fatalities were reported to the New York Department
12 of Health.

13 Farmworkers work long hours with no overtime
14 pay.

15 A recent survey of Hispanic dairy workers in
16 New York reveals that the average daily work shift
17 is 11.3 hours, and that most workers, 89 percent,
18 work 6 days a week.

19 And for female farmworkers, work conditions
20 often include the added harm of sexual harassment
21 and/or assault.

22 Enacting the Farmworkers Fair Labor Practices
23 Act will finally provide farmworkers with the equal
24 rights they deserve; namely, the right to a weekly
25 day of rest, overtime pay, workers' compensation

1 regardless of farm size, regular health and safety
2 inspections for all farmworker housing, and
3 collective bargaining so workers can advocate for
4 better working conditions without fear of being
5 fired.

6 In 2019, our most vulnerable workers should
7 not be denied basic labor protections.

8 Passage of the Farmworkers Fair Labor
9 Practices Act will send a strong signal that
10 New York stands with all workers.

11 The time has come to eliminate one of the
12 last vestiges of Jim Crow, and for New York to make
13 good its promise to be one of the most progressive
14 and pro-labor states in the nation.

15 That is why I, an NYCLU Suffolk Chapter board
16 member, Charlotte Koons, strongly urge you to pass
17 the Fair -- Farmworkers Fair Labor Practices Act
18 this session.

19 Thank you.

20 [Applause.]

21 ROSS SLOTNICK: Now speaking,
22 Michael Hurwitz.

23 On deck, Dustin Bliss.

24 MICHAEL HURWITZ: I was going to say, good
25 afternoon, but I think it's evening.

1 So, good evening.

2 And I truly appreciate the opportunity to
3 speak to you about this important piece of
4 legislation.

5 I'm here today representing GrowNYC Green
6 Markets, and also Harvest Home Farmers' Markets, two
7 organizations that collectively will operate between
8 65 to 75 farmers' markets this year in
9 New York City, and who work with, roughly, 200
10 New York State farms.

11 We wholeheartedly support the intentions of
12 Senate Bill 2837.

13 The decision to exclude farmworkers from
14 receiving the protections established for workers by
15 the Fair Labor Standards Act of 1938 was racially
16 motivated and done to appease Jim Crow states.

17 This exclusion needs to end immediately on
18 the national level alongside the enactment of
19 comprehensive immigration reform that recognizes the
20 years of contributions made an immigrant
21 agricultural workforce, provides a meaningful path
22 to citizenship to those who desire it, and ensures
23 that all farms from all parts of the country compete
24 evenly.

25 Farmworkers, citizen and immigrant,

1 documented and undocumented, are entitled to
2 respect, security, the dignity of productive work,
3 and a living wage.

4 We also believe that our small and mid-scale
5 family farmers are not simply entitled to the same,
6 but are fundamental components to ensuring a just,
7 decentralized food system.

8 Accordingly, the overtime provisions as
9 proposed will devastate the long-term viability of
10 the New York farming community, owner and employee
11 alike, and further consolidate food wealth amongst a
12 handful of corporations that currently dictate our
13 industrial food system and are experiencing record
14 profits, while the net profits for farms of all
15 sizes have decreased over 50 percent in the last
16 five years.

17 To be clear, we are opposed solely, solely,
18 to the overtime-pay provisions of the act as it is
19 currently written.

20 Green Market and Harvest Home farmers are in
21 the forefront of diverse and sustainable production
22 systems.

23 They grow, on average, 49 types of produce,
24 as compared to the nationwide average of six, using
25 practices that range from no-till, to integrated

1 pest management, and rotational management.

2 These practices are labor-intensive and
3 require specialized labor.

4 With immediate implementation of an 8-hour
5 per day, 40-hour per week, overtime provision, most
6 of our farmers will face increasing labor costs by
7 15 to 115 percent.

8 These farms are not able to pass these costs
9 on to consumers.

10 Accordingly, the result would be the
11 following:

12 A shift away from labor-intensive,
13 diversified specialty crop production towards more
14 highly-mechanized commodity monocropping;

15 The reduced production of local produce,
16 including culturally-relevant foods, and the
17 increase of importing food from unregulated farms;

18 A reduction in individual farmworker hours
19 and resulting income to avoid overtime premium
20 payments, leading to even greater farmworker
21 shortages;

22 Increased unemployment in rural communities
23 where farming is a major industry and unemployment
24 is already high;

25 Reduced chances of new farmers entering the

1 agricultural business;

2 Further, New York farm loss to developers,
3 leading to environmental degradation, including
4 water quality;

5 The diminution of New York's food
6 sovereignty, a significant risk in this era of
7 climate change and political uncertainty;

8 Market closures and the reduction in access
9 to regional produce for city dwellers, particularly
10 those shopping with limited budgets.

11 When I first discovered agriculture, and the
12 complexity of issues related to it, in 2000,
13 I learned that the answers to who produces our food,
14 how it's produced, and who has access to what types
15 of food, determine whether our food system is just
16 and equitable.

17 And this legislation helps to define these
18 answers.

19 However, enacting it without addressing the
20 financial solvency of our diversified farms will
21 exacerbate inequity as it applies to healthy food
22 access, with increased greenhouse gas emissions, and
23 will ultimately lead to decreased opportunities for
24 farm labor to earn meaningful incomes, while driving
25 food wealth to those farms utilizing the most

1 extractive models of production with regards to
2 people and the environment.

3 We look forward to working with the
4 New York State Legislature and farmers, their
5 employees, and the advocates on all sides of this
6 issue, to create a sound policy that protects
7 workers without putting farms out of business.

8 So I thank you very much for your time and
9 your consideration.

10 [Applause.]

11 ROSS SLOTNICK: Now speaking, Dustin Bliss.

12 On deck, Bob Nolan.

13 DUSTIN BLISS: Good afternoon, Senators.

14 My name is Dustin Bliss. I'm from
15 Cattaraugus County, New York.

16 If you don't know where that's at, it's,
17 pretty much, northern Pennsylvania, just south of
18 Buffalo.

19 I tried to come up with every excuse not to
20 come today, but it's too important to my family and
21 myself not to come. It's very important to our
22 future.

23 My wife and I have a 500-cow dairy that is
24 not in our family.

25 We have three beautiful daughters that are 3,

1 2, 1.

2 I'm raising them to, hopefully, be just as
3 feisty as the young lady down here that just spoke
4 from the ACLU.

5 We also have a son that's 2 months old, that
6 was just born with Down Syndrome.

7 I would like to thank you for this
8 opportunity today, and commend you for your efforts
9 to improve the lives of people, especially in our
10 industry.

11 Coming into agriculture, I never really had
12 the experience to get to know people from other
13 countries, especially immigrants.

14 It humbles me to see their efforts, how hard
15 they work, how intelligent they are, and I thank God
16 every day that I was born on the right side of a
17 political boundary that's afforded me the
18 opportunities that I have, because the best
19 employees that I have could have been doctors,
20 lawyers, financiers, if they had some of the same
21 opportunities of the other people in this country
22 that were born here, today.

23 However, I'm also a business owner, and
24 I have to provide for my own family.

25 Farmers can't handle the cost of the impact

1 of this legislation, and farmworkers don't want it.

2 The reason why I say that is, the guys that
3 work for me want all the hours I will give them.

4 About four years ago, (indiscernible) drop,
5 I tried cutting hours back during the slow season.

6 I had two employees quit, and I just felt
7 that it -- the juice wasn't worth the squeeze, and
8 I went back to giving them, pretty much, unlimited
9 hours in made-work.

10 That's not how you efficiently run a
11 business, but I need these people.

12 You know, my family relies on them as much as
13 they rely on me.

14 I take care of my employees very well.

15 The gentleman I rode down here with can
16 attest to this, because we're in a profit-discussion
17 group through Cornell University where we share all
18 our numbers.

19 I pay my average farm employee about \$55,000
20 a year. That does not include housing.

21 And as a point of reference, in
22 Cattaraugus County, the average -- well, the median
23 household income for 2017 was \$45,000.

24 I know that my guys work a lot of hours, but
25 I feel that, with the efforts they put in, they

1 deserve the pay.

2 I wish I could pay them \$100,000, I really
3 do. You know, they work so hard.

4 And the only reason we have migrants is
5 because the local help is either employed in a
6 different field that's easier work, or they just
7 don't want to work on farms.

8 The reason why I say farmers can't afford it
9 is because we're price-takers, not price-makers.

10 As a dairy farmer in Upstate New York, you
11 know, we're producing about 40,000 pounds of milk a
12 day.

13 I can't just take my product to a farm market
14 and sell it for a value-added price.

15 I am forced to, basically, play the market.

16 In the last four years, some things that have
17 exacerbated, economically, the problems we're facing
18 are a very strong dollar.

19 It's hard to export milk to other countries
20 when our dollar is strong and theirs is weak to
21 ours.

22 If you look at the Crimean incident, where
23 Russia annexed Crimea from the Ukraine, and, you
24 know, for good or bad, the Obama Administration
25 slapped tariffs on them. So they came back and hit

1 the farmers because they know farmers are
2 politically-sensitive, especially from the Midwest,
3 and can put a squeeze on their elected officials.

4 The Trump trade war has been especially tough
5 on us.

6 And the European Union ending their quota on
7 dairy products has left a glut of milk on the
8 international market that has just really put a
9 squeeze on us.

10 The last four years, myself, and the average
11 dairy farmer in New York State, and probably
12 nationally, has broke even to lost money.

13 I can tell you that my wife and I -- I'm 33,
14 she's 31 -- we've had to accumulate about
15 \$1.2 million worth of additional debt to keep our
16 business going.

17 And you can think this is insane, but it's
18 what we do. It's my reputation.

19 I'm not going to let my vendors get stuck
20 with a massive bill because I decided I couldn't
21 take the economic pain and leave the industry.

22 And I hope that I'm teaching my kids what
23 it's like: If you really want something in life,
24 you work hard for it.

25 I mean, this is really hard for me, and I get

1 emotional about it, because I care for my employees.

2 I mean, two Easters ago, when one of my
3 Hispanic employee's, his wife had Lupus, and she was
4 in the hospital, they had no babysitter.

5 Guess who babysat their daughter for
6 three days over Easter, took her to all of our
7 family events?

8 My Hispanic employees, right along with local
9 employees, were at my wife and I's wedding.

10 We have them over for dinner.

11 We celebrate birthdays, we buy each other
12 gifts.

13 You know, we do everything we can, within
14 reason, to take care of these folks.

15 And I can't talk about anybody else.

16 I'm appalled by, you know, even any story
17 about an employee being abused, whether it's poor
18 housing, rape, sexual harassment, one incident is
19 one incident too many.

20 I mean, I support this legislation in
21 protecting workers, especially the most vulnerable,
22 but the two things that I have a particular problem
23 with this, are the paid overtime, and we need to
24 have a strike clause.

25 My cows have to get milked.

1 We had some issues with two guys on the night
2 shift not getting along. They got into a fist
3 fight.

4 My rule is: Nobody fights on the farm, or,
5 there's no questions asked, you're fired.

6 Well, guess who was milking the cows on the
7 night shift?

8 Myself and a couple other people, and we
9 still had to do our stuff during the days.

10 You know, I give them an 100 extra bucks if
11 I have to call them in on the night shift, on top of
12 their wages.

13 I mean, I could ramble on for a really long
14 time about this.

15 But all this is going to do, in my mind, for
16 the farmers that I know, is we're going to implement
17 automation, if you can. But, for myself, a robotic
18 milking system would cost about \$6 million, that
19 I don't have.

20 So it would force production out of the state
21 because, since don't have -- aren't able to effect
22 price that we get, the only way we can generate a
23 profit, or break even in my life, is to keep our
24 costs low.

25 And when we have arbitrary price increases,

1 my milk is no different than milk produced just
2 south of the border in Pennsylvania, or just east of
3 the border in Vermont, or New Zealand, for that
4 matter.

5 When those locations have, what do you want
6 say, lower costs, labor being one of them, it just
7 puts us at a disadvantage.

8 You know, farms are under incredible stress.

9 I've seen family farms, seventh generation,
10 go out of business this past year.

11 Not to be morbid or use someone as a prop,
12 but a family friend yesterday hung herself from the
13 barn.

14 Come to find out, she had Parkinson's, and
15 they had to sell their cows this spring. And the
16 culmination of all the stress is way too much.

17 I would just ask for dignity for everyone
18 here, the farmworkers and the farm owners.

19 There's some things that you could do on our
20 behalf, is help bring these people out of the
21 shadows. They can't go anywhere for fear of
22 deportation. They can't drive anywhere.

23 As a regular human being, I would like them
24 to have enjoyable, fulfilling lives, just like
25 I have.

1 So with that being said, if you have any
2 pushback, any questions, I'm big boy, I can take a
3 beating.

4 [Applause.]

5 SENATOR RAMOS: I want to thank you for
6 coming all the way here to give this testimony.

7 DUSTIN BLISS: Thank you.

8 SENATOR METZGER: Thank you.

9 ROSS SLOTNICK: Now speaking, Bob Nolan.

10 On deck, Jennifer Rodgers Brown.

11 BOB NOLAN: Good evening.

12 I'm Bob Nolan.

13 My vegetable farm in Brookhaven,
14 Senator Martinez, I'm in your district.

15 So thank you for hosting this hearing, and
16 for the other Senators who made the trip down here
17 to Long Island.

18 As you heard, there's a lot of farming still
19 left here on Long Island.

20 So, I'm just going to tell you a little bit
21 about my story because, you know, there's a lot of
22 things going around here, and I know what I do in my
23 story, how this bill would affect me.

24 My farm started the turn of the century,
25 Middle Village, Queens.

1 My great-grandfather came over from Germany.

2 Then we moved a little further east to
3 Valley Stream, and then Bethpage, and then finally
4 into Brookhaven where I am now.

5 Senator Savino talked about Hunts Point.

6 We used to be a big -- I still go to
7 Hunts Point, but I used to be a big producer at
8 Hunts Point. It used to be probably 80 percent of
9 our business.

10 But because other states, Pennsylvania,
11 New Jersey, Canada, ship product in there, the same
12 product that I grow, and I should say, I grow like
13 25 different vegetable crops. All the lettuces,
14 herbs, beets, carrots, very labor-intensive
15 intensive crops.

16 So I can't ship my product in there and get a
17 fair price where I can stay in business.

18 And people wonder why the cost of production
19 is more on Long Island, is because, to get materials
20 here, you got to go through New York City.

21 Trucking costs are higher. Rent for land is
22 higher. Electricity is higher. Taxes is higher.

23 That's why our cost of production is higher
24 here on Long Island.

25 Plus, eventually, we'll have a \$15 minimum

1 wage.

2 So I had to shift my business around from,
3 you know, more lettuce, cabbage, spinach, to
4 diversify more, to try to handle my current
5 customers, which are local road stands and local
6 businesses, to try to stay away from Hunts Point.

7 And I had Farm Credit -- first of all, I'm in
8 the H2A program.

9 I have six workers who come from Mexico.
10 They're lovely guys. Been with me four or
11 five years. They're single, I mean, they come up by
12 themselves, there's no family involved.

13 They come up usually in April. They go back
14 in November when the harvest is done.

15 And, they're just great guys.

16 I take them shopping every Friday night.

17 If they're injured, which they very rarely
18 are, we take them to the emergency room.

19 We treat them with respect, because -- and,
20 you know, they love working for me because they come
21 back every year.

22 And I would invite every one of you to come
23 to my farm and speak to them.

24 So, the issue I have with this bill:

25 Workers' comp, absolutely.

1 All these other protections, absolutely.

2 There's a lot of laws that protect the
3 farmworkers already, absolutely.

4 The two issues are, obviously:

5 Collective bargaining.

6 If you have to harvest something and they go
7 on strike, you're going to lose it, because the
8 crops we have are very perishable. You know, you
9 only get a very small window, especially in the
10 summertime when it's hot. Four or five days and the
11 lettuce could shoot, and then you would lose it.
12 You know, it would spoil, basically.

13 The other issue is the overtime.

14 I had -- Farm Credit does my payroll.

15 Based on last year's numbers for 2018, if
16 we -- if I would have had to pay overtime after
17 40 hours, it would have been an additional \$116,000
18 in payroll.

19 So I don't know how I could make that up if
20 this bill would go through.

21 I talked to my workers when they came, I told
22 them about this bill.

23 I said, you know, What do you guys think
24 about it?

25 I said, you know, Currently, it says

1 40 hours.

2 I says, and I can't afford to pay you
3 overtime. I'm paying \$13.25 now, which is the H2A
4 wage. If it would go over 40 hours, it would be
5 almost \$20 an hour.

6 And in the summertime, because now we're very
7 busy between June and October, a lot of times
8 they're working 65, 75 hours a week because you got
9 to make it while you can, because there's no income
10 November through April.

11 So you got to really work lots of hours when
12 you can to make ends meet.

13 And my guys tell me, look, they're very happy
14 to come up here. They just want hours to work.
15 They're not concerned with the overtime. They just
16 want the hours.

17 And I would love to pay them \$20 an hour, but
18 I can't. There's no way I can make that price up,
19 especially with the global market in New York City
20 that sets the price for a lot of these items.

21 So, you know, I speak in opposition to this
22 bill based on those two items.

23 Absolutely, the other protections for the
24 farmworkers, absolutely.

25 And there's a lot of laws on the books

1 already, and if they were enforced, I think things
2 would be a lot better.

3 So, thank you very much.

4 I'll answer any questions if you have them.

5 SENATOR MARTINEZ: Are there any questions?

6 SENATOR METZGER: No.

7 Thank you very much.

8 BOB NOLAN: Thank you for your time.

9 SENATOR MARTINEZ: Thank you, Mr. Nolan.

10 And my office will reach out. I would
11 definitely love to visit your farm, being in the
12 district.

13 BOB NOLAN: Look forward to it. Thank you.

14 SENATOR MARTINEZ: Thank you.

15 ROSS SLOTNICK: Now speaking,
16 Jennifer Rodgers Brown.

17 On deck, Reverend Marie Tetro.

18 JENNIFER RODGERS BROWN: Hello.

19 I am Jennifer Rodgers Brown.

20 I speak to you today as an environmental
21 sociologist, a professor at LAU Post; a mother; a
22 Long Island resident. And on the -- I'm also on the
23 board of Rural & Migrant Ministry.

24 As you can see, there is a broad network of
25 organizations supporting the Farmworker (sic) Fair

1 Labor Practices Act, because they see it as not only
2 a workers' rights issue, but also central to women's
3 rights, environmental justice, food justice, and
4 civil rights.

5 In November 2017, Alianza Nacional de
6 Campesinas wrote a letter in "Time" magazine on
7 behalf of 700,000 farmworkers, and in support of the
8 women in Hollywood who stood up against
9 discrimination and sexual harassment in the
10 entertainment industry.

11 The letter states, quote, Even though we work
12 in very different environments, we share a common
13 experience. Like you, there are few positions
14 available to us, and reporting any kind of harm or
15 injustice committed against us doesn't seem like a
16 viable option, end quote.

17 I ask, if we are truly trying to improve our
18 institutions and workplaces in order to reduce
19 sexual violence and discrimination, and support
20 women who say "me too" and "time's up," how can we
21 do so without extending collective bargaining rights
22 to farmworkers?

23 In -- January 17, 2018, farmworkers from
24 across New York State came to Albany to give
25 testimony on their working conditions at the

1 Farmworker Fair Labor Human Rights hearing.

2 It was my pleasure to join them that day in
3 Albany.

4 One of the men who spoke complained that he
5 felt that, quote, the owners treat cows better than
6 the workers, end quote.

7 His testimony detailed his housing situation,
8 a trailer that houses eight people with bugs and
9 mice;

10 His experience getting injured by a cow,
11 flattening his hand, with no help from the employer,
12 no insurance, and no days off;

13 Witnessing a co-worker die by getting stuck
14 in a machine;

15 And being fired after organizing a protest
16 against a manager who assaulted another worker.

17 At the hearing we also heard from a New York
18 farmworker, and mother, who gave testimony that
19 captures the disproportionate impact of no time off
20 on women.

21 She was forced to ask for time off because
22 one of her young daughters has a medical condition.

23 She stated, quote, As a mother, I asked for
24 permission to take my children to doctors'
25 appointments and school meetings, but he, the

1 supervisor, does not like that. He would say that
2 I don't like to work, and that is why I am asking
3 for so much time off.

4 I deserve to ask for a day off and be able to
5 have one, just like any other industry in
6 New York State.

7 Her words, in particular, resonated with me.

8 I take for granted, that when I get that
9 phone call -- we all know -- from my child's
10 preschool, I can stop work and run to pick him up.

11 And when I worked at a popular restaurant,
12 I had a right to overtime pay, and this happened
13 regardless of the holiday season when we had a lot
14 of people coming into that restaurant.

15 No industry should rely on the exploitation
16 of its workers in order to survive and profit.

17 We can find other ways to support the farming
18 industry, and I really hope we do.

19 It is vitally important, though, that we pass
20 this bill.

21 Thank you.

22 [Applause.]

23 ROSS SLOTNICK: Now speaking,
24 Reverend Marie Tetro.

25 On deck, Keith Kimball.

1 REVEREND MARIE TETRO: I'll try to be quick.
2 You're probably hungry and tired.

3 My colleague Franco Floro (ph.) is the
4 program director for Episcopal Ministries of
5 Long Island, and she had to leave, so I'm reading
6 her statement, very lightly edited by myself.

7 We are with the Episcopal Diocese of
8 Long Island, and we're here today to amplify the
9 voices of the many faithful members of our parishes.

10 Our diocese spans from the Brooklyn Bridge to
11 Montauk Point.

12 We feel strongly that men and women who are
13 dedicating themselves each and every day to an
14 honest day's work should receive the same rights,
15 benefits, and privileges as everyone else here in
16 this room today.

17 It's our belief that this discrepancy in
18 labor protections and human rights in New York State
19 is a disgrace, and confirms the reality of the
20 systemic issues in our country that place more value
21 on some human lives above others.

22 Human rights are more than just feelings.

23 We're here to appeal to you to move to
24 dismantle the inequities that these workers face.

25 This is the time for people in positions of

1 power, like yourselves, to address the moral
2 failings of our democracy and take action that will
3 help heal and unite people across social, cultural,
4 and economic barriers.

5 The time is now to pass the Farmworker (sic)
6 Labor -- Fair Labor Practices Act so that you can
7 affirm our belief that our work is noble, that all
8 people living and working in the United States
9 should have access to the same employment privileges
10 that allow them to live with dignity and equal
11 opportunity, and of those who put food on the table
12 and to help us to enjoy the comforts of our society,
13 be treated with the care and respect they deserve,
14 and be compensated accordingly.

15 Many who -- here who spoke against this
16 legislation have implied that we haven't thought
17 this through and that we're rushing into it.

18 I don't think 80 years of injustice is
19 rushing into anything, nor is 25 years of fierce
20 advocacy by Rural & Migrant Ministries, and
21 conversations among many people at the table, is --
22 I don't think that's a hasty enterprise.

23 And as Senator Savino pointed out earlier, if
24 the employers here, you know, and I'm going to take
25 their word for it, treat their workers as they

1 testified, this law should not hurt them, but codify
2 what's right and what they're already doing.

3 So, please do what is necessary to right a
4 wrong that has continued for far too long.

5 Thank you very much.

6 [Applause.]

7 ROSS SLOTNICK: Now speaking, Keith Kimball.

8 On deck, Peter Allen.

9 KEITH KIMBALL: Senators, thank you for
10 taking the time to hear my thoughts today, and thank
11 you for putting this together.

12 Thank you for being here.

13 I'm impressed by how many of you are here,
14 and I think this is -- having this hearing is an
15 important critical piece of the process.

16 So, thank you for that.

17 I am a dairy farmer from Livingston County,
18 New York. I grew on a dairy farm in Massachusetts.

19 In 2003 I started my own dairy on a leased
20 facility in New Hampshire.

21 In 2012 I moved to Livingston County, where
22 I currently milk 880 cows, and have 14 full-time
23 employees.

24 I was offered an opportunity, and I was able
25 to take advantage of that opportunity, through

1 planning, assistance, and long hours.

2 I've been successful because of the people
3 that were willing to work with me and work for me.

4 Without them, I would not be able to do what
5 I do. I'm fully aware of that.

6 Without that opportunity, they are not --
7 they would not be willing to do what they do.

8 I have people working with me that are
9 ambitious, eager, dedicated, and driven to succeed.

10 Their definition of success and mine are the
11 same: They want to create opportunities for
12 themselves and their families, and that is what I'm
13 able to provide.

14 I understand where this labor bill is coming
15 from. I recognize that there is a scenario where
16 this labor bill is necessary.

17 I, however, do not think that scenario exists
18 here in New York State.

19 All the farmers that I know have their
20 employees as a top priority. They understand that
21 their success is dependent on taking care of their
22 employees.

23 We need to take care of our employees so they
24 take care of our livestock, of our crops, and of our
25 facilities.

1 It doesn't work the other way around.

2 We are not successful if we do not take care
3 of our employees.

4 If we cheat our employees, paid them
5 unfairly, didn't allow for quality of life, they
6 simply wouldn't be willing to help us accomplish our
7 goals.

8 The most successful people in life are the
9 ones that can work together as a team; they help us
10 achieve our goals, we help them achieve their goals.

11 Our employees are not asking for 40 hours a
12 week. They are asking us to provide them with an
13 opportunity to help better themselves.

14 This is not unique to our industry.

15 If time and a half simply meant our employees
16 make more money, that would be great.

17 Time and a half -- the reality is, that if
18 this bill goes through as written, hours will be
19 cut. You will be asking employees to take a second
20 job.

21 This is not unheard of either.

22 Many people do this when there is a need or
23 desire to improve their situation or their lot in
24 life.

25 This bill just means they won't be able to do

1 that with their current employers.

2 This bill means H2A employees will not be
3 willing to come to New York.

4 They need more -- their hours would be cut,
5 so they would need more months to make the same
6 living -- earn the same money that they're currently
7 making.

8 I don't think that's a deal they are willing
9 to take. They'll go somewhere else.

10 I wish it was as simple as pay more, charge
11 more.

12 That's not how it works in commodity markets.

13 We are in direct competition with our
14 neighboring states and our neighboring countries.

15 If the same rules don't apply, that puts us
16 at an unfair disadvantage. That means the
17 production goes elsewhere.

18 It happens in every industry: You make it
19 where you can make it most economically.

20 That means, forget about the local movement.

21 Food will be imported from other states and
22 other countries.

23 That means, forget about having more control
24 over how your food is made.

25 I don't think other countries will ask us

1 what standards would we like them to hold their
2 farmers to.

3 I feel differently about importing my car
4 than I do about importing my food.

5 I'd ask you all to consider what the
6 consequences are.

7 I'd ask you to consider that most employers
8 are treating their employees the right way, and the
9 ones that aren't won't have employees for long.

10 Like I said, I understand that there could be
11 a scenario where this bill is relevant.

12 I don't think that scenario exists here.

13 I'm asking you to trust the people that own
14 and run these businesses and drive the economy.

15 And I'm asking to you trust the employees
16 that work for them, and are providing quality
17 products and driving this economy.

18 They're strong, independent, and capable of
19 taking care of themselves.

20 Don't make it harder for employees to take
21 advantage of opportunities to make a better life for
22 themselves.

23 I understand, when you guys leave this
24 hearing today, you have to sift through all this
25 testimony, and you have to decide which testimony do

1 you believe and which testimony not to believe.

2 I would encourage to you get out to our
3 farms, to meet our employees, meet with us, and make
4 this decision based on facts, not based on who stood
5 up here and gave the most compelling testimony.

6 Thanks for your time.

7 SENATOR METZGER: Thank you so much.

8 ROSS SLOTNICK: Now speaking, Peter Allen.

9 On deck, Norman Keel (ph.).

10 PETER ALLEN: Hello.

11 Thank you for your time, thank you for coming
12 out to Long Island.

13 I represent a company called Van de Wetering
14 Greenhouses. This is my extended family.

15 My grandfather immigrated to America from the
16 Netherlands right after World War II, and he brought
17 his family of 10 over, and set up shop in a small
18 apartment in New York City, and the family
19 experienced the immigrant's experience.

20 They had to pool their money to get by.

21 And over time, two of his children, my
22 uncles, were able to save up and buy a small plot of
23 land out in the east end and grow tomatoes in the
24 1960s.

25 And with help with Cornell, they were advised

1 that maybe you should go into bedding plants. It's
2 a new, up-and-coming industry.

3 And they did, and the business grew, and it
4 grew over time.

5 And eventually, their families, individuals'
6 families, grew, and the company split into two large
7 horticultural companies on the east end: Ivy Acres
8 and Van de Wetering Greenhouses.

9 And now I work for my cousins, and we are
10 very respectful of our employees because, if we
11 didn't have them, we would not be in business.

12 And, unlike many of the other farmers out
13 here, we do most of our business inside a greenhouse
14 in the middle of winter.

15 Nine, to eight months, out of the year, we
16 support 50 employees, full-time, year-round.

17 Sometimes we have times where we require
18 overtime, but most of the time in that 8 to
19 9 months, it's a 40-hour week. We can schedule
20 work, we schedule employees, we schedule weekends.

21 But we have three to four months out of the
22 year where we employ upwards of 178 employees, all
23 seasonal.

24 We give all these employees all the rights
25 that are required by law.

1 We give benefits.

2 We give time off.

3 We do not require people to be here seven
4 days a week, but we have worked seven days a week at
5 peak.

6 We grow live products.

7 If we do not spray water or care for that
8 product, they die.

9 What we produce is young starter plants.

10 These young starter plants are, basically, a
11 just-in-time product that we deliver to other farms
12 and wholesale greenhouses across the country.

13 I'm proud to say we have delivered plants or
14 exported plants out of New York State to 50 -- all
15 50 other states.

16 We have not done anything international.
17 A lot of rules and regulation to do that.

18 Most of our product gets shipped on our
19 trucks.

20 For the states that are furthest away, even
21 as California, Hawaii, and Alaska, we're able to
22 ship our product via FedEx.

23 However, we compete with wholesale businesses
24 all over the country.

25 We have very little direct competition of

1 other suppliers in New York State.

2 So we are, you know, a New York State
3 exporter.

4 If we -- the position of Van de Wetering is
5 that we do not support the bill because, in that
6 peak week when we employ 178 employees, our labor
7 costs would jump over 20 percent.

8 Doing so would not allow us to compete
9 effectively nationwide, because that's what we do.

10 Since the changes already in minimum wage,
11 price increases, and so forth, we have already been
12 actively changing our product mix, reducing product,
13 eliminating product, so that we produce, that have a
14 high labor cost, or have a lot high-labor element to
15 produce.

16 And we have reduced our employees already,
17 from 178 employees at a high in 2017, to this year
18 our high peak was 130.

19 If the progression of labor cost continues,
20 including the overtime provision, we'll have to
21 continue reducing what we do, automate more, and
22 nationally employ less people.

23 So we feel the intention of trying to help
24 the labor, and pay them more money, will actually
25 reduce the amount of employees that we hire.

1 And what I'd like to think, as I know I've
2 heard a lot of abuses that were stated from other
3 advocates, Van de Wetering Greenhouses happens to be
4 a fairly large operation that works on 40 acres of
5 land.

6 We have the ability to have an HR department.

7 We make sure all our employees go through
8 worker-safety training. Watch videos on sexual
9 harassment.

10 We have a non-family member who runs HR,
11 who's available to speak with in case there's any
12 complaints amongst other employees, management, or
13 anyone else in the company.

14 And we also have Jose Vega come by and speak
15 independently with all our people.

16 He should really be here.

17 I'm actually very surprised to hear all the
18 abuses that I've heard from the other side who are
19 supporting the bill, because that is not my
20 experience on Long Island, that's not my experience
21 with my fellow farmers.

22 And it's a shame to hear that.

23 SENATOR MARTINEZ: Thank you.

24 And we appreciate you coming down and sharing
25 your story as well.

1 PETER ALLEN: And, again, if you come out to
2 Riverhead, please stop by. We'd be happy to show
3 you.

4 You know what? Right now is when we're at
5 the busiest.

6 If you come four months from now, it's a
7 ghost town.

8 SENATOR MARTINEZ: Agreed.

9 PETER ALLEN: Thank you.

10 SENATOR MARTINEZ: Thank you.

11 So I know that we have a couple more to go.

12 Just being very cognizant of the time, it is
13 now 6:11, and I do really want to give everyone who
14 is still waiting an opportunity.

15 So please be cognizant of the three minutes.

16 I don't want to shut you down while you're
17 speaking, so please just be careful of that.

18 Thank you.

19 ROSS SLOTNICK: Now speaking Norman Keel.

20 On deck --

21 OFF-CAMERA SPEAKER: He left.

22 ROSS SLOTNICK: Now speaking,
23 Alejandro (sic) Sorto.

24 On deck, James Glover.

25 OFF-CAMERA SPEAKER: I think it's

1 James Glover who left as well.

2 OFF-CAMERA SPEAKER: Yes.

3 ROSS SLOTNICK: On deck,
4 Myles Karitchiolo (ph.).

5 ALEJANDRA SORTO: Good evening.

6 My name is Alejandra Sorto, and I'm the
7 director of civic engagement and organizing for
8 Hispanic Federation.

9 Chairs Metzger and Ramos,
10 Senator Monica Martinez, and Committee members,
11 thank you for allowing us the opportunity to testify
12 on behalf of Hispanic Federation and our 100 member
13 agencies.

14 With the interest of the Latino community at
15 stake, we are here today to express our strong
16 support for passage of the New York State
17 Farmworkers Fair Labor Practices Act.

18 Farmworkers labor under harsh conditions and
19 engage in intensive physical activity to feed all of
20 us, yet they are exempt from several fundamental
21 rights and protections that are afforded to other
22 workers.

23 An estimated eighty to a hundred thousand
24 farm laborers in New York are currently excluded
25 from basic labor protections under state and federal

1 law.

2 The Farmworkers Fair Labor Practices Act
3 would ensure that the conditions in which
4 farmworkers labor are more safe, sanitary, and
5 humane.

6 By passing this act, New York would reinforce
7 the need for laws protecting farmworkers and our
8 workforce.

9 New York can pave the way for other states to
10 pass progressive labor policies that are good for
11 our community and our economy.

12 Nearly 80 years have passed since
13 Jim Crow Era racial bias caused farmworkers to be
14 excluded from the federal Fair Labor Standards Act,
15 yet New York has perpetuated the occlusion (sic) of
16 farmworkers from labor rights, while the State
17 continues to have one of the nation's largest and
18 most robust agricultural economies.

19 In 2017, New York farms generated over
20 4.8 billion in revenue and contributed nearly
21 2.4 billion to our gross domestic product.

22 As many of our farmers see their economic
23 situation improving, many of our farmworkers do not.

24 These workers, many of them immigrants, some
25 of them undocumented, work 60 to 80 hours a week

1 without workers' compensation, without being paid
2 overtime, and face exploitation and oppression on a
3 regular basis. They are also denied the right to
4 organize and bargain, which is guaranteed to
5 employees under the New York State Constitution.

6 To deny this already vulnerable population
7 the equal access to protections and benefits in
8 their place of work contradicts our values as a
9 state and as a country.

10 By protecting our farmworkers, New York can
11 continue to position itself as one of the largest
12 economies in the world while reaping the benefits of
13 increased economic opportunities for its workers and
14 their families.

15 This is not about putting farmworkers ahead
16 of farms.

17 It's about lifting an entire industry in our
18 great state.

19 It's about our basic human rights, and
20 ensuring that farmworkers will be treated humanely,
21 with dignity and respect.

22 We urge our State Legislature and the
23 Governor to pass into law the Farmworkers Fair Labor
24 Practices Act before the end of the 2019 legislative
25 session.

1 We are counting on your leadership to guide
2 New York in the right direction, and help remove the
3 statutory exclusions that deny farmworkers the right
4 to collective bargaining, a day of rest, overtime
5 pay, disability and unemployment insurance, and
6 other fundamental rights bestowed upon all other
7 workers in the state.

8 The Hispanic Federation would like to thank
9 you for inviting to us to share this testimony with
10 you.

11 It's critically important for New York State
12 legislator (sic) to continue to lead efforts to
13 ensure that farmworkers have access to what they
14 need to sustain a quality of life in the great state
15 of New York.

16 Let 2019 be the year that marks the end of
17 the shameful legacy of exclusion, and allows us to
18 say, with moral certainty, that New York honors the
19 dignity for all.

20 Thank you.

21 [Applause.]

22 SENATOR MARTINEZ: Thank you.

23 ROSS SLOTNICK: Now speaking,
24 Miles Karitchiolo.

25 On deck, Aletha Domionos (ph.)(sic).

1 MILES KARITCHIOLA: Good evening.

2 I'd like to thank you for taking the time to
3 come down to Long Island to speak with us today.

4 Again, my name is Miles Karitchiolo, and I'm
5 a -- well, I guess, I'm a soon-to-be farm owner,
6 whenever my dad chooses to retire.

7 But I'm also a farmworker.

8 And I think that's something, among a few
9 other things, that's kind of being missed here
10 today, is that most farm owners, especially those
11 within -- that operate family farms, and their
12 family members, we're the ones that are there,
13 regardless of the weather, you know, regardless of
14 what time of day it is. You know, we're the first
15 in, last out, and we're working hard to make sure
16 that we can provide for ourselves and our employees,
17 as a whole.

18 You know, we have a lot of employees with us
19 that have been loyal for many years, two of which
20 have known me since I was born.

21 And they really are like family to me.

22 And I want to do my best to provide for them,
23 as well as myself and my family.

24 I wanted to kind of -- sorry, I'm a little
25 nervous, and I'm trying to think of things to say

1 because a lot of the speakers had already kind of
2 covered a lot of the things I wanted to touch on.

3 But, I think the biggest issue with this
4 bill, on behalf of farmworkers -- or, farm owners,
5 rather, is that it kind -- the bill's going -- is
6 attacking -- not attacking, I'm sorry -- it's trying
7 to solve two separate issues under one umbrella, and
8 it's causing issues because, as a farm owner,
9 I support every part of legislation that seeks to
10 empower farmworkers and guarantee them their rights,
11 because I think that's something that they deserve.

12 They're some of the hardest-working people in
13 any industry, due to the nature of the work, and
14 they should have all of those, you know, rights as
15 available as any other industry.

16 But where they kind of -- where they
17 deviate -- or, where I deviate from that support, is
18 where it touches upon overtime and collective
19 bargaining.

20 A lot of people are talking about, you know,
21 other industries, other sectors, you know, like
22 construction or restaurants, or work of that nature.

23 And the thing there is, those businesses go
24 year-round, and their employees would work somewhere
25 in the ballpark of 2,000 hours annually, if you

1 account for, you know, 52 weeks a year, with two
2 weeks paid vacation. I mean, you could say 1960 if
3 they also have five days of paid holiday.

4 But, for us, we work 46 weeks a year. And,
5 on average, our employees work 1750 to 1900 hours,
6 which is less hours.

7 But if this was -- if bill was to come into
8 effect as it stands, we'd be cutting that to
9 40 hours a week, and we'd be losing a lot of our
10 employees because they need more hours, they need to
11 make more money.

12 And we can't really do that if this, you
13 know, time and a half past 40 hours comes to be.

14 And as for the collective bargaining, the
15 biggest point of contention is, should the workers
16 choose to strike during time of harvest, which is
17 incredibly damaging to us, to our customers, and to
18 our vendors if we're are not able to pay bills
19 because of that, and also because, you know, during
20 that time of harvest, for us, we're a nursery, and
21 during that time of year -- or, in the spring, we're
22 harvesting before we can make any money.

23 You know, we're trying to get things out of
24 the ground, get things dug, get them sent out, so
25 that we can make money to pay people.

1 And I'm sorry I was a little scattered, but
2 I was trying to figure out a few different things to
3 touch upon that hadn't been said already by my
4 peers.

5 But, again, I'd like to thank you for your
6 time.

7 And if you have any questions, I'd be more
8 than happy to answer them.

9 Thanks.

10 ROSS SLOTNICK: Now speaking,
11 Alecia (ph.) Domionos.

12 OFF-CAMERA SPEAKER: She left.

13 ROSS SLOTNICK: Now speaking,
14 Nick Lamort (ph.).

15 OFF-CAMERA SPEAKER: He left too.

16 ROSS SLOTNICK: Now speaking --

17 I'm sorry for the pronunciation, the
18 handwriting is tough.

19 -- Sig -- Signif -- Signal? Signid?
20 Sigfried, maybe?

21 Okay.

22 Now speaking, Christian Bays (ph.).

23 And on deck, Claire de Voich (ph.).

24 CHRISTIAN BAYS: That's what happens when you
25 farm too long, you start getting lame.

1 [Laughter.]

2 CHRISTIAN BAYS: Thank you all very much.

3 My name is Christian Bays. My wife, our
4 daughter, and I operate the family farm that is now
5 in its 101st year in our family.

6 My great-grandmother bought the old field out
7 in Southold right at the end of World War I.

8 For the last 25 years, the three of us have
9 attempted to keep it going and in the family.

10 And here, basically, is the big problem for
11 Long Island farms, and that is our costs, especially
12 our cost of land.

13 Several years ago, Joe Gergela, when he was
14 executive director of the Long Island Farm Bureau,
15 had the deputy secretary of the United States
16 Department of Agriculture visit out here.

17 And we were all sitting at lunch, and
18 Tim Bishop was sitting at my right side, and the
19 deputy secretary was right across the table from me.

20 And so nobody knew what to say because this
21 was, you know, a high and mighty, oh, my God, it's
22 somebody from Washington.

23 And so being very shy and retreating, on my
24 own I turned to the secretary and asked her, Can you
25 tell us where else in the United States of America

1 agriculture has to operate in a land-cost
2 environment of \$100,000 to \$1 million an acre?

3 She thought about it for a moment, and then
4 said, "Well, there are a few places in the
5 Hawaiian Islands."

6 So, right off the top, our biggest issue, if
7 we're going to protect our farmlands and keep them,
8 we have to pay a high-and-mighty price for it.

9 When my wife and I bought the old field out
10 of the family heirs 25 years ago, back then, it cost
11 us \$90,000 an acre, because we had to assuage the
12 heirs who just wanted to be paid off.

13 Net result is, that you take that
14 \$100,000-an-acre farmland out here and you go ahead
15 and you mortgage it for 75 percent, with your
16 \$25,000 down, if you happen to have it in your hip
17 pocket, and you go to Farm Credit East and ask them
18 to bank it for you.

19 And the next thing you know, with just
20 principal and interest, it's 7500 bucks a year P&I
21 for your land, per acre.

22 So if you've got 10 acres, it's 75,000.

23 If you got 20 acres, it's 150,000.

24 And so here's the arithmetic on simple

25 Agriculture Economics 101.

1 This is a five-pound bag of potatoes I just
2 got at the local supermarket.

3 \$4.99 for five pounds. A dollar a pound.

4 If you take one pound out of the bottom of
5 this, a farmer is getting 20 cents out of every
6 pound.

7 A pound is a dollar here.

8 The farmer is getting 20 cents.

9 He ships it to the packer.

10 The packer and the grocer take the other
11 80 cents a pound.

12 That is one of the fundamental problems for
13 agriculture.

14 Now, I can go on just about the simple stuff
15 of the practicality of agriculture.

16 I also think that, in some respects, as I've
17 been listening to the discussion here back and
18 forth, I think, in some respects, and I speak, in
19 part, as a member of Southold town's agricultural
20 advisory committee, because we've been negotiating
21 like hell to get our own zoning codes upscale so
22 that we can continue to farm into the future in this
23 high-cost environment.

24 But, in some respects, I think this
25 legislation is a little bit misguided.

1 Yes, it's going to serve that moral feel-good
2 feeling about our workers.

3 But, you know, I got guys that want to work
4 for me.

5 And last Thursday they called me up and said,
6 Mr. Chris, can we come work for you on Easter
7 Sunday because we don't want to be left alone?

8 And so I said, Come on in.

9 And I put a crew to work on my farm for
10 Easter Sunday.

11 I fed them.

12 I pay them the going rate for -- the 13 bucks
13 an hour. One guy gets 16 bucks an hour.

14 And I also feed them. And I spend about
15 18 to 20 dollars a day, per man, on food for them.

16 So, I mean, where I think the legislation is
17 slipped a little bit with meeting the community
18 needs, is that we need to be able to have these
19 folks operate on our lands.

20 They send their money home to Guatemala,
21 El Salvador.

22 The guy that used to work for me for years,
23 he's got a bigger farm back home in Guatemala now
24 than I do, because he saved all his money that
25 I paid him. And he's back there.

1 The other side of this equation for you all,
2 is that, yeah, you feel great because you got this
3 legislation passed, and you think you're doing the
4 worker a lot of good, but you're going to put
5 thousands of family farms in the state of New York
6 underwater, if not out of business, by doing so.

7 And so somebody said something earlier that
8 I think hit the mark: We've got to get out from the
9 dark cloud of where we are with all of our workers.

10 And we do have to -- I think a lot of these
11 people get a ton of respect.

12 I'm surprised and shocked at all of the other
13 detail of the savagery, if you will, that goes on.

14 But, let's get the legislation a little bit
15 better focused so that it's helping everybody,
16 rather than just saying, well, we're going to lay
17 this on top of you --

18 SENATOR MARTINEZ: Thank you.

19 CHRISTIAN BAYS: -- and you guys eat it and
20 try to stay in business.

21 SENATOR MARTINEZ: Thank you.

22 And we appreciate you coming and letting us
23 know your take on this.

24 And I believe this is our last speaker?

25 ROSS SLOTNICK: Now speaking,

1 Claire de Voich (sic).

2 CLAIRe de ROCHE (ph.): Good afternoon.

3 ROSS SLOTNICK: And then Gil Bernardino.

4 CLAIRe de ROCHE (ph.): Oh, sorry.

5 Good afternoon.

6 My name is Claire de Roche (ph.). I'm here
7 to speak on behalf of the public issues committee of
8 the Long Island Council of Churches.

9 First of all, thank you very much for having
10 this hearing, Senator Martinez.

11 Thank you to the members of the Committee
12 that are here today.

13 Farmworkers provide the food that sustains
14 our life, yet our country has a long history of
15 undervaluing their work and treating them unjustly.

16 Because they were not included in the labor
17 rights legislation of the New Deal, they have
18 struggled for decades to have their rights for fair
19 treatment recognized.

20 Unfortunately, this is still the struggle of
21 farmworkers in New York State, where Jim Crow Era
22 labor legislation denies them a guaranteed day of
23 rest each week, the right to overtime compensation,
24 and unemployment insurance, and the right to bargain
25 collectively.

1 This afternoon I have heard the comments of
2 the farmers of Long Island, and I am so happy to
3 hear that they are treating their workers well.

4 But we're talking here about legislation for
5 the entire state of New York, and there are
6 certainly many places in New York where farmworkers
7 are not treated the way they are treated here on
8 Long Island.

9 So we are here to support this legislation so
10 that every farmworker receives just and fair
11 treatment.

12 The agricultural sector of the New York State
13 economy is one of the largest and most successful in
14 the country.

15 With an estimated 80,000 to 100,000 migrant,
16 seasonal, and dairy workers laboring on New York
17 farms, the state rates among the top agricultural
18 states in the country.

19 And as you've heard before, the value of this
20 sector is -- was \$5.05 billion in 2016.

21 The Long Island Council of -- excuse me.

22 The public issues committee of the
23 Long Island Council of Churches supports the
24 Farmworkers Fair Labor Practices Act because we
25 believe that it is time to correct the injustices of

1 current New York State labor law.

2 As people of faith, we see this as a moral
3 question: Do our sisters and brothers who labor
4 long hours, often under dangerous conditions, to
5 bring food to our tables deserve to be treated
6 fairly?

7 We can only answer a resounding "yes" to this
8 question.

9 Thank you.

10 SENATOR MARTINEZ: Thank you.

11 ROSS SLOTNICK: Now speaking, Gil Bernardino.
12 On deck, Lisa Zucker.

13 GIL BERNARDINO: Good afternoon. Buenas
14 tardes.

15 Thank you for having this hearing, it's good.
16 I was waiting for it for many years.

17 I am the founder and executive director of
18 Círculo de la Hispanidad, a non-profit organization
19 that I founded over 40 years ago in Ulster County.

20 It's maybe the largest not-for profit
21 organization of Hispanic on Long Island.

22 I'm a son of a farmer in my country, Spain.
23 I had to work in my family's farm (indiscernible)
24 when I went to my town from the school in the city
25 where I was studying.

1 My ancestors were farmers.

2 I have a high respect for farmers and
3 farmworkers.

4 The fact is that, in spite of some farmers do
5 treat farmworkers with dignity, it has been my
6 experience with farmworkers in New York State that
7 their conditions are one of exploitation, and
8 listening to them, their stories sounds to me like
9 they are the slaves of the twenty-first century in
10 our state.

11 Unacceptable. Immoral.

12 Farmers have the right to receive a fair
13 price for their product, never at the expense or the
14 rights of farmers (sic).

15 The issue that I heard before about weather
16 and the problems, I understand. I do understand.

17 But those problems also they have other
18 businesses, like construction, and construction
19 workers. They don't want to hear about that. They
20 receive their compensation when they work overtime.

21 Government that support for the rights of
22 farmworkers decrease the profits and the farms will
23 disappear is totally unacceptable.

24 Raise your price of your produce, and that's
25 what business do.

1 As the government (indiscernible) to support
2 the farms, the price of your produce needs to be
3 increased.

4 Let's not blame the respect or the dignity of
5 farmworkers for the survival of farms.

6 Let's find, there need to be other
7 alternatives, from a fair price or -- and protect
8 the survival of farms.

9 The rights of farmworkers must be protected
10 and supported by our government.

11 Now, the government does not, and I hope they
12 will.

13 Gracias. Thank you.

14 Do you have any questions?

15 SENATOR MARTINEZ: Thank you.

16 No, I think we're good.

17 CHRISTIAN BAYS: Okay.

18 SENATOR MARTINEZ: Thank you.

19 ROSS SLOTNICK: Now speaking, Lisa Zucker.

20 On deck, Chris Wahlburt (ph.).

21 SENATOR MARTINEZ: Ross, what card number are
22 we on? I thought that was the last speaker.

23 ROSS SLOTNICK: This is the final --
24 following Lisa will be the final card.

25 SENATOR MARTINEZ: Thank you.

1 LISA ZUCKER: I don't have a prepared
2 statement.

3 I'm just -- actually wanted to speak today to
4 respond to some of the things that I've heard today.

5 SENATOR MARTINEZ: Thank you.

6 LISA ZUCKER: My name is Lisa Zucker.

7 Thank you all, Senators, for holding this
8 hearing today.

9 I am an attorney with the New York Civil
10 Liberties Union, and part of the Justice for
11 Farmworkers Campaign.

12 But I've also been working on this issue for
13 the past six years as the co-chair of my economic
14 justice group at Congregation B'Nai Jeshurun.

15 Many of members actually have homes out here
16 in Suffolk and vote our here as well.

17 For the past four hours, yeah, four hours,
18 we've been listening to testimony about farm -- both
19 from farmers and from farmworkers who are suffering.

20 I've heard the farmers loud and clear about
21 their problems regarding taxes and seed price and
22 fuel and Trump trade tariffs, exchange rates, the
23 cost of land.

24 And I -- and we all sympathize.

25 But we've also heard how farmworkers are

1 suffering in this state.

2 And I put to you, today this is false choice.

3 Something that I think really needs to be
4 said, this is a false choice.

5 If farmers are struggling, State of New York,
6 you, Senators, Governor Cuomo if you're listening,
7 do more for them. Do more for these farmers.

8 Maybe they need more tax credits.

9 Maybe they need some kind of subsidies.

10 I mean, we've all heard about the price of
11 dairy is -- you know, obviously, is contributing to
12 dairy farms going out of business.

13 I say, do something for the farmers, but
14 don't do it on the backs of farmworkers.

15 I have to say that I've also looked at
16 budget, the -- Cuomo's budget.

17 There have been \$33 million allocated for
18 farm programs this year.

19 Maybe they need more.

20 Maybe -- as I said, maybe they need some tax
21 break.

22 No one here would object to that, I don't
23 think.

24 But you have -- but everyone has to
25 understand, businesses, as a whole, they close, they

1 open.

2 I mean, we can talk about -- we can talk
3 about Amazon's effect on the economy.

4 There have been hundreds of thousands of
5 mom-and-pop brick-and-mortar stores that have gone
6 out because of online retail.

7 Right?

8 Nobody is saying, you know what, mom-and-pop
9 businesses? We care about you, which people say
10 that, "we care about you." But nobody is saying, so
11 we're going to help you by denying your workers the
12 right to overtime or collective bargaining.

13 That just isn't the way it works here, and
14 I think that that needs to be said.

15 I also have heard many farmers here talk
16 about how they pay their employees over minimum
17 wage.

18 And I definitely listened to Professor Gray
19 when she said that so many of these farmers, and we
20 know, because we've hear them testify, are smart,
21 good business people.

22 I think simple math would say, if you're
23 paying somebody over minimum wage, and overtime goes
24 into effect, you could clearly pay them the same
25 amount of money by paying them minimum wage plus the

1 overtime. It could come out to be the same amount
2 of money.

3 So I don't know what the issue is there.

4 SENATOR MARTINEZ: Thank you.

5 LISA ZUCKER: Oh, sorry, did I go too long?

6 SENATOR MARTINEZ: Yeah.

7 LISA ZUCKER: Okay.

8 I'm done.

9 SENATOR MARTINEZ: If you want to submit
10 anything you want to in writing, just --

11 CHARLOTTE KOONS: Okay.

12 Thank you again.

13 SENATOR MARTINEZ: Thank you.

14 ROSS SLOTNICK: Our final speaker, Chris
15 Kaplan-Walbrecht.

16 CHRIS KAPLAN-WALBRECHT: I -- yes, thank you
17 for extending the time.

18 Hopefully, you won't have as much traffic
19 going home as a result.

20 SENATOR MARTINEZ: I live here, so I'm lucky.

21 CHRIS KAPLAN-WALBRECHT: My name is
22 Chris Kaplan-Walbrecht. I'm owner of Garden of Eve
23 certified organic farm in Riverhead, New York.

24 I also grew up on a dairy farm. And, as a
25 kid, I worked with my father, and watched our dairy

1 farm go through the struggles that I'm seeing kind
2 of returning to agriculture.

3 I left school. My family sold all the cows,
4 and tried different types of farming to make money.

5 I went away to college, thinking that I would
6 never go back to farming.

7 I was, like, this is crazy. I'm working
8 7 hours a week, getting up at 4:30 in the morning
9 before school, showering up, getting on the bus.

10 And I found how easy it was once I got a
11 regular job. Left home.

12 But then I saw my father continuing to look
13 at different ways that he could make our dairy farm
14 work.

15 He tried raising chickens, he tried raising
16 sheep, goats... you name it.

17 He finally settled in on produce.

18 And he was actually, at the time, it was the
19 early '90s, and he was finding that there wasn't a
20 local market, farmers' markets, and also local chefs
21 weren't using local produce.

22 So he started to direct sell, and he started
23 a farmers' market in his town. And he told me that
24 that was the first time since when he first bought
25 the farm that he was actually making money.

1 So I went home and I would see him get
2 excited about the farmers' market. I took an
3 interest.

4 He put up a greenhouse. I got more
5 interested.

6 I started to see farmers' markets pop up in
7 communities where I was working in Buffalo,
8 New York.

9 And then I moved to Westchester, and
10 I started to see more and more farmers' markets
11 coming in.

12 I met my now-wife, and we started on a half
13 acre, started growing what we could.

14 My parents gave me vegetable starts. And we
15 built our business with no outside investment, to
16 the business that it is now.

17 We have -- we're farming about 65 acres.

18 So everything that we put in was put in from
19 selling CSA shares.

20 So if you're not familiar with what "CSA" is,
21 I don't -- I haven't heard a lot of people talk
22 about it today, but it's "community-supported
23 agriculture," and it's a great program, in which we
24 work with communities to get a fair price for food,
25 based on the area.

1 So there's a lot of education that goes into
2 it.

3 But it assures us that we can also pay our
4 employees as well as we do.

5 We also sell at farmers' markets in
6 New York City.

7 So my major -- when the -- first, when the
8 minimum wage came up, the first time that I started
9 to see that show itself was at farmers' markets,
10 where other farmers were coming and setting up right
11 next to me, next table over, from New Jersey and
12 Pennsylvania. And they're paying \$7.50 an hour
13 I think in Pennsylvania right now for minimum wage
14 on a farm.

15 That, you know, has to show up in the price.

16 We also complain a lot that we've lost a lot
17 of our services, like tractors.

18 We ship our tractors off Long Island to get
19 them repaired now.

20 It's crazy.

21 But these things add up, along with the taxes
22 and all the things that everybody else had mentioned
23 today.

24 But I think, by far, the minimum-wage
25 increase, and then the time and a half, we're going

1 to be paying people up to \$25 an hour, because our
2 guys are making seventeen, eighteen dollars an hour
3 right now.

4 And that is something I fear is going to hurt
5 them more than it's going hurt me, because we are
6 going to have to make an adjustment.

7 We're not going to be able to pay that wage
8 to do the same thing that the farmer next to me is
9 doing for seven fifty an hour, or eight.

10 So I think a real regional approach is
11 needed, to look at who's competing with us, because
12 if you draw a circle around New York City --

13 SENATOR MARTINEZ: Oh, wait.

14 I don't mean to cut you off.

15 CHRIS KAPLAN-WALBRECHT: Yep.

16 SENATOR MARTINEZ: I'm going to have to cut
17 you off.

18 CHRIS KAPLAN-WALBRECHT: Yep.

19 That's my last point.

20 -- so, drawing a circle out and say, where
21 are people selling their goods to our market?

22 And how we can strengthen our share as, you
23 know, New York farmers and New York businesses.

24 SENATOR MARTINEZ: Thank you.

25 I appreciate it.

1 And, look, and I'm sorry for the time
2 constraints, but, you know, we are borrowing this
3 building.

4 And I want to thank, obviously,
5 Suffolk County Legislature for allowing us to be
6 here today.

7 And I just want to thank my colleagues, thank
8 you for driving out here. Some of you may have a
9 longer ride than others.

10 And I really do appreciate you taking the
11 time to listen to the residents of Suffolk County;
12 not just our farmers, but our farmworkers.

13 Though we haven't really heard much about --
14 from our farmworkers specifically, we have heard
15 from organizations that support our farmworkers.

16 But, we have heard you loud and clear today.

17 And I know that we, as policymakers, at least
18 I can only speak to myself, I always like to know
19 both sides of the story. I think it's something
20 that is important to do.

21 We need to protect our farm industry, which
22 is the fabric of Suffolk County of New York.

23 But we also need to protect our farmworkers.
24 We need to make sure that they're living quality
25 lives, making sure that they have the protections

1 that they need, the wages that they deserve.

2 And we need to find a way that we can do both
3 without driving the agriculture industry to the
4 ground, literally.

5 And, I want to thank my colleagues.

6 And I'm going to give, obviously,
7 Senator Ramos the floor, as she is the sponsor of
8 this bill.

9 And I just want to thank you for coming out.

10 And then I will also like to extend the
11 closing remarks to Senator Metzger, who is also
12 Chair of the Agriculture Committee.

13 Thank you everyone for coming out, and please
14 get home safe.

15 SENATOR RAMOS: I'll be very brief.

16 Thank you so much for sharing your viewpoints
17 with me and my colleagues today.

18 Everything that you folks have said will be
19 taken into consideration.

20 Look, as I continue to travel the state, and
21 I see Maureen Torrey (ph.) here, who has some of the
22 biggest farms here in New York, and I had the
23 opportunity to visit her in Genesee County a few
24 weeks ago, to see for myself what conditions were
25 like there.

1 We often hear from those who are the best
2 employers, unfortunately.

3 The bad actors aren't the ones who show up to
4 testify, of course.

5 And what we're aiming to do with this bill is
6 ensure that there is a law written down so that
7 there is no confusion about how farmworkers should
8 be treated and compensated.

9 So I very much look forward to continuing to
10 work with my colleagues, and with all of you, to
11 figure out the best solution to this issue.

12 I am the eighth state senator to be holding
13 this bill, and I expect to be the last one.

14 Thank you.

15 [Applause.]

16 SENATOR METZGER: So I really want to thank
17 you all for being here once again.

18 And I just want to say, as Chair of the
19 Agriculture Committee, you know, I care about
20 farmworkers, and I care about our farmers, and
21 I care about making sure that we can sustain our
22 really unique and diverse agricultural economy of,
23 mostly, small and family farms in New York State for
24 the long-term.

25 So, hearing your input, hearing the

1 challenges you face daily, is really important.

2 And, you know, we'll talk about -- we'll
3 review, and talk about all that we heard, and it's
4 all about coming up with a solution that works for
5 everyone.

6 So I want to thank you very much.

7 [Applause.]

8 SENATOR MARTINEZ: This joint hearing has
9 concluded.

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11 (Whereupon, at approximately 6:31 p.m.,
12 the joint committee public hearing concluded, and
13 adjourned.)

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