



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara opposes 'Farmworkers Fair Labor Act': Points to testimony from farmers and others on potentially devastating action (UPDATE: Watch Senator O'Mara's comments)

THOMAS F. O'MARA June 19, 2019

| ISSUE: **FAMILY FARMS**



This action has devastating implications for family farms and an entire agricultural industry that has long been the cornerstone of economies and cultures across the Southern Tier and Finger Lakes regions, and throughout upstate New York.

**Albany, N.Y., June 19**—State Senator Tom O'Mara (R,C,I-Big Flats) tonight voted against legislation given final legislative approval by the Senate that, if enacted into law by

Governor Andrew Cuomo, will drive family farms out of business and have other profound repercussions throughout local farm economies.

The controversial legislation ([S6578/A8419](#)) is known as the “Farmworkers Fair Labor Practices Act.” Two downstate New York legislators sponsor the measure, Senator Jessica Ramos (D-East Elmhurst), chair of the Senate Labor Committee, and Assemblywoman Catherine Nolan (D-Long Island City). The Assembly approved the measure earlier today. It’s expected to be signed into law by the governor.

O’Mara said, “It’s another bad move at the worst possible time when too many family farms across our region and statewide are already struggling to make ends meet and survive. This action has devastating implications for family farms and an entire agricultural industry that has long been the cornerstone of economies and cultures across the Southern Tier and Finger Lakes regions, and throughout upstate New York. It’s another extreme move by a radically progressive state government, under one-party control, that will cost jobs, devastate hard-working families, and further weaken the foundations of local upstate economies.”

[\[Watch Senator O'Mara's comments on the Senate floor during tonight's debate\]](#)

Earlier this year, in a letter to legislative leaders, O’Mara and Assemblyman Phil Palmesano (R,C,I-Corning) called for extensive statewide public hearings on the proposal. They wrote, in part, “The misguided and misrepresented Farmworkers Fair Labor Practices Act poses an extreme action at a time of already severe economic struggle for New York State farmers. Worse, the Act’s consequences would produce a nightmare of a ripple effect across local communities in every region of this state and profoundly diminish the future of high quality, local food production. In short, the Act, far from implementing fair labor practices, would in reality spark an enormous loss of family farms and the thousands of livelihoods

these farms support across the industry and throughout hundreds of local economies statewide.”

If enacted, O’Mara and many of the Act’s opponents, including the New York Farm Bureau and Unshackle Upstate, argue that it will increase already exorbitant farm labor costs in New York State by nearly \$300 million or close to 20%, resulting in an across-the-board drop in net farm income of 23% and driving many farmers out of business. For many specific agricultural sectors, including the dairy industry, and vegetable and fruit growers, the increased costs would be unsustainable. According to a 2016 economic analysis from Farm Credit East ([www.farmcrediteast.com](http://www.farmcrediteast.com)), an agricultural credit and financial organization, total farm labor costs in New York State were 63 percent of net cash farm income, compared to 36 percent nationally.

The Act fails to take into account the cost of housing provided to many farm workers by their farm employers, O’Mara said. It further requires time and a half overtime pay for a worker “voluntarily” working on their allotted, by law, day off whether or not the worker has exceeded the weekly hours threshold triggering overtime pay. These and other actions called for under the Act, including the creation of a three-member Farm Wage Board granted the authority to unilaterally change the law’s provisions, will greatly exacerbate the impact of farm labor costs on farm income at a time when the farm economy is already struggling.

Over the past five years, for example, New York State has lost 20 percent of its dairy farms.