



October 17, 2023

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528

Charles L. Nimick  
Chief  
Business and Foreign Workers Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

**Re:** Request for extension of comment period

Dear Secretary Mayorkas and Mr. Nimick:

This letter is to request an extension of the comment period of your recently published proposed rulemaking Modernizing H-2 Program Requirements, Oversight, and Worker Protections, 88 FR 65040 (September 20, 2023). The comment period is currently scheduled to close on November 20, 2023. The reason for this request is due to four other regulatory actions of interest to the Coalition that have comment periods ending during the comment period of this regulation.<sup>1</sup>

The Agriculture Workforce Coalition (AWC) serves as the unified voice of agriculture in the effort to ensure that America's farmers, ranchers and growers have access to a legal and stable workforce. American agriculture is responsible for millions of jobs, not only on American farms and ranches; each on farm job creates two to three additional full-time jobs in the food processing, transportation, farm equipment, marketing, retail, and other sectors. The varied agricultural products we plant, harvest, raise and process comprise one of the few sectors of our economy where the U.S. has a trade surplus with the rest of the world. However, that growth cannot be taken for granted. The economic health of food producers and the rural communities in

---

<sup>1</sup> Worker Walkaround Representative Designation Process, 88 FR 59825 (August 30, 2023) (Comment period closes on October 30, 2023); comment period on heat injury and illness prevention in outdoor and indoor work settings on OSHA's Small Business Advocacy Review ("SBAR") Panel materials (Comment period closes on December 23, 2023); Improving Protections for Workers in Temporary Agricultural Employment in the United States, 88 FR 63750 (September 15, 2023) (Comment period closes on November 14, 2023); Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 88 FR 62152 (September 8, 2023) (Comment period closes on November 7, 2023).

which they live is threatened by the lack of an adequate size of workforce. Simply put, farm employers cannot build back better without sufficient numbers of workers, now and in the future, to help with the harvest, to care for livestock, and to feed the world. Retention of current workers, attraction of future workers, and access to temporary foreign workers through the H-2A program remain the industry's highest priority.

For the AWC and its membership to fully and meaningfully participate in this regulatory process that would make significant changes to the H-2A program, an extension is necessary. We are asking for an additional 30 days to be able to develop and submit comments so that we may be able to provide informed comments on the proposed regulation as well as informed comments on each of the other four regulations. This extension will not harm the Department and in fact will allow the regulated community to meaningfully participate in the Administrative Procedure Act rulemaking process.

Thank you for your consideration of this important matter and we look forward to commenting on this important issue to the regulated community.

Sincerely,

Agricultural Council of Arkansas  
American Farm Bureau Federation  
AmericanHort  
Arizona Farm Bureau  
Arkansas Farm Bureau  
Arkansas Rice Federation  
California Apple Commission  
California Blueberry Commission  
Delta Council  
FL Citrus Packers  
Florida Citrus Mutual  
Florida Farm Bureau Federation  
Florida Fruit & Vegetable Association  
Florida Strawberry Growers Association  
Georgia Farm Bureau Federation  
Idaho Farm Bureau Federation  
Idaho Grower Shippers Assn.  
Idaho Potato Commission  
Illinois Farm Bureau  
Indiana Farm Bureau  
International Fresh Produce Association  
Kansas Farm Bureau  
Kentucky Farm Bureau Federation  
Louisiana Farm Bureau Federation  
Louisiana Rice Producers' Group  
Maine Potato Board  
Michigan Apple Association

Michigan Asparagus Association  
Michigan Farm Bureau  
Minnesota Farm Bureau Federation  
Mississippi Farm Bureau Federation  
Mississippi Rice Council  
National Council of Agricultural Employers  
National Council of Farmer Cooperatives  
National Milk Producers Federation  
National Onion Association  
National Potato Council  
Nebraska Farm Bureau Federation  
New Jersey Farm Bureau  
New Mexico Farm & Livestock Bureau  
New York Apple Association  
New York Farm Bureau  
New York State Horticultural Society  
North Carolina Farm Bureau  
North Carolina Potato Association  
Northwest Horticultural Council  
Ohio Farm Bureau Federation  
Oklahoma Farm Bureau  
Olive Growers Council of California  
Oregon Farm Bureau  
Pennsylvania Cooperative Potato Growers  
Pennsylvania Farm Bureau  
Potato Growers of Michigan, Inc.  
Rhode Island Farm Bureau  
South Carolina Farm Bureau  
South Dakota Farm Bureau  
Tennessee Farm Bureau Federation  
Texas Farm Bureau  
Texas Rice Producers' Legislative Group  
USApple  
U.S. Custom Harvesters, Inc.  
United Potato Growers of America  
US Rice Producers Association  
USA Rice  
Virginia Farm Bureau  
Washington State Potato Commission  
Washington State Tree Fruit Association  
West Michigan Food Processing Association  
Western Growers  
Wild Rice Advisory Board  
Wisconsin Farm Bureau Federation  
Wisconsin Potato & Vegetable Growers Association  
Wyoming Farm Bureau Federation