



October 17, 2023

The Honorable Julie Su
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Brian Pasternak
Administrator
Office of Foreign Labor Certification
Employment and Training Administration
Department of Labor
200 Constitution Avenue NW
Room N-5311
Washington, DC 20210

Re: Request for extension of comment period

Dear Acting Secretary Su and Administrator Pasternak:

This letter is to request an extension of the comment period of your recently published proposed rulemaking Improving Protections for Workers in Temporary Agricultural Employment in the United States, 88 FR 63750 (September 15, 2023). The comment period is currently scheduled to close on November 14, 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.¹

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

¹ 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); Modernizing H-2 Program Requirements, Oversight, and Worker Protections, 88 FR 65040 (September 20, 2023) (Comment period closes on November 20, 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 makes 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