



July 28, 2022

Governor Kathy Hochul
NYS State Capitol Building
Albany, NY 12224

Senator Sean Ryan
40 La Riviere Drive, Suite 121
Buffalo, NY 14202

Senator Patrick Gallivan
2721 Transit Road, Suite 116
Elma, NY 14059

Senator Edward Rath III
1961 Wehrle Drive, Suite 9
Williamsville, NY 14221

Senator Tim Kennedy
37 Franklin Street, Suite 550
Buffalo, NY 14202

Re: Farm Laborers Fair Labor Practices Act

Dear Governor Hochul, Senator Rath, Senator Ryan, Senator Kennedy, and Senator Gallivan:

The Food Policy Council of Buffalo and Erie County (FPC) has reviewed the above-referenced document and recognizes the hard work involved in updating the Farm Laborers Fair Labor Practices Act (the Act). We believe this is a great opportunity for the NYS Department Labor and the Farm Laborers Wage Board to begin directly addressing NYS food systems, starting with its labor force. We offer the following comments:

- The FPC supports fair and living wages for all workers. We believe migrant and H2A workers have not faced equitable treatment compared to other laborers throughout history and applaud this decision to decrease the overtime threshold to begin rectifying systemic injustices embedded in legislation.
- The Farm Worker Retention Credit paired with the new overtime law provides tax relief to agriculture employers. This pairing eliminates the competitive disadvantage from providing overtime compensation and eliminates a barrier for our New York farmers and producers. Presently, New York farmers face a tremendous number of challenges outside of their control, including changes in consumer demand leading to price changes, obtaining labor, climate change, land management policies, foreign market competition, and livestock and crop disease. There is concern that another obstacle, in addition to the above stated and the practical issues related to growing and selling food, will put New York farmers at great disadvantage to survive. As such we support an extension of the Farm Worker Retention Credit to automatically provide the credit for eligible farmers, increase total funding for the Farm Worker Retention Credit Program, and increase credit amounts per year in response to rising inflation costs.

Members of the Council would be happy to meet with you or your staff to offer further detail, as well as to review any parts of our *Local Food Action Plan* or our work to implement it, including how best to coordinate with your efforts. An electronic version of the Plan can be found at erie.gov/foodactionplan.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Antonina Simeti". The signature is fluid and cursive, written over a light blue horizontal line.

Antonina Simeti
Chair, Food Policy Council of Buffalo & Erie County

AS: seg/jk

Our mission is to advocate for an equitable and sustainable food system for the people of Buffalo and Erie County.