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President & CEO

May 4, 2022

The Honorable Kathy Hochul
Governor of New York State
Executive Chamber
The Capital
Albany, NY 12224

Dear Governor Hochul:

Earlier this year, the Farm Labor Wage Board recommended lowering the overtime threshold on New York farms from 60 to 40 hours. The Business Council is very concerned about the impact that this recommendation would have on farms, farm workers and consumers.

Our New York farms generate billions of dollars in economic activity. Additionally, our farmers are some of the most rigorously regulated and inspected employers. Protections for farm workers are already in place at the federal level. Both the *Fair Labor Standards Act* and the *Migrant and Seasonal Agriculture Protection Act* establish employment standards in relation to wages, housing, transportation, safety and health, disclosure and record-keeping requirements. Thus, as we look at the changes in overtime, which will impact all farms with employees that support 55,000 jobs, we must do so with the understanding that there are rigorous protections in place. By increasing the overtime threshold, we would instead hurt our farms, increase prices for consumers and job opportunities for farm workers.

When the pandemic hit New York State, it was our farmers who helped provide food to hungry families. Our farms provided more than forty-million pounds of food to families through the Nourish New York program. But what would happen to programs like these if prices were to increase? Especially as the economy continues to slowly move forward as New York and the rest of the country moves past the pandemic. The impact of the increase in the threshold will not only adversely impact families that utilized the Nourish New York program, but all families as higher prices will be seen when families shop for agricultural goods at their local grocery store. It is a major concern of The Business Council and our 3,5000 members, that as we look to move our economy forward, we are faced with another change that will increase prices for consumers. Inflation continues to rise, and the job market continues to slowly move forward, we are very concerned that this recommendation will thwart some of the positive movement we have seen with the New York State economy.

We understand to offset some of these concerns the overtime tax credit was included in the final New York State budget. We commend you on this addition, but we also point out that even with this tax credit the recommended changes there is no guarantee that it will offset what will undoubtedly be rising prices. Therefore, we hope that your administration continues to take a long and hard look at these recommendations as the potential negative impact our consumers, farms, farm workers and the New York economy could be felt for years in a time when price increases are already rising.

Sincerely,