

ANTONIO DELGADO  
19TH DISTRICT, NEW YORK

1007 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5614

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3219

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON BIOTECHNOLOGY,  
HORTICULTURE AND RESEARCH  
CHAIRMAN, SUBCOMMITTEE COMMODITY EXCHANGES,  
ENERGY AND CREDIT

COMMITTEE ON SMALL BUSINESS  
SUBCOMMITTEE ON UNDERSERVED, AGRICULTURAL,  
AND RURAL BUSINESS DEVELOPMENT

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT  
SUBCOMMITTEE ON WATER RESOURCES  
AND ENVIRONMENT

March 29, 2022

The Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

Dear Governor Hochul:

I am writing to express my disapproval regarding the New York State Farm Laborers Wage Board's decision to lower the farmworker overtime threshold. Lowering the threshold over the next ten years from 60 hours per week to 40 hours per week is not mindful of the dynamics of farming.

Agriculture already faces a growing labor crisis, and lowering the farmworker overtime threshold to 40 hours puts farm operations in New York State at serious risk. Many farmers and producers have expressed concerns that the resulting increase in costs will put them out of business. A state-commissioned study conducted by Cornell University's College of Agriculture and Life Sciences identified major negative impacts if the overtime threshold is lowered to 40 hours. The study noted that two-thirds of the dairy farms surveyed stated they would move out of dairy farming, move investments outside of the state or industry or leave agriculture altogether if the overtime threshold is lowered to 40 hours. Fruit and vegetable farms reported leaving some crops unharvested due to higher labor costs, ultimately resulting in increased food waste. A report by Farm Credit East notes that the increased labor costs are most likely to reduce farm earnings, having a significant impact on smaller farms.

In public hearings on the overtime threshold, farmers outlined concerns that establishing a 40 hour overtime threshold could result in limited work hours, reduced benefits and base pay, an increased need for expensive machinery to improve labor productivity and delaying other planned capital investments. Further, the 40 hour threshold puts New York State at an economic disadvantage, with workers likely to travel to neighboring states that do not have a 40 hour threshold. New York farms represent over \$37 billion in economic impact, and employ over 55,000 employees. These farms have faced a difficult farm economy in recent years, and severe market disruptions as a result of the COVID-19 pandemic. Lowering the overtime threshold from 60 to 40 hours adds another hardship for our farmers, and may cause many to close their doors.

Rather than move forward with the wage board's decision, I urge you to work with farmers to find a better solution. Including farmer input will ensure potential changes are viable for farmers. Farming is a unique and time-honored profession in New York State, especially in New York's 19<sup>th</sup> Congressional District. We must work together to enact policies that help strengthen our agriculture economy.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Antonio Delgado  
Member of Congress