



'Under rain, under thunder, we're there working': Kern farmworkers head to Washington seeking protections, path to citizenship

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November 14, 2022

For Flor Alvarado, being a farmworker is to understand endurance.

When she still worked the strawberry fields, her day began at 4 a.m. and often didn't end until late. In between, she and her fellow laborers did some of the hardest physical work in American industry. Each adorn a uniform that hasn't changed much in decades: heavy trousers or jeans, an apron, a winter coat in the case of morning chill and caulked boots, often still caked in mud from the previous day. The tasks were generally the same: pick fruits they'll never taste, and bring life to loam in lands they'll never own.

It is their ability and will to endure such work that arguably binds these laborers together, just as it is the inherent difficulty that culls those unfit to be there. Alvarado, 29, said she has seen many come and go, each attempting to work the fields and most lasting less than an hour.

"Under rain, under thunder, we're there working," Alvarado said.

Now living in Bakersfield, Alvarado no longer works in the fields. Instead she dedicates her time to her two daughters and fighting for the rights of her fellow farmhands.

"I feel that it is time that farmworkers come out of the shadows and that people see how farmworkers live, that there is light shone on their experiences," Alvarado said. "People need to know what being a farmworker in the U.S. means."

Alvarado, along with a scatter of activists and fieldhands, are among a fierce coalition. Their charge: workers' protection. Their solution: The Farm Workforce Modernization Act of 2021, which was passed by the U.S. House on March 18 with bipartisan support.

"Providing America's agricultural workforce with the legal status and stability they have earned is a crucial factor in ensuring America's food security," said Teresa Romero, president of the United Farm Workers. "On Thanksgiving, when Americans gather with family to give thanks for the food on their table, we ask Congress to show its thanks to essential farm workers and their families by passing this common sense bipartisan legislation."

The group of at least 60 plans to fly to Washington, D.C., this week, to lobby in support of the bill's continued fight through the Senate.

The bill would add myriad reforms, including an extension of the H-2A visa program to include seasonal and year-round workers, which allow more farmers to keep workers employed.

The bill, which passed the House in March 2021, received largely bipartisan support, including 30 Republican representatives. Hundreds of farm labor groups and businesses have also backed the legislation, citing the shortage of farm labor as the cause of rising food inflation. Given how polarizing the issue of immigration can be at the national level, the bill's support demonstrates an alignment of values between many people from both sides of the aisle.

“We think the wide support of this bill demonstrates the lack of true immigration reform within the farming space,” said Ian Lemay, president at California Fresh Fruit Association, which represents over 350 farms statewide, including all 13 fresh fruit commodities. “We have waited too long — 36 years — since Congress passed any meaningful legislation related to immigration. Our industry can't wait another 36 years.”

The act is projected to reduce labor costs for immigrant-staffed farms by “about \$1 billion in the first year and \$1.8 billion in the second, which would result in many more workers being hired, more productivity and lower prices for consumers,” said David Bier, a researcher at the Cato Institute.

The bill would establish the Migrant and Seasonal Agricultural Workers Protections Act, which would provide a path for farm laborers currently in the U.S. to earn legal status, access a higher minimum wage and the right to file suit against employers, in the event that labor laws have been broken. The latter provision is why the bill currently sits before the Senate.

“It's sitting over on the Senate side waiting to move over there because there are people creating misperceptions about what the bill does,” said Rep. Doug LaMalfa, R-Redding, at a press conference in June.

Among the skeptics is the American Farm Bureau Federation, which raised concerns with the MSPA lawsuit provision that it could leave many farms vulnerable to fatuous lawsuits.

While they did not immediately respond to a request for comment, Allison Crittenden, the AFBF Bureau Director for Government Affairs, said in a July interview with NPR that they do not support “the inclusion of H-2A under MSPA in this manner.”

“So we want to make sure that folks can be out farming and not dealing with frivolous lawsuits that could result from this,” Crittenden said.

A 2022 study by American Business Immigration Coalition Action, which compiled data from the Department of Labor, the Bureau of Labor Statistics and the U.S. Department of Agriculture, found that out of 513,137 farms with hired farmworkers, “only 36 MSPA lawsuits were filed in federal court against 34 different employers,” in 2 1/2 years.

Of the 30 Republicans who backed the bill, Rep. Kevin McCarthy, R-Bakersfield, was not one of them. In his statement on the decision, McCarthy acknowledged agriculture is part of life in the Central Valley and that “it is important to ensure our farmers and dairy producers have access to

a workforce,” but said he voted against FWMA because of “fundamental concerns with how it addresses illegal immigration.”

“We are a nation of laws, and those laws must be upheld — providing illegal immigrants a pathway to citizenship without any penalty is a non-starter,” McCarthy said.