



GUEST OPINION

Congress must address labor needs

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As a representative of the nursery and landscape industry, I urge Congress to address the labor needs of seasonal employers by reforming the H-2B and H-2A non-immigrant visa programs to ensure that my company has access to a legal seasonal labor force during the busy spring season.

The Save Our Small and Seasonal Businesses Act of 2007 (H.R. 1843, S. 988) and the Agricultural Job Opportunities, Benefits, and Security Act of 2007 (H.R. 371, S. 340) deserve support.

My company and our industry in general experience a sharp increase in labor needs during the busy spring season. Unfortunately, it is difficult to find seasonal American workers to supplement my year-round domestic work force.

The H-2A and H-2B programs provide the only legal and reliable source of seasonal labor. Problems with these programs, however, threaten the viability of my company and others in the industry.

The H-2A and H-2B programs address different stages of the production process. Activities involving growing or cultivating plants and trees are considered agricultural operations and fall under the domain of the H-2A program. Activities involving the design, construction, planting and maintenance of landscapes are considered non-agricultural activities covered by the H-2B program. Both programs are vitally important to the survival of the green industry and the communities it serves.

The H-2B program's congressionally mandated cap of 66,000 workers (33,000 for the first half of the fiscal year and 33,000 for the second half of the year) is inadequate to meet the seasonal needs of landscape contractors and other small employers. The current exemption from the cap for repeat workers who have proven they are not a security risk expires at the end of the fiscal year.

Congress should support the provisions of the Save Our Small and Seasonal Businesses Act to ensure that there can be lasting and meaningful reforms to the H-2B guest-worker program. At a minimum, our industry needs an extension of the return worker exemption, so that companies in the landscape industry will be able to hire the workers needed to fulfill their clients' needs and serve their communities during next year's busy spring season.

The Department of Homeland Security's recent decision to implement Social Security no-match regulations will be devastating. Those of us who rely on guest worker programs for seasonal labor will see the available pool of labor become increasingly shallow, as other growers scurry to find a legal work force.

Our only safety net is an aging, unreliable, expensive and litigious H-2A guest worker program. Though we remain committed to using legal labor, without a stabilization of the current work force and an expansion of this program, many growers will be forced to rely on workers with questionable documentation.

Congress should pass the Agricultural Job Opportunities, Benefits, and Security Act of 2007 (H.R. 371, S. 340) that will allow growers to fulfill this commitment to a legal labor force.

Thousands of small businesses, hundreds of thousands of both American and immigrant employees, and our domestic supply of food and plants are at stake.

The future viability of my company, my industry and our country depends on prompt reforms to the H-2A and H-2B programs.

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