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National food security, immigration reform, and the importance of worker engagement in agricultural guestworker debates

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Abstract

This article looks at the United States' federal H-2A Temporary Agricultural Visa Program and reforms proposed by the Farm Workforce Modernization Act. In this policy analysis, we draw on media content analysis and qualitative interviews to compare the viewpoints of farmers, workers, grower and worker advocacy groups, intermediary agents, and politicians. We find that perspectives on the program are dependent upon actors' level of direct interaction with workers. Moderate-sized farmers and regionally based worker advocacy groups tend to be the most concerned with day-to-

day program operations and fair working conditions. In contrast, national-level advocacy groups, intermediary agents, and politicians are less critical of the program and seek to broadly expand farmer access to guestworkers, justifying proposed program reforms with discourses of national food security and immigration reform. Ultimately, we suggest that engaging a food systems lens to understand these policies provides a more nuanced perspective, addressing national food security and immigration as related issues.

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Farmworkers, Farm Labor, Agricultural Policy, Guestworker Programs, H-2A Program, Food Security, Immigration Reform

Introduction

Do people want to eat in this country or not?

—Doug LaMalfa (R-CA), July 2022

This quote was included in a National Public Radio (NPR) article published on July 18, 2022, titled, “The Senate is nearing a deal on immigration that could also lower food prices” (Bustillo, para. 8). LaMalfa was speaking at a GOP-led press conference hosted by the American Business Immigration Coalition on the Farm Workforce Modernization Act. We found that this narrative—that deregulation and institutionalization of the H-2A Temporary Agricultural Visa Program is the silver bullet for food security—is reinforced by countless national and regional publications. This perspective reflects the talking points offered by the farm business lobby and a bipartisan majority of politicians in the United States today. The federal H-2A Temporary Agricultural Visa Program (H-2A Program) allows U.S. farmers to legally sponsor foreign-born guestworkers for seasonal agricultural work when domestic laborers are not available. Although this program generally has made up a small portion of the overall agricultural workforce since its inception in 1952, program usage tripled over the past seven years to a total 15% of the agricultural workforce in 2021 (Martin, 2021).¹ This growing popularity has prompted heated debates about potential reforms, most recently regarding the Farm Workforce Modernization Act (FWMA). At the date of this publication, the FWMA had passed in the House of Representatives with a vote of 247-174 in March 2020 (Text – H.R.1603 – 117th Congress, 2021-2022), but is still awaiting a senate vote that is likely to face a tighter margin to pass.² If this bill were to pass, the H-2A Program would be expand-

ed to include year-round agricultural industries, provide a pathway to citizenship for some workers, and alter the calculation of the adverse effect wage rate, temporarily capping the potential for wage increases (Actions – H.R.1603, 2021-2022).

The current discussions regarding the H-2A program and year-round expansion are the latest iteration of guestworker policy debates in the U.S. Historically, the most well-known agricultural guestworker program is the Bracero Program, a temporary worker agreement between the U.S. and Mexico, which was started to address the labor shortage during World War II. Farmers successfully lobbied to maintain the program well after the war ended, until its termination in 1964, following ongoing reports of unjust labor practices, evidence that the program was bringing down farmworker wages, as well as reduced need due to mechanization in cotton and sugar-beet production (Martin, 2020; Newman, 2018). The Bracero Program was largely used by farmers in the U.S. West, where industrialized agriculture was most developed (Mitchell, 2012; Weiler et. al. 2020). Lesser known, but important to the history of immigration from the Caribbean, is the British West Indies Program, which continued beyond the Bracero Program and provided farmworkers mostly to East Coast growers (Hahamovitch, 1997).

Given this long history of U.S. reliance on foreign-born workers in the agriculture system, agricultural and immigration policies today are heavily intertwined, affecting actors throughout various economic sectors. The vested actors in agricultural labor policy and FWMA debates include farmers, workers, politicians, intermediary hiring agents, and grower and labor advocacy groups. Our analysis shows that their perspectives on the H-2A Program are largely dependent on their needs and experiences; in particular, how much they engage with agricultural workers directly. In this article, we discuss the nuances of the debate surrounding the FWMA and H-2A Program, considering the varied positionailities of these

¹ The H-2 Program was initiated in 1952 under the Immigration and Nationality Act. The program was split into 2 categories in 1986, including the H-2A Program for agricultural workers and H-2B for other temporary workers.

² Given that 2022 is a congressional election year, if the bill does not pass the Senate before elections, it will have to be reintroduced and go through another round of votes in the House of Representatives as well.

respective actors, to better inform the consequences of potential agricultural labor reforms.

In this analysis, we find that politicians and grower advocacy groups draw on broad discourses of food security and immigration reform to promote expansion of the program. Food security as a discourse has been critiqued by scholars and activists alike in the ways that the term shallowly quantifies and glosses over the multiscalar and structural causes of hunger. Yet, the term endures in international and domestic political and policy spheres as it affirms the neoliberal construct of simple supply and demand factors to explain world and national hunger (Jarosz, 2011; 2014). In contrast, we find that moderate-sized³ farmers and regional worker advocacy groups, who are more engaged with the day-to-day workings of the program, view food system vulnerabilities (and relatedly, food insecurity) to be rooted in the highly politicized and unstable nature of immigration and labor policy as well as inequalities throughout the food chain. Scholars note the ways these inequalities emerge in agrarian labor structures as hierarchies of worker rights, and across farm scales, through food system concentration at the farm and market levels, with institutionalized preferences for larger operations (Clapp, 2021; Dupuis, 2002; Holmes, 2013; Lyson et al., 2008; National Research Council, 2003; Smaje, 2020). Failing to take a critical approach to food systems manifests in vulnerabilities such as those seen during the COVID-19 pandemic: supply chain disruptions and inflation (Ebata et al., 2021; Huber, 2020; Van der Ploeg, 2020). Inequalities in the food system therefore threaten long-term social, economic, and environmental sustainability (Friesner, 2016).

In our concluding discussion, we suggest that a food systems framework would alleviate some of the disjunction in such perspectives (see Burmeister & Tanaka, 2017). Seeing farmers, intermediaries, and workers as part of a larger food system, rather than as opposing actors, helps to address disjointed and politicized narratives regarding farm labor reforms.

Methodology

This policy analysis is informed by a two-year mixed-methods study of the H-2A Program. The focus of this article is an analysis of media sources covering the H-2A Program and FWMA from June 2021 through February 2022. To grasp a broader scope of political and media narratives pertaining to the program, the authors completed a content analysis of public statements and media coverage surrounding the H-2A Program and the FWMA, utilizing a Google Alert and a Google Scholar Alert for the terms “H-2A,” “H2A,” and “Farm Workforce Modernization Act.” Media coverage on this topic at times included internationally recognized news sources, but largely consisted of regional and agriculture-specific newspapers, newsletters, and magazines, all of which published content online. The media content was then aggregated by theme to identify dominant trends in media coverage of both the program and the FWMA.

We contrasted our media analysis with our qualitative data, collected from 2019 to 2021. This data includes semi-structured interviews and focus groups conducted with 13 moderate-sized specialty crop farmers and 35 farmworkers in New York State, as well as with four intermediary agents that facilitate the worker hiring process on a national scale. These interviews were conducted primarily by Mary Jo Dudley, director of the Cornell Farmworker Program at Cornell University. Interviews and focus groups lasted approximately one hour each and took place most often on the farms on which participants operate or are employed, and occasionally by phone, due to the COVID-19 pandemic. Interviews with intermediary agency staff were conducted in secure locations at industry conferences. All interviews were voice recorded with participant permission and then transcribed. Interviews were then coded and analyzed using Dedoose software (version 9.0.54). Drawing on these varied primary sources, we demonstrate the ways that the media portrayal of the H-2A Program differs from the experiences of those most directly engaged in the program, specifically when

³ Although what counts as a small, moderate, or large farm can vary with region and commodity and is not an exact measure, it is generally accepted that smaller farms gross less than US\$250,000–US\$300,000, and often realize sales of only a few thousand dollars (Guptill & Welsh, 2014).

considering their level of interaction with workers on the ground.

What Are Politicians Saying About the H-2A Program and FWMA?

In our analysis of political media content, we looked for common themes regarding the H-2A Program and FWMA.⁴ In most accounts, we found bipartisan political support for the H-2A Program among prominent Republican and Democratic national leadership (Hoard's Dairyman, 2021; Nepal, 2021). This support was justified largely through two arguments: a lack of willing and legal domestic labor, and concerns about national food security (Mejia, 2021; Sewell, 2021). Opinions began to diverge on partisan lines concerning the intricacies of the FWMA, with many conservative members of Congress expressing reservations related to immigration reform (Davies, 2021; Donovan-Smith, 2021). This is a particularly interesting dynamic as the constituencies of many conservative members of Congress are made up of rural farmers currently excluded from the program and/or desperately seeking a stable labor force via program reform (Schulte & Pitt, 2021). In this section we look at how politicians discuss the program and the proposed reforms in national and local media.

National Food Security

Our media analysis revealed that among politicians, national food security is ubiquitous as a justification for the program. After visiting with farmers in his state, Senator Mitt Romney (R-UT) stated, “People here face some tough times—they just can’t get labor … but the government slows down the process, makes it hard to hire workers … If we can’t have workers, we’re not going to be able to feed our own people” (Mejia, 2021, para. 14). Similarly, in a conversation between Congressman Dan Newhouse (R-WA) and Congressman Glenn Taylor (R-WA), Congressman Taylor said, “This isn’t a money problem. This is a labor problem, and that’s a food security issue” (Newhouse, 2021, para. 10). Democratic Senator Dick Durbin (D-IL),

in his statement at the opening address of a Senate Judiciary Committee hearing on the Act, explained, “During this pandemic, we’ve all been forced to face the reality that our food supply chain depends to a great extent on the labor of immigrants” (Dick Durbin United States Senator Illinois Newsroom, 2021, para. 3). He added that, “When we debate legislation like the Farm Workforce Modernization Act, what we’re really debating is the future of America and particularly rural America” (Dick Durbin United States Senator Illinois Newsroom, 2021, para. 11). On both sides of the aisle, national food security is central to the discussion of and justification for the new bill.

Calls for Immigration Reform

Despite widespread, bipartisan support for the H-2A Program, our media analysis showed that the specific changes proposed by the FWMA are still contentious among politicians. Conservative criticisms of the FWMA are related to changes to immigration policy. Many conservative politicians recognize the importance of this bill to meet the needs of their rural constituency, but oppose the bill based on the inclusion of an eight-to-14-year pathway to permanent residency and citizenship, which they perceive as “amnesty,” for legal, H-2A immigrant workers. These politicians demand that the border be “secured” prior to supporting an H-2A Program reform bill (Davies, 2021; Donovan-Smith, 2021; Kealey, 2021; Shike, 2021). To this point, Senator Lindsey Graham (R-SC) stated, “You don’t give amnesty and hope people won’t keep coming. … You secure the border, then you provide legal status. We’re doing it ass backwards” (Donovan-Smith, 2021, para. 15). Similarly, Senator Charles Grassley (R-IA) said, “I don’t see this [Biden] administration wanting to reverse their open-border policy, and that is going to make it very hard to get 60 votes in the United States Senate to get anything done” (Kealey, 2021, para. 9). Senator John Kennedy (R-LA) commented, “We’re not going to change the immigration laws, and, more specifically, pass amnesty [referring to the FWMA] until we get control of the border”

⁴ While there is also much media coverage on violations to H-2A regulations and vaccine requirements, those topics are not the direct focus of this policy analysis and will not be covered extensively here.

(Boyanton, 2021, “Reconciliation Option,” para. 2). It remains unclear what a “secure border” would mean, or the conditions by which these senators view immigration as justified.

As described above, while overall support for the H-2A Program is strong across political parties—based on the recognized need for a legal immigrant workforce to satisfy labor needs and ensure national food security via protecting U.S. agricultural viability—there is not universal support for related legislation to alter the H-2A Program. While proposed alterations to the program are considered meager by many, including some of the moderate-sized farmers and workers we interviewed, as well as some labor advocates, the FWMA remains contentious among most Republican senators.⁵ The rejection of the bill comes from concerns about what an expanded H-2A Program would mean for “border security.” Yet, few tangible recommendations to improve the bill have been advanced.

What Are Growers and Grower Advocacy Groups Saying About the H-2A Program and FWMA?

While the H-2A Program has come under fire from right-wing media outlets and politicians for enabling immigrants to “steal jobs,” farmers are acutely aware of the inability to find domestic labor to meet their needs, despite the labor force of approximately 16 million Americans who remain jobless (Binder, 2021). Both our media analysis and interviews with farmers revealed the ubiquity of the lack of domestic-born farmworkers available under current conditions. *The Guardian* recently published a series with an article entitled, “It’s Five Years Since a White Person Applied: The Immigrant Workforce Milking America’s Cows” (Sewell, 2021). Similarly, an article in the *Associated Press* titled, “Rural Population Losses Add to Farm and Ranch Labor Shortage,” reflected on 2020 U.S. Census data (Schulte & Pitt, 2021). Decreases in

the U.S. rural population, such as those reported in the latest census, are not a new phenomenon (Cromartie, 2017; Goetz & Debertin, 1996; Henderson, 2021; Johnson & Lichter, 2019) and continue to affect farmers’ ability to find a regular and experienced workforce. The H-2A Program has long been a release valve for these labor acquisition struggles.

Here, we examine the differences in grower perspectives on the H-2A Program and FWMA between moderate-sized farmers and farmers as portrayed by media sources. As articulated above, regardless of who is speaking, growers are generally supportive of the H-2A program, based on a lack of other viable labor options. In interviews, we found that farmers’ concerns with the program and their representation in decision-making spaces are very different from the concerns and voices represented by media coverage. We argue that such media highlights the perspectives of farmer advocacy groups, which are more focused on broader policy changes, as compared to the day-to-day concerns of farmers on the ground. In the next section we highlight the voices of moderate-sized farmers from New York State who utilize the program, looking at how their viewpoints contrast with the dominant narratives amplified by local and national media.

On the Ground: Farmer Perspective

We conducted farmer interviews with moderate-sized specialty crop farmers across New York State. Specialty crop workers made up 76% of all national H-2A workers in 2019 (Castillo et al., 2021), and most specialty crop farmers using the H-2A Program are moderate-sized operations (Minkoff-Zern et al., 2022; U.S. Department of Labor [US DOL], n.d.).⁶ Eighty percent of these farms hire fewer than 50 workers per season, with 63% of farms hiring fewer than 25 workers per season (Minkoff-Zern et al., 2022). This sample of interviews with moderate-sized specialty crop

⁵ We highlight the voices of Senators in this analysis given that during the time period of our research, the FWMA was being debated in the Senate and not in the House of Representatives.

⁶ In our previous research (Minkoff Zern et al., 2022), we used the term “horticulture” instead of “specialty crop,” reflecting terminology often used in the field of rural sociology. In this article we use the term “specialty crop,” as it is a more broadly understood term that encompasses fruit and vegetable growers.

farmers therefore represents the most common type of farmers using the H-2A program.

As compared to political narratives that draw on national food security to justify H-2A Program reform, the farmers we interviewed articulated that the institutionalized and politicized natures of the program were the real threats to their productivity and security. Farmers argued that farm instability and insecurity manifest in the forms of politicized immigration debates, high program costs and low profit margins for farmers, and the bureaucratic nature of the program.

Some farmers we interviewed noted the effects that politicized immigration debates have on their ability to access labor. An orchardist noted, “You have no clue where your labor force is going. What kind of regulation is coming up. You have to keep your toe in all the different waters.” A vineyardist also stated,

I see issues with the H-2A Program, for no good reason, getting mingled up in national politics regarding immigration ... even though it's really an indispensable program. I'm afraid it won't be able to stay totally free of that. So, I see that as a potential problem. There are politicians who love to talk about, you know, jobs for Americans, and point attention ... reflecting these programs in a negative light. When the reality is that there is absolutely no viable alternative. So, I do worry about national politics creeping in and making things more complicated.

Additionally, many farmers commented on the ways that the bureaucratic nature of the H-2A Program, during both the hiring process and the growing season, is an additional barrier to the program to meeting their labor needs. Another orchardist shared,

I have to document, document, document everything in really ridiculous detail. When I prepped for my first audit, I spent days copying all these documents and getting all the stuff organized. And then it still wasn't enough. ... H-2A—I've got to do even more. You know, your long day gets even

longer. The amount of record-keeping is onerous.

A vegetable farmer similarly said, “H-2A has become expensive. It's a hassle and now everybody, you have to have expertise in that. In navigating the system as well. That's something your average farmer doesn't know how to do.” For moderate-sized farmers, who make up the majority of H-2A Program users, the day-to-day viability of the program, including cost, access to workers, and paperwork, is of greatest concern. This differs drastically from the narrative of many politicians, who focus on more abstract concepts such as national food security and immigration reform. And as we discuss in sections below, farmer perspectives contrast with those of intermediaries as well.

Media Perspective: Grower Advocacy Groups

While our interviews focused on moderate-sized farms, who are the majority of users of the H-2A program, much of the media coverage highlights grower advocacy groups as a proxy for farmer perspectives. These groups represent a diverse array of farms, yet the work of these groups often occurs within policy spheres, with a level of physical and intellectual distance from functioning farms that arguably leads to an oversimplified understanding of the needs of H-2A Program users. Grower advocacy groups overwhelmingly support the program and the FWMA as the best option for agricultural labor access. Over 300 groups of producers, including the Western Growers Association, the National Council of Agricultural Employers, the National Milk Producers Federation, and the National Pork Producers Council, among many others, have expressed support for reforms to the H-2A Program and the passing of FWMA, asserting that it is essential to producers' economic stability (National Council of Farmer Cooperatives, 2019; Shike, 2021).

Many farms represented by these groups currently do not have access to the H-2A Program due to the seasonal labor requirements of the program. These grower groups strongly advocate passing the FWMA, which would facilitate year-round H-2A labor access (Dumas, 2021; Sorenson et al.,

2021). This proposal is somewhat ironic, as the seasonal nature of agriculture is the very reason the H-2A Program has been justified to operate as long as it has (Garcia, 2014; Shaver, 2009). The particular vulnerabilities of H-2A workers have been generally overlooked by the American public and even most labor activists, due in part to the workers' temporary status. These vulnerabilities include limitations in movement and employment opportunities, including options to switch employers, receive overtime pay, seek legal support without fear of impact on employment, and be rehired (contingent on visa renewal). Yet, with the proposed expansions through the FWMA, most labor protections and privileges would still be lacking, while workers would become further entrenched as both laborers and residents in the U.S.

An opinion piece co-authored by eight large meat-production and -processing associations was recently published in the agricultural industry publication, *Agri-Pulse*, titled "Tough Immigration Conversations Needed to Help Keep Meat and Poultry on Grocery Store Shelves." The authors wrote, "Bringing nutritious and affordable animal protein to the plates of consumers requires a strong, efficient supply chain—and that supply chain is hindered by the lack of access to a skilled, reliable workforce for agricultural and food processing operations across the country" (Sorenson et al., 2021, para. 1). Producers who do not have broad access to the program based on the current requirement of seasonality include dairy, pork, mushrooms, and some greenhouses (Lahoud, 2021; Mulhern, 2021; Shike, 2021).

This narrative of ensuring national food security, while not acknowledging the specific impacts of the program on moderate-sized farmers or laborers themselves, draws directly from the ways that political and advocacy groups promote the H-2A Program in the media and other public spheres. Such farmer advocacy groups point to bipartisan support of the H-2A as *justification* for decisions, despite politicians not being directly affected by program changes. For example, the National Milk Producers Federation recently released a statement stating, "Recent history shows bipartisan support for farm workforce legislation that addresses the needs of producers and farmworkers. It is critical

that the government continues to build on these bipartisan efforts to create a system that provides secure, legal employment" (Hoard's Dairyman, 2021, para. 5).

Our analysis shows that the experiences and opinions of on-the-ground farmers differ substantially from the narratives of grower advocacy groups. Farmers, and especially moderate-sized farmers, are concerned largely with their own economic survival and focusing on their day-to-day experiences, such as the expense of the program, the complexity of paperwork and regulation, and the political vulnerability of working with immigrant populations. While all farms may be affected, the literature reveals that moderate-sized farms likely receive the brunt of these burdens, as many of these concerns can be more easily absorbed or outsourced by larger-scale farms (Bekkerman et al., 2019; Hoppe, 2015; Lyson et al., 2008). Meanwhile, advocacy groups' opinions tend to mirror that of politicians and intermediary agents, advocating for the cheapest and most widely available labor pool possible. These groups draw on consumer fears regarding national food security and the rising cost of food if the H-2A Program is not reformed.

What Are Intermediaries Saying About the H-2A Program and FWMA?

Intermediary agents are contracted privately by farmers to help them navigate the complex application and recruitment processes necessary to use the H-2A Program. Similar to politicians and grower advocates, intermediary agents discussed the necessity of program reform to guarantee long-term national food security and independence. Despite the fact that their profession benefits from the bureaucratic nature of the program, they also empathized with many farmers over the struggles they experience, such as unwieldy paperwork and high costs. Although some intermediaries' interviews reflected an awareness of farmers' reality, a continued emphasis on national food security reflects the ways that politicians and grower advocacy groups' voices, rather than on-the-ground farmers or farmworkers, often dominate the stories used to justify how such policies are presented in popular media. In contrast, intermediaries' views of the immigration process were more pragmatic than

political, as intermediaries work to recruit workers directly, which influences their understanding of labor availability abroad.

One agent we interviewed works for one of the largest H-2A recruitment agencies in the U.S. They are based in Texas and recruit workers directly from Mexico. When we asked her about the proposed changes to the H-2A Program, she responded in reference to the threat to U.S. food security and independence:

The government has to do something to streamline it, to modernize it [the H-2A Program]. If they don't, a lot of these farms, they're going to go out of business. And we're going to end up buying a lot of fruit from China. I mean it really does come to that.

Another agent, based in New York State, made a similar argument while discussing the physically demanding nature and increased costs of agricultural production in the U.S.:

I see the H-2A Program burning and crashing if there aren't changes in it. I don't know what we're going to do for food. We may end up importing it. ... I can say that the program is getting so expensive that eventually it's going to exceed the cost of production. And once that gets to that point ... unless there's some other way that farmers can get their labor, I don't see us farming in the U.S. Not seasonal farms.

Similarly to politicians, intermediary agents drew upon the discourses of national food security and international competition as a way to justify broadening the program. In addition, intermediaries commented on changes necessary to make the program more sustainable, noting the financial, regulative, and paperwork burdens on farmers. One intermediary said,

The process itself, like the application itself, everything they have to go through that the Department of Labor and United States Citizen and Immigration Services. And then all the audits. I mean there has to be a way to simplify

things. There really does. I don't know, they [government agencies] have a mentality that, you know, they almost treat them [farmers] like criminals. (laughs) When they're actually trying to do right by, by everything. They're trying to do things legally. They're not hiring illegals.

Another intermediary agent similarly stated,

The overall cost of the program. Not just the adverse effect wage rate, but the entire cost. And more flexibility and less bureaucracy. There are so many rules that the farmers have to follow and they're so complicated that they have to hire an agent in order to get them through the process. Simplicity of the program. Simplify it. Make it easier.

By emphasizing the H-2A Program as the route to national food security, this labor structure necessitates intermediaries' continued involvement by further institutionalizing existing labor relations, adding additional burdens to farmers while directly profiting from that burden. Intermediaries' bridged experience between multiple program actors allows them to recognize the detrimental impact that the current operation of the program can have, especially on moderate-sized farmers. Yet they still have a vested interest in the recruiting, hiring, and regulatory processes of H-2A remaining complex, as their ability to profit from the program depends on it.

What Are Workers Saying About the H-2A Program and FWMA?

Although workers are directly affected by any changes to the H-2A Program, including changes proposed in the FWMA, their perspectives are not often seriously considered by policymakers. This is reflective of their relative power in U.S. agricultural decision-making spaces (Brown & Getz, 2008; Clapp, 2021; Gray, 2013). Criticisms of the H-2A Program mentioned by interviewees include the inability for workers to move from farm to farm, communication difficulties with employers based on language differences, the instability of employment due to longer-term work arrangements determined solely by employers' desires, violations of

housing or work contracts, and discrimination, at times leading to dangerous situations in communities where workers live in the U.S.

The majority of worker membership-based organizations, including Food Chain Workers Alliance, *Familias Unidas por La Justicia*, the Workers Center of Central New York, *Alianza Agrícola*, *Comité de Apoyo a los Trabajadores Agrícolas*, the Farmworker Association of Florida, Justicia for Migrant Workers, and Migrant Justice, oppose the FWMA or any expanded version of the H-2A program. These FWMA-opposing worker organizations focus on organizing workers at a regional level. In a petition supported by these groups and others, titled “Oppose the Farm Workforce Modernization Act of 2021,” they point out that the bill creates a complicated and limited pathway to citizenship that does not include all farmworkers who labored through the COVID-19 pandemic, makes e-verify mandatory in agriculture, and does not provide workers with a right to organize and collectively bargain without fear of retaliation (The Action Network, n.d.).⁷ In addition to such criticisms listed in the petition, worker advocacy groups also highlight that the act lacks several features desired by workers: a path to green cards for current farmworkers, increased regulations to ensure fair wages, accountability for farm labor contractors, and an accessible grievance process for workers (The Action Network, n.d.; Nateras, 2021; National Farm Worker Ministry, 2021).

Additionally, workers and worker advocacy groups are aware of the worker hierarchy created by the program, which is amplified by proposed changes. For example, despite decades of propping up labor needs for domestic agriculture and supporting national food security, undocumented workers are not eligible for an H-2A visa (Nateras, 2021). One worker we interviewed remarked on this double standard for undocumented workers already in the U.S., saying, “The big problem that I see with this H-2A visa is that many people could possibly have the opportunity, but they have already been here. The opportunity is lost.”

Despite the overwhelming criticism of the policy from worker organizations, two organizations

that have prominent policy foci, Farmworker Justice and the United Farm Workers (UFW), support the bill, as it provides a more regulated and legal option for farmworkers (Farmworker Justice, n.d.; Sherman, 2021). Similarly to the grower advocates’ perspectives described above, the focus of these groups on policy, versus direct organization with workers, seem to shape their opinions on the FWMA. These groups argue that the act provides a realistic route to bringing positive changes for farmworkers, in contrast to the status quo (Farmworker Justice, n.d.; Fu, 2021). In contrast, other worker groups are not willing to compromise on this bill. The political director at *Familias Unidas por La Justicia* expressed, “I’d rather fight for something I believe in and lose, than pass something that’s going to be hurtful” (Fu, 2021, para. 23).

Conclusion

Any changes to the H-2A Program will be enormously consequential for agriculture in the United States. As we have discussed, nuanced viewpoints on the H-2A Program and the FWMA result from a variety of positions among affected agricultural actors. Politicians across the political spectrum support the H-2A Program, as it fulfills the labor needs of their constituents, many of them drawing on discourses of national food security. Yet, the reforms outlined in the FWMA are more broadly supported by Democrats than Republicans in the Senate, with concerns about immigration reform blocking bipartisan support.

We have found that grower perspectives on the H-2A Program and FWMA reforms are largely dependent on the level of direct interaction they have with workers. National-level grower advocacy groups, whose leaders are more removed from the day-to-day functions of farming, especially compared to producers operating moderate-sized farms, broadly support the new bill, arguing for easier access to labor, particularly for year-round production sectors. Their sweeping promotional statements miss the concerns expressed by farmers on the ground. In contrast, issues highlighted by moderate-sized farmers include program cost, paperwork, and labor stability, while national food

⁷ E-verify is an online system that can track the identity and legal employment eligibility of worker in the United States.

security was not seen as most pertinent to the program's function and/or potential reform. Intermediaries recognize some of the trials of moderate-sized farmers but actively benefit from continued business opportunities due to the bureaucratic nature of the program. Finally, worker advocacy groups' level of support is also moderated by their level of direct interaction with workers. Regional worker groups generally oppose the FWMA, while policy-focused groups share similar opinions with grower advocacy groups on this issue.

While arguments across levels of direct worker interaction may be concerned about national food security and immigration reform broadly, what is meant by these terms is not universal. Politicians, grower advocacy groups, and intermediaries' notions of these concepts include unimpeded access to cheap, reliable labor. Yet a more regional and systems-based definition of food security, as suggested by food systems scholars, contrasts with this understanding. A broader understanding of food security—one focused on protecting moderate-sized farms' viability and preventing further concentration of the agricultural sector—provides opportunities for more just food systems to emerge (Burmeister & Tanaka, 2017; Clapp, 2021; Friesner, 2016; Hauter, 2012; Huber, 2020; Smaje, 2020).

Farmworker advocates at the grassroots level make arguments for more inclusive reforms, including pathways to citizenship for all agricultural

workers, not just those involved in H-2A (Nittle, 2021), and immediate green cards for farmworkers who have been essential to maintaining food production throughout the COVID-19 pandemic.

Given that the FMWA includes a pathway to citizenship for H-2A workers, although an extremely limited one, we recommend that this policy include all former and current farmworkers, including those who are undocumented. Discourses on national food security and immigration reform, as seen through our media analysis, do not include farmer and worker vulnerabilities on the farm level. Some of these vulnerabilities that could be addressed, such as the ability of workers to organize, the creation of responsive and protective grievance boards for farmworkers, and the ability of farmworkers to switch employers, are not included in the FWMA. By listening more closely to the voices of those most directly affected by guestworker programs, namely, workers and farmers on the ground, policymakers could best prioritize the long-term viability of a diverse agricultural system, especially regarding the ongoing need for more just and sustainable farm labor relations.



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References

Action Network, The. (n.d.). *Oppose the Farm Workforce Modernization Act of 2021*. Food Chain Workers Alliance. Retrieved February 16, 2022 from <https://actionnetwork.org/letters/oppose-the-farm-workforce-modernization-act-of-2021>

Actions – H.R.1603 – 117th Congress (2021-2022): Farm Workforce Modernization Act of 2021. (2021, March 22). <https://www.congress.gov/bill/117th-congress/house-bill/1603/actions>

Bustillo, X. (2022, July 18). The Senate is nearing a deal on immigration that could also lower food prices. *National Public Radio*. https://www.npr.org/2022/07/18/1111768365/immigration-bill-food-prices-farmers-h-2a-visas-republicans?fbclid=IwAR2jeQ5u_ehBU9lmC9jpH6eB_5JQG2wDlcq3lLWB1S1eqmq6mVED3Wdv66E

Bekkerman, A., Belasco, E. J., & Smith, V. H. (2019). Does farm size matter? Distribution of crop insurance subsidies and government program payments across U.S. farms. *Applied Economic Perspectives and Policy*, 41(3), 498–518. <https://doi.org/10.1093/aapp/pwy024>

Binder, J. (2021, July 22). Big business lobby: Amnesty for illegal aliens 'absolutely vital' to U.S. *Breitbart*. <https://www.breitbart.com/politics/2021/07/22/big-business-lobby-amnesty-for-illegal-alien-absolutely-vital-to-u-s/>

Boyanton, M. (2021, July 23). Senate Democrats weigh farm immigration overhaul skipping GOP. *Bloomberg Government*. <https://about.bgov.com/news/senate-democrats-weigh-farm-immigration-overhaul-skipping-gop/>

Brown, S., & Getz, C. (2008). Privatizing farm worker justice: Regulating labor through voluntary certification and labeling. *Geoforum*, 39(3), 1184–1196. <https://doi.org/10.1016/j.geoforum.2007.01.002>

Burmeister, L. L., & Tanaka, K. (2017). Fair labor practices in values-based agrifood supply chains?. *Journal of Agriculture, Food Systems, and Community Development*, 7(3), 17–22. <https://doi.org/10.5304/jafscd.2017.073.019>

Castillo, M., Simmitt, S., Astill, G., & Minor, T. (2021). Examining the growth in seasonal agricultural H-2A labor (Economic Information Bulletin Number 226). U.S. Department of Agriculture Economic Research Service. <https://www.ers.usda.gov/webdocs/publications/102015/eib-226.pdf?v=1074.7>

Clapp, J. (2021). The problem with growing corporate concentration and power in the global food system. *Nature Food*, 2, 404–408. <https://doi.org/10.1038/s43016-021-00297-7>

Cromartie, J. (2017, September 5). Rural areas show overall population decline and shifting regional patterns of population change. *Amber Waves*. <https://www.ers.usda.gov/amber-waves/2017/september/rural-areas-show-overall-population-decline-and-shifting-regional-patterns-of-population-change/>

Davies, S. (2021, July 22). Vilsack, GOP senators tangle over farm workforce bill. *Agweek*. <https://www.agweek.com/news/government-and-politics/7122903-Vilsack-GOP-senators-tangle-over-farm-workforce-bill>

Dedoose. (YEAR). *Dedoose*, version 9.0.54 [Software]. <https://www.dedoose.com/>

Dick Durbin United States Senator Illinois Newsroom. (2021, July 21). *Durbin delivers opening statement at hearing on need for path to citizenship for immigrant farmworkers* [Press release]. <https://www.durbin.senate.gov/newsroom/press-releases/durbin-delivers-opening-statement-at-hearing-on-need-for-path-to-citizenship-for-immigrant-farmworkers>

Donovan-Smith, O. (2021, July 21). Agriculture secretary, Idaho-Oregon farmer urge Senate panel to fix ‘broken’ immigration system. *The Spokesman Review*. <https://www.spokesman.com/stories/2021/jul/21/agriculture-secretary-idaho-oregon-farmer-urge-sen/>

Dumas, C. R. (2021, July 14). House amendment aims at year-round guestworker access. *Capital Press*. https://www.capitalpress.com/nation_world/agriculture/house-amendment-aims-at-year-round-guestworker-access/article_2693ab36-e4f1-11eb-bfe3-77987aebb2c.html

DuPuis, E. M. (2002). *Nature's perfect food: How milk became America's drink*. NYU Press.

Ebata, A., Nisbett, N. and Gillespie, S., (2021). Food systems after Covid-19. *IDS Bulletin*, 52(1), 73–94. <https://doi.org/10.19088/1968-2021.107>

Farmworker Justice. (n.d.). *Farmworker Justice statement on the passage in the House of Representatives of the Farm Workforce Modernization Act, HR 5038*. Retrieved January 19, 2022 from <https://www.farmworkerjustice.org/blog-post/farmworker-justice-statement-on-the-passage-in-the-house-of-representatives-of-the-farm-workforce-modernization-act-hr-5038/>

Friesner, J., & INFAS Co-creators of the Statement on Equity in the Food System. (2016). Labor in the food system: A view from INFAS. *Journal of Agriculture, Food Systems, and Community Development*, 6(2), 25–27. <https://doi.org/10.5304/jafscd.2016.062.023>

Fu, J. (2021, March 23). The House approved a pathway to citizenship for farm workers. Why do some farm workers oppose it? *The Counter*. <https://thecounter.org/farm-workforce-modernization-act-citizenship/>

Garcia, P. (2014). Documenting and classifying labor: The effect of legal discourse on the treatment of H-2A workers. *Archival Science*, 14, 345–363. <https://doi.org/10.1007/s10502-014-9230-4>

Goetz, S. J., & Debertin, D. L. (1996). Rural population decline in the 1980s: Impacts of farm structure and federal farm programs. *American Journal of Agricultural Economics*, 78(3), 517–529. <https://doi.org/10.2307/1243270>

Gray, M. (2013). *Labor and the locavore: The making of a comprehensive food ethic*. University of California Press. <https://doi.org/10.1525/9780520957060>

Guptill, A., & Welsh, R. (2014). The declining middle of American agriculture: A spatial phenomenon. In C. Bailey, L. Jensen, & E. Ransom (Eds.), *Rural America in a globalizing world: Problems and Prospects for the 2010s* (pp. 36–50). West Virginia University Press.

Hahamovitch, C. (1997). *The fruits of their labor: Atlantic Coast farmworkers and the making of migrant poverty, 1870-1945*. University of North Carolina Press. https://doi.org/10.5149/9780807899922_hahamovitch

Hauter, W. (2012). *Foodopoly: The battle over the future of food and farming in America*. The New Press.

Henderson, T. (2021, August 10). Shrinking rural America faces state power struggle [Blog post]. *Stateline*. The Pew Charitable Trusts. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/08/10/shrinking-rural-america-faces-state-power-struggle>

Hoard's Dairyman. (2021, July 29). NMPF statement on appropriations language allowing dairy farmer participation in H-2A Program. <https://hoards.com/article-30646-nmpf-statement-on-appropriations-language-allowing-dairy-farmer-participation-in-h-2a-program.html#dComments>

Hoppe, R. A. (2015, February 2). Profit margin increases with farm size. *Amber Waves*.
<https://www.ers.usda.gov/amber-waves/2015/januaryfebruary/profit-margin-increases-with-farm-size/>

Holmes, S. M. (2013). *Fresh fruit, broken bodies: Migrant farmworkers in the United States*. University of California Press.

Huber, A. G. (2020). "Let us be small": A case study on the necessity for intentionally small producers. *Journal of Agriculture, Food Systems, and Community Development*, 10(1), 269–272. <https://doi.org/10.5304/jafscd.2020.101.032>

Jarosz, L. (2011). Defining world hunger: Scale and neoliberal ideology in international food security policy discourse. *Food, culture & society*, 14(1), 117–139. <https://doi.org/10.2752/175174411X12810842291308>

Jarosz, L. (2014). Comparing food security and food sovereignty discourses. *Dialogues in Human Geography*, 4(2), 168–181. <https://doi.org/10.1177/2043820614537161>

Johnson, K. M., & Lichter, D. T. (2019). Rural depopulation: Growth and decline processes over the past century. *Rural Sociology*, 84(1), 3–27. <https://doi.org/10.1111/ruso.12266>

Kealey, K. (2021, July 29). Grassley, Vilsack talk labor challenges within food, agriculture industry. *Carroll (Iowa) Times Herald*. https://www.carrollspaper.com/news/grassley-vilsack-talk-labor-challenges-within-food-agriculture-industry/article_a8f4be80-f036-11eb-b97e-cfb7b91ed672.html

Lahoud, R. G. (2021, November 16). Labor shortage continues to affect the Pennsylvania mushroom industry: Are American immigration laws to blame? *The National Law Review*. <https://www.natlawreview.com/article/labor-shortage-continues-to-affect-pennsylvania-mushroom-industry-are-american>

Lyson, T. A., Stevenson, G. W., & Welsh, R. (Eds.). (2008). *Food and the mid-level farm: Renewing an agriculture of the middle*. MIT Press. <https://doi.org/10.7551/mitpress/9780262122993.001.0001>

Martin, P. (2020, July 10). *Mexican Braceros and US farm workers* [Blog post]. Wilson Center Farm Labor & Rural Migration News Blog. <https://www.wilsoncenter.org/article/mexican-braceros-and-us-farm-workers>

Martin, P. (2021, June 21). *The H-2A Program in 2021*. Wilson Center.
<https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/The%20H2AProgramin2021.pdf>

Mejia, G. (2021, July 23). Sen. Romney meets with Utah farmers to address critical worker shortage. *KSL TV*.
<https://ksltv.com/469283/sen-romney-meets-with-utah-farmers-to-address-critical-worker-shortage/>

Minkoff-Zern, L.-A., Dudley, M. J., Zoodsma, A., Walia, B., & Welsh, R. (2022). Protracted dependence and unstable relations: Agrarian questions in the H-2A visa program1. *Journal of Rural Studies*, 93, 43–54.
<https://doi.org/10.1016/j.jrurstud.2022.05.006>

Mitchell, D. (2012). *They saved the crops: Labor, landscape, and the struggle over industrial farming in bracero-era California*. University of Georgia Press.

Mulhern, J. (2021, July 14). NMPF statement on appropriations language allowing dairy farmer participation in H-2A Program. National Milk Producers Federation (NMPF). <https://www.nmpf.org/nmpf-statement-on-appropriations-language-allowing-dairy-farmer-participation-in-h-2a-program/>

National Research Council. (2003). *Frontiers in agricultural research: Food, health, environment, and communities*. National Academies Press.

Nateras, M. M. (2021, June 11). *California orgs working with farmworkers oppose the Farm Workforce Modernization Act*. American Friends Service Committee.
<https://www.afsc.org/story/california-orgs-working-farmworkers-oppose-farm-workforce-modernization-act>

National Council of Farmer Cooperatives [NCFC]. (2019, November). *Over 300 farm groups, cooperatives and agribusinesses urge House to move Farm Workforce Modernization Act forward*. National Council of Farmer Cooperatives.
<http://ncfc.org/press-release/300-farm-groups-cooperatives-agribusinesses-urge-house-move-farm-workforce-modernization-act-forward/>

National Farm Worker Ministry [NFWM]. (2021, March 16). *Action alert! Farm Workforce Modernization Act*. National Farm Worker Ministry. <https://nfwm.org/action-alerts/farm-workforce-modernization-act-act-now/>

Nepal, S. (2021) *Primer: Evolution of the H-2A Visa Program*. Bipartisan Policy Center.
<https://bipartisanpolicy.org/explainer/primer-h2a-visa/>

Newhouse, D. (2021, August 13). Labor needs loom large in Central Washington. *Columbia Basin Herald*.
<https://columbiabasinherald.com/news/2021/aug/13/labor-needs-loom-large-central-washington/>

Newman, E. (2018). *No way to treat a guest: Why the H-2A Agricultural Visa Program fails U.S. and foreign workers* [Technical Report]. Farmworker Justice. <https://www.farmworkerjustice.org/wp-content/uploads/2012/05/7.2.a.6-No-Way-To-Treat-A-Guest-H-2A-Report.pdf>

Nittle, N. (2021, April 5). A path to citizenship is on the horizon for undocumented farmworkers. *Civil Eats*.
<https://civileats.com/2021/04/05/a-path-to-citizenship-is-on-the-horizon-for-undocumented-farmworkers/>

Schulte, G., & Pitt, D. (2021, August 15). Rural population losses add to farm and ranch shortage. *Associated Press*.
<https://apnews.com/article/census-2020-farm-ranch-labor-business-83107b136c2c92b6c4b7830b12f5bd96>

Sewell, S. (2021, July 25). It's five years since a white person applied?: The immigrant workforce milking America's cows. *The Guardian*. https://www.theguardian.com/environment/2021/jul/25/its-five-years-since-a-white-worker-applied-the-immigrants-milking-americas-cows?CMP=Share_iOSApp_Other

Shaver, J. (2009). Obama Administration changes to H-2A Visa Program: A temporary fix to a permanent problem. *Georgetown Immigration Law Journal*, 24, 97. <https://www.law.georgetown.edu/immigration-law-journal/>

Sherman, J. (2021, March 18). *UFW & UFW Foundation hail passage of landmark immigration bills 'emancipating' farm workers and Dreamers and TPS recipients*. United Farm Workers. <https://ufw.org/fmwa31821/>

Shike, J. (2021, March 4). Farm Workforce Modernization Act of 2021: A step in the right direction. *Farm Journal's Pork*.
<https://www.porkbusiness.com/news/ag-policy/farm-workforce-modernization-act-2021-step-right-direction>

Smaje, C. (2020). *A small farm future: Making the case for a society built around local economies, self-provisioning, agricultural diversity and a shared earth*. Chelsea Green Publishing.

Sorenson, J., Shultz, S., Jones, S., Bohn, J., Brandenberger, J., Potts, J. A., Barlow, R., & Gregory, C. (2021). Opinion: Tough immigration conversations needed to help keep meat and poultry on grocery store shelves. *Agri-Pulse*.
<https://www.agri-pulse.com/articles/16328-opinion-tough-immigration-conversations-needed-to-help-keep-meat-and-poultry-on-grocery-store-shelves>

Text – H. R. 1603 – 117th Congress (2021-2022): Farm Workforce Modernization Act of 2021. (2021 Mar 22).
<https://www.congress.gov/bill/117th-congress/house-bill/1603/text>

U.S. Department of Labor [US DOL]. (n.d.). *Performance data, H-2A 2019*. Office of Foreign Labor Certification. Retrieved July 2021 from <https://www.dol.gov/agencies/eta/foreign-labor/performance?CFID=67659519&CFTOKEN=33701919>

van der Ploeg, J. D. (2020). From biomedical to politico-economic crisis: The food system in times of Covid-19. *The Journal of Peasant Studies*, 47(5), 944–972. <https://doi.org/10.1080/03066150.2020.1794843>

Weiler, A. M., Sexsmith, K., & Minkoff-Zern, L.-A. (2020). Parallel precarity: A comparison of U.S. and Canadian agricultural guestworker programs. *The International Journal of Sociology of Agriculture and Food*, 26(2), 143–163.
<https://doi.org/10.48416/ijasaf.v26i2.57>