

Testimony of Shay Myers
Before the U.S. Senate Judiciary Committee
“Immigrant Farmworkers are Essential to Feeding America”
July 21, 2021

I'd like to start by thanking Chairman Durbin, Ranking Member Grassley, and the rest of the distinguished Judiciary Committee for the opportunity to share my experience and speak on an issue that is very important to me. I join you today as a lifelong farmer and a constituent.

This bill isn't about labor shortages and people skipping ahead of the line. This is about the American dream, the American voter, and the viability of an America that allows the dreamer to dream and the voter to create the change they dream of!

I grew up in a very special place called Nyssa, Oregon. It has a population of just 3000, approximately 50% white and 50% Latino. Those Latino folks were almost exclusively from Mexico and arrived in our area, at least originally arrived, as migrant field workers.

When I was in school and my friend's name was Martha or Mario, out of an unspoken cultural love and respect, we called them Martha or Mario. With two different cultures together we ate each other's food, tried to speak each other's native language, and most importantly we worked side-by-side in the fields and on the farms. Admittedly, some of us only did the work for extra spending cash while others did it out of necessity to help their family pay rent and keep the lights on. Regardless of the reason, we understood each other better because of it.

That's why today as a Friend and as a Farmer I am here to add my voice to those of Latino farm workers. These farmworkers come, to the United States from Mexico, for the same reason that my Great-Great Grandparents came from Germany. And for the same reason that yours

might've come from Ireland, Scotland, Poland, Holland, Britain, Russia, Japan, or China. They all come to create a better future for themselves, but especially a better future for their children.

Let's be honest with ourselves, the last 36 years of policies and political failures have led us here. Now is the time to act. It's not ethical, it's not economically viable, and it's not safe to kick this can down the road yet again.

It's not ethical because for at least 2.5 decades we allowed people to cross our southern border and the system allowed them to be employed in the United State. If you found yourself in a place where you were unable to feed and clothe your family would you not make the same decision? It's ALSO not ethical for Congress to fail to act again.

It's not economically viable because America's farms, ranches, and dairies cannot operate their businesses without sufficient labor. This year on our asparagus farm we lost 100% of the seasons profits because we were unable to get domestic labor when Our 36 H2A workers were delayed at the border and arrived 90 days after our date of need. 90 days!! We lost nearly 300,000 pounds of asparagus. I had to go online and give it away to any food pantry or family that was willing to come out and harvest it.

It's not safe because if we can't get workers we can't harvest the crops. If we can't harvest the crops we can't feed YOU. Sure we could switch to mechanized and low labor crops like corn, soy, barley, and wheat, but it's not the best use of our nation's water, soil, and other resources. Besides, do we really need 10 million more acres of corn? America needs to grow and produce what's essential to her survival and fruits and vegetables, not just corn and soy, are basic necessities for a healthy society and economy.

If you want to see the “Canary in the coal mine” when it comes to US vegetable production, let’s look at US asparagus. Acres harvested in the USA has plummeted over 85% in since 2004. California now only has 600 acres of asparagus, as recently as 2004 they had over 25,000. Asparagus is an extremely difficult crop to harvest that requires skill, speed, and long hours spent walking bent over at the waist. Because it is so physically challenging and because labor is so scarce it was the first crop to leave the United States. Since 1994 over 90% of all US asparagus production has left this country. I still grow asparagus, but I can't hold on for much longer if we don’t have a workforce and immigration policy that works!

American voters want fair wages, lower carbon emissions (Paris Accord) and the safest food (FSMA) all grown with as few pesticides as possible. Instead, our vegetable production continues to shift South of the border where workers earn \$8 per day vs the \$150 per day on our farm.

There are no enforced emission standards, if you travel south of the border you will see the smoke and fumes that are allowed to billow from smoke stakes and exhaust pipes.

And don't get me started on food-safety standards, or pesticide use restrictions. While visiting farms in Mexico and Central America I have personally witnessed raw sewage being mixed into irrigation water and pesticides, not allowed in the US for decades, being sprayed on the crops and the people. This is going to sound like hyperbole, but I believe that if we continue on our current trajectory, virtually all vegetable production in the United States will END within a decade.

I strongly urge this committee to take action on the Farm Workforce Modernization Act, which must include Green cards for those that keep America fed and consistent access to labor for farmers through H-2A visas.

The opportunity to Permanent Residency is great. To qualify for Permanent Residency under this legislation workers in agriculture should commit to remaining in agriculture for a certain number of years before they become lawful permanent residents. The Farm Workforce Modernization Act has such a requirement.

I urge USCIS to process H-2A petitions much faster to meet the needs of farmers and I urge Congress to reform the H-2A and H-2B visas to better serve our food supply chain.

The Farm Workforce Modernization Act is one step (many more are desperately needed) in the right direction of ethically right, economically smart, and safe policy.

Thank you all for your time. I look forward to your questions.