

June 19, 2008

Dr. William Carlson
Administrator, Office of Foreign Labor Certification
Department of Labor
Employment and Training Administration
FP Building, Room C-4312, 200 Constitution Avenue NW.,
Washington, DC 20210

Re: Comments re: RIN 1205-AB55, DOL Proposed Regulations

Dear Dr. Carlson,

The organizations listed below submit the following comments regarding the Department of Labor's (DOL) proposal to amend the H-2A guest worker program. While we understand that these comments are being submitted past the open public comment period, we appreciate you taking the time to receive them.

Members of the Rural Voices for Conservation Coalition envision a well-trained workforce with the capacity to support the high-value and skilled work needed to restore and maintain our public lands. This workforce requires fair wages, durable employment, a diversity of jobs, training opportunities, and safe work environments.

Guest forestry workers brought to the United States under the H-2B program are not eligible for basic legal protections afforded agriculture workers under the H-2A program. Unlike H-2A guest workers, H-2B guest workers are tied to a single employer, are not provided with free housing or transportation, have no 3/4 work guarantee, and lack regulatory oversight and enforcement of wages and overtime pay. H-2B forestry workers are often subjected to poor and unsafe working conditions and wage and overtime pay abuses.

Based on the systematic exploitation of forestry guest workers under the H-2B program, classifying logging and forestry work under H-2A sounds like a good idea. However, the Department of Labor's proposed amendment to the H-2A guest worker program (RIN 1205-AB55, DOL Proposed Regulations) alters or eliminates many of the key protections afforded guest workers under the current H-2A program. We've identified the following questions and concerns regarding the DOL's proposal:

- The current labor certification process under the H-2A program requires employers to certify that U.S. workers are not available to perform the work before they may hire a nonimmigrant worker. The DOL proposal replaces the current labor certification process with an attestation process. The attestation process is intended to streamline the procedure for hiring guest workers; however, it is not adequate to ensure compliance regarding the recruitment, wages and working conditions of legal foreign workers.
- There is no cap on the number of guest workers allowed under the H-2A Program. Without a certification process based on actual need and that employment of an additional foreign guest worker will not negatively impact the circumstances of domestic agricultural

workers, we are concerned that employers will be able to flood the market with low paying H-2A forestry jobs resulting in the replacement of domestic worker jobs.

- Classifying logging and forestry work under the H-2A program further institutionalizes this work as unskilled. Logging and forestry work is becoming more and more skilled through automation and sophistication of management.

The DOL proposal states that 53% to as much as 70% of agriculture workers employed in the U.S. are illegal. At its heart, the DOL proposal aims to address the problem of illegal workers by making the H-2A program more attractive to U.S. employers and a more competitive alternative to hiring illegal workers. However, by lowering standards to make the H-2A program more competitive, the proposal undermines current protections for domestic worker jobs and wages and protections for reducing the likelihood that foreign guest workers will be exploited.

Based on these outstanding concerns, we are unable to support the DOL's proposal to classify logging and forestry work under the H-2A guest worker program. We recommend that the DOL revise its current proposal addressing key concerns outlined above and seek additional comments from farm and forest workers who will, ultimately, be affected most by these proposed changes.

Thank you for the opportunity to provide comments on the DOL's proposed amendments to the H-2A program.

Sincerely,

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