

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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June 11, 2012
Start: 10:42 a.m.
Recess: 11:21 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E: JAMES SANDERS, JR.
Chairperson

COUNCIL MEMBERS:
James F. Gennaro
Melissa Mark-Viverito
Michael C. Nelson
Domenic M. Recchia, Jr.
Larry B. Seabrook
Eric A. Ulrich

APPEARANCES (CONTINUED)

Gerardo Gutierrez, Jr.
Rural and Migrant Ministry

Socheatta Meng
New York Civil Liberties Union

Rabbi Michael Feinberg
Greater New York Labor Religion Coalition

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2 CHAIRPERSON SANDERS: This hearing
3 will now come to order. First let me apologize
4 for those who keep up with that stuff, and you
5 will see that there was a fire on the - - on the A
6 train today, a fire. Good morning and thank you
7 for coming. My name is Council Member James
8 Sanders, Jr. and I am the chair of the Committee
9 on Civil Services and Labor. Today we are hearing
10 a resolution submitted by Council Member Rosie
11 Mendez of Manhattan. The pre-considered
12 resolution calls on the New York State Legislature
13 to pass and the Governor to sign into law Assembly
14 A. 6152, Senate 1862 establishing the Farm
15 Worker's Fair Labor Practices Act. Although I
16 don't think there are many farms in my district--
17 although I had one. I had an organic farm in my
18 district for a moment. This Committee serves many
19 purposes. Today it is here to stand for workers
20 who do not receive the same rights as most other
21 workers in this state. Farm Workers have no right
22 to overtime pay. Most of them are not covered by
23 Worker's Compensation Laws. They aren't even
24 entitled to one day off a week, but most striking
25 to me as Chair of Civil Services and Labor is the

1 fact that they are pre—they are exempted fm both
2 federal and state collective bargaining laws,
3 meaning that they cannot organize and bargain
4 collectively with their employers. These are
5 rights as I've said that most everyone who works
6 in this state takes for granted. This resolution
7 calls upon the state to pass farm workers, farm
8 workers fair labor standards act, which is
9 sponsored by Assembly Member Cathy Nolan
10 [phonetic] and the Senator Adriano Espanade
11 [phonetic]. This bill will correct each of these
12 injustices I've mentioned granting farm workers
13 overtime pay, workers compensation, a guaranteed
14 day of rest and the right to organize and
15 collectively bargain. Doesn't that sound a little
16 antiquated? A guaranteed day of rest? Some
17 things come through my Council that are no
18 brainers. And certainly this Committee that's a
19 no brainer. This is one of those times. We have
20 of course been joined by Brooklyn's best Council
21 Member Nelson to my left and to arguably Queen's
22 best, only one argument there. Do you have to
23 choose between a 31st and the 32nd? But today we'll
24 give it to the 32nd, Council Member Ulrich. I
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1 almost said Senator. Let's see. Yes, I must.
2 Thanks to the Committee staff, Matthew Carlin
3 [phonetic], who is counsel and Faith Corbett, our
4 policy analyst. I want to thank both of them for
5 the well done job that they have done. If that's
6 the case, let's see. Hmm.

8 [background conversation]

9 CHAIRPERSON SANDERS: Let's go with
10 our Assembly Member. She wanted to make a
11 statement. Would you be kind enough to read it,
12 sir?

13 MALE VOICE: Statement from
14 Assemblywoman Catherine Nolan to the New York City
15 Council Committee on Civil Service and Labor from
16 Catherine Nolan. Several years ago, I was invited
17 by Reverend Witt [phonetic] of Orange County to
18 see the working conditions that farm workers had
19 to deal with on a daily basis. From this
20 experience I saw the inequalities that these
21 workers face compared to others. These farm
22 workers had no bathroom breaks, no clean drinking
23 water, low wages, no day of rest and most
24 importantly, no ability to collectively bargain.
25 These inequalities have been allowed to continue

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2 in New York State since the 1930s. Several pieces
3 of the New Deal legislation, most notably the
4 Wagner Act, gave labor unions the ability to
5 collectively bargain. This legislation however
6 made exceptions for two distinct groups—domestic
7 servants and farm workers. In 2010, New York
8 state passed legislation giving domestic workers
9 labor protections leaving farm workers as the only
10 group not afforded the same rights. Throughout
11 the years, many opponents of this legislation have
12 argued giving farm workers the ability to unionize
13 would severely hurt the family farms. The
14 agricultural sector in this state; however, has
15 changed drastically moving away from the family
16 farms to much larger agricultural business centers
17 that are able to turn huge profits because of the
18 volume that is produced. A change in state policy
19 about labor protections for farm workers would
20 give farm workers basic human rights. This change
21 in policy would also require farms to pay their
22 fair share and treat their workers with dignity.
23 When I was chair of the Assembly Labor Committee,
24 we passed several pieces of legislation including
25 the right to clean drinking water for farm

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2 workers, which is now law. The final push for
3 additional legislation would be to secure
4 collective bargaining rights so farm workers could
5 negotiate a fair day's wages for a fair days work.
6 This year I introduced A 1652, which would give
7 farm workers access to collective bargaining,
8 overtime pay, worker's compensation and day of
9 rest. The Assembly has passed this very same
10 legislation several times over the past ten years.
11 I would like to thank the City Council for holding
12 this hearing and bringing attention to this
13 important matter that needs to be addressed. We
14 hope that you can join us in the fight to secure
15 the most fundamental human rights for the most
16 forgotten workers in history—farm workers.

17 CHAIRPERSON SANDERS: Please call
18 the first panel. We've been joined by Council
19 Member Rose Mendez—Mark-Viverito, Mark-Viverito,
20 I'm sorry. Not on my best game today.

21 MALE VOICE: Our first panel,
22 Gerardo Gutierrez, Jr., Rural and Migrant
23 Ministry; Socheatta Meng [phonetic] from the New
24 York Civil Liberties Union and Rabbi Michael
25 Feinberg [phonetic], Greater New York Labor

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Religion Coalition.

CHAIRPERSON SANDERS: In the order that you were called, if you would be kind enough to begin.

GERARDO GUTIERREZ: Good morning, Mr. Chair, members of the Committee and the New York City Council. I thank you for giving me the opportunity to testify to testify before you on the proposed resolution. On behalf of - - my grand ministry and the Justice for Farm Workers Campaign, I rise in strong support on the resolution - - the New York State and Assembly to pass the Farm Workers Fair Labor Practices Act and for the governor to sign this important legislation into law. For far too long, farm workers have been excluded from those rights afforded to practically every other employee. Since the 1930s, they have not had the right to overtime pay, day of rest or collective bargaining. These exclusions from the law do not make distinctions amongst race, age, gender or even legal status. It is crystal clear that if you are a farm worker in New York State, you don't have these rights. The reality is that farm

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2 workers not only take on a physical demanding
3 work, but as a reward for entering this field,
4 they are stripped of very basic rights. Farm
5 workers have unwillingly joined a class of workers
6 who is not and has not been treated fairly under
7 that law. I commend this Committee and this
8 resolution for its willingness to stand side by
9 side with those workers who are among the most
10 vulnerable and disenfranchised—the farm workers.
11 They have no money, so they cannot hire lobbyists
12 in Albany to speak for them. They have no money,
13 so they cannot hire lawyers to fight for them in
14 court. They have no money, so their voice is not
15 heard. It is resolutions such as the one proposed
16 by this Committee and legislation such as the bill
17 introduced by Assemblywoman Nolan - - as 1862 that
18 sends an important message that some of us our
19 listening. It needs to be clear that the
20 Assemblywoman Nolan's and - - bills will not give
21 farm workers additional rights, which other
22 employees don't have. They simply level the
23 playing field for farm workers. These bills bring
24 farm workers out of the 1930s when these
25 exclusions originated and into the 21st Century

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2 where fairness and equality are valued and workers
3 are protected. It would give farm workers rights
4 that others take for granted. The policies
5 underlined in the current treatment of farm
6 workers are based on the questionable but long
7 standing arguments made by the agricultural
8 industry regarding this vulnerability to seasonal
9 and other natural forces. The other business
10 industry argues that if farm workers were given
11 the same rights and protections offered to all
12 laborers, this industry would be - - . They argue
13 that there could be work stoppage during peak
14 planting and harvesting seasons. Furthermore,
15 they argue that the added cost for overtime pay,
16 unemployment insurance coverage and worker's
17 compensation coverage would put farmers out of
18 business, yet as we look around, the very rights
19 protections afforded by the Assembly bill 1652 and
20 Senate bill 1862 are provided to farm workers in
21 our other states, such as California, Minnesota,
22 Hawaii, Maryland—just to name a few. The
23 agricultural industry in these states have
24 survived and in many cases have prospered.
25 Moreover, - - point out that in New York, it is

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2 the home for other industries that are seasonal
3 and vulnerable to natural forces and other
4 external forces, such as tourism and construction,
5 yet these industries are required to provide the
6 basic level of protections that are denied to farm
7 workers. In January of this year, the New York
8 Times reported that in New York State their
9 production rose nearly 60% in the last five years
10 due to the search in popularity for great - - .
11 Julie Suarez [phonetic], the director for public
12 policy for the New York Farm Bureau told the New
13 York times and I quote, "The growth in their
14 manufacturing particularly in the great - - has
15 really been a fantastic boom for New York dairy
16 farmers." With a skyrocketing demand for New York
17 dairy, which is the leading agricultural product
18 in the state, the question remains, why do we
19 exclude farm workers? What makes them different
20 that we will deny them equality? The answer "we
21 cannot afford it," by opponents to the Farm
22 Workers Fair Labor Act is no longer enough. The
23 rationale for sustaining the current policy of
24 treating our farm workers differently from other
25 workers is unsubstantiated. History continually

1 offers opportunities to affirm our humanity, our
2 commitment to dignity and fairness for all.

3 Resolutions as the one proposed today and bills
4 such as A. 1652 and S. 1862 do just that. They
5 are aimed to bring justice and fairness to those
6 who have been long forgotten by the law—the farm
7 workers. If it is not because it is just the just
8 thing to do, we will urge our leaders in Albany to
9 give farm workers the rights they deserve because
10 it would be good for farmers. At the time when
11 the agri business [phonetic] in New York and the
12 dairy industry are booming, now it is the time to
13 grant the farm works the prosperity by
14 strengthening the work force. A strong work force
15 needs to be well rested, needs to be appreciated.
16 It needs to be taken care of. A strong work force
17 is tantamount to a strong agriculture industry.
18 You cannot have a strong agriculture industry
19 without a strong workforce. These are the two
20 sides of the same coin. You cannot separate them
21 or have one without the other. The farm workers
22 fair labor act is essential to ensure that a
23 strong workforce exists in New York. Farm workers
24 serve as a backbone of New York's largest and
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2 still growing industry. It is time once and for
3 all to afford the people who serve as the
4 foundation for New York's most expansive industry
5 the same rights as those recognized for almost
6 every other worker in our state. Thank you for
7 your time and for your swift passage of this
8 resolution.

9 SOCHEATTA MENG: Good morning. My
10 name is Socheatta Meng, and I am legislative
11 counsel for the New York Civil Liberties Union.
12 Thank you to the Committee on Civil Service and
13 Labor for inviting the NYCLU to provide testimony
14 today. I would like to underscore the importance
15 of this resolution. It supports state legislation
16 that would extend to New York's farm workers the
17 fundamental rights and protections that are
18 afforded other workers. The NYCLU, the state
19 affiliate of the American Civil Liberties Union is
20 a not for profit, non partisan organization. We
21 have eight offices across the state and nearly
22 50,000 members. The NYCLU's mission is to defend
23 and promote the fundamental principles, rights and
24 constitutional values that are embodied in the
25 Bill of Rights of the U.S. Constitution and the

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2 Constitution of the state of New York. This
3 resolution urges New York State's legislators to
4 correct an injustice that has existed for nearly a
5 century. This injustice is the exclusion of farm
6 workers from basic labor protections under state
7 and federal law, farm workers from the background
8 of New York's multibillion dollar agricultural
9 industry; however, they've long been denied basic
10 labor rights other workers take for granted, a day
11 of rest each week, overtime pay after an eight
12 hour work day, the right to organize and
13 collectively bargain and to unemployment payment
14 leadoff. This state bill would give New York's
15 farm workers these very basic rights. In New York
16 agriculture is a \$3.6 billion industry. An
17 estimated 80 to 100,000 migrant, seasonal and
18 dairy farm workers labor under New York's farms,
19 making it possible for New York to be one of the
20 nation's agricultural leaders. The work that farm
21 workers do is intensive and grueling. They plant
22 and harvest our vegetables. They pick our apples.
23 They care for and milk our dairy cows and they
24 operate dangerous machinery and equipment.
25 Despite the essential labor that they provide,

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2 farm workers work long hours and they receive no
3 overtime pay even though they work in one of the
4 most dangerous professions. According to a 2007
5 study on farm workers in the Hudson Valley, nearly
6 1/3 of those surveyed reported working at least 60
7 hours a week and this is without the legal right
8 to overtime pay. Nearly 60% of those interviewed
9 report that they earn little more than the minimum
10 wage. Their income is so low that a substantial
11 number of farm workers almost 40% of those
12 surveyed for this report had multiple jobs. And
13 despite the income from multiple jobs, nearly 90%
14 of those interviewed had total incomes that were
15 lower than the U.S. Federal poverty guidelines.
16 Farm workers work long hours for low pay and they
17 also routinely risk their health and safety in
18 doing so. According to the U.S. Department of
19 Labor, farm work is one of the most dangerous and
20 fatal occupations. Farm workers are seven times
21 more likely than other workers to die from a work
22 related injury. In the case of injuries this rate
23 is 20% higher for farm workers than for all other
24 workers. This high risk of harm is related to
25 many factors, including exposure to pesticides and

1 the use of dangerous farm machinery and equipment.
2 This exclusion of farm workers from labor rights
3 and protections is not justifiable, not as a
4 matter of law and not as a matter of farm industry
5 economics. Contrary to what opponents claim, New
6 York's farm economy will not suffer if basic labor
7 protections are given to farm workers. In fact,
8 the New York Farm Industry has been flourishing
9 and it is expected to continue doing so. This is
10 in large part due to increased demand for products
11 that New York specializes in such as beef and
12 dairy. The rise in Greek yogurt production
13 mentioned by Gerardo is a good example of this.
14 Additionally, the state's lawmakers and political
15 leaders also give strong financial support to the
16 state's farm industry. For example, the state and
17 - - County recently agreed to provide
18 approximately \$26 million in tax credits and other
19 incentives to Pepsi Co [phonetic] and a German
20 dairy company. These companies plan to open a new
21 yogurt factory in Batavia, New York. Considering
22 the farm industry's stability and growth,
23 providing protection such as overtime pay and a
24 day of rest would impose minimal cost on farms.
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2 So how is it that in 2012 farm workers do not have
3 basic labor rights? What many don't know is that
4 this exclusion is a legacy... it's okay. So what
5 many people don't know is that this exclusion is a
6 legacy of the Jim Crow era. During the New Deal
7 Era, President Franklin Roosevelt sought to
8 advance major reforms to workers' rights; however,
9 as southern segregationist legislators refused to
10 support these measures unless farm laborers and
11 domestic workers then primarily black persons were
12 excluded. As a result of this deal, the exclusion
13 of farm workers from state and federal protections
14 is still the case today. In 2010, New York ended
15 this sorry legacy for the state's domestic
16 workers. The domestic workers bill of rights gave
17 these workers the right to fairer pay and basic
18 protections of health and safety. New York's farm
19 workers however continued to labor in the shadow
20 of Jim Crow. This injustice is still a matter of
21 color and ethnicity. While farm workers were once
22 primarily black, today they are primarily Latino.
23 In light of this history, the modern day exclusion
24 of farm workers from the protection of state labor
25 laws is particularly disgraceful. They NYCLU

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2 urges the New York City council to pass this
3 resolution thereby impressing upon our state's
4 lawmakers the importance of their farm workers'
5 fair labor practices act. Farm workers deserve
6 the same fundamental rights and protections that
7 are afforded other workers and our state's leaders
8 must act swiftly to end this injustice. Thank
9 you.

10 RABBI MICHAEL FEINBERG: Good
11 morning. I want to thank the Committee for taking
12 up this important issue and for the Council to go
13 on record to make a statement of it. I'm Rabbi
14 Michael Feinberg. I direct the greater New York
15 Labor Religion Coalition, which is an interfaith
16 worker rights and economic justice advocacy
17 organization based her in New York City. We
18 represent over 800 congregations and clergy united
19 to advocate for low wage and immigrant workers and
20 workers in the city. I don't come with prepared
21 testimony in a sense. I could just say Amen to
22 what my esteemed colleagues have presented in
23 their testimony. I would just perhaps like to add
24 religious perspective why this is of concern to
25 the faith community. We have been engaged in this

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2 issue through the Justice for Farm Worker's
3 Campaign, a statewide campaign for over 15 years
4 now, and I think for all of us, regardless of our
5 faith, it's an issue of fundamental human dignity,
6 human rights, worker rights, that all of our faith
7 traditions speaks to. In that, we look back to
8 the historic leadership of Cesar Chavez and
9 Dolores Fuerta [phonetic] and forming the United
10 Farm Workers in California that really led them to
11 a historic struggle to win their basic rights.
12 Their struggle became something of a moral
13 lightning rod for not just the labor movement but
14 for religious leaders across the nation and that
15 struggle still, I would have to say shamefully is
16 unfinished here in our own state. As a matter of
17 fact, 50 years ago, there was a famous documentary
18 called Harvest of Shame, which exposed the
19 conditions under which farm workers toiled and
20 basically those are unchanged and that should be a
21 moral scandal frankly for all of us. The faith
22 community is still paying attention to this issue.
23 We regularly come up to Albany to support the
24 lobbying and legislative efforts. As has been
25 noted, the fact that this is a shameful legacy of

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2 Jim Crow should disturb all of us and increase the
3 fire in all of us to see this overturned and farm
4 workers given their basic rights, who more than
5 farm workers who provide the most basic thing we
6 need, our food, should have equal rights of all
7 workers, and I would just say to the Chair that in
8 fact you probably do have farm workers in your
9 district offseason many of them do come to the
10 city and work in a lot of the low wage service
11 sector jobs that we fight for equal rights for
12 here, so all of these issues are connected whether
13 we're rural or urban based. The final thing I
14 would just say is where but from New York City
15 should a voice of progressive values on this issue
16 come with all of our diversity, with the Council's
17 record on human rights, on immigrant rights, on
18 worker rights. It makes complete sense that the
19 Council does speak to this issue even though it's
20 not properly its jurisdiction, but as we say in
21 religious terms a witness to the state legislature
22 it's very powerful, very important. The faith
23 community will continue to be engaged in this
24 issue, and I want to commend you on your efforts.
25 Thank you.

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2 CHAIRPERSON SANDERS: The Council
3 understands its obligation to be a witness, but
4 before even we speak, I want to have a dissenting
5 voice read into the record, and perhaps, you may
6 comment on it. The Farm Bureau has sent us a
7 letter and they see the situation differently.
8 Would you be kind enough, sir?

9 MALE VOICE: Yes, this is a letter
10 to the Committee from the Farm Bureau of New York,
11 Dean Norton [phonetic], president. New York Farm
12 Bureau is the state's largest general farm
13 organization representing almost 30,000 member
14 families. 99% of New York's farms are family run
15 operations that include only direct relatives, not
16 only direct relatives, but also our employees both
17 year round and seasonal. By virtue of the nature
18 of the business, farmers themselves are also farm
19 workers dedicating many hours alongside their
20 employees in order to run a successful farm
21 operation. Agriculture faces numerous challenges
22 especially in New York. Profitability and in fact
23 basic survival is the main concern of our family
24 farms. While food is a basic need, there is no
25 sector of agriculture that was left untouched by

1 the long term effects of the global meltdown.

2 Despite the fact that most consumers think of

3 agriculture as local, the reality is our farms are

4 in the global marketplace. The difficulty in

5 transitioning to that marketplace is illustrated

6 perhaps best by our dairy farm statistics.

7 Between 2009 and 2010, we have lost 300 farms

8 irrevocably from producing the myriad of

9 agricultural products such as dairies, fruits and

10 vegetables in New York state. These farms will

11 never again produce products for New York to

12 consume and that is a travesty that consumers and

13 policy makers need to stand up and fight. Policy

14 choices can't be made at the state level on issues

15 to drive costs up further or we will be in danger

16 of losing even more farms and eventually

17 endangering our local fresh food supply.

18 Agriculture is a different industry than

19 manufacturing widgets. We are at the mercy of

20 unreliable weather, global markets and volatile

21 pricing and a public that demands higher standards

22 for New York and United States agriculture than it

23 enforces on imported products. Unlike our main

24 competitors in South America and China, we pay

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2 fair wages, adhere to strict environmental
3 standards and for those of us farming in New York,
4 deal with a business climate that is among the
5 most expensive due to high taxes, insurance costs,
6 energy and labor. I have attached copies of New
7 York Farm Bureaus' memorandum of opposition to
8 proposed legislation and I have attached a fact
9 sheet, which provides a detailed description of
10 the laws and regulations that New York farmers
11 already comply with concerning labor and compares
12 other state labor laws to New York. The fact of
13 the matter remains that this legislation was
14 originally drafted almost 20 years ago and it is
15 outdated and unnecessary and doesn't even reflect
16 what the farm workers themselves would benefit
17 from. The central point I want to make is that
18 this issue is not one of justice. Whether or not
19 a worker receives overtime is not a moral issue,
20 otherwise we would all be receiving overtime
21 whether we're the farmer, the farm worker, the
22 legislative employee or the Wal-Mart worker.
23 Immigration reform is a justice issue. Human
24 trafficking and unscrupulous coyotes working on
25 the border of the United States and Mexico is a

1 justice issue. Freedom from workplace violence is
2 a justice issue. No farmer has ever asked to be
3 exempted from issues concerning such basic moral
4 justice. In fact, farmers are one of the few
5 employees who regularly stand with our workers and
6 face the public negative consequences advocating
7 for immigration reform so that immigrant workers
8 who risk their lives at times to cross the border
9 and come to our farms can do so safely and with
10 dignity. The New York Farm Bureau as an
11 organization supported the 2007 enactment of the
12 state's first anti human trafficking statute and
13 we have never ever condoned or asked to be
14 excluded from laws designed to prevent, control or
15 enforce workforce violence or harassment. It is
16 illegal to pay someone less than the minimum wage.
17 It is illegal to discriminate against an employee
18 on the basis of their ethnicity. It is illegal to
19 harass an employee in our outside the workplace.
20 It is illegal to watch and employee be injured on
21 the job and not take action and it is illegal to
22 employ a child in the fields for long hours and
23 no pay. It is illegal to have uninspected migrant
24 farm worker housing. It is illegal not to have
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2 adequate water and field sanitation in the fields.
3 It is illegal to employ someone in the condition
4 of "labor servitude." And it is presumptuous to
5 assume that workers in agriculture have no choice.
6 That is the true loss of dignity of farm
7 employment. This legislation will fundamentally
8 change all of New York agriculture. It will
9 fundamentally damage our family farm's ability to
10 produce local food and local food for local New
11 Yorkers. It is overly simplistic to say that we
12 should charge more for our product. We're already
13 a high cost state and while our farms are in New
14 York, we are very much in the global market. High
15 end consumers may care about paying an additional
16 premium for our products but everyday families
17 struggling in today's local climate care more
18 about the price and the quality of food regardless
19 of where it comes from. We can't pass along a
20 higher cost. Either our farms will become smaller
21 and produce less so that they rely only on family
22 labor and produce more row crops rather than fresh
23 fruit and vegetables or perishable dairy or they
24 will become large enough so that mechanization is
25 more of an option such as installing robotic

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2 milking parlors. Workers themselves will lose out
3 under this scenario either because the farms have
4 downsized and aren't employing workers or because
5 our farms limit hours during a short season and
6 the worker is then forced to go from farm to farm
7 becoming much more like a lower income resident
8 cobbling to gather several jobs to live hand to
9 mouth. This outdated bill doesn't fit with the
10 needs of modern agriculture and contains
11 absolutely nothing in it to make sure that New
12 York State will continue to have family farms in
13 the future. Instead, it simply drives up our
14 costs and our labor regulations to a level that is
15 second only to California State with a much larger
16 agriculture, better growing degree days and
17 significantly larger farms. It is not a surprise
18 to anyone that the state and its residents are
19 reeling right now, trying to recover from the
20 terrible global meltdown, trying to get our fiscal
21 house in order as a state and trying to increase
22 employment numbers and provide for basic needs
23 like food and shelter in a difficult economic
24 climate. What happens if because of New York's
25 high business climate we continue to lose our

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2 processing infrastructure? The loss of processors
3 will lead to loss of farms and New York can't
4 afford to lose any more of our family farms.
5 These are the issues that we are dealing with
6 right now in New York agriculture. These are the
7 problems that we are facing and we should not be
8 expending our time fighting a bill that is
9 outdated, unnecessary and will cause financial
10 devastation and significant restructuring to New
11 York agriculture. We need to work on getting a
12 better business climate in New York State,
13 rebuilding our agricultural processing and
14 distributional infrastructure through initiatives
15 such as the Hunt's Point [phonetic] market
16 redesign, and finding new and innovative ways to
17 help our farm families compete in this global
18 marketplace. Thank you for your time and I
19 appreciate the opportunity to express my concerns
20 regarding this legislation. Please feel free to
21 contact me at any time with further questions; you
22 may have regarding the legislation or agriculture
23 in New York. Sincerely, Dean Norton, president,
24 New York Farm Bureau.

25 CHAIRPERSON SANDERS: Outdated,

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2 unnecessary, and will cause financial devastation
3 and significant restructuring to the New York
4 agriculture. Any comments?

5 RABBI MICHAEL FEINBERG: Mr. Chair,
6 if I may just make one or two comments. First of
7 all the contention that this is not a justice
8 issue—workers lacking their most basic rights as
9 workers to me is a justice issue, and I think most
10 people of common sense and good will would agree
11 with that certainly. I think the Council would
12 agree with that. Secondly there is some irony in
13 the author of that letter holding up field
14 sanitation and water as one of the rights that
15 farm workers enjoy. In fact, those rights were
16 only won through hard struggle of the Justice for
17 Farm Workers Coalition over years and that in
18 fact, the Farm Bureau fought. So to then claim
19 that moral high ground is though they have been
20 the advocates for that all along I think is rather
21 absurd. I think just to state the obvious to
22 conclude the Farm Bureau which is the lobby of the
23 agribusiness industry—it's not small farmers.
24 There are many small farmers allied with the
25 Justice for Farm Workers' Campaign, but the

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2 agribusiness industry has been the sole obstacle
3 to this justice for farm workers campaign.

4 They've thrown countless millions of dollars into
5 their lobbying, into their donations to upstate,
6 state senators, campaigns. I think it's fair to
7 say they are the block to any change on this
8 issue, so with that in mind, we can look at what
9 they have to say.

10 SOCHEATTA MENG: I'd also like to
11 respond to the claim that this will financially
12 bankrupt farms within New York. As Gerardo and I
13 both discuss, there is a lot of strong evidence to
14 indicate that the farm industry has been growing
15 and is actually pretty stable and pretty strong.
16 Another thing I want to point out is that this
17 claim is presented by the farm industry every time
18 there is legislation that's introduced that would
19 restrict the rights—that would expand the rights
20 of farm workers. This happened in the 1980s when
21 pesticide notification legislation was introduced.
22 It happened in the 1990s when sanitation
23 legislation was introduced, and it happened in the
24 decade of the 2000s when legislation relating to
25 minimum wage was introduced and each time, these

1
2 pieces of legislations were passed and there
3 hasn't been any evidence of any negative impact on
4 the farm industry.

5 GERARDO GUTIERREZ: Mr. Chairman, I
6 would just add—I don't want to reiterate what my
7 colleagues said, but I would just point out that
8 it is the Farm Bureau, they said in their
9 testimony that it is illegal to pay below minimum
10 wage, but it was the farm bureau who fought the
11 minimum wage for farmers, farm workers. It was
12 the farm bureau who fought to give farm workers
13 drink more water on the fields after a few years,
14 it was the Farm Bureau who fought putting a port a
15 potty for farm workers in the field, so again, I
16 would just echo what the - - has said, and for
17 them to claim the high moral ground on this is
18 absurd.

19 CHAIRPERSON SANDERS: Before I—
20 well, let me do it this way. Ms. Meng, in the
21 last page of your statement, you made a statement
22 that goes like this "Southern segregation - - as
23 legislators refuse to support these measures
24 unless farm laborers and domestic workers then
25 primarily black persons were excluded." That of

1
2 course has a special resonance with me. Not only
3 am I a black person—I know you didn't know that—
4 but my father was a sharecropper and my mother a
5 domestic, so I am especially sensitive to this
6 issue, although one can be objective. The
7 arguments that the Farm Bureau were presented were
8 - - prepared; however, I am aware looking at this
9 issue that they have taken certain liberties with
10 history and many of the things that they champion,
11 some that you pointed out, some others that they
12 submitted in their own, I know of their opposition
13 to. They were speaking of daycare and childcare
14 centers and healthcare clinics and if my memory
15 serves me correct, they were not the original
16 champions of these measures. There were others
17 and if my memory further serves me, they were
18 hostile towards these initiatives. Having said
19 that, I would say that their problem—the financial
20 problems of the farms would have more to do with
21 the middle man, with the agricultural distribution
22 process that there is where there is a middle man
23 for the smaller farmers and I would suggest that
24 that is a problem. This has lead of course to a
25 growth in farmers market. One of the reasons for

1
2 farmers market is the attempt by the small farmers
3 to get back some of this profit that they are
4 losing thanks to the distribution process. I
5 would be remiss if we did not say that the Chair
6 of Civil Rights, Larry Seabrook, is here. Now
7 having said those things, we are going to put this
8 one to a vote tomorrow I've been informed and if-
9 you don't have anything to say on this issue, sir?
10 Yeah, as soon as I said it, well, I appreciate
11 that correction. Is there anything that you want
12 to say on this issue? Alright.

13 MALE VOICE: - -

14 CHAIRPERSON SANDERS: Oh yes. Well
15 you'll have time because I'm bringing this one to
16 a halt. I want to thank the panel for coming and
17 to speak on this issue and not only this to speak
18 on the Farm Bureau. I want to thank you and
19 encourage you to continue to do the good work.
20 Much of it that the Council of course agrees with
21 and some of it some of us take it quite personal.
22 Thank you very much. This hearing is now
23 concluded.

24 [gavel]

25 CHAIRPERSON SANDERS: I also want

1
2 to recognize that we have been joined by Council
3 Member Domenic Recchia, the chair of Finance.

4 [background conversation]

5 CHAIRPERSON SANDERS: This hearing
6 will be adjourned until tomorrow when we put this
7 to a vote. Thank you very much for showing up,
8 Council Member Recchia.

9 COUNCIL MEMBER RECCHIA: Thank you
10 very much, Mr. Chairman. I appreciate everything
11 and I look forward tomorrow to discussing this a
12 little bit further to see how we can get this very
13 important issue passed. Thank you very much.

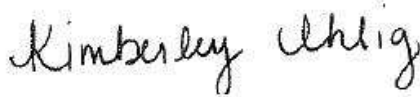
14 CHAIRPERSON SANDERS: Thank you
15 very much, sir. This hearing is now adjourned.

16 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____



Date _____ June 26, 2012 _____