2012

# Latino Community Report

For the 129th General Assembly

# Ohio Migrant Farm Workers

**Population, economic impact and challenges**

**Senator Gayle Manning**

**Senate District 13**



Ohio | Latino Affairs Commission

This report was issued by the Ohio Commission on Hispanic/Latino Affairs on 4/9/2012, and was written by:

**Nolan Stevens**, Public Policy Liaison
**Jose Cos**, Organizations Development Center Officer
**Lilleana Cavanaugh**, Executive Director
**Lair Marin**, Office Manager
Additional contributions by **OCHLA volunteers**

The best efforts were made to gather and provide accurate and current information. Data presented from previous years indicates the most up to date research available. OCHLA will provide any additional information or data as it becomes available.

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## 1. Agriculture – Essential to Ohio

Agriculture is fundamental to Ohio's economy. *It is the largest industry in the State, with more than $7.8 billion in cash receipts in 2010*[1]. Ohio's 74,000 farms command more than 13.7 million acres of Ohio's land[2] and employ about one in seven Ohioans[3]. Ohio also ranks among the top ten states in the production of several commodities, including apples, strawberries, peaches, bell peppers, sweet corn, grain corn, pumpkins, tomatoes, soybeans, tobacco, and oats. All in all, Ohio's agriculture industry contributes $98 billion to the State's economy annually[4].

**OHIO CASH RECEIPTS - 2010**

| Commodity | Thousand Dollars | Percent of Total |
|---|---|---|
| **All commodities** | 7,884,539 | 100.0 |
| **Livestock products** | 2,732,279 | 34.7 |
| **Meat animals** | 1,008,521 | 12.8 |
| Cattle & calves | 415,347 | 5.3 |
| Hogs | 580,673 | 7.4 |
| Sheep & lambs | 12,501 | 0.2 |
| **Dairy products** | 932,720 | 11.8 |
| Milk, wholesale | 932,720 | 11.8 |
| **Poultry & eggs** | 738,660 | 9.4 |
| Broilers | 181,618 | 2.3 |
| Eggs | 427,071 | 5.4 |
| Turkeys | 110,087 | 1.4 |
| Other Poultry | 19,884 | 0.3 |
| **Misc. Livestock** | 52,378 | 0.7 |
| Honey | 2,350 | * |
| Other lvstk & poultry | 50,028 | 0.6 |
| **Crops** | 5,152,260 | 65.3 |
| **Food grains** | 237,302 | 3.0 |
| Wheat | 237,302 | 3.0 |
| **Feed Grains** | 1,991,133 | 25.3 |
| Corn | 1,908,888 | 24.2 |
| Hay | 80,374 | 1.0 |
| Oats | 1,871 | * |
| **Tobacco** | 8,531 | 0.1 |
| **Soybeans** | 2,269,806 | 28.8 |
| **Vegetables** | 212,131 | 2.7 |
| Cabbage, Fresh | 8,602 | 0.1 |
| Corn, sweet | 30,110 | 0.4 |
| Cucumbers for pickles | 9,702 | 0.1 |
| Green Peppers | 16,464 | 0.2 |
| Potatoes | 6,695 | 0.1 |
| Pumpkins | 16,670 | 0.2 |
| Squash | 9,602 | 0.1 |
| Tom. Fresh | 46,826 | 0.6 |
| Tom. Proc. | 15,565 | 0.2 |
| Other vegetables | 11,960 | 0.2 |
| **Fruits & nuts** | 64,524 | 0.8 |
| Apples | 31,427 | 0.4 |
| Grapes | 2,169 | * |
| Peaches | 9,448 | 0.1 |
| Strawberries | 9,520 | 0.1 |
| Other fruits & nuts | 11,960 | 0.2 |
| **All other crops** | 368,833 | 4.7 |
| Greenhouse & nursery | 334,656 | 4.2 |
| Maple Products | 2,776 | * |
| Misc Crops | 31,235 | 0.4 |

*Less than 0.1 percent

*Graph provided by the Ohio Department of Agriculture, 2010



1. Ohio Agriculture – A Profile. Ohio Department of Agriculture. November 2011.
2. Id.
3. Agriculture is vital in Ohio. The Marietta Times. March 10, 2012.
4. Ohio Agriculture – A Profile.

Productivity on this scale relies in large part on migrant seasonal farm workers. These workers and their employers constitute a community that's frequently overlooked but is nevertheless critical to Ohio's economic stability and growth. This Latino Community Report is all about Ohio's migrant seasonal farm workers – their contributions and the primary challenges facing their communities – and the colossal industry to which they're integral.

## 2. Migrant seasonal farm workers – Integral to Ohio agriculture

Ohio's agricultural industry couldn't sustain its tremendous productivity without migrant seasonal farm workers. ***Ohio farmers grow more than 30 commercial crops, and rely on migrant labor in the planting, cultivating, harvesting, processing, and packaging of more than 70% of those crops***[5]. Migrant labor was utilized in working 38,970 acres of vegetables and 10,170 acres of fruits in 2010[7]. Combined, these products amounted to $281 million in total cash value in 20107. Further, an estimated 6,000 migrant seasonal farm workers are employed statewide in Ohio's nursery and landscaping industries[8].

These laborers are overwhelmingly Hispanic, and come to Ohio from other states seeking seasonal farm employment. The two most-significant source states for Ohio farm laborers are Texas and Florida[9]. ***In 2010, Ohio had 13,737 migrant workers and family members, 10,633 of whom were workers over the age of 14***[10]. Around 70% of these workers are undocumented, and this rate adheres closely to the national rate for migrant seasonal farm workers[11].

It is important to distinguish between ***migrant*** seasonal farm workers and H-2A immigrant workers. H-2A agricultural workers are residents of foreign countries – frequently Mexico – that have temporary work visas that typically coincide with the harvest seasons for the crops on which they work. Because these workers are covered by U.S. wage laws and labor standards, they are paid a much higher wage than their migrant worker counterparts. Accordingly, some employers will avoid hiring H-2A workers in preference for the lower-cost domestic seasonal farm workers. Nevertheless, employment of foreign farm workers through the H-2A program remains viable due to the instability of the migrant farm worker labor pool.

Finally, it is important to note that because undocumented migrant workers lack federal wage and labor protections, they can be much more easily exploited by unscrupulous employers than their H-2A counterparts. This can lead to a black-market labor trafficking industry. While sex trafficking gets most of the attention in media coverage of human trafficking, labor trafficking is pervasive and the nature of the farm labor market creates an environment in which it can thrive. As Ohio continues grappling with the evils of human trafficking, cognizance of and attention to the labor trafficking problem will be a critical part of eliminating modern-day slavery in the State.

5. 2010 Annual Report, Ohio Department of Jobs and Family Services Migrant Agricultural Ombudsman at 4.
6. NASS 2010 Ohio Farm Report
7. Id.
8. Id
9. 2010 Annual Report at 6.
10. See 2010 Annual Report at 4-6
11. *2010 Annual Report at 3.*

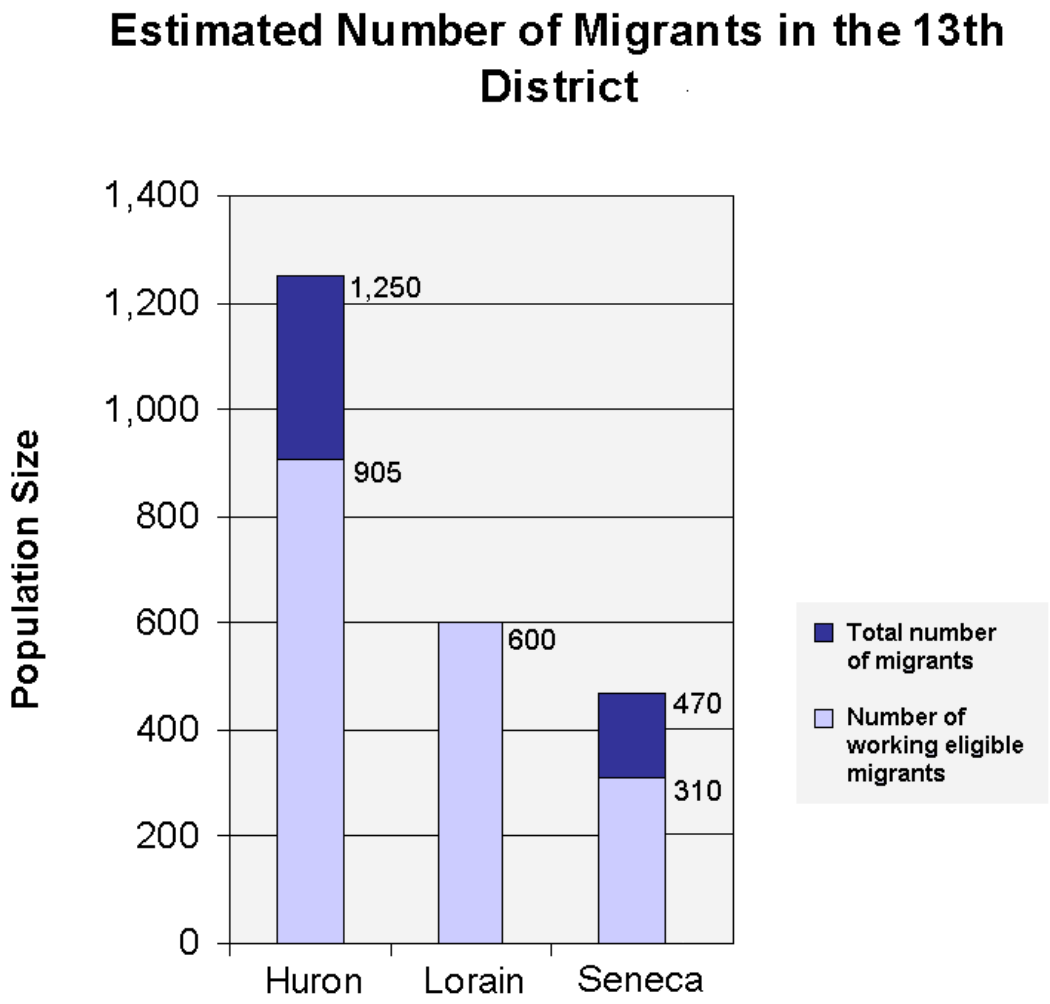
## Top 10 Ohio counties in number of migrant laborers[12]

| County | Migrant Laborers | Harvest Season | Crops |
|---|---|---|---|
| Sandusky | 1,915 | March to November | Pickles, tomatoes, pumpkins, squash, bell peppers |
| Lake | 1,650 | February to December | Nursery |
| Huron | 1,250 | February to November | Muck Crops |
| Ottawa | 725 | March to October | Tomatoes, pickles, cabbage |
| Lorain | 600 | February to December | Nursery |
| Stark | 550 | March to October | Muck crops |
| Erie | 480 | April to November | Grapes, tomatoes, greens, lettuce, nursery |
| Seneca | 470 | March to November | Tomatoes, pickles, bell peppers, jalapenos, cabbage, pumpkins |
| Wood | 450 | April to October | Pickles, strawberries |
| Miegs | 375 | May to October | Tomatoes |

It is worth exploring the underlying cause of Ohio agribusiness's reliance on these migrant seasonal farm workers and foreign laborers. While Ohio's economy has begun to turn the corner and the State's unemployment rate continues to decrease, it remains higher than is ideal. ***Still, employers increasingly face labor shortages.*** These agricultural jobs have not traditionally been sought by Ohio citizens even in times of high unemployment[13]. These jobs typically pay minimum wage and offer few - if any - benefits. They are temporary and offer no long-term stability, and the work is hard – frequently requiring long hours of physical labor under a harsh summer sun[14]. Employers have had little luck staffing these positions from the local labor pool, and programs in other states to fill them locally have had little success[15].



12. Id. at 6.
13. Id. at 3.
14. Id.
15. *Probationers* replacing illegal farm workers, but many quit. Atlanta Journal-Constitution. 8/1/11




Data provided by the Ohio Department of Job and Family Service's Ohio Migrant Census Report, 2010

## 3. The state of Ohio's migrant labor force – challenges to growth

Ohio faces stagnation in the growth of its agricultural industry. As indicated above, the industry relies heavily on a population of migrant seasonal farm workers to perform the labor-intensive work necessary to get crops from seed to market. These laborers in turn face several challenges which have led to uncertainty in this labor market. Without a stable labor pool from which to draw workers, Ohio farmers have been reluctant to invest in an increase in crop acreage or diversification of commercial crops. Sustained growth for Ohio's agriculture industry is intrinsically tied to the State's ability to be competitive in drawing migrant seasonal farm workers. *The chief threats to the stability of this labor pool - and therefore to the growth of Ohio agribusiness - are immigration uncertainty, increasing transportation costs, stale growth of housing accommodations, and a stagnation in the diversification of agricultural commodity production*[16].

### Immigration uncertainty

The ongoing lack of comprehensive immigration reform at the federal level is the primary cause of the instability in the migrant seasonal farm worker labor market. With upwards of 70% of this labor pool undocumented, the livelihood of Ohio farmers and their employees is at the mercy of ICE raids. While these raids have not yet impacted Ohio farms specifically, the constant threat they represent undermines the confidence of the workers on which these farmers rely. Further, Social Security Administration audits of the social security numbers of farm workers have caused migrant farm workers to leave their jobs rather than approach the federal government with a fake social security number. They fear deportation. There were 1,000 of these audits on employers nationwide in 2010[17].

The absence of federal action on immigration has created a policy vacuum that various states have tried to fill. Beginning with Arizona's Senate Bill 1070 and including Georgia's House Bill 87 and similar measures in Alabama and elsewhere, states have begun to provide for state and local enforcement of federal immigration laws. At the other end of the policy spectrum, states like Illinois and New York have legislated paths to citizenship for undocumented residents. The patchwork map of disparate state-level immigration policies is a significant challenge for a labor force that must so often travel across these state lines. More, it is not yet clear that immigration legislation at the state level is constitutional. Federal courts have ruled different ways, and until the United States Supreme Court rules on the question there will be another layer of uncertainty for migrant workers and their employers.

Many of the state immigration enforcement measures impose employment verification requirements on employers. Most frequently, they mandate the use of the federal "E-Verify" online employment verification service, and some states have imposed fines on employers that don't use E-Verify to ensure that their employees are legal residents with the right to work in the United States. As a result of these laws, undocumented migrant workers are fleeing these states and creating agricultural labor shortages. *For example, thousands of migrant workers fled Georgia last year in the wake of House Bill 87's passage, creating farm labor shortages that cost the State's agricultural industry a projected $391 million and 3,260 jobs*[18]. For reasons outlined above, these shortages are difficult to offset with local labor. There is also legislation pending in Congress that would mandate the use of E-Verify nationwide[19].



16. See 2010 Annual Report at 12-16.
17. Id. at 3.
18. Report: Farm labor shortages may cost Georgia economy $391 million. Atlanta Journal-Constitution. 10/4/11.
19. The Legal Workforce Act. House Resolution 2164.

The most critical challenge to the stability of the migrant seasonal farm worker market in Ohio is the lack of federal action on comprehensive immigration reform. With no path to citizenship in sight for undocumented farm workers – which comprise one in four farm workers nationwide[20] – uncertainty will continue to cause instability in these populations and foster an environment conducive to labor trafficking. There is pending federal legislation – the AgJOBS Act – that would provide a path to citizenship for migrant agricultural workers[21]. That competing, opposite federal bills are both pending is indicative of the Congressional deadlock on immigration that has precluded any clarity for migrant workers and their employers. Whether or not Ohio remains competitive for the labor of migrant seasonal farm workers in the interim will depend in part on the State's immigration and employment verification policies in the absence of federal action.

### Costs in housing and transportation

***Migrant farm workers face tremendous costs in housing and transportation that geographically-stable labor pools avoid.*** These communities migrate from state-to-state during the growing season, typically beginning in southern states and moving north. With the precipitous rise in fuel costs, the price for these families to migrate has increased rapidly. Accordingly, migrant seasonal farm workers prefer employment opportunities that last longer – typically because they can work on several crops rather than one. Further, prohibitive fuel prices could restrict the mobility of many of these workers. Gas to pay for a journey from Florida to Tennessee is much more affordable than gas for a journey from Florida to Ohio. In order to offset these costs, Ohio's Migrant Agricultural Ombudsman has suggested a gas voucher program to help offset these costs and attract these workers to Ohio[22].

***Another critical variable in attracting migrant seasonal farm workers is the availability of on-site housing for these laborers and their families.*** Due in part to the uncertainty over immigration, Ohio employers have been reluctant to invest in new housing for their migrant employees. Obviously, migrant workers prefer employment opportunities which offer housing – the cost of maintaining separate housing can be prohibitive alongside other costs incidental to migration. Employers also cite the costs of investing in housing as the major reason for avoiding it[23]. With stability in immigration policy many of these farmers could be motivated to create housing for their migrant workers. The State's Migrant Agricultural Ombudsman has also suggested funding Ohio's program that matched employer investments in building migrant housing[24].

20. A Portrait of Unauthorized Immigrants in the United States. Pew Hispanic Center. April 14, 2009.
21. The AgJOBS Act. House Resolution 2414.
22. 2010 Annual Report at 13.
23.Id. at 14.

## Diversification of agricultural commodities

A final factor in attracting migrant seasonal farm workers is the duration of employment opportunities. Migrant workers prefer employment opportunities that last longer because they avoid some of the costs of migration indicated above and because more stable residence in a particular community is easier for their families. Longer-term employment can also create more stable relationships between employers and migrant farm workers, which can offset much of the uncertainty that negatively affects this dynamic.

One key way to increase the duration of employment opportunities is the diversification of commodities produced at individual farms. Because crops have disparate planting, cultivating and harvesting seasons, farmers that grow several crops can offer more significant employment opportunities to their migrant laborers. Recently, however, Ohio farmers have tended to cut crops and specialized further rather than expanding the breadth of crops they grow. Accordingly, migrant workers face gaps in employment during the growing season, and pursue opportunities in other states to fill them[25].

Aside from attracting migrant workers for a longer duration and stabilizing this labor pool, diversification of commodities has several other advantages. According to the 2010 Migrant Agricultural Ombudsman's 2010 Annual Report:

"*Employers have an opportunity to explore new markets at a time when there is a growing interest in healthy eating and foreign cooking, which calls for a broader variety of fruits and vegetables. Second, growing a variety of crops will prevent a devastating impact if one crop is severely impacted by weather or pest infestation*"[26].

Ohio's rapidly expanding population of Hispanics and other minority populations that consume specialty produce is creating a market for a more diverse array of agricultural commodities. Likewise, the rapid expansion of Hispanic and minority-owned businesses in the State have helped to strengthen this market – creating an opportunity for Ohio farmers. Ohio's climate and soil is also conducive to growing many of these specialty commodities – including cilantro, onions and peppers[27]. Incentivizing production of more varied crops could fill a demand currently supplied by the agricultural sectors of other states while helping to attract seasonal migrant laborers and avoiding labor shortages.

24. Id.
25. Id. at 13.
26. Id.
27. 010 Annual Report at 13.

## 4. Conclusion

It will be critical for Ohio's decision-makers to craft policy that protects Ohio's agricultural industry and the labor on which it relies. The Ohio Commission on Hispanic and Latino Affairs is committed to equipping our state's leaders with critical information on Ohio's Hispanic communities – their contributions, opportunities and challenges. These Latino Community Reports are issued quarterly, and are part of the Commission's work to fulfill its statutory mandate to advise Ohio's government on issues affecting their Hispanic constituents.

Ohio's Migrant Agricultural Ombudsman at the Department of Job and Family Services – Benito Lucio - has a tremendous reserve of information on the migrant communities discussed herein and the Commission relied heavily on his office in the much more by contacting him or visiting his website – which contains hundreds of links to statistics on and resources for Ohio's migrant farm workers.

## 5. The Ohio Commission on Hispanic/Latino Affairs

The Ohio Commission on Hispanic/Latino Affairs was created in 1977 under Governor Jim Rhodes with statutory mandates proscribed in §121.32 and §121.33 of the Ohio Revised Code. OCHLA is mandated to:

Advise the Governor, members of the General Assembly, and state government in general about the issues facing the Latino community throughout Ohio

Connect the diverse Latino communities across Ohio by gathering information about and disseminate information to Hispanic Ohioans; and

Build and enhance the capacity of private sector not-for-profit community organizations and agencies in their service to the Latino community across the state.

Pursuant to our statutory mandate, the Public Policy Center at OCHLA "advises" the legislature on issues pertinent to the Latino community, especially in the fields of education, employment, energy, health, housing, welfare, and recreation. The Public Policy Center and its Policy Liaison strive to fulfill the "advise prong" of the statutory mandate by serving as a resource to legislators and their staffs. OCHLA provides Latino Community Reports like these, policy briefs, and is available for testimony and to offer feedback to policymakers on policy affecting the Latinos in Ohio.