

**Statement of  
Maureen Torrey Marshall  
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Before the  
House Small Business Committee  
May 10, 2007**

Chairwoman Velázquez, and Members of the Committee, thank you for the opportunity to testify before you today regarding the impact of immigration reform on America's small business community, and specifically agricultural producers. My testimony reflects my own experience as a life-long farmer. I am also testifying on behalf of the Agriculture Coalition for Immigration Reform (ACIR), the National Council of Agricultural Employers, and the United Fresh Produce Association. ACIR is the broad national coalition of agricultural groups working to pass meaningful immigration reform. I just concluded my term as Chairman of United this past weekend.

My family and I farm vegetables and dairy in western New York. My farm is now being run by the 11th generation, and the 12th is on the way, if we are able to sustain the business. However, the lack of farm labor, the lack of a workable agricultural labor program, and immigration enforcement without a complete solution, constitute an immediate and absolute threat to the survival of farms like mine across the country.

Some years ago, American farm families provided much of the needed farm labor, and local communities turned out extra workers for peak harvest needs. Times have changed. America's labor-intensive farming operations are now sustained by immigrant labor. This is true of fruit and vegetable farms, dairies, ranches, nurseries and greenhouses, and Christmas tree farms.

Federal government data show that the majority of farmworkers lack proper work authorization and immigration status. The US Department of Labor's (DOL) National Agricultural Worker Survey, or NAWS, reports that 78% of seasonal agricultural workers are foreign born. There are about 1.6 million farmworkers who perform 25 or more days of hired farm work during the year. NAWS reported in 1998 that 52% of farmworkers lacked legal status. Experts suggest that the percentage now exceeds 70%.

This phenomenon is national in scope, not just a California and border state problem. Data for the eastern half of the U.S. presented by Dr. Dan Carroll of the DOL reveal that an astounding 99% of new labor force entrants into the agricultural work force in the eastern states in 1998-99 were not authorized to work in the United States.

These statistics reveal what we already knew intuitively – Americans are not raising their children to be farmworkers. Domestic workers rarely apply for farm jobs. And in the absence of a reliable agricultural worker program, our industries rely on workers who present work authorization documents that appear, but in fact, are not legitimate. This unstable situation threatens small business survival and economic prosperity especially in rural communities.

My own story underscores how broken the system really is. Since 1981, Torrey Farms has cooperated with the New York State Department of Labor to recruit farmworkers for our operation. No one is hired in any position without a referral from the NYS Department of Labor.

The department verifies the work eligibility of applicants in the same manner as most employers – it looks at the allowable forms of identification specified on the I-9 form.

Yet, we know of the high incidence of false documents. We were starkly reminded of that fact last October, when agents of the Department of Homeland Security’s Immigration and Customs Enforcement (ICE) showed up at one of our farms. The agents kicked in the door of one of our housing facilities, and proceeded to round up 34 workers who had been referred by the State Department of Labor. Referrals from the State Department of Labor to our farms have been apprehended on more than one occasion.

Put simply, one arm of government recruits and refers our workforce, and another arm of government takes it away. It is a crying shame that our great nation has failed to implement a rational legal system.

Farming is a leading economic engine in western New York. Last year, New York Farm Credit studied and reported on the severe financial problems our farmers face. They projected that without timely and comprehensive reform, New York alone will lose in excess of 900 family farms and \$195 million in value of production in the near term.

If we do not see a solution soon, much of our food production will move out of the country. It will move to areas where labor is available – Canada, Mexico, South America, China. If that happens, the economic impact on small business will go way beyond our own farms. Former Penn State professor and noted agricultural economist Dr. James S. Holt studied the job-creation multiplier effect of farming, and concluded that each farmworker job in America supports three to four jobs in the surrounding economy. Most of these jobs are tied to the production, so if production moves offshore, so will the support jobs.

We are the largest employer in our town and among the largest in Genesee County with payroll over \$10 million a year with our farm entities. This along with property and school taxes on 11,000 acres in the five counties where we farm keep towns and schools strong. That \$10 million a year parlays into an over \$70 million impact yearly just from payroll. That doesn’t even begin to count what we spend with local small businesses for supplies and repairs.

I would like to speak to needed solutions. First, we need a reliable and affordable guest worker program. We have proposed reforms to the 50 year old H-2A program that would make it more streamlined and affordable, and less litigation-prone.

Secondly, we need an opportunity for trained, experienced, and otherwise law-abiding farm workers to have the chance to continue working, and to earn the right to become permanent legal residents of the U.S., subject to strict conditions. A sensible “earned adjustment of status” program for agriculture would reward hard work and commitment, true American values.

Growers and producers are conservative people by nature. We work hard, we pay our taxes. We care deeply about the security and the future of our country. We care about the rule of law. My organizations, and my fellow farmers, have worked for years on a bipartisan solution to this crisis. In my own state, we have the support of almost all our Republican House members, and both our U.S. Senators. We urge Congress to finally get the job done, this year.