

VIA FACSIMILE

January 22, 2010

The Honorable Harry Reid
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Sens. Reid and McConnell:

We the undersigned organizations urge Congress to address the unique nature of seasonal and temporary agricultural workers in health care reform legislation.

Many agricultural operations only hire workers for short periods of time, for example to help with planting or harvesting. Mandating health care insurance for short term workers and/or imposing a new tax or fee will cause financial hardship and create confusion. In cases where a seasonal or temporary worker has multiple employers, there are questions about coverage availability and how insurance would be coordinated to avoid duplicate coverage and unnecessary expense.

In addition, it is important that agricultural employers not be disqualified from eligibility for tax credits designed to help with insurance expenses because they hire seasonal and temporary workers. In the case of production agriculture, the number of employees is not a good measure of size or ability to pay. It will be counterproductive to the goal of expanded coverage to deny tax credits to agricultural operations that temporarily exceed employment thresholds.

Senate passed health care reform legislation recognized the special needs of agricultural employers by defining a seasonal worker as someone who is employed for 120 or fewer days during the calendar year. The bill excludes seasonal workers from the employee count that determines eligibility for small business tax incentives thereby increasing the number of farm and ranch employers that will be eligible for help to purchase insurance. The bill also excludes seasonal workers from the count of employees that triggers employer penalties minimizing the number of impacted seasonal employers.

We urge the inclusion of seasonal worker provisions in any final version of health care reform legislation to exempt temporary and seasonal agricultural workers from triggers for insurance coverage mandates and associated penalties and to ensure that agricultural employers who hire temporary or seasonal help are eligible for tax incentives. We recommend that the seasonal worker exclusion be made available to all agricultural employers regardless of size and be expanded to include seasonal workers that are employed for more than 120 days.

Sincerely,

American Farm Bureau Federation®
American Mushroom Institute
American Nursery and Landscape Association
Florida Fruit and Vegetable Association
National Council of Agricultural Employers
Society of American Florists
Texas Citrus Mutual
Texas Vegetable Association
Western Growers
United Fresh Produce Association
U.S. Apple Association