



Maine Organic Farmers and Gardeners Association

Common Ground Country Fair

April 7, 2021

Good morning Senator Hickman, Representative Sylvester and members of the Joint Standing Committee on Labor and Housing. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I appreciate the opportunity to provide comments generally in support of LD 1022 - *An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws*, but with concerns about how the immediate introduction of the overtime aspect of this bill will adversely impact Maine's small farms.

MOFGA feels that this is a critical discussion to have and we thank Representative Harnett for sponsoring the legislation once again. There is no clear answer or fix to the challenges of farm labor compensation. Until we as a society place more value on fresh, local, healthy food, we will not address the challenges farmers face in paying living wages to their workers.

As an employer of more than 40 individuals, MOFGA strives to provide excellent employee compensation and generous benefits. We achieve our employment goals through revenue and support that generally are foreign to a Maine farm business plan. Charitable giving and volunteerism are cornerstones of MOFGA's financial wellbeing. Our staff is ever grateful for this support, and we are mindful of the limited range of revenue options available to our core stakeholders – the farmers - many of whom are very close to their profit margins.

Former MOFGA apprentices provided feedback on LD 1022, indicating that they fully supported this bill. Many of our farmers have shared that they already pay minimum wage or more though most acknowledged that they use the agricultural exemption for overtime. Many of our farmers indicated that the changes proposed in LD 1022, with emphasis on the overtime component, would require them to explore other labor models and possibly invest in capital and infrastructure to reduce labor needs. A little more than a third of our farmers clearly indicated support for LD 1022 as written.

Farmers already paying more than the minimum wage expressed a belief that removing the exemption for minimum wage would have gained some support had it not been tied with removing the overtime exemption, as suddenly removing both exemptions could have significant negative economic impacts. The temporary, seasonal nature of agriculture warrants a short-term intensive labor force, working more than 40 hours per week during the growing season and fewer than 40 hours in the off-season.

Several farmers reported paying their workers minimum wage as well as overtime, which amounted to more than they paid themselves. They noted that our economic and political systems are out of whack when it comes to farming, as they artificially suppress the true costs of food. Farmers need to earn more for the food they provide in order to pay liveable wages to their workers. We understand that this could present a circular challenge and increasing food prices could lead to exacerbating Maine's very real problem of food insecurity. The government already plays a huge role in subsidizing our food and agriculture systems. We need to ensure that more of that support goes to Maine's farmers who work so hard to provide healthy, local and affordable food for Maine people.

One farmer made an astute observation that a reclassification of workers within the natural resources sector should include workers at marine resources businesses, including aqua farms and fishing operations. This farmer stressed the importance of recognizing the inherent seasonality of both agricultural and fisheries businesses and urged some level of exemption to overtime requirements – possibly raising the limit to 60 hours/week during a three-month stretch.

MOFGA appreciates that this bill strives to support farm workers, holding them in high esteem. We also know that Maine's small farm economy is fragile. We must work on economic justice for small farms. The federal government's massive agricultural subsidies to industrial agriculture, especially corn and soy production, should be reconsidered in the interests of small farm owners being able to pay themselves at least as much as they pay their workers. Maybe this could be achieved through the next Farm Bill or through tax breaks for farmers who now pay their workers more than they can afford to pay themselves. Direct government payments in 2020 are reported to be more than \$37 billion, not including CARES Act support. Most of the subsidies, which, let's face it, are socialism, go to larger and larger farms, supporting the cycle of the big getting bigger. Fewer and bigger farms mean less money circulating in local economies, fewer farm jobs in rural areas, and fewer opportunities for beginning and young farmers to get into the business.

Awareness of food and agriculture is growing in Maine and we are excited about the emphasis that the Mills and Biden administrations are placing on strengthening our agricultural economy. Several other states have laws requiring overtime for farm workers. California's overtime law applies to all farm workers, while laws in Washington, Minnesota, New York, Maryland and Hawaii provide overtime with some exceptions. Vice President Kamala Harris has been a long-time advocate for addressing farm worker wages at the federal level, twice introducing the Fairness for Farm Workers Act, which would mandate overtime for farm workers. The plan of the Fairness for Farm Workers Act lays out a timeline for aligning the number of worked hours eligible for overtime payment. It starts with 55 hours and reduces the hours eligibility by five each year until it comes to the 40 hour limit now available to workers in other sectors. Some of our farmers have suggested raising the overtime cap to 50-60 hours for agriculture, segregating scale or full-time seasonal workers from full-time year-round workers, and pairing this effort with support for food access, incentivizing local food, and universal health care.

I also want to mention a recurring farm labor theme of farmers and farm workers alike – universal healthcare. Many noted that addressing medical insurance rates needs to be a top priority for all farmers and farm workers. This would go a long way to helping Maine's farm economy in general and allowing farmers to afford higher wages for their workers.

We need to explore creative approaches and possibilities for Maine's farm labor laws. MOFGA looks forward to more discussions and creative solutions to these critical challenges. Thank you for your careful consideration.

About MOFGA

MOFGA is celebrating its 50th anniversary this year. We are the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have a staff of just under 50 employees, a membership of more than 10,000, and an amazing community of

about 2500 volunteers, many of whom we rely on to help organize hundreds of educational workshops for farmers, farm workers, homesteaders, gardeners and the general public, throughout the year and at our annual Common Ground Country Fair.

MOFGA is a statewide organization that has experienced significant growth over the past couple of decades. By the year 2030, we aim to increase the number of certified organic growers from 550 to 750 and the amount of organically managed land from 7% to 10% of the state's agricultural land.

MOFGA offers an introductory farm apprenticeship program, beginning farmer training through our two-year Journey person program, and a Farm Resilience Program for farmers in years 5-10 of their business when they're statistically the most likely to experience business failure. As an organization working hard to develop Maine's agricultural economy and farm labor pool, our focus has not been on collective bargaining. We have dedicated vast human and financial resources to training the next generation of Maine farmers. Many farmers who own MOFGA-certified operations got their start as apprentices on MOFGA farms decades ago. They now are hosting apprentices and committing to being mentors as well as bosses.

MOFGA Certification Services (MCS) is our USDA accredited organic certification program. MCS also administers MOFGA's Certified Clean Cannabis program for medicinal and adult cannabis use in Maine. MCS certifies more than 70,000 acres of farmland in Maine, representing more than \$60 million in organic farm product sales. MOFGA-certified operations are run by Maine businesspeople for whom economic health and environmental health are interdependent. While we envision a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum. We are members of the Agricultural Council of Maine and, while we don't always agree on all policy measures, we recognize and wholeheartedly agree that farmers must be financially successful if we expect to have a healthy Maine agriculture.