



Policy challenges impact labor in ag

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Policy challenges exacerbate labor shortage squeeze in ag

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By Su Bacon

Solitude, independence and an “almost nomadic” lifestyle is how Craig Daniels describes his career as an over-the-road truck driver.

Daniels hauls refrigerated freight for Crete Carrier Corp., which is based in Lincoln, Nebraska. Recently he picked up a load of apples in Washington and unloaded them later in Milwaukee.

Wherever Daniels goes, his rig attracts attention and respect. Some salute. Others wave a thumbs-up. A U.S. Army veteran, Daniels is a member of Crete Carrier’s Patriot Fleet.

Patriot Fleet trucks are driven by veterans. The black trucks feature bold images of an eagle, an American flag and decals representing every branch of the U.S. Armed Forces.

The company recruits veterans because their military experience serves them well as over-the-road truckers, said Tonn Ostergard, Crete Carrier’s chairman and chief executive officer.

“Veterans are reliable, and they are used to being away from home,” he said.

Daniels, for example, spends five days at home in Georgia for every 21 days on the road.

Hiring veterans is one way Crete Carrier is filling crucial positions: “Our business doesn’t move without a driver,” Ostergard said.

Competition for drivers is keen. Companies moving freight must compete with Amazon and FedEx, whose drivers return home every night. All along the agricultural supply chain, employers are feeling the pinch of a nationwide farm labor shortage. The truck driver shortage alone is estimated at 160,000.

“By many metrics, the labor market appears to be unusually tight,” said Esther George, president and chief executive officer of the Federal Reserve Bank of Kansas City. “The number of posted job vacancies is the highest on record. Hiring and retaining workers is an acute challenge.”

A steep decline in the number of immigrants is partly responsible for the tight labor market, she said.

Policy proposals

Other stakeholders and interest groups are also studying the farm labor shortage and recommending solutions. The National Potato Council, for example, recommends changes to regulations for both the truck driver, such as changes to commercial driver’s license (CDL) rules, and the truck.

“Lowering the age for a CDL from 21 to 18 could help attract more and younger drivers,” said Bob Mattive, a member of council’s executive committee.

Mattive grows potatoes on 1,900 acres at Worley Family Farms in the San Luis Valley region of Colorado.

“We live in a rural area surrounded by mountains,” Mattive said. “Trucks come here empty and take a load out of the valley.”

The time a driver sits waiting until a load is ready shouldn’t count against the number of hours a driver is allowed to be in service.

“Sitting isn’t driving and shouldn’t be considered the same as time on the road,” Mattive said.

Adding an extra axle to the truck is another National Potato Council’s recommendations. An extra axle would distribute weight better and make it possible to haul bigger loads.

H-2A visa program challenges

Far and away, however, the most talked-about changes to agriculture policy center on the federal H-2A visa program. The program is designed to address the farm labor shortage by allowing U.S. employers to bring foreign workers into the country to fill temporary production agriculture jobs.

The process is viewed as arduous, requiring properly completed paperwork to pass through several state and federal agencies. If an employer successfully shows that a U.S. worker is not available, the Department of Labor issues certifications for H-2A visas.

The employer then petitions U.S. Citizenship and Immigration Services to bring H-2A workers into the country. If the petition is approved, the state issues visas and the employer can begin to look for workers.

“It shouldn’t take a farmer with a lawyer and an accountant to navigate the bureaucracy to get workers across the border,” said Chuck Conner, president of the National Council of Farmer Cooperatives.

The program needs to be streamlined and expanded, he said. Currently, H-2A visas are issued only for seasonal temporary work.

“H-2A doesn’t work for dairies,” said Alison Krebs, director of Dairy and Trade Policy for Leprino Foods Co., headquartered in Denver. “Dairies process milk 24/7/365 -- all hours and on the weekend.”

Krebs would like to see H-2A used for year-round work and food processing jobs.

Year-round work is one of the reforms to the H-2A program included in the Farm Workforce Modernization Act along with increasing the visas to three years and allowing workers to work for different employers or for the same employer in different capacities.

Despite shortcomings in the H-2A program, its use has grown sharply, said Kristi J. Boswell, who cited an increase from 77,246 certified H-2A positions in 2011 to 317,619 in 2021.

The increase, however, is not a testament to how well the program is working but to “domestic labor instability,” said Boswell, who is an agriculture policy counsel for Alston & Bird in Washington, D.C.

“I’ve worked on this issue over a decade,” Boswell said. “The labor shortage used to hit hardest on the coasts but now it affects every state.”

The Farm Workforce Modernization Act is the only long-term answer to the labor crisis facing agriculture today, Conner said. The Act passed the House in 2021 but has not passed in the Senate.

“We have workers who have been in this country for a long time,” Conner said. “But their paperwork is not up to date and their status is ‘illegal’.”

The Act would allow these workers -- believed to be more than a million -- a path to legal status and eventually to citizenship.

“The threat of deportation hangs over them,” Conner said. “We could not produce what we do if we sent a million workers away.”

Daniel Costa favors change to the H-2A program with an emphasis on guest worker protections. Costa is director of immigration law and policy research at the Economic Policy Institute in Washington, D.C.

Currently, “workers cannot easily complain or change jobs if conditions are illegal or not what was promised,” he said. “There have been many cases of wage theft and trafficking over the years.”

His recommendations for the guest workers include improving wages, making it easier to unionize or organize, establishing retaliation protections for workers with a complaint and adding more oversights and audits.

Policy issues affect more than guest workers and their employers. Agriculture policy affects everyone: “Less than 1% of people farm but everyone eats,” Mattive said.

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Media



A Patriot Fleet truck for Crete Carrier Corp. Image courtesy of Crete Carrier Corp.

Chuck Conner, President and Chief Executive Officer of the National Council of Farmer Cooperatives, discusses how policy can impact the farm labor shortage. Conner spoke at the Kansas City Fed's 2022 Agricultural Symposium: Help Wanted in Agriculture. <https://youtu.be/WW46EifNJDA>

Kristi Boswell, Agriculture Policy Counsel at Alston & Bird LLP, discusses the H-2A visa program, which helps American farmers fill employment gaps by hiring workers from other countries. Boswell spoke at the Kansas City Fed's 2022 Agricultural Symposium: Help Wanted in Agriculture. <https://www.youtube.com/watch?v=EJISoAC5Ki4&list=PLRuFDIAZCtQ14rSkVyrqbeehfIRgwq2wa&index=11>