

**Congress of the United States**  
**Washington, DC 20515**

July 8<sup>th</sup>, 2009

Hilda L. Solis  
Secretary  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Secretary Solis:

We are writing to urge you to appoint a Special Assistant to coordinate the Department's work relating to the unique employment situation faced by the nation's 2.5 million farmworkers. As you know, farmworkers are excluded from many of our nation's workplace laws and are the exclusive subject of other laws that the Department enforces and implements.

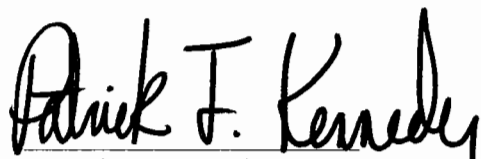
For instance, farmworkers are exempt from the National Labor Relations Act and the overtime provisions of the Fair Labor Standards Act, and are provided only limited protections under the Occupational Health and Safety Act. On the other hand, there are specific laws that the Department must enforce for farmworkers such as the Migrant and Seasonal Agricultural Worker Protection Act and the H-2A agricultural guest worker program. Focused and targeted enforcement under the laws that do protect farmworkers is necessary to bring real change to this disadvantaged workforce.

Indeed, almost 30 years ago, in 1980, the Department promulgated regulations (29 CFR part 42) setting forth procedures for coordinating all its enforcement activities relating to farmworkers. The regulations establish a National Farm Labor Coordinated Enforcement Committee under the direction of the Under [Deputy] Secretary of Labor and provide that the Under Secretary "shall assign to one of his/her Special Assistants the responsibility of directing the staff work required by the Committee." The regulation mandates a staff level working group "consisting of senior staff representatives from the branch of farm labor Enforcement and the Wage and Hour Division in ESA, the United States Employment Service and the Employment and Training Administration in ETA, the office of Field Coordination and the office of State Plan States in OSHA and the Office of the Solicitor. This working group is to meet monthly and be directed by the Special Assistant.

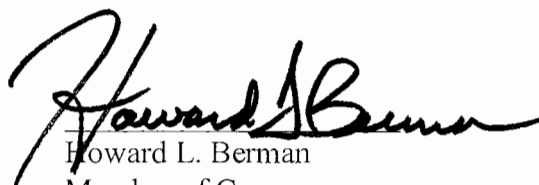
While this regulation has largely been ignored in recent years it is even more relevant today as America confronts concerns about food safety, environmental quality and workplace hazards. The appointment of a Special Assistant to coordinate farm labor, preferably reporting directly to the Secretary, would greatly enhance the effectiveness of the Department's efforts on behalf of farmworkers.

While agriculture is a fundamental part of our daily life, Americans are often unaware of the harsh conditions to which many of the workers who harvest their food are subjected. To improve the lives of all Americans and to protect workers nationwide, the Department of Labor must effectively implement and enforce the laws affecting farmworkers. The Department must appoint a Special Assistant to ensure that this Administration can address the unique needs of our nation's farmworkers.

Sincerely,



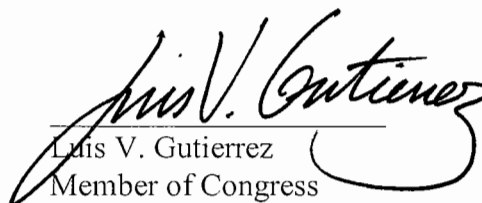
Patrick J. Kennedy  
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Howard L. Berman  
Member of Congress



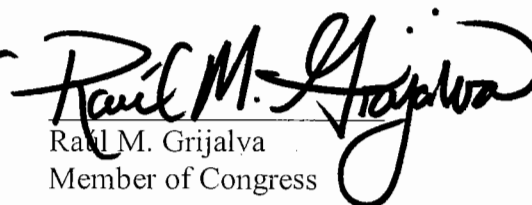
Xavier Becerra  
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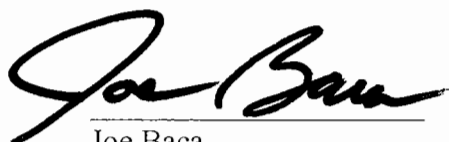
Luis V. Gutierrez  
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George Miller  
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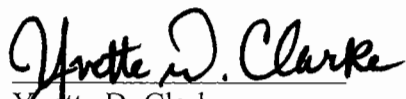
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Joe Baca  
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Bennie G. Thompson  
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Yvette D. Clarke  
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Mazie K. Hirono  
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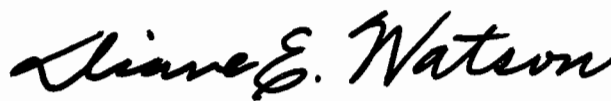
Laura Richardson  
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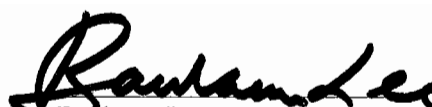


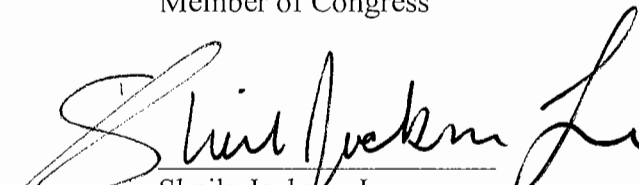
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Member of Congress



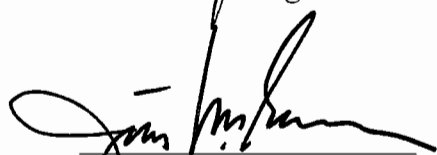
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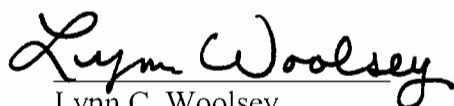
  
Sam Farr  
Member of Congress

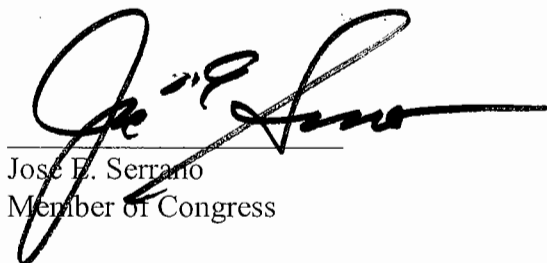
  
James P. McGovern  
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