

The Honorable Thomas A. Nassif

President and CEO

Western Growers

Testimony

Before the Committee on Resources

United States House of Representatives

Hearing on the Importance of Border Security on Federal Lands

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Mr. Chairman, and Members of the Committee, thank you for the opportunity to testify today on behalf of Western Growers. It is very much appreciated that you are holding this important hearing here in California.

Western Growers is an agricultural trade association whose 3,000 members grow, pack and ship 90 percent of the fresh vegetables and nearly 70 percent of the fresh fruit and nuts grown in Arizona and California, about one-half of the nation's fresh produce. I like to say that we grow the best medicine in the world – fresh fruits, vegetables, and nuts. Western Growers is a member of the Agricultural Coalition for Immigration Reform (ACIR) and the National Coalition of Agricultural Employers (NCAE). Both are large national coalitions of agricultural employers who support comprehensive immigration reform. Western Growers, ACIR and NCAE strongly support reform of the H-2A temporary agricultural worker program, which currently is inaccessible to most farmers in California and Arizona. We also support an earned adjustment of status for experienced agricultural workers currently employed in agriculture. These experienced farm workers are necessary to maintain current levels of agricultural production.

My name is Tom Nassif. I am President and CEO of Western Growers. I first represented the agriculture industry as an associate, and then as a partner, in the law firm of Gray Cary Ames & Frye specializing in agricultural labor law. I represented the Imperial Valley Vegetable Growers Association and numerous growers and shippers in the Imperial Valley, Central Valley and Arizona on all kinds of agricultural labor law matters. I left the practice of law in 1981 to join the Reagan Administration, first as Deputy and Chief of Protocol for the White House, and then as Deputy Assistant Secretary of State for Near East and South Asian Affairs in the Office of Protocol in 1983 and in 1985. I was then named by President Reagan as his Ambassador to the Kingdom of Morocco.

Since joining Western Growers in 2002, our trade association has constantly dealt with a multitude of environmental and land issues on behalf of members. These issues include environmental regulation, such as pesticide regulation; water use and storage; and food safety and security, among other things. I have not received federal grants of any kind. Western Growers has received limited grants through market development programs (MDP) such as the Market Access Program (MAP) and other MDP's administered by the United States Department of Agriculture's Foreign Agricultural Service (FAS) program.

To help our members stay competitive in an increasingly fierce global marketplace, Western Growers provides a host of services on which our members rely, including representation in government affairs; communications and media relations; and international trade and transportation services, to name a few. Western Growers Assurance Trust (WGAT) is the largest insurer of benefits for the agriculture industry, offering a variety of health care, dental, vision service and life insurance plans, to farmers, their employees, and others affiliated with the agriculture industry. Today, more than 100,000 farm employees and their dependents receive employer sponsored benefits through WGAT. In addition, for over 30 years WGAT has contracted directly with doctors, dentists, pharmacies and hospitals in Mexico to provide seasonal farmworkers with access to healthcare in Mexico.

In summary, my testimony today will focus on immigration policy, and specifically, the impact of immigration policy on the environment. Our farmers and ranchers are the open space, we are the green space. Because we derive our living from the land, we're the best stewards of the land. Our members are committed to preserving those resources for future generations of Americans.

In addition, we are deeply troubled by the fact that our current enforcement-only approach to immigration policy has

forced determined migrants away from official ports of entry into the forbidding and often deadly desert of the Southwestern United States. Hundreds of miles of illegal trails and roads have been created from undocumented aliens crossing through refuge lands. This proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts re-vegetation efforts, disturbs wildlife and their habitat, and causes soil compaction and erosion. Moreover, hundreds of tons of debris, such as water bottles, diapers, and abandoned vehicles are jettisoned on federally protected lands by undocumented aliens. History clearly demonstrates that when legal channels to immigration are made available, illegal immigration plummets. The evidence is clear that a comprehensive approach to immigration reform, one that recognizes the economic realities of the needs of employers and foreign workers is crucial to reducing illegal immigration. The creation of a feasible and reliable guest worker program will drastically reduce illegal immigration, thereby preserving precious environmental resources.

Western Growers is Dedicated to Preserving the Environment

To put this issue into context, it is important to fully understand California's reliance on agriculture, and the country's reliance on California agriculture. California is the nation's leading agricultural exporter. Between 16-19 percent of California's agricultural production is exported to international markets annually, totaling more than \$6.5 billion in revenues.

California is the largest producer of specialty crops in the United States. These specialty crops provide 60 percent of America's daily nutritional value. California produces 99 percent or more of the following specialty crops: almonds, artichokes, clingstone peaches, dates, figs, kiwifruit, nectarines, olives, persimmons, pistachios, plums, dried (prunes), raisins and walnuts. The number one export is almonds.

Many Western Growers members are third and fourth generation farmers. It is not unusual to find fifth and sixth generation farmers among our members. Western Growers' Chairman, Will Rousseau's great-grandparents arrived in Arizona via covered wagon and began farming the land. Many have been farming the same exact same land that their grandfathers, great-grandfathers and great-great-grandfathers farmed so many years ago. Their longevity and fixedness is a testament to the environmentally friendly, sustainable farming practices that have been successfully implemented and improved upon for generations. This is the very definition of sustainable agriculture which refers to the ability of a farm to produce perpetually. An ever increasing number of our members are engaged in organic farming. The movement toward organic production is consistent with our members' ever-present desire to be more environmentally friendly, while also satisfying increasing consumer demand for organics.

Environmental protection is a priority for the conservation of precious natural resources, the continued health of our planet, and the continued viability of the fresh produce industry. Western Growers members recognize their responsibility as global citizens and they continually strive to reduce the environmental impact of the work they do and the commodities they produce. Western Growers takes pride in the fresh produce industry's history of innovation and thoughtful food production practices. How our production practices impact the environment is of the utmost importance to us, and environmental considerations are integral to our members' business practices. From the time the soil is prepared for planting and throughout the food production and processing cycle, our members take care to keep their agricultural activities environmentally sound and our fruit, vegetable and nut products, nutritious and safe to eat.

Recognizing our role as an environmental leader and steward, in 1991 Western Growers adopted and implemented the Western Growers Environmental Code of Concern, which guides our members on environmental practices.

Increasingly, Western Growers and state and national agricultural groups are working more closely together because of a mutual recognition that California and Arizona agricultural fields, orchards and vineyards constitute the present and future green space and open space of these productive states. Consider these statistics about California agriculture:

- More than one-quarter of California's landmass is used for agriculture—about 27.7 million acres, including 5 million acres of federal grazing land.
- Roughly 1.5% of the state's total agricultural land (including a similar percentage of its cropland) was converted to urban uses between 1988 and 1998.
- Every year, 20,000 acres of California farmland is turned into housing developments.

Clearly, agriculture is one of the greatest industries of this great state. Our bountiful harvest supplies the nation and the world with the best fruits, vegetables and nuts in the world. However, if our growers can't find a dependable and legal workforce, they will have no choice but to shut down their operations or move production to Mexico and other foreign soils. This will necessarily expedite the paving over of precious farmland. And once a farm is paved over, it can never be converted back

to green space.

Western Growers Believes it is Necessary to Preserve the Environmentally Fragile Desert Lands Along our Southern Border by Opening Legal Channels to Migration

Western Growers and its members support border enforcement in a clear recognition of the need to secure our nation. At the same time, it recognizes that as the border becomes more secure, it is forcing “coyotes” or human traffickers to direct illegal aliens to areas of the border that have not been used previously for this traffic. This illegal traffic is increasingly moving toward and into very environmentally sensitive federal and nonfederal desert land. This increased illegal traffic in fragile desert lands is causing environmental havoc.

The environmental destruction of such treasures as the Organ Pipe Cactus National Monument, a 330,000-acre park in the Sonoran Desert on the Arizona-Mexico border, is caused primarily by two distinct but diametrically opposed groups. First, the professional illegal human smugglers are traveling along these highly sensitive areas in increasing numbers. This coyote traffic consists of both foot and vehicular traffic, both of which trample the fragile desert flora. Illegal trails and roads carved by immigrants can destroy sensitive vegetation and wildlife habitat, and affect erosion patterns. Conservationists and biologists estimate that it could take over a century before fragile desert soils and plants recover from the damage.

Further insult to this precious land is caused by the trash and garbage strewn about by these traffickers. It has been estimated that the average desert-walking immigrant leaves behind 8 pounds of trash during a journey that, under the best case scenario, lasts one to three days. Assuming a half million people cross the border illegally into Arizona annually that translates to 2,000 tons of trash that migrants dump each year.

Migrant trash is especially vexing because it is scattered along remote areas where it is dangerous to grazing cattle and wildlife and difficult and expensive for waste management crews to reach and pick up.

According to a report released by Defenders of Wildlife, one of the nation's most progressive advocates for wildlife and its habitat, immigrant traffic and border patrol activities have left the following examples of damage:

- Vehicles abandoned by illegal immigrants are expensive to remove and towing them causes additional damage.
- Trash and human waste left behind by illegal immigrants affects soil and water quality.
- Low level helicopter flights by the Border Patrol disturb wildlife and habitat areas.
- Off-road vehicle patrols damage fragile regions vital to local wildlife. U.S. road, light, and fence-building projects disturb wildlife, destroy habitat and shift animal migratory patterns.

Thus, it is not just the coyotes and the human cargo that cause substantial damage to the habitats of the southwest. Federal, state, and local law enforcement groups and their volunteer counterparts travel over these same desert lands in an effort to apprehend those sneaking across the border. Law enforcement agencies along the border, as laudable as their mission is, use large motor vehicles that cause further damage to the desert environment. Moreover, the flow of migrants into the desert compels the necessary humanitarian efforts by U.S. citizens to journey into the dangerous desert to help save the lives of vulnerable migrants who become stranded in the desert. Again while noble of intention, the sensitive desert habitats become further harmed.

Western Growers Supports a Solution that Enforces our Borders, Enhances the Environment and Preserves Agriculture in California and Arizona

There is a sensible solution to this problem, which will not only protect the environmentally fragile federal lands of the Southwest, but will also bolster national security, benefit the U.S. economy, and provide humanitarian relief. The bottom line is the U.S. economy needs additional workers to do many of the jobs that U.S. workers will not do. It is beyond dispute that Americans do not raise their children to perform stoop labor or otherwise toil in the fields, vineyards, and orchards of our country's farms. The simple fact is: our crops are going to be harvested by foreign workers. The only issue is whether or not the harvesting occurs in the United States where our economy will benefit from the 3.5 jobs created upstream and downstream for every farmworker job, or whether another country will reap those economic benefits.

A reliable, legal guest worker program must be established so that workers can come legally to our country and become

legally employed in jobs where there are insufficient domestic workers to do the job. In the past, there was a program that accomplished this and discouraged aliens from illegally entering the US. While the bracero program was much maligned because of a lack of labor law protections and perceived exploitation of foreign workers, today, there are ample laws in place to protect guest workers from unscrupulous employers.

I would direct the Committee's attention to several excellent and well-researched studies on topic. The first is by Douglas S. Massey, a professor at Princeton University, on behalf of the Cato Institute which concludes that the enforcement-only approach to immigration policy has not only failed, but has had the opposite of its intended effect. The study demonstrates how the last twenty years of enforcement only policy has driven migration flows into the desert. (The executive summary of the report, titled *Backfire at the Border: Why Enforcement without Legalization Cannot Stop Illegal Immigration*, is attached as Exhibit 1)

In addition, two studies by Stuart Anderson for the National Foundation for American Policy are also very illuminating. One is titled *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*, and the other is *Making the Transition from Illegal to Legal Migration* (executive summaries attached hereto as Exhibits 2 and 3, respectively). The first report focuses on agricultural guest workers and concludes, among other things:

- “By providing a legal path to entry for Mexican farm workers the bracero program significantly reduced illegal immigration. The end of the bracero program in 1964 (and its curtailment in 1960) saw the beginning of the increases in illegal immigration that we see up to the present day.
- It is recognized that the number of INS apprehensions are an important indicator of the illegal flow and that, in general, apprehension numbers drop when the flow of illegal immigration decreases...
- In the 1950s and 1960s, senior law enforcement officials in the U.S. Border Patrol and elsewhere in the INS understood and promoted the use of market forces to reduce illegal immigration and control the Southwest border. A February 1958 Border Patrol document from the El Centro (California) district states, “Should Public Law 78 be repealed or a restriction placed on the number of braceros allowed to enter the United States, we can look forward to an increase in the number off illegal alien entrants into the United States.”

It is axiomatic that a program that allows workers to enter the U.S. legally directs those workers to enter at established points of entry. Workers who are given the opportunity to enter the United States legally, do not have to, and do not want to, journey through the unforgiving Southwest desert. Establishing a simple and feasible guest worker program is the single most important reform that Congress can enact to protect our precious desert lands. Employers would embrace such a program since they presently want to hire legal workers, but currently have no way to do so or verify they are doing so.

Currently, if a prospective employee presents identity and work authorization documents that appear valid on their face, the employer must accept those documents without further investigation or risk being sued for discrimination and bias. Establishing a feasible guest worker program, where guest workers would be provided a counterfeit-proof ID card, is key to protecting threatened federal lands, as well as preserving precious farmland.

Our members are reporting labor shortages in increasing numbers, throughout California and Arizona, due in part to the ever tightening enforcement of the Southwest border. If our farmers cannot obtain an adequate labor supply, they will be forced to go out of business and sell their farms to developers, or alternatively, they will move their production to Mexico or other countries where those willing to do agricultural work are plentiful. The marketplace has dictated that production must be moved out of the United States where there is not sufficient harvest labor. Consumers and, therefore, supermarkets demand a ready supply of the highest quality fresh fruits, nuts and vegetables. It is unacceptable for the producer to fail to deliver these products to market due to a shortage of harvest labor. If the supermarket can't get locally grown product when it needs it, it will rely on Mexico, China and other countries for its supply. As we import more produce, the United States will become increasingly dependent on foreign nations for its food. We will then be dependent on foreign countries for food as we are now dependent on other countries for oil. Thus, maintaining a safe, healthy and abundant domestic supply of fresh fruits, nuts and vegetables is a national security imperative.

Conclusion

Mr. Chairman, it is hoped that this testimony will help to provide a pathway that secures our borders, preserves our delicate environmental resources, both public and private, and benefits our economy for future generations. If our farm land is lost due to the lack of labor, the land will be developed, and that green space will be lost forever. The solution, a viable guest worker program, unites environmentalists, farmers, economists, and humanitarians, for the common good. Providing legal channels for immigration, channels that direct immigrants away from sensitive and lethal desert lands, to official ports

of entry, is critical for the environment, the economy, and the future of this nation.

Thank you very much for the opportunity to share our views. I will be pleased to answer any questions you may have.

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