New immigration laws could hit farmers, drive up food prices

Written by [Chas Sisk | The Tennessean](#)

HICKORY POINT, TENN. — Inside a spartan shed thick with the smell of moist tobacco, temporary laborers from the Mexican state of Nayarit deftly stripped a truckload of the plant's broad leaves from its hardened stalks.

A foreman, Pedro Peña, handed racks of dark air-cured tobacco down to another worker, Lupe Villegas, who loaded each one onto one of two sets of chain drives. As the racks went along the drive, teams of eight workers laid the stalks bare and sorted the tobacco into three grades, all in less than a minute. A final worker removed the exposed stems and loaded them into a V-shaped crib.

Without these 19 men, most of whom have been coming back every fall for a decade, George Marks could not bring in the three varieties of tobacco he farms, he says. The same is true of dairy cows, which he also raises on his Montgomery County farm, and a host of other crops grown in Tennessee — peaches, tomatoes, gourds, apples.

"If, theoretically, you did get rid of all the Mexicans, you'd be hungry in a week," Marks said. "All your vegetables had a Mexican hand on it. All your fruit, and three-quarters of your meat."

A set of tough new immigration laws that went into effect this year in Georgia and Alabama has highlighted the degree to which farmers in the Southeast have come to depend on foreign-born labor. And now, as Tennessee rolls out similar reforms, some in the agriculture industry are worried lawmakers may create a labor shortage here.

A law that requires employers to check the immigration status of all new hires could make it harder for farmers to find seasonal labor, whether foreign-born or natives of the United States. Other laws that have been proposed but not yet passed in Tennessee could discourage even legal migrants, like the men Marks hires through the federal H-2A visa program, from coming back to the state.

Last year, more than 2,300 H-2A workers were hired on approximately 150 sites in Tennessee.

But farm workers have abandoned Georgia and Alabama in droves this fall, forcing farmers to abandon their crops for lack of enough hands in the fields. Economists in the two states estimate their economies lost at least $115 million as a result.

State Rep. Joe Carr, the chief proponent of tougher immigration laws in Tennessee, says state lawmakers are working to avoid the mistakes of Georgia and Alabama. Their gradual approach will "demagnetize" Tennessee and make it less attractive to undocumented immigrants without disrupting the state's agriculture sector.

"We are very, very comfortable that we are developing a very, very successful model," said the Lascassas Republican. "We're being very careful."

Legal workers are hard to find

But many farmers say it is already difficult to find Americans who want — or know how — to do the backbreaking work of bringing the state's produce in from the fields. They also say that the process of obtaining legal migrants is costly and burdensome, and that adding another requirement will make it worse.

The end result could be higher prices. While prices for commodities such as wheat and corn have soared in recent years, most produce found in local supermarkets has remained steady. Without foreign-born labor, that could change.

"Wheat and corn have gone up, but fresh fruit and stuff hasn't really gone up compared to what everything else has," said Troy Smiley, a Robertson County farmer. "If (labor) is not there, (food) just won't be there."

The effect of tougher immigration laws in Georgia and Alabama has been immediate.

Georgia economists estimate that their state lost $75 million from its $578 million agriculture industry as berries, bell peppers, squash, cucumbers, watermelons and the state's famed Vidalia onions were left to rot.

Alabama's initial estimate is $40 million lost, and Sam Addy, an economist at the University of Alabama, said that figure likely understates the damage.

Checks into immigration status were just one part of the problem. Georgia and Alabama also implemented laws that give police greater power to check immigration status and that require local governments to check status before offering social services.

Alabama's law, which took effect Sept. 29, has created long lines as local governments check status for routine tasks such as acquiring a dog license or turning on electric utilities. The disruptions caused by the laws have led many immigrants — legal and illegal — to leave, according to news accounts from those states. Lawmakers are now considering repealing some of the new laws.

The laws passed elsewhere are broader and more draconian than what has been discussed in Tennessee, with Alabama's going so far as to ban even giving illegal immigrants a ride. So far, the only major element of those laws to pass in Tennessee is a requirement that businesses check immigration status using the federal e-Verify system.

And even with the e-Verify law, Tennessee lawmakers have been more cautious than their neighbors, said Rhedona Rose, director of public affairs and the main lobbyist for the Tennessee Farm Bureau. While Georgia and Alabama imposed the requirement almost immediately, Tennessee has staggered implementation.

Only businesses with more than 500 employees have to check status when the law goes into effect Jan. 1. Employers with 200 workers do not have to comply until July 1. And those with six

to 199 workers, the category that includes most farmers, do not have to start checking status until Jan. 1, 2013.

Several farmers contacted last week doubted the new law will slow their hiring. Like Marks, they said they typically hire workers through the H-2A visa program, meaning their workers are in the country legally. Or, they said, they hire Tennessee residents to help out seasonally.

But farmers who follow the law could also be tripped up by it, Rose said.

Visa holders are unlikely to appear in the e-Verify system. The law does not protect farmers from penalties if they rely on a visa in place of a status check. And farmers who hire American workers of any ethnic origin will still have to run their information through e-Verify.

"I think that's the part that many people are forgetting," Rose said. "It's not just about e-Verifying folks that you think look like they're not from here."

Labor costs rising

The cost of obtaining labor has been rising. Marks said he is already required to pay more than $9 an hour for his crew under prevailing wage formulas set by the federal government. He also must guarantee them 40 hours of work each week, regardless of weather conditions.

On top of that, Marks must provide lodging. As his crew was busy stripping tobacco last week, a state inspector came out to ensure the housing was adequate.

"You get good workers," he said, "but it's not cheap."

At the very least, Tennessee's law will add another procedure to the process of obtaining legal farm workers. At worst, it could slow farm hiring, especially if the state overshoots in its efforts to clamp down on illegal immigration.

For the most part, Carr plans to press ahead. He said he will ask lawmakers to take up his proposal again to extend status checks to government agencies, and he has no plans to soften the e-Verify law.

"The only thought I have going forward is changes that make it more strict," he said.

Rose, meanwhile, said farmers will be watching for problems with the law. She praised the yearlong phase-in for giving lawmakers a chance to recalibrate if it appears to be going awry.

"That hopefully gives us a little time," she said.

http://www.tennessean.com/article/20111127/NEWS0201/311150089/New-immigration-laws-could-hit-farmers-drive-up-food-prices