



# GEORGIA STATE SENATE

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### FINAL REPORT OF THE SENATE STUDY COMMITTEE ON AGRICULTURE, FORESTRY, AND LANDSCAPE WORKFORCE ACCESS (SR 460)

#### Committee Members

Senator John Wilkinson, Chair  
District 50

Senator P.K. Martin  
District 9

Senator Frank Ginn  
District 47

Commission Gary Black  
Department of Agriculture

Commissioner Mark Butler  
Department of Labor

Mr. Richard Woods  
State School Superintendent of Education

Mr. Charles Hall  
Executive Director, Georgia Fruit and  
Vegetable Growers Association

Mr. Brent Galloway  
President, Georgia Cattleman's Association

Ms. Mary Kay Woodworth  
Executive Director, Georgia Urban  
Agriculture Council

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## COMMITTEE FOCUS, CREATION, AND DUTIES

The Senate Study Committee on Agriculture, Forestry, and Landscape Workforce Access (Committee) was created with the adoption of Senate Resolution 460 during the 2019 Legislative Session. The Committee was charged with exploring new employment initiatives in technical schools, youth career development programs, coordination among state agencies, and other such efforts to improve workforce availability in Georgia.

The Committee was comprised of the following members:

- Senator John Wilkinson of the 50<sup>th</sup>;
- Senator P.K. Martin of the 9<sup>th</sup>;
- Senator Frank Ginn of the 47<sup>th</sup>;
- Department of Agriculture Commissioner Gary Black;
- Department of Labor Commissioner Mark Butler;
- State School Superintendent of Education Richard Woods;
- Mr. Charles Hall, Executive Director, Georgia Fruit and Vegetable Growers Association;
- Mr. Brent Galloway, President, Georgia Cattleman's Association; and
- Ms. Mary Kay Woodworth, Executive Director, Georgia Urban Agriculture Council.

Senator John Wilkinson, Chair of the standing Senate Committee on Agriculture and Consumer Affairs, served as Chair of this Committee. The Committee met four times during the interim in Room 450 of the State Capitol in Atlanta, the Georgia Forestry Association, and the Georgia Museum of Agriculture. The Committee received public testimony and comment from an array of industry participants, educators, and state agencies. Speakers included:

- Dr. Roger Tutterow, Professor of Economics at Kennesaw State University;
- Dr. Genti Kostandini, Associate Professor Agricultural & Applied Economics at the University of Georgia;
- Mr. Mark Thelen, President and CEO of Landmark Landscapes;
- Mr. Jim McCutcheon, CEO of HighGrove Partners;
- Commissioner Mark Butler, Georgia Department of Labor;
- Ms. Farrah Newberry, Georgia Milk Producers, Inc.;
- Mr. Pete Gelber, Barrington Dairies;
- Mr. Tim Lowrimore, Interfor;
- Mr. Preston Mobley, IFCO Seedlings;
- Mr. Tommy Peagler, Coastal Pines Technical College;
- Mr. Garrett Boone, Director of the Georgia Museum of Agriculture;
- Ms. Lanie Riner, President of Thunderwood Farms;
- Mr. Kevin Koeppler, General Manager at Sunbelt Greenhouses;
- Mr. Aaron McWhorter, President of NG Turf;
- Mr. Ben Evans, Manager of Coffee County Gin;
- Mr. Marshall Spivey, CFO at Premium Peanut; and
- Dr. Mark Kistler, Dean and Professor at Abraham Baldwin Agriculture College, School of Agriculture and Natural Resources.

The following legislative staff members were assigned to this Committee: Ms. Elisabeth Fletcher of the Senate Press Office; Ms. Natalie Heath of the Senate Budget and Evaluation Office; Mrs. Katherine Russell of the Senate Research Office; Ms. Shawn Marie Story of the Office of Legislative Counsel; and Ms. Taylor Hartshorn and Ms. Ryann Miller, Committee Secretaries for Senate Agriculture and Consumer Affairs and Legislative Assistants to Senator John Wilkinson.

## BACKGROUND

As the economy has grown and unemployment rates are near record lows, many employers in agriculture, forestry, and landscape cannot find the necessary work force to meet production demands. Many employers in the agriculture and forestry industries now require the assistance of immigrant workers obtained through federal guest worker visas. For these workers to legally enter the United States to work, they must first obtain work visas through the U.S. Department of Labor. Prospective employers must file a Petition for Nonimmigrant Workers (I-129) on behalf of the prospective employees. Sections H-2A and H-2B of the federal Immigration and Nationality Act outline the requirements for these petitions. Both require that there are not enough U.S. workers who are able, willing, qualified and available to do the temporary work and that they will not adversely affect the wages and working conditions of similarly employed U.S. workers. There are, however, some differences between the H-2A and H-2B programs.

### H-2A Agricultural Work Visas

The H-2A visa refers to a work visa granted to temporary or seasonal agricultural workers allowed to work in the United States. The program requires that employers meet specific regulatory requirements before being allowed to bring aliens into the country.<sup>1</sup> Employers must provide at no cost: housing (or pay for housing), three meals a day (or provide free and convenient kitchen facilities for employees), and daily transportation.<sup>2</sup>

### H-2B Non-Agricultural Work Visas

The H-2B visa refers to a work visa granted to temporary non-agricultural workers. There is a statutory limit on the number of aliens issued H-2B visas in a fiscal year. Currently, the limit is 66,000 per year. The first 33,000 are admitted to work from October-March; the second set of 33,000 are admitted to work April-September. To qualify for the H-2B nonimmigrant classification, the petitioner must establish that its need for workers' services is a one-time occurrence, a seasonal need, a peak load need, or an intermittent need.<sup>3</sup>

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<sup>1</sup> <https://www.uscis.gov/working-united-states/temporary-workers/h-2a-temporary-agricultural-workers>.

<sup>2</sup> <https://www.dol.gov/whd/regs/compliance/whdfs26.htm>.

<sup>3</sup> <https://www.uscis.gov/working-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers>



## COMMITTEE MEETINGS

### Meeting 1- September 24, 2019

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The Committee held its first meeting in Room 450 of the capitol. Sen. John Wilkinson (Chair), Sen. P.K. Martin, Sen. Frank Ginn, Charles Hall, Brent Galloway, Mary Kay Woodworth, Mike Giles (for Commissioner of Agriculture, Gary Black), Billy Hughes (for Superintendent Richard Woods), and Commissioner of Labor Mark Butler were present for the meeting.

Overall the discussion of the meeting was centered on the lack of laborers available to fill entry level jobs in the agricultural and landscaping industries. Testimony was heard from the following individuals:

- Dr. Roger Tutterow; Professor of Economics, Kennesaw State University
- Dr. Genti Kostandini; Associate Professor Agricultural & Applied Economics, University of Georgia
- Mark Thelen; President and CEO of Landmark Landscapes
- Jim McCutcheon; CEO, HighGrove Partners
- Mark Butler; Commissioner, Georgia Department of Labor

Dr. Roger Tutterow, a Professor of Economics from Kennesaw State University, gave an overview of the current economic conditions and predictions for the future for both the national economy and Georgia's labor markets. He expressed that while there has been national talk about an upcoming recession, he doesn't think it is the most likely scenario. He thinks there is a one in three chance of an actual recession. However, trends from 2018-2019 have shown economic growth slowing. He noted that manufacturing in particular is under pressure. Their growth seems to be moving sideways rather than growing or receding. He mentioned this because the manufacturing sector closely mirrors agribusiness and explained that changes in tariffs and the uncertainty that it has produced has affected some agricultural industries (i.e. soybeans). He further explained that the tight labor market is holding economic growth back. He noted that companies are having a hard time filling and retaining labor nationwide. He noted some changing trends in the workforce as a contributing factor. Particularly that younger age groups aren't participating in the labor market at the same rate as previous generations. When asked if the younger workforce is deciding not to work or if they are having trouble, Dr. Tutterow said that there is no clear answer but did reference a socio-phenomenon as being a likely answer. There were several follow up questions and comments about motivating younger people to enter the workforce.

Dr. Genti Kostandidi, an Associate Professor of Agriculture and Applied Economics, explained the impact of a labor shortage on Georgia's economy could be great. He further explained that an estimated 50 percent of the farm workforce are undocumented workers but foreign participation is on the decline. This is because conditions in Mexico are getting better and are keeping workers in their home country. Also, increased efforts at the border have prevented many undocumented migrant workers from coming to our country. He further explained that US citizens are not good substitutes for undocumented workers because they do not tolerate working where the climate or nature of the work creates harsher conditions.

Programs that offer migrant workers access to the country include H-2A and H-2B visas. Mr. Charles Hall noted that Georgia is the largest H-2A employer participant in the country. The average wage paid is \$11.13 in addition to housing and food that is supplied for the workers. Ms. Mary Kay Woodworth noted that H-2A is not available for all sectors – like dairy and landscape.

Mr. Mark Thelen of Landmark Landscape gave testimony expressing his company's challenges recruiting and retaining a solid workforce. Some of the major challenges he mentioned were enticing people who weren't interested in seasonal work in lieu of full year employment. He expressed that having a drug free workplace was a major challenge because it so drastically diminished the applicant pool. He expressed marijuana usage as a major problem with youth. Additionally he expressed that most laborers won't show up for work consistently even with a pay starting at \$13 per hour.

Mr. Jim McCutcheon echoed the sentiment that a having a drug free workplace significantly diminishes the labor pool. His estimate is that 70 percent of applicants won't pass a drug test. He explained that they start their employees at \$14 per hour but still have trouble filling all of the jobs. He estimates that they are 10 to 20 percent understaffed every week costing his company over \$1 million last year.

Commissioner Mark Butler explained that when looking at the current workforce in Georgia he believes that the people who want to work are already working. When surveying the business sector most employers said they get their employees from other employers. He explained that in the last 12 months there has only be an increase of 4,000 people into the workforce, but there has been an increase of 85,000 jobs. He expressed that the low number of people in the workforce could be due to a combination of factors. For example, when the economy is good people are more likely to retire or stay in school longer. In contrast, 130,000 to 140,000 people entered the workforce during the recession. He explained that Georgia is doing such a great job creating jobs that it is outpacing the supply of workers. However, a lack of labor can affect the economy just as much as a lack of products. Ms. Woodworth asked if the Department of Labor has worked with the Department of Corrections. Commissioner Butler explained that employers who accept applicants with a criminal record have been successful retaining those employees and they meet the major hurdles: they show up and they have a clean drug test. He also stated that 80 percent of employers are willing to interview applicants with criminal records. This program has been working at a local level and is not fully integrated across the Department of Labor.

## **Meeting 2 - October 17, 2019**

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The Committee held its second meeting at the Georgia Forestry Association in Forsyth, GA. Sen. John Wilkinson (Chair), Sen. Frank Ginn, Brent Galloway, Mary Kay Woodworth, Will Bentley (for Commissioner Mark Butler), and Mike Giles (for Commissioner of Agriculture, Gary Black) were present.

Overall discussion centered on the workforce needs in the dairy and forest products industries. Workforce challenges, incentive programs, solutions, and success stories were also shared by the representatives in each industry where applicable. Testimony was heard from the following individuals:

- Ms. Farrah Newberry, Georgia Milk Producers, Inc.
- Mr. Pete Gelber, Barrington Dairies
- Mr. Tim Lowrimore, Interfor
- Mr. Preston Mobley, IFCO Seedlings
- Mr. Tommy Peagler, Coastal Pines Technical College

Ms. Farrah Newberry of Georgia Milk Producers, Inc. provided an overview of Georgia's Dairy Industry. She shared that the industry is comprised of roughly 80,000 cows, noting that the decrease in dairy farms across Georgia is related to the decrease in milk consumption as well the drop in milk prices over the last few years. She clarified the myth that immigrant workers are not paid, stating



that not only are they paid \$30k-\$40k a year, housing and help with medical expenses is provided. Ms. Newberry went on to explain that a work program is needed to keep agriculture as the top industry in Georgia, noting that H-2A programs are not allowed for the dairy industry, because it is a year-round industry. She suggested that the work program be administered by the Georgia Department of Agriculture (GDA).

Mr. Pete Gelber from Barrington Dairies shared that his dairy farm consists of 12,000 mature cows which amounts to 16 to 17% of milk production in Georgia. He shared an incentive program at his farm that gives employees who show up to work on the days scheduled to work a bonus on each paycheck amounting to \$50—only 17% of the employees achieve this bonus.

Tim Lowrimore of Interfor presented on the forest products industry workforce initiatives and experiences. He described his biggest challenge is maintaining manpower in production employees, explaining there is a baseline of having to meet certain core competencies as well as work ethic challenges related to passing drug tests, demonstrating a willingness to learn, and maintaining a steady supply of workers. One solution that Interfor has rolled out to address the need for dedicated workers that can be “trained up” is a maintenance millwright apprenticeship program. This program is three years and those production employees who complete the program would be eligible to earn \$75k-\$90k a year in the new position following the apprenticeship, which requires no loans and allows the employee to continue working during the process. Interfor’s recruitment into high school, technical colleges and universities has been limited. Interfor experiences the same kind of struggles with employees across the U.S., but their Canadian operations have no trouble finding applicants who are willing and excited to work in their mills. Interfor does not currently work with the Georgia Department of Labor to find applicants.

Additional presentations were provided by Mr. Preston Mobley of IFCO Seedlings and Mr. Tommy Peagler of Coastal Pines Technical College. Mr. Mobley of IFCO Seedlings explained that its seedlings production makes up 29% of the U.S. South market. Much of their work is seasonal and they can go through over 100 workers in just one year. Since the work is seasonal, they are able to contract under H-2A and H-2B programs in container and bareroot nurseries. IFCO doesn’t have any local seasonal workers.

Mr. Tommy Peagler of Coastal Pines Technical College explained that the institution serves 13 counties in rural southeast Georgia, with customized dual enrollment in each county that caters to the skillsets needed in certain industries. He went on to share a collaboration with Georgia Public Broadcasting aimed toward developing a forestry curriculum for grades 5 and 6 as well as high school aged children, stating that “whether you have a GED or PhD, there’s a place for you in forestry.” Mr. Peagler went on to say that guidance counselors are key to recruiting students to the industry. He also shared information on a program with the U.S. Department of Labor, reporting that 23 apprenticeships are currently in progress at Coastal Pines Technical College.

During a public comment period, Ms. Julia Asherman, a farmer from Jefferson County and member of the Middle Georgia Young Farmers Coalition explained that labor is the limiting factor in her industry. She farms vegetables and organic flowers, and has found it extremely difficult to attract and retain workers. Ms. Asherman has been farming for 10 years and got her start with an FSA loan. She recommended that Georgia look for low risk options for individuals to get access to information and incentivize people to pool where workers are most needed in farming, mentioning that Colorado created a program through its Department of Agriculture.

### **Meeting 3 – November 7, 2019**

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The Committee held its third meeting at the Georgia Museum of Agriculture in Tifton, GA. Senator Wilkinson, Mr. Galloway, and Ms. Woodworth were present for the meeting.

This meeting focused on the workforce access challenges within the greenhouse, turf grass, cotton ginning, and peanut processing industries. Additionally, there was discussion of how Abraham Baldwin Agriculture College (ABAC) is helping to address the challenges to developing a strong agriculture workforce.

The following individuals provided testimony:

- Mr. Garrett Boone, Director of the Georgia Museum of Agriculture
- Ms. Lanie Riner, President, Thunderwood Farms
- Mr. Kevin Koeppler, General Manager, Sunbelt Greenhouses
- Mr. Aaron McWhorter, President, NG Turf
- Mr. Ben Evans, Manager, Coffee County Gin
- Mr. Marshall Spivey, CFO, Premium Peanut
- Dr. Mark Kistler, Dean and Professor, School of Agriculture and Natural Resources, ABAC

Mr. Garrett Boone welcomed everyone to the Georgia Museum of Agriculture and gave a brief overview of their mission: to educate the public on the importance and the history of agriculture.

Ms. Lanie Riner of Thunderwood Farms expressed the difficulties she has in Meriwether County. Recently, she has had difficulty filling four positions. She testified that there may be many applicants, but most are looking for cash jobs. Mr. Galloway asked Ms. Riner if they had considered people who have been incarcerated and stated that with some due diligence, she might be able to find some good workers. Ms. Woodworth supported that suggestion and added that many formerly incarcerated candidates have merely made mistakes.

Mr. Kevin Koeppler of Sunbelt Greenhouses explained that they have difficulty finding employees at multiple levels including their supervisory roles. Mr. Koeppler explained that when they see capable people, they give them opportunities, but the employees will not take the opportunity to advance themselves into higher positions. He expressed they were losing many of their workers to the manufacturing and cannabis industries. When asked if they reached out to technical colleges, Mr. Koeppler expressed that they had not.

Mr. Aaron McWhorter of NG Turf expressed in his testimony that current conditions are part of a supply and demand cycle. He expressed their difficulty finding midlevel operators and supervisors. He also stressed the lack of personal accountability among his employees and applicants.

Mr. Ben Evans of Coffee County Gin explained that their greatest challenges are access to labor and transportation. He explained that his entire workforce is Hispanic and that E-verify had a profound effect on his applicant numbers. He further explained that there has been a shift in the industry where smaller gins are closing down and only the large gins remain.

Mr. Marshall Spivey of Premium Peanut echoed some of the other speaker's concerns and added that about 25% of his employees are in constant rotation. However, his company operates steadily throughout the year rather than fluctuating with growing seasons. In an attempt to accommodate their workforce they implemented a mobile health clinic.

Dr. Mark Kistler gave an overview of how ABAC is helping to prepare students to work in the agriculture industry.

During public comment, Mr. Chris Butts from Georgia Green Industry Association expressed that the businesses most attendees were competing with are cash-paying businesses operating outside of the law.

#### **Meeting 4 – December 10, 2019**

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The Committee held its fourth meeting in Room 450 of the capitol. Sen. John Wilkinson (Chair), Brent Galloway, Mary Kay Woodworth, Mike Giles (for Commissioner of Agriculture, Gary Black), Superintendent Richard Woods, and Will Bentley (for Commissioner of Labor Mark Butler) were present for the meeting.

The Committee discussed findings and recommendations and voted on the adoption of the final report. There was a quorum present and the vote to adopt the final report was unanimous.



## FINDINGS AND RECOMMENDATIONS

The Committee received testimony from the public and interested parties, including representatives from the agricultural, forestry, and landscape industries, along with educators, economists, and government officials. Based on the foregoing testimony and supporting documents, the Committee issues the following findings:

- The Committee finds that federal H-2A and H-2B guest worker visa programs are complicated, cumbersome, and expensive for small businesses.
- The Committee finds that federal guest worker programs, like the H-2A and H-2B programs, can help farmers and agribusiness that otherwise cannot find an available workforce. The programs, however, are limited in scope and burdensome for some employers to navigate.
- The Committee finds that some employers are having difficulty finding applicants for available seasonal and full-time positions.
- The Committee finds that Georgia students' participation in the University System of Georgia and Department of Education 4-H and FFA programs indicates an interest in building careers in agriculture, forestry, and landscape businesses.
- The Committee finds that some employers are paying employees in cash, with no taxes withheld. This practice is drawing workers away from businesses that do withhold taxes.

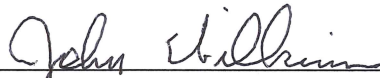
Based on the testimony and findings, the Committee issues the following recommendations:

- The Committee encourages the Georgia Department of Labor, Georgia Department of Agriculture, and Georgia Department of Economic Development to coordinate in developing programs to improve workforce recruitment by identifying and encouraging workers from the region to come to Georgia for job opportunities.
- The Committee recommends the Georgia Department of Labor and the Georgia Department of Agriculture coordinate to develop a program to help qualified businesses navigate the application process and compliance with H-2A and H-2B federal guest worker visas.
- The Committee recommends the Georgia General Assembly pass resolutions urging Congress to make changes to the federal H-2A and H-2B guest worker visa programs so that they may be more useful for the businesses of Georgia struggling to find a viable domestic workforce.
- The Committee recommends the State provide a grant program to industry sector non-government organizations to initiate or assist in industry employment initiatives.
- The Committee recommends that the University System of Georgia and the Georgia Department of Education continue to advance jobs and career opportunities in the landscape, agriculture, and forestry industry by promoting degree programs and initiatives within secondary schools. Further, the Committee recommends the Technical College System of Georgia and the University System of Georgia encourage technical colleges and higher education institutions to address the education necessary to prepare students for leadership roles in these industries.

- The Committee recommends the Department of Revenue partner with state and local government agencies to develop recommendations and procedures to curb or eliminate the practice of employees earning cash and not remitting taxes upon those earnings.

Respectfully Submitted,

**FINAL REPORT OF THE SENATE STUDY COMMITTEE ON  
AGRICULTURE, FORESTRY, AND LANDSCAPE WORKFORCE ACCESS**

A handwritten signature in cursive script, reading "John Wilkinson", is positioned above a horizontal line.

Honorable John Wilkinson, Chair  
Senate District 50