

Chairman Hennessey and Chairman Carroll:

Thank you for giving Pennsylvania Farm Bureau the opportunity to share our thoughts on House Bill 279 and its efforts to change how individuals from other countries can qualify for driver's licenses in Pennsylvania.

We view our current laws regarding driver's licenses for immigrant workers as an impediment to agriculture. Our current law does not allow employers to fully utilize the workers that it needs to perform critical on-farm tasks. The inability of farm workers to easily obtain a driver's license creates an unnecessary burden on farmers. By returning to a standard that allows individuals to apply for a driver's license using a tax identification number, as opposed to the current standard of a Social Security Number, foreign individuals working on farms in Pennsylvania would have an easy path to obtaining a driver's license.

Agriculture nationally, and in Pennsylvania, relies on migrant workers and workers who have immigrated here from foreign countries. These workers are employed throughout every sector of agriculture. These workers pick mushrooms, milk cows, gather chickens for processing, harvest apples and pick pumpkins. Our farm families would be severely hampered in their ability to get farm products to market without a strong migrant workforce and immigrant labor system.

According to estimates compiled by the Pennsylvania Department of Agriculture, around 75 percent of the workers employed on Pennsylvania farms are foreign born. While the department does not estimate whether these are temporary foreign workers, or those who have immigrated here for work, this statistic highlights that many of our workers employed in agriculture are not native born.

Every year, farmers in Pennsylvania use the H-2A system to obtain legal workers for seasonal farm work. While some of our agriculture sector—such as dairy and mushroom production notably-- rely on year-round labor, there is a subset of agriculture that needs an influx of workers on a seasonal basis. The H-2A program is designed for farmers to meet the seasonal need of their farms.

An orchard, for example, will have widely varying labor needs depending on the season. Over the winter and spring, that orchard may only need a few workers for tree maintenance and other tasks. However, during the harvest season, their workforce needs may swell to 50 people or more, depending on the crop or acreage managed. The H-2A system is designed for those temporary needs, and in cases where a farmer has demonstrated that local workers are not applying for these seasonal jobs.

Under current state law, most seasonal farm workers are functionally unable to apply for a driver's license when they are here legally working in Pennsylvania. Our state allows foreign visitors, whether here for work or educational purposes, to apply for a driver's license, but absent an exception by PENNDOT, they must show that they will lawfully be in the United States for at least one year after the date of application. This requirement makes it extremely difficult for many temporary foreign agricultural workers to obtain a driver's license, given the seasonal and temporary nature of work. The vast majority of H-2A workers reside in the United States for less than a year.

This prohibition creates a significant problem for farms that employ temporary foreign workers. Farmers are unable to give these workers any tasks that involve operating a motor vehicle. These workers also thus must rely on farmers, or other local workers, to take them to run errands, go to the store, or enjoy the normal freedoms that come with being a licensed driver. In essence, it creates an unnecessary barrier to workers who are here legally, performing crucial jobs that keep our food supply moving.

Pennsylvania Farm Bureau

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Our organization supports effort that would give PennDOT the flexibility to develop a driver's license for immigrant workers who are either employed, or looking for work, in Pennsylvania. We would also support using a tax identification or Social Security number as proper documentation to obtain a license. House Bill 279 would make it incredibly easy for legal immigrants to obtain a driver's license and we support those efforts.

We do acknowledge this bill would grant immigrants, regardless of status, the ability to apply for a driver's license. That prevents us from giving a full endorsement of this legislation. However, if HB 279 were to become law, it would address our main concern of making sure that agriculture workers in Pennsylvania could apply for a driver's license, especially when they are here under temporary work visas. That change in law would benefit both the worker, and agriculture employer. It would also recognize that these workers are taking on essential jobs in our food sector and should be able to apply for driving privileges when they are here.

Thank you again for giving Pennsylvania Farm Bureau the chance to offer our perspective on this legislation.

Sincerely,



Darrin Youker
Director, State Government Affairs