



September 24, 2019

Adele Gagliardi, Administrator
Office of Policy Development and Research
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-5641
Washington, DC 20210

**Re: Temporary Agricultural Employment of H-2A Nonimmigrants in the United States
(Docket ID: ETA-2019-0007 / RIN: 1205-AB89)**

The American Sheep Industry Association (ASI) appreciates the opportunity to provide comments to the United States Department of Labor in the above-referenced docket regarding Temporary Agricultural Employment of H-2A Nonimmigrants in the United States. ASI is the national trade organization representing the interests of the 100,000 sheep farmers and ranchers located throughout the country who produce America's lamb and wool.

The H-2A program is critical to our members, as one-third of all the sheep in the United States are under the watch of an H-2A shepherd. Moreover, a significant number of sheep shorn, and the wool packed in this country also depend on H-2A sheep shearers and wool graders. In fact, much of our industry is structured around the availability and access to a legal year-round temporary workforce. ASI has supported a legal nonimmigrant herder program in the United States for over 50 years and has maintained several special procedures in every revision to date. The unique requirements of our industry mandate the maintenance of these provisions and the relationship between U.S. sheep producers and H-2A herders/shearers has been mutually beneficial.

The majority of ewes in the U.S. are located in the western states and spend some time grazing on federal lands. For many of these sheep ranches, a condition of their federal grazing permit is the requirement that they must have a shepherd on site per a certain number of sheep allotted. To fill those positions and continue to provide benefit to our federal lands and rural communities through grazing and economic development, access to a workable H-2A program with special procedures is necessary. Additionally, sheep must be shorn annually for animal health and welfare regardless of the price of wool or the availability of shearers. Sheep shearing is a highly specialized craft and many producers across the nation benefit from access to qualified H-2A shearers, helping to fill positions that cannot be sourced solely from the domestic workforce.

Given our industry's demand for H-2A employees and the technical requirements associated with legal compliance with the program, the sheep industry and our members rely on the expertise of Mountain Plains Agricultural Service and Western Range Association. These groups fulfill a needed service of connecting individual producers with suitable nonimmigrant employees, assisting with the necessary paperwork, and helping ensure compliance with strict program standards.

It is for these reasons that ASI strongly endorses the comments filed by the Mountain Plains Agricultural Service and the Western Range Association to this proposed rulemaking. The comments of these organizations detail several potential changes that are beneficial to H-2A stakeholders from electronic filing to adding work sites after certification. Their comments make a compelling argument that sheep shearing employers need a provision for a regional and or national prevailing wage survey versus a mandate for an adverse effect wage rate (AEWR) which would be very difficult for sheep shearing business and in turn sheep producers. ASI also strongly endorses both groups' comments in support of a meal allowance credit in wage rate methodology for shepherders. The annual adjustment with the employment cost index is creating expenses that are difficult for sheep operations to afford.

ASI commends the agency on its work to streamline provisions for employers while maintaining strong protections for H-2A employees. We ask that the comments of ASI and those of Western Range Association and Mountain Plains Agricultural Service be considered as the agency looks to implement these proposed rule changes.

Sincerely,

A handwritten signature in black ink that reads "Benny Cox". The signature is written in a cursive, flowing style.

Benny Cox, President
American Sheep Industry Association