American Lamb Council

ASI

American Sheep Industry Association, Inc.
www.sheepusa.org

American Wool Council

April 11, 2008

Chief, Regulatory Management
Division U.S. Citizenship and
Immigration Services Department of
Homeland Security 111 Massachusetts
Avenue, NW., Suite 3008 Washington,
DC 20529

RE: Federal Register, Vol 73; No 30
Department of Homeland Security
8 CFR Parts 214, 215 and 274a
[CIS No. 2428–07; Docket No. USCIS–2007–0055]
RIN 1615–AB65
Changes to Requirements Affecting H–2A Nonimmigrants

The American Sheep Industry Association (ASI) appreciates the opportunity to comment on the Department's proposal regarding the H-2A program. ASI is the national trade organization representing the farms and ranches across the United States that produce lamb and wool. Labor for sheep production has been a decade-long priority for our industry as evidenced by the sheepherder provisions of the H-2A program which date to the 1950's. This successful program of more than fifty years remains crucial to sheep production in the United States.

Our association's board of directors' policies on labor adamantly supports the H-2A program for sheepherders as well as the organizations who are dedicated to working with sheep producers to make the H-2A program successful, such as Western Range Association and Mountain Plains Agricultural Service. We support the technical analysis and recommendations submitted by these associations to the proposed rule.

The proposed change to eliminate the long standing exclusion from the six month out of country stay requirement for sheepherders, however, is not being viewed by sheep producers as a minor change or one to be addressed at small expense. In fact, the Western Range Association members are projecting at least a 25 percent increase in labor costs due to the need for additional herders to cover the proposed three-months away from the job. This change is a major impact on the hundreds of sheep operations using herders and, as exampled by the information in the proposal, will in turn affect the nation's lamb and wool production.

The Department thoroughly and soundly explains the unique needs of the sheep industry for herders noting that the care and protection of sheep is year round rather than seasonal, as well as the lack of a reliable domestic labor source. To draw the final conclusion from the U.S. Department of Agriculture's National Agricultural Statistics Service (USDA NASS) information used in the proposal, the 550 sheep farms with herders, at the very minimum, provide 25 percent of the entire nation's lamb and wool production.

9785 Maroon Circle, Suite 360 • Englewood, Colorado 80112 • Fax (303) 771-8200 • Telephone (303) 771-3500

The USDA NASS information provided in the proposal calculates 1,150 sheep operations in the United States have 500 head or more of sheep. As the Department states, the farms and ranches with more than 500 head of sheep produce 47 percent of all U.S. lamb and wool and, as explained in the proposal, the 550 sheep ranches using H-2A herders have between 500 and 10,000 sheep.

Therefore, the sheep operations affected by this change are responsible for no less than one-quarter of the nation's lamb and wool production.

We strongly encourage the Department to reconsider this change which provides no benefit to the use of the H-2A program by agriculture yet serves to increase costs to sheep producers and threatens a large share of the national production.

Our association appreciates the Departments extensive review of the H-2A program and the recognition of its importance to the sheep industry. We request the elimination of the out-of-country exclusion between sheepherder contracts be dropped from the rule and full consideration be given to the recommendations submitted by the two livestock labor organizations mentioned earlier.

Sincerely,

Burdell Johnson

Burdell Johnson
President