

**Statement of Jerry Mixon, Jr.
SunnyRidge Farm, Inc., Florida**

**Before the
House Judiciary Subcommittee on Immigration, Citizenship,
Refugees, Border Security, and International Law**

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The May 28, 2007 issue of Newsweek magazine recalled one of President Ronald Reagan's radio addresses. In 1977, he observed that apples were rotting on trees in New England because no Americans were willing to pick them. He is quoted as saying: ***"It makes one wonder about the illegal-alien fuss. Are great numbers of our unemployed really victims of the illegal-alien invasion or are those illegal tourists actually doing work our own people won't do?"*** Reagan continued. ***"One thing is certain in this hungry world: no regulation or law should be allowed if it results in crops rotting in the fields for lack of harvesters."***

Good morning Chair Lofgren and members of the Subcommittee. My name is Jerry Mixon and I am appearing before you on behalf of my corporation, SunnyRidge Farm, the Florida Fresh Fruit and Vegetable Association, and the Florida and Georgia Blueberry Growers Associations.

SunnyRidge Farm is a second generation agricultural grower and marketer of fresh blueberries, raspberries, blackberries, and citrus. My brothers and I began fifteen years ago, under the direction of our father, Gerald Mixon, Sr., with 200 acres of citrus, and have grown to encompass 1000 acres of blueberries, raspberries, and blackberries with 100 acres remaining in citrus production. We have established a marketing division at SunnyRidge Farm which has grown from servicing a niche market of Florida blueberries for 6 weeks of the year, to currently servicing a customer base spanning from Japan to England, from Canada to South America, 365 days a year, 7 days a week. To date, we have farms, packing facilities, and offices in Florida, Georgia, Mexico, and Chile. From our beginnings fifteen years ago, we have committed ourselves to the values of honesty, hard work, and the goal of providing our customers with the highest quality berries. We constantly strive to find the most effective and efficient ways to bring fresh, healthy, delicious product to our world market every day of the year.

A key challenge to achieving our goals of high quality from our fields to the consumer's table lies in the highly perishable nature of our products. Our berries must be harvested on a 4-5 day rotation schedule and then promptly delivered to the market so that the consumer can enjoy quality product. The products we grow are primarily hand-harvested due to their delicate nature. The importance of labor availability cannot be understated. We, at SunnyRidge Farm, currently employ a full time staff of 64 people. At the peak of our harvest season, we employ over 1500 in our field operations and packing facilities. Wages paid for the 2006 calendar year were \$7.5 million. Because of the aforementioned

perishable nature of agricultural products, any delay in the essential workforce would be detrimental and even destructive to production, as well as the livelihood of the grower.

The volume of goods and services we purchase has a significant impact on other businesses and industries in the local and surrounding communities. In 2006, SunnyRidge Farm purchased:

- \$4 million packing and shipping materials produced in local factories
- \$3.2 million transportation
- \$800,000 fertilizers and other supplies for farms
- \$33 million domestically grown product purchased from other local farmers
- \$300,000 travel

These items total \$41 million in economic impact to our state and nation.

If agricultural growers are unable to find labor to harvest our crops and our farms subsequently go out of business, these upstream and downstream businesses will also be adversely affected. We will no longer require the use of these goods and services. As a result, these businesses will be forced to downsize their labor force. The \$7.5 million in wages paid by SunnyRidge Farm would not be recirculated in the communities, causing a multiplier effect of losses to all consumer goods, retailers, services and housing. If we lose the ability to have an adequate labor supply, we will be forced to develop more farms offshore for production on foreign soil. With the offshore farms, all the goods and services would also be produced by foreign entities.

Today, I also am testifying on behalf of the FFVA, which represents numerous labor-intensive farmers in Florida whose businesses and continued success depends on a reliable labor force. In 2005, Florida had 42,500 commercial farms using a total of 10,000,000 acres. There were 6300 farms with sales exceeding \$100,000. The average farm size was just less than 235 acres. The number of farms in Florida has remained fairly stable over the past ten years.

In 2004-2005, the value of production for the seven major vegetable crops, potatoes, berries and watermelons totaled \$1,893,183,000 with a harvested acreage of 219,900. In 2005, Florida ranked first in the U.S. for sales of snap beans, fresh market tomatoes, cucumbers for fresh market, cucumbers for pickles, bell peppers, squash and watermelons. Florida also ranked first in the U.S. in the value of production of oranges, grapefruit, tangerines, and sugarcane for sugar and seed. Without a reliable labor force, Florida agriculture is at risk and the multiplier effect of job and production loss that the figures mentioned above show that our company would experience would be replicated throughout the state's economy.

We, who have the great privilege and responsibility of providing safe, healthy and delicious produce, come to you today in support of comprehensive immigration reform. Congress must pass comprehensive immigration reform this year which contains provisions that address the unique needs of agriculture for a reliable and legal workforce. The unique agricultural provisions must contain three basic components:

- A program to allow the current experienced agricultural workforce to earn legal working status as part of comprehensive reform
- A reform of the H-2A agricultural guest worker reform
- Reform of the current employment verification system so that employers are given clear standards on how to comply with their hiring obligations without discrimination, and can be confident that the workers they are hiring have proper work authorization documents.

A program for general business will not meet the unique needs of agricultural business.

Those experienced agricultural laborers in undocumented status, who can prove substantial agricultural experience, should be allowed to earn legal working status. Legal status could be earned by working in agricultural employment for several years in the future, in addition to the payment of fines, and the demonstration of law-abiding conduct while in the U.S. This will provide an important bridge to the expanded use of the reformed H-2A program.

To make the H-2A guest worker program workable, it first must be streamlined to avoid bureaucratic delays that result in applications being approved by the Department of Labor in an untimely manner. This results in a grower potentially losing his crop due to a workforce arriving too late. Secondly, the program should require a wage rate for foreign and U.S workers that is fair and accurately reflects the market. The current H-2A Adverse Effect Wage Rate does not do so, and in many cases growers can not afford to pay the required wage and make a profit. Thirdly, the program is currently a litigation nightmare because of its complexity. It must be simplified. Mandatory mediation also must be part of the federal right of action, in order to avoid needless litigation costs and disruptions. Further, because agricultural products are grown primarily in rural areas, housing is not always available. The inclusion of a reform providing the option of a housing allowance, in lieu of housing, would benefit the agricultural businesses located in rural or remote areas by facilitating their use of the program.

Currently, the bill being debated in the Senate addresses these key concerns. The resolution of these issues is essential to the success of not only my family's business, but the businesses of many others who have chosen agriculture as their livelihood.

Research demonstrates that unskilled immigrants compliment rather than replace native-born Americans in the labor force, doing jobs that native-born Americans will not do. The facts speak for themselves. The six states that receive the largest in-flow of illegal immigrants—New York, California, Illinois, Texas, Florida, and Arizona—have unusually low unemployment rates. In fact, with the exception of California and Illinois,

they are already lower than the already low national average of 4.5 percent recorded in April of 2007.

FFVA and other state, regional, and national agricultural organizations have been in the forefront for the call for immigration reform for over a decade. In spite of repeated efforts by our industry and the development of a bipartisan proposal that has united workers and growers, Congress has repeatedly failed to act. Given actual shortages of legal workers and increasing enforcement activity, it is imperative that Congress pass a comprehensive bill that addresses agriculture's unique challenges this year. The consequences will be economic disruption in many agricultural communities and the exporting of our labor-driven agricultural production to foreign countries, along with all the upstream and downstream jobs.

It is our sincere hope that Congress will expediently pass a comprehensive bill which will meet the needs of agricultural businesses throughout America and allow us to continue being a world leader in the production of agricultural products.

Thank you for the opportunity to present my views and those of the FFVA on this critical issue.