

March 13, 2015

The Honorable Thomas E. Perez
Secretary
United States Department of Labor
200 Constitution Ave. NW
Washington DC 20210

Dear Secretary Perez:

The undersigned organizations representing the sheep industry in America ask for your support to maintain the special procedures that are critical to the H-2A shepherd program in the upcoming rule-making process of the Department of Labor.

One third of all the lamb and wool produced in America is from sheep under the care of H-2A shepherders. The sheep ranches are open range operations grazing tens of thousands if not hundreds of thousands of acres each year with the sheep moving constantly to fresh feed. The animals are herded to keep them together and to avoid overgrazing. Moving sheep regularly also protects them from poisonous plants and predators. American workers are generally unwilling to fill these herder jobs as demonstrated year after year with a handful of herders from the United States and a thousand plus herders from overseas.

The sheep industry is likely the most legal workforce in American agriculture. The special procedures of the H-2A shepherd regulations as developed over decades are the reason why the program is successful. The general H-2A program is limited to a fixed-site location with a specific street address for a farm and with on-site farm worker housing, whereas the “special procedures” allows for herders to live in wagons, trailers and other mobile-type housing to move with the sheep.

Open-range herders are always on call in case the herd is under threat from wild predators such as bobcats, mountain lions and coyotes. However, they are not required to work 24 hours each day. Constant or near constant human presence with or near a livestock flock has always been the only way to raise a profitable flock in some areas of our nation. That presence, which involves the slow patrolling and quietly observing the flocks, is a major deterrent to predatory animals that can wipe out a lamb crop, calf crop or kid crop. Herders do need to stay near the herd, but may work only a few hours on a quiet day or sometimes longer during lambing season.

Since the 1950's, the special procedures have included monthly wage rates for herders because of the nature of their work schedule. The special procedures also allow employers to require experience in herding work, based on the specific skills required for the job. The final piece of the special procedures is that workers are allowed to stay for slightly longer periods of time than farm-based H-2A workers to make sure that the flocks are cared for and safe before a worker returns to his home country. These special procedures have worked well for the industry while still maintaining rigorous standards and follow up inspections by government employees.

We ask the Department to maintain the special procedures in the proposed regulation to be published for comment by April 15, 2015.

Without the special procedures, the sheep ranches that have H-2A herders will not be able to continue and the sheep will be sold, most to slaughter. Loss of sheep production of this magnitude will result in closure of lamb processing firms, wool warehouses and will ultimately negatively impact all 80,000 family farms and ranches that raise sheep in America.

American Sheep Industry Association
Colorado Wool Growers Association
California Wool Growers Association
Idaho Wool Growers Association
Montana Wool Growers Association
National Lamb Feeders Association
Nevada Wool Growers Association
New Mexico Wool Growers Association
Oregon Sheep Growers Association
South Dakota Sheep Growers Association
Texas Sheep & Goat Raisers Association
Utah Wool Growers Association
Washington State Sheep Producers
Wyoming Wool Growers Association