

# Rural Migration News

Vol. 29, No. 1, January 2023

<b>RURAL AMERICA</b> .....	<b>1</b>
CALIFORNIA: WATER, POLITICS.....	1
MEAT AND MIGRANTS.....	3
LABOR, EDUCATION.....	4
<b>FARM WORKERS</b> .....	<b>6</b>
CALIFORNIA: LAWS, H-2A.....	6
FLORIDA, SOUTHEAST.....	7
MIDWEST, NORTHEAST, NORTHWEST.....	7
UFW; ALRB.....	9
<b>IMMIGRATION</b> .....	<b>11</b>
ELECTIONS, NO REFORMS.....	11
DHS: BORDER, TITLE 42.....	12
H-2A; 372,000 JOBS.....	13
CANADA, MEXICO.....	14
EUROPE, ASIA.....	17
GLOBAL POPULATION.....	20
<b>OTHER</b> .....	<b>21</b>
CALIFORNIA: CROPS, CANNABIS.....	21
US: FARM BILL, CEA.....	21
FOOD, WINE.....	22
CLIMATE CHANGE.....	23
FIGURE: H-2A FLIERS.....	25

## RURAL AMERICA

### CALIFORNIA: WATER, POLITICS

California’s drought was broken after three years by a nine atmospheric rivers between December 20, 2022 and January 15, 2023 that delivered 15 to 25 inches of rain. California had four years of drought between 2012 and 2016, followed by a wet winter in 2017 (2006, 2011, and 2019 were also wet years). October 2019 through September 2022, three water years, was California’s driest such period on record.

The state’s largest dams rose from 30 percent of capacity in November 2022 to half of their capacity in January 2023. Shasta Dam has a capacity of 4.5 million acre feet, while Oroville Dam can store 3.5 million acre feet of water. By comparison, Lakes Mead and Powell can hold up to 50 million acre feet of Colorado River water.

Persisting drought prompted farmers to dig deeper wells for irrigation water, which accelerates subsidence in the San Joaquin Valley as

the land compresses. The 614,000 acre Westlands Water District, which relied on groundwater for less than 10 percent of its irrigation needs in 2019, relied mostly on groundwater in 2022.

The Sustainable Groundwater Management Act requires local water agencies to ensure that water removals from underground aquifers is sustainable by 2040.

There are many proposals to use less water and to capture and store

more water. Drip irrigation in agriculture and replacing grass lawns reduces the demand for water, while capturing storm runoff, desalination, and building more dams and moving water under or around the Sacramento-San Joaquin river delta can make more water available during the summer months when demand peaks.

Sacramento has an estimated one million trees, and over 1,000 were toppled by drought that weakened root systems and strong northern winds in January 2023. Many of the trees that fell in January 2023 were evergreens, including eucalyptus trees, cedars, redwoods, pines, evergreen oaks, Italian cypress and acacias.

Wildfires burned fewer acres in 2022, about 362,000 acres in the first 10 months of the year, well below the average of 2.1 million acres. California's worst year for wildfires was 2020, when more greenhouse gas emissions were emitted due to biomass burning than were eliminated between 2003 and 2019 by state policies to reduce CO2 emissions.

## Politics

The Fast Food Accountability and Standards Recovery Act (FAST) creates a 10-member council to set minimum wages for workers in California fast food restaurants with at least 100 US outlets. The FAST council could raise minimum wages as high as \$22 an hour in 2023, when the state's minimum wage is \$15.50.

Opponents qualified a ballot initiative in December 2022 to repeal FAST, which puts FAST on hold until voters have a say in 2024. Restaurants argue that raising wages and benefits above state minimums requires employer decisions or collective bargaining. Unions are

proposing similar wage councils in other states.

The Latino president of the 15-member Los Angeles City Council, Nury Martinez, resigned after a recording was leaked in which she disparaged Blacks and Oaxacans. Latinos are half of Los Angeles's 3.8 million population, and are the largest ethnic group in 10 of the 15 city council districts, but they hold only four of the 15 council seats. The recording involved discussions with a labor leader on how to maximize Latino political representation in city government, where whites (28 percent) and Blacks (nine percent) wield outside influence.

Governor Gavin Newsom was re-elected in November 2022. Newsom in 2018 promised to build 3.5 million new housing units during his first term and to curb homelessness. Fewer than 500,000 new housing units were built, and over 100,000 homeless people sleep on California streets each night.

New home construction is slowed by high land costs, regulations that allow opponents to delay or block new housing, and local school and other impact fees that add up to \$100,000 per new house. Homelessness is persistent due to "housing first" efforts, meaning that cities must offer permanent housing to the homeless before applying "tough love" policies such as requiring treatment for addictions.

The so-called YIGBY movement (Yes In God's Back Yard) aims to counter NIMBY by enacting legislation to allow religious organizations and nonprofit colleges to build affordable housing on their property.

California voters considered seven propositions in November 2022. Voters approved preserving abortion rights in the state constitution,

allocating money to art and music in K-12 schools, and banning the sale of flavored tobacco to children, but rejected propositions that would have allowed betting on sports, raised taxes to fund charging stations for electric cars, and required doctors in dialysis clinics.

Governor Newsom proposed a \$300 billion budget for 2023-24, down slightly from 2022-23 as the state shifted from a \$100 billion surplus linked to capital gains from the stock market boom to a \$22 billion deficit. Half of California's personal income tax in 2020 was paid by one percent of taxpayers, and capital gains accounted for 10 percent of income tax revenue in 2022-23.

California's Private Attorneys General Act (PAGA) has defenders and opponents. PAGA allows employees to sue their employers for labor code violations, and gives three-fourths of the penalties to the state's Labor and Workforce Development Agency. Of the one-fourth going to workers, lawyers typically get a third. A pending case involving an Uber driver who claims to be an employee rather than an independent contractor may clarify whether workers who sign arbitration agreements can file PAGA suits.

An initiative planned for the November 2024 ballot, the Fair Pay and Employer Accountability Act, would replace PAGA with a complaint system through the Labor Commissioner, who would conduct investigations and give all monetary awards to employees.

Only half of California K-12 students satisfied English language standards and a third met math standards in 2022. The National Assessment of Educational Progress, which is considered more rigorous, found that only a third of California eighth graders met English standards and a quarter met math standards.

California schools had among the longest periods of remote instruction in 2020 and 2021.

McFarland, a city of 15,000 in Kern county whose cross-country team was memorialized in the 2015 movie *McFarland USA*, has a library that the police department covets for more space. The city established its police department in 2010, and confronts growing gang violence; defenders of the library emphasize the need to give youth a place to study.

San Francisco's downtown office buildings are at 40 percent of their pre-covid occupancy levels, one of the lowest US return-to-in-person work rates. Before covid, urban theorists such as Richard Florida argued that successful startups should locate in San Francisco to attract young professionals whose interactions would spur rapid growth. The cost of housing rose alongside homelessness, whose advocates argued that the city had to house the homeless before it could require them to be treated for addictions.

Catalytic converter thefts tripled between 2020 and 2021. Thieves receive several hundred dollars for the precious metals in each converter, but car owners must spend several thousand dollars to replace stolen converters. States including California have enacted laws to make it more difficult to sell stolen converters, such as requiring the seller to provide the vehicle VIN.

Some 1.5 million California homes and businesses have rooftop solar systems that provided about 10 percent of the electricity generated in the state in 2021. The state in December 2022 reduced the credit homeowners receive when they send electricity into the system, arguing that the credit went largely to more affluent residents.

California voters in 2008 approved a \$9 billion bond to build a bullet train expected to take two hours and 40 minutes to travel between Los Angeles and San Francisco. The train was to be completed by 2020 at a total cost of \$33 billion. However, the 171-mile San Joaquin Valley segment remains uncompleted, and the cost is likely to be over \$100 billion.

Political deals made the rail project more costly and complex, including decisions to extend the route east into Palmdale and to follow highway 99 rather than I-5 in the San Joaquin Valley. Federal funds had to be spent quickly, so construction contracts were awarded before all of the land was acquired, leading to costly delays.

---

## MEAT AND MIGRANTS

Meatpacking workers filed a class-action suit in Denver in November 2022 that accuses 11 firms that account for 80 percent of US red meat production of colluding to set wages. The law firm Hagens Berman won a \$195 million settlement from poultry processors and data firms who were accused of collusion to suppress the wages of poultry workers.

Smithfield Foods, the world's largest pork producer, sued animal rights activists affiliated with Direct Action Everywhere (DxE) who filmed conditions and removed two piglets from Circle Four Farms in southern Utah in 2017, where a million pigs a year are raised. Two of the DxE activists who faced felony charges for the theft of the piglets, worth up to \$42 each, were acquitted in October 2022 after a trial that featured a judge who refused to allow the jury to see exculpatory evidence. Many agricultural states have enacted laws that penalize the unauthorized filming of animals on farms, although

courts have often found such laws unconstitutional.

DOL charged Kieler, Wisconsin-based Packers Sanitation Services Inc. in November 2022 with employing 50 children under 18 to clean five midwestern meatpacking plants on overnight shifts. Packers, which employs 17,000 workers to clean over 700 plants, in December 2022 agreed to hire an outside consultant to review its hiring policies and to train its managers not to hire children to fill hazardous cleaning jobs.

The Clear Center (Clarity and Leadership for Environmental Awareness and Research) at UC Davis led by Frank Mitloehner receives almost all its funding from the nonprofit arm of the American Feed Industry Association and supports the consumption of meat. Some environmentalists want consumers to eat less meat in order to reduce methane emissions and deforestation for cattle grazing or to produce soy to feed to cattle. Agriculture is responsible for 15 percent of global planet-warming emissions.

The FDA approved Upside Foods lab-grown or cultivated chicken in November 2022. The process grows animal cells in a controlled environment, creating a product that is biologically identical to conventional meat. USDA must inspect the growing process before the meat can be sold to consumers.

Sales of plant-based meats fell in 2022, and the stock of Beyond Meat, valued at over \$10 billion in 2019, fell by over 80 percent. Beyond began selling meat substitutes or vegan burgers at Whole Foods in 2016 that were made by extracting protein from yellow peas and other sources and mixing it with ingredients such as canola oil, potato starch and beet juice color to produce burgers that suggest

ground beef. Beyond has struggled to scale up production of meat substitutes developed in its labs.

Fairmark Partners represents chicken farmers who sued chicken processors in April 2022 for not treating them as employees. Farmers grow birds under contract with the poultry processing firms that supply the chicks, feed and medicine. Proposed DOL regulations could convert independent contractor chicken farmers into employees.

California-based Foster Farms complained in January 2023 that Union Pacific was not delivering the corn needed to feed its chickens. One train can carry the equivalent of 400 truckloads of corn.

Producing meat accounts for up to 20 percent of global carbon emissions, which has spurred efforts to find substitutes for meat for environmental, health and animal welfare reasons. Global consumption of meat is about 340 million metric tons a year; frozen plant-based chicken is the best-selling alternative product.

Plant-based meats cost at least twice as much as conventional meat and, due to added ingredients, have raised health concerns. Some 60 plant-based meat firms compete for shelf space and, after an initial embrace, many restaurants have slowed the introduction of alternative meats. Cultivated meat made from cell cultures from real animals is expected in 2023.

Some 30 million to 60 million bison once roamed the Midwestern plains. Several conservation groups are trying to restore bison to the prairies, but are finding it difficult to assemble contiguous land parcels that allow the animals to roam freely. American settlers killed bison in the 1870s and 1880s, partially to force Indians to give up their hunting lifestyles and settle on reservations.

Corban Addison's book, *Wastelands*, reviews the consolidation of North Carolina hog farms, from 18,000 farms with an average 75 hogs in the early 1970s to 2,000 farms with nine million hogs, an average 4,500. Many of North Carolina's largest hog farms are in the eastern part of the state, where many ex-tobacco farms were converted to hog farms. Some residents sued Smithfield Foods, which operates a plant that processes 32,000 hogs a day in Tar Heel and was bought by China's WH Group in 2013.

Alex Blanchette was a participant-observer on a large mid-western hog farm owned by the processor that standardizes pigs to make them easier to dis-assemble. Blanchette notes in his book, *Porkopolis: American Animality, Standardized Life, and the Factory Farm*, that industrial pork production has held down pork prices at the expense of human and animal welfare.

Addison, Corban. 2022. *Wastelands*. Knopf. <https://www.penguinrandomhouse.com/books/688403/wastelands-by-corban-addison/>  
Blanchette, Alex. 2022. *Porkopolis: American Animality, Standardized Life, and the Factory Farm*. Duke. <https://www.dukeupress.edu/porkopolis>

---

## LABOR, EDUCATION

The US unemployment rate was low in fall 2022 at 3.5 percent, as the US added an average of 400,000 jobs a month. The labor force was 165 million at the end of 2022, including 159 million employed persons.

Many employers complained of difficulty recruiting; there were twice as many job vacancies, about 12 million, than unemployed workers, about six million, throughout 2022.

The CPI rose by eight percent in 2022, while average hourly earnings rose five percent, suggesting declining real wages.

The USITC released a report in October 2022 that concluded US minorities were most adversely affected by US free-trade policies over the past three decades. Free trade put US workers in more direct competition with workers in lower-wage countries, reducing their bargaining power.

DOL in October 2022 proposed regulations that could require some firms that now treat workers as independent contractors to consider them to be employees; employers are liable for payroll taxes on employee wages. Uber and Lyft now treat their drivers as independent contractors and say that the cost of rides would increase by 20 to 30 percent if drivers were employees. The DOL proposal overturns a Trump regulation that gave firms more leeway to consider workers to be independent contractors.

Some of the 500,000 foreigners in the US with H-1B visas lost their jobs during a wave of tech layoffs in 2022; they have 60 days to find another US job or leave the country. Many H-1B workers are from India, and many hope to be sponsored by US employers for immigrant visas. US employers asked for almost 500,000 H-1B workers for FY23, when 85,000 were available to for-profit companies; recipients were chosen by lottery.

USCIS proposed to raise the cost of an H-1B visa from \$470 to \$1,595 in January 2023, and to increase the cost of an L-1 visa from \$460 to \$1,985.

The Economic Development Administration awarded 21 grants to create good jobs in poor areas, including a future of food project in the San

Joaquin Valley. Experience bringing good jobs to poor people in lagging areas is not promising; most economists favor helping people to move to opportunity. Evaluations of the 9,000 Opportunity Zones created by the 2017 tax law conclude that they reduced tax bills for high-income people but created few jobs and little development.

A rise in shoplifting is accelerating the expansion of online sales, where sellers must cope with returns but not \$100 billion a year of “shrink,” which doubled since 2018. Stores say that many factors, from too few staff to changes in laws that reduced punishment for theft, are responsible for more theft; thieves can sell items on Amazon or eBay.

The 60,000 app-based delivery workers in New York City are pushing for a city mandated \$23.82 an hour minimum wage by 2025, with tips bolstering worker pay further. Delivery workers are independent contractors who decide when and where to work, and app firms say that a New York City minimum wage law could have workers competing to deliver from popular restaurants. New York City says that app-based food delivery workers, many of whom are immigrants, now earn an average \$15 an hour including tips.

The Federal Trade Commission in January 2023 proposed to ban of noncompete clauses in employment contracts in order to increase worker mobility and wages. Non-compete clauses in employment agreements typically prohibit employees from moving to another employer in a similar business or starting a competing firm for several years after leaving the employer. The FTC estimates that 20 percent of US workers have signed non-compete clauses, which are often regulated by states.

California and Oklahoma make noncompete clauses unenforceable

in nearly all employment contracts. Studies find that ending noncompete clauses increases both worker mobility and wage increases, and that ending them prompts employers to find other tools to retain talent such as deferred compensation.

The McKinsey consulting firm was founded in 1926 was transformed by Marvin Bower in 1933 into a global consultancy that helps businesses to increase profits. McKinsey hires fewer than two percent of the 200,000 applicants who seek its \$200,000 jobs each year.

Critics allege that McKinsey consultants raise short-term profits by reducing costs. Laying off workers, reducing investments in worker benefits and R&D, and raising prices gives McKinsey consultants an aura of success, but these strategies may weaken firms in the long term. Evaluating the effects of McKinsey strategies over time is difficult because the firm does not disclose its clients or strategies. One critic says that McKinsey may be “the single greatest legitimizer of mass layoffs than anyone, anywhere, at any time in modern history.”

Gambling is a government-sanctioned means of extracting money from people who often fail to understand that most will lose money. Casino gambling, once confined to Nevada, has spread to most states, and has been joined by gambling on sports since 2018. FanDuel and DraftKings joined with professional leagues to develop systems that entice people to try online betting, offering free online bets.

## Education

The number of K-12 pupils in public schools, almost 50 million in 2019, dropped to 48 million during covid and is expected to continue to fall to 46 million by 2030. Some seven million K-12 pupils were enrolled in private schools in 2021.

Before covid in 2020, almost half of US electronic job postings required a college degree. College-degree-required postings dropped to a third of all postings in 2020 and 2021, and rose to 40 percent in 2022, reflecting a shift by more major employers and governments to seek skills rather than credentials. IBM says that most of its US jobs no longer require a college degree.

College degrees typically result in higher lifetime earnings, \$2.8 million compared to \$1.6 million for an individual in one study. About 60 million US workers 25 and older have college degrees, and 70 million do not.

The annual open doors report estimated that a million foreign students, including graduates who remain in the US for optional practical training, were in the US in 2021-22. China accounted for 300,000 foreign students and OPTs, followed by 200,000 from India.

President Biden wants to cancel up to \$20,000 in student debt and allow borrowers to repay 10 percent of their incomes, but his plan was challenged by states and borrowers who repaid their loans and those who would have to pay state income taxes on the forgiven debt. Under Biden’s plan, those earning up to \$150,000 as individuals or \$250,000 as a household are eligible for debt relief. Some 22 million people applied for loan forgiveness at studentaid.gov in October 2022.

The CBO estimated the cost of loan forgiveness at \$400 billion over a decade, assuming that 90 percent of the 37 million eligible borrowers would participate. The Biden administration estimates that 80 percent of eligible borrowers would participate, reducing the cost to \$380 billion over a decade. A federal appeals court in October 2022 placed the loan forgiveness plan on hold.

The US Supreme Court heard arguments in October 2022 in cases that allege Harvard and the University of North Carolina use race to prioritize the admission of some minorities. The USSC upheld the use of race to select incoming students in 2003 to allow universities to create a “critical mass” of minority students, but the majority opinion noted that affirmative action should not be necessary after 25 years, that is, in 2028.

Most observers expect the USSC to end affirmative action in higher education. Chief Justice Roberts has said: “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” Courts and the public have become skeptical of affirmative action, even as many leaders continue to support the policy. University of California has been barred from using affirmative action since 1966 and, according to UC leaders, “struggles to enroll a student body that is sufficiently racially diverse to attain the educational benefits of diversity.”

The 200 selective US colleges and universities that include Harvard and UNC admit fewer than half of their applicants are most likely to give preferences to minority applicants to achieve diversity. These selective colleges and universities argued that they need to consider the race of an applicant in order to ensure diverse classes.

In 1960, the US was about 90 percent white and 10 percent Black; Hispanics were not recorded until 1970. The book *Classified: The Untold Story of Racial Classification in America*, concludes that “affirmative action categories almost always expand rather than contract, as more and more groups lobby to get affirmative action preferences and then lobby to protect those preferences.” Changes to immigration law in 1965 increased Hispanic and Asian immigration, changing the

composition of the US population and creating new minorities.

Universities are becoming hotbeds of protest. Some University of Florida faculty protested the trustee decision to hire ex-Senator Ben Sasse (R-NE) as president in October 2022. Penn State in October 2022 ended plans for a Center for Racial Justice to address “the challenges of racism, racial bias and community safety that persist in our nation” by saying that it would instead expand existing efforts to combat racism.

Oxford philosopher William MacAskill’s book, *What We Owe the Future*, lays out the case for effective altruism, defined as doing as much good as possible with the money and time available and considering future generations. Many of the movement’s pioneers distributed insecticide-treated bed nets to prevent mosquitoes from giving people malaria; they also consider ways to retain human control over AI and how to prevent the spread of engineered pandemics. The organization GiveWell on Open Philanthropy supports projects guided by effective altruism.

## FARM WORKERS

---

### California: Laws, H-2A

Governor Gavin Newsom vetoed bills affecting H-2A and unauthorized workers. AB 857 would have required employers to inform H-2A workers of their rights and to pay H-2A workers for travel time if the employer required the workers to ride on employer-provided transportation. AB 2847 would have established a pilot program to provide up to \$300 a week for 20 weeks in unemployment insurance benefits to jobless unauthorized workers.

Vino Farms in Lodi gave preferential treatment to the H-2A workers that

were provided by Premium Employment Services of Salinas, leading to \$55,000 in back wages for 14 US workers and \$21,000 in CMPs in October 2022. In FY20 and FY21, DOL investigated 735 US cases for H-2A violations and recovered more than \$9 million in back wages for more than 13,000 workers while assessing \$9.5 million in civil money penalties.

Some 19,000 California workers filed claims for \$338 million in unpaid wages in 2021, but the Labor Commissioner rarely dealt with their claims within the prescribed 135 days. The LC has a \$166 million budget to support 840 investigators, but a third of LC jobs are vacant; the LC sometimes partners with Workers Centers to detect wage theft. Workers can sue their employers for unpaid wages under the state’s Private Attorneys General Act (PAGA), and some 6,500 PAGA suits were filed in 2021.

One count found 19 workers centers throughout the US focused on farm workers, including the Coalition of Immokalee Workers in Florida and the Pinos y Campesinos Unidos del Noroeste in Oregon.

The California Agricultural Network sued Casey Houweling for leaving CAN with \$3 million of workers comp claims when he laid off 486 employees and sold a 160-acre Camarillo greenhouse property to cannabis grower Glass House in 2021 for \$93 million. Over 100 ex-employees had WC claims pending that CAN had to pay. Houweling rehired some of them in a new greenhouse tomato-growing business.

### FLORIDA, SOUTHEAST

Three employees of Los Villatoros Harvesting were sentenced to several years in prison in October 2022 for charging Mexican H-2A workers

\$1,000 to \$2,000 each for US jobs, confiscating their passports while the workers were in the US, and falsifying payroll records. The owner of LVH was Bladimir Moreno.

US Trade Representative Katherine Tai in October 2022 refused to launch a Section 301 investigation into rising fruit and vegetable imports from Mexico, promising instead to consult industry leaders to help farmers in the southeastern states to better compete with rising Mexican imports of fresh produce.

Hurricane Ian struck southwestern Florida September 28, 2022 as a category 4 storm, damaging up to half of the state's vegetable, citrus and berry acreage; farm sales are expected to drop by \$1 billion. Florida is expecting its smallest citrus crop in over half a century, some 18 million 90 pound boxes or 1.4 million tons in 2022/23 worth \$300 million, down from 7.1 million tons worth \$1.6 billion a decade earlier. Two-thirds of US orange juice is imported, as suburbanization and citrus greening reduce Florida's orange acreage from its peak of 655,000 acres in the late 1990s.

California will produce more oranges than Florida in 2023 for the first time since WWII.

Hurricane Ian also destroyed many of the 800,000 beehives of beekeepers who keep their bees in the state during the fall. Three-fourths of flowering plants depend on pollinators such as bees, butterflies and moths to produce fruit and seeds, and hives that are in Florida in fall are often sent to California in spring to pollinate almond orchards or tree fruit in Oregon and Washington.

## Georgia

Operation Blooming Onion led to the arrest of 28 people who were charged with forcing H-2A workers to work for them between 2015 and 2021, generating \$200 million from 700 Central American H-2A workers

who paid for their jobs. Some of the defendants may have been aided by staff employed by the Georgia Labor Department that helps to regulate the H-2A program.

In October 2022, three men were sentenced to a year to 30 years in prison. Two are unauthorized Mexicans who will be deported after they serve their sentences. The naturalized US citizen who was sentenced received the shortest sentence for transporting the H-2A workers to area farms.

South Georgia FLCs often charge Mexicans \$1,000 or more for H-2A visas. Some FLCs say that they will house H-2A workers in hotels, which do not have to be inspected by SWAs, but wind up housing them on the farms where they work, sometimes in substandard housing.

State Senator Russ Goodman co-owns the 600-acre Cogdell Berry Farm in South Georgia that relied on H-2A workers provided by FLCs named Alvarez who underpaid workers to pick Cogdell's blueberries. Goodman says that Cogdell complies with all labor laws and only signed a letter submitted supporting Alvarez's request to DOL for 300 H-2A berry pickers between April and July 2018.

## North Carolina

The North Carolina Legislature in 2021 approved a law that prevented farm worker unions from settling disagreements with employers by signing union agreements. The Farm Labor Organizing Committee sued to prevent enforcement of the state law, which a federal judge enjoined in 2021. In December 2022, the 4th US Circuit Court of Appeals overturned the judge's decision and held that the state law, which also prohibits dues checkoff provisions in CBAs, was constitutional. FLOC has a CBA with the 700 farms in the North Carolina Growers Association.

## MIDWEST, NORTHEAST, NORTHWEST

### Illinois

A quarter of US pumpkins are from Illinois, and 40 percent are from six states including Indiana, California, Texas, Michigan, and Virginia. The average retail price of a Halloween pumpkin was \$5 in fall 2022.

Stellantis (Fiat-Chrysler and Peugeot) is closing the Jeep Cherokee plant in 25,000-resident Belvidere in February 2023, eliminating 1,350 jobs. Many auto makers are closing plants that produce components for gas-powered vehicles in Midwestern states and opening battery and EV assembly plants in Southern states. The UAW believes that announcing plant closures may be an employer bargaining strategy before upcoming negotiations.

### Wisconsin

Signet Builders constructs structures on farms, and hired H-2A workers to build farm facilities. An H-2A worker sued because he worked more than 40 hours a week and was not paid overtime wages. A federal judge dismissed the worker's suit, agreeing with Signet that constructing buildings on farms was secondary agriculture work not subject to the FLSA.

The 7th US Circuit Court of Appeals sent the case back for trial, emphasizing that DOL's definition of farm work under H-2A was broader than in the FLSA, so that some H-2A work does not qualify for FLSA overtime exemptions (*Vanegas v. Signet Builders*).

### Mississippi

The Pitts Farm Partnership in December 2022 settled suits filed by US Black workers who alleged that Pitts hired white South African H-2A workers and paid them higher wages for the same type of work. A similar suit that accused

Harris Russell Farms, a catfish farm, of discriminating against US Black workers was also settled in December 2022.

Worker attorneys say that discrimination against US workers is widespread in the Delta. In November 2022, DOL reported collecting \$134,532 in unpaid wages for 54 workers at 11 farms in the Mississippi Delta and assessed CMPs of \$122,610 against these farms. Many Delta farms pay US workers the federal minimum wage of \$7.25 and H-2A workers the AEWL of about \$11.

### **Texas**

Laredo, a city of 250,000 on the Mexican border, is the major transit point for trucks passing north and south to Mexico. Mexico-US trade was over \$660 billion in 2021, and much of this two-way trade moves over twin bridges in Laredo that connect to I-35, the NAFTA highway. Officials hope to build a new bridge that would reduce border delays to less than 30 minutes per truck.

### **Maine**

State law PL 280 forbids H-2A workers from driving logging trucks for operations with 50,000 or more acres within Maine, a bid to ensure that no Maine workers are displaced by H-2A Canadians. Federal courts appear poised to overturn PL 280; opponents contend that DOL must certify the need for H-2A workers, so no Maine workers are displaced.

Maine is the leading US producer of wild blueberries from barrens in coastal areas, producing over 50 million metric tons in 2021. Canada produces over 75 million metric tons of wild blueberries, led by Quebec. Wild blueberry production has been rising in Canada and falling in Maine as the Canadian government opens more Crown land for barrens while aging Maine growers sell their coastal barrens to developers.

The ropes used by Maine lobstermen to haul traps from the bottom of the ocean may also entrap some of the remaining 340 North Atlantic right whales. The US estimates 27 whale deaths a year in Canadian and US waters, including 20 that are due to entanglement in fishing gear and lobster trap ropes.

Most dead whales are not found, so whale death estimates are made by counting whales where they congregate and assuming that missing whales are dead. Several seafood guides recommend that consumers avoid Maine lobster to save the whales, drawing protests from the Maine lobstermen who sell about \$750 million worth of lobster a year.

NOAA developed a regulation in 2021 to protect whales from fishing gear entanglement that environmentalists criticized as too weak, prompting a federal judge to order NOAA to develop a tougher rule by 2024. However, Congress inserted a rider in the year-end spending bill in December 2022 that keeps the 2021 regulation in place for six years to protect lobstermen.

Most lobster boats are owned by individuals who sell to dealers and processors. Some are experimenting with rope-less traps, which store ropes underwater and raise them when signaled from the boat. Rope-less traps are far more expensive than the traditional traps that rely on ropes that run from buoys on the surface to traps on the ocean floor.

### **New York**

Farm workers will receive overtime pay after working 60 hours a week beginning in 2024, with overtime after 40 hours in 2032. There is no overtime after eight hours a day, and farmers will receive a tax credit for the overtime wages they pay at a cost of \$150 million to the state by 2032.

Six other states require farm employers to pay overtime wages,

but only California has so far required farmers to pay overtime on an 8/40 basis.

Two Mexican H-2A workers accused Jesus Flores and Berkshire Nursery & Supply in Patterson and Rosa Contracting of not paying them promised wages. Flores applied for 12 H-2A workers to work in a 45-acre greenhouse and nursery; the workers allege that they mostly did landscaping and construction work for Flores.

### **Pennsylvania**

Luzerne county in northeastern Pennsylvania is diversifying faster than any other large US county in the 21st century, drawing Hispanics from New York and New Jersey for its lower cost of living. The share of foreign-born residents in Wilkes-Barre almost doubled from seven to 13 percent between 2010 and 2020.

### **Colorado**

The water crisis on the Colorado River may reach a breaking point in 2023. Water users have drawn an average 15 million acre-feet per year from the river and its dams since 2000, while the average annual flow was 13 million acre feet. Lakes Powell and Mead, which were almost at capacity of 50 million acre feet of water in 2000, now have 13 million acre feet.

### **Oregon**

Oregon has 1,100 licensed farm labor contractors, including employees of FLCs who supervise and transport farm workers. Some 175 FLCs (115115) were registered with the Oregon UI system in 2021; they employed an average 6,600 workers and paid them an average \$550 a week.

Some 112 complaints were filed against licensed farm labor contractors in Oregon between 2019

and 2022; workers received back wages in a quarter of these cases. Jorge Vasquez was licensed to operate Velasquez Farm Labor between 2007 and 2009 and developed a reputation among workers as El Diablo. His daughter opened an FLC business in 2012 as Vasquez Family Labor Services, with Jorge allegedly involved and the business fined repeatedly for labor law violations.

Some 17 workers who were employed by Southern Oregon hemp producer Colt Jamison Hansen were required to work 12 hours a day and did not receive the promised \$20 an hour; they were awarded \$388,700 in October 2022 or \$17,000 to \$24,000 per worker because Hansen failed to respond to the worker charges. Hemp production has been falling as grower prices fell after 2019, leading many growers to exit hemp growing.

The legalization of recreational marijuana has not reduced illegal marijuana cultivation because high taxes reduce the incentive for growers and retailers to operate legally. Unlicensed cannabis growers often hire unauthorized workers after they finish seasonal work in other commodities, promising high wages that are sometimes not paid.

Cannabis Workers Rising, an affiliate of the United Food and Commercial Workers, says that the unauthorized workers employed in unlicensed cannabis operations are often trafficked workers.

## Washington

Washington produces two-thirds of US apples, followed by an eighth from New York, almost 10 percent from Michigan, and five percent from Pennsylvania. Gala accounts for 20 percent of US apples, followed by Red Delicious, Fuji, Honeycrisp and Granny Smith. The share of Honeycrisp is rising, while the shares of Red Delicious and Gala are declining.

Washington's apple production fell from almost 125 million 40-pound boxes in 2021 to 100 million boxes in 2022. Some 64 extra-large apples fill a box, while 88 large apples, 100 medium apples and 125 smaller apples fill one box; the 2022 crop included more small apples.

Washington's Attorney General sued Ostrom Mushroom Farms of Sunnyside in August 2022, alleging that Ostrom fired three-fourths of its US workers and replaced them with H-2A guest workers after they complained about working conditions. Ostrom, which opened the \$60 million Sunnyside mushroom facility in 2019, denied the charges.

## Alaska

Alaska's Department of Fish and Game canceled the winter snow crab season in the Bering Sea in 2022-23 because of a decline in the crab population; 65 boats were affected.

The Biden administration offered funding to three Native American tribes in Alaska and two in Washington to help them relocate away from rivers and coastlines that are experiencing more flooding. The subsidized moving policy is a test of moving people away from danger rather than rebuilding after storms by offering \$2 million to \$3 million to each village in danger to help to cover the cost of relocation.

---

## UFW, ALRB, UNIONS

The UFW has contracts with five wineries, including Napa's St Supery, and charged in April 2022 that St Supery did not permit UFW staff to talk to FLC employees working at St Supery. The UFW says that the CBA that went into effect September 25, 2021 allows UFW employees to enter St Supery and talk to FLC employees.

The UFW reported 13 contracts with brand names on its web page in Fall

2022 (<https://ufw.org/organizing/ufw-labels>).

The GC reported that St Supery refused to provide the GC with copies of its communications with the UFW and FLCs. St Supery countered that the UFW should use the grievance-arbitration procedure in the current CBA to resolve the access issue.

USDA in October 2022 made \$655 million in grants to 15 NGOs to provide \$600 grants to farm, meat-packing, and grocery store workers by June 2024. The UFW provided assistance to NGOs seeking to help farm workers, and Corazon Latino to NGOs helping meatpacker employees ([www.ams.usda.gov/services/grants/ffwr](http://www.ams.usda.gov/services/grants/ffwr)).

The UFCW Foundation received the most money to distribute, \$132 million, followed by the UFW Foundation, \$98 million. Many NGOs serve multiple states, including 12 that serve California. (<https://www.ams.usda.gov/press-release/usda-announces-15-organizations-will-administer-farm-and-food-workers-relief-grant>)

## ALRB

Governor Gavin Newsom signed AB 2183 in September 2022, saying "our state has been defined by the heroic activism of farmworkers." Newsom said that additional legislation in 2023 will protect the confidentiality of farm worker votes.

There have been few UFW-requested elections on California farms over the past decade. AB 2183 gave unions three ways to be certified to represent the workers on a firm.

First is the current in-person secret ballot election typically held on the farm that employs the voting workers. Under AB 2183, agricultural employers can insist on in-person secret ballots if they sign labor peace compacts that give union organizers access to workers on

their farms, effectively negating the 2021 USSC Cedar Point decision that limited the access of union organizers to workers on farms.

Second would be mail-in ballots that could be pre-filled by unions, signed by workers, and returned to the ALRB by workers or the union; this option is to be eliminated by promised legislation in 2023. Third would be card check or union authorization cards signed by workers and returned to the ALRB by the worker or union. Unions would have a year to collect sufficient authorization cards to obtain a Majority Support Petition, and up to 75 card-check elections are allowed by 2028.

AB 2183 also allows the ALRB to impose civil penalties of \$10,000 to \$25,000 for each employer unfair labor practice, requires employers to post a bond before appealing an ALRB decision to a state Court of Appeal, and imposes a “burden of proof” standard on any party seeking to set aside a union election that it believes was tainted.

Farm employers opposed AB 2183, emphasizing that employers who did not sign labor peace agreements could see union organizers pressure their employees to sign union authorization cards. Employer associations advised their members not to sign labor-peace agreements.

Cinagro (organic spelled backwards) misclassified six farm workers as independent contractors and fired them after they complained that their payroll stubs did not include deductions for payroll taxes. An ALJ found the firing unlawful retaliation for their protected concerted activities, and ordered Cinagro to reinstate the workers with back pay.

The ALRB in July 2022 went further and imposed civil money penalties on Cinagro for misclassifying its employees under Labor Code 226.8, which has since 2012 allowed the Labor Commissioner

to impose CMPs of \$5,000 to \$15,000 for willful mis-classification of employees as independent contractors. Cinagro appealed the ALRB’s imposition of CMPs, arguing that the ALRB is empowered only to restore the economic status quo of aggrieved workers, not to punish employers who violate labor laws.

## Unions

The share of US workers who were union members fell to 10 percent in 2022, down from 20 percent in 1983. A third of public sector workers are union members, compared with six percent of private sector workers. Almost a third of the 14 million union members in 2022 lived in two states, CA with 2.6 million and NT with 1.7 million.

Some 36,000 University of California graduate student workers went on a five-week strike in November 2022 and won significant wage increases to cope with the rising cost of living. UC graduate student employees represented by the United Auto Workers do much of the teaching and grading for UC’s 300,000 students, and the settlement raised their minimum salaries by 50 percent to a minimum \$34,000 for RAs and TAs. A separate agreement was reached with 12,000 academic researchers and postdoctoral employees whose salaries are covered by research grants.

Congress boosted funding for the NLRB to almost \$300 million for FY23, up from an average \$275 million a year since FY14. Over 500 staff, a third of the agency’s workforce, left since 2010, and many of their jobs remain unfilled despite more union activities. The NLRB GC is locked in a battle with the union representing many GC employees over how often they must work in person.

Amazon’s logistics chief Jeff Wilke combined Taylorism’s practices of monitoring workers and measuring

their ability to perform repetitive tasks with Fordism assembly-line techniques to allow Amazon warehouses to process over a million units a day. Robots and monitors help Amazon workers to accurately box and ship an item a minute.

Efforts to unionize Amazon warehouse workers are uneven, succeeding in some areas but not others. Amazon offers some of the highest hourly wages and best benefits to warehouse workers, but demands fast and careful work. Turnover in Amazon warehouses is often 150 percent a year, suggesting that many workers refuse to accept this trade off. Workers at an 8,300 employee Staten Island Amazon warehouse in April 2022 voted for the Amazon Labor Union.

Workers at 250 Starbucks outlets voted for union representation in 2021 and 2022. Starbucks employs 250,000 workers, many part time, and about two percent are employed in outlets that voted for unions. After founder Howard Schultz returned as CEO in April 2022, Starbucks announced wage increases and new benefits for employees of non-union stores, drawing complaints from stores that voted for union representation.

About 10 percent of all US workers are union members, including seven percent of private sector workers and a third of public sector employees. Almost half of union members have college degrees.

Unions allege that many employers unlawfully fire union workers. The NLRB in December 2022 expanded the back wages due to unlawfully fired workers to include any losses of work-related benefits such as health insurance costs and late fees if workers are unable to pay their bills.

New York replaced Los Angeles as the busiest US port in 2022, as shippers avoided West Coast ports for fear of strikes; New York and

Los Angeles each handle a quarter of US containers. The Los Angeles port complex is closer to China, but reliance on Los Angeles meant that many containers were delayed on ships waiting to unload. The widening of the Panama Canal in 2016 has shifted more containers to East and Gulf Coast Ports.

## IMMIGRATION

### ELECTIONS, NO REFORMS

Republicans took control of the House in November 2022 elections with a slim margin, which may affect their promise to focus, for instance, on unauthorized migration over the US-Mexico border and efforts to impeach Department of Homeland Security Secretary Alejandro Mayorkas.

Most voters cited the economy, inflation, crime and immigration as their top concerns. However, many young voters concerned about abortion and democracy voted for Democrats, limiting Republican gains in the House and keeping the Senate in Democratic hands.

Republicans want more border security, meaning more walls, fences and agents to deter unauthorized entries from Mexico and restrictions on access to asylum and welfare benefits. The likely result of divided government is oversight hearings on DHS rather than immigration reforms. Immigration reform bills passed by one house of Congress may die in the other.

Republican ads charged that under President Biden migrants, crime and fentanyl are pouring into the US. Most Democrats reacted defensively, acknowledging the upsurge in migration but arguing that dealing with unwanted migration is a complex issue that cannot be solved by building a wall on the Mexico-US border. Democrats said

the November 2022 elections were a choice “between election deniers and protecting democracy.”

Donald Trump highlighted migration issues during his presidency, giving Republicans a reputation as the party that can deal with illegal immigration through enforcement. President Biden promised to reverse Trump’s policies but, once in office, rising unauthorized migration led to the continuation of some Trump’s policies, frustrating Democrats who hoped for change.

The husband of House Speaker Nancy Pelosi was attacked in October 2022 by an unauthorized Canadian who entered the US legally in 2008. California is a sanctuary state that limits cooperation between state and local law and federal immigration enforcement agencies.

### DACA

The Fifth US Circuit Court of Appeals in October 2022 upheld a lower court’s decision that the Deferred Action for Childhood Arrivals program (DACA) was an unlawful overreach of presidential authority. President Obama created the DACA program in June 2012 for unauthorized foreigners who arrived in the US before the age of 16 and graduated from US high schools.

Some 600,000 Dreamers have temporary work and residence status, but new enrollments in DACA are blocked, leaving an estimated 100,000 unauthorized foreigners who graduate from US high schools each year in an unauthorized status. Unauthorized students attend state-funded universities; some activists are pushing the UC system, the state’s third-largest employer, to hire unauthorized students, arguing that the employer sanctions in IRCA do not apply to state governments and their agencies.

Efforts to attach a bill that would have provided a pathway to immigrant status for DACA residents and

bolstered border security failed in December 2022. Few expect the enactment of immigration reforms that combine legalization and border security in 2023-24.

The Biden administration in January 2023 tackled the surge of illegal crossings from Mexico into the US by requiring more asylum seekers to apply in the first safe country they reach and offering more nationalities the option of applying for asylum online. Up to 30,000 migrants from Venezuela, Nicaragua, Cuba and Haiti can enter the US on “parole” each month if they have US financial sponsors and pass background checks. Migrants in Mexico may schedule appointments to seek asylum at official border crossings through an app called CBP One instead of attempting illegal entry.

Biden’s advisors include migrant advocates and those concerned about unauthorized migration. Advocates held sway during Biden’s first two years, contributing to the sense that the US was “open” to unauthorized migrants. Other advisors believe that an out-of-control border is a political liability, and hope that admitting up to 360,000 foreigners a year on parole will reduce illegal crossings.

### Population

The US population was 333 million July 1, 2022, up by 1.3 million or 0.4 percent; a million or 70 percent of the increase was due to immigration. Texas and Florida gained the most residents between 2021 and 2022, while New York, California, and Illinois lost residents. Texas and Florida combined have 16 percent of US residents, while California has 12 percent.

The Current Population Survey found 48 million foreign-born US residents in fall 2022, making almost 15 percent of US residents immigrants and exceeding the

previous peaks of 14.7 percent in 1910 and 14.8 percent in 1890. Some 17 million US-born children have at least one immigrant parent.

Almost 30 million foreign-born workers were in the US labor force in 2022, over 62 percent. The labor force participation rates of US-born workers have been falling as the US-born population ages and more young US-born men without college degrees do not work or look for work.

---

## **DHS: BORDER, TITLE 42**

A record 2.2 million unauthorized foreigners were encountered by Border Patrol agents just inside the US border with Mexico in FY22, and another 172,500 were detected at ports of entry, bringing total encounters to 2.4 million, up 37 percent from 1.7 million encounters in FY21. Mexicans and Central Americans were 57 percent of those encountered, and the number of Venezuelans, Cubans and Nicaraguans, over 571,000, exceeded the number from El Salvador, Guatemala and Honduras.

Some 2.5 million foreigners encountered since March 2020 were returned to Mexico under Title 42, a public health measure invoked to prevent the spread of covid. Many of the other foreigners encountered, over 15,000 a month, were allowed into the US to pursue asylum claims that can last several years because of the backlog of 750,000 asylum cases in immigration courts. Asylum seekers can work after 150 days in the US and their children can attend K-12 schools.

Over 187,000 Venezuelans were apprehended in FY22, including 33,000 in September 2022, prompting the Biden administration to return Venezuelans seeking asylum in the US to Mexico under Title 42. In exchange, Biden offered two-year humanitarian parole for up

to 24,000 qualifying Venezuelans who find a US sponsor, apply online and arrive in the US at airports.

After the policy change, the number of Venezuelans encountered at the Mexico-US border fell sharply, from over 1,000 a day to less than 100 a day. Some 7.1 million Venezuelans left their country since 2015, and over 150,000 entered the US in 2022.

DHS in January 2023 expanded the Venezuela parole program to migrants from Cuba, Haiti, Nicaragua. Migrants who arrive illegally over the Mexico-US border will be expelled under Title 42, while 30,000 two-year work visas will be made available to migrants from Cuba, Haiti and Nicaragua that allows them to enter the US legally if they have a US sponsor.

In announcing expanded use of Title 42 removals and the parole program, President Biden said: “Do not just show up at the border. Stay where you are and apply legally from there.”

A federal judge concluded that the US government failed to show that Title 42 slowed the spread of covid and was thus “arbitrary and capricious” and ordered Title 42 expulsions to end by December 21, 2022. This decision was upheld by an appeals court, but the US Supreme Court in December 2022 ordered Title 42 to remain in place until it considers a case brought by 19 states seeking to extend Title 42.

Under Title 42, some 2.4 million foreigners who were encountered just inside the US border with Mexico have been expelled, over a million a year. Without Title 42, DHS predicted that encounters with unauthorized foreigners could jump from 8,000 a day to over 12,000 a day.

Title 42 removals to Mexico often result in re-entries. Between 2014 and 2019 Border Patrol agents reported an average recidivism

rate of 14 percent, meaning that a seventh of those encountered had been arrested at least once before during the previous 12 months. With more migrants returned to Mexico under Title 42, the recidivism rate rose to 19 percent in September 2022, when 228,000 foreigners were encountered. There is no penalty for unauthorized re-entry for foreigners removed under Title 42.

CBP encountered 210,000 migrants in October 2022, putting FY23 on track for over two million encounters; 40 percent of those encountered were returned under Title 42. The Biden administration persuaded CBP head Chris Magnus to resign in November 2022 after less than a year in the job.

## **ICE**

ICE agents made 143,000 arrests inside the US and deported 72,000 foreigners from the interior of the US in FY22, up from 74,000 and 59,000 in FY21 but below the 103,000 and 186,000 in FY20, the last year of the Trump administration. Under Biden, ICE made convicted criminals and recent arrivals the highest priority for apprehension and deportation, a policy challenged by several states that argued all unauthorized foreigners should be priorities for removal.

## **USCIS**

Some 970,000 foreigners became naturalized US citizens in FY22, approaching the peak 1.05 million in FY08. The number of naturalized US citizens tripled from 7.6 million to 22 million between 1995 and 2019, which means that two-thirds of foreign-born US residents have naturalized. Nine million foreign-born US residents are eligible for naturalization.

---

## **H-2A; 372,000 JOBS**

DOL certified 18,560 employers to fill 372,000 farm jobs with H-2A

workers in FY22, up 17 percent from 317,000 jobs certified in FY21 and up fourfold since FY12. Some employers were certified multiple times; the number of unique employers was between 10,000 and 11,000.

Florida had 51,000 H-2A jobs certified in FY22; followed by 44,000 jobs certified in California; 35,000 in Georgia; 33,000 in Washington; and 25,000 in North Carolina. These five states accounted for 188,000 or half of all H-2A jobs certified.

Most H-2A jobs have been in the southeastern US since the H-2A program was modified by IRCA in 1986. However, the southeastern states account for a quarter of US farm jobs, and H-2A workers now dominate citrus and vegetable harvests in these states, suggesting that the growth of the H-2A program will be in other states.

The 10 largest H-2A employers accounted for almost 50,000 H-2A certifications or an eighth of the total. Two of the 10 largest were employer associations, one was a grower, and seven were FLCs.

### Wages

AEWRs for 2023 range from a low of \$13.67 in the southeastern states to a high of \$18.65 in California. The average US AEWR in 2023 is \$16.13 an hour.

DOL issued new H-2A regulations effective November 14, 2022 that clarify housing and meal requirements, allow DOL to debar attorneys and agents for misconduct independent of employer violations, and change the methodology and procedures for determining the prevailing wage. Only eight states produced prevailing wages that were posted on the OFLC ag wage library in 2022 ([www.foreignlaborcert.doleta.gov/aowl.cfm](http://www.foreignlaborcert.doleta.gov/aowl.cfm)).

Prevailing wage rate surveys (PWR) ask employers to report the wages

they pay for specific tasks, such as the piece rate for picking a 925-pound bin of Gala apples. DOL eliminated the requirement that State Workforce Agencies survey workers to check on employer responses, the requirement that employers who account for at least 15 percent of the employment in an activity be interviewed, and allowed entities other than SWAs to conduct the surveys.

Some critics allege that, with PWRs based on employers of as few as 30 workers, PWRs could increase, especially if the PWR data collected are for the peak week of employment when the demand for labor is highest.

The new DOL regulations require ag FLCs, who account for almost half of H-2A job certifications, to obtain higher bonds. Instead of a maximum bond of \$75,000 for employers with 100 or more H-2A workers, ag FLCs will have to pay a bond linked to the AEWR and the number of workers, so that a FLC with 300 workers may have to post a \$200,000 bond. Bonds normally cost FLCs one to four percent of the bond amount.

Farm employers expressed disappointment that some of the changes DOL proposed in July 2019 were not included in the 2022 final rule, including allowing employers to file one H-2A application for groups of workers who arrive at different times, ending the recruitment of US workers 30 days after the contract period begins rather than halfway through the contract, and allowing H-2A housing to be certified for two years rather than one season.

WHD reported that it found violations of H-2A regulations in 358 cases in FY21 that resulted in \$5.8 million in back wages for 7,000 H-2A and US farm workers.

The Farm Workforce Modernization Act approved by the House in March 2021 is supported by most

farm associations and some unions. The FWMA would grant unauthorized farm workers 5.5 year visas, make it easier for employers to hire H-2A workers, and require farm employers to use E-Verify to check new hires. Many Republicans said they were unwilling to vote for the FWMA until the Mexico-US border is secure.

Senator Michael Bennet (D-CO) introduced a version of the FWMA, the Affordable and Secure Food Act, in December 2022. The ASFA offers legalization to unauthorized farm workers and their dependents, limits AEWR increases and provides up to 26,000 visas a year for year-round farm jobs, including half for dairies, and requires farmers to use E-Verify when hiring workers. The ASFA would cap the AEWR at 2022 levels and limit increases to three percent a year through 2034.

As with IRCA in 1986, the ASFA would create a multi-agency task force to determine if farm labor shortages justify increasing or eliminating the cap on H-2A visas to fill year-round jobs.

In a bid to attract Republican support, the ASFA would have shifted horse track workers from the H-2B to the H-2A program. However, the Senate did not include the ASFA in a \$1.7 trillion omnibus bill that funds the government for FY23. The AFBF opposed both the FWMA and the ASFA, citing the use of USDA's Farm Labor Survey to determine the AEWR and provisions in both bills that extend MSPA protections to H-2A workers.

### H-2B

DHS plans to issue up to 130,716 H-2B visas in FY23, the maximum number permitted. The annual quota is 66,000, but Congress allows DHS to issue an additional 65,000 visas to foreigners who fill seasonal jobs in a variety of industries including landscaping, fisheries and tourism.

Some 20,000 of the additional H-2B visas are reserved for citizens of Haiti and the Northern Triangle countries of Guatemala, Honduras and El Salvador; the other additional visas are for H-2B workers returning to their previous US employers. Some 55,000 additional H-2B visas were made available in FY22.

---

## CANADA, MEXICO

President Biden met with Mexican President Andrés Manuel López Obrador and Canadian PM Justin Trudeau in a summit in January 2023. Trade between the three USMCA countries topped \$1.5 trillion in 2022, and Mexico received more FDI in 2022 as more firms moved operations out of China.

The Three Amigos promised, for instance, to ensure safe, orderly, and humane migration under the Los Angeles Declaration on Migration and Protection and to address the root causes and impacts of irregular migration and forced displacement.

### Canada

Canada had 39 million people July 1, 2022, up almost 300,000 from the previous year and up from 35 million in 2012, due in part to record immigration levels of over 400,000 each in 2021 and 2022. Canada plans to raise immigration levels to 465,000 immigrants in 2023, 485,000 in 2024, and 500,000 in 2025.

Over half of the immigrants admitted in 2021 were already in Canada, such as asylum applicants and guest workers and foreign students. A third of new immigrants settle in Toronto, the largest city in Canada with 6.2 million residents, where many struggle to find affordable housing.

The Prohibition on the Purchase of Residential Property by Non-Canadians Act blocks foreigners from

buying nonrecreational and residential property in Canada in 2023 and 2024. Foreigners can still buy vacation homes in Canada, but some real estate brokers say that the new law will reduce immigration to Canada.

Canada's 2021 census found a record 23 percent of residents were born abroad, exceeding the 22 percent who were born abroad between 1910 and 1930. The share of Canada's immigrants living in Ontario has been declining and was 44 percent in 2021, followed by 15 percent each in Quebec and British Columbia.

The leading countries of origin for immigrants in 2021 were India, which accounted for 19 percent of 2021's immigrants, the Philippines, 11 percent, and China, nine percent; these three countries accounted for 40 percent of the annual inflow. Over 60 percent of the immigrants arriving in Canada in the 21st century are from Asian countries.

Canada uses a point selection system to choose immigrants. In 2021, over 56 percent of immigrants were admitted through the economic stream and a third were admitted via the provincial nominee program that allows provinces to recommend immigrant visas for foreigners who meet local labor needs and agree to live in the province for two years. Many provincial nominees in the prairie provinces are guest workers who are recommended by their employers.

Canada had a record number of vacant jobs in 2022. Since November 15, 2022, the 500,000 foreign students in Canada may work more than the previous limit of 20 hours a week.

The Canadian government has apologized several times for past treatment of indigenous people, who are often known as First Nations, especially the forced separation of children from their parents

so that they could be integrated into white society at boarding schools that were usually run by the Catholic Church. Many universities give preference to students and professors with indigenous backgrounds, prompting investigations that found some of those who claimed indigenous ancestry could not prove any links to First Nations. As more pretendians (pretend Indians) are uncovered, some public institutions are requiring more than self-declaration of indigenous status.

### Mexico

Mexican President AMLO promised to fight corruption, crime and impunity, but prosecutors investigated and took legal action on less than five percent of reported federal crimes in 2020, the same as in previous years. About 10 percent of estimated total crimes were reported to state prosecutors in 2021, and they filed charges against defendants in three percent of the complaints, the same as during previous years. In the US, half of victims of violent crimes reported them in 2021.

In many Mexican states, the federal government is effectively in charge of public security due to the nationwide deployment of more than 100,000 soldiers and federal agents. Many Mexicans do not report crimes because they believe there will be no justice. AMLO created a National Guard in 2019 that is now under the control of the military that has failed to reduce crime and violence.

AMLO's government in August 2022 reported that the government found that 43 students at a rural teachers' college in Ayotzinapa who commandeered a bus in September 2014 were killed by drug traffickers working with the police and the military.

Mexico approved legislation that requires employers of the 2.3

million maids, drivers, and gardeners, 90 percent women, to enroll their employees in the Mexican Social Security Institute (IMSS) scheme. Employers pay taxes to provide their employees with IMSS health and pension benefits. Over 95 percent of household employees are not registered with IMSS.

Mexico City, where monthly salaries average \$220, is receiving more remote foreign workers after partnering with Airbnb; the arrival of well-paid foreigners is raising rents for middle-class workers, especially in the Condesa and Roma neighborhoods. One database found that average CDMX rents rose from \$900 in January 2022 to almost \$1,100 by the end of 2022; rents in Condesa and Roma are double these levels.

Fentanyl is the leading cause of death for Americans ages 18 to 49; two-thirds of the 107,000 US drug overdose deaths in 2021 were linked to fentanyl, almost 200 a day. Mexican cartels smuggle fentanyl into the US in vehicles that cross the border with people and goods, and half of the Mexican fentanyl believed to enter the US in California ports of entry. A ton of fentanyl a month is confiscated at US ports of entry.

Mexico received over 111,000 applications for asylum in 2022, about the same as 2021.

## Ag

The value of Mexican food and beverage exports topped \$34 billion in the first eight months of 2022. Mexican food and beverage imports were \$29 billion in the first eight months of 2022, led by corn worth almost \$4 billion and soybeans worth \$3 billion. Remittances rose to a record \$60 billion in 2022, double the \$30 billion earned from Mexican oil exports.

Mexico is the world's leading exporter of avocados, accounting

for 60 percent of the 2.5 million tons worth \$7 billion that were exported worldwide in 2020-21. The US received half of all global avocado exports, and a third went to the EU and the UK.

Globally, some 20,000 hectares of avocados are planted each year, and yields are rising, which could mean five million tons exported by 2025. Peru exported 400,000 tons in 2021, and Colombia, Chile, South Africa, Kenya, Tanzania, Israel, Spain and Morocco also export avocados.

Mexico exported 467,000 tons of berries worth \$2.4 billion in the first half of 2022. The 272,000 tons of strawberries worth \$748 million were almost 60 percent of berry exports by tonnage and a third by value, while the 80,000 tons of raspberries worth \$746 million were 17 percent of the tonnage and a third of the value. The 58,000 tons of blueberries worth \$513 million were 12 percent of the tonnage and a fifth of the value.

Mexico exported \$5 billion worth of beer in 2021, making Mexico the world's leading beer exporter. Heineken, Anheuser-Busch InBev and Constellation Brands have plants in Northern Mexico, where water is scarce but transport costs to the US are lower; about 2.5 liters of water are required to make a liter of beer. AMLO in summer 2022 said that brewers should shift beer production to water-abundant southern Mexico. In 2020, a Constellation plant being built in Mexicali was halted and the plant relocated to Veracruz.

Industrial users including breweries consume about five percent of Mexico's water, compared with 76 percent used by agriculture.

An AMLO decree in 2020 bans the import of GMO corn by 2024, but is ambiguous about whether GMO corn can be imported and fed to livestock. Mexico imports about 17

million tons of US GMO yellow corn each year and produces about six million tons of the white corn that is often used to make tortillas. AMLO is committed to increasing Mexican corn production.

Global blueberry production was 1.8 million metric tons in 2022. China is the largest blueberry producer, followed by the US, Peru, Chile, Mexico and Canada. Peru is emerging as the world's leading exporter of blueberries, expected to account for a quarter of global blueberry exports by 2025 from 20,000 hectares that yield 10 tons an acre, compared to eight tons in the US. Peru's blueberry exports peak between August and December, and were worth \$1.2 billion in 2021.

## Central America

More migrants are crossing the Darien Gap, a 70-mile roadless portion of southern Panama. Migrants hire guides to traverse the route from Colombia to a government camp in Panama. The US is tackling the root causes of emigration by promoting economic development, especially in the Northern Triangle countries of Central America.

El Salvador has a gang problem that has been tackled by a state of emergency that allows police to make mass arrests of young men with gang tattoos. Critics denounce arbitrary arrests and torture, including the incarceration of over 100,000 people by the end of 2022, but many residents welcome the drop in homicides and extortion. Honduras has followed suit, using emergency decrees to tackle gang violence in its largest cities.

Dublin-based Fyffes produces and markets fresh produce, including melons from the Suragroh and Melon Export farms in Honduras that employ over 10,000 during the peak season between November and May. Fyffes pays at least the minimum wage to its employees, but does not deduct social security

payments from the wages of seasonal workers despite a 2015 law because the government has not yet developed a collection mechanism. Instead, Fyffes pays seasonal workers a bonus at the end of the season. The Fyffes ripening facility in Basingstoke is the largest in Europe, able to ripen 2,100 tons of bananas at once.

## Caribbean

CBP in November 2022 announced that it would block sugar imports from the Dominican Republic's Central Romana because of forced labor involving Haitians who live in company-owned housing and cut sugar cane by hand. The Florida-based Fanjul Corporation owns part of Central Romana, the largest landowner in the DR.

Luma Energy took over Puerto Rico's state-run power grid in June 2021 promising more reliable electricity, but required two weeks to restore power after Category one Hurricane Fiona in September 2022. The state-run PREPA power company was a patronage machine for political parties that deferred maintenance on 33,000 miles of transmission lines, leading to damage or destruction of 80 percent of the power grid after Hurricane Maria in 2017.

Luma says the PREPA workforce it inherited lacked skills, and that it needed to hire security firms to protect its employees from protestors. PREPA still owns the power plants that rely on oil to generate electricity and break down frequently.

Haiti's PM appealed for foreign forces to restore order in October 2022 as gangs competed for turf in Port-au-Prince. UN peacekeepers in Haiti between 2004 and 2017 were accused of introducing cholera, which has flared again as gangs limited access to fuel and other goods. Gangs often kidnap the relatively few people in vehicles to collect ransoms.

DHS offered temporary protected status to the estimated 250,000 Haitians in the US in December 2022, some of whom applied for asylum. TPS allows foreigners to work in the US for at least 18 months, and repeated extensions mean that some Haitians have been in the US with a TPS status since the 2010 earthquake.

Cuba is no longer the most populous Caribbean island nation. Both Haiti with 11.3 million people and the Dominican Republic with 10.7 million are growing, while Cuba's 11 million population is shrinking due to low fertility and emigration. Cubans left in waves in 1980 (125,000) and 1994 (35,000), but the 2022 exodus is larger. Some 250,000 Cubans entered the US by flying to Nicaragua and then entering the US via Mexico in the past few years.

In a bid to reduce the exodus, the US agreed to issue 20,000 visas in 2023 to Cubans in Cuba wishing to emigrate, and Cuba agreed to accept the return of Cubans deported from the US. Cuba blames the exodus on US sanctions and a 1966 law that makes all Cubans who reach the US refugees.

## South America

Latin America's 670 million people, including over half in Brazil (217 million) and Mexico (130 million), are losing faith in democracy. Polls find that many Latin Americans believe that their countries are governed by corrupt elites who look out for their own interests rather than the broader public interest.

The rise of China at the beginning of the 21st century raised commodity prices and living standards, lifting many people from poverty to middle class status and raising expectations of more growth. However, growth began to slow after 2013, and covid led recession and rising poverty.

Three Latin American countries are considered dictatorships: Cuba, Nicaragua, and Venezuela. Some 7.5 million Venezuelans emigrated since 2015; most went to neighboring countries. USAID is funding integration centers in Colombia to help some of the 2.5 million Venezuelans in Colombia to become self-sufficient.

Over 150,000 Venezuelans were apprehended just inside the US border with Mexico in the first 10 months of 2022. Almost all are allowed to apply for asylum and remain in the US, a policy that is encouraging more Venezuelans to enter the US. Mexico in October 2022 agreed to accept the return of Venezuelans expelled from the US under Title 42.

Brazilians in October 2022 re-elected Luiz Inácio Lula da Silva (2003-10) by 51-49 percent to replace Jair Bolsonaro (since 2019) as president, as the poor and more educated urban voters defeated the 3 B's supporting Bolsonaro, beef, bibles and bullets, reflecting Bolsonaro's support from farmers, evangelicals, and the military. With the election of Lula, six of Latin America's seven largest countries have elected leftist leaders since 2018.

Ecuador's \$2.7 billion Coca Codo Sinclair hydroelectric plant, completed in 2016 as part of China's \$1 trillion Belt and Road loan scheme, is in trouble as the turbines that generate electricity develop cracks. Chinese banks lent Ecuador \$18 billion between 2007 and 2017, so that 90 percent of Ecuador's power now comes from hydro including the Coca dam, which provides a third of Ecuador's electricity.

---

## EUROPE, ASIA

Over five million Ukrainians were registered for temporary protection in EU countries in December 2022, including a third in Poland;

registration allows Ukrainians to work and their children to attend local schools. A third of the Ukrainians in EU nations had found employment by Fall 2022; two-thirds were employed when they were in Ukraine.

The share of Ukrainians with jobs varies by country, and is higher in Poland at 50 percent than in France at 15 percent.

Another 500,000 migrants, many from Afghanistan and Syria, sought asylum in Europe in 2022. Ukrainians are automatically granted work and residence permits, moving them to the front of the line for housing and other services. Asylum seekers from other countries must sometimes wait for housing and services as their applications are considered.

Migrant advocates criticized European governments for not constructing more permanent facilities to receive asylum seekers. Many of the temporary shelters erected to deal with the influx of a million Syrian and other migrants in 2015 were dismantled, forcing governments to once again erect tent and container camps to deal with the 2022-23 influx of migrants.

Italy received 100,000 of the 170,000 migrants who crossed the Mediterranean in 2022, including migrants from Turkey who went to nearby Greek islands in 2015. The Greek coast guard did not allow small boats to land on its islands, so smugglers are using larger boats to take migrants around Greece to Calabria in southern Italy, charging \$10,000 per migrant and sometimes using stolen yachts. Most migrants arriving in Italy do not want to apply for asylum there, so they receive papers obliging them to leave within seven days, which allows the migrants to travel to their preferred destination of Germany.

The US Inflation Reduction Act enacted in 2022 offers \$369 billion

in subsidies and tax breaks to North American companies that develop green technologies, including electric vehicles and their components and solar panels and renewable energy equipment. Europeans complain that the IRA, and the CHIPS Act that aims to bolster American semiconductor manufacturing, could lead to a transatlantic trade war.

### **Britain**

Over 40,000 migrants crossed the English Channel in small boats in 2022, up from less than 30,000 in 2021 and less than 10,000 in 2020. A third of the 2022 arrivals were Albanians, a country with which the UK does not have a fast-track deportation procedure. EU countries reject almost all Albanian asylum claims, but the UK allows half of Albanian asylum seekers to remain.

PM Rishi Sunak in December 2022 promised new laws to bar foreigners who arrive illegally from remaining in the UK and to speed decisions on the 150,000 asylum applications in the backlog. Britain in November 2022 offered \$76 million to France over two years to pay for patrols of French beaches to deter migrants from leaving in small boats for the UK. The English Channel is 21 miles wide at its narrowest point from France.

Some 50,000 foreigners applied for asylum in the UK in 2021, but fewer than 10 percent of their cases were resolved, leading to crowded centers for asylum seekers. Three-fourths of all asylum applicants are eventually allowed to remain in the UK.

Conservative PM Liz Truss was in office only 44 days in Fall 2022 before being replaced by Rishi Sunak, the son of Indian immigrants who is married to the daughter of the founder of Infosys, a Bangalore-based IT outsourcer that often takes over the operation of tech

systems at US and European firms and replaces local workers with guest workers and workers based in India. Sunak raised taxes and reduced spending to shrink budget deficits and to raise the value of the pound, and proposed an increase in the national living wage from L9.50 to L10.42 an hour.

Since 1955, five Conservative PMs attended Eton College and Oxford University, often studying PPE, politics, philosophy, and economics. Many joined the Oxford Union to practice parliamentary-style debates, gaining self-confidence and, critics argue, becoming disconnected from the concerns of the broader public.

The UK has four agencies authorized to recruit up to 38,000 foreign workers for up to six months of employment in agriculture.

### **France**

The French government is considering legalizing unauthorized migrants and shrinking UI benefits to fill vacant jobs, drawing opposition from anti-migrant political parties and unions. Employers in many sectors, including construction, transportation, agriculture and hospitality, complain of unfilled jobs.

Under the legalization proposal, unauthorized foreigners could apply for renewable one-year “skills in demand” residence permits, and asylum seekers would not have to wait six months for work permits. The government’s bill would also make it easier to deport foreigners convicted of crimes in France.

The Macron government in January 2023 made a second attempt to raise the retirement age for full benefits from 62 to 64 by 2030; Macron also proposed a raise in the minimum monthly pension payment to E1,200 a month. A previous 2019 proposal to consolidate 42 pension plans was opposed by unions and postponed due to covid. Macron

said: “We need to work more to pass on to our children a fair and durable social model.” A million people protested Macron’s plans in January 2023.

France raised its retirement age from 60 to 62 in 2010. Many French employers do not hire workers over 55, so that only half of those 55 to 64 are employed, one of the lowest employment rates for this age group in industrial countries. France introduced a retirement age of 60 in 1981, and a 35-hour work week in 1997.

French farmers rely on reservoirs to provide irrigation water, but recent government-supported efforts to construct larger reservoirs in western France have drawn opposition from environmentalists. Some 50 mega basins have been built or are under construction to irrigate corn and wheat near the Marais Poitevin, France’s second largest wetland.

UNESCO added the baguette to its “intangible cultural heritage” list in November 2022, citing the unique role in French life of the flour, water, salt and yeast in the 250-gram loaf of bread that costs about €1.

## Germany

A sixth of German residents were born outside the country, including ethnic Germans born in the ex-USSR who are considered German citizens upon arrival; a seventh of US residents were born abroad. Germany is struggling to get newcomers into jobs. A third of the 800,000 working-age Syrians and Afghans in Germany have a taxpaying job after five years in the country, compared with two-thirds of Germans.

Germany plans to introduce a points-based immigrant selection system in 2023, building on a Blue Card program that attracted about 7,000 foreigners a year over the last decade, most of whom were already in Germany. Many of the

asylum seekers in Germany have not graduated from secondary school, and few have the occupational credentials required by German employers.

The SPD-Green-FDP coalition government in November 2022 proposed to reduce the minimum residence requirement for naturalization from eight to five years and to allow more naturalized Germans to retain their old citizenship. Almost 12 million or 14 percent of the 84 million residents of Germany are foreigners; an easier path to naturalization is aimed at expediting the integration of foreigners into German society.

The coalition government in February 2022 called for a *Zeitenwende* or turning point in foreign and military policy after Russia’s invasion of Ukraine, including adding €100 billion to military spending. Germany was very dependent on Russian natural gas and embarked on a rush program to wean Germany from Russian energy.

Police raided the *Reichsbürger* movement in December 2022, a group of over 20,000 that aims to overthrow the German government by arguing that it was established unlawfully by the Allies after WWII. *Reichsbürger* adherents oppose immigration to Germany.

## Greece

The conservative government in January 2023 prosecuted 24 members of NGOs who help migrants to enter Greece illegally from Turkey, charging them with human smuggling and money laundering. The migrant activists say they are helping people who are in danger of drowning, and that the Greek government is prosecuting them to slow migrant arrivals.

## Italy

Migrants continue to cross the Mediterranean in small boats from

Libya, and increasingly from Tunisia as conditions in the country that launched the Arab Spring in 2011 deteriorate. Shortages of food in supermarkets as well as a president elected in 2019 who has assumed ever more power have half of Tunisians to consider emigrating.

Many Italian cities and areas do not have housing plans, so people build illegally and obtain permits during periodic amnesties. Cities that discover illegal buildings or extensions must pay to demolish them, so they do not check carefully.

The \$6 billion MOSE project was deployed in November 2022 to prevent Venice from flooding during high tides. MOSE consists of 78 rectangular yellow metal barriers that are pumped with air and raised from the sea floor to block high Adriatic tides from inundating Venice.

## Netherlands

Dutch farmers are leaders in CEA, growing crops in greenhouses and other structures to increase yields up to 10 times using less land, water, and pesticides. There are 24,000 acres of greenhouses that produce fruits, vegetables and flowers, many in Westland near Rotterdam.

Rising energy costs may slow the expansion of Dutch CEA, which replaces most sunlight with artificial light and heat to control growing conditions. Plantlab is a vertical farmer that grows plants in vermiculite and does not touch the leafy greens and tomatoes that are produced and packed by machines.

Dutch farms also export meat, including pork, beef, and poultry. Vion Food Group has four plants in the Netherlands and eight in Germany that process 15 million hogs a year. Vion pigs weigh 265 pounds after 175 days.

Dutch farm exports were almost \$110 billion in 2021, second only

to the US at \$165 billion. Many Dutch farm exports are re-exports, meaning that imported flowers and bananas arrive in Amsterdam and Rotterdam and are re-exported to other European countries.

## China

There were 10.4 million deaths and 9.6 million births in China in 2022, the first time that deaths outnumbered births since the Great Leap Forward, Mao Zedong's failed economic experiment in the 1960s that led to famine. China's population of 1.4 billion includes almost a third people who are over 60. Many Chinese couples are DINKS, Double Income, No Kids.

China provided \$1 trillion in loans and grants for its Belt and Road infrastructure program over the past decade, surpassing the US as the world's largest creditor to developing countries. The US has accused China of debt diplomacy, noting that 60 percent of China's overseas loans are to countries in financial distress, a sharp increase from five percent in 2010.

The goal of Belt and Road was to help developing countries with natural resources to better supply the Chinese market and to create jobs for Chinese contractors. China is reluctant to take losses on its loans, and often extends the maturity of loans when borrowers cannot repay.

Some of the 600,000 Chinese migrant workers employed on Belt and Road projects in summer 2021 alleged that they were tricked by offers of higher wages than they received once abroad. With the covid pandemic reducing flights to and from China, some of the Chinese migrants reported being unable to return to China at the end of their contracts when employers refused to allow them to leave.

Chinese-linked companies are operating more of the world's ports,

which could strengthen the Chinese navy. Chinese-linked companies build almost all of the world's shipping containers and half the world's commercial ships. China has had a military base in Djibouti since 2017.

Xi Jinping became the first leader since Mao to rule for more than a decade after being elected to a third five-year term as general secretary and head of the Central Military Commission in October 2022. Xi has promised to make China a military and economic superpower by following a state-dominated path to a self-reliant economy.

Hong Kong in October 2022 announced plans to offer high earners (incomes above \$300,000) and graduates of the world's top 100 universities two-year visas, as well as tax breaks to some foreign-property buyers who go on to become permanent residents. Hong Kong lost 140,000 workers during 2020 and 2021 due to stringent covid controls; 60 percent were highly skilled.

## India

India's capital Delhi is blanketed in smog each November-December, as cold air traps pollutants and smoke from farmers who burn stubble in nearby Punjabi fields. Air pollution readings of 450 are common, which is 10 times the WHO's recommended upper limit of 45 over 24 hours for air quality. India is among the developing countries that want rich countries to provide \$100 billion a year to help poorer countries adapt to climate change.

A 143-year old pedestrian bridge in Morbi in the western state of Gujarat collapsed in October 2022, killing 134 people including many migrant workers who moved to the relatively prosperous state from other Indian states to work in the ceramics industry. Federal and state governments offered compensation to the families of those who died while

they investigated Oreva or Ajanta Manufacturing, the firm that fixed the bridge. The local government wanted a maximum 20 people on the bridge at once; there were an estimated 300 people on the bridge when it collapsed.

Gautam Adani, India's richest man worth \$120 billion, built his fortune by burning coal to generate electricity, helping to make India the world's third largest carbon emitter. Adani Group operates India's largest private port in Mundra, where coal is burned alongside solar farms to generate electricity. Some of the coal is from the Carmichael project in Australia, which is one of the world's largest open-pit coal mining operations. Both Adani and PM Narendra Modi are from Gujarat, a west-central Indian state.

## Japan

Japan has three million foreign residents and Korea 2.5 million. Both countries have aging and shrinking populations, and employers want governments to admit more foreign workers.

Japan had 1.7 million foreign workers at the end of 2021, up from 700,000 in 2011, including many trainees from China and Vietnam. Japan opened more doors to skilled foreigners in 2018, and some 36,000 Indian IT workers and their families lived in the Edogawa section of eastern Tokyo in 2022. Indian IT workers say that Japanese firms often have rigid corporate hierarchies that resist change, the opposite of Silicon Valley, where salaries can be twice those of Japan.

Korea admitted 110,000 guest workers who can remain up to four years and 10 months in 2022 (five years of residence can lead to immigrant status).

## Pakistan

Heavy glacier melt and record monsoon rains led to some of the worst

flooding in decades in southeastern Pakistan, where sharecroppers are often in debt to the landlords who lend them money for fertilizer and seed. Many farmers aim to harvest a wheat crop in the spring before planting cotton for a fall harvest, providing wheat for bread and generating a net income of less than \$500 a year.

## **Qatar**

Soccer's World Cup was held in Qatar in November-December 2022; the winner of the 32-team competition was Argentina. The oil-rich nation spent \$220 billion on highways, a metro system, a new airport, eight new stadiums, and high-rises that were built with the help of millions of migrant workers from low-wage neighboring countries.

Over 90 percent of Qatar's private sector workers are migrants. The Qatar government changed its labor laws to increase protections for migrant workers. Many of the migrants from Nepal, India, and other countries paid to get jobs in Qatar, sometimes up to six months Qatari wages of \$300 to \$400 a month.

Unions and NGOs complained that up to 6,500 migrants died working in Qatar since 2010, and their deaths were often attributed to heart attacks rather than working in hot and humid weather and suffering from kidney failure. The Qatar government's hopes that the World Cup would transform both the country and foreigners' views of the country were frustrated by the steady criticism, including from some the 15,000 journalists and 1.5 million fans who arrived. Some Qataris noted that European critics did not level similar criticisms at neighboring Saudi Arabia and the UAE, countries that also rely on migrants to fill most private sector jobs.

## **Australia**

The Labor government plans to expand the Pacific Australia Labor Mobility (PALM) scheme to 35,000 by 2023, in part by reimbursing approved employers who hire PALM workers but cannot recoup travel costs from the workers in wage deductions.

Australian farmers rely mostly on Working Holiday Makers to fill seasonal farm jobs. Over 200,000 WHM visas were granted in 2018-19, and an average 35,000 WHMs were employed in fruit and vegetable agriculture. No WHM visas were issued between March 2020 and February 2022 due to covid.

When WHM visas became available again in 2022, fewer foreign youth arrived due to fears of more border closures and stories of WHMs who seek credit for 88 days of farm work so they can stay a second year being exploited in farm jobs.

New Zealand's Recognized Seasonal Employer program allows Pacific Islanders to fill New Zealand farm jobs for seven to nine months. The cap on admissions was set at 5,000 when the RSE was introduced in 2007, and is 19,000 for 2023, when the RSE expands to meat and seafood processing jobs. Most RSE workers, who must be paid at least NZ\$22.10 an hour, are from Fiji, Samoa, the Solomon Islands and Vanuatu.

NZ Labor PM Jacinda Ardern announced that, after 5.5 years, she would resign in February 2023 and not seek re-election in October 2023, where polls show that Labor trails the center-right National Party. Ardern was praised for tough covid restrictions that minimized infections in 2020 and 2021 but led to demonstrations against mandates to be vaccinated in a country with few protests.

New Zealand is sometimes called the "shaky isles" because its small

and open economy fluctuates with global developments such as growth in China and NZ is at risk of natural disasters because it lies on the Pacific Ring of Fire. Private debt is at 150 percent of GDP, comparable to the US but higher than the 130 percent of Australia. Ardern's government banned zoning for single-family homes in large cities, but it may take decades for cheaper housing to emerge.

A cyberattack took many Vanuatu government services offline for most of November 2022 after the government refused to pay a ransom to the hackers, slowing interactions between the country's 320,000 residents and their government. A December 2022 election in Fiji, which experienced four coups between 1987 and 2006, saw two coup leaders compete for power to lead the country of one million.

---

## **GLOBAL POPULATION**

The world reached an historic milestone November 15, 2022, when there were eight billion people on earth. By 2030, the world's population is projected to be 8.5 billion.

Global fertility has fallen from an average five children per woman in the 1950s to 2.3 today. If fertility continues to decline, the global population may peak at 10.5 billion in the 2080s; two-thirds of the world's people live in countries with a fertility rate below the replacement level of 2.1 children per woman.

Africa is projected to have 40 percent of the world's population in 2100, almost four billion people, and half of the world's people under 18. One result is likely to be some of the world's largest cities. The 600 miles between Abidjan and Lagos is expected to be the largest African megalopolis, the term used to describe cities that share an economic space, as with the 50 million

people in the 400-mile economic space between Washington DC and Boston.

By 2030, the Abidjan-Lagos megalopolis is expected to have 40 million people, and by 2100 could have 500 million people. African megalopolises tend to sprawl outward rather than upward, leading to massive traffic jams in the absence of public transportation. Algiers and Cairo are the only African cities with underground commuter lines. Developing cross-border cooperation between the five countries in the Abidjan-Lagos megalopolis has proven difficult. Ivory Coast, Benin and Togo are former French colonies whose elites speak French, while Nigeria and Ghana were British colonies.

Developing countries were buffeted in Fall 2022 by higher food, fertilizer and energy prices. Rising US interest rates accelerated the depreciation of developing country currencies and prompted capital outflows. Global economic growth slowed from almost six percent in 2021 to less than three percent in 2022, and could slow further in 2023, raising the specter of debt defaults.

Developing countries owe an estimated \$200 billion to public and private creditors in rich countries, and dozens of countries may default if they are unable to restructure their external debts. China has extended \$500 billion in loans, most to developing countries, and is more likely to extend payment periods than to forgive debt.

## OTHER

### CALIFORNIA: CROPS, CANNABIS

Kern, Tulare and Fresno led California counties in farm sales in 2021, with \$8.4, \$8.4, and \$8 billion in farm sales, respectively.

California growers are expected to plant a record 42,000 acres of strawberries in 2023, including 32,000 that were planted in fall 2022 for harvest during the spring and summer of 2023, and another 10,000 acres planted in the spring of 2022 to be harvested in fall 2023. The Monterey variety, which is day-neutral, is the most widely planted.

California's almond acreage stabilized at 1.3 million bearing acres and 2.8 billion pounds in 2022, as drought reduced new plantings and some orchards were removed. Between 2014 and 2020, over 100,000 acres of almonds were planted each year, and there were 300,000 non-bearing acres in 2022. California produces over 90 percent of the world's almonds.

Walnut prices fell sharply from a peak of \$1.85 a pound in 2013 to less than \$0.75 in 2021. Almost 60 percent of the 730,000 in-shell tons in 2021 were the Chandler variety. Free tonnage raisin prices peaked at \$2,000 a ton in 2018, fell to \$1,200 a ton in 2020, and were about \$1,500 in 2021, when total tonnage was about 220,000. The 80,000 tons of prunes in 2021 were worth an average \$2,000 a ton.

California voters in 2018 approved Proposition 12, which bans the sale of pork products that do not come from pigs born to sows that have at least 24 square feet of space. Most of the pork consumed in California is from out-of-state farms that assert their costs would rise by about 10 percent if they implement Prop 12. Farmers receive about \$130 for each mature pig.

### Cannabis

The Los Angeles Times on December 23, 2022 reported that many workers employed in the state's cannabis industry are vulnerable to wage theft and unsafe working conditions. Piece rates for trimming

dried leaves from buds have fallen from \$200 a pound to less than \$100.

California legalized cannabis for recreational use in 2017, but falling prices reportedly prompted many growers to underpay their workers in 2021-22.

Marijuana is or soon will be legal in 21 states, reflecting majority votes by voters in 14 states rather than politicians enacting laws. Colorado and Washington legalized marijuana for recreational use in 2012, and other states followed.

---

### US: FARM BILL, CEA

Net US farm income is projected to top \$160 billion in 2022, the highest in inflation-adjusted terms since 1973. Higher prices for crops and livestock commodities mean that farmers are spending more on machinery and farm land.

The average value of US cropland reached a record \$5,000 an acre in 2022; pasture land was worth a record \$1,650. Low interest rates, high crop prices, and a belief that land prices will continue to increase attract investors such as private equity firms and real estate developers who have cash and long-time horizons. About 40 percent of US farm land is rented, and one percent of farm land is sold openly each year.

USDA estimates that 38 million acres of US farm land, about three percent of the 1.2 billion acres of privately owned farm land, is owned by foreigners. Canadians own a third of the 38 million acres and Europeans another third.

The current farm bill, which creates a safety net for farmers and poor Americans, expires in September 2023. Farm bill spending is about \$130 billion a year, including 15 percent for farmers and 85 percent to help poor residents to buy food.

The Supplemental Nutrition Assistance Program or SNAP is a focus of debate in the 2023 farm bill. SNAP eligibility was widened during covid, and Republicans want to restrict the duration of SNAP benefits for able-bodied adults. Currently, adults 18-49 can receive SNAP benefits for up to three months in a three-year period.

A White House conference on hunger in September 2022 heard appeals to expand SNAP, which provided benefits to an average 41 million US residents in 2021 at a cost of \$114 billion, up from \$60 billion in 2019. SNAP benefits can be used to purchase “any food or food product intended for home preparation and human consumption, including seeds and plants that produce food.” Foods defined by the FDA as unhealthy, including “sugary drinks, candy, and unhealthy snacks that are high in sodium, added sugars, and/or saturated fat,” can be purchased using SNAP cards.

## **CEA**

Windset Farms, which began as a four-acre bell pepper greenhouse in British Columbia in 1996, has over 1,000 acres of CEA in BC, CA, and Mexico producing tomatoes, peppers, cucumbers, and lettuce. Windset is known for selling snacking tomatoes and other produce. Mucci Farms is another Canada-based CEA firm that expanded into Ohio in 2017, and now has 75 acres of greenhouses producing tomatoes and cucumbers.

Plenty Unlimited in October 2022 announced that it would open several indoor vertical farms on 120 acres of land near Richmond, Virginia to produce strawberries, leafy greens and tomatoes. Plenty plans to invest \$300 million and create 300 jobs.

Morehead, Kentucky-based AppHarvest is running out of money. AppHarvest, which has

spent over \$640 million since 2018, has about \$35 million cash remaining, but needs \$100 million to fund its operations over the next year. AppHarvest revised downward its sales for 2022 from a projected \$30 million to \$15 million, and lost over \$80 million on sales of \$10 million for the first nine months of 2022.

AppHarvest employs 700 workers at indoor farms in Morehead, Berea and Somerset. Its stock opened at \$30 in 2021, and was worth \$1 at the end of 2022. Some investors are suing, accusing AppHarvest of fraud after AppHarvest acknowledged that many of the greenhouse tomatoes it provided to Mastronardi did not meet USDA grade 1 standards.

Sales of organic farm commodities topped \$11 billion in 2021 from 17,500 certified farms; a third of organic sales were from California’s 3,100 organic farms with 815,000 organic acres. Organic commodity sales included \$2.2 billion worth of fruit and berries and \$1.9 billion worth of vegetables.

## **Fish**

Some 178 million tons of aquatic animals worth \$200 billion were sold in 2020, an average of \$1.10 a pound. Half of the fish and seafood were wild fish that were caught, including 80 million tons from marine or ocean waters and 10 million tons from inland waters such as rivers and lakes. China accounted for 15 percent of the wild catch, and Indonesia and Peru combined for the next 15 percent. Aquaculture produced 88 million tons of fish and seafood in 2020, and its share of total fish and seafood is increasing.

---

## **FOOD, WINE**

Supermarket chain Kroger offered \$25 billion for Albertsons in October 2022. If the buy-out is completed, Kroger-Albertsons would have

annual sales of \$210 billion, just below the \$220 billion of Walmart grocery sales in 2021. Kroger has 2,750 stores under the Ralphs, Dillons and Harris Teeter labels, while Albertsons has 2,200 stores under its own name as well as Safeway and Vons.

There are several measures of grocery sales. One measure suggests that Walmart has a 22 percent share of grocery sales and that a Kroger-Albertsons combination would have a 13 percent share. Amazon is an emerging competitor in selling food, as are German discounters Aldi and Lidl, which sell mostly store-brand items. Europeans buy a higher share of store-brand items than Americans, but food price inflation is encouraging many Americans to switch to store brands.

IRI data suggest that three-fourths of US fruit and vegetable spending is on fresh produce, 15 percent on canned, and 10 percent on frozen fruits and vegetables.

Some 40 percent of US adults are obese, and obesity is rising around the world, raising questions about whether obesity is primarily an individual issue or a societal concern. Some researchers say that the most promising strategies to reduce obesity lie in systemic changes, such as taxing junk food and promoting walking.

The Food and Drug Administration in September 2022 outlined strategies to ensure that imported produce is safe. The US imports over half of its fresh fruit and a third of its fresh vegetables, and the FDA aims to ensure that foreign producers adopt US food safety protocols, inspect produce arriving in the US and respond to illness outbreaks.

California’s iconic cooks include Thomas Keller, Wolfgang Puck and Alice Waters. Sally Schmitt opened the French Laundry in 1978 and offered dinners based on

local ingredients until she sold the French Laundry to Keller in 1994.

## Wine

Market researcher DISCUS estimated that beer accounted for 42 percent of the total \$238 billion in US alcohol sales in 2021, spirits 41 percent, and wine 16 percent. About 350 million cases of still wine were shipped in the US in 2021, including 85 million cases or a quarter that was imported. Some imported wine arrived in bulk, was bottled in the US, and labeled “imported and bottled by” the US importer.

US wine drinking is concentrated: the 15 percent of Americans who drink the most wine drink 85 percent of the wine consumed in the US. The share of wine in US alcohol sales has been falling as the share of spirits rises.

There are many reasons for wine’s shrinking share of the alcohol market, including the aging of core baby boomer wine drinkers, the fact that a glass of wine can be more expensive than a cocktail, and consumer confusion over the 400,000 wines available and the 125,000 new labels introduced each year. Wine consumption typically rises as parents reach their 40s, reflecting the adage that kids drive parents to drink.

Winemakers typically discard pomace, the grape skins and seeds left after fermentation. Some are making piquette, a weaker wine with less than 10 percent alcohol made from pomace. Many natural wineries make fizzy piquette by adding carbon dioxide.

Bordeaux has 108,000 hectares of vineyards, and up to 10 percent are expected to be removed due to reduced demand for Bordeaux wine in China. Farmers want a subsidy of E10,000 per hectare for removing their vineyards, but EU CAP rules have barred payments for vineyard removal since 2008.

---

## CLIMATE CHANGE

Some 35,000 representatives from over 190 countries met in Sharm el Sheikh, Egypt in November 2022 at the Conference of the Parties or COP27 to discuss progress toward achieving climate goals. COP refers to the 197 nations that agreed to the United Nations Framework Convention on Climate Change in 1992.

Countries signed Nationally Determined Contributions (NDCs) to limit their carbon emissions in Paris in 2015, and promised to update and strengthen their NDC commitments every five years. The 2020 meeting was postponed due to covid, and in 2021 countries pledged to make new commitments to reduce carbon emissions by November 2022.

As COP27 delegates met, the UN Environment Program issued a Too Little, Too Slow report that concluded countries are not doing enough to reduce carbon emissions. The report predicted that global temperatures would increase by at least 2.1C by 2100, which is more than the 1.5C or 2.7F goal set in Paris in 2015. The world has warmed 1.1C above preindustrial times, and the report predicted that a warmer world would result in more intense flooding, wildfires, drought, heat waves and species extinction.

Compared to previous predictions of a 5C increase in global temperatures by 2100, the UN report voiced optimism that reduced consumption of coal, which now produces 30 percent of the world’s energy, falling prices for wind and solar power, and NDC commitments will help the world to avoid the worst climate outcomes.

Developing countries are less well prepared to cope with climate change. They want rich countries that emitted much of the carbon now in the atmosphere to create an international fund to pay claims

of climate-change related loss and damage from storms, droughts and heat waves.

Rich countries promised \$100 billion a year for climate adaptation by 2020, when they provided \$30 billion, and promised \$40 billion a year by 2025. Some fear that creating a Green Climate Fund could lead to court judgements finding them liable for damages in future suits. The Biden administration promised \$11 billion to help developing countries deal with climate change; Congress appropriated \$1 billion in the December 2022 omnibus funding bill.

At COP27, agreement was reached to establish a committee of 24 nations to work out the details of creating and administering a loss and damage fund. However, attributing specific weather events to climate change may prove difficult, which could make it hard, for instance, Pakistan to receive compensation for 2022 floods that were aggravated by settlement on flood plains and inadequate river management.

Carbon credits are already being bought and sold in private markets. Those aimed at compensating local residents for preserving rainforests in Brazil and Indonesia show that middlemen often absorb half or more of payments from those purchasing credits. The Ecosystem Marketplace says that the sale of carbon credits is \$2 billion a year, but that less than a quarter of credit purchases go to the local people. Firms that rate the quality of carbon projects such as BeZero Carbon and Calyx Global find that many do little to absorb carbon.

Vanuatu, a Pacific Island of 300,000 people, has since 1991 tried to get richer countries to pay for climate change damage, and in Fall 2022 floated the idea of filing suit in the International Court of Justice in The Hague against countries that do not

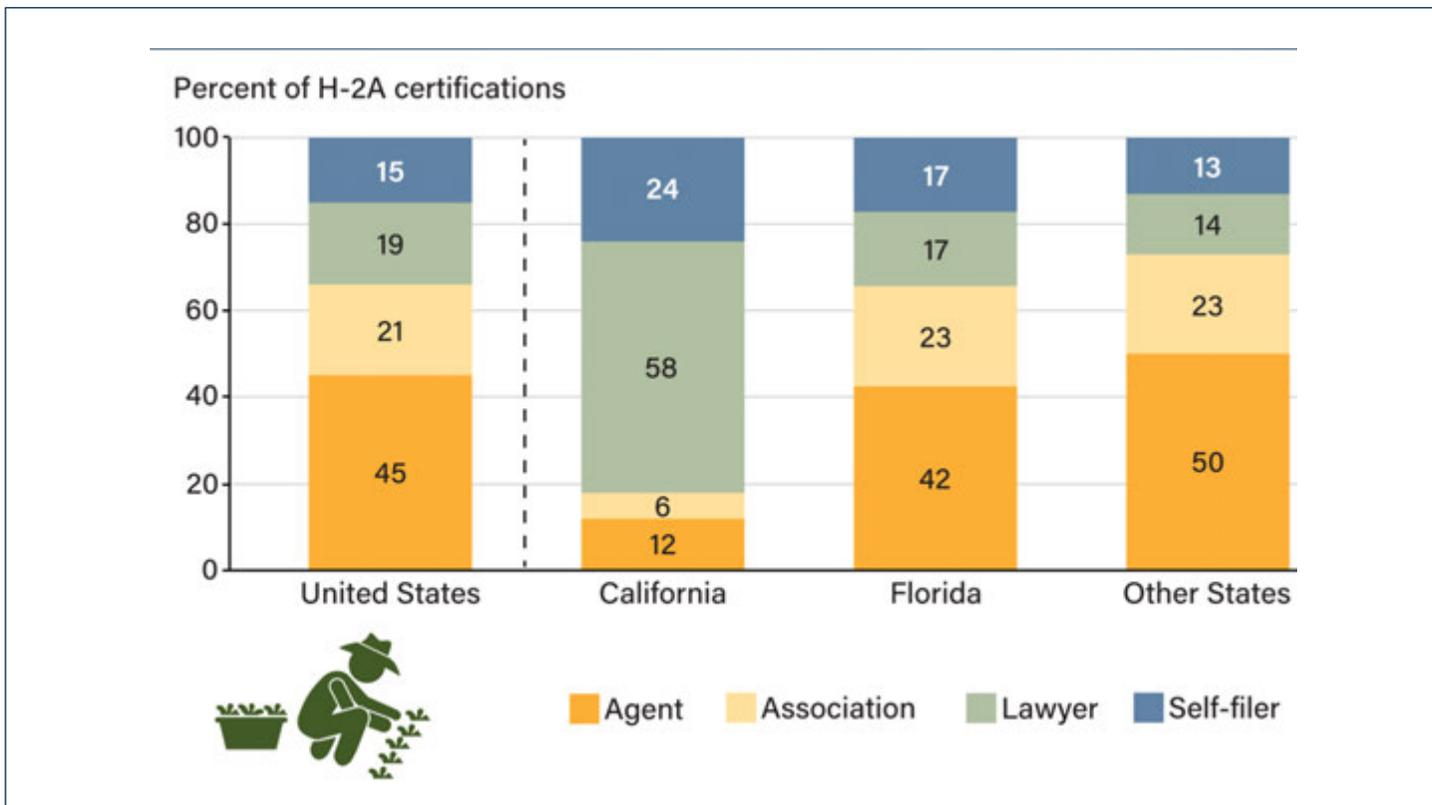
limit their greenhouse gas emissions. Vanuatu was ruled jointly by Britain and France for nearly a century before gaining independence in 1980, and is subject to cyclones between November and March.

China is a special case. China is the world's largest manufacturer and user of solar panels and wind turbines, leads the world in producing energy from hydroelectric dams, and is building more nuclear power plants than any other country. China also burns more coal than any other country and is building more coal-fired power plants despite already emitting a third of the world's greenhouse gases, more than the US and Europe combined. The question is whether China will build alternatives to coal fast enough so that its coal plants operate occasionally rather than continuously.

The UN Convention on Biological Diversity convened in Montreal in December 2022 to discuss mechanisms to slow the loss of flora and fauna. Almost all of the 190 participating countries signed an agreement to protect 30 percent of the world's land and oceans by 2030 (30x30) to slow the loss of biodiversity; about 17 percent of the earth's land, and eight percent of the oceans, are currently protected. Agriculture is the major obstacle to protecting more species on land, and overfishing and pollution are the major threats to biodiversity at sea. Developing countries will receive \$30 million a year to help their conservation efforts.

The H-2A program allows farmers who anticipate shortages of seasonal workers to request certification from DOL to employ foreign workers up to 10 months; the workers have H-2A visas. A sixth of US farmers filed for certification directly in FY20, while almost half used an agent and a fifth each used associations and lawyers. There was variance by state. California had a higher share of self-filers, 24 percent, and lawyers, 58 percent, while Florida had 17 percent self-filers and 42 percent agent filers

### 85% OF H-2A JOB CERTIFICATION REQUESTS IN FY20 WERE MADE BY AGENTS, ASSOCIATIONS, OR LAWYERS



Rural Migration News summarizes the most important migration-related issues affecting agricultural and rural America. Topics are grouped by category: Rural Areas, Farm Workers, Immigration, Other, and Resources.

Distribution is by email. If you wish to subscribe, send your email address to: [ruralmigrationnews-subscribe@primal.ucdavis.edu](mailto:ruralmigrationnews-subscribe@primal.ucdavis.edu) Current and back issues may be accessed at: <http://migration.ucdavis.edu>

Suggested citations: "California: Water, Politics." Rural Migration News. January 2023. Vol. 29. No 1. <http://migration.ucdavis.edu> or Rural Migration News. 2023. California: Water, Politics. January. Vol. 29. No 1. <http://migration.ucdavis.edu>

Editor: Philip Martin  
 Managing Editor: Cecily Sprouse  
[rural@primal.ucdavis.edu](mailto:rural@primal.ucdavis.edu)  
<http://migration.ucdavis.edu>

ISSN 1086-5845  
 Paper Edition ISSN 1086-5837