



The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

May 7, 2015

Delivered by Federal e-Rulemaking Portal

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

Attention: **Regulatory Information Number 1205-AB70** (Temporary Agriculture Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the United States).

Administrator Gagliardi:

Following are the comments of the Wyoming Department of Agriculture (WDA) on the U.S. Department of Labor's (DOL) proposal to amend regulations governing temporary or seasonal agricultural employment under the H-2A program (Proposal).

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this Proposal impacts our agriculture industry, our natural resources, and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions, including appeals and resolutions, as well as continue to provide us the opportunity to express pertinent issues and concerns.

The WDA is extremely concerned with the Proposal and believe it will negatively impact Wyoming's sheep producers and ranching operations utilizing temporary/seasonal agricultural employment. We urge the DOL stop the rulemaking process and reengage the stakeholders and producers to fully understand how this Proposal will impact their operations.

The Proposal has the potential to adversely impact livestock producer's economically and could put small operations out of business. By setting a base wage rate that is calculated using agricultural jobs (farming and ranching) and not open range herding, is not appropriate. The job duties of farm and ranch management differ greatly from open range herder. DOL must account for employers providing housing, food, clothing, supplies, and transportation. The new wage minimum as proposed will negatively impact producers. We suggest DOL perform a full economic analysis on the impacts the Proposal will have at the state and national level prior to finalizing the Proposal. The analysis should look at the economic impacts the wage increase will have on the producer and the impacts it will have on the local and state economies.

Equal Opportunity in Employment and Services

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The WDA is also concerned with the use or definition of "open range." We oppose DOL developing restrictions or attempting to redefine "open range" as it is too broad to cover all the various herding activities occurring on the range nationwide. We contend that regardless of the area being grazed, on open range or not, the Proposal should focus on the actual herding activities, not the location where it is occurring. If a herder is actively managing livestock on the range then it should be considered herding, and has nothing to do with the terrain, accessibility, fences, predators or barriers. We recommend the removal of the definition of open range.

The WDA appreciates the opportunity to comment on the Proposal. It is clear the Proposal is not ready for full consideration. The WDA recommends the DOL continue to work with producers and stakeholders to develop a Proposal acceptable to the agricultural industry.

Sincerely,



Doug Miyamoto
Director
Wyoming Department of Agriculture

DM/cw

- CC: Governor's Policy Office
Wyoming Game and Fish Department
Wyoming Board of Agriculture
Wyoming Stock Growers Association
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