MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

June 1, 2015

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

RE: Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the U.S. ID: ETA-2015-0004-0001

Dear Administrator Gagliardi,

I ask the Department of Labor to withdraw its proposed rules for "Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the United States."

The proposed rules impose a financial burden on sheep ranches and livestock grazing operations across the west and, particularly in Wyoming, the sheep industry and individual operations rely on H-2A foreign workers. This rule will render the program unusable and will be detrimental to the industry and the workers. I ask that the Department of Labor withdraw the proposed regulations and undertake a full review of the impact of the regulation on western states, agriculture and related industries. The proposed DOL rules do not reflect an analysis of the complete compensation structure or the economic impact of the proposed change.

A stark example is a single Wyoming sheep rancher who reports this regulation will raise her monthly cost by more than $27,000.

It is my understanding that the Department of Labor is mandated to publish and adopt regulations to implement the special procedures that guide the employment of foreign herders as a result of a court settlement. This mandate includes the procedural step of notice and comment rulemaking. There is no mandate requiring changes to the substance of the longstanding rules regarding temporary or seasonal employees hired under the H-2A program. The program has and continues to be necessary because there are not enough workers in this country for herding work. The proposed rules undermine the core mission of the program designed to provide an opportunity for foreign agricultural workers and help for rural livestock grazing businesses. Most ranches and businesses are operated at a high level of integrity and compliance and skilled herders are an integral part of their operations.

The Wyoming Department of Workforce Services and Department of Agriculture have written

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comments related to concerns with the proposed rules. I concur with the views expressed. Wyoming state agencies, and our state's livestock grazing businesses look forward to working with you on a fair and judicious rule that protects the needs of H-2A workers without crippling industry.

Sincerely,

Matthew H. Mead
Governor

MHM:mdm

cc: The Honorable Mike Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives