August 13, 2021

SUBJECT: CSU stakeholder services for Ag Workers' Rights rulemaking

Greetings Food System Stakeholders,

Colorado State University has recruited internal subject matter experts (SMEs) to serve as a Labor Issues Cohort and assist you or your organization to inform the current rulemaking offered by Colorado Department of Agriculture and Colorado Department of Labor and Employment for the Ag Workers Rights Act signed by Governor Polis on June 24, 2021. We imagine this outreach as briefing stakeholders verbally or through written input.

Key rule making topics, timelines and websites

The Colorado Department of Labor and Employment (CDLE) shall propose a draft no later than October 31, 2021 and adopt a final rule no later than January 31, 2022 regarding:
    1. Overtime wages for agricultural workers. CSU produced [one policy brief](#) on this subject May 2, 2021
    2. Right of access to key service providers for agricultural workers
    3. Extreme overwork protections from heat stress for agricultural workers
    4. [Click here to view the CDLE rulemaking process](#)

The Colorado Department of Agriculture (CDA) shall propose a draft no later than October 31, 2021 and adopt a final rule no later than January 31, 2022 regarding:
    1. Allowances for and limitations to hand weeding and hand thinning for ag employers actively engaged in the transition to organic certification
    2. A procedure for ag employers to seek a certificate of variance from CDA that allows for more than occasional and intermittent (>20% of time worked) hand weeding
    3. [Click here to view the CDA rulemaking process](#)

The following details SMEs recruited to date for the topics below and provides contact info all stakeholders can use to request outreach from these CSU faculty:
    • Overtime and wages
    • Agricultural health and safety
    • Public policy

We sincerely hope this service is valuable to the rulemaking process and welcome additional requests to support Colorado food system stakeholders.

Colorado State University's Department of Agricultural & Resource Economics works to improve the societal well-being of the people of Colorado and beyond by creating and sharing tools and information aimed to solve economic, managerial, educational, and policy related problems within the agri-food and resource systems.

Recognizing the importance of a viable workforce to support the state's ~$40 billion agricultural sector, DARE has several faculty that work to conduct relevant and timeline research to support agricultural labor. Research leverages state, national and primary datasets, and utilizes econometric methods. Relevant datasets to which our team has access include:

Dataset	Information about the dataset	Limitations relevant to agricultural labor, and particularly in terms of pay and hours worked
U.S. Census, American Community Survey (ACS)	Nationally representative household-based survey. Collects information on roughly 2 million households annually.	Information on hours worked is not necessarily for only one employer, and not necessarily for only ag employers; "usual hours of work" does not specify time of year; includes all individuals who report working in the industries for crop and animal production.
U.S. Census, Current Population Survey (CPS)	Nationally representative household-based survey. Collects information on roughly 98,000 households annually.	Same as ACS, smaller sample size, grouped in 2-year increments due to sample size limitations.
U.S. Department of Labor, National Agricultural Worker Survey (NAWS)	Nationally representative random sample of hired US crop workers. Interviews are administered at the place of work during the peak employment season. The NAWS does not include H-2A workers.	Only crop workers; representative at the 12 region-level (we present information from the Mountain region which includes Colorado, Utah, Wyoming, Nevada, Idaho, and Montana); representative in 2-year increments.
U.S. Department of Agriculture, National Agricultural Statistics	Nationally representative random sample of all farms and ranches in the U.S. with $1,000	Available at aggregate (averages) only; only available at the region-level (Colorado, Nevada, Utah).

Service, Farm Labor Survey (FLS)	or more in annual agricultural sales. o Employers record the total number of workers and hours worked in a reference week. The available data aggregate these estimates to average annual hours by region.	
U.S. Department of Agriculture, Agricultural Resource Management Survey (ARMS)	Nationally representative sample using a complex survey design targeted at ~30,000 farms annually.	The number of workers used to calculate hours per worker is both full-time and part-time. We cannot disentangle which hours are worked by each type of worker. Only available at the region-level (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming).
Colorado Agricultural Labor Survey for Employers	Includes data gathered from Nov 1, 2020 – Jan 31, 2021. Survey of Colorado agricultural businesses with at least one employee, administered online to business owners and operators. The survey was developed by Colorado State University research and extension, with input from the Colorado Department of Labor and Employment, Colorado Farm Bureau, Colorado Fruit and Vegetable Growers Association, Colorado Livestock Association, Colorado Nursery and Greenhouse Association, National Young Farmers Coalition, and Rocky Mountain Farmers Union. The survey received 354 responses with a majority of responses (60%) from small-scale operations (less than $350,000 in gross annual sales from agricultural products), 25% of responses from midscale operations ($350,000-$1M in annual agricultural sales), and 15%	The survey was not randomly administered and, therefore, is not representative of all Colorado agricultural businesses. The survey does not include sample weights to construct a representative sample. The survey was restricted to agricultural businesses with at least one employee. The survey did not collect information on hours worked. Responses to wage questions were not required, and only 213 respondents provided wage information. The median wage range found in the survey ($13-$15 per hour) is consistent with the most recent (2019) average wage according to the FLS ($14.30). There is potentially response bias in terms of the employers who chose to respond to the survey and the wage questions if there was any perception the survey could lead to changes in workforce policy. For example, past policies to establish "adverse effect" wages used prevailing wages so employers may be hesitant to share such information (if they are paying higher wage levels). But, it is also possible that employers who pay relatively high wages were more willing

	from largescale operations (>$1M).	to respond to this question to promote their good hiring practices. In short, bias could go either way, but the consistency with the FLS is a strong indicator these are representative findings.

Relevant faculty: Dr. Becca Jablonski, Dr. Ali Hill, Dr. Dawn Thilmany
More information on our work: https://foodsystems.colostate.edu/research-impacts/agricultural-labor/
For questions, including specific inquiries, please contact: Becca.Jablonski@colostate.edu

Lorann Stallones is nationally and internationally recognized as an occupational epidemiologist who has studied health issues among agricultural workers. Her research has focused on traumatic agricultural injuries, stress, suicide among farmers, and the relationship between pesticide exposures, mood disorders, and adverse neurobehavioral outcomes. She has also conducted research using a community engaged framework to understand the views of migrant farmworkers in Colorado and Mexico regarding perceptions about injuries and the prevention of injuries.

Hazards in agriculture have long been recognized. Acute traumatic injuries have received the most attention but recently there has been an increased concern related to the role of stress among farmers, workers, and farm families. Chronic effects of farm work such as working extended hours, adverse weather conditions, repetitive work methods, and exposures to bacteria, viruses and farm chemicals have been in the literature. Lorann is available to discuss any issues related to health and safety among agricultural workers particularly regarding traumatic injuries, mental health and stress, pesticide exposures and adverse impacts, and possible approaches to prevention of these issues.

Lorann Stallones, MPH, PhD

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Bio:
I have a PhD in Public Affairs from the School of Public Affairs at the University of Colorado Denver. I earned my BA in Economics from Rutgers University, New Brunswick and an MA in Economics from Rutgers University, Newark. I have practitioner experience working for an energy consulting company in New Jersey and as a public finance consultant in Colorado. In Colorado, I have undertaken multiple Colorado public finance consulting contracts that help expand social justice programs through Pay For Success (PFS), a financial tool that supports public programs through the use of private upfront capital. Through these projects, I have collaborated with local public, nonprofit, and philanthropic organizations in Denver, Boulder, and Aurora.

Expertise/Interests:
My research focuses on public management topics including the interactions between public, private, and nonprofit organizations in the pursuit of public outcomes, rulemaking, community engaged research, and social equity. My dissertation examined how, under the Community Reinvestment Act (CRA), in what ways private banks adopt public values and support public services and outcomes. I explored these topics by examining stakeholder public comments submitted to rulemakers during the most recent CRA rule updates. I compared bank and nonprofit organization public values and outcome priorities to see how they align or differ. In addition, I examined in what ways final rule decisions aligned with stakeholder outcome priorities.

How I can support:
In the short term, I can offer support in the areas of explaining rulemaking processes including what strategies stakeholders use to try to influence rules (through public comments, etc.) and how the adoption of public values may support public outcomes that align stakeholder interests. I may also be able to pull in or gather additional support from faculty at CU Denver School of Public Affairs, such as Dr. Deserai Crow, who is an expert on Colorado state rulemaking processes and rulemaking in general.
In the long term, my expertise and interests are focused on the interaction between public, private, and nonprofit organizations and in what ways these sectors can work together to support public service and public outcomes. One way in which I look at this issue is through the lens of realized publicness, or in what ways do private entities adopt public values that support public outcomes. Furthermore, what tools or strategies can be used to incentivize private entities to support public values. These may include regulations, rules, financial incentives, or other tools that promote collaboration and shared values across sectors. In agriculture policy, engaging stakeholders across sectors who serve in different roles is

critical to supporting small producers while also protecting workers' rights and safety. Bringing different voices to the table can help policy makers better understand the needs of the industry as a whole and decrease contention. I can offer support in brainstorming how to engage stakeholders including advocacy agencies, nonprofit service organizations, community members, growers, and workers in future rulemaking and/or policy processes.

Contact Information:
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