



Because Agriculture Matters!

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S-2602 By Senator Ruiz on Seasonal Workers  
And Covid Protection

Talking Points

1. Bill is redundant of the standards contained in the State Health Department Guidance Document that was issued on May 20.
2. Bill singles out the farming industry for legislatively-mandated compliance with pandemic management recommendations, when no other industry is asked to do likewise. Treat all business sectors equally.
3. **Farmers support health clinics coming to the farm to educate/ train their employees** about the coronavirus risks. Testing should be part of that discussion but is ultimately a decision for the worker to make.
4. Bill requires testing of all workers: is that legal? Can someone be tested against their will? Are farmers responsible if workers say no? Is testing effective anymore with a 30% error factor and long turnaround time for the results?
5. The bill is offered in the name of seasonal worker protection but contains enforcement terms that are excessive and go beyond the health care issue. Why should DEP, for example, enforce a health standard? What justifies that? We object to **allowing enforcement to third-party contractors with the authority to inspect farms and allow access to farm records.** What is meant by the bill seeking enforcement to "the maximum extent possible?"
6. The penalty section is severe and allows a \$250 fine per violation per worker for mere infractions or any rule violation. The bill expands the opportunity for class action lawsuits and third party lawsuits that can be taken to both state and federal court.
7. **There was no coordination or dialogue with the Secretary of Agriculture or the Commissioner of Health** about the terms of this bill, who have since March supervised and taken the lead in instructing farmers on the terms of covid virus-related protection of their employees and workers. These recommendations enlisted the good faith cooperation of farm employers; this bill replaces that with suspicion and a "gotcha" mentality.
8. The bill ignores the fact that the vast majority of farmers are complying with the Guidance Document protocols, which has contributed to the health and safety of the workforce this summer. Rather, the bill subjects all farm employers to the same over-reach enforcement regardless of their compliance record. Instead, the Health Commissioner could address instances of non-compliance within her current health emergency powers.