



American Lamb Council



American Sheep Industry Association, Inc.
www.sheepusa.org



American Wool Council

January 7, 2009

Mr. William L. Carlson, Administrator
Office of Foreign Labor Certification
Employment & Training Administration
U.S Department of Labor
200 Constitution Avenue, NW, Room C-4312
Washington, DC 20210

Mr. James Kessler, Farm Labor Team Leader
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
200 Constitution Avenue, NW, Room S-3510
Washington, D.C. 20210

RE: Temporary Agricultural Employment of H-2A Aliens in the United States; Modernizing the Labor Certification

Changes to Requirements Affecting H-2A Nonimmigrants

The American Sheep Industry Association (ASI), as the national trade organization of the more than 70,000 farms and ranch families in the United States producing lamb and wool, is responding to a recommendation from this month's briefing session in Denver, Colorado regarding the above referenced regulations as recently published.

The Department of Labor officials urged the sheep producers in attendance at the December meeting to write in support of continuing special provisions applicable to the industry's historical use of the program. As you know, special procedures including three-year contracts, exemption from out-of-country stays between contracts and the provisions for production of livestock and housing are critical to the program's success. A successful program, by the way, that dates to the 1950's.

Over one-fourth of the nation's entire sheep production is contributed by the ranches that use shearers; therefore the H-2A program with the shepherding provisions are critical to our entire industry, from lamb meat processing companies to wool warehouses and textile firms. More than 20 percent of our wool production is dedicated to the garment needs of the United States military.

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The importance of the historical special provisions utilized with the shepherding program cannot be understated. The three-year contract is especially important given the animal welfare and management dependent on an experienced herder caring for the sheep. The herders' understanding and familiarity with the large rangelands, location of water, noxious plants are key as is knowledge of sheep care at shearing, lambing, and shipping, as well as use of livestock protection dogs and horses.

We ask every consideration that the provisions of the H2A shepherd and sheepshearer programs be continued.

It was noted in the DOL rule, that the following reference also supports the continued use of special provisions which we appreciate.

[“DOL does not intend to require any industry currently using special procedures to seek ratification of their current practice, nor does the Dept. intend to require annual or periodic justifications of an industry’s need for special procedures”.](#)

Sincerely,



Burdell Johnson
ASI President

C: Western Range Association
Mountain Plains Agriculture Service