

**ETA News Release: [03/13/2009]**  
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**Release Number: 09-0243-NAT**

## **U.S. Department of Labor proposes to suspend H-2A rule**

**WASHINGTON** - The U.S. Department of Labor's Employment and Training Administration (ETA) today announced the proposed suspension for nine months of a final rule implementing changes to the H-2A program, which allows U.S. agricultural businesses to employ foreign workers in temporary or seasonal agricultural jobs. The department's proposed action is open for public comment for 10 days.

"Because many stakeholders have raised concerns about the H-2A regulations, this proposed suspension is the prudent and responsible action to take," said Secretary of Labor Hilda L. Solis. "Suspending the rule would allow the department to review and reconsider the regulation, while minimizing disruption to state workforce agencies, employers and workers."

The proposed suspension of the final rule will appear in the *Federal Register* on March 17. The final rule appeared in the *Federal Register* on Dec. 18, 2008, and took effect on Jan. 17, 2009.

The H-2A nonimmigrant program is designed to provide agricultural businesses with short-term foreign agricultural labor when there are not enough domestic workers. Receiving an H-2A labor certification is the first step in the employment-based immigration process to work on a farm.

In 2008, the department granted North Carolina, Georgia, and Florida the largest numbers of H-2A labor certifications.

The Labor Department's Office of Foreign Labor Certification will continue to accept and process H-2A applications during the proposed suspension period. Any final action on today's proposed suspension will appear in a future *Federal Register* notice.

## Notices

Federal Register

Vol. 74, No. 49

Monday, March 16, 2009

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Submission for OMB Review; Comment Request

March 11, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

*OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

#### National Agricultural Statistics Service

*Title:* Agricultural Labor Survey.  
*OMB Control Number:* 0535-0109.  
*Summary of Collection:* The 1938

Agricultural Adjustment Act, as amended in 1948, requires wage rate data for computation of an index component. This component is used in calculation of parity prices. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. Agricultural labor statistics are an integral part of National Agricultural Statistics Service (NASS) primary function of collecting, processing, and disseminating current state, regional, and national agricultural statistics. Comprehensive and reliable agricultural labor data are also needed by the Department of Labor in the administration of the "H-2A" program (non-immigrants who enter the United States for temporary or seasonal agricultural labor) and for setting "Adverse Effect Wage Rates." The Agricultural Labor Survey is the only timely and reliable source of information on the size of the farm worker population. NASS will collect information using a survey.

*Need and Use of the Information:* NASS will collect information on wage rate estimates and the year-to-year changes in these rates and how changes in wage rates help measure the changes in costs of production of major farm commodities. NASS will also collect information on data to measure the availability of national farm workers. The information is used by farm worker organizations to help set wage rates and negotiate labor contracts as well as determine the need for additional workers and to help ensure federal assistance for farm worker assistance programs supported with government funding.

*Description of Respondents:* Farms.  
*Number of Respondents:* 11,750.  
*Frequency of Responses:* Reporting: Quarterly; Annually.

*Total Burden Hours:* 11,425.

#### National Agricultural Statistics Service

*Title:* Mink Survey.  
*OMB Control Number:* 0535-0212.  
*Summary of Collection:* The primary

function of the National Agricultural Statistics Service (NASS) is to prepare

and issue current official State and national estimates of crop and livestock production. Statistics on mink production are published for the 15 major states that account for 95 percent of the U.S. production. There is no other source for this type of information. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204.

*Need and Use of the Information:* NASS collects information on mink pelts produced by color, number of females bred to produce kits the following year, number of mink farms, average marketing price, and the value of pelts produced. The data is disseminated by NASS in the Mink Report and is used by the U.S. government and other groups.

*Description of Respondents:* Farms.  
*Number of Respondents:* 362.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 99.

Charlene Parker,

*Departmental Information Collection Clearance Officer.*

[FR Doc. E9-5624 Filed 3-13-09; 8:45 am]

BILLING CODE 3410-20-P

### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

[Docket No. APHIS-2009-0004]

#### Notice of Request for Extension of Approval of an Information Collection; Importation of Shelled Garden Peas From Kenya

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of shelled garden peas from Kenya.

**DATES:** We will consider all comments that we receive on or before May 15, 2009.

**ADDRESSES:** You may submit comments by either of the following methods:

**March 17, 2009**

**Part II**

**Department of Labor**

**Employment and Training Administration**

**20 CFR Part 655**

**Wage and Hour Division**

**29 CFR Parts 501, 780, and 788**

**Temporary Employment of H-2A Aliens  
in the United States; Proposed Rule**

**The above noted rule may be found at:**

[http://www.foreignlaborcert.doleta.gov/pdf/H2A\\_Notice\\_Proposed\\_Suspension\\_031709.pdf](http://www.foreignlaborcert.doleta.gov/pdf/H2A_Notice_Proposed_Suspension_031709.pdf)

