

**Testimony of Mr. Bret Erickson, J&D Produce Inc.,  
on behalf of the International Fresh Produce Association**

**U.S. Senate Committee on Agriculture, Nutrition and Forestry  
“Perspectives From the Field: Farmer and Rancher Views on the  
Agricultural Economy, Part 2”**

**February 13, 2025, 9:30 a.m. ET**

**Introductions**

Thank you, Chairman Boozman, Ranking Member Klobuchar, and members of the Committee. My name is Bret Erickson. I am the Senior Vice President of Business Affairs at [J&D Produce Inc.](#) I am joining you today, also representing the [International Fresh Produce Association](#) (IFPA), where I am a board member and chair of the U.S. Government Relations Council. I have worked in agriculture my entire career. Before joining J&D, I was President & CEO of the Texas International Produce Association and Executive Vice President of the Texas Vegetable Association for almost 6 years. I am extremely well-versed in the challenges and opportunities this Committee will oversee in the 119<sup>th</sup> Congress.

IFPA is the largest and most diverse association serving the entire fresh produce and floral supply chain worldwide and the only one to seamlessly integrate advocacy and industry-facing support. IFPA proudly represents member companies, from small family businesses to large corporations, throughout the fresh fruit and vegetable supply chain, including growers, shippers, fresh-cut processors, wholesalers, distributors, retailers, food service operators, industry suppliers, and allied associations.

Now, for my grower's story. J&D – also known as Little Bear Produce - is a multigenerational family-owned and operated business headquartered in Edinburg, Texas, in the Rio Grande Valley. Our owners, Jimmy & Diane Bassetti, moved from Vineland, New Jersey, to McAllen, Texas, in 1984 and officially started the business in 1986. We are a grower/packer/shipper of more than 40 products including fresh greens, onions, cabbage, and melons: just the greens, we grow almost 30 different types, including kales, chards, collards, mustard greens, kohlrabi, beets, and herbs.

Most of our products are grown on our own land and managed by our own people. We also work very closely with many other farmers in South Texas and handle their produce, too. J&D helps those farmers by harvesting, washing, packing, marketing, selling, and collecting on those sales. We also help neighboring farms with food safety, financing, and regulatory compliance for our smaller growers who cannot otherwise manage those highly regulated functions on their own. Our company may not be a small farm by acres, but we are very much still a family operation with close bonds to our community and where the owners know each employee by name. The Bassetti's story is the quintessential "American Dream", and we hope to continue to tell that story for generations to come – but that future is in question.

### **The Vital Role of Fresh Produce**

Fresh produce—fruits, vegetables, tree nuts, herbs, and florals—represents about \$28 billion annually in U.S. agricultural output. The fresh sector is a crucial economic engine for our communities and the nation, and we also play a vital role in improving the health of everyday Americans by providing the healthiest foods available. That's the good news: the promise of robust production, availability, and consumption of fresh produce.

The bad news is that the fresh sector in the U.S. faces tremendous headwinds. Like most of the stories you hear from our friends in the row crop and livestock sectors, we are experiencing enormous economic challenges in the marketplace...many of which are self-inflicted by the federal government's overregulation and unwillingness to address agriculture's crippling shortage of reliable, legal labor.

### **Our Labor Crisis**

Labor is by far the most consequential concern and cost for fresh produce growers, affecting nearly every aspect of our operations—from planting to harvest to processing. *Labor costs now make up more than 50%—and in some cases, a significantly higher percentage—of the total expenses for fresh produce growers* and these costs are steadily rising. It is the number one threat to remaining profitable and competitive in fresh produce production. If our Nation is serious about maintaining robust domestic production and food security in the United States, Congress and the Trump administration must address agriculture's labor crisis now.

Finding domestic workers at nearly any price is almost impossible. We've tested the theory that if agricultural employers "just paid more," Americans would willingly seek jobs on the farm: it didn't work. U.S. growers pay our employees well above the

minimum wage, and we value their work. We would love to hire domestic employees and are required by law to do so, but they do not want jobs on the farm for any reasonable wage. Instead, we depend on willing, legal foreign workers.

Within this Committee's purview, IFPA and our specialty crop allies have laid out several priorities for the next farm bill that would ease our labor challenges. The most significant is the need *for greater federal investment in research and development in specialty crop mechanization and automation, and we urge your support to provide the resources for that relief this Congress.*

The produce sector now relies on the Department of Labor's (DOL) H-2A foreign agricultural worker program for our workforce. Even this program limits our ability to grow our operation since it is so outdated and challenging to navigate. Although the jurisdiction for immigration reform does not fall under this committee, there are things you and USDA can do to help.

Agricultural employers participating in the DOL's H-2A visa program must pay a federally mandated wage known as the Adverse Effect Wage Rate (AEWR). Unfortunately, the current method of calculating the AEWR—using each year's average wage to set the following year's minimum—artificially inflates agricultural wages nationwide, often exceeding actual market conditions. This creates a unique and unsustainable challenge for agricultural employers, jeopardizing their businesses and displacing domestic farmworkers. To improve this information used to regulate, we urge you to *work with the National Agricultural Statistics Service (NASS) to adjust the Farm Labor Survey to mitigate artificial inflation by collecting data specifically on the "base wage."* This would involve excluding bonus pay, piece-rate pay, incentive pay, and overtime from the survey. Since the AEWR was originally intended to serve as a minimum wage for agricultural work, this adjustment would provide a more accurate representation of the base wage in the industry. We also ask that you *encourage DOL to revise the definition of AEWR and base it on the "base wage of field and livestock workers combined"* to fully implement these critical improvements.

We also ask that you communicate to the administration support for better interagency coordination and regulatory reform. If DOL's regulatory overreach is not addressed, the U.S. will increasingly rely on foreign markets for our food supply. IFPA asks that the Committee join us in seeking the *administration's appointment of an agricultural liaison from USDA to DOL empowered to meaningfully advise and*

*guide DOL on regulations that impact food and farm production.* Other sectors of the economy, including labor unions, are afforded significant influence over the DOL priorities and actions; we ask that agriculture be given an equal voice on matters that impact our ability to feed this Nation and the world.

IFPA is asking the administration to reform H-2A-related rules and processes to help make American agriculture more competitive. These final rules issued by the DOL and the Department of Homeland Security are of particular concern, and I urge the Committee to support their withdrawal and/or reform:

- The *Adverse Effect Wage Rate (AEWR) Rule (February 2023)* has increased wage costs for employers by awarding workers increased pay for work not actually done – a process called “disaggregation.”
- The *Improving Protections for Workers in Temporary Agricultural Employment in the United States Rule (April 2024) Rule* increases cost and gives foreign workers rights that Congress expressly did not grant farm workers. IFPA is in active litigation with the Department of Labor over this rule and has already won an initial legal victory in the Federal District Court of Mississippi.
- The Occupational Safety and Health Administration’s *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings* rule is particularly challenging as a grower in South Texas where the regulation's costly requirements would have kicked in 298 days of the year in 2024.
- The *Department of Homeland Security’s (DHS) Modernizing and Improving the H-2 Temporary Visa Programs Rule* (proposed) was recently finalized and is already leading to some workers being denied.

Finally, we urge this committee to consider a [report](#) released last year by the [House Agriculture Committee’s Bipartisan Working Group on Agricultural Labor](#). This bipartisan effort resulted in the unanimous endorsement of suggested policy changes that Congress and the administration should adopt to address many of my concerns. The House Labor Report provides a blueprint for reform that we believe must be pursued to provide meaningful relief from the biggest threat to domestic production's prosperity and long-term viability.

### **We need a Farm Bill**

The fresh sector is an active leader in the Specialty Crop Farm Bill Alliance (SCFBA). My testimony references many [SCFBA farm bill priorities](#), and IFPA strongly supports and incorporates, without direct reference, all SCFBA priorities.

Specialty crops account for nearly half of the total farm gate crop value in the U.S., yet we only receive a fraction of total resources. In the 2018 farm bill, funding for horticulture programs was just 0.5% of the total farm bill. This imbalance is unsustainable and must be addressed in the next farm bill to protect our domestic food system. The next farm bill must invest robustly and more equitably in specialty crop production to maintaining a reliable, affordable domestic food supply.

The fresh sector needs a comprehensive farm bill that addresses the structural challenges we face. IFPA urges each of you to *support investments in the following areas*:

1. *Research and Development*: Supporting innovation in crop protection, automation, and combating pests and diseases.
2. *Policy Reform in Federal Procurement*: Ensuring that the fresh produce grown by U.S. farmers is prioritized in federal nutrition programs, increasing the availability of nutritious food to Americans.
3. *Reforms to Crop Insurance are Critical*: Most fresh produce growers currently lack access to affordable and effective crop insurance. USDA must be directed and empowered to build a better system for specialty crops and build it quickly. Specialty crop growers are among the most vulnerable to natural disasters, and we are dramatically impacted by market price fluctuations, just like our neighbors in the row sector. We have also learned that we cannot rely on timely support from disaster aid when the worst happens. Congressional gridlock means relief comes too little and too late. We want better options for managing production risks and protecting our businesses. I implore the Committee to include farm bill provisions that create a risk-based safety net for all specialty crop growers to help them weather the unpredictable nature of food production.

### **Make Crop Protection Work Again**

Fresh produce growers are losing the crop protection and pest management tools they rely on at an unprecedented rate. As key pesticides and herbicides are phased out, few viable alternatives exist, and even fewer new options are in the Environmental Protection Agency's (EPA) pipeline, leaving growers with few to no tools available to protect their crops from pests and diseases.

The commodities we grow are regularly threatened by pests, pathogens, and weeds, requiring the use of safe and effective crop protection tools. *All* production methods

use crop protection tools, both conventional and organic. The fresh produce sector relies on integrated pest management — in some cases, regenerative practices — to ensure our stewardship of natural resources. However, conventional, biological, and biotechnology products are *required* for modern, commercial production to feed this Nation and the world.

Fortunately, the U.S. federal regulatory system is in place to help deliver on those needs. Unfortunately, in recent years, EPA's regulatory process has been in disarray and dysfunction from adverse legal decisions and political paralysis. The result is a dramatic loss of options. Due to how and what we grow in the specialty crop sector, our loss of alternatives is far more dramatic than our friends in the row crop sector. If agriculture is to remain an essential component of our national economy, farmers must have the federal government's commitment to providing certainty that products to control damaging pests will be safe *and* available.

One product our operation relied on for onion production in Texas is an herbicide called DCPA or Dacthal. Growers have been using it for more than 50 years, and it was the only product we could reliably use for pre-emergent control of a broad range of weed species. However, EPA recently, and with very little stakeholder engagement, identified health concerns with using the product. Within four months, growers went from being able to use the herbicide to EPA canceling the product. No comparable alternatives have been identified, and EPA has not provided meaningful guidance on whether options are under review for the future.

I appreciate and acknowledge the importance of protecting human and environmental health and the role EPA plays – the U.S. is and should remain the gold standard for risk-based scientific review. To that end, in addition to pushing for process improvements and better stakeholder engagement by EPA, IFPA urges the Committee to join us in supporting and elevating USDA's Office of Pest Management and Policy (OPMP). OPMP is a vital partner in agriculture's engagement with EPA on policies associated with the use of pesticides and protections for endangered and threatened species. We ask that you ensure that OPMP is robustly supported in its efforts to work with growers and EPA to provide evidence and data on the benefits of pesticides and find common-sense solutions to mitigate risks.

### **More Fruits and Vegetables Mean Better Health**

The fruits and vegetables IFPA members provide should fill half of every American plate. With the Trump administration's strong commitment to enhancing health and

reducing diet-related diseases, the fresh produce industry is perfectly positioned to help finally achieve these goals.

For years, Dietary Guidelines for Americans (DGA) have recommended that Americans eat more fruits and vegetables. Sadly, only one in ten of us meets those consumption targets. USDA plays a critical role in addressing this nutrition crisis, both by prioritizing fruit and vegetable availability and consumption in federal nutrition programs at schools, food banks, and retail and by supporting the overall strength of the fresh produce supply chain to support truly better making Americans healthier. IFPA believes prioritizing more nutritious options would go a long way towards increasing the vitality of the fresh sector and improving health outcomes. I ask the Committee join us in *incentivizing fruit and vegetable consumption in the Supplemental Nutrition Assistance Program (SNAP), maintaining the fruit and vegetable benefit in the Supplemental Nutrition for Women, Infants and Children (WIC) and building out online WIC, supporting fruits and vegetables in the School Meals Programs including the Fresh Fruit and Vegetable Program, and improving the variety and options of fresh produce in USDA procurement programs, including The Emergency Food Assistance Program (TEFAP)*. For example, in FY23, USDA purchased more than \$4 billion worth of domestically produced agriculture products for its USDA Foods program. According to the [USDA State of Origin report, only one fresh produce commodity \(apples\) was purchased from Texas, totaling \\$138,160 out of more than \\$4 billion in purchases.](#)

### **Trade Matters Tremendously**

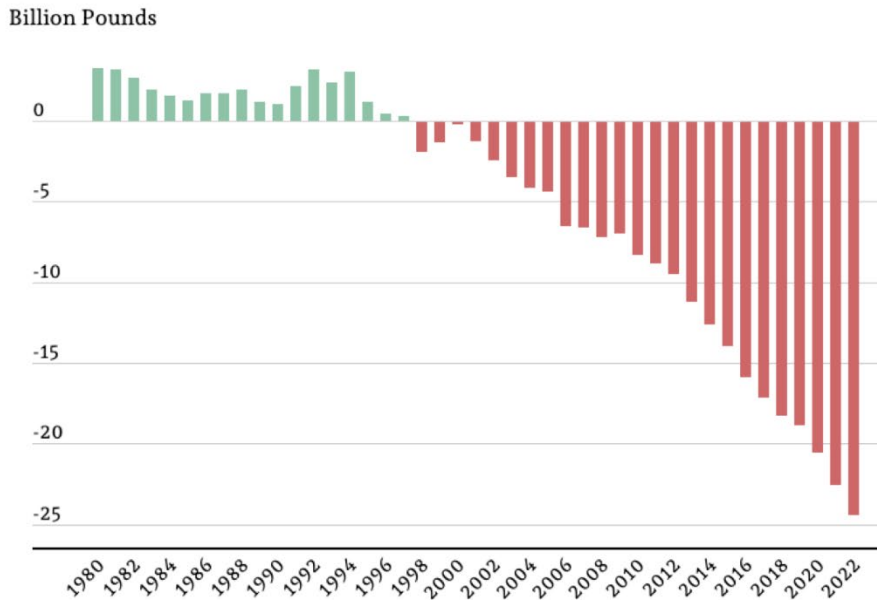
Like most agricultural organizations, IFPA members support fair, strong trade among nations because it grows markets, increases their prosperity, and ensures everyone can access the healthiest, freshest foods. Fresh produce growers and suppliers proudly feed Americans and the world every day, and the world wants to do business with the U.S. in return.

Regarding tariffs, IFPA believes that every nation that can feed itself should do so. And, like many agricultural organizations, we firmly support fair and thriving international trade. Fair trade expands markets, drives prosperity, and ensures access to fresh, nutritious foods worldwide. U.S. fresh produce growers and suppliers play a pivotal role in this system, feeding Americans and consumers worldwide while fostering mutually beneficial trade relationships.

Fresh produce, specialty crops, and floral products are among North America's most actively traded commodities. A secure and sustainable food supply — domestic and worldwide — thrives with strong and reliable access to global markets. Growing seasons and regions mean the North American market serves U.S. consumers who demand year-round access to a robust variety of fresh produce. There are some products for which there is no or minimal U.S.-based production due to the lack of appropriate growing conditions, e.g., bananas and most tropical fruits. As we have graphically learned from recent acute supply chain disruptions, marketplace volatility and supply limitations threaten growers' stability and result in consumers paying higher prices at the grocery store.

IFPA sponsored a recent study with Texas A&M to evaluate the shift in the balance of trade in fresh produce over the last 40 years. This chart indeed tells a disappointing story for U.S. producers. As noted, many factors can be attributed to this imbalance, but the trend is dramatic and unsustainable for the future of fresh produce production in this country.

**Figure 6: U.S. Fresh Produce Trade Balance\*, 1980-2022**



\* Excluding Bananas Imported and Exported  
 Source: Fruit and Tree Nut/Vegetable and Pulse Yearbooks, USDA ERS



Targeted use of tariffs can be a tool for addressing challenges or inequities between trading partners. However, the broad application of tariffs can disrupt supply chains, threaten market expansion, increase consumer costs, and place unnecessary strain on growers and producers.

To improve the competitiveness of producers while keeping food affordable for consumers, IFPA advocates for *swift and meaningful regulatory relief and reform as the most effective way to support agriculture and strengthen American food security*. We look forward to working with the Trump administration and Congress to advance policies that empower growers, expand market access, and ensure a competitive, resilient agricultural sector that benefits producers and consumers.

There are ways the Committee can support the fresh sector on trade directly and quickly. Many programs at USDA's Trade and Foreign Agriculture Agency (TFAA) help U.S. specialty crop growers compete worldwide. Our trading partners have historically used non-tariff trade barriers, such as overly stringent maximum residue levels (MRLs) and packaging standards, to keep U.S. fruits, vegetables, and nuts out of important trading markets. To counter those barriers, *IFPA asks that you fully fund and support SCFBA recommendations related to the Technical Assistance for Specialty Crops (TASC) and Assisting Specialty Crop Exports (ASCE) programs*.

### **No Water, No Food**

Our water situation in Texas has reached a crisis point, with the ongoing lack of sufficient water deliveries under the 1944 water treaty between the U.S. and Mexico. This past year has been devastating for our business, as water shortages have crippled our ability to grow and harvest crops to the extent that we have shuttered some of our operations last year. Unfortunately, this issue will worsen in the coming year unless we see timely water deliveries from Mexico, as stipulated in the treaty.

Throughout the country, water delivery systems, especially west of the Mississippi River, are outdated, inefficient, and in dire need of federal investment. These crumbling systems and infrastructure only exacerbate our regulatory and trade challenges and hinder our ability to manage our resources sustainably. Without substantial improvements to agricultural water systems and enforcement of legal commitments to keep water flowing, our ability to continue farming is in jeopardy today. I ask for your support in finding meaningful solutions to the agriculture's critical need for water resources and infrastructure.

### **A Fresh Call for Action**

The fresh produce sector makes the most nutritious food available to the world and we are an irreplaceable part of the agricultural industry. In the U.S., we contribute billions to the economy and our products improve the health of every American. However, the enormous headwinds we face require immediate action from Congress and the administration.

The future of U.S. agricultural production and food security depends on smarter federal policies that meaningfully address these challenges. By investing in the future of fresh produce growers, Congress can ensure that the U.S. remains a world leader in producing safe, abundant, affordable, and nutritious food.

Thank you for the opportunity to testify today. I am honored to represent the fresh produce sector at this pivotal time for American agriculture. IFPA looks forward to working with this Committee on policies that will secure the future of U.S. agriculture, the fresh sector, and, of course, J&D Produce. I am happy to answer any questions you may have.