

#### **FARM FOUNDATION® FORUM**

## GROWING TOGETHER: TRENDS AND TRANSFORMATION IN U.S. AGRICULTURE LABOR

**NOVEMBER 19, 2024** 



Today's webinar is made possible by a grant from Farm Credit



#FarmFoundationForum





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#### TIM BRENNAN

Vice President, Programs and Strategic Impact



#### MEET FARM FOUNDATION

A 501(C)(3) NON-PROFIT AT THE INTERSECTION OF AGRICULTURE AND SOCIETY



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We accelerate PEOPLE and IDEAS into ACTION





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#### Vision:

To build a future for farmers, our communities and our world.





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#### **IMPORTANT NOTES**

- Submit questions by clicking on the Q&A Button at the bottom of your screen.
- Please include your name and company so questions may be contextually understood.
- Due to time limits, we may not be able to ask all questions submitted.
- This Forum is being recorded and will be posted on our website at farmfoundation.org as well as the Farm Foundation YouTube channel.
- Please take the short survey at the conclusion of the Forum.





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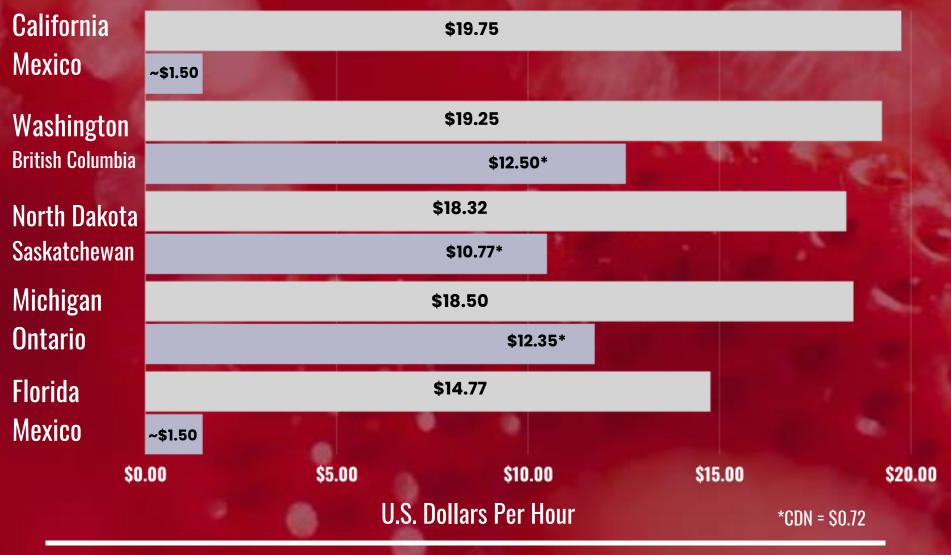


## MODERATOR MICHAEL MARSH

President and CEO,
National Council of Agricultural Employers



#### **ADVERSE EFFECT WAGE RATE**









### Litigation, etc.

- AEWR
  - Western District of Florida (FLS and OEWS)
  - North Carolina
  - Louisiana (partial injunction)
  - New FLS on the way
- Petition for change in AEWR methodology
  - 20 CFR 655.120 (b)(l)(i)(a)
- Program Rule





#### Litigation, etc.

- Worker Protection Rule
  - Georgia (GFVGA)
    - Enjoined in 17 states
    - 17 AG's
    - Tough language
  - North Carolina (NCFBF)
  - Mississippi (IFPA, AFBF) Hearing

## Breaking News!

- Worker Protection Rule NCAE
  - Hearing November 4<sup>th</sup>
  - Western District of KY
  - "Fix looking for a problem"
- Judge's thoughts
  - Cedar Point
  - Incremental changes?!
  - DOL's remedy
  - Chevron deference







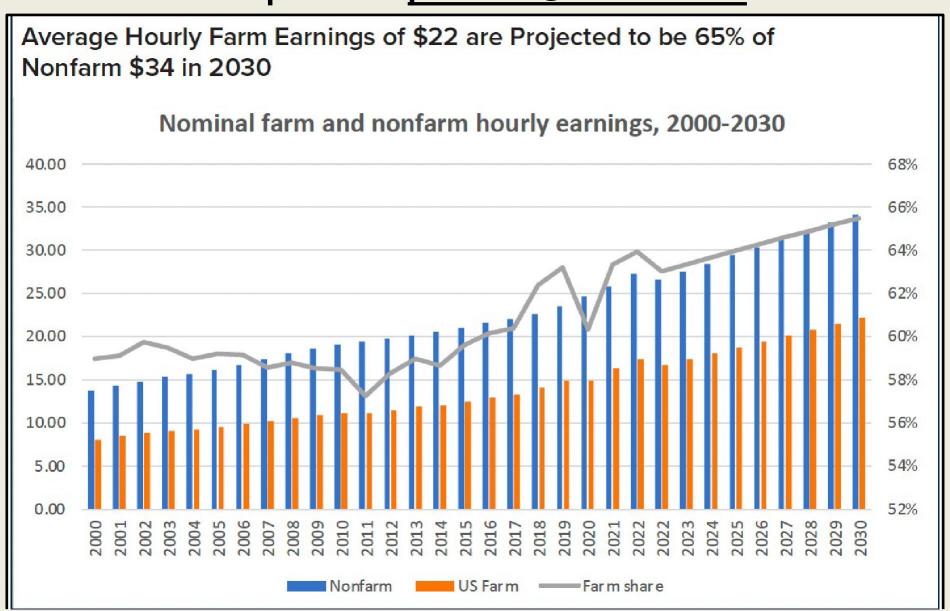
#### PHILIP MARTIN

Professor Emeritus, Agricultural and Resource Economics University of California, Davis



#### Farm Labor: machines, migrants, imports

Philip Martin: plmartin@ucdavis.edu



#### Labor costs up & MMI responses

- Stable D, shrinking S = wages up
  - 1.5 mil average ag jobs; 2.5 million farm workers
  - NF crop support: 40% in US; 60% CA; 50% H-2A
  - Why wages up: D>S, min & AEWR, OT, regs
- 2 mil or 80% of farm workers = Mex-born
  - 1.7 million settled; 50% unauthorized, average 42
  - 300,000 H-2A; average 32; 15 to 30% higher prody
- MMI: Mechanization, Migrants, Imports
  - Mech: pre-har vs har; mechanical aids; CEA (greenhouse)
  - H-2As: build housing or hope Congress changes?
  - Imports: 60% fresh fruit; 40% fresh vegs; Mex: 50 & 75%
- Where to invest for F&V prod: all 3 MMI?

#### Farm Labor System (supertanker)

#### Overall Changes

- Ag exceptions down; FW regulated like non-FW
- Settled FWs working longer, 200+ days
- US-educated FW children climb US job ladder

#### Outsourcing to FLCs: best & worst

- FLCs can be win-win for ers & ees or risk absorbers
- Challenge: hard-to-regulate FLCs & hard-to-protect H2As

#### Opportunities

- Incentivize & reward best ers & H2As; TSA-precheck?
- Can H-2As become FIFO crews (min # trained do work)?
- Can buyer certification sustain labor law compliance?
- Can policy integrate mechanization, H-2A regs, retraining, trade etc reshaping farm labor market?

#### H-2A future: 2025 to 2030

- Trump 1.0: No significant changes to H-2A
  - H-2A up, FWMA passed House in 2019
- Biden: FWMA 2021 & H-2A changes
  - From 1 AEWR/state to 10+ AEWRs
  - 2024 worker protection regs
  - Will courts block or Trump #2 reverse?
- Trump 2.0: Make H-2A easy or phase out?
  - Freeze/modify AEWR, no to Biden regs, year-round jobs
  - Project 2025: phase out H-2A and subsidize mechaniza
- H-2A 2025-2030? (famous without right)
  - Few newcomers; H-2A = fresh blood
  - Machines & CEA in US up; Imports up if trade allows

US ag = 30+ sectors. Big 5 paid 2/3 of \$57 bil UI farm wages in 2023 Crop support: \$14b; Green \$8b; F&N \$6b; Dairy \$5b; Vegs \$4b We do not know commodity of crop support workers















FLCs: 55% of crop support emp; 43% of CS wages

3,100 US FLC estabs; 1,500 in CA

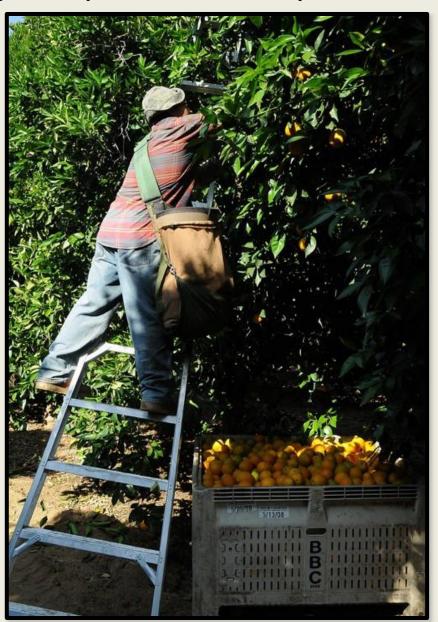
of worker-job matching
OR act as risk absorbers
for violations?



FLCs: 183,000 or 21% of average US crop employment in 2023 QCEW: 542k direct hire, 333k CS (38%) of 875k average crop employ UI covers 80% of US ag employment (1.1 million C+CS)







### Greenhouse & Nursery: 10k estabs, 175,000 ave employ, \$8b wages ½ G&N employ = nursery & tree production; ¼ = food under cover









F&N = 6 crops each have \$1 bil in direct-hire QCEW wages Apples, grapes, straws, other berries, tree nuts & other non- citrus fruit; each has 20k to 30k ave direct employment







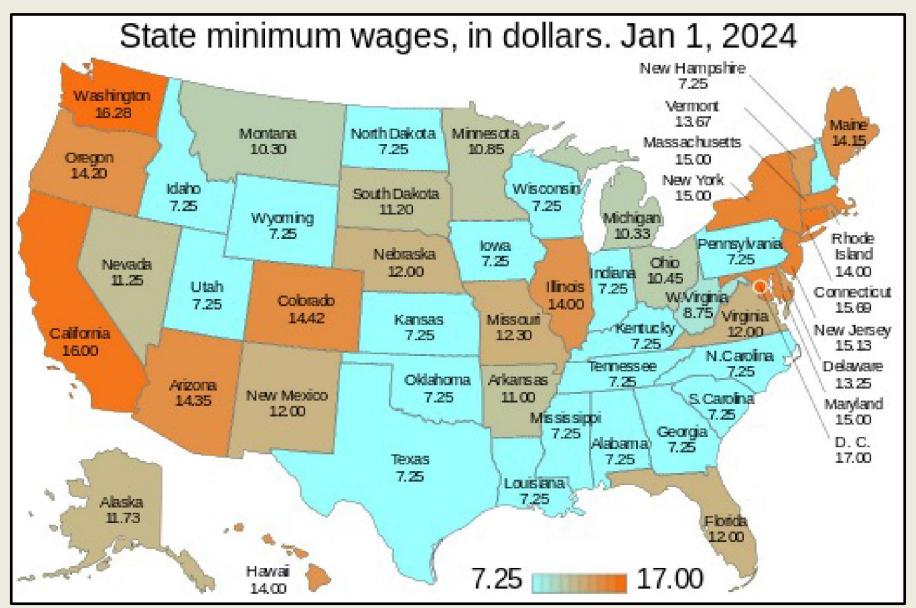




### Few US-educated children of settled Mexican-born workers become seasonal farm workers



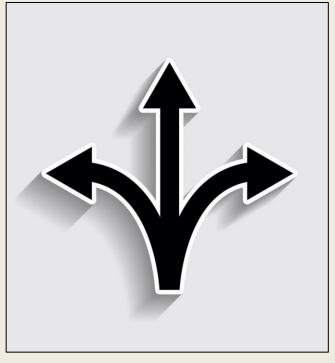
## California 2024: \$16 min wage, #2 to WA \$16.28 (\$7.25 fed) Minimum wages in CA & WA are 2x GA & NC



## 3 responses to rising farm labor costs MMI: Machines, Migrant H-2As, Imports

#### We provide and manage H-2A Workforce

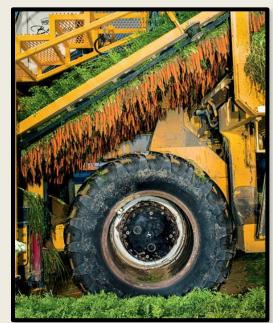






## Mechanize olives, carrots, processing tomatoes, tree nuts Harvest: usually most labor intensive & time sensitive









\$100,000+/acre to produce straws; \$1,000+ for corn & soy Machines: adapt to current farming systems OR change farming system to use machines (easiest in CEA)?









## Robot strawberry harvester & current farming system Robot picks 50-70%, hand workers follow, shed pack

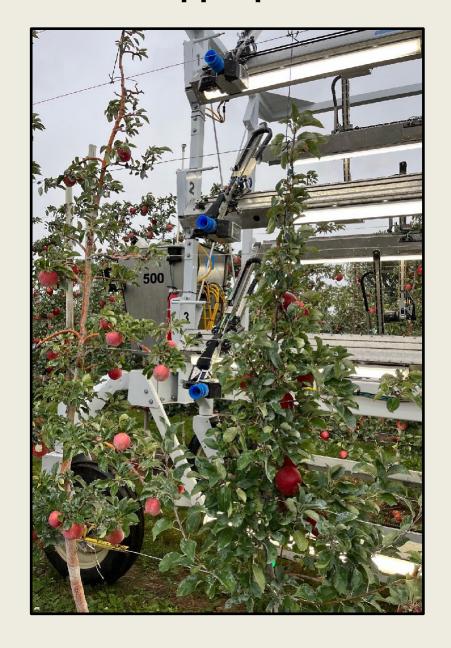


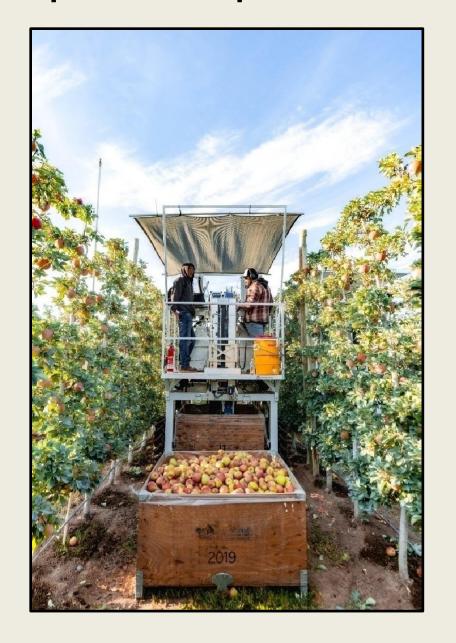




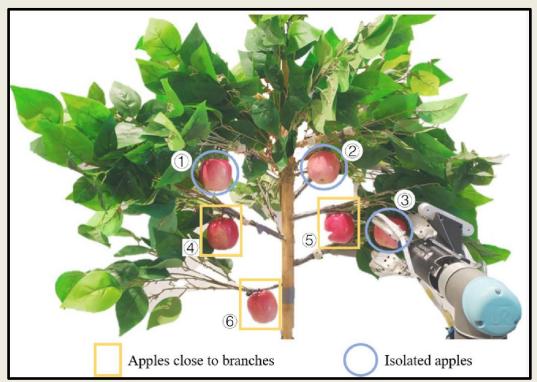


#### Robot apple pickers: same output as hand pickers: bins

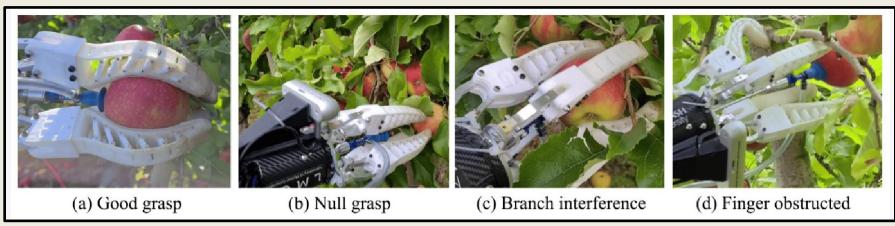




## Robot challenges: find apples, grasp, & convey to bin Issues: branches & leaves, drops, debarking, bruising



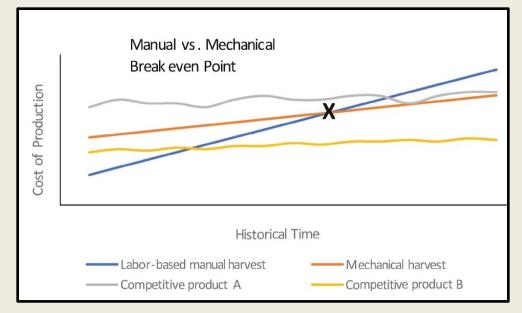




# Hand pick: 6 bins in 8-hour day, 80-925 pound bins/acre Piece rate: \$30/bin + payroll taxes, & super = \$40/bin When do robots become cheaper than hand workers?



\$31	Formula	Explanation				
Money to devote to CapEx	\$31/Bin	Money to devote to CapEx				
	x 1.4 Bins/Hr	2,750 Apples per Hour / 2,000 Apples per Bir				
	= \$43/Hr	Money to devote to CapEx				
	x 900 Hrs/Yr	Harvest operations across 3 months per year				
	x 5 Yrs	Acceptable customer payback period				
	= \$190K	Maximum product price to customer				
	@ 35% margin	Expected gross profit for advanced.farm				
028 Cost per Bin (\$)	= \$123K	Maximum acceptable bill of materials cost*				



Hand-picker: 1 apple or strawberry every 2 seconds, 95% efficiency Detect (95%), position (95%), pick (95%), convey (95%) = 81% efficiency Can growers lose 20% of crop? Is venture capital patient for ag robots?









### Mechanical aids: Reduce lifting and carrying



Dwarf trees & \$60,000 platforms; lights at night Conveyor belts & robot carriers

Culture change: from individual to shared/crew piece rate wages

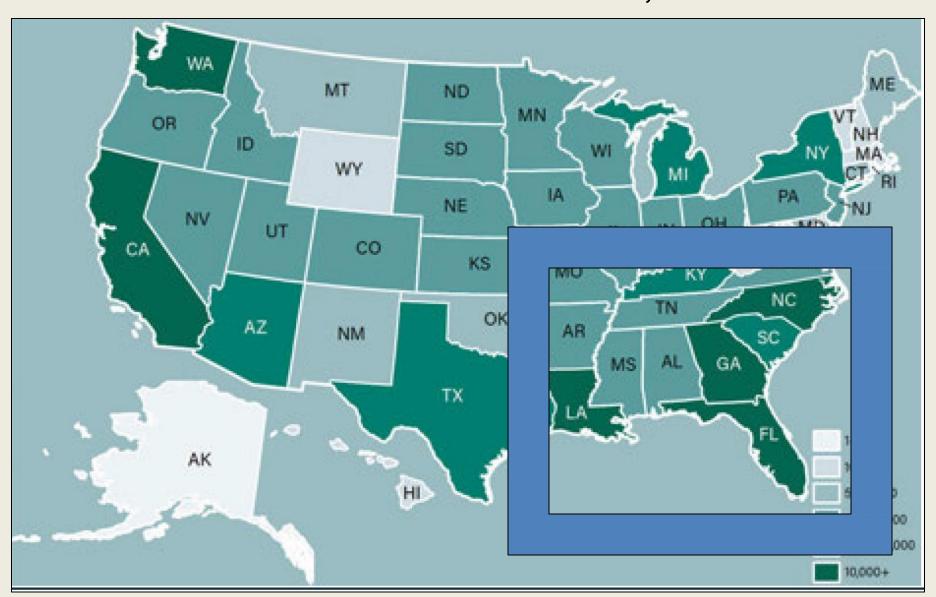




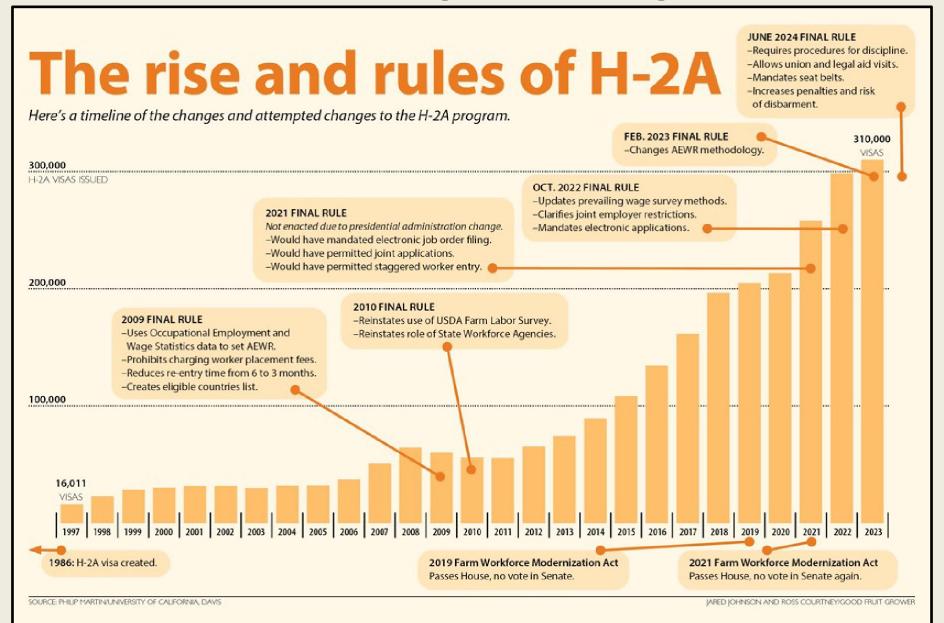
H-2A: 378,000 jobs (blue) certified in FY23; 300,000 visas or 80% From 100,000 jobs in FY13 to 450,000? (Bracero peak = 455,000)



H-2A jobs are concentrated in SE states But: ½ of hired FWs in western states; CA & WA = 45%



# DOL regs: from 1 to multiple AEWRs/state, new worker protections? Does DOL slow H-2A growth with higher costs?



### CA H-2As cost \$30/hour vs US \$20/hour

- H-2A: 15-30% higher productivity; accept job assignments = labor insurance, no Soc Sec tax
- US workers: more diverse, less loyal; change employers for higher earnings
- H-2A reform: wait for Congress or change regs?
  - Multi-year cert & visas for A-rated ers & ees?
  - FIFO: turn-key crews with supers, drivers, cooks
  - Fewer & larger recruiters/FLCs achieve econ of scale
     & use systems to protect reputations



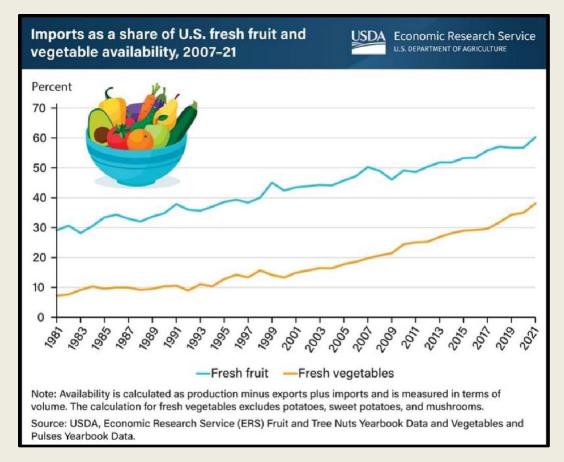


### FWMA HR 1603 passed House 2019 & 2021

- Title 1. Unauthorized who did >180 days of farm work in prev 2 years = legal CAWs; 5.5 yr TPS
  - CAWs & their families can become immigrants if CAW does >100 days of farm work/year over next 4 or 8 years
- Title 2: Streamline H-2A program
  - 3-year visas for H-2A workers & multiple employers
  - 20,000 visas a year for year-round ag jobs (dairies)
  - Freeze AEWR & study need for AEWR & methodology
- Title 3: Farm employers must use E-Verify to check new hires

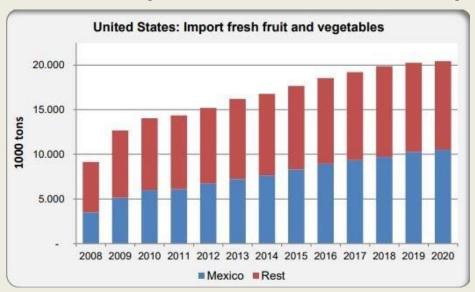


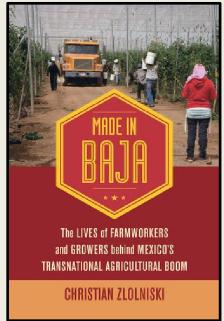
### 60% of US fresh fruit & 40% of US fresh vegs are imported Mexico: ½ of US fruit imports, ¾ vegetable imports

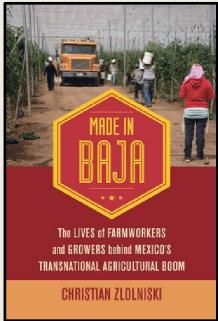




# Big 3 Mex X: tomatoes, avocados, berries (blue = Mexico share)









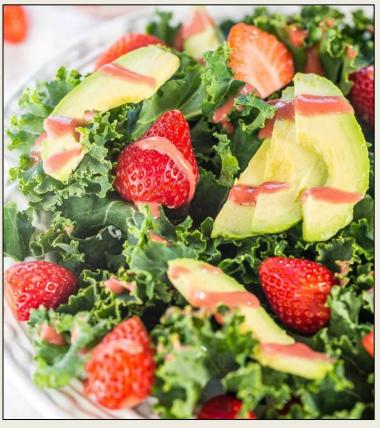




>60% of Mex-grown cukes, aspar, & broc exported to US >40% of Mex avocados, lettuce, tomatoes & straws to US









### 2020s: a farm labor hinge?

- 1960s hinge: D>S, wages up, mechaniza, unions,
  - Bracero program ended 1964; civil rights for Latinos
  - Demand for FVH up: incomes up & baby boom
  - Rising wages & mechanization: forklifts & bins in fields
  - UFW & Cesar Chavez: boycotts work if inelastic demand
  - Reduce ag exceptionalism: 1966 = fed min wage for FWs

### • 1990s: unauthorized FWs replace SAWs

- FLCs and unauthorized: risk absorbers for violations

### • 2020s: D>S, wages up, mechaniza, imports

- Mechanize in fields & CEA; aids to help hand workers
- Less ag exceptionalism: OT, pro-union, heat safety etc
- What mix of mechanize US production versus imports?
- Integrate public policies, buyer requires, tech changes?

### Farm Labor 2020s

### • Wages up, exceptionalism down

- Narrowing of farm-nonfarm hourly earnings gaps
- Overtime, health & safety, card check
- Buyers & NGOs: certify compliant growers & FLCs

### • Hard-to-regulate FLC share of employ up

- What are FLC bus models? Are FLCs risk absorbers for violations? What would make FLCs win-win?
- Why aren't FLC businesses bought & sold? Why no Manpower with FLC franchises?

### Future of FVH ag

- Mechanize in fields & CEA to keep production in US?
- Import more migrants & keep hand production in US?
- Import more labor-intensive F&V commodities?

### No country has solved seasonal farm labor issue

#### Migration Dialogue

#### Rural Migration News

**Blog 305** 

OCTOBER 2022

U.S. Farm Labor Outlook

hired farm workers, some two mil-support employers than were hired tively accounted for over 70 perlion, were born in Mexico, including directly since 2010. 1.75 million who have settled in the half are unauthorized.

crop and animal agriculture. Crop agriculture accounts for threefourths of US farm employment and an even higher share of seasonal workers. Average crop employment 80% of U.S. Hired Farm Workers Were Born in Mexico has been relatively stable at 1.1 million over the past two decades, but a rising share of crop workers, 40 percent in 2020, are brought to farms by nonfarm crop support employers (NAICS 1151), over half of whom are farm labor contractors. About 80 percent of crop employment is covered by unemployment

The US farm labor market employs US crop employment is 60 percent For example, the 2017 Census of about 2.5 million workers sometime direct hire and 40 percent crop supduring a typical year to fill 1.5 million port. In California the ratio is 40-60, US apple farms, but the largest 800 full-time equivalent jobs (average meaning that more workers have or three percent each had 100 or employment). About 80 percent of been brought to crop farms by crop more acres of apples and collec-

US and 250,000 who work season- Farm production is concentrating ally as H-2A workers for an average on fewer and larger farms, and the two-thirds of US apple acreage. six months a year. Most of the settled Mexican-born workers arrived dominated by a few firms. Econom- tuce farms, but the largest 67 or six in the 1990s and early 2000s in ics often assumes that many farmers percent that each harvested 1,000 their 20s, and are now in their 40s; produce identical corn, soybeans and wheat, and sell their crops in competitive markets where supply Farming has two major subsectors, and demand determine prices, making farmers price takers in both input and output markets and

explaining why governments often support farm incomes.

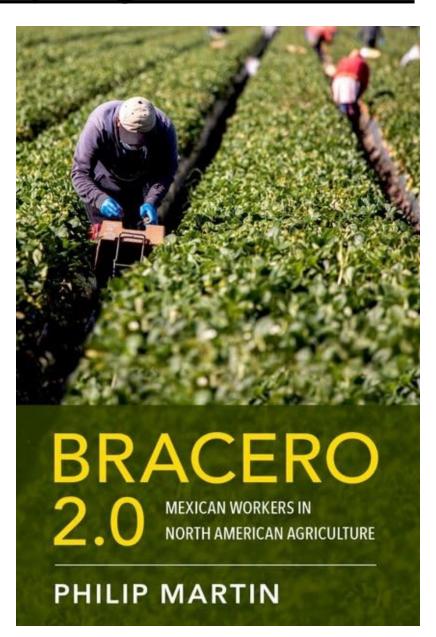
Labor-intensive fruits and nuts, vegetables and melons, and horticultural specialties that include flowers, mushrooms, and nursery (FVH) crops are different from field crops such as corn or wheat in many ways. The 10 largest lettuce or mushroom growers, or the five largest marketers of avocados and berries, often supply a commodity year-round to supermarkets and food service firms by operating or purchasing in multiple locations. The 10 largest farms or marketers may account for half or more of total production or sales of a partic-

cent of US apple acreage; the 1,000 apple farms that each had sales of \$1 million or more accounted for or more acres accounted for over 80 percent of harvested lettuce

The production and marketing of many fresh fruits and vegetables is



### http://migration.ucdavis.edu







### ANDREW PADOVANI

Project Director, National Agricultural Workers Survey (NAWS)

JBS International Inc.





# The Changing Farm Labor Force Data from the National Agricultural Workers Survey

Andrew Padovani, JBS International Wenson Fung, JBS International Emily Finchum-Mason, DOL/ETA Daniel Carroll, DOL/ETA

The Changing Landscape of Farm Labor Conditions in the United States: What the Future Holds and How to Prepare for It

September 17-19, 2024

Disclaimer: The views are solely those of the presenters.

# National Agricultural Workers Survey (NAWS) Background

National study of crop workers (migrant and seasonal, excluding H-2A workers) Primary source of national and regional information about crop worker demographics, employment, and health.

Thirty-four years of continuous data collection on crop workers in the United States.

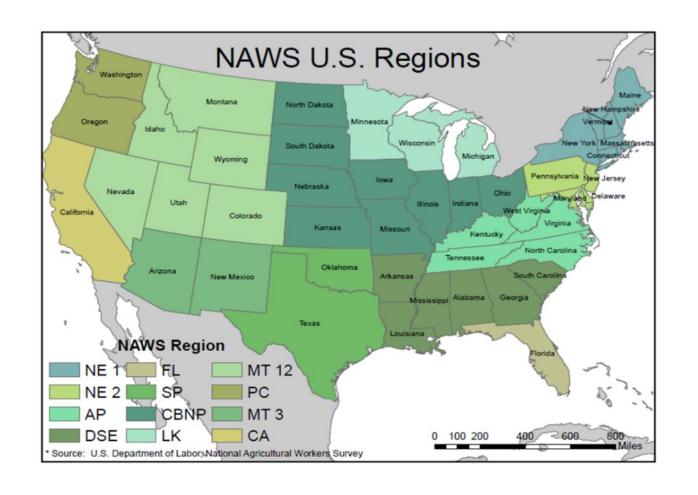






### NAWS Sampling Methodology

- Multi-stage, stratified random sample across 12 NAWS sampling regions.
- Includes between 1,100 and 3,600 crop workers per year.
- Crop workers interviewed where they work.
- Public use data can be analyzed for six NAWS regions



# National Agricultural Workers Survey (NAWS) Survey Domains

**Demographic** characteristics

Housing

Farm job characteristics

12-month employment history

Income, assets, and use of assistance programs

Lifetime health history

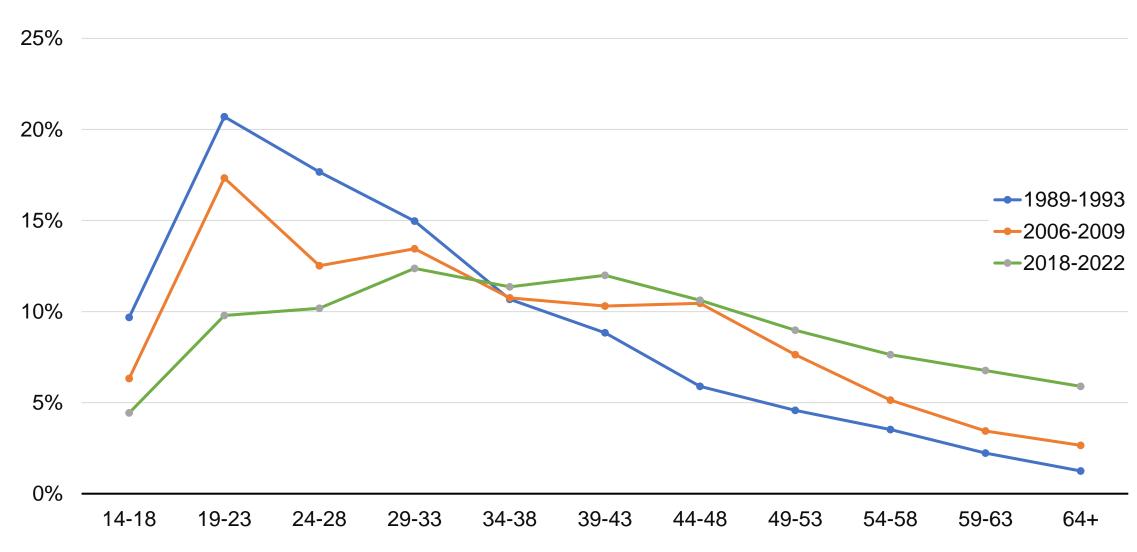
Health insurance coverage



### Demographics

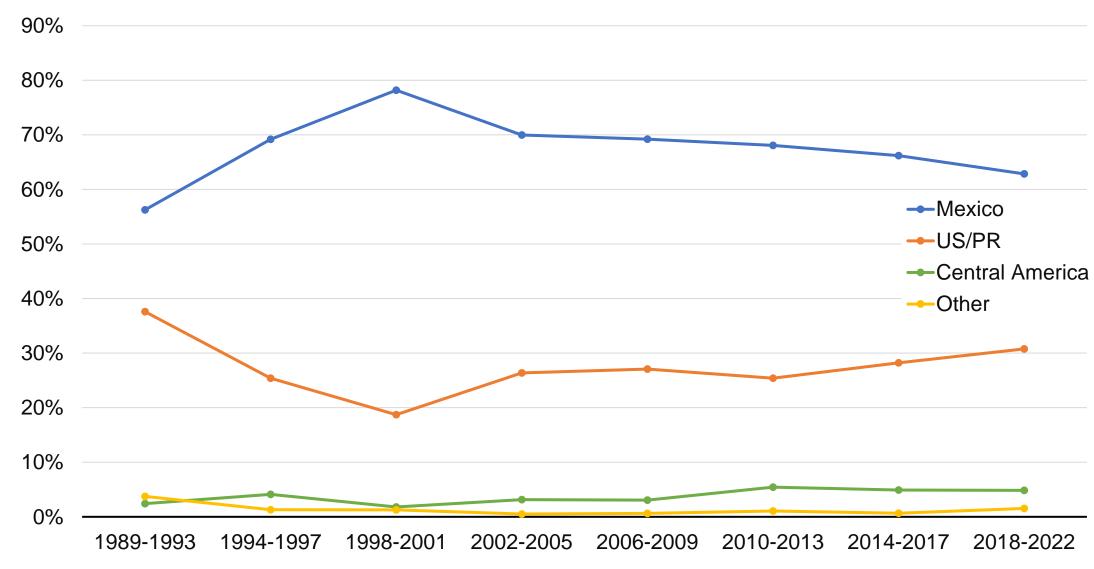
### Distribution of crop worker age

Crop workers are aging, with about half of crop workers aged 39 years or older.



### Crop worker place of birth

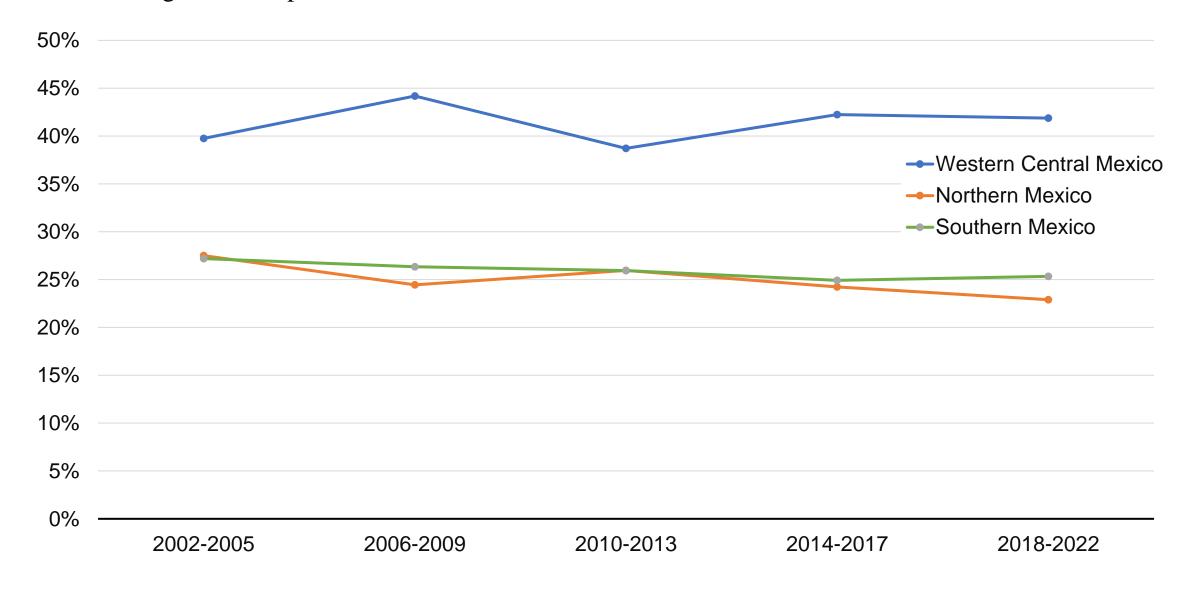
Fewer crop workers are born in Mexico in recent years.

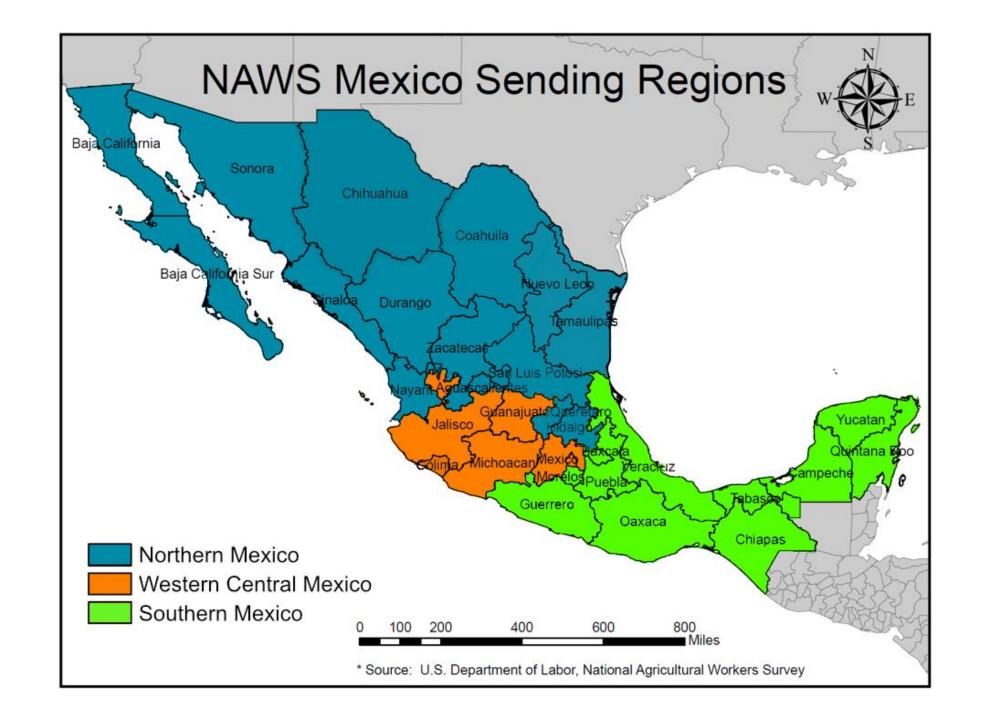


Note: "Other" in 2018-200 has relative standard error between 31% and 50% and should be interpreted with caution.

### Crop worker place of birth (among foreign born)

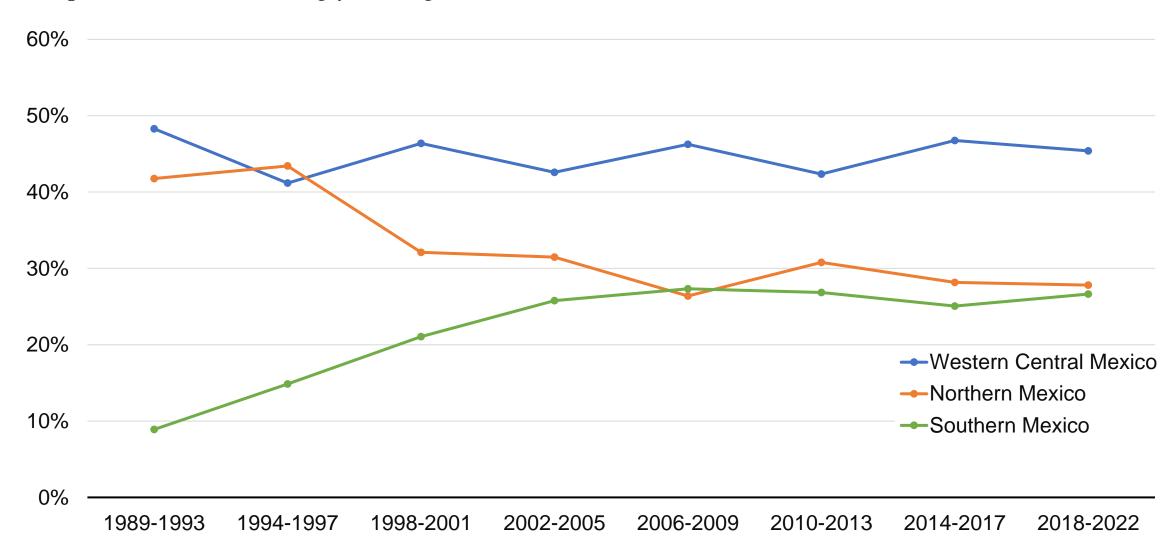
4-in-10 foreign-born crop workers were born in Western Central Mexico.





### Mexico sending region

Crop workers are increasingly coming from Southern Mexico, fewer from Northern Mexico.



### Chronic health conditions

An increasing share of crop workers report being diagnosed with high blood pressure and diabetes.

	1998-2001	2002-2005	2006-2009	2010-2013	2014-2017	2018-2022
High blood pressure	4%	8%	10%	8%	10%	16%
Diabetes	2%	3%	4%	5%	8%	10%
Asthma	2%	3%	3%	3%	4%	4%
Heart disease	1%	1%	1%	1%	1%	3%
Tuberculosis	1%	1%	0%a	0%	1%	2%
Urinary tract infections	1%	2%	1%	2%	2%	5%
Cancer						1%
High cholesterol						13%
HIV (AIDS)						2%
Covid						19%
Other	3%	4%	4%	5%	7%	9%

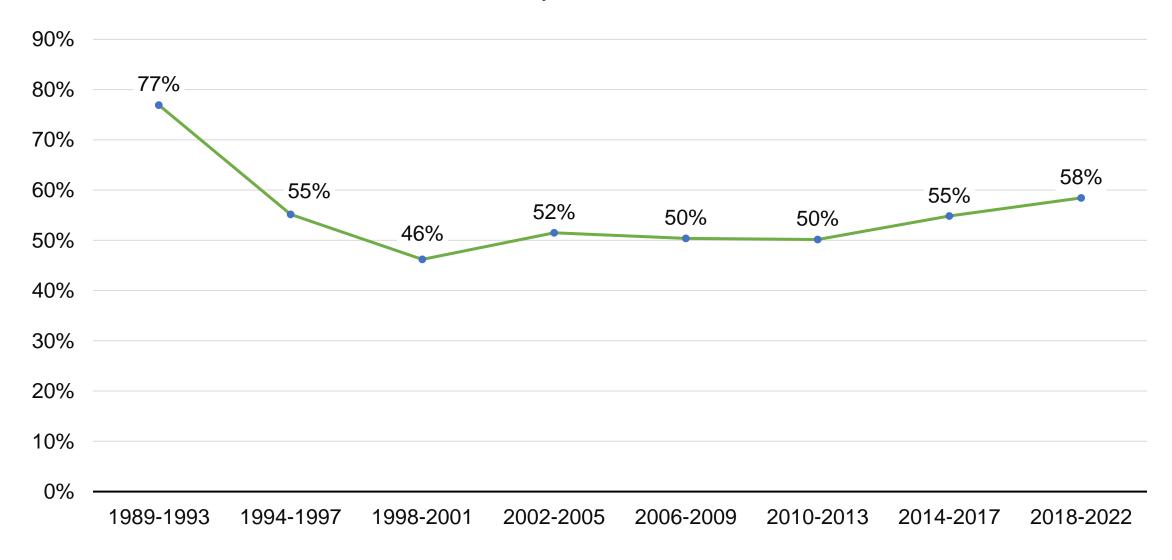
<sup>&</sup>lt;sup>a</sup> Estimates have relative standard errors between 31% and 50% and should be interpreted with caution.



### Employment and Income

### Legal status of crop workers

More workers have work authorization in recent years.



### Program (among authorized)

Most foreign workers authorized to work in recent years obtained it through Spousal or Family programs

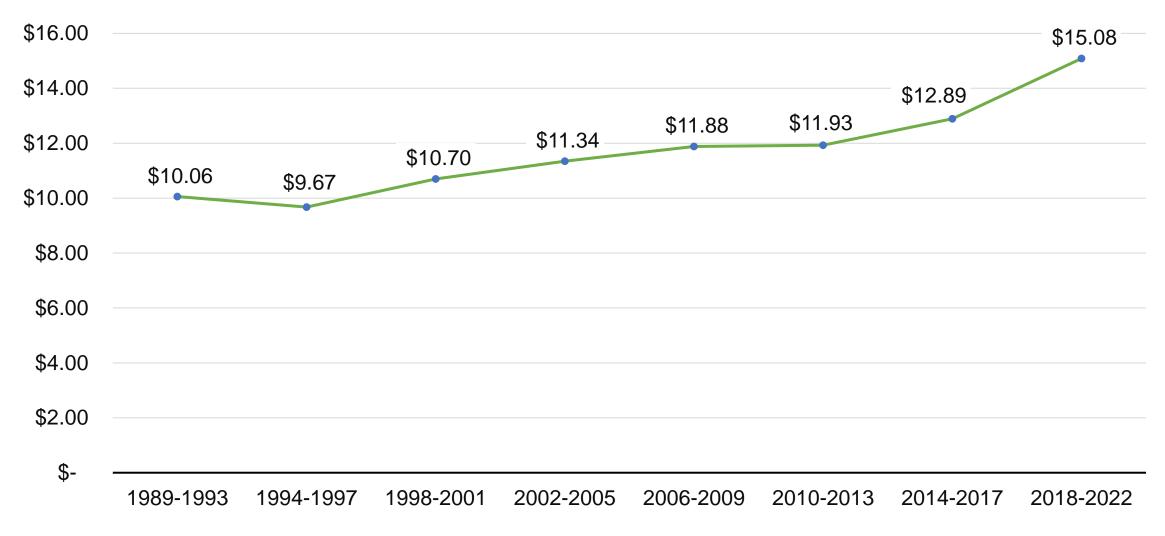
	1989-1993	1994-1997	1998-2001	2002-2005	2006-2009	2010-2013	2014-2017	2018-2022
Spousal petition/Family Unity	12%	29%	37%	43%	41%	51%	58%	66%
Amnesty (SAW 90-day program)	65%	49%	35%	38%	38%	35%	30%	25%
Amnesty (5-year program)	9%	13%	17%	15%	18%	9%	7%	5%
Labor certification	2%	2%	8%	2%	2%	1%	1%	0%a
DACA	0%	0%	0%	0%	0%	b	2% <sup>a</sup>	1%
Other	12%	6%	1% <sup>a</sup>	0%a	1% <sup>a</sup>	1%	2%	1%

<sup>&</sup>lt;sup>a</sup> Estimates have relative standard errors between 31% and 50% and should be interpreted with caution.

<sup>&</sup>lt;sup>b</sup> Estimates are suppressed because number of responses is less than 4 or relative standard errors for the estimates are greater than 50%.

### Mean real hourly wage

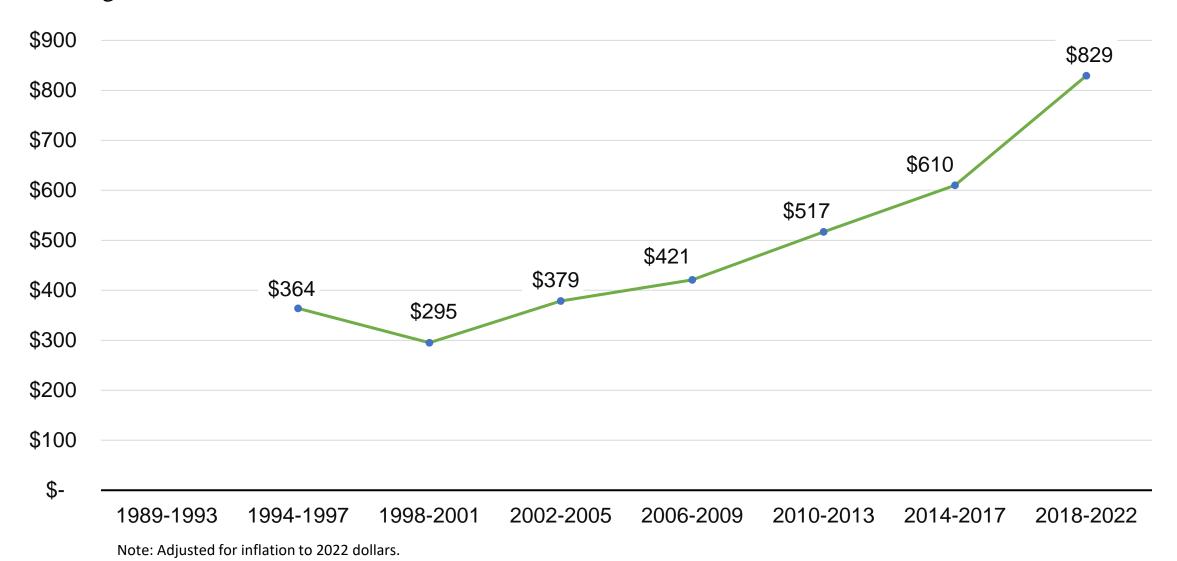
Crop workers' wages have steadily increased.



Note: Adjusted for inflation to 2022 dollars.

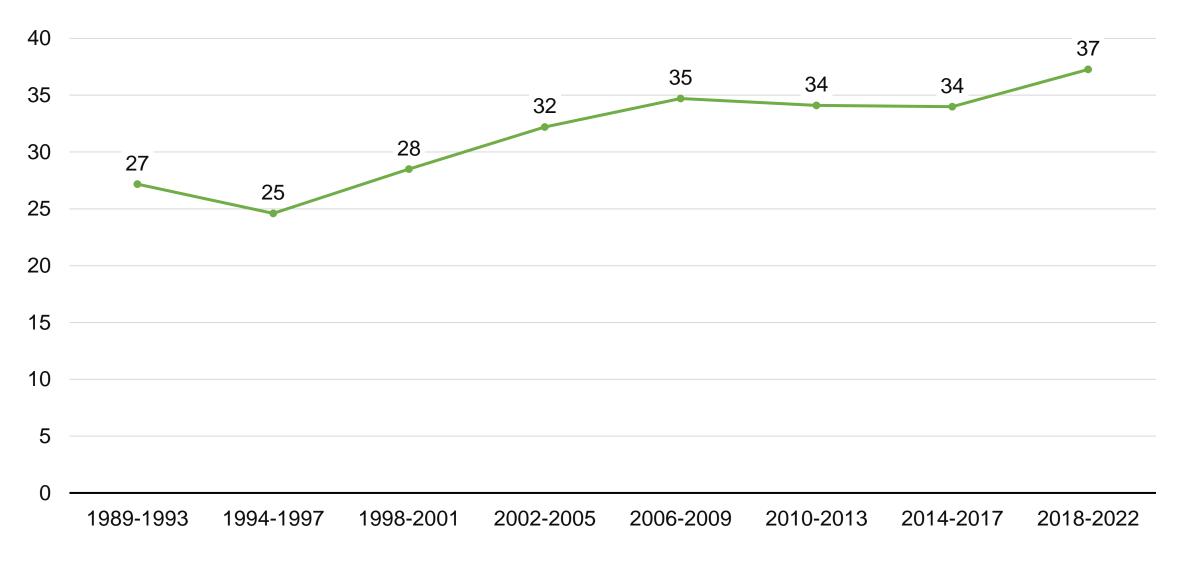
### Mean real monthly housing cost

Housing costs have increased.



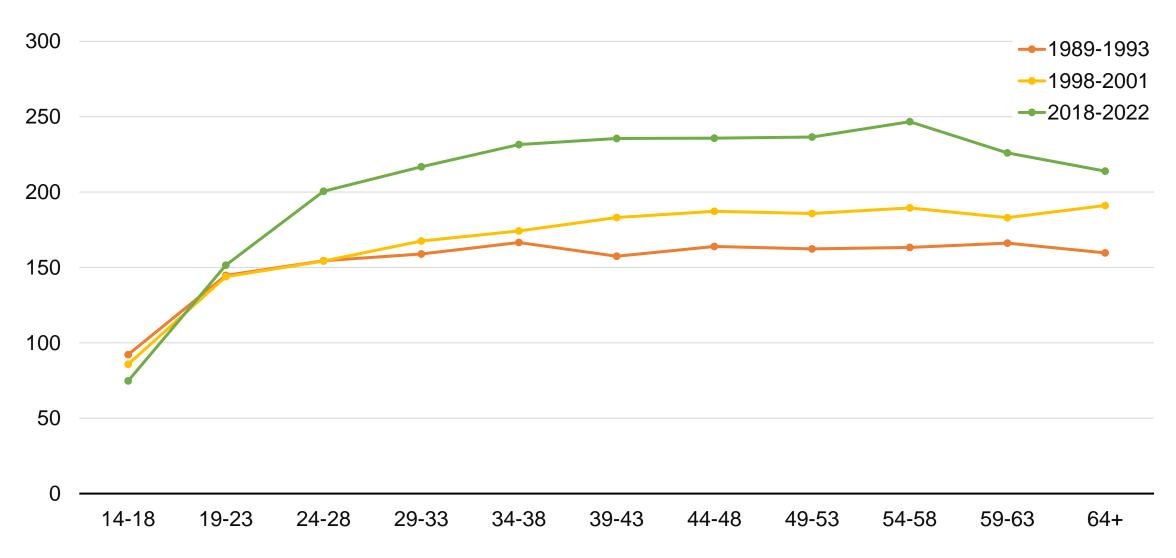
### Farmwork weeks

Number of weeks doing farm work has also increased.



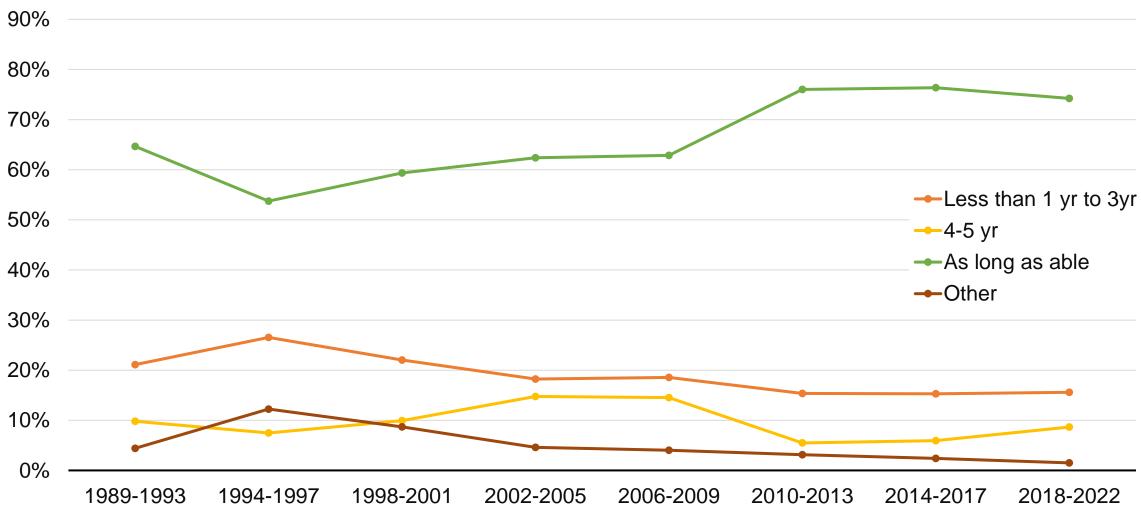
### Farm workdays by age

Crop workers 34 and older are working more than young workers.



### Plans to remain in farm work

Most crop workers plan to do farm work as long as they are able.

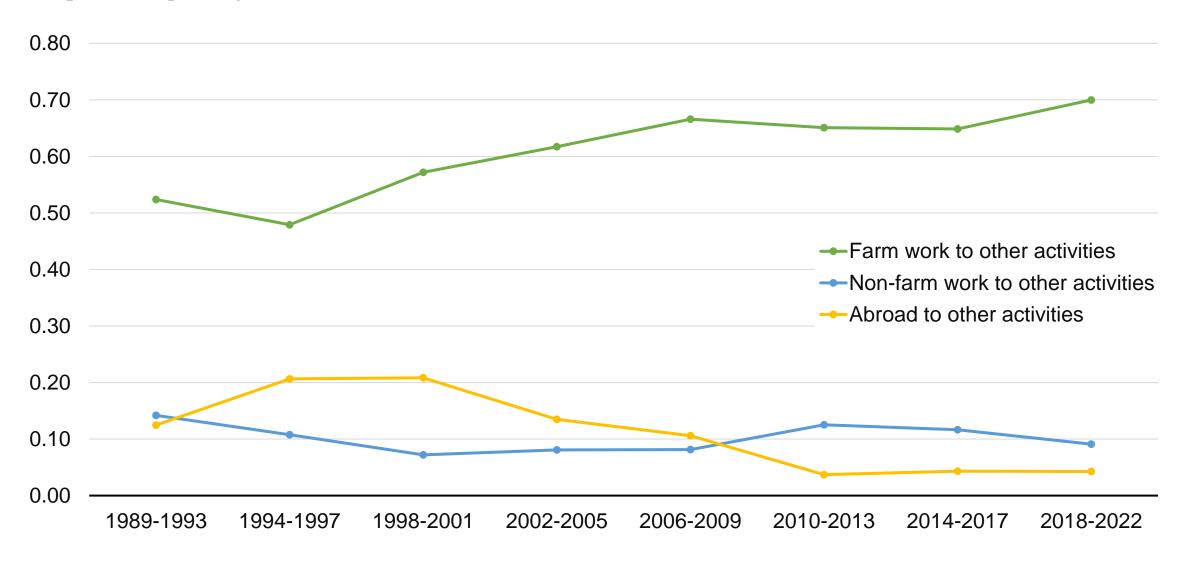


Note: "Other" in 2018-200 has relative standard error between 31% and 50% and should be interpreted with caution.

If workers selected "Other" they have the option to write in open responses. Examples of these are: Don't know, until something better comes up, until I finish college, until season is over, while finding another job that pays more.

### Farmwork attachment (ratio of farmwork to other activities)

Crop worker spending less of their time abroad and more





#### **Contact Information**

For more information on the NAWS: <a href="https://www.doleta.gov/naws/">https://www.doleta.gov/naws/</a>

- Andrew Padovani <u>apadovani@jbsinternational.com</u>
- Wenson Fung <u>wfung@jbsinternational.com</u>
- Emily Finchum-Mason Finchum.Emily.A@dol.gov
- Daniel Carroll <u>carroll.daniel.j@dol.gov</u>





#### ALEXANDRA HILL

Assistant Professor of Cooperative Extension University of California, Berkeley



# The US Farm Workforce Outlook: As Farmworkers Flock North, Will Jobs Move South?

Alexandra E Hill<sup>1</sup> & James Sayre<sup>2</sup>

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#### Take Home Messages: US Workforce Outlook

#### Domestic farm employees will continue to be...

- Harder to find
- More and more expensive to employ

#### The H-2A program... A solution?

- Offers a temporary solution for worker shortages
  - The high wages are attracting large numbers of Mexican farmworkers
- But high costs might reduce US agricultural competitiveness
  - Will this drive US production to places with lower input costs?

#### US farm employers will need to...

Find ways to reduce labor and other costs or increase revenues

### Why are farm employees harder to find?

#1 workers are more settled

2000 2022

Fewer migrant workers:

49%

**15%** 

More have US-born kids:

29%

44%

More time living in the US:

8yrs

**21**yrs

#2 fewer new immigrant workers

2000 2022

Fewer foreign-born:

83%

68%

Workers are aging:

**31**yrs

**40**yrs

More farm experience:

**9**yrs

**16**yrs

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8yrs

**21**yrs

NOT because farmworkers want to leave ag

Similar share intend to work in ag "as long as able"

**70**%

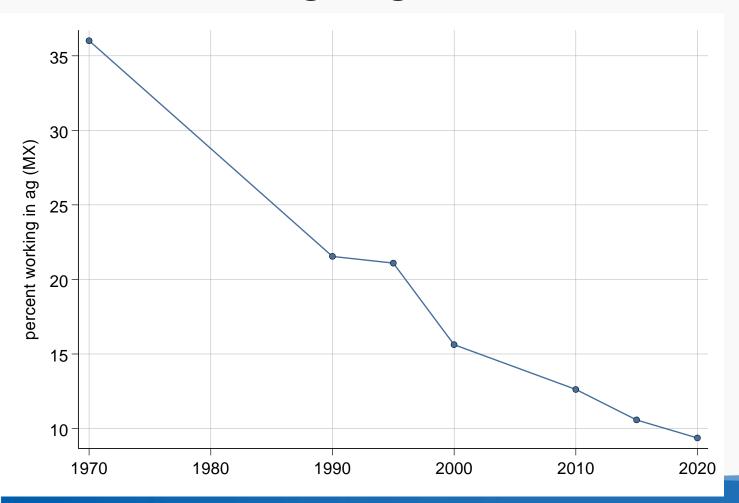
74%

#### Why focus on Mexico?

In 2022, 90% of foreign-born farmworkers were born in **Mexico** (97% in 2000)

Two negative trends...

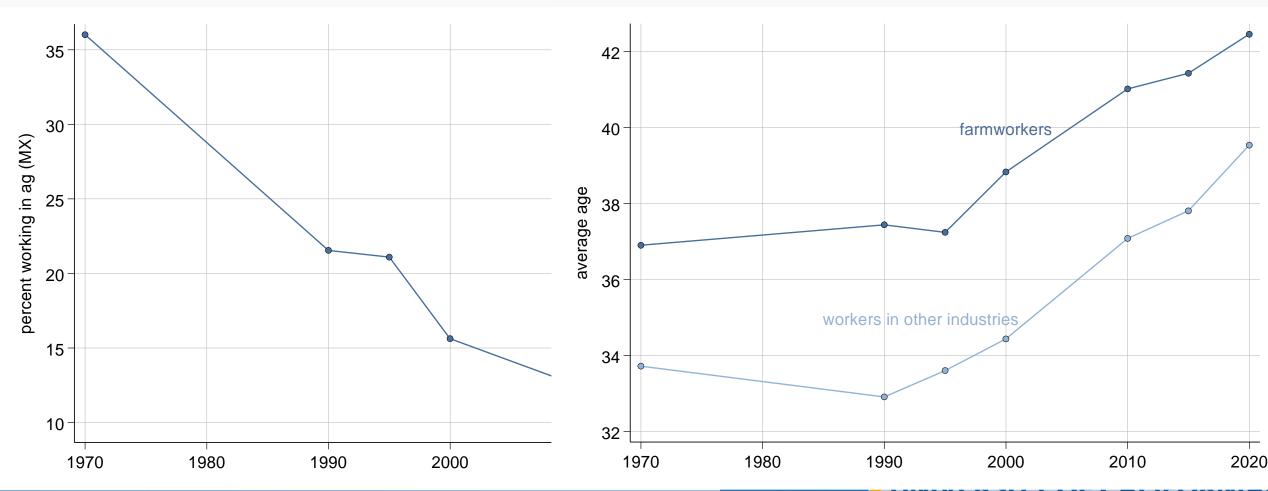
#### Fewer working in agriculture



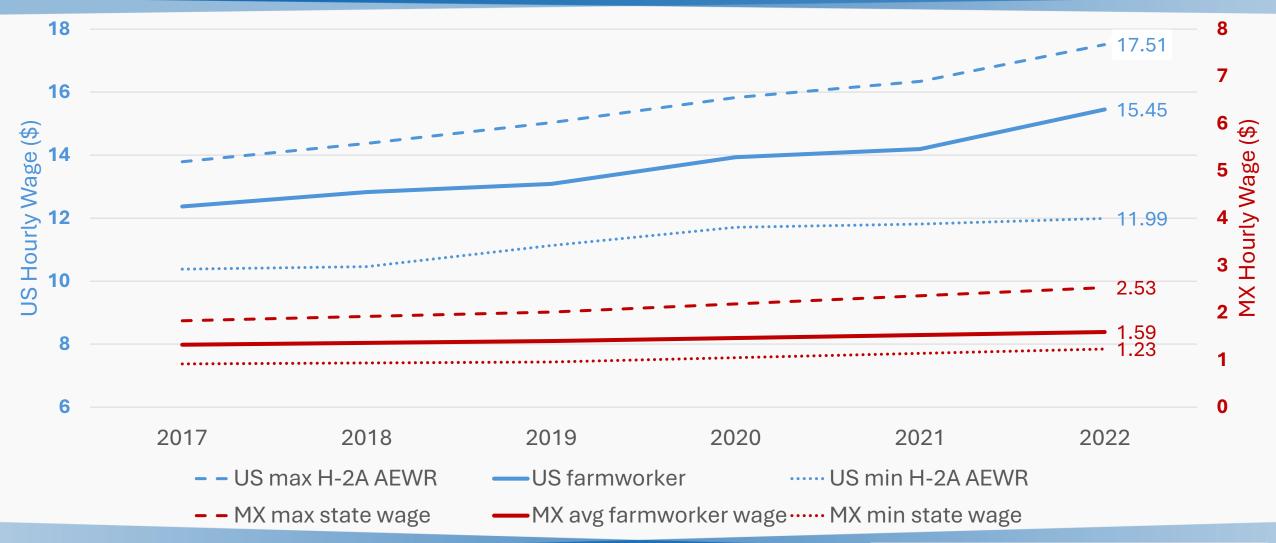
Two negative trends...



#### Farmworkers are aging

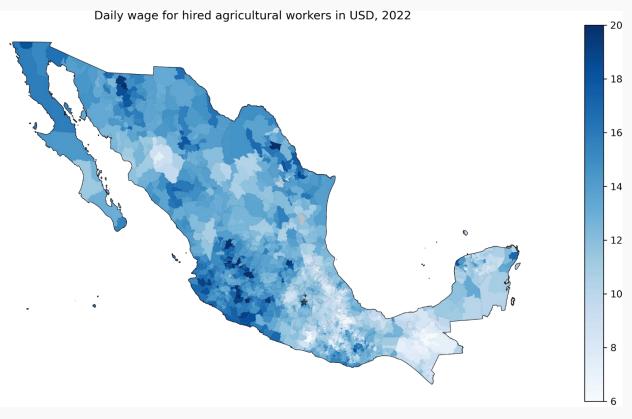


And one upside: Workers can earn more in the US



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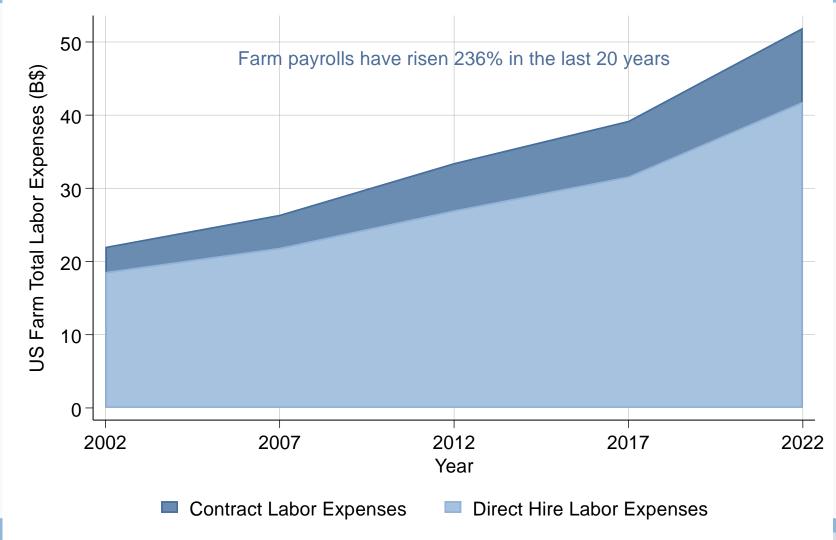


And one upside: Workers can earn more in the US



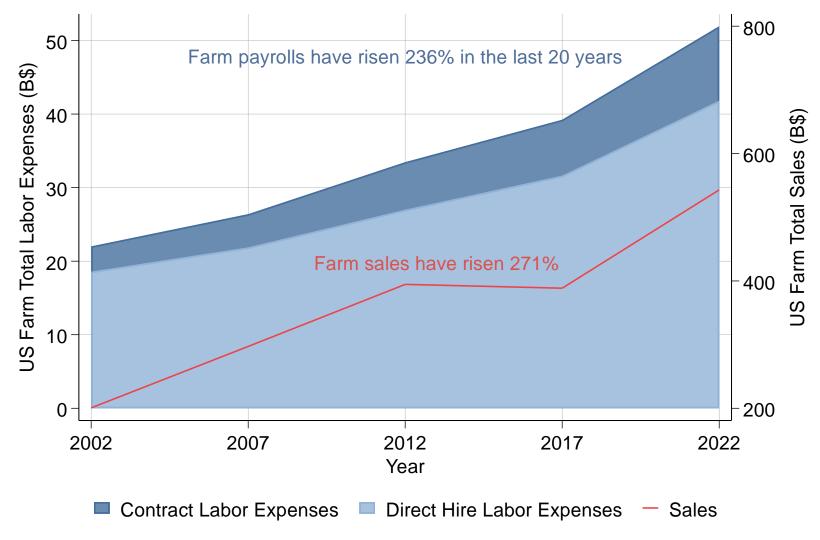
## Is this a positive for US farms?

US farm payrolls have more than doubled in last 20 years

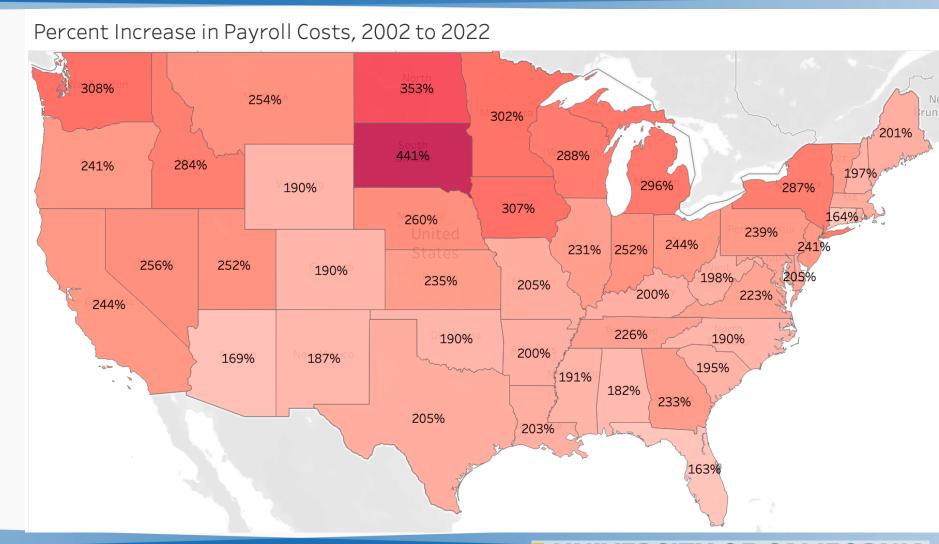


## Is this a positive for US farms?

US farm sales increased by more – the average farm is better off

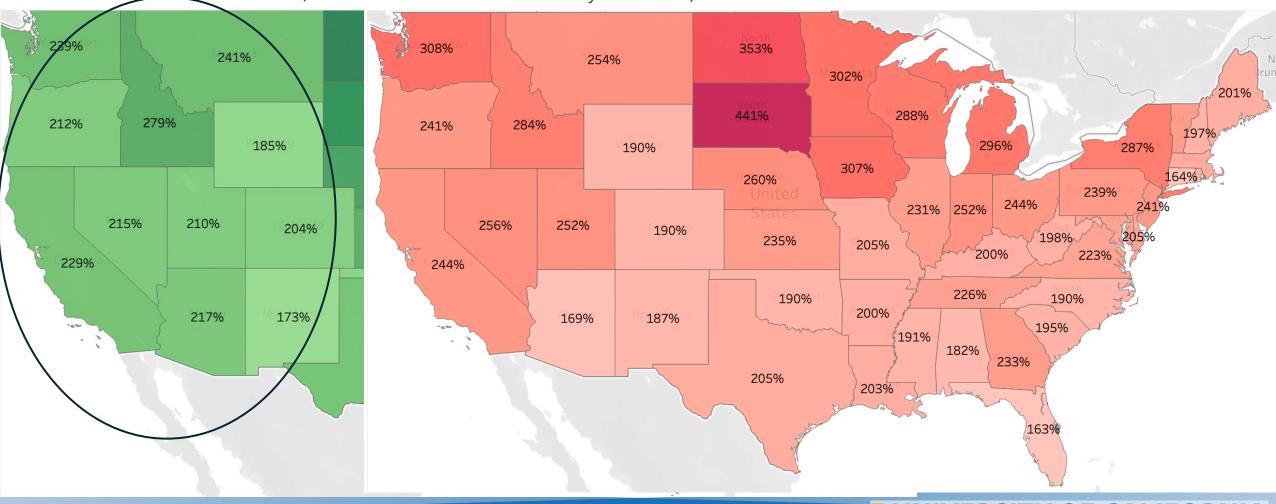


## Is this a positive for US farms? It depends... on where

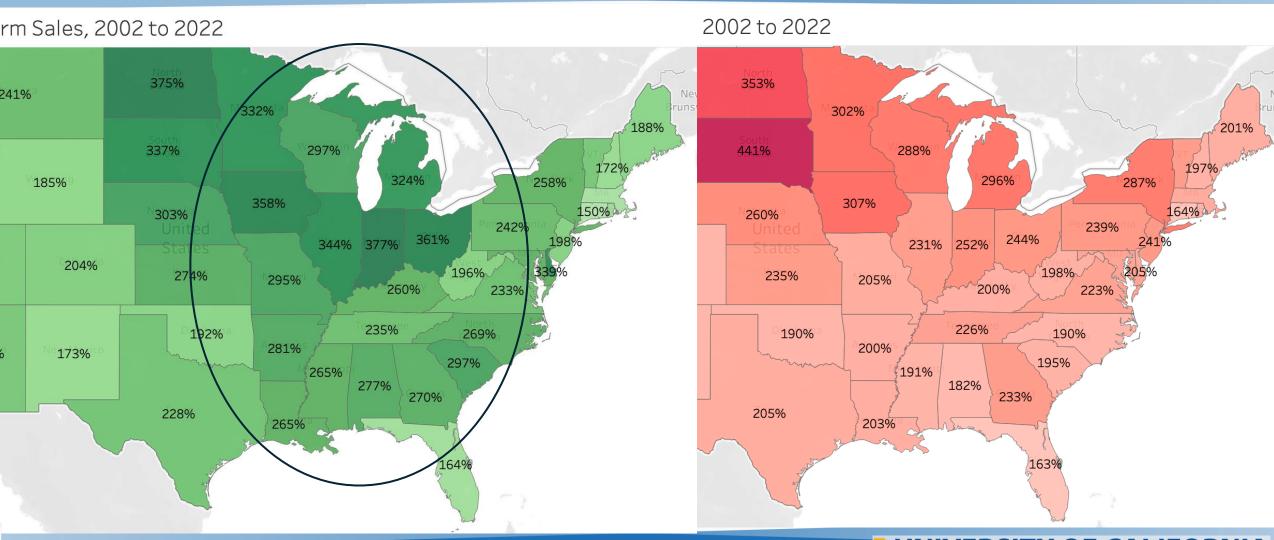


## Growth in Payroll Costs has Outpaced Growth in Revenues in Most Western States

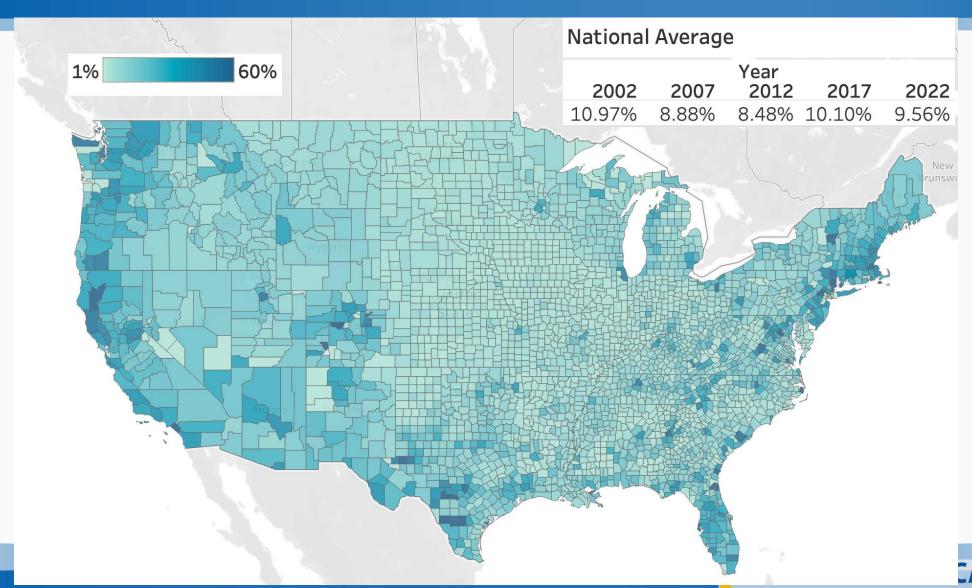
Percent Increase in Farm Sales, 2002 Percent Increase in Payroll Costs, 2002 to 2022



## But Growth in Payroll Costs has been Slower than Revenue Growth in Many Central States



### What is the payroll share of farm sales today? (2022)



## Is this a positive for US farms? It depends... on crop

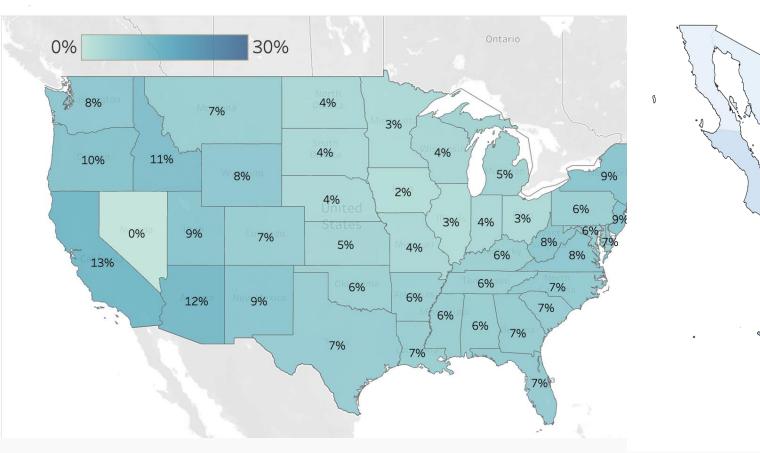
Payroll % of total farm sales is **lower** in the US than MX for oilseed and grains **higher** for fruit & tree nut

Sector	2022 Payroll Share of Farm Sales		
	U.S. all workers	MX jornaleros only*	MX all workers (estimated)
Oilseed and Grain	4.2%	8.0%	26%
Vegetable and Melon	22.2%	4.5%	15%
Fruit and Tree Nut	36.0%	4.5%	15%
Other Crop	14.2%	5.0%	17%

## Is this a positive for US farms?

It depends... mostly on crop

Payroll % of total farm sales is **lower** in the US than MX for oilseed and grains





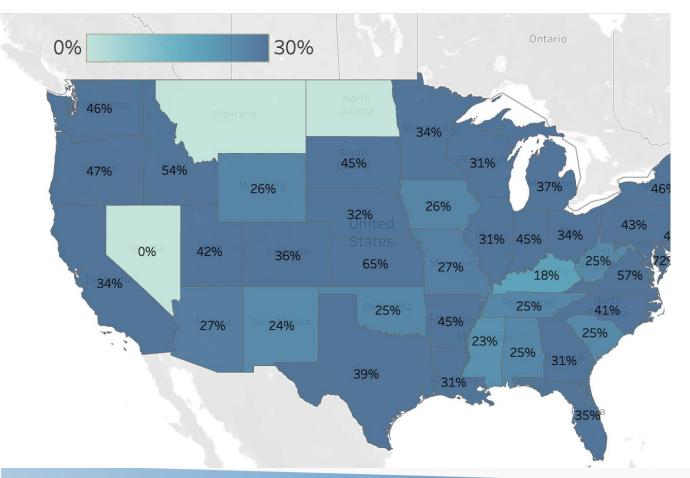
0.10

- 0.05

## Is this a positive for US farms?

It depends... mostly on crop

Payroll % of total farm sales is MUCH higher in the US than MX for fruit/nut





- 0.15

- 0.10

0.05

## Will rising labor costs continue?

Yes... Minimum Wages, H-2A, Other Policies, Worker Shortages

State minimum wages are rising

H-2A wages are rising and reliance on H-2A is growing

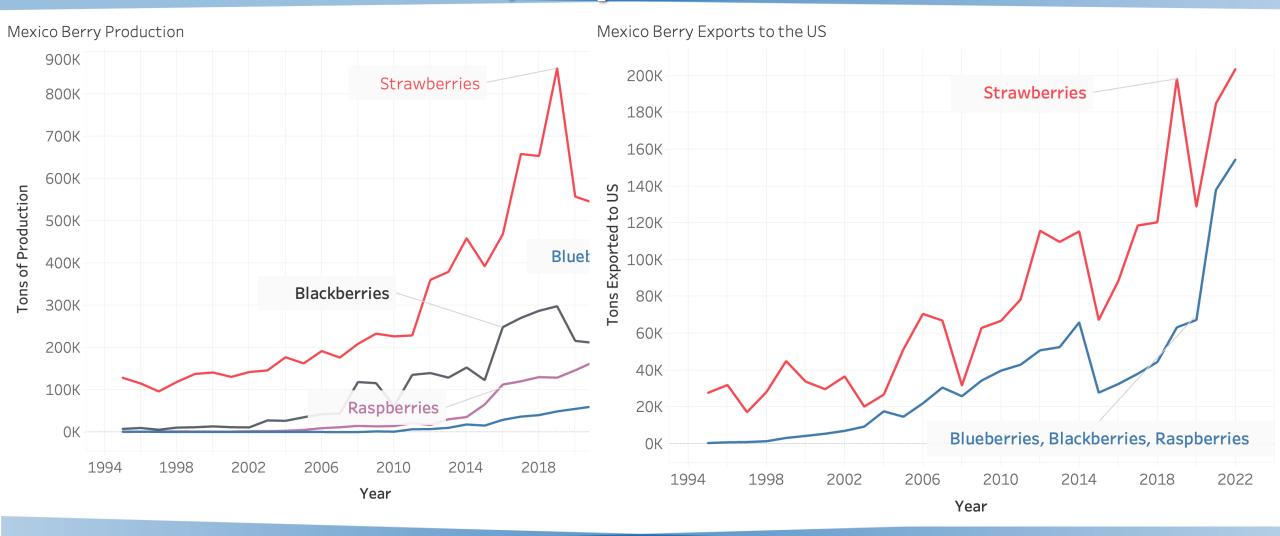
#### Other policies:

- Overtime (AB 1066)
- Union laws (AB 2183 & AB 113)
- Frequently changing and complex legal employment environment leading many to rely on farm labor contractors (20-40% overhead)

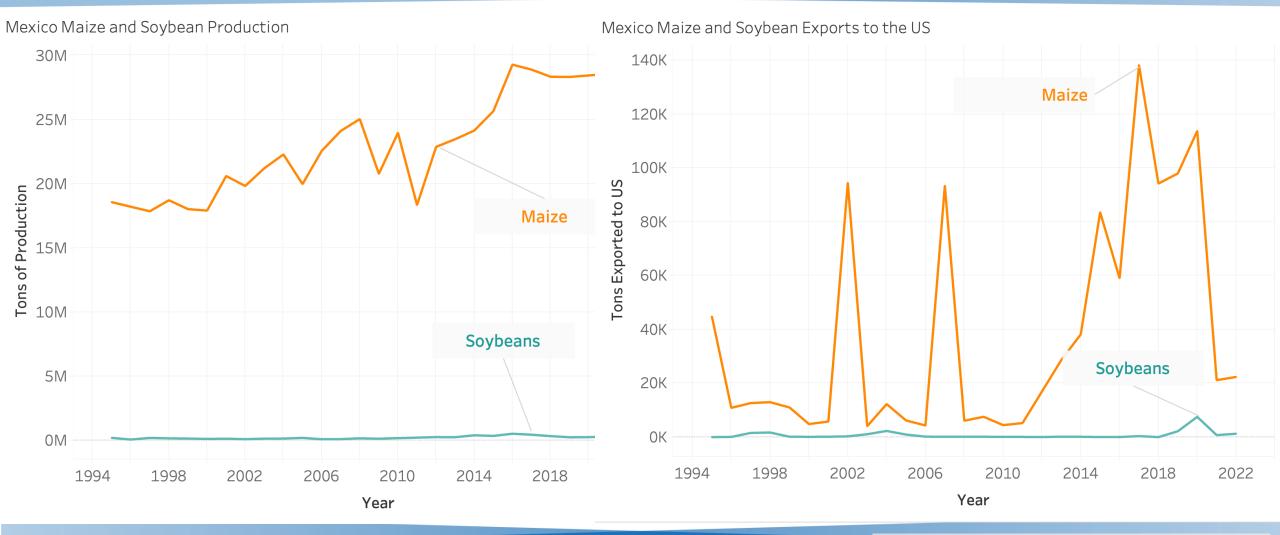
#### Domestic worker shortages will also drive-up wages

 To recruit enough workers and compete with other industries, employers will continue offering wages well beyond legal minimums

## Is there any evidence of moving production to Mexico? – Yes, esp. for berries



## Is there any evidence of moving production to Mexico? — Not for crops we have an advantage in



### What is the outlook?

#### Employees will continue to be harder to find and more expensive

#### US farm employers will have to find ways to...

- Recruit new workers (immigration reform, H-2A, change ag jobs)
- Increase productivity (machine-assist)
- Replace workers (automation)
- Cut other costs (mechanization, AI)
- Increase revenues (value-added products, retailers)

Thank you!

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**Read More** 





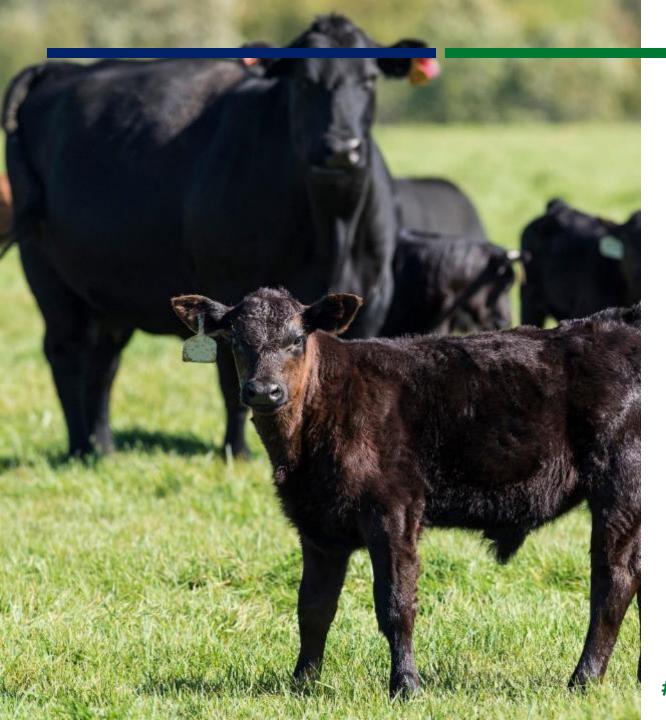
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