



Post Office Box 1693
Helena, MT 59624
Phone (406) 442.1330
Fax (406) 449.8606
UPS Delivery: 7 Edwards St.



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Adele Gagliardi
OPDR Administrator
Office of Policy Development and Research
200 Constitution Avenue, N.W.
Room N-5641
Washington, D.C. 20210

RE: Temporary Agriculture Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the U.S. ID: ETA-2015-0004-0001

To Whom It May Concern:

I am legal counsel and public relations director for the Montana Wool Growers Association (MWGA). The MWGA represents the interests of Montana's sheep and wool producers. I submit the following comments and request for comment period extension on behalf of MWGA's members and membership. As you are more than likely aware, a number of MWGA's members utilize sheepherders as part of their agriculture/ranching operations. Most, if not all, of these foreign herders work lawfully in the United States as a result of the H-2A sheepherder program. In fact, roughly one-third of sheep production is herded by H-2A workers. And, as a result, the special procedures provisions of the H-2A program need to be retained and retained in the existing form.

The MWGA has been made aware of the DOL's above-referenced proposed rule (20 CFR Part 655) for H-2A open-range herder positions. On its face, the proposed rule contains a number of changes that will, if implemented in their current proposal form, severely and negatively impact Montana's sheep industry. As an organization that has members whose livestock operations will be significantly impacted by the proposed rule changes, MWGA requests that the DOL extend the public comment period by an additional 90 days.

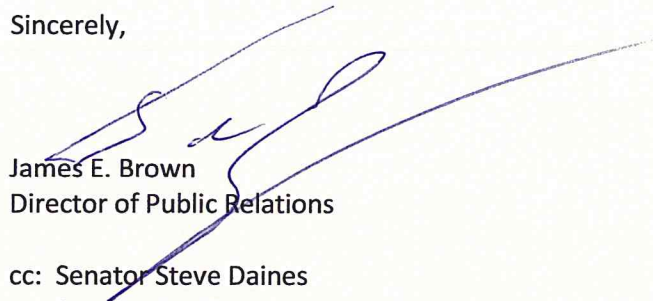
I have attempted to review the proposed rule and accompanying documentation. As you know, the content is quite thick and the proposed changes are weighty. Having spoken to individual members of the MWGA, it has become clear that the public comment period needs to be extended to allow sheep producers whose operations are directly impacted by the proposed rule the time to fully digest and to provide fully informed comment on the administrative proposal. More time for public comment is warranted in light of the fact that many operators are presently busy with lambing season. The significance of the need for adequate time to complete this review and comments is supported by the fact that the proposed rule appears to make extensive and far-reaching changes to the long-standing program requirements. A cursory read of the rule reveals that these planned changes would have a devastating impact on the sheep industry in Montana and across the country, and may result in the closure of several sheep operations in the Treasure State.

As you may know, the Montana Wool Growers Association has been in existence since 1883. Sheep and goat ranching has existed in Montana for almost 140 years. As a result, our members have specialized knowledge and expertise in the use of foreign herders in their operations. The Association believes its members have much to offer in terms of evaluating the potential effects of the DOL's abandonment of DOL's long-standing recognition of the unique nature and demands of these herding jobs. Extending the comment by an additional 90 days will allow sheep producers the time to provide meaningful input on how the rule will impact the industry. In particular, more time is needed to comment on the fact that the proposed changes do not match up with the on-the-ranch realities of the herder-operator relationship and on the fact that the wage proposal is completely unworkable.

It is quite clear that the proposed rules could triple labor costs, impose additional non-wage expenses on the outfits that employ these herders, and make unreasonable changes to the definition of "open range" work. For example, the proposed changes in mobile housing requirements will force our members to spend an estimated minimum of \$20,000 to meet the new housing requirements, which is untenable in light of the fact that the DOL projects these employers will spend an additional \$45 million in wages over the 2016-2020 time period. Further, the DOL acknowledges in this proposed rule that the rule will have a "significant economic impact on a substantial number of small entities". However, the DOL then inexplicably fails to recognize that the "significant economic impact" could literally shut down existing sheep operations, and eliminate both US and H-2A based jobs—the latter of which the rule is designed to protect.

Thank you for your time and attention to this request to extend the comment period by an additional 90 days, starting May 15, 2015. Should you have any questions, please do not hesitate to contact me by contacting the Montana Wool Growers Association. In the event the comment period is not extended, MWGA's underlying position on the proposed rule(s) is one of strong opposition. The rule is misguided, counter-productive, and its provisions are not based on the reality of the existing, and positive herder-operator relationship. The rule should be withdrawn permanently or rewritten so as not to impose tens of millions of additional liability on sheep producers operating in Montana and the United States.

Sincerely,



James E. Brown
Director of Public Relations

cc: Senator Steve Daines
Senator Jon Tester
Representative Ryan Zinke
MWGA Board