

SUPPORTING STATEMENT

THE NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS)

Introduction

The Department of Labor's Employment & Training Administration (ETA) requests the Office of Management and Budget's (OMB) approval to continue collecting employment, demographic, and health information on hired crop workers for three additional years.

The NAWS, an establishment-based survey, is the only national information source on the demographic, employment, and health characteristics of hired crop workers. The DOL has conducted it since fiscal year (FY) 1989. Created in response to the 1986 Immigration Reform and Control Act (IRCA), the survey was designed to monitor the supply side of the farm labor market. The DOL uses the survey to evaluate the human resources available to agriculture and to observe the terms and conditions of agricultural employment. In addition, several Federal agencies use the survey's findings to estimate the need for migrant and seasonal farm worker program services and for other purposes.

On November 30, 2009, the ETA solicited comments regarding this collection via a 60-day pre-clearance Federal Register Notice (Volume 74, Number 228, pages 62603-62604) (Appendix A). The notice alerted the public about the discontinuation of four Environmental Protection Agency (EPA)-sponsored questions on pesticide handling. EPA will analyze the data from the questions, which were administered in fiscal years 2005-2009, and determine if they need to be revised and reinserted in the future.

Justification

1. Circumstances that Make the Collection of Information Necessary

Collection of information on the U.S. hired farm labor force is necessary to monitor the terms and conditions of agricultural employment and to evaluate the human resources that are vital components of the nation's thriving agricultural sector.

The U.S. government has collected information on the employment and demographic characteristics of hired farm workers since 1944. Prior to the NAWS, the information was obtained via a supplement to the Current Population Survey (CPS). The Department of Agriculture (USDA) funded the supplement and also analyzed and published the data. The CPS supplement provided detailed national estimates about farm workers for use by the public. Federal and state government programs also depended on this information.

The DOL assumed responsibility for collecting data on hired crop workers in response to the IRCA mandate that required the DOL to estimate the availability of seasonal farm labor from 1990 to 1993. To comply with the mandate, it became necessary to replace the CPS

[1205-0453: The National Agricultural Workers Survey, Part A] methodology, which resulted in a large undercount of migrant farm workers, with a new survey methodology: the NAWS. Other parts of IRCA authorized permanent appropriations for the purposes of: (1) recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants and agricultural transition workers; and (2) monitoring terms and conditions under which such individuals are employed.

NAWS data are essential for understanding changes in and estimating the sizes of populations eligible for assistance via farm worker and farm worker-related programs. The Federal government currently allocates approximately \$1 billion per year to such programs, including those administered by the Departments of Health and Human Services (Migrant Health and Migrant Head Start), Education (Migrant Education) and Labor (National Farmworker Jobs Program). As the only national information source on the employment, demographic, and health characteristics of hired crop workers, NAWS data are central for informing and evaluating these programs. The Wagner-Peyser Act, as amended (29 U.S.C. 49f (d) and 491-2(a)) authorizes the DOL to collect this information.

2. The Uses of the Information

The NAWS is a multi-agency funded effort and designing the questionnaire is a collaborative undertaking, involving several Federal agencies that directly use the results. In addition to the ETA, these have included the EPA, the Department of Health and Human Services (DHHS), and the Department of Education (DoEd). Representatives of these and other agencies regularly meet to discuss program-specific uses of NAWS data.

The ETA uses NAWS data in its formula for allocating farm worker employment and job training funds across states under Section 167 of the Workforce Investment Act. The DHHS' Head Start Bureau relies on NAWS data to estimate the number of children of farm workers who are eligible for the Migrant and Seasonal Head Start Program, and to identify barriers that eligible children face accessing the program. Similarly, the DoEd's Office of Migrant Education utilizes NAWS findings to better understand the needs and characteristics of the population served in its various programs.

In FY 2006, the Congressional Budget Office (CBO) relied on NAWS data to estimate the number of unauthorized farm workers who would qualify for legalization under Section 613 (a) "The Blue Card Program" of Senate Amendment 3192 to the Securing America's Border Act (S.2454). The CBO used the resulting finding and other NAWS data to project the costs of the proposed legislation. Similarly, the Congressional Research Service used NAWS data in FY 2006 to estimate the share of newly legalized farm workers who would quickly leave the farm labor market upon obtaining a legal status.

The Bureau of the Census also uses the NAWS. In preparation for the Decennial Census, it used NAWS findings on farm worker household characteristics and living arrangements to inform its

[1205-0453: The National Agricultural Workers Survey, Part A] approach to locating and administering the census questionnaire to migrant and seasonal farm workers, a population that has historically been undercounted.

In FY 2004, the Whitehouse Task Force on Disadvantaged Youth recommended the creation of a joint venture between the Departments of Labor, Education, and Agriculture to develop a model program to provide workforce training and basic education services to out-of-school migrant youth ages 16-21. NAWS findings are being used to inform the design of a model program.

In FY 2004, the DHHS utilized NAWS health insurance data to fulfill its obligations under Section 404 of Public Law 107-251, "The Health Care Safety Net Amendments of 2002." Section 404 required DHHS to report to Congress on the problems experienced by migrant and seasonal farm workers in obtaining health services from the State-administered Medicaid and State Child Health Insurance Programs. In FY 2002, the Bureau of Primary Health Care (DHHS) used NAWS findings to construct enumeration profiles of migrant and seasonal farm workers and their dependents in ten states.

While NAWS data are used primarily by U.S. Federal government agencies for programmatic purposes, they are also used to exemplify the U.S. government's fulfillment of responsibilities under international agreements. In FY 2000, the Department of State utilized NAWS findings at the Best Practices for Migrant Workers conference, which was held in preparation for the spring 2001 Summit of Americas. The DOL's Bureau of International Labor Affairs has used NAWS findings at each of the last four U.S.-hosted government-to-government meetings with Mexico regarding the labor rights of Mexican migrant farm workers. These meetings are part of the dispute resolution process under the North American Agreement on Labor Cooperation (NAALC), the labor side-bar agreement to the North American Free Trade Agreement. In 2002, the Commission for Labor Cooperation, which was established under the NAALC, made extensive use of NAWS data in its report "Legal Background Paper on Migrants in North America."

Several Presidential Commissions have used NAWS findings for program evaluation purposes. These include the Commission on Migrant Education, the Commission on Agricultural Workers, and the Commission on Immigration Reform. Moreover, the NAWS provides timely information to Congress on agricultural labor and child labor issues. The Government Accountability Office has utilized NAWS data in its reports to Congress about information gaps on the immigrant population and the DOL made extensive use of NAWS findings in its December 2000 report to Congress "The Agricultural Labor Market - Status and Recommendations."

The information obtained from the occupational health and injury questions will be used to create a database of demographic and occupational health data that can be analyzed and reported in the scientific literature, CDC/NIOSH publications, and CDC/NIOSH and DOL Websites describing the health and health risks of farm workers. The CDC/NIOSH will also use the

[1205-0453: The National Agricultural Workers Survey, Part A] information to delineate variation among farm workers in organizational aspects of work that are linked with illness, with specific attention to variation by gender, immigration status, and years in the U.S.

The CDC/NIOSH and the DOL will use the collected information to prepare meaningful summaries of survey results to be shared with agricultural employer associations, worker groups, and farm worker health clinicians and administrators. For example information may be presented at DHHS-sponsored migrant farm worker health conferences, and shared with the National Center for Farmworker Health and the Migrant Clinician's Network for further dissemination and potential prevention and intervention planning.

3. Burden

To reduce burden, a stratified sample is used to represent the national population of farm workers. To minimize burden on employers, farm workers are not interviewed during work-time and, whenever possible, the interview occurs outside the workplace. The proposed questionnaire will require about 55 minutes to be administered.

Farm workers will be provided an honorarium of \$20 to offset the inconvenience and any expense incurred (e.g. childcare, transportation) for their participation. The use of information technology to reduce respondent burden is inappropriate due to the low literacy rate among farm workers and because the information is collected in-person.

4. Efforts to Identify Duplication

There are no reliable national estimates of the employment, demographic, and health characteristics of hired crop workers that render the NAWS duplicative. Prior to the NAWS, information on farm workers was collected via a supplement to the CPS. The CPS, however, excludes large numbers of employed crop workers from its sample, particularly the foreign-born and migrant workers. Many of these workers are difficult to find because they do not live at recognized addresses for long periods of time. The USDA's Farm Labor Survey (FLS) was also considered. The FLS collects wage and other employment data at the national and regional level. It is conducted with employers and personnel managers, however, and cannot be used to describe the characteristics of hired crop workers.

In addition to considering other surveys, the DOL also investigated the possibility of using existing data sets to evaluate the characteristics of workers in U.S. crop agriculture. Unfortunately, data recorded by social security numbers in the Unemployment Insurance (ES202) files, as well as files of the Social Security Administration, do not provide the appropriate employment, demographic, and health characteristics. The DOL determined that only a survey that was both personally administered and establishment-based (workers are

[1205-0453: The National Agricultural Workers Survey, Part A] sampled at their place of employment) would be appropriate for describing the population of hired crop workers. The NAWS is the only survey that satisfies these requirements.

5. Minimizing Small Employer Burden

As described in Section 12, and in Part B below, employers will be randomly chosen as part of the sampling technique. It is necessary to sample employers first as there are no universe lists of farm workers. The farm worker sampling frame is constructed with the help of the employer, packinghouse manager, personnel manager, farm labor contractor, or crew leader, as appropriate. In each case, the ‘employer’ serves as a voluntary contact point for the purpose of creating the worker frame.

The DOL’s contractor for the NAWS minimizes the burden of this activity on small employers by trying to determine if the small employer is still in business before contacting that business and by notifying the employer ahead of time by mail that they have been selected to participate. As mentioned in part three (3) above, farm workers will be interviewed outside the workplace whenever possible and interviews will not interfere with employers' production activities.

This information collection does not have significant economic impact on small entities.

6. Consequences of Less Frequent Data Collection

The NAWS is conducted yearly in three cycles to ensure sensitivity to seasonal fluctuations in labor across the country. Staggered sampling cannot be avoided due to the seasonality of crop employment. A representative random sample of employed farm workers can only be obtained by conducting interviews at various times in the year. The seasonality of crop employment and the high mobility of workers require seasonal sampling in order to avoid bias.

7. Explanation of Special Circumstances

None of the circumstances listed in this section apply to the NAWS. This information collection is consistent with 5 CFR 1320.5.

8. Consultations with Outside Agencies Regarding the Availability of Data

Over the survey’s 20-year history, the DOL has consulted with many outside agencies regarding the availability of information on the demographic, employment, and health characteristics of farm workers. These have included the Departments of Agriculture, Health and Human Services, Homeland Security, and Education, as well as other agencies, including the Social

[1205-0453: The National Agricultural Workers Survey, Part A] Security Administration, the Bureau of the Census, the Bureau of Economic Analysis, the EPA, and the Food and Drug Administration. These departments and agencies support the extension of the NAWS survey as a means of complementing other data available to them. Indirect but useful data about farm workers are available from the USDA, which conducts the Census of Agriculture and the Farm Labor Survey. None of the USDA data, however, overlaps with NAWS data.

The DOL consulted extensively with the Bureau of Labor Statistics (BLS) Office of Survey Methods Research in the fall of 2008 regarding the survey's methodology. The BLS, in consultation with the OMB, required that the NAWS adopt a strict probability sampling procedure at the last level of stratification and make a number of refinements to the mathematical formulas for the post sampling weights and variance estimates.

On November 30, 2009, the ETA solicited comments regarding this collection via a 60-day pre-clearance Federal Register Notice (Volume 74, Number 228, pages 62603-62604) (Appendix A). The Bureau of Economic Analysis (BEA) was the only entity to comment on the proposed information collection. The BEA strongly supports the continuation of the NAWS, as it is the main data source for key components of BEA's economic statistics. Since 1997, the BEA has used NAWS data to estimate the compensation of undocumented migratory workers, which is used to estimate Gross Domestic Income. These data are not obtainable elsewhere and are indispensable to BEA's estimates. BEA's compensation estimates compose an ongoing time series and the large increases in undocumented workers in the United States make the continual updating of BEA's data vitally important. None of the proposed changes to the questionnaire will impact BEA's uses of NAWS information.

9. Remuneration to Respondents

Farm workers will be compensated \$20 for their time responding to the survey to offset the inconvenience and any expense incurred to participate, e.g., child care. NAWS interviewers are trained to provide the incentive just prior to the start of the interview.

10. Confidentiality Assurances

The survey collects information on wages and working conditions, legal status, occupational health, and recruitment practices. The workers are guaranteed confidentiality to help them overcome any resistance to discussing these issues. The workers are informed of the purposes of the information collection as well as the safeguards to protect its confidentiality.

Interviewers are sworn to protect the confidentiality of both agricultural employers and farm worker respondents. To protect the identity of agricultural employers, only the direct-hire employees of the contractor who have been made agents of the BLS and who have sworn to

[1205-0453: The National Agricultural Workers Survey, Part A] abide by the confidential safeguards in the Confidential Information Protection and Statistical Efficiency Act may have access to the names and address of employers and may only use this information for the purpose of locating hired crop workers. Workers are interviewed alone to protect their privacy. Additionally, farm worker respondents will be protected by the DOL's System of Records for the NAWS, which was established under the Privacy Act (USC552a). At the conclusion of the survey, all records of the names and addresses will be destroyed.

11. Sensitive Questions

The questions on legal status and health are likely to be the most sensitive. Based on responses to these questions, however, it is evident that the confidentiality assurances, as well as the rapport that develops between the interviewer and respondent, make them less intrusive. The legal status questions provide valuable information to Congress when it considers legislation to amend the Immigrant and Nationality Act. Likewise, the CDC/NIOSH and other agencies that have mandates concerning the health status of farm workers require complete information on occupational health in order to plan, implement and evaluate their programs effectively. Farm workers respond well to all the health questions and the data obtained is of high quality. Information will be analyzed in aggregate form and individual health histories will not be available to researchers. The confidentiality of the respondents will be guaranteed.

12. Hour Burden for Respondents

The estimated annual total hour burden is 1,601 (see Table 1 below). Approximately 2,064 respondents will be divided into two groups and approached for different purposes. The first group of 1,500 randomly selected farm workers will be administered the NAWS questionnaire. The time to administer this instrument will vary in length from 48 to 65 minutes, with an average of 55 minutes. The time varies with the number of individuals in the respondent's household and the number of jobs held in the preceding year. Approximately three percent of the interviewed workers will have a qualifying injury to report. Such workers will be administered the occupational injury module, which requires approximately ten minutes.

The second group will be the estimated 564 employers who will be approached in person and invited to participate in the survey. The number of employers is based on the number of interviews done per farm and the employer response rate for FY 2009. In FY 2009, 2,219 workers were interviewed on 489 farms, or about 4.5 workers per farm. A total of 833 farms were determined to be eligible for participation, meaning that farm workers were employed there when interviewers arrived to speak with the employer. Interviews were conducted at 489 of the eligible farms, for a grower response rate of 59 percent. To collect information from 1,500 farm worker respondents in FY 2011, interviews will need to be done on approximately 333 establishments. Assuming the employer response rate will be at least 59 percent, 564 eligible growers will need to be approached and invited to participate.

Participation occurs when the employer allows interviewers to explain the purpose of the survey to the workers and to select a random sample of them for an interview. In FY 2009, 66 percent of the employers who had workers at the time of contact, and were thus eligible to participate, agreed to allow interviewers to contact the workers. As noted above, interviews were conducted at 59 percent of the eligible establishments. Employers who agree to participate inform the interviewer about the number and location of the potential worker respondents. The discussion with employers, including those who decide not to participate, can last from five to 30 minutes, depending on the number of questions the employer might have about the purpose of the survey. The average length is approximately 20 minutes.

The estimated average time of 55 minutes per questionnaire is based on twenty years of survey administration (the NAWS began in FY 1989) and is comparable to the average number of minutes per questionnaire required in previous similar surveys after accounting for differences in questionnaire content. In a 1997 survey of the demographic characteristics and occupational health of migrant Hispanic farm workers in six Northern California Migrant Family Housing Centers (McCurdy et al. 2003), in which 1,201 adult farm workers were interviewed in person several times over the harvest season, the University of California at Davis (UCD) authors reported that the initial questionnaire, available at http://mccurdy.ucdavis.edu/fwis/FW_ADULT_INIT.DOC, required approximately 30 to 40 minutes to complete.

The UCD questionnaire is similar to but shorter than the NAWS questionnaire. Like the NAWS questionnaire, it elicited demographic, employment, and health information. Unlike the NAWS, it did not include question domains on employment benefits, housing, asset ownership, participation in education and training programs, receipt of needs- and contribution-based social services such as welfare and unemployment insurance, occupational mental health, and child care services. In addition, the UCD questionnaire did not capture as much household demographic information as the NAWS.

Another survey similar to the NAWS was the California Agricultural Worker Health Survey (CAWS) <http://www.cirsinc.org/SurveyInstruments.html> . This survey was conducted in 1999 by the California Institute for Rural Studies, Inc., (Villarejo et al. 2000) http://www.calendow.org/uploadedFiles/suffering_in_silence.pdf . The main survey instrument, which borrowed generously from the NAWS questionnaire, and included a household grid and work grid that are essentially identical to those found in the NAWS, was administered in person to 971 California agricultural workers. The authors estimated that about 20 to 30 minutes were required to complete it. Unlike the NAWS, the CAWHS instrument included lengthy sections on access to health care services, self-reported health conditions and doctor-reported health conditions. Also unlike the NAWS, the CAWHS elicited health-related information about each member of the subject's household. These health sections comprised about 29 pages of the 70-page instrument. The CAWHS, however, did not include the occupational mental health and child care questions.

Table 1. Estimated Burden Hours Associated with the FY 2011 NAWs

Who will be interviewed?	Survey Instrument	Respondents per Year	Average Time per Respondent	Total Hours
Farm Workers	Primary Questionnaire, including occupational health questions	1,500	55 minutes	1,375
Farm Workers with a qualifying injury	Occupational Injury Supplement	45*	10 minutes	8
Farm Worker Parents with children less than six years old	Child Care Questions	300*	6 minutes	30
Employers	Point of Contact Only	564	20 minutes	188
Total		2,064		1,601

* Not included in total respondents; they are a subset of the Primary Questionnaire respondents.

The only additional cost is that which employers incur for helping the interviewer establish a worker frame. This request, however, does not encompass interviews of employers. The employer is approached strictly as a contact point for the selection of a random group of workers. As noted above, the employer contacts require an average of 20 minutes per farm. The estimate of 188 hours is based on 564 employers at 20 minutes per employer. Assuming an employer's time is worth \$45 per hour, the total cost is \$8,460 of employer time. Any potential cost to workers will be off-set by the \$20 honorarium.

13. Cost Burden to Respondents

Since farm workers are compensated for their response time, there is no cost to them.

14. Costs to the Federal Government

The estimated total survey cost for FY 2011 is \$2,287,239. This includes the cost of the contract (\$2,160,546) and ETA employee time (\$126,693). The contract costs include sampling (\$175,221), questionnaire design and testing (\$92,958), data collection (\$1,727,819), and report and public data set preparation (\$164,548).

15. Program Adjustments

Several factors account for the decrease in burden hours from the previously approved inventory

[1205-0453: The National Agricultural Workers Survey, Part A] of 3,411 to the current request of 1,601 (see Table 2 below): 1) fewer workers will be interviewed, 2) the alcohol questions will not be administered, and 3) fewer agricultural employers will be contacted.

Table 2. Change in Burden Hours Associated with the FY 2011 NAWS

Respondent Type	Respondents per Year		Average Time per Respondent (minutes)		Total Hours		Change
	FY 2009	FY 2011	FY 2009	FY 2011	FY 2009	FY 2011	FY 2011
Farm Workers	3,000	1,500	57	55	2,850	1,375	- 1,475
Farm Workers with a Qualifying Injury	90*	45*	10	10	15	8	- 7
Farm Worker Parents with children less than six years old	600*	300*	6	6	60	30	- 30
Farm Workers who drank alcohol in previous year	1,800*	0	5	0	150	0	- 150
Employers	1,008	564	20	20	336	188	- 148
Total	4,008	2,064			3,411	1,601	- 1,810

* Not included in total respondents; they are a sub-set of the Primary Questionnaire respondents.

16. Publication Plans

The ETA plans to release an updated version of the public use data set and publish the next NAWS report in the spring of 2010. The data set, which will be sent to the BLS for review prior to releasing it to the public, will contain data for fiscal years 1989-2009. The report will summarize the data that was collected in fiscal years 2007-2008. The CDC/NIOSH will publish findings from the occupational injury and health questions.

17. Display of OMB Number and Expiration Date

The OMB Clearance Number and Expiration Date are published on the main NAWS questionnaire in the upper left-hand corner.

18. Exceptions to the Certification Statement, Item 19 of OMB 83-I

This information collection is not applicable.

REFERENCES

McCurdy, Stephen A, Steven J Samuels, Daniel J Carroll, James J Beaumont and Lynne A Morrin (2003) Agricultural injury in California migrant Hispanic farm workers. *Am J Ind Med.* 44(3):225-35.

Villarejo, Don, David Lighthall, Daniel Williams, Ann Souter, Richard Mines, Bonnie Bade, Steve Samuels, Stephen A McCurdy: *Suffering in Silence: A Report on the Health of California's Agricultural Workers.* November 2000.