

Kelsey Herrington
Two Farmers Farm
Scarborough, Maine

To the Agricultural Minimum Wage Committee:

Thank you again for making these meetings public. My name is Kelsey Herrington - I am a commercial vegetable farmer and employer, and farming is the sole source of income for my family. I watched the recording of the 10/16 meeting, and have some followup comments. This letter has two parts: the first addresses the integrity of the Committee and subcommittees, and the second responds to the presentation about the wild blueberry industry.

First, I cannot in good conscience continue to watch these meetings without calling into question the integrity and intent of this Committee. There is significant asymmetry in the resources, power, legal protections, and privilege between farm employers and farm workers in the agricultural industry, and that imbalance is reflected in this Committee's membership and approach. The subcommittee plan explained in the 10/16 meeting perpetuates the cycle of inequitable resource distribution, provides unwarranted anonymity and protection to the minority of people with the most power (employers), and fails to provide a plan for true protection and equitable representation for the majority of people who are also the most vulnerable (workers, especially immigrant and migrant workers).

Employers do not need a subcommittee to have their voices heard and they should be required to speak on the public record, not given private meetings. Employers were very vocal during the public hearing process and their interests are already over-represented among the Committee members. As a farm employer, I sympathize with the logistical challenges of attending these meetings live, but it is not hard to view the recordings and email written comments. Employers are their own bosses and can prioritize watching and responding to these videos if it's important to them. Unlike farm workers who can be fired for sharing their experiences, employers have nothing material to lose by commenting publicly, and we know from the public hearings that employers are willing to speak publicly about this topic. The industry organizations including and beyond those represented on this Committee can do outreach to their employer constituents on their own time and dime if it matters to them. For all of these reasons, public resources should not be spent on additional outreach to farm employers, especially not private meetings.

The Committee must acknowledge that farm workers and employers are not on equal footing here. Farm workers continue to be silenced through the systematic denial of basic legal protections to speak publicly about their wages and working conditions and to negotiate collectively with their employers without fear of retaliation. These and other longstanding discriminations against farm workers have been upheld repeatedly by Governor Janet Mills and also by most of the organizations who are represented on this Committee. As a result, farm workers cannot safely participate in this Committee in the same way that employers can. I am not opposed to public resources being devoted to private subcommittee meetings with farm workers, but those meetings must be conducted in such a way as to generate a significant volume of candid testimony especially from the most vulnerable workers, and prevent employers from retaliating against workers who speak up. Further, the Committee must weigh the testimony and needs of workers equitably with the testimony and interests of bosses, and

somehow overcome the fundamental asymmetry within the Committee itself if it is to produce a just policy outcome.

Secondly, I would like to thank the representatives of the Wild Blueberry Commission and Passamaquoddy Wild Blueberry Co. for highlighting the connection that the Wabanaki Peoples have with wild blueberries - it is a good reminder that human rights in agriculture is an intersectional issue, and any attempt at agricultural labor reform must overcome the resistance of settler colonialism, imperialism, white supremacy, and capitalism.

The focus of the presentation by Passamaquoddy Wild and the Commission was on the importance of the culture and tradition of wild blueberry harvesting to Maine people who harvest berries for traditional and cultural reasons rather than for economic survival, and special focus was given to the importance of the Wabanaki harvesting traditions. Passamaquoddy Wild explained that raising the minimum wage would not, in a normal growing season, impact the professional, highly productive rakers who are there to earn a living, but that it would give them income protection in a challenging growing season when yields are low and they typically make no more than the minimum wage. The company went on to explain that raising the minimum wage would negatively impact the low-producing Indigenous rakers who are there to practice their culture and traditions, not to earn a living, because the company would respond to a higher minimum wage by instituting higher quotas that those low-productivity tradition-oriented workers might not be able to meet.

I hope it goes without saying that it is an abomination of ongoing settler colonialism and capitalism that Indigenous people must sell their labor in exchange for access to their land and the ability to practice and preserve their culture and traditions. I say this in criticism of the State of Maine, the Wild Blueberry Commission, and the settler-dominated wild blueberry industry as a whole, not of the Passamaquoddy Tribe, Indigenous workers, workers in general, or struggling small farmers who find themselves in this situation.

The Maine wild blueberry industry serves a global market, selling between \$55 million and \$80 million worth of berries each year off of around 20,000 harvested acres⁽¹⁾. The Wild Blueberry Commission explained that for employers, blueberry harvesting “is a tradition, not solely a business decision” and that “sometimes raking blueberries is not about raking blueberries... it’s about the culture and tradition.” What I hear from the Commission and Passamaquoddy Wild is that community access to land and the tradition of harvesting is of utmost importance to the people of Maine and to the wild blueberry industry, even more so than profits (for the role that a sub-poverty minimum wage of \$7.25/hour plays in the scale, reach and profitability of the industry was not mentioned). If this is the case, then the blueberry industry and the State of Maine should use their ample resources to facilitate community land access directly rather than denying a dignified minimum wage to all blueberry harvesters, the vast majority of whom depend on these wages to survive. To claim that a below-poverty minimum wage employment model is the only option for people to practice their culture and traditions is to scapegoat workers - including elders, children and Indigenous people - for the exploitative conditions created by companies, bosses, land owners, and the State of Maine.

(1)<https://extension.umaine.edu/blueberries/factsheets/statistics-2/crop-production-statistics-2019/>