

FLORIDA LEGAL SERVICES, INC.
Migrant Farmworker Justice Project
508 LUCERNE AVENUE, LAKE WORTH, FLORIDA 33460-3819
(561) 582-3921
(561) 582-4884 Fax

HOWARD A. CAPLAN
PRESIDENT

KENT R. SPUHLER
DIRECTOR

VIA FEDERAL EXPRESS AND FACSIMILE

July 9, 2008

Ms. Charlene Giles
Ms. Maria Christine Gonzales
Ms. Lynette Wills
UNITED STATES DEPARTMENT OF LABOR
Chicago National Processing Center
844 North Rush Street
12th Floor
Chicago, Illinois 60611
Facsimile: (312) 886-1688

William D. Carlson, Ph.D.
Certifying Officer
Administrative Office of Foreign Labor Certification
UNITED STATES DEPARTMENT OF LABOR
200 Constitution Avenue, N.W.
Room C-4312
Washington, D.C. 20210
Facsimile: (202) 693-2768

RE: Two (2) H-2A applications of joint employer North Carolina Growers Association, Inc. ("the Association" or "NCGA") and member-growers filed Wednesday, July 2, 2008.

Dear Ms. Giles, Ms. Gonzalez, Ms. Willis and Dr. Carlson:

This letter is written to provide information related to the applications of the North Carolina Growers Association, a joint employer with its member growers, for acceptance of two (2) job orders the Association filed on behalf of its self and its members on July 2, 2008.

For your convenience of reference, I am enclosing herewith as Exhibit A to this letter documents which have been marked as pages VD-1 through VD-6. These are the form ETA-750 and related documents for the "diversified crop" job order that does not include tobacco work. Enclosed as

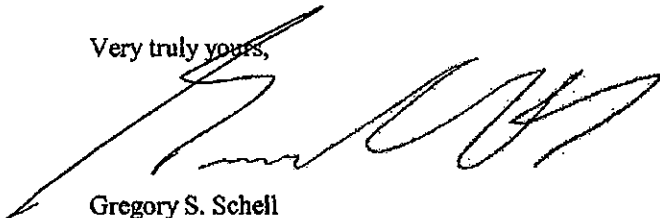
Ms. Charlene Giles
Ms. Maria Christine Gonzales
Ms. Lynette Wills
William L. Carlson, Ph.D.
July 9, 2008
Page 2

Exhibit B are documents marked as TD-1 through TD-9, which are the form ETA-750 and related attachments for the "diversified crop" job order that *does include* tobacco.

I have been asked to provide an opinion regarding whether it would make a difference in the availability of U.S. workers if these two (2) job orders were broken down to specify more specifically the actual diversified crops on which the H-2A workers and any U.S. workers recruited through the H-2A process would be employed planting, cultivating or harvesting. As reflected in the attached Statement under Penalty of Perjury, I conclude that more minute specification, even if it was possible for the growers to provide from an economic and operational standpoint, would not enhance the recruitment of U.S. workers or the desirability of these jobs for U.S. workers.

Indeed, I understand that the union that represents both the U.S. and H-2A workers, the Farm Labor Organizing Committee, AFL-CIO, represented by Robert J. Willis, Esquire, concurs in the conclusion that breaking down the NCGA job orders would be unsuccessful in making these jobs more desirable to U.S. workers and actually would result in job and work opportunity losses as well as income loss to both U.S. and foreign workers.

Very truly yours,



Gregory S. Schell
Managing Attorney

Enclosures

cc: Robert J. Willis, Esquire (via e-mail)
Vincent Costantino, Esquire (via e-mail)
Harry Sheinfeld, Esquire (via e-mail)
Ann Margaret Pointer (via e-mail)