



NORTH CAROLINA GROWERS ASSOCIATION INC.

July 21, 2008

Ms. Charlene Giles
Ms. Maria Christine Gonzales
Ms. Lynette Wills
United States Department of Labor
Employment and Training Administration,
Chicago National Processing Center
844 North Rush Street, 12th Floor
Chicago, Illinois 60611

William L. Carlson, Ph.D.
Director of Foreign Labor Certification
Administrative Office of Foreign Labor Certification
United States Department of Labor
200 Constitution Avenue, N.W., Room C-4312
Washington, D.C. 20210

RE: H-2A Temporary Foreign Labor Applications C-08184-14118 and C-08184-14114

Dear Charlene Giles, Chris Gonzalez, Lynette Wills:

We learned Friday afternoon July 18, 2008, that your attorney, Harry Sheinfeld, notified NCGA attorney Ann Margaret Pointer that US DOL has decided to accept NCGA's two pending applications.

We received the two acceptance letters this morning. My staff has secured placement of the necessary advertisements this morning. NCGA intends to file the required recruitment report today by fax demonstrating the statutory labor market test. The same reports with original signatures will follow tomorrow by FedEx overnight courier.

Due to the protracted engagement over these two applications our growers face significant and irreparable financial loss if workers are not on the farm and ready to begin work by the start date of Saturday, August, 16, 2008. Based on the exhaustive nature of NCGA's season long labor market tests, it is my fervent view that the certifications for the two applications should be issued immediately. There are literally hundreds of job opportunities open at the NC Employment Security Commission (SWA) in addition to the openings represented by these two applications. The fifty percent rule for these

applications and others provides ample opportunity for interested US workers to apply for employment this season.

Although I am reluctant to raise the issue of retaliation I feel that I must. It is apparent to me there has been an element of malicious retaliation to Chicago staff being unwilling to discuss the issues that surrounded the stalemate of NCGA's applications. Furthermore, I am concerned the Chicago staff will continue to retaliate against NCGA and the grower members as we move forward into the future in response to NCGA defending its statutory and regulatory rights.

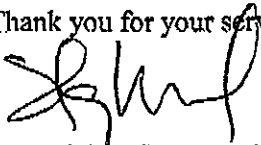
To that end, I still believe that a meeting between our staffs and the OFLC National office staff would be helpful. I have been trying to meet with you since February of this year to no avail. The H-2A pages of your website encourage participants to consult with you, therefore, I reach out to you again in the spirit of cooperation. Furthermore, I request that when I call and leave a message that someone return my call. I respectfully remind you the regulations found at 20 CFR 655.93(b) expressly provide for establishing "special procedures".

NCGA hires approximately 6500 H-2A workers to fill 7000+ job opportunities, not to mention the many thousands more US workers that are employed by our members on their farms each season in corresponding employment and otherwise. The upstream economic multiplier in terms of the number of off farm US jobs that are created by NCGA and its members is enormous and should have the full support of US DOL. As the largest H-2A program participant in the nation, NCGA expects to work closely with the USDOL in a non-antagonistic way.

NCGA and its members are the most innovative and progressive agricultural employers in the nation. Our unprecedented partnership with the Farm Labor Organizing Committee is a fine example of what can be accomplished when labor and management work together for the good of both workers and growers. It is a victory for the entire nation.

I trust your office will immediately issue the approval notices respective to these two applications. I am also eager to hear from your office a time and date when we can meet. The sooner we can meet, the better.

Thank you for your service and attention.



Lee Wicker, Deputy Director
NCGA

CC: Stan Eury, Executive Director, NCGA
Secretary Elaine Chao, Secretary of Labor
Leon Sequeira, Assistant Secretary for Policy, USDOL

Brent Orrell, Assistant Secretary for ETA, USDOL
Doug Small, Deputy Assistant Secretary for ETA, USDOL
Bill Carlson, Director, ETA-OFLC, USDOL
Harry Sheinfeld, Esquire, USDOL
Vincent Constantino, Esquire, USDOL
Ann Margaret Pointer, Esquire, Fisher & Phillips
Baldemar Velasquez, President, Farm Labor Organizing Committee
Robert Willis, Esquire, The Law Offices of Robert J. Willis
David Weil, Chairman, Dunlop Commission
Erica Upton Peterson, Executive VP, North Carolina Agribusiness Council
Carl Eichenwald, Esquire, Representative Brad Miller
Senator Elizabeth Dole
Senator Richard Burr
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