

 URL: <http://tbo.com/news/business/labor-department-uncovers-violations-in-central-florida-agricultural-operations-20141119/>

Labor violations put strawberry farms in feds' crosshairs

By [Yvette C. Hammett](#)

TAMPA — Federal farm labor law violations continue to sully the reputation of this county's most lucrative crop — strawberries.

The sweet, ruby red fruit on which eastern Hillsborough County has gained national fame and that has brought riches for some, continues to be a target for federal investigators. They say many of those working the fields continue to be cheated out of pay, subjected to unsafe transportation and live in unsanitary, dilapidated housing.

David Weil, administrator for the U.S. Department of Labor's Wage and Hour Division, was in Tampa Wednesday to discuss a multiyear investigation that uncovered widespread labor law violations among agricultural businesses in Central Florida.

The citrus industry is making improvement, with fewer violations this year than last, Weil said. But the strawberry industry has made little improvement over the past five years.

The enforcement initiative focused on hand-harvested crops — strawberries, citrus, tomatoes, blueberries and watermelons. The department did not release specifics on what violations individual cases involved.

The farm dinged with the highest penalty during the enforcement initiative was Fancy Farms, a 250-acre berry farm on the east side of Plant City. Fancy Farms was hit with a \$20,150 fine for violating a provision of the Immigration and Nationality Act, which allows a business to bring in workers from another country specifically to work at that operation.

Owner Carl Grooms called it a miscommunication over a rule interpretation that he believes investigators over-exaggerated.

“No person was unfairly paid or unfairly treated,” Grooms said. “And it wasn't about housing or transportation.” He declined to lay out specifically what the violation was

for, but said the fine has been paid, the matter resolved and it will not be an issue on his farm in the future.

Sweet Life Farms, another Plant City berry operation, was fined \$8,575 for violations to the Migrant and Seasonal Agricultural Worker Protection Act. Astin Farms in Plant City was hit with a \$5,500 penalty for violating the same act. Other farms received fines ranging from \$89 to \$5,250.

Federal laws, including the [Migrant and Seasonal Agricultural Worker Protection Act](#), set minimum standards for wages, disclosure of working conditions, safe and clean housing and transportation and access to toilet facilities and clean drinking water in the fields.

In Hillsborough County, strawberries are the number one money-making crop, bringing in \$266 million in sales last year from about 12,000 acres of berries. The crop has a \$1 billion ripple effect on the economy, including farm worker wages, shipping, packaging and retail sales, according to the Florida Strawberry Growers Association.

“It’s hard to identify improvements,” in the strawberry industry, said David King, assistant district director for the Tampa office of Wage and Hour. In many instances, King said, farmers don’t pay workers what they have promised them. In other cases, investigators find field hands living in overcrowded conditions with no heat, windows and screens missing, sometimes with no sewer hookups or hot water.

“It’s pretty bad,” King said. “There are some that are doing it right,” but many that are not, he said.

It is not the farm workers that are complaining, King said. On the contrary. “In agriculture, we don’t receive any complaints from workers. The workers are migrants and aren’t the type of people that want to ruffle feathers here or cause any trouble. Instead, these agriculture investigations are just something that happens every year.”

During fiscal year 2014 the division’s Tampa office, by poring through payment records, recovered average back wages of \$340 per worker for 387 workers connected to 155 agricultural investigations. The division assessed \$196,000 in civil penalties.

If a farm owner owes a worker \$100, he has to pay that, plus an additional \$100 in “liquidated damages,” King said. If the farm is a serial violator, the penalties continue to grow.

“We are working harder and smarter to combat labor violations in the agricultural industry,” Weil said. “We are studying employment relationships and directing our enforcement efforts throughout the supply chain to protect workers better and address problems at every level of the industry.

“All our efforts are aimed at helping move employers toward positive, compliant business practices, so that workers and employers can prosper together,” he said.

Such investigations also level the field for law-abiding businesses, Weil said.

In 2014, the department saw fewer violations in the citrus industry than in the previous year, due to the working relationship it has established with growers, said James Schmidt, director of the division’s Tampa District Office. “We are eager to work with others, such as strawberry growers, where we continue to find significant labor violations.”

Kenneth Parker, director of the Florida Strawberry Growers Association based in Plant City, said he could not speak to any specific violations, but did note that his organization often sends mail-outs to area farm owners when seminars are coming up to address compliance topics.

“The strawberry growers association is committed to educating and encouraging a proactive approach to compliance,” Parker said. He said he could not address why it is that the issues persists in the strawberry industry.

There are about 100 strawberry growers in this region.

The ongoing initiative will continue to send investigators in to the farm fields and packing houses to check for compliance with federal laws. Violations will be dealt with through the courts and through fines, officials said.

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