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ABSTRACT

This manual was written as a guide for state migrant education recruiters who need to be familiar with the nature of seasonal and temporary work performed by Louisiana's migrating agricultural workers and fishing industry laborers. It is intended to teach recruiters about the agricultural and fishing activities necessary for raising and harvesting crops or fish and the time of the year in which they generally occur. The main purpose of this guide is to provide each migrant education recruiter with a precise and accurate vocabulary of work activities, for use in interviewing workers, fishers, growers, and processors. This should increase the recruiter's ability to determine migrant education program eligibility and strengthen documentation for the program. The agriculture section of the book includes information on 23 different crops, including cotton, rice, pecans, soybeans, sugar cane, hay, fruits, Louisiana citrus, strawberries, blueberries, crawfish, trees, fish farms, livestock, turf grass, nursery crops, vegetables, poultry, Christmas trees, tobacco, peaches, grain crops, and dairy products. The fishing section includes information on fish and shellfish. (TES)

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QUALIFYING WORK ACTIVITIES IN LOUISIANA
A Recruiter's Guide
To Documenting Eligibility
For Migrant Education

LOUISIANA
MIGRANT EDUCATION PROGRAM

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TABLE OF CONTENTS

Acknowledgements	4
Executive Summary	6
Making the most of the Q.W.A. Manual	11
Agriculture	16
Cotton	16
Pecans	18
Rice	21
Soybeans	23
Sugar Cane	26
Grain Crops	30
Hay	32
Fruits	33
Louisiana Citrus	33
Peaches	34
Strawberries	36
Blueberries	37
Nursery Crops	38
Turf Grass (sod farms)	39
Vegetables	41
Tobacco	46
Crawfish	46
Dairying (dairy products)	47
Poultry	49
Livestock	54
Trees	56
Christmas Trees	58
Fish Farms	62
Fishing	66
Fish	66
Shellfish	69
Bibliography	77

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MIGRANT EDUCATION
A Manual of Qualifying Work Activities:
A Recruiter's Guide to Documenting Eligibility

EXECUTIVE SUMMARY

Intent and Purpose

This manual was written for the purpose of providing a guide to seasonal and temporary work activities which may be performed by agricultural workers and fishers who migrate into and within the State of Louisiana. For recruiting purposes, this guide is intended to provide in-depth knowledge of those activities as well as to give the months of the year in which they generally occur within the State.

With an improved understanding of agricultural and fishing seasons, a recruiter becomes more aware of the temporary nature of certain related activities. Also, a recruiter will understand the employment opportunities that are available during specific times of the year.

The main purpose of this guide is to provide each Louisiana Migrant Education recruiter with a precise and accurate vocabulary of work activities as he interviews workers, fishers, growers and processors. This, in turn, should increase his ability to determine migrant eligibility and strengthen documentation for our program.

The content of this manual is based solely on current activities in the State of Louisiana. In the spirit of interstate cooperation, it will be shared with recruiting personnel in other states in hopes that they will be able to use its contents and format for developing a similar guide to agricultural and fishing activities in their state for the concerted effort of improving documentation nationwide.

Definitions

The unique criteria for identifying and recruiting children for participation in Migrant Education are found in the program regulations (34 CFR 201), Part 201.3, in the section entitled "Definitions of the Program." Primary definitions used as a basis throughout this guide are "agricultural activity" and "fishing activity."

"Agricultural activity means (1) any activity directly related to the production or processing of crops, dairy products, poultry or livestock for initial commercial sale or as a principal means of personal subsistence. (2) any activity directly related to the cultivation or harvesting of trees, or (3) any activity directly related to fish farms."

"Fishing activity means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence."

Two secondary definitions which are addressed in this guide are "migratory agricultural worker" and "migratory fisher." Quoting directly from the Federal regulations:

"Migratory agricultural worker means a person who has moved within the past 12 months from one school district to another – or, in a State that is comprised of a single school district, from one school administrative area to another – to enable him or her to obtain a temporary or seasonal employment in an agricultural activity."

"Migratory fisher means a person who has moved within the past 12 months from one school district to another – or, in a State that is comprised of a single school district – from one school administrative area to another – to enable him or her to obtain temporary or seasonal employment in a fishing activity."

Important Terms

Terms which will be addressed throughout the guide are "directly related to," "initial commercial sale," and "principal means of personal subsistence." These terms are a substantial part of the definitions of "agricultural activity" and "fishing activity" on which this guide is based.

The definitions of "migratory agricultural worker" and "migratory fisher" limit the type of employment the migratory worker or fisher is able to obtain to temporary or seasonal. Therefore, a discussion of the terms "temporary" and "seasonal" is imperative.

We have used the March 24, 1986, Non Regulatory Guidance (NRG) document as a reference in our determinations of "temporary" and "seasonal" for some activities. On page 22 and 23, the NRG states:

"The determination of whether an occupational activity is 'temporary' or 'seasonal' does not depend on its performance within any specific period of time (e.g., 1 month, 2 months, 6 months, or whatever). It depends instead on finding that the migrant parent, guardian, or child's job is not a constant year-round activity. Thus, in determining whether an occupational activity is 'temporary or seasonal,' the SEA or operating agency is not required to determine the specific period of time that the employment will last. Rather, the SEA or operating agency must reasonably determine that the employment sought or obtained does not constitute a constant year-round activity or activities, but is associated with the completion of a specific seasonal activity or activities of temporary duration, with no further employment anticipated after the completion of that activity or activities. Examples would include 'seasonal' activities such as planting, cultivating, or harvesting a crop, and 'temporary' activities such as preparing or clearing the land, harvesting an area of trees, or meeting the 'temporary' employment needs of a food processor while the crop is being harvested and processed. The decision not to define further 'temporary or seasonal' results from the recognized impracticability of pre-determining the period of employment associated with all eligible occupational activities.

"Furthermore, the SEA or operating agency must determine that the 'intent' of the worker who migrated was to secure 'temporary or seasonal' agricultural or fishing employment. If the worker was unable to secure the 'intended' employment (i.e. secured no employment, or alternatively had to secure other employment, including full-time employment), he or she may still qualify upon the determination that the 'intent' was to secure 'temporary' or 'seasonal' agricultural or fishing employment. In this case the SEA or operating agency must record on the COE the reason why temporary or seasonal agricultural or fishing employment was not available following the move."

The NRG also has been helpful in the interpretation of what may be considered an activity "directly related to" the production or processing of agricultural crops or fishing, particularly in the discussion of tree cultivation or harvesting on page 21, and we quote:

"Many possible types of activities involved directly in either cultivation or harvesting (e.g., soil preparation, planting, tending, pruning, marking, felling, etc.) are qualifying activities. Normally, once the trees are ready to be transported from a harvest site to a processor (sawmill) there is no longer a sufficiently direct involvement in cultivation or harvesting activity to qualify the worker as 'agricultural.' The transportation of logs marks the beginning of the stage of 'initial commercial sale,' and employment in such transportation would not qualify the worker as 'agricultural.'

"However, if the trees are being transported to the processor by persons employed by the same individual or firm that engage in cultivation or harvesting activities, those persons involved in transporting the trees are considered to be eligible. The reasoning is that those persons involved in direct cultivation and harvesting activities are the same ones employed, either simultaneously or later, to transport the trees. Only those workers who are actually "migratory" are qualified (i.e., those who have moved for 'temporary' or 'seasonal' labor)."

The processing of trees, however, is not a qualifying activity (See Senate Report No. 95-856, 95th Congress, 2nd Session at 24.)

To further interpret what is meant by activities that are "directly related to" production and processing, we have referred to the manual compiled in the Systematic Methodology for Accountability in Recruiter Training (SMART) Manual. On the reverse side of page 22, a definition developed by the State of California and approved by the United States Department of Education says:

"Direct relationship. Judged by determining whether the activity in question is one which must be done on site to enable the agricultural or fishing operation to take place."

The SMART Manual (on page 23) also supports the NRG in its clarification of "initial commercial sale" and "personal subsistence," with the following statements:

"Initial commercial sale. With regard to production, this means the first sale of the agricultural or fishing product. With regard to processing of products (other than trees)...the initial commercial sale occurs with the sale of the processed product."

"Personal subsistence means that the agricultural items are produced or fish or shellfish are caught for direct consumption by the worker and his or her family, rather than produced or caught for wages or other income."

MAKING THE MOST OF THE QUALIFYING WORK ACTIVITIES MANUAL

A Guide for the State

All recruiters are encouraged to become familiar with the contents of the entire guide, even though it is well known that all areas within the State do not produce the same crops, therefore, all recruiters do not have to make decisions concerning seasonal or temporary for every activity, either agricultural or fishing. It is important for recruiters to be familiar with the format of the guide and to understand the rationale behind it, which is to align Louisiana recruiting so closely with the federal regulations that we can be certain that all migrant children enrolled qualify and that the documentation concerning them is acceptable.

Seasonal or Temporary

It is true that some activities are obviously *seasonal*, without question. This can be said of the planting, cultivating and harvesting of any row crop, fruit crop, and most nursery crops, the cutting and baling of hay; the planting and harvesting of grains, and the catching of fish and shellfish as set by nature or by regulation.

However, some agricultural and fishing activities in Louisiana are not clearly *seasonal* such as those activities that take place in the poultry, dairy, livestock, timber and catfish industries.

In addition to using the manual as a State recruitment guide, recruiters are urged to think of work activities first in terms of the season in which they may be performed e.g., "driving a tractor." Driving a tractor can be done during land preparation immediately prior to planting season; or it can be done during cultivation season, if a weed-control chemical is being applied, or it may be done immediately following a harvest, to plow under the stubble of a crop

A recruiter should determine what *seasonal* work the tractor driver is involved in. If no season is determined, it becomes necessary to determine *why the employment is temporary*. When a recruiter becomes accustomed to determining seasonal activities first, he can most easily decide, by a process of elimination, that activities qualify as *temporary*.

Documentation

As previously said in statements concerning the intent and purpose, the primary objective of this guide is to provide knowledge and vocabulary so that documentation of migrant eligibility in Louisiana will be accurate and understood by anyone examining the COE. Documentation should be sufficiently clear so that persons not familiar with the industry or with the specific activity will know why the children (family) are eligible to be enrolled in the migrant education program.

Acceptable documentation of a Certificate of Eligibility (COE) will always contain the specific activity performed within a broader range of activities. It will also designate that the activity is either *seasonal* or *temporary*, and, if *temporary*, will give an explanation of why. It will include a statement regarding *initial commercial sale* and/or *personal subsistence* when applicable.

Because Louisiana has had the benefit of a visit by monitors from the US Department of Education, our understanding of what is required by them is much clearer. In addition, as a result of a "friendly audit" by national Migrant consultant Mr. Joe Dunn, we are able to provide examples of insufficient documentation that have appeared on Louisiana forms in the past, followed by examples of statements that would be considered acceptable documentation.

<i>Non-acceptable</i>	<i>Why Not</i>	<i>Acceptable (samples)</i>
Cotton - fertilizer	A specific crop as well as a specific qualifying work activity must be named and the seasonal nature of the employment must be explained.	Mixes and applies fertilizer on farms during the land preparation season for planting cotton (Seasonal)
Irrigating peach orchards	A specific crop as well as a specific qualifying work activity must be named and the temporary nature of the employment must be explained	Laying irrigation lines in peach orchard in final stages of pre-planting activities for new trees (Temporary)
Dairying	No specific seasonal nor temporary activity is named or explained.	Dairy farming - baling fall hay (Seasonal)
Dairy farming/ milking	Milking is a daily activity, so the temporary nature of the employment must be explained.	Dairy farming - milking and tending cows until regular employee returns to work, or... until seasonal work at another dairy is obtained (Temporary)
Dairy farm/ milked cows.	Same as above.	Dairy hand; milking cows until owner recovers from illness (Temporary)

<i>Non-acceptable</i>	<i>Why Not</i>	<i>Acceptable (samples)</i>
Dairyman	No specific seasonal nor temporary activity is named or explained.	Milking cows/worker intends to seek dairy work in another parish within 6 months to a year's time/has a history of moving from one dairy to another (Temporary)
Packing chickens	Insufficient information. Packaging chickens is a daily activity, so the temporary nature of the employment must be explained.	Packaging chickens at poultry processing plant until entire load is processed and ready to move out for initial distribution (Temporary)
Chicken plant/ line worker/	Insufficient information. What is the specific activity and why is it temporary?	Operating cutting machine at poultry processing plant to complete processing of entire load until ready to be distributed for market (Temporary)

Outdate and Obsolete

The editors became aware each day that while progress was made on compiling and completing this manual that some of the content was obsolete, even as it was being compiled, and we have discarded such material as it was gathered. One of the reasons for this obsolescence is that technology changes the way in which production and processing of Louisiana products are done. Poultry processing is the most prominent example. In a period of two or three years, a totally automated production system has replaced a more antiquated system

that processed only one-third the volume of today's poultry plants. It is quite possible that technology will cause some jobs to be deleted in all food processing plants, as well as in the production of agricultural crops. Recruiters need to be alert to that fact as well as to the fact that technology opens the doors for new jobs, in both production and processing.

Another reason this guide may need updating is that what are now considered to be the "major" crops in the State may be replaced by other crops whose activities are not included in the manual. These changes are mostly controlled by market demands, fluctuations in the economy, and changes in life-styles. The mobility of migrant families might be affected by these changes.

Legislation and the control it places on the fishing industry may be responsible for future changes in seasonal fishing activities. Since work began on this manual, redfish has become one species of fish which is raised on fish farms. State regulations have already limited the catching of this species for commercial sale.

Another Recruiting Tool

Even though we believe this guide will be an extremely helpful tool to be used as a recruiter interviews and enrolls migrant families, it is not intended to take the place of other aids to recruiting, such as the Non-Regulatory Guidance Document, Instructions for completing the C.O.E., the SMART Manual, and the most basic tool of all – the "Definitions of the Program" found in the Federal Register.

Recruiters are urged to take advantage of help from their Technical Assistant for Recruitment and the State Recruiter whenever an exceptionally difficult question of eligibility occurs.

AGRICULTURE

First, consider the definition of "migratory agricultural worker" and "agricultural activity" as they appear in the Federal Register.

"*Migratory agricultural worker* means a person who has moved.. to enable him or her to obtain temporary or seasonal employment in an agricultural activity."

"*Agricultural activity* means (1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;"

The major crops in Louisiana are:

cotton	wine	sugarcane
pecans	soybeans	

Cotton

Cotton is a plant cultivated in warm climates for the fiber surrounding its seed. This field crop has many general farming activities and some unique qualifying activities involved in its production and processing that may provide employment opportunities for migrant workers, including:

preparing the land for planting season (January-April)
breaking land/tilling the soil
rowing up the land
applying fertilizer (by crop dusting or by operating land applicator)

planting season (April-May)
harrowing the land
planting of seeds
irrigating for seed germination (depending on rainfall)

growing season (June-October)
cultivating/plowing
hoeing
insect/disease inspecting
applying insect repellent

- applying disease control chemicals
- applying weed control chemicals
- applying fertilizer/fertilizing
- irrigating (depending on rainfall)

harvesting season (October-December)

- defoliating activities
- driving cotton picker/cotton picking
- loading cotton onto trailers
- packing (stomping) cotton on trailers
- hauling cotton to gin, pulling trailers from a field to ginning operation

end of harvesting season (October December)

- cutting cotton stalks
- breaking the land by sub-soiling, chisel plowing, or disking
- applying lime
- planting a cover crop for soil enrichment

ginning season (October-December)

- weighing and tagging trailers at the gin (for gross weight)
- running sucker pipes/sucking cotton off trailers
- running gin stands separating cotton lint from seed
- pressing lint/press operator
- compressing lint/compress operator
- bagging and tying bales/baling lint/stuffing
- weighing bales and cutting samples
- rolling bales onto platform for shipping to warehouse (for storage and sale)
- cutting additional samples at warehouse for grading purposes
- loading and weighing seed for transporting to mill
- transporting seed to mill
- cleaning and crushing seed/processing at the mill

Preparing the land	January-April
Planting	April-May
Growing	June-October
Harvesting	October-December
Ginning	October-December

General statements concerning the cotton crop:

"Ginning" is the term used to describe the total processing of cotton into lint and seed for initial commercial sale. The head ginners and graders at the warehouse are not usually migrant workers, but rather permanent year-round employees.

Some larger gins have machines and procedures in place to seasonally hire migrant workers to clean and process the cotton seed for sale for future planting.

There are some *directly related activities* performed at the gin or gin yard that are performed prior to the time the crop is ready for harvest and the ginning season actually begins. These activities are almost always done at this time of year because it is most economically efficient to do so. The gin owner/operator may hire temporary workers to perform these related ginning activities necessary so that the gin and equipment are in maximum operating condition for the season.

There may be two points of *initial commercial sale*, from the producer (grower) to the processor and/or from the processor to the market.

The *initial commercial sale* of the cotton lint is to the cotton buyer, while the *initial commercial sale* of the seed is to the cotton seed mill.

The cotton crop is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Once harvesting season and related activities are complete, the cycle required to produce a cotton crop begins again. Qualifying workers would be those who have moved to enable them to obtain *temporary or seasonal* employment in one or more of the above mentioned cotton production or processing activities.

Pecans

Pecans are the smooth, thin-shelled, oval nut of the pecan tree. The pecan crop is grown widely throughout Louisiana and plays a significant role in the state's agricultural economy.

The pecan orchard (where the majority of pecans are grown for commercial purposes) requires a long term commitment of land and other production resources, and is the home of distinctive qualifying *temporary* and *seasonal* activities: for migrant workers including

- preparing the orchard (May-August)
- clearing of underbrush, trees, and weeds
- land disking and leveling/subsoiling
- drainage improvement
- removal of natural barriers to improve air flow
- fertilizing and liming

Selecting of planting design and preparing a planting plan, as well as selecting the variety to be planted, usually involves the owner and locals.

Once the above tasks have been completed, the following chart describes the seasonal planting and cultivating activities in the pecan orchard that may provide employment opportunities for migrant workers. (Remember, these activities will vary depending on the variety of the pecan and the location of the orchard in the state.)

Planting/transplanting	Jan.-March, Nov.-Dec.
Cutting back/Pruning for forcing the central leader	Jan., Nov.-Dec.
Pinching to retard lateral shoot growth	May-July
Tip pruning to reduce tree size and increase production	Jan.-March
Frequent zinc spraying (aerial/land application)	June-July-Aug.
Applying fertilizer (aerial/land application)	Jan.-June
Watering	June-July
Spraying for insects and/or diseases (aerial/land application)	March-Oct.
Cleaning and weeding under trees	March-Sept.

Once the pecan is ready to be *harvested*, other qualifying activities begin including:

- sweeping seed floor (October)
- operating tree shaker/shaking trees (October)
- gathering pecans/picking up pecans (hand or machine)
(85 percent are gathered from October through December,
while 15 percent are gathered January through March)
- sacking pecans
- transporting pecans from orchard to processing plant

Processing usually begins immediately following and in conjunction with the harvest in mid to late October, and includes the following activities that may provide employment opportunities for migrant workers:

- sorting
- cracking
- shelling/picking
- packing/packageging
- labeling
- loading pecans on to trucks
- transporting to initial commercial sale

General statements concerning the pecan crop:

There may be two points of *initial commercial sale*, from the producer to the processor and/or from the processor to the market. Pecan processors generally own their own orchards and grow pecans for themselves. Additionally, they can buy pecans from other growers and pickers to process for *initial commercial sale*.

Cold storage now makes it possible for some processors to operate 12 months a year.

Pecans are not grown as a *pnnicipal means of personal subsistence*. However, migrant workers do pick pecans for daily wages as a primary source of income during the harvesting which would qualify them if they had moved to do so.

Spraying for insects and pruning trees are activities that are ongoing throughout the life of a pecan tree and, along with other activities *directly related* to the cultivation and harvesting of trees, they will be discussed on pages 33-40 and 56-61 of this manual.

The facts presented are based on the pecan crops of the bucket pecans and the bare root pecans which are the two main types grown commercially in Louisiana. Bucket pecans are generally planted any time from November through April, while bare root pecans are generally planted from December through February.

Rice

Rice is an annual cereal grass which is grown for its seed and is used for food and for its by-products. There are many activities involved in the production and processing of rice that may provide *temporary* and/or *seasonal* employment for migrant workers. Some activities will vary, depending on the planting method used (dry or water), the location of the crop within the state, and the maturity date of the variety planted.

Using the *dry planting* method, many *seasonal* activities are performed from February-June or following the harvest and may provide employment opportunities for migrant workers including.

- soil preparation
- disking the soil with tractor and plow
- surveying and making levees with tractor and levee plow
- burying overflows to adjust water level
- planting levees with grass seed
- applying fertilizer (aerial or truck application)
- working fertilizer into soil with tractor and packing soil
- loading drill with rice seed
- planting seed with drill and tractor/drilling
- applying herbicide (when rice has grown four to six inches)
- irrigating field
- fertilizing (aerial application, two-three times)
- irrigating (as needed to maintain proper water level)

Using the *water planting* method, many *seasonal* activities are performed from February-June or following the harvest and may provide employment opportunities for migrant workers including.

- soil preparation
- disking the soil with tractor and plow
- surveying land and making levees with tractor and levee plow
- burying overflows to adjust water level
- irrigating field
- working soil with plow or water levee
- soaking rice seed (unless the seed has been bought pre-soaked)
- planting pre-sprouted seed (aerial application)
- applying herbicide and fertilizers (aerial application)

Rice *harvesting* requires the following *seasonal* activities.

- releasing water from the fields/draining the fields
- cutting with a combine/combining/operating a combine
- transporting rice to truck or trailer by pulling a cart behind a tractor
- loading rice from cart to trucks
- transporting rice to dryers and storage bins
- weighing and checking moisture content
- grading and taking samples
- unloading into storage bins at the elevator
- maintaining proper temperature control and ventilation of rice bins (to prevent mold, mildew and burn)
- transporting rice from elevator to mill

Once the rice has reached the storage bins at the mill, *processing* activities which provide *temporary* employment include.

- grading rice
- maintaining proper temperature control and ventilation of rice bins
- separating rice from chaff/sorting husks
- washing and polishing rice
- crushing rice
- packaging rice

Preparing the land	February-June
Planting season	February-June (as land is prepared)
Growing season	5-6 months from date of planting
Harvesting season	June-November

General statements concerning the rice crop:

Levees are built before planting in South Louisiana and after the rice has come up in North Louisiana.

"Milling" is the term used to describe the total processing of rice into food and/or by-products.

There are some *directly related activities* performed at the grain elevator that take place prior to the time the rice is ready to be harvested. The owner-operator may hire temporary workers for these activities.

There may be two points of *initial commercial sale*, from the producer (grower) to the processor and/or from the processor to the market. The *initial commercial sale* of the rice is frequently made to the owner-operator of the elevator. He will in turn store the rice until it is transported to the rice mill for processing. After processing, *initial commercial sale* takes place from the mill to the buyer.

The rice crop is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Just as with cotton, once the harvesting season and related activities are complete, the crop cycle begins again for rice. Qualifying migrant workers would be those who have moved to enable them to obtain "temporary or seasonal" employment in one or more rice production or processing activities.

Soybeans

Soybeans are plants widely grown throughout Louisiana for their nutritious edible seeds, for processing into animal feed and other by-products, and as a rotation crop for soil enrichment. There are

many general farming activities which may provide *seasonal* and/or *temporary* employment for workers involved in production and processing.

Qualifying *seasonal* activities include:

- preparing the land (February-May)
 - breaking land/tilling the soil
 - rowing up the land for planting in rows (land may be left flat for broadcasting or drill planting)
 - liming/fertilizing (aerial or land - three to six months before planting)
 - applying pre-emergence herbicide (aerial or land)
 - disking in pre-emergence herbicide

- planting season (late April-early June)
 - disking/tilling for better planting conditions
 - applying weed control (aerial or land)
 - disking in weed control
 - harrowing/leveling
 - planting seed:
 - drill planting - tractor driving/pulling planter or seed dispenser
 - broadcasting - sowing seeds (aerial or land applicator)
 - row planting - tractor driving/pulling row planter or "rower"*
 - packing/running a packing machine (used when seeds have been broadcasted)
 - irrigating for seed germination (need depends on weather)

- growing season (June-October)
 - cultivating/plowing
 - applying weed control (aerial or land)
 - spot hoeing
 - irrigating/watering
 - inspecting for insects and diseases
 - applying insect and disease control chemicals (aerial or land)
 - building levees for irrigation (if overhead water systems are not used)

*Industry Term

- harvesting (October-November)
- spraying defoliant (aerial, if needed)
- combining/cutting, threshing, and cleaning beans
- hauling from combine to truck
- cleaning in field before transporting to elevator
- disking-in stalks and residue
- transporting beans from field to elevator

There are many qualifying activities which take place 24 hours a day during harvest season and which provide *temporary employment* at the grain elevator and grain terminal. These qualifying activities include:

- weighing for gross and net weight
- taking samples from truck or trailer
- testing for moisture content, foreign materials, etc.
- unloading beans into elevator bins/terminal bins
- maintaining drying blowers to prevent spoilage
- cleaning and sacking beans for market as seed beans
- loading grain on barges/trucks/railroad cars for shipment to processing plant

Qualifying work activities at the *processing plant* which may provide *temporary employment opportunities* for migrant workers include

- cleaning seed
- sacking and labeling
- storing for market
- transporting to market

Preparing the land	February-May
Planting season	April-June
Growing season	June-October
Harvesting season	October-November

General statements concerning the soybean crop:



Land preparation, planting, and harvesting seasons will vary depending on the variety of the bean to be grown, the location in the state, and whether or not the crop is followed by oats, wheat, milo or rice. The practice of planting soybeans followed by a seasonal crop is called "double cropping" or "crop rotation."

Frequently, soybeans are grown as a soil-building crop. In these instances, the bean is not harvested as such, but rather the entire plant is plowed under to enrich the soil.

There may be two points of *initial commercial sale*, from the producer/grower to the processor and/or from the processor to the market.

The *initial commercial sale* of the crop usually takes place from the grower/producer to the owner of the elevator, where the beans are under contract. However, beans are not always under contract and must be stored at the elevator until they are sold.

The soybean crop is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Sugar Cane

Sugar cane is a tall grass with a thick, tough stem that is one of the chief commercial sources of sugar. It is widely grown throughout South and Central Louisiana.

The *production* of sugar cane requires some unique farming practices not common to the production of other farm crops.

Seasonal occupations and activities in sugar cane production which may provide employment for migrant workers include.

- Preparing the land (June and July of the first year)
- plowing the land/driving tractor
- draining the land/drain operators/"ditchers" (to prevent rotting of cane)
- drawing up rows/making rows/opening rows
- applying lime and herbicide

Planting season (August-November)

heat-treating/bathing cane for disease prevention
planting seed cane stalks/sugar cane planter/planting
machine operator
driving planter during planting season
covering cane with soil (after planting)
packing soil/"rolling"* soil after planting
straightening cane plants/"walkers"* to straighten cane

Cultivating Season (spring and summer of the second year)

applying herbicide (March)
cleaning rows (April)
applying fertilizer and lime (March-May)
spraying for insect control (July-August)

Harvesting** (October-December of the second, third and fourth year)

cutting/harvester/cutter operator/driving cutting machine
walker to straighten stalks
burning cane stalks
loading cane/driving loader/picking up cane off
ground/cane loader
picking up unbound bundles to load into cart
driving tractor to pull carts to sugar mill or to
loading area in field
transporting cane from loading area to sugar
mill/driving truck or tractor

Processing of the sugar cane plant after it is harvested takes place at the sugar mill (also known as the sugar house). The milling or grinding season begins between October 10th and 15th and lasts for approximately 60 or 70 days.

*Industry Term

**Sugar cane is harvested three times off one planting. After first and second harvests, the cane replenishes itself. After the third harvest, the cane stubble is fallow plowed.

Occupations and/or work activities in the mill yard which may provide *seasonal* employment opportunities for migrant workers include:

- overseeing operations in mill yard/yard foreman
- controlling traffic of trucks and trailers as they come into the yard/traffic controller
- weighing and testing cane
- sampling cane/cane sampler (runs samples of cane to determine how much sugar will be realized)
- dumping cane off trailers/operating dumper, dumping cane onto ground and/or onto feed table
- running front-end loader, loading cane from ground onto feed table
- washing table operator/washing cane on feed tables
- drag line operator/keeping mud pit cleaned out
- yard sweeper, running front-end loader to keep mill yard clear of cane
- feeding cane stalks into crusher, mill feeder (controls flow of cane into feeder)

In the mill, the juices and bagasse (residue) are separated in the grinding process. Occupations and/or work activities which may provide *seasonal* employment include:

- mill foreman/mill runner - overseeing the operation on the mill floor
- oiler - lubricating all machines
- boiler* - control operator - controlling the steam which furnishes heat to boil the juice
- fireman* - regulating the amount of bagasse (which is used for fuel) burned
- ash remover* - removing ashes from boiler as bagasse is burned

As juice is extracted, it runs into vacuum pans to be boiled (cooked) into syrup. Occupations and work activities at this stage which may provide *seasonal* employment include:

- filter operator/operating heaters, clarifiers, and filters
- evaporators*, evaporator operator, operating evaporators
- operating vacuum pans
- overseeing tanks of syrup (molasses) as juice cooks

*Industry Term

centrifugal operator/drying the sugar (as it crystallizes into raw sugar)
sugar chemists
sugar room workers/stacking sugar in storage warehouse
shipping sugar to refinery
stock room clerk/checking sugar into warehouse

Most of the "boilers" and "evaporators" migrate from Puerto Rico, as do the sugar chemists.

"Housemen," machinists, and electricians are also needed to keep the mill running efficiently and smoothly 24 hours a day during grinding season. These workers would only qualify as migrant workers if the recruiter determines that their employment does not constitute a constant or year-round activity or activities but is associated only with the completion of the seasonal activities to process the sugar cane crop.

General statements concerning the sugar cane crop:

After the sugar cane has been harvested the third time and the land has been fallow plowed, the farmer will allow the field to lay idle for a season, or, another crop, such as winter wheat or soybeans, may be planted for soil enrichment.

Following fallow plowing, the land is plowed again during the summer months to kill Johnson grass.

During the planting and harvesting seasons, sugar farm mechanics work in the field to keep all equipment (tractors, planters, harvester, loader) running. These workers are performing a *directly related activity* and would qualify as *seasonal*

The sugar cane crop can be involved in more than one type of *initial commercial sale*, from the farmer to the sugar mill and by the sugar mill (after processing) to the sugar refinery

Sugar cane is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*. Oftentimes, however, sugar cane is grown by truck farmers to be sold as a truck farming crop.

*Industry Term

We have now discussed what are considered to be the five major crops in Louisiana, based on economic production figures (dollars, yield per acre, gross and net farm values) published by the Louisiana Cooperative Extension Service for the past few years. The order of these major crops often shifts in importance, depending on many factors. As an example, tobacco was once considered a major crop but is not produced in large quantities now, with 40 acres of production in the entire State during the last year. On the other hand, sod and vegetable production have experienced dollar and farm-value increases.

There are numerous crops grown in this state which may exceed what are now considered to be the "major" ones. Our guide will discuss work activities in the production and processing of the following:

grain	fruits	vegetables
hay	nursery crops	

Grain

Grain crops, which are members of the grass family, are grown widely throughout the state for edible seeds and for forage by-products. They include:

corn	sorghum
milo	wheat
oats	

Generally speaking, qualifying work activities involved in the production and processing of all grain are the same as those involved in the major crops. The uniqueness of the crops is found only in the dates of their planting and harvesting seasons, as shown by the following chart:

Planting Season		
Corn March-April	Oats and wheat Sept.-Oct.	Milo and Sorghum April-June
Harvesting Season		
Corn Aug.-Sept.	Oats and wheat May-June	Milo and Sorghum July-Aug.

Qualifying *seasonal* activities in the production and processing of grain which may provide employment opportunities for migrant workers include:

- crop dusting (for control of insects and diseases)
- weed controlling (aerial application)
- irrigating
- driving combine during harvest/combining
- loading grain from cart to trucks
- transporting to grain elevator or to personal storage bins (silos)
- weighing and testing for moisture content and foreign materials
- unloading grain from trucks into bins at elevator
- preparing grain (in silos) to be fed to livestock
- feeding grain to livestock*

*This activity depends upon the needs of the farmer as he prepares his livestock for initial commercial sale and will be discussed again on pages 54 and 55.

General statements concerning grain crops:

Because they have a short maturing season, grain crops, in many cases, are used as rotation crops, thus allowing the farmer to produce a second crop from a field. Following harvest, the land is prepared for planting of the next crop.

Some farmers produce grain for their own use in feeding their own livestock, while other farmers produce grain for the market, or *initial commercial sale*.

There may be two points of *initial commercial sale*. from the producer to the processor and/or from the processor to market.

Farmers producing grain for market may store grain and will have to hire *temporary* workers for storage, hauling and other *directly related activities*.

Grain crops are neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Hay

Hay is grass that has been grown and cured for fodder. It can be grown from seeds planted in early spring or from grass cuttings planted in late fall. Harvest takes place during the summer months.

Qualifying activities in the production and processing of hay which may provide *seasonal* employment for migrant workers include.

- preparing soil for seeding (February-April)
- planting seeds/planting cuttings, disking in cuttings for new crop (September-October)
- irrigating (as needed, beginning in May)
- fertilizing (as needed, beginning in early spring)
- cutting grass (June-September)
- baling hay (June-September)
- hauling to storage**
- hauling to market**
- feeding livestock**

**This activity, performed anytime after the crop is harvested and baled, may be a temporary activity, depending upon the needs of the farmer or worker and will be discussed again on pages 54-55.

The hauling of hay from the field to a storage area and/or from the storage area to the livestock are *directly related activities* which may provide *temporary* employment.

General statements concerning hay crops:

The point of *initial commercial sale* of hay may vary because some farmers raise grass to be sold out of the field while others process the grass into bales of hay before selling it.

The hay crop is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Fruits

Fruit crops are grown on a large scale in Louisiana and are considered a major economic asset for the state. Our major fruit crops include

Louisiana citrus
strawberries
blueberries
peaches

Louisiana citrus (Satsuma, Valencias, sweet and navel oranges, Ruby Red grapefruit, limes and lemons)

Citrus are best described by the distinctive fruit they bear. Valencias are the juice oranges, navel oranges, the most widely produced, have a special flavor, Plaquemines sweet, and Louisiana sweets bear fruit more resistant to cold weather. Because this fruit thrives in the warm, humid climate of southern Louisiana and because it bolsters the state's economy, the expertise required in the production of each variety has become specialized. This manual will discuss general seasonal activities of the most popular commercial crops.

Some *seasonal* activities in the growing of citrus trees may be done in the nursery, such as budding or planting seeds. Other *seasonal* activities which are performed in the orchard and may provide employment opportunities for migrant workers include.

planting seeds (October-February)
transplanting trees from nursery to rows (December 15-
February or as late as April)
preparing for "budding"* (early February)
spring "budding"*/removing buds/thinning buds
(late March-May)
fall "budding"*, dormant "budding"* (late August-October)
crop dusting, fertilizing (late January or early February and
late May-June, depending on the age of the tree)
controlling insects and disease (early growth period)
disking or harrowing soil (when fertilizer is applied)
applying weed-control chemicals (June-August, as needed)
pruning (January or February, after planting and before
growth starts in the spring)
picking/harvesting (October 15-June, depending on variety)

*Industry Term

Other activities in the orchard which may provide temporary employment opportunities for migrant workers include.

pruning/thinning limbs (from diseased or insect-infested trees)

coating surfaces of trees (after removal of large limbs)

providing freeze protection (winter months as needed)

“Budding” as used in the production of citrus fruit is a method of propagating healthy citrus stock by grafting a bud from a full grown tree, at least eight years old, onto a younger tree of the same stock.

Once the citrus is harvested, *processing* begins immediately, usually in a shed located in close proximity to the orchard. Shed work activities include:

cleaning and sorting fruit

packing and crating for shipping

loading for transport

transporting to market

Peaches

The peach is a small tree widely grown throughout Louisiana for the soft, juicy, single-seeded fruit of the peach it produces. The growing of peaches requires two processes which are performed in two separate locations:

- (1) bud grafting and care of seedlings (small young trees) in an orchard
- (2) growing and cultivating trees in a nursery (for two to three years before they bear fruit)

In Louisiana, there are no known nurseries that produce peach tree seedlings on a commercial scale. Most of the many varieties of peach trees that are grown in orchards in Louisiana are received as seedlings from Tennessee. Therefore, we will only discuss the *production* activities that are performed in a peach orchard that may provide seasonal employment for migrant workers. These *seasonal* activities are.

preparing the soil (September-October)
terracing and rowing (September-October)
transplanting seedlings received from nursery (January-February)

pruning trees (January-February)

"training trees"*/shaping

first year of growth (May-July, additionally in February if needed)

second year of growth (twice during summer months, additionally in late winter if needed)

third year of growth (August, refined again in February)

Third-year process continues for the life of the tree

thinning fruit (approximately March 15th-April 15th)

picking/harvesting (May-August)

transporting from orchard to shed (May-August)

After peaches are picked, they are transported to the shed which is usually located in close proximity to the orchard. Shed work activities include:

cleaning, "defuzzing"* (May-August)

sorting and grading (May-August)

packing for sale or transporting (May-August)

loading and transporting to market or cold storage area (May-August)

In the processing of peaches, qualifying activities which may provide *temporary* employment for migratory workers include.

washing and sorting

peeling

cooking

gathering peach seeds (stones) to use for growing seedlings

canning and labeling

packing for transporting

loading and transporting

*Industry Term

Strawberries

The strawberry is a low growing plant having a small red fruit which is also known as a strawberry. The plants have a short growing season of only six to seven months, and the berry itself has a life span of only 24 hours if it is to be picked at the height of its flavor and appearance.

Qualifying activities involved in the production of strawberries are *seasonal* and include:

- disking, fertilizing and "rowing up"* field (June-August)
- planting cover crop (if used, this crop is clay peas, planted in June)
- disking peas into soil (August)
- putting plastic covering over field (August)
- fertilizing (August-September)
- setting out "mother"* plants (October-December)
- spraying for diseases and/or insects (beginning in January, continuing throughout harvest season)
- irrigating (October-March, as needed depending on rainfall)
- irrigating for frost and freeze protection (February-March)
- picking/harvesting berries (March-May)
- trimming out "daughter"* plants (runner plants) (May)
- removing plastic and plowing field (June)

After strawberries are picked, they are taken immediately to the shed which is located on the premises or in close proximity to the strawberry field. Shed activities include:

- cleaning, sorting, grading, packaging fruit (March-May)
- packing and loading fruit for shipping (March-May)
- refrigerating for shipping (March-May)
- shipping and unloading at processing plant or market (March-May)

In the processing of strawberries, activities that provide *temporary* employment are:

- | | |
|------------------------|--------------------------|
| freezing | packing for transporting |
| cooking and preserving | loading |
| packaging | transporting to market |

*Industry Term

Blueberries

The blueberry is a bush or shrub grown for the juicy, blue, purplish or blackish berry it produces. Plants are raised from cuttings of branches from mature bushes, just as rose bushes are grown.

The life span of the berry is short and quality depends on freshness. Therefore, a high amount of labor is needed, especially during the harvest of the crop.

The industry involved in producing this fruit is experiencing growth in Louisiana as well as in other areas of the U.S.

Qualifying *seasonal* activities that migrant workers perform in the growing and harvesting of blueberries in Louisiana include.

- preparing soil, applying fertilizer and "rowing up"* the field (October and November)
- gathering cuttings (April-November)
- planting cuttings into small containers (April-November)
- transferring new plants into rows (November or March)
- irrigating (as needed, beginning in early spring)
- applying weed control (during growth season, as needed, beginning in March)
- harvesting/picking (July-September, at least once per week)
- cleaning, sorting, freezing (as fruit is harvested)
- clearing old plants and weeds by burning off after harvest (this is usually done after third year of production in order to plant a rotation crop for soil-building)

Other qualifying activities in the immediate *processing* of blueberries at the harvest site are:

- cleaning (rinsing)
- packing in cold storage for shipping
- loading
- transporting

*Industry Term

At the processing plant, activities that may provide employment opportunities for migrant workers include:

sorting and grading
freezing
preserving and cooking
canning

packaging and labeling
loading for shipping
transporting

General statements concerning fruit crops:

Some other fruit produced in the state are figs, pears, muscadines, and others too numerous to mention, but they are not grown on a commercial scale at this time and therefore production and processing activities will not be discussed.

Because of their fragile nature, fruit trees or plants must be protected from frost or freezing temperatures, whenever unexpected weather of this type occurs. The grower will need additional *temporary* help during the period this protection is necessary, whether it is to set heaters in the orchard or to irrigate fields of growing plants.

There may be two types of *initial commercial sale*. from the producer-grower to the processor and/or from the processor to market. Often, the *initial commercial sale* takes place at the shed.

All *directly related activities* that require temporary or seasonal help to produce and/or process fruit crops are qualifying.

Fruit is neither produced nor processed in Louisiana by migrants as a *principal means of personal subsistence*.

Nursery crops

Nursery crops are those plants, such as trees, shrubbery and flowers, which are grown in an area specifically designed for the planting, growth and tending of such plants (to be transplanted for use as stocks, or for sale)

The main categories of nursery crops grown in Louisiana include.

- Bedding plants - small enough in size to be arranged in beds
- Floraculture - ornamental and flowering plants
- Foliage plants - grown primarily for decorative foliage
- Woody ornamentals - decorative plants having no flowers
- Turf grass - sod

All *seasonal and temporary* activities performed in the growing of nursery crops depend on the specific crop and the activities associated with it. With the exception of turf grass, which will be discussed separately, the following activities provide *temporary* employment at a nursery where the crops are grown:

- preparing "beds"*/mixing dirt for "beds"*
- leveling or terracing ground
- fertilizing
- irrigating
- transferring plants from "beds" to pots
- fertilizing pots or "bucket" plants
- weeding
- preparing plants for transporting to market
- transporting to market

The following activities are performed for all nursery crops and must be accomplished at a specific time of the year when it is most beneficial to the individual crop being grown. These *seasonal/qualifying* activities are:

- gathering cuttings, seeds or seedlings
- rooting cuttings
- planting cuttings, seeds or seedlings
- pruning plants(usually only twice in a four month period)
- wrapping roots in dormant stages of growth of plant

Turf Grass

"Turf grass" is that combination of any variety of grass and its roots, bound together with the upper layer of soil, to be used as ground cover. Common varieties grown for this purpose are St Augustine, Bermuda, centipede, ryegrass and zoysia.

Turf grass, as a nursery crop, is produced and processed on sod farms. *Planting* of a specific variety of turf grass takes place in the spring of one year, and *harvesting* of that crop is done in the fall of

*Industry Term

the next year. Thus, all activities performed on sod farms are considered *seasonal*, taking place from approximately March 1st of the first year through October 15th of the following year.

Qualifying activities during *planting* and *cultivating* seasons which may provide employment include:

- disking land for planting
- operating (driving) planting machine
- plugging grass (into ground) off planting machine
- irrigating and fertilizing
- spraying for insect and disease control
- operating sprayer off vehicle for weed control
- clipping grass (operating and maintaining tractor for clipping operation)

Qualifying activities during *harvesting* season are:

- operating (driving) cutting machine
- working on cutting machine to stack grass
- operating a forklift to load and unload pallets of grass
- transferring pallets to trucks
- transporting grass on trucks to point of initial commercial sale

General statements concerning nursery crops and sod farms:

Once woody perennial plants reach a certain stage of their growth, they become *trees*. All *seasonal and temporary* activities *directly related* to the cultivation and harvesting of trees qualify the migratory worker under Part (2) of the definition of "agriculture," to be discussed on pages 56 through 61 of this manual.

The *initial commercial sale* of nursery crops will vary, depending on the variety of the crop and may take place at any time during the growth stages.

Nursery crops are neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Centipede is the only variety of grass named above which "reseeds" itself (letting cuttings fall so that the growth cycle can begin again). Sod farmers usually take "plugs" of grass, which their farm has produced, and plant or plug them off a planting machine during the dormant stage of growth (early spring).

Directly related activities will be performed by migrant workers who are employed seasonally, or on a temporary basis, during the seasons of planting, growth and harvest.

The *initial commercial sale* will be from the sod farmer to the consumer, who may be a nurseryman or an individual.

When turf grass is sold to an individual as the consumer, the workers on the sod farm unload and lay the squares of grass. This may be a qualifying work activity using temporary workers.

Turf grass is neither produced nor processed in Louisiana by migrant as a *principal means of personal subsistence*.

Vegetables

Vegetable plants, usually herbaceous, are cultivated and harvested throughout Louisiana for the production of their edible parts such as the root, stems, leaf or flower. Most of the *seasonal* planting and cultivating activities for vegetables are the same as for crops previously mentioned such as preparing the soil, fertilizing, irrigating, planting, weed control, etc. The most unique feature in the growing of a vegetable is the manner in which it is *harvested*.

Examples of vegetables requiring *picking* or *cutting* from the plant or vine include:

beans	okra
broccoli	parsley
cabbage	peas
cauliflower	peppers
corn	pumpkins
eggplants	squash
greens (collards, mustard, turnip)	tomatoes
lettuce	watermelons

Some vegetables that must be *dug* or *uprooted* from the ground include:

beets	garlic	peanuts
carrots	onions	potatoes

Greens can also be *uprooted* and, in fact, must be to secure the tumip root.

All activities necessary to the planting, cultivating and harvesting of vegetables are qualifying *seasonal* activities. The seasons during which these main activities take place are as numerous as the vegetables themselves; one example is the Louisiana cabbage crop.

There are 19 varieties of cabbage commercially grown statewide. Some are grown for production in the fall, while others are grown for winter or spring production. The planting dates will vary accordingly:

- (1) Fall production – Direct seeding mid-July through August or transplanting beginning mid-August through mid-September;
- (2) Winter production – Direct seeding or transplanting September through October
- (3) Spring production – Direct seeding or transplanting November through early February.

Days from planting to cabbage harvesting vary depending on the variety planted and whether or not direct seeding or transplanting has been used. Transplants usually take 70-120 days while direct seeding plants take 90-140 days.

A booklet entitled "Commercial Vegetable Production. Recommendations" is published by the Louisiana Cooperative Extension Service and serves as an excellent source for documenting seasons in our state. Until vegetables are more widely produced to the extent that they are a major source of work for migrants in this state, recruiters should use this document and other available up-to-date agricultural brochures and informational leaflets to clarify seasons for eligibility determinations.

42

Qualifying activities performed during each season are unique to each vegetable crop. Some of the many activities that may provide *temporary* and *seasonal* employment for migrant workers include:

Transplanting/seeding

disking/rowing up soil

removing plants from containers and planting/or

planting seeds

irrigating

applying weed control chemicals (land)

poisoning (for control of insects and disease)

Crop in field

poisoning and weed control activities

staking and tying

irrigating

pruning

cultivating

thinning

Land idle

disking/subsoiling/leveling land

weed control application and activities (aerial or land)

rowing up for planting season

Harvest season

picking/digging

sorting/grading

rinsing/cleaning

packing for processor or market

transporting to processor or market

Most all processing activities begin immediately, as the vegetable is harvested, thus reducing the amount of time a farmer will need to store the vegetable. The hardier vegetables, such as watermelons, pumpkins, and onions, are allowed to set after harvest, if necessary, and are not sold for processing immediately. The amount of help will vary accordingly.

In the "processing" stages, some vegetables are canned, such as potatoes, beans, okra, collard greens, cucumbers (pickled), peppers

(pickled), peppers (pickled), squash, corn, tomatoes, turnips and turnip greens *Canning* activities are qualifying as cited in this statement from the Non-Regulatory Guidance Document, p.21:

"Therefore, for example, because potatoes are a 'crop,' temporary or seasonal activities involved in both the 'production' (planting, cultivation, and harvesting) and 'processing' (transporting to the processor, storing, refining, canning freezing, etc.) of potatoes qualify the worker as 'agricultural.'"

General statements concerning vegetable crops:

Farmers generally plant more than one vegetable, a practice which is called "intercropping" or "multicropping." The farmer may plant an early crop, a summer crop, and/or a late crop. Both practices depend heavily on climate and soil suitability, and permit the farmer to produce more than one crop from a field.

The farmer's need for *temporary* and/or *seasonal* help will depend on the particular crop he grows, the size of his farm, and climatic conditions. (For example, a farmer may have to hire additional *temporary* help during the harvest of a "bumper crop" as opposed to the farmer who will dismiss *seasonal* help if his crop is lost because of hurricane, tornado, or drought damages.)

Vegetables (often referred to as produce) may have to be hauled from the field to a cannery for processing which may constitute the first *initial commercial sale*. At the cannery they will be processed for *initial commercial sale* from the processor to market.

Vegetables, unlike most of the other crops mentioned, may be produced or processed by migrants as a *principal means of personal subsistence*. The recruiter is advised of the following statement taken from the Non-Regulatory Guidance Document, p. 22:

"In rare instances, migration may occur for the person to engage in agricultural or fishing activities as a 'principal means of personal subsistence.' This term means that agricultural items are produced or fish or shellfish caught, for direct consumption by

the worker or his or her family rather than produced or caught for wages or other income.”

Tobacco

Tobacco, at one time, was a widely produced crop in Louisiana. Louisiana farmers have seen this crop shift to other states. There is one tobacco (blend) farm with very small acreage in the southern part of the state. It is family owned and operated and does not presently employ migrant workers.

Crawfish

The seafood delicacy, crawfish, is cultivated and harvested as a crop in Louisiana, therefore, crawfish could be included in this section. Additionally, many activities involved in the production of crawfish can take place on a fish farm, likewise, a discussion of crawfish could be included in that section. However, because crawfish are (by definition) "shellfish," the qualifying work activities involved in their production and processing will be discussed on pages 66 76 under "fishing" activities.

DAIRY PRODUCTS

Now that we have thoroughly discussed "crops," we refer again to the definition of "agricultural activity" as defined in the Federal Register:

"*Agricultural activity*" means any activity directly related to the production or processing of ... dairy products..."

Dairy animals known to be raised commercially in Louisiana consist only of dairy cows.

Dairy products in Louisiana consist of milk, butter, cheese and cheese products. Dairy animals and products are produced and/or processed in what is known in the industry as "dairy farming" or "dairying."

Examples of qualifying activities that may take place collectively or partially on a dairy farm and are performed *seasonally*, when they are most beneficial to the stock or to the producer and may provide employment opportunities for migrant workers include.

"dehoming"* branding, worming, and vaccinating
herding, corralling, moving animals from pasture to pasture**
plowing and harrowing land for planting (early spring)
planting seed for hay and grain (early spring or late fall,
depending on variety of grain or on weather conditions)
cutting hay (July-August)
clipping hay for seeding new pastures (August)
harvesting and storing silage (July-September)
raking and baling hay (May until first frost)
hauling and stacking hay in barns**

Qualifying activities, which may provide *temporary* employment for workers on a dairy farm, may include (but are not necessarily limited to):

transporting the animals to be sold	fertilizing pastures
building or repairing fences	spraying for weed control
cleaning fence rows	

*Industry Term

**This activity may be considered *seasonal* or it can be considered *temporary* if it meets the needs of the farmer or the worker.



General statements concerning dairy farming:

Activities such as cleaning the dairy plant stalls and milking, feeding and cleaning the animals qualify only as *temporary* employment if it is determined that the migrant worker will be employed only for a short period, as needed by the farmer, such as replacement for an employee who is on vacation or is ill.

In dairying, there may be an *initial commercial sale* when the dairy animal is sold to another dairy farmer for increasing his herd, or when the animal is sold to the slaughter house for processing. There may also be an *initial commercial sale* of the raw milk from the dairy farmer to the processor.

The dairy farmer may be the producer *and* the processor and therefore will process the milk himself for *initial commercial sale*.

Dairy products are neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

POULTRY

The definition of "agricultural activity" continues with "any activity directly related to the production and processing of... poultry."

Poultry production and processing is the raising of domestic fowl for flesh and eggs.

In Louisiana, poultry production and processing of chickens are our major concern and activities are performed in five phases at five separate and distinct job sites, namely:

- breeder egg farms/breeder hen farms/fertile egg farms/hatching egg farms
- hatcheries
- broiler houses
- processing plants
- egg farms

Breeder egg farms are the locations at which fertile eggs are produced. Qualifying work activities which take place at breeder egg farms that may provide *temporary* employment for migrant workers include:

- cleaning house and equipment (prior to the arrival of day old chicks from the hatchery)
- unloading and spreading shavings or other bedding material
- receiving and unloading chicks (the day of arrival)
- separating pullets into units and placing roosters with the units for production of fertilized eggs
- daily feeding and watering of laying hens
- gathering eggs (every hour)
- preparing eggs for shipment to hatchery
- transporting eggs to hatchery
- catching and caging hens (at the end of their laying season)
- loading hens for transporting
- transporting hens to the soup factory

(It is possible for a flock of layer hens to begin another laying season. If the flock is to be held over for another production season, the hens must first be caught, caged, and loaded and transported to another chicken house. These would also be qualifying work activities.)

Hatcheries are the sites at which fertile eggs are received and tended until hatched into chicks.

Activities which take place at hatcheries that may provide *temporary* employment for migrant workers include:

- receiving of eggs from breeder egg farms, unloading and storing, "candling"* and sorting
- placing eggs in trays and trays in incubators
- pulling trays and removing chicks, shells and unhatched eggs (at the end of 21 days)
- cleaning of incubator trays
- "sexing,"* (determining sex) "debeaking,"* (removing beak) and vaccinating day-old chicks
- "boxing"* chicks for shipment to broiler houses
- transporting boxes of chicks to broiler houses

Broiler houses (producers or feeders) are the sites at which broiler chicks are placed until desired growth is reached. These broiler houses are also commonly known as "chicken houses" or "chicken farms." From 20,000 to 100,000 day-old broiler chicks are placed with the producer. This flock is fed during a six-week (42-45 day) feeding period or conversion period (wherein the chicken feed is "converted"* into a four- to six-pound live weight bird.) At the end of the growing period, these birds are loaded out of the chicken house and transported in coops to the processing plant.

Qualifying work activities performed at the broiler house which may provide *temporary* employment for migrant workers include:

- cleaning of house and equipment prior to the arrival of the broiler chicks
- receiving and unloading of chicks
- hauling of feed from bulk mill to broiler house
- unloading feed from truck into hopper at broiler house
- daily feeding and watering of birds
- adjusting height of feed and water troughs (as birds grow)
- stirring birds (during extremely hot weather)
- catching, caging and loading birds for transporting to broiler processing plant
- transporting chickens in coops to processing plant
- loading unused feed and transporting it back to mill

*Industry Term

Processing plants are the sites at which broiler chickens are received, slaughtered and processed for *initial commercial sale*. There are times when these plants close down, even though the poultry industry is considered a year-round industrial process. Causes for shut-downs or delays can be attributed to:

Natural causes (heat waves, ice storms) - Even with all the care a feeder (producer) may take to protect his flock from heat, there have been extreme cases in which tens of thousands of birds have perished, causing a break down in the entire production and processing of poultry. In the same manner, an ice storm can knock out all electrical sources to the feeder as well as to the plant, where birds are conveyed through the processing line quickly and automatically by electric conveyor systems.

Flock contamination - A processor's source of supply can be badly interrupted because the feeder (producer) has experienced contamination of his flock through feed contamination (insecticides applied to grains, etc.).

On the other hand, there are periods of peak production which have been determined by market statistics over a period of time. These statistics indicate that during periods of peak production, more *temporary* workers must be employed in order to increase the number of broilers processed (so that market demand can be satisfied). This practice is called "controlled hiring"* and is common to the poultry production industry.

As *processing plants* become more automated and the volume of production is increased by the use of computers, many activities necessary in the production process are performed by machines. However, many workers are needed at crucial points along the production line to perform activities and to be certain the work is progressing properly. Qualifying work activities which may provide *temporary employment* include:

- unloading chickens from coops
- hanging chickens to prepare them for slaughter
- killing chickens
- deheading chickens

*Industry Term

bleeding chickens
scalding chickens
removing feathers
opening body cavity
separating viscera (internals)
trimming (employee is called "trimmer"*)
removing entrails (nonusable) and usable parts (liver,
heart, gizzard)
cleaning chickens and parts
inspecting carcass
chilling chickens and parts/chill-bath processing
grading
operating cutting machine/cutting grade B chickens
packing and icing chickens and parts
stacking boxes of chickens and parts onto pallets for
refrigeration or for shipment
transporting to market

The "grade" of a chicken is designated to be "A" or "B" grade. Grade "A" is given to a whole chicken with a neck, a gizzard, a liver, and a heart packaged inside. Grade "B" is a chicken with one or more parts missing. Grade "B" chickens are always cut up and packaged to be sold by parts (wings, thighs, etc.).

Not all processing plants are equipped to cut up, package and label separate parts of the chicken. Such plants only process whole broilers. Therefore, some plants will have a greater need for *temporary* workers.

The night shift at a chicken processing plant is considered the "production shift." Whatever processing activities have not been completed by the "night," or "production," shift will be completed by the "day" shift, or "clean-up" shift.

Egg farms are the sites at which layer hens are housed and raised in order for them to produce eggs.

Chickens which will produce eggs for human consumption can be received at the egg farm as day old chicks or as 14-16 week-old chickens. They begin laying when they are about 22 weeks of age and can lay 12-13 months before they reach molt (end of producing stage) and must be changed out with a new flock.

*Industry Term

Qualifying work activities which may provide *temporary* employment for workers at the egg farm include:

- cleaning of houses and equipment (once a year)
- receiving chicks or chickens
- setting up chickens in roosts to begin laying
- gathering eggs
- cleaning and sorting eggs
- "casing up eggs" and putting them into cold storage
- loading eggs into refrigerated trucks for shipping
- catching, caging and loading birds (which have reached molt) for transporting to processing factory for making soup and other chicken products
- transporting to market

General statements concerning poultry:

The Louisiana poultry industry is almost exclusively a vertically integrated industry. The production and processing activities in the state are usually accomplished for one corporate owner at different locations.

The *initial commercial sale* of the product (chicken) is not from the producer to the processor because the processor initiated the production and owns the product from the beginning through processing. The *initial commercial sale* of the product is from the processor to the retail market.

Initial commercial sale of eggs can take place from the egg farm to market or the eggs can be hatched and remain as part of the vertically integrated industry until they are processed

Migrant families have been known to migrate to Louisiana in order to produce and process poultry as a *principal means of personal subsistence*. Instances of this nature are rare and must be carefully documented.

Other species of poultry produced and processed in Louisiana include quail, comish hens, turkeys and ducks. Their production and processing is on a much smaller scale than that of the chicken industry. Activities *directly related* to such production and processing may provide *temporary* employment opportunities for migrant workers.

LIVESTOCK

The Federal Register definition of agricultural activity continues with any activity directly related to the production and processing of ...livestock." Livestock are farm or domestic animals such as cattle, horses, or pigs raised or kept for home use or for sale.

Categories of livestock produced (raised) and/or processed (slaughtered) in Louisiana include:

cattle	swine
goats	rabbits
sheep	horses

Examples of qualifying work activities performed *seasonally* (when they are most beneficial to the producer or the stock) may include.

- dehorning**/removing horns (spring)
- herding, corralling, moving from pasture to pasture or pen to pen **
- worming and vaccinating (spring)
- plowing and harrowing land for planting of forage crop (early spring)
- planting seed for hay and grain for forage (early spring } or late fall, depending on variety)
- cutting hay for forage (July-August)
- clipping hay for seeding new pastures (August and September)
- harvesting grain (July-September)
- grinding grain and storing silage in silo (July-September)
- raking and baling hay (May until first frost)
- hauling and stacking hay in barns **
- fertilizing pastures **
- shearing sheep (April-May)
- branding (spring)

*Industry Terms

**This activity is usually considered *seasonal*. It may be considered *temporary* if performed to meet the impermanent needs of the farmer or the worker. (An example would be a cattle drive.)

Qualifying production activities which may provide *temporary* employment for migrant workers include:

- fencing/building and repairing fences
- building pens, stalls, barns, etc.
- branding/tagging
- feeding, watering and tending
- administering medications and/or nutrients
- cleaning animals, stalls, barns, pens, fence rows, etc.
- preparing for and transporting to slaughter house, meat packing plants, and/or other points of *initial commercial sale*
- skinning rabbits
- weeding/clipping pastures
- loading and unloading livestock

Qualifying activities in the *processing* of livestock which provide *temporary* employment and which are performed at the slaughter house include:

- loading and unloading livestock
- preparing for buying and/or for slaughtering
- weighing
- slaughtering
- packaging
- labeling
- cleaning and maintaining area and equipment

General statements concerning livestock:

Activities directly related to producing livestock grown for "show" purposes do not qualify as migrant activities.

There may be two points of *initial commercial sale*: from the produce to the processor and/or from the processor to market.

A livestock farmer can make an *initial commercial sale* to another livestock farmer for improving his stock and/or an *initial commercial sale* to the slaughter house for processing.

Livestock is neither produced nor processed in Louisiana by migrant workers as a *principal means of personal subsistence*.

Trees

The Federal Register continues the definition of "agricultural activity" with:

"(2) Any activity directly related to the cultivation and harvesting of trees;"

The "cultivation" and "harvesting" of trees is generally referred to as the forestry industry. The colloquial term used more often in Louisiana is "logging." Qualifying activities in the State are primarily concerned with three types of trees:

Hardwoods (such as oak, pecan, hickory, ash, maple, cypress, etc.)

Softwoods (such as pine, cedar, cottonwood, etc.)

Christmas trees

Qualifying work activities and/or occupations that should be designated as *seasonal* in the *cultivation* and *harvesting* of trees may include, but are not limited to:

site preparation for planting new trees

soil preparation for planting new trees

bedding/plowing/mechanical plow operator, bedding-plow operator

gathering seeds

tree seeding new stand (aerially in February or March)

planting seedlings (December-March)

thinning trees/improving timber stand

irrigating

fertilizing/nutrient applicator

inspecting for insects/tending new trees

pruning (spring and fall when needed for better growth)

injecting or "deadening"*/"spot gun"* applicator, tree

injector (for deadening undesirable trees)

The following is an important statement taken from the Non-Regulatory Guidance Document (p. 21) dealing specifically with the cultivation and harvesting of trees:

"Many possible types of activities involved directly in either cultivation or harvesting (e.g., soil preparation, planting, tending, pruning, marking, felling, etc.) are qualifying activities. Nor-

*Industry Term

mally, once the trees are ready to be transported from a harvesting site to a processor (sawmill), there is no longer a sufficiently direct involvement in cultivation or harvesting activity to qualify the worker as 'agricultural'. The transportation of logs marks the beginning of the stage of 'initial commercial sale,' and employment in such transportation would not qualify the worker as 'agricultural.'

"However, if the trees are being transported to the processor by persons employed by the same individual or firm that engage in the cultivation or harvesting activities, those persons involved in transporting the trees are considered to be eligible. The reasoning is that those persons involved in direct cultivation and harvesting activities are the same ones employed, either simultaneously or later, to transport the trees. Only those workers who are actually 'migratory' are qualified (i.e., those who have moved for *temporary* or *seasonal* labor). The processing of trees, however, is not a qualifying activity. (See Senate Report No. 95-856, 95th Congress, 2nd Session at 24)."

In other words, once a tree is severed, it is "harvested" and all activities that follow are generally considered "processing" and are not qualifying

Many activities that fall under the category "*directly related to*" qualify the worker if he is part of the on-site harvesting crew and/or if the worker is employed by the same individual or firm that engaged in the cultivation and/or harvesting activities.

The following *temporary* work activities and occupations occur during *harvest*. They provide employment opportunities for migrant workers and will include, but are not limited to:

- cruising and marking trees to be harvested
- collecting pine cones
- marking trees
- scaling (measuring) trees
- felling trees
- cutting/chain saw operator, sawyer, or "limberjack"; "flathead" operator whole tree chipping/chip harvest operator
- loading/running the loader/running log lifts, loader operator
- hauling chips
- hauling logs

*Industry Term

hauling pulpwood/pulpwooding
stacking and loading pulpwood
splitting/splitter operator
skidding/skidder operator/operating the skidder
transporting logs in the woods
transporting logs from the site to the mill
trimming (trimming limbs from trees after they are cut to be loaded)
shearing/shearer operator

Christmas trees

The cultivation and harvesting of Christmas trees have some unique activities that take place during the three- to five-year growing season. These activities may provide *temporary* or *seasonal* employment opportunities to migrant workers including:

soil preparation/subsoiling
plowing/disking (fall)
fertilizing
"bedding"*
planting by hand operating dibble planter (December 15 -
March 15)

During the rest of the annual growing season (April through October), various *cultivation* activities will take place on a regular basis. These activities may also provide employment opportunities for migrant workers including:

trimming/shaping/shearing (three times during each growing
season)
basal pruning (in year two)
pruning and destroying diseased twigs and branches (as
needed)
marking

*Industry Term

inspecting and spraying for:

insect control - depending on what insect the farmer is controlling and what chemical he is applying, these activities can be *seasonal* and/or *temporary*. (For example, Cygon is sprayed monthly throughout the growing season for the Tip moth.)

disease - depending on the disease being treated or prevented, these activities can be *seasonal* and/or *temporary*. (For example, the trees are sprayed for prevention of Needle Cast in the spring and in the fall on a regular once-every-two-week schedule.)

grass control - depending on the weed or grass being treated, this activity can be *temporary* and/or *seasonal*. (For example, in some areas the grass is mowed every two weeks, while in other areas, even on the same farm, a herbicide is sprayed only as needed. The winter in Louisiana does not lend itself to a need for these activities, only spring, summer and fall.)

Recruiters should keep in mind that climatic conditions or events in nature can make most any cultivating or harvesting jobs *temporary* and/or *seasonal* (such as would be the case of a rain-out, an insect infestation, disease, etc.).

Once the Christmas tree is ready to be harvested, *seasonal* activities will take place in November and December, including.

- spraying of green colorant (before the first cold spell)
- felling/cutting/chain saw operating
- grading trees
- tagging trees
- baling/bundling
- loading/handling
- transporting on the farm
- transporting to the point of initial commercial sale

Directly related activities may include burning or burying diseased trees and branch and stump grinding. "Stumping" may also provide *temporary* employment opportunities.

*Industry Term

The growing of Christmas trees is a continuous cycle of activities which are indicated (along with the months they are performed) on the following chart:

Prepare Site	April-September
Apply pre-emergence herbicide	October-Nov
Plant seedlings	December-January
Apply post-emergence herbicide (second year)	February-March June, August
Check for insects and or disease (second year)	April-August
Shear one-year and older trees (second year)	April-May July
Harvest trees (third, fourth, or fifth year)	November-December

General statements about trees:

Aerial tree seeding is also referred to as "direct seeding."

The timber markers are not usually migrant workers but rather permanent year round employees of the logging contractor.

"Logging" is the broad term used to describe the many various activities taking place in the woods during the total harvesting of hardwoods and softwoods.

Recruiters should keep in mind that climatic conditions or events in nature can make most any cultivating or harvesting jobs *temporary* and or *seasonal* (such as would be the case of a rain-out, an insect infestation, disease, etc.).

Pecan trees are grown in Louisiana for the nut they bear. (The activities involved in pecan production have been discussed in this manual under "Crops" on pages 18- 21) Pecan trees are

sometimes grown in nurseries specializing in only pecan seedling production. The young trees are sold in large volume to producers or orchards.

Louisiana Christmas tree farmers usually order one- to two year-old seedlings as opposed to starting them from seeds. This activity is always performed by the owner, operator of the farm.

Initial commercial sale of most hardwoods and softwoods is from the tree farmer or property owner to the processor. *Initial commercial sale* of Christmas trees is from the farmer to an on-site consumer, or to a wholesaler or retailer (usually by previous arrangements), on-site or off-site.

Trees are neither cultivated nor harvested in Louisiana by migrants as a *principal means of personal subsistence*.

FISH FARMS

The Federal Register continues its definition of "agricultural activity" with:

"(3) Any activity directly related to fish farms."

The recruiter should recall this statement from the Non-Regulatory Guidance Document, p. 21:

"A 'fish farm' is a tract of water reserved for the artificial cultivation of an aquatic life form (fish). The fish are artificially cultivated and not caught, as they would be in the sense of a fishing activity. Therefore, these are two separate and different occupations. Both are qualifying occupations, but one is included in the regulations under 'agricultural activity' and the other under 'fishing activity.'"

Fish grown on fish farms in Louisiana include:

Catfish
Crawfish

Redfish
Minnows

Catfish

Catfish, a scaleless fish species having whisker-like barbels extending from the upper jaw, are grown commercially in large fresh-water ponds (fish farms) throughout Louisiana. Usually, catfish are grown in two separate and distinct operations. fingerling farms, specializing in raising young small stocker fish, and catfish farms, specializing in raising stocker fingerlings until they reach market size.

Fingerling production may involve the following *seasonal* and *temporary* activities that may provide employment opportunities for migrant workers, including:

clearing/cleaning the land and site preparation (June-September)
digging of ponds
grading/leveling
filling pond with water

stocking ponds with fingerlings (spring stocking is preferable; September-October is permitted if four-inch fingerlings are used and will be fed)

admitting fingerlings

“tempering”* fish to new water

fertilizing/applying chemicals to control vegetation and diseases

feeding fish

aerating to control oxygen

growing season (depends on stocking dates)

fertilizing/applying chemicals

feeding fish

testing for undesirable fish

driving truck to pick up bulk feed/transporting feed from feed mill to ponds

harvesting catfish (approximately 100 days from admitting fingerlings)

“trapping”*/catching/seining (with mesh nets of various sizes to harvest “desirables”)

operating “seine-through”* equipment with tractor

hauling fish from pond to tank-truck/live fish hauling

transporting live fish to processing plant

draining of ponds

Processing of catfish harvested from catfish ponds involves many activities that follow the harvest season. These activities may provide temporary employment opportunities for migrant workers including.

unloading fish from tank-truck into fish-holding bins

operating seine to move fish into plant

directing fish onto assembly line

“deheading”* (removing head) and “debarbing”*/“definning”* (removing fin)

washing fish

“skinning”*/removing skin

weighing and sorting by weight

fileting

packing on ice/icing/packaging fish and parts/freezing

storing/loading for transportation

transporting to market

*Industry Term

Catfish are also fished for in the open waters of Louisiana. The activities involved in the catching and/or processing of open water catfish will be discussed in the fishing activity section on pages 66-76.

Crawfish are widely produced on fish farms throughout Louisiana and could be discussed in this section. However, because the majority of the activities that take place on a crawfish farm are identical to the qualifying work activities of "crawfishing" we have selected to discuss those activities in the fishing section on pages 66-76. Documentation of all activities performed on a crawfish farm shall be designated as agricultural activities. Likewise, activities (catching and/or processing) not taking place on a crawfish farm shall be designated as fishing activities.

Minnows are only known to be commercially grown in very few locations in this state at family owned and operated minnow farms which do not presently employ migrant workers.

Redfish farms are in infant stages as commercial industries in Louisiana and are presently experiencing a need only for full-time permanent workers.

General statements concerning fish farms:

All of the aforementioned activities are performed to allow the fish farm owner/operator to manipulate nature in order to produce more fish when it is most profitable in what is termed "anti-seasons".

Harvest timing is extremely important to the farmer because when he harvests depends on availability of markets for his fish. *Temporary* workers may be hired to perform qualifying work activities at harvest time.

Many fish farmers stagger the introduction of new fingerlings into their ponds so that they will have fish ready for market year-round. Staggering provides them with a need for temporary workers at different stages of fish growth and at different times of the year.

"Anti-seasons" vary throughout the state and the worker will move to participate in the activities he specializes in.

After the harvesting season, the cycle of qualifying work activities *directly related* to the production and processing of fish starts over with the draining, drying and cleaning of ponds.

There may be two types of *initial commercial sale* of catfish. from the farmer (grower) to the processing plant and from the processing plant to market. *Initial commercial sale* of fingerlings is always to the catfish farmer. (On some occasions these operations are under single management.)

Fish are neither produced nor processed on fish farms in Louisiana by migrants as a *principal means of personal subsistence*.

FISHING

Now that the manual has presented information regarding the definition of a "*migratory agricultural worker*" and "*agricultural activity*" and the correlation of temporary and seasonal designations of qualifying work activities, it is time to consider the definitions in the Federal Register for "*migratory fisher*" and "*fishing activity*."

A "*migratory fisher*" is one who has moved... "to enable him to obtain temporary or seasonal employment in a fishing activity."

"*Fishing activity*" means any activity *directly related* to the catching or processing of fish or shellfish for *initial commercial sale* or as a *principal means of personal subsistence*."

The *catching of fish and shellfish* in Louisiana is controlled seasonally by nature and legislatively by the Louisiana Wildlife and Fisheries Commission. Activities are best described as those activities (and directly related activities) which are needed to land, pull in, net, seine, "purse"* etc., the fish, and which most frequently take place on a boat. These activities are performed by a fisherman or by the operator of a commercial fishing vessel and/or any number of assistants on board. *Directly related activities* would include locating the fish or shellfish, washing the nets or catching apparatus, sorting and cleaning the fish or shellfish, disposing of by-catch (jellyfish, barnacles, sponges, etc.), operating the finfish separator, assisting as a deck hand, etc. Basically, the qualifying worker must be one who is an integral part of the "fishing activity," as all hands on the boat generally are.

Fish

Fish (cold blooded vertebrates) are *caught* both *inshore* and *offshore* in open waters throughout Louisiana and along its coastline when commercially abundant by nature, when present in the particular location within a body of water, and/or when allowed by the Louisiana Wildlife and Fisheries Commission.

*Industry Term

The major **saltwater** fish species caught in Louisiana are seasonal by nature and may provide employment opportunities for migrant workers include:

Speckled trout, inshore finfish - abundant from April through October

Redfish, inshore finfish - abundant from September through December

Black drum, inshore finfish - abundant from July through November

Flounder, inshore finfish - abundant from August through November

Mullet, inshore finfish - abundant from August through November

Snapper, offshore finfish - seasonal by nature, water location varies

Tuna, offshore finfish - seasonal by nature, water location varies

Menhaden, offshore finfish - seasonal and state controlled to be commercially abundant from April through October.

Other minor commercial saltwater fish include:

Amberjack

Barracuda

Black Jack

Bluefish

Bonito

Broadbill Swordfish

Cobia

Croaker

Dolphin

Horse Eye Jackfish

Jack Crevalle

Mackeral

Mako Shark

Marlin

Pompano

Rainbow Runner

Sailfish

Sheepshead

Spadefish

Spearfish

Tripple Tail

Wahoo

Catfish (in addition to being grown on fish farms) is the major **fresh-water** fish caught in Louisiana. Regulated by gear used, the catfish fisherman can catch catfish year round, however, catch rates will increase if the fisherman moves to different areas of large bodies of water. Thus, it is considered almost impossible to commercially fish for catfish in a single location. Buffalo, Carp, Gar and Gaspergoo are other varieties of freshwater fish caught commercially.

Numerous other fish are caught in Louisiana, however, (by law) these fish must be caught for personal subsistence because the law forbids their sale. These fish are commonly referred to as "game" fish and freshwater species include:

Bass (black, white, and striped)
Bream
Crappie (Sacalait)

Warmouth (Goggle-eye)
and others

This very important statement can be found in the Non Regulatory Guidance Document, p. 22:

"In rare instances, migration may occur for the person to engage in agricultural or fishing activities as a *principal means of personal subsistence*. This term means that agricultural items are produced or fish and shellfish caught, for direct consumption by the worker and his or her family rather than produced or caught for wages or their income."

While many of these fish are *caught for personal subsistence*, they are not often caught as a *principal means of personal subsistence*.

Most fish caught in open waters are *processed* immediately following the catch to maximize the freshness and minimize the storage costs. If the "catch" is *seasonal* and the fish is *processed* immediately following the catch, it would be only reasonable to document the processing as seasonal. All other processing activities that meet the impermanent needs of the processor would provide *temporary* work activities.

Qualifying *processing* activities of the major commercial fish processors in Louisiana that may provide *temporary* or *seasonal* employment opportunities for migrant workers include:

cleaning/washing, "deheading"* (removing head),
"debarbing" (removing fins or barbs),
"deboning"* (removing bones),
cutting, gutting, skinning, scaling, fileting,
stuffing, canning, packing/packaging, weighing, labeling,
icing, loading, transporting (hauling/trucking)

*Industry Term

The **Menhaden**, or pogie as it is often called by fishermen, is a small fish about eight inches long that weighs less than a pound. Louisiana pogie fishermen lead the nation in the harvest of this commercial fish, however, most people in this country do not eat the fish until it has been processed into fine grade oil. Fish meal (used in making animal feed) and solubles are two of its other by products.

The *processing* of Menhaden is unique to the fish and activities that may provide *seasonal* qualifying employment for migrant workers include:

- operating suction pumps (to unload fish from the boats)
- operating conveyor belts
- operating steam cookers
- operating presses; "driving out" the oil and water. crushing "feeding" "press cake" to rotary driers for removal of moisture
- operating grinders/grinding residue into fish meal
- operating evaporators and other equipment to produce solubles/processing "stickwater"
- packaging
- labeling
- loading
- transporting (hauling/trucking)

Shellfish

The four major shellfish (aquatic invertebrate animals with shells) "caught" and "processed" in Louisiana include crabs, shrimp, oysters and crawfish.

Crabs

This marine crustacean is commercially abundant in the *inshore* waters of our state from March through November. Traps, designed so that the shellfish can enter but cannot exit easily, are used by Louisiana commercial fishermen to catch or fish for crabs. Therefore, fishing for, or catching, crabs is often referred to as "trapping." The two types of crabs most commonly caught in Louisiana include the Louisiana Blue and stone crabs.

*Industry Term

Crabs are also caught during their molting stage and sold before their shell hardens as a delicacy known as "soft-shell crabs."

Some fishermen, in both the hard shell and soft shell industries, refer to themselves as "crabbers" and their activities as "crabbing."

Shrimp

In the *catching of inshore shrimp* (referred to as "trawling"), there are two seasons, a season for *brown shrimp* (which opens between May 1st and May 25th and runs to around July 1st-15th) and a season for *white shrimp* (which generally runs from the third Monday in August through December 21st.)

In the *catching of offshore shrimp*, from the beach to three miles offshore, there is one closure for the season for both *brown and white shrimp*. The season usually closes from January 15th through March or April and opens again for the remainder of the year.

Fishermen involved in the shrimp industry usually become involved in qualifying preparatory (*directly related*) activities at least one month prior to the opening of the season. Some shrimp fishermen refer to themselves as "shrimpers" and their activity as "shrimping."

Oysters

The bivalve mollusks, chiefly of shallow marine waters in South Louisiana, are "tonged" or "dredged" for (methods of catching) by commercial fishermen who frequently refer to themselves as "oystermen."

Inshore is redefined as "from the beach inward," and *offshore* is redefined as "from the beach out," as it relates to oysters (and shrimp), however, the state owns all water bottoms, both inshore and offshore. The state retains some water bottoms for seed grounds where the majority of baby oysters are grown. The state sets "seasons" (usually during midsummer) during which it allows the oyster fishermen to secure seed oysters from these beds and take them to privately-owned leases which are referred to as "oyster farms."

On an oyster farm, which is a privately leased area, an oyster may be harvested ("tonged"*) any time at the discretion of the lease owner. However, the colder the water, the fatter the

*Industry Term

oyster, thus explaining the greater demand for catching the delicacy in the months from November to January.

The migrant oysterman may be hired on a *temporary* basis to harvest (catch) oysters for a lease farmer, or he can *seasonally* tong for seed oysters.

Crawfish

Crawfish, which resemble a small lobster, are the major "fished for" or "caught" freshwater shellfish in the state. They are also grown (raised) and then "caught" on crawfish farms throughout Louisiana. (Although one is a qualifying fishing activity and the other a qualifying agricultural activity, because of the similarities, they will both be discussed below.)

Crawfish are generally commercially abundant and available to be caught in the freshwater basins of south Louisiana from December to June.

The *crawfish pond* as a source of shellfish represents a minor diversification of a much larger total farming operation for the raising of a major crop such as rice, cotton, or sugarcane. Since pond crawfish are widely grown throughout the entire state, qualifying work activities will vary depending on the location of the farm (pond) in the state and the crop they are to be rotated with. These *seasonal* activities include:

- clearing land/preparing site (June-September - dry months)
- digging the ponds
- grading/leveling
- filling ponds with water

- stocking ponds (April-May)
- draining ponds (May-June)
- reflooding ponds (September-October)
- feeding and aerating ponds/pumping
- tending ponds/applying carrier (October-December)
- setting out traps (depending on stocking)
- baiting/trap placing (December-June)
- checking traps daily (depending on stocking date)

Pond harvesting (January-May) and "crawfishing" in the basins (March-October) are conducted simultaneously and compete for three months for the same market. "Crawfishing" is the term most widely used in describing the catching of crawfish, but is also referred to as "fishing for crawfish," "trapping,"* or "harvesting crawfish." Getting the crawfish from the trap in the basin or from the trap in the pond is basically the same. (After harvesting, the traps are removed.)

In summary, the commercial catch dates of Louisiana shellfish which may provide temporary or seasonal employment opportunities for migrant fishermen include:

CRABS	March-November
INSHORE SHRIMP BROWN	May-July
OFFSHORE SHRIMP BROWN AND WHITE	April-January
SEED OYSTERS	June-August
OYSTERS	January-December
CRAWFISH IN PONDS	January-May
CRAWFISH IN BAS	March -October

The **processing** of each shellfish is unique, however, many activities are similar to those involved in the processing of fish. Because of their perishable nature, shellfish, like fish, are usually processed immediately following the catch to maximize freshness and minimize storage costs. The qualifying **processing** activities of the major commercial shellfish in Louisiana include:

*Industry Term

Crabs

cleaning, washing, sorting, "shelling,"* "declawing,"* "dressing"* (removing gills, face, and apron), "picking,"* claw cracking, counting, stuffing, marinating, canning, packaging, packing, icing, weighing, loading, labeling, transporting (hauling and/or trucking)

Shrimp

cleaning, washing, sorting (sizing), "shelling,"* "deheading"* (heading), peeling (tails), "deveining,"* stuffing, canning, drying, grinding, "chopping,"* packaging, packing, icing, weighing, loading, labeling, transporting (hauling and/or trucking)

Oysters

cleaning, washing, "shucking,"* canning, packing, icing, weighing, loading, labeling, transporting (hauling and/or trucking)

Crawfish

removing and discarding dead crawfish and other debris, scalding (cooking by boiling), cleaning, washing, inspecting, "shelling,"* "deheading"* (heading), peeling (tails), "picking,"* "deveining,"* "squeezing fat,"* packaging, packing, icing, weighing, loading, labeling, freezing (tails for late market), transporting (hauling and/or trucking)

General statements about fish and shellfish:

Shrimp are sold by the pound, headless (shell on) or whole (head on) and are "sorted" or "batched" according to the number of shellfish per pound into one of these categories: small, medium, medium-large, large, and jumbo (extra large).

Crabs are usually sold in wooden bushels, by the pound, or by the dozen or the gross. (They remain alive for days if properly iced after the catch.) Soft-shell crabs are killed (shell removed) and iced or frozen at that critical point of their development when their shell is soft and are usually sold directly to market.

*Industry Term

Crawfish are packed in 40-50 pound lots (in onion sacks - live) and taken to weigh stations in the sack until such time as they will be processed. They are usually kept in a cooler where they lie in a dormant stage for several days.

Oysters are harvested for the meat inside the shell, however, the shell is processed for sale as a land-filler material. (Oyster shells processed and sold to make driveways are very popular in south Louisiana.)

Because the Louisiana Wildlife and Fisheries Commission exercised jurisdiction over the cultivation, harvesting and processing of oysters, it is considered a fishing industry and all directly related activities qualify as fishing.

The typical Louisiana fisherman is generally engaged in more than one type of fishing activity (crabbing, finfishing, shrimping, crawfishing, etc.) which adds to the complexity of documenting his qualifying move. Depending on the seasons, his catch rates, the price his catch is bringing in, and other circumstantial factors, the migrant fisherman will move as the need arises.

When crawfish (also spelled crayfish) are used on farms as rotation crops, the alternate crop and its activities will determine the times of need for *temporary* migrant workers.

Most crawfish farmers and/or buyers prefer to move their crawfish live in the sack within three to four days because of their perishable nature, thus providing the need for temporary workers during peak seasons. Rain, cold weather, and days of the week drastically affect the supply and demand for live crawfish, again reinforcing the need for these additional workers.

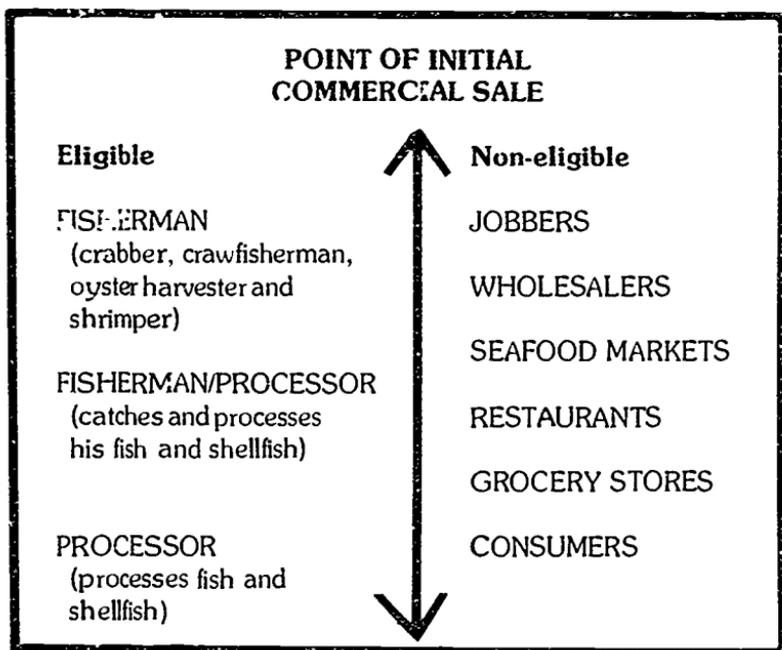
Buyers may peel crawfish not sold on the live market strictly as a salvage operation. Because of the preference to move live crawfish by the sack, the peeling industry has lagged far behind other seafood industries and almost exclusively hires *temporary* help.

Generally, a Louisiana fisherman can sell his catch for a good daily wage, therefore, it is almost non-existent for a fisherman to move to Louisiana to catch fish or shellfish for direct con-

sumption by his or her family, or as a *principal means of personal subsistence*.

The fisherman may be the processor but more often is not.

The point of initial commercial sale is complex as it relates to fish and shellfish alike. This graph relates a picture of where eligibility lines can be drawn.



Seafood jobbers are independent middlemen who buy and sell processed and unprocessed fish and shellfish and are not considered eligible unless they are employees of the actual fishing and/or processing operation.

Wholesalers buy processed and unprocessed fish and shellfish to sell it and are *not* considered eligible because they only handle the fish to exchange buyers.

Seafood markets, restaurants and grocery store owners and operators buy processed and unprocessed fish and sometimes cook the fish or shellfish before they sell it to the consumers, they are not considered eligible. However, some restaurant owners own crawfish ponds and hire migrant workers to harvest crawfish.

Consumers are not eligible unless they are migrants who meet the requirements of migratory agricultural workers or migratory fishers.

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