

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,867	Kerr McGee Chemical, LLC (Wkrs) ..	Hamilton, MS	03/02/2001	Manganese Metal and Manganese Briquette.
38,868	PACCAR-Kenworth (Wkrs)	Chillicothe, OH	03/02/2001	Heavy Duty Trucks.
38,869	Westfield Tanning (Wkrs)	Westfield, PA	03/02/2001	Leather Components—Footwear.
38,870	American Bag Corp (Comp)	Winfield, TN	03/08/2001	Automotive Airbags.
38,871	Vishay Sprague, Inc (Comp)	Sanford, ME	03/08/2001	Surface Mounted Capacitors.
38,872	J. Paul Levesque and Sons (Comp)	Ashland, ME	03/02/2001	Lumber.
38,873	Kodak Polychrome Graphics (Wkrs)	Holyoke, MA	02/16/2001	Lithographic Plates.
38,874	Valeo Climate Control (Comp)	Arcola, IL	03/05/2001	Automobile Air Conditioner Modules.
38,875	Drexel Heritage (Comp)	Black Mountain, NC	03/05/2001	Residential Furniture.
38,876	Worthington Steel Malvern (USWA)	Malvern, PA	03/03/2001	Hot and Cold Rolled Steel.
38,877	Trinity Industries (USWA)	Johnstown, PA	03/05/2001	Railroad Freight Car Axles.
38,878	Richard Leeds Internation (Wkrs)	Scotland Neck, NC	03/01/2001	Ladies' Sleepwear.
38,879	Hastings Manufacturing Co (Wkrs) ..	Hastings, MI	03/08/2001	Piston Rings.
38,880	Cooper Energy Service (IAMAW)	Springfield, OH	03/06/2001	Machined Parts.
38,881	Viasystems Technologies (CWA)	Richmond, VA	03/09/2001	Printed Circuit Boards.
38,882	Thalman Manufacturing (UNITE)	Hempstead, NY	03/09/2001	Neckties.
38,883	Graphic Packaging (AWPPW)	Portland, OR	03/06/2001	Board Stock Products.
38,884	Freightliner Truck (IAM)	Portland, OR	03/09/2001	Commercial Trucks.
38,885	Grote Industries, LLC (IAM)	Madison, IN	03/06/2001	Electrical Wiring Harnesses.

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DEPARTMENT OF LABOR**Employment and Training
Administration****Division of Foreign Labor Certification;
the Use of Shepherders for
Vegetation Management; General
Administration Letter No. 3-01**

The Employment and Training
Administration administers and

interprets the requirements of the temporary, alien agricultural labor certification (H-2A) program. These interpretations are issued in General Administration Letters (GAL's) to its Regional Offices and the State Employment Security Agencies. The GAL below is published in the **Federal Register** in order to inform the public.

GAL No. 3-01

GAL No. 3-01 provides policy clarification and procedural guidance for the processing of nonagricultural

sheep and goat herder applications as H-2A.

Dated: April 6, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary of Labor.

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U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION H-2A/ Shepherders
	CORRESPONDENCE SYMBOL OWS
	DATE March 28, 2001

DIRECTIVE: GENERAL ADMINISTRATION LETTER NO. 3-01

TO: ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM: LENITA JACOBS-SIMMONS
Deputy Assistant Secretary *Lenita Jacobs-Simmons*

SUBJECT: The Use of Shepherders for Vegetation Management.

1. Purpose. To provide policy clarification and procedural guidance for the processing of nonagricultural sheep and goat herder applications as H-2A .
2. References. 20 CFR part 655, Subpart B 20 CFR 655.103.
3. Background. In the past few years, employers in some States have utilized the provisions of the Immigration and Nationality Act to recruit nonimmigrant foreign workers to work as shepherders in conjunction with their operations, specifically, the use of sheep and goats to graze the land under power lines. The employers are contracting this service to electrical utilities who have electrical power transmission lines. The unique occupational characteristics of such operations have caused many employers to petition for foreign workers under the H-2B nonagricultural temporary program. They have argued that this is not agricultural labor because the employer is not producing an agricultural commodity but only providing a service (clearing vegetation from power line areas) that is not agricultural in nature.
4. Policy Clarification/Procedural Guidance. There are provisions in the H-2A regulations which recognize that certain activities incidental to agriculture and, thus, not themselves agricultural activities, are still services of an agricultural nature, e.g., cooks in labor camps. The activity in this instance, is a service and not a commodity. While the sheep that consume vegetation are engaged in a commercial activity, i.e., vegetation control, consuming vegetation also happens to be necessary to raising the sheep.

RESCISSIONS None	EXPIRATION DATE March 31, 2002
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The characteristics of sheep and goat herding for vegetation control purposes are similar to, and often indistinguishable from, the practice of open range and fenced production of sheep and goats. So too are the housing requirements, working hours, working conditions, travel requirements and other characteristics extremely similar to the activities covered under the H-2A sheep herding program.

5. Action Required. SESAs are instructed to adhere to H-2A Temporary Agricultural regulations when reviewing any applications filed for a sheep/goat herder for the purpose of vegetation management.

6. Inquiries. Questions should be directed to Charlene Giles at (202) 693-3010 (x2950).