

# United States Senate

WASHINGTON, DC 20510

January 18, 2008

Reggie Brown  
Executive Vice President  
Florida Tomato Growers Exchange  
800 Trafalgar Court, Suite 300  
Maitland, FL 32751

Dear Mr. Brown:

We write asking the Florida Tomato Growers Exchange to participate in a proposed initiative to increase the piece rate for tomato workers. Recent reports suggest that the per bushel piece rate that farm workers in Immokalee, Florida, are paid has not increased in the past two decades. Reports also indicate that slavery cases have been successfully prosecuted against individuals in the region's tomato industry. In addition, we have heard firsthand that living conditions of local workers are among the worst in the agriculture industry.

In light of these concerns, we support recent industry actions to increase the piece rate paid to these workers. Both McDonald's Corporation and Yum! Brands have taken important steps to providing the region's farm workers with an additional penny per pound of tomatoes harvested. Such an increase would have a meaningful effect for these workers.

Recent actions taken by your organization demonstrate that the Florida Tomato Growers Exchange is actively opposed to the penny-per-pound program. It is alarming to hear that the Florida Tomato Growers Exchange has threatened its individual grower members with legal action and fines of up to \$100,000 per offense should they participate in the penny-per-pound program.

We can find no legitimate reason for the Florida Tomato Growers Exchange to take such an uncompromising position against the penny-per-pound program. Your expressed concern that the penny-per-pound program violates antitrust law does not hold up to even minimal legal scrutiny. The direct and administrative costs of implementing the program would be borne by tomato buyers rather than tomato growers, and would thus not affect the profit margins of your growers. Furthermore, the experiences of McDonald's Corporation and Yum! Brands in setting up appropriate mechanisms to pay workers indicate that the logistical challenges of the program are not insurmountable.

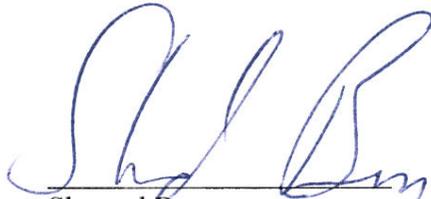
According to your website, the Florida Tomato Growers Exchange is, "leading a progressive movement in support of long-term comprehensive solutions that improve the lives of farm workers and their families". The position you've taken with regard to the penny-per-pound program is a glaring contradiction of this assertion.

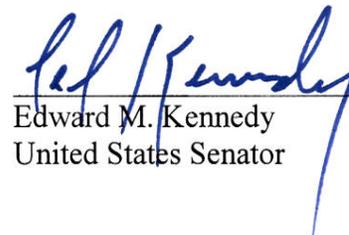
We respectfully request that you inform us in writing of your position on this matter within ten days. Thank your for your attention to this matter.

Sincerely,

  
Richard J Durbin  
United States Senator

  
Bernie Sanders  
United States Senator

  
Sherrod Brown  
United States Senator

  
Edward M. Kennedy  
United States Senator

# United States Senate

WASHINGTON, DC 20510

January 18, 2008

John W. Chidsey  
Chief Executive Officer  
Burger King Corporation  
5505 Blue Lagoon Drive  
Miami, FL 33126

Dear Mr. Chidsey:

We write asking Burger King to participate in a proposed initiative to increase the piece rate for tomato workers. Recent reports suggest that the per bushel piece rate that farm workers in Immokalee, Florida, are paid has not increased in the past two decades. Reports also indicate that slavery cases have been successfully prosecuted against individuals in the region's tomato industry. In addition, we have heard firsthand that living conditions of local workers are among the worst in the agriculture industry.

In light of these concerns, we support recent industry actions to increase the piece rate paid to these workers. Both McDonald's Corporation and Yum! Brands have taken important steps to providing the region's farm workers with an additional penny per pound of tomatoes harvested. Such an increase would have a meaningful effect for these workers.

Recent actions taken by your company seem to suggest that Burger King Corporation is not willing to participate in the penny-per-pound program. Opponents of the penny-per-pound program have argued that it violates antitrust law, but these objections do not hold up to even minimal scrutiny. Furthermore, the experiences of McDonald's Corporation and Yum! Brands in setting up appropriate mechanisms to pay workers indicate that the logistical challenges of the program are not insurmountable.

According to your website, Burger King Corporation is the second largest fast food hamburger chain in the world, recording \$2.23 billion in revenue in fiscal year 2007. As a large, profitable corporation and a significant buyer of tomatoes from the region, we urge you to revisit your position. Most estimates suggest the penny-per-pound program would cost Burger King less than \$300,000 per year.

We respectfully request that you inform us of your position on this matter within ten days. Thank you for your attention to this matter.

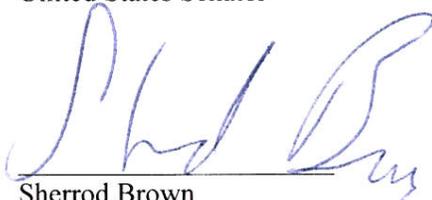
Sincerely,



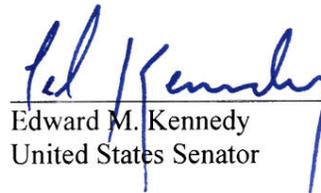
Richard J Durbin  
United States Senator



Bernie Sanders  
United States Senator



Sherrod Brown  
United States Senator



Edward M. Kennedy  
United States Senator