### 

### 

### **1AR – AT: Econ DA**

#### **1] This disad is fearmongering – the NLRA didn’t cause the recession and the economy adapts when one happens**

**Craver 06** Craver, Charles B. [fellow of the College of Labor and Employment Lawyers, and served as Secretary of the ABA Labor and Employment Law Section in 1986-87]; "The relevance of the NLRA and labor organizations in the post-industrial global economy." (2006). (AG DebateDrills)

From 1935 through the mid-1950s, union membership experienced the most rapid expansion in U.S. history, as the union density rate increased from 13.2 percent to 34.7 percent**.**4 Competition between ACL and CIO unions – and the unparalleled success of the newly created industrial unions – generated significant membership growth. As labor organizations enhanced their economic power, Congress amended the NLRA in 19475 and in 19596 to prohibit union unfair labor practices and to limit secondary activity by organized labor. 2 In the mid-1950s, the AFL and the CIO united into a single labor federation, and AFLCIO unions agreed not to compete with one another to represent the same workers. Although union membership continued to grow, it did not expand as rapidly as the nonagricultural labor force. As a result, by 1970, the union density rate had fallen to 27.3 percent.7 Throughout the late 1970s, the U.S. experienced high inflation, fueled by the formation of OPEC and rapidly rising oil prices.Cost-of-living adjustment clauses contained in many collective bargaining agreements caused labor costs in unionized manufacturing industries to increase substantially compared to costs associated with unorganized workers not covered by such contractual provisions. As businesses sought to reduce labor costs, northern manufacturing jobs were moved to sunbelt states. Labor-intensive work was often relocated to Maquiladoro plants in Northern Mexico.8 Electrical manufacturing and clothing production was relocated to low wage Asian countries. Businesses that continued to produce goods in the U.S. demanded wage and benefit reductions from labor unions that would enable them to compete with facilities operated in lower wage areas of the world**.** The American economy was being transformed from manufacturing to white-collar, service, and retail.By 1990, only 16.1 percent of nonagricultural labor force participants were union members.9 These new businesses were highly competitive, and they worked hard to discourage their employees from joining labor organizations. Private sector union membership began to decline substantially.By the end of 2005, only 7.8 percent of private sector, nonagricultural workers were members of labor organizations.10 If this trend continues, private sector labor unions will become almost entirely irrelevant in coming years.

#### **2] Worker strikes lead to increased wages and better working conditions – multiple examples.**

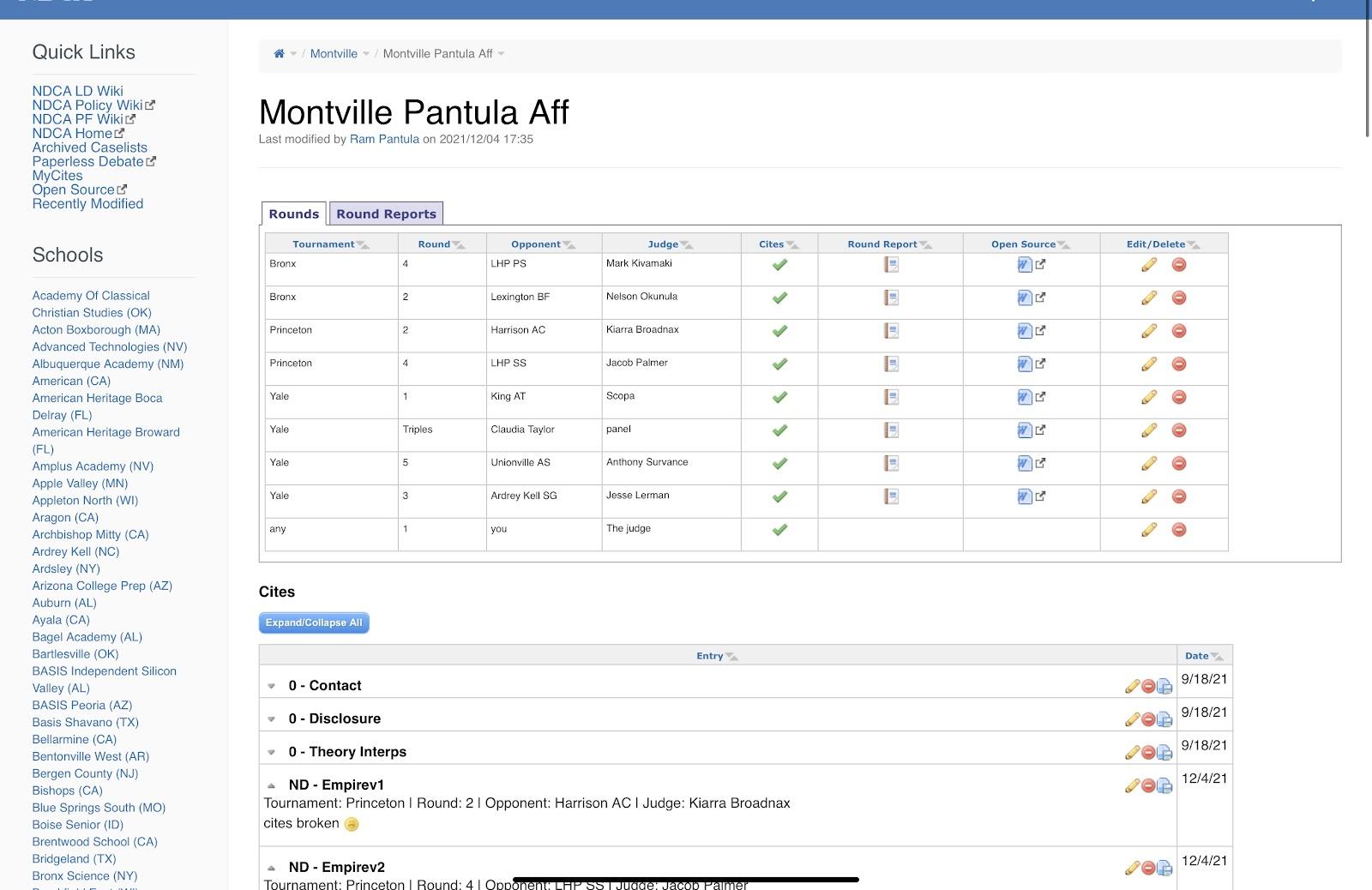
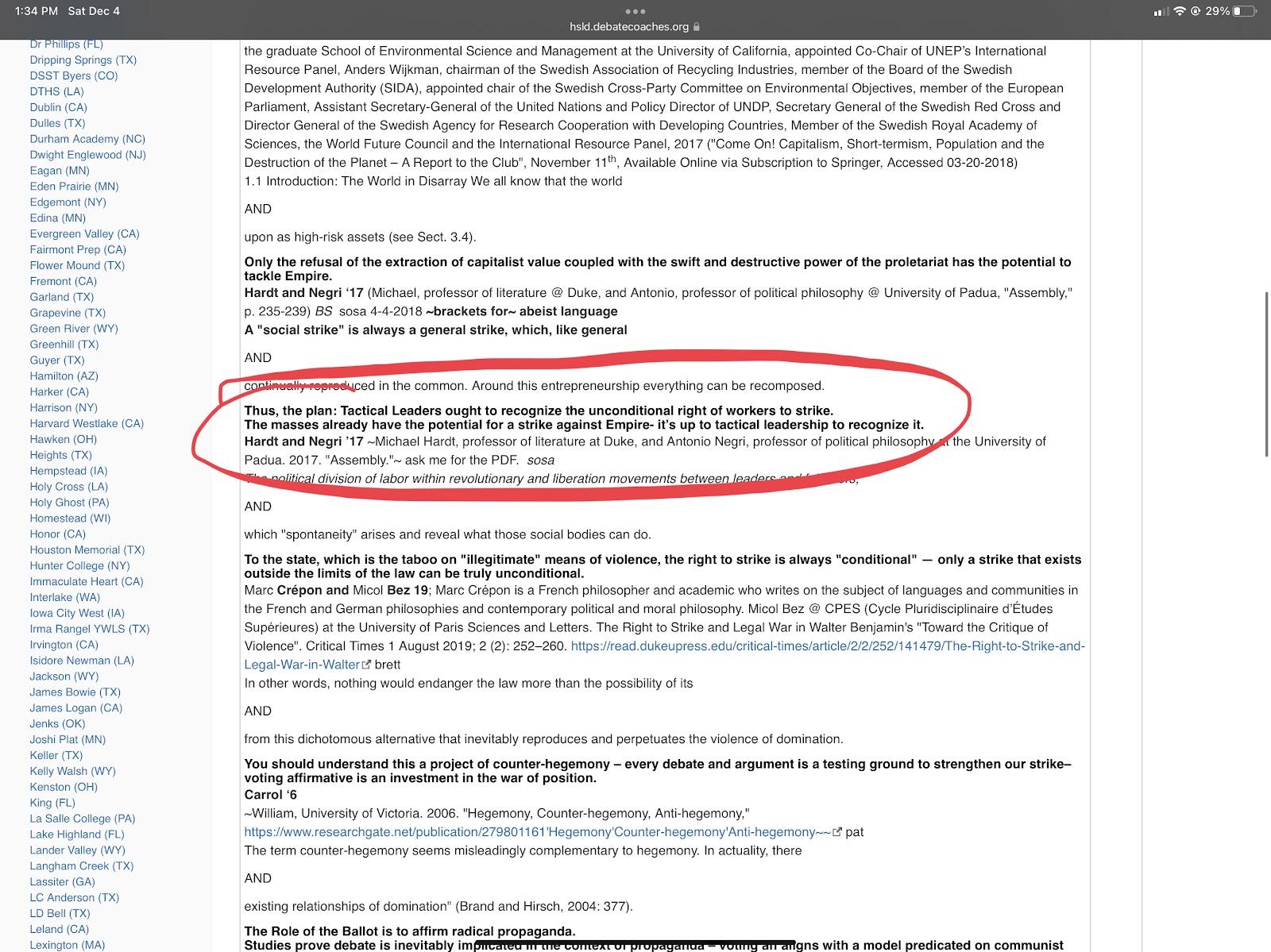
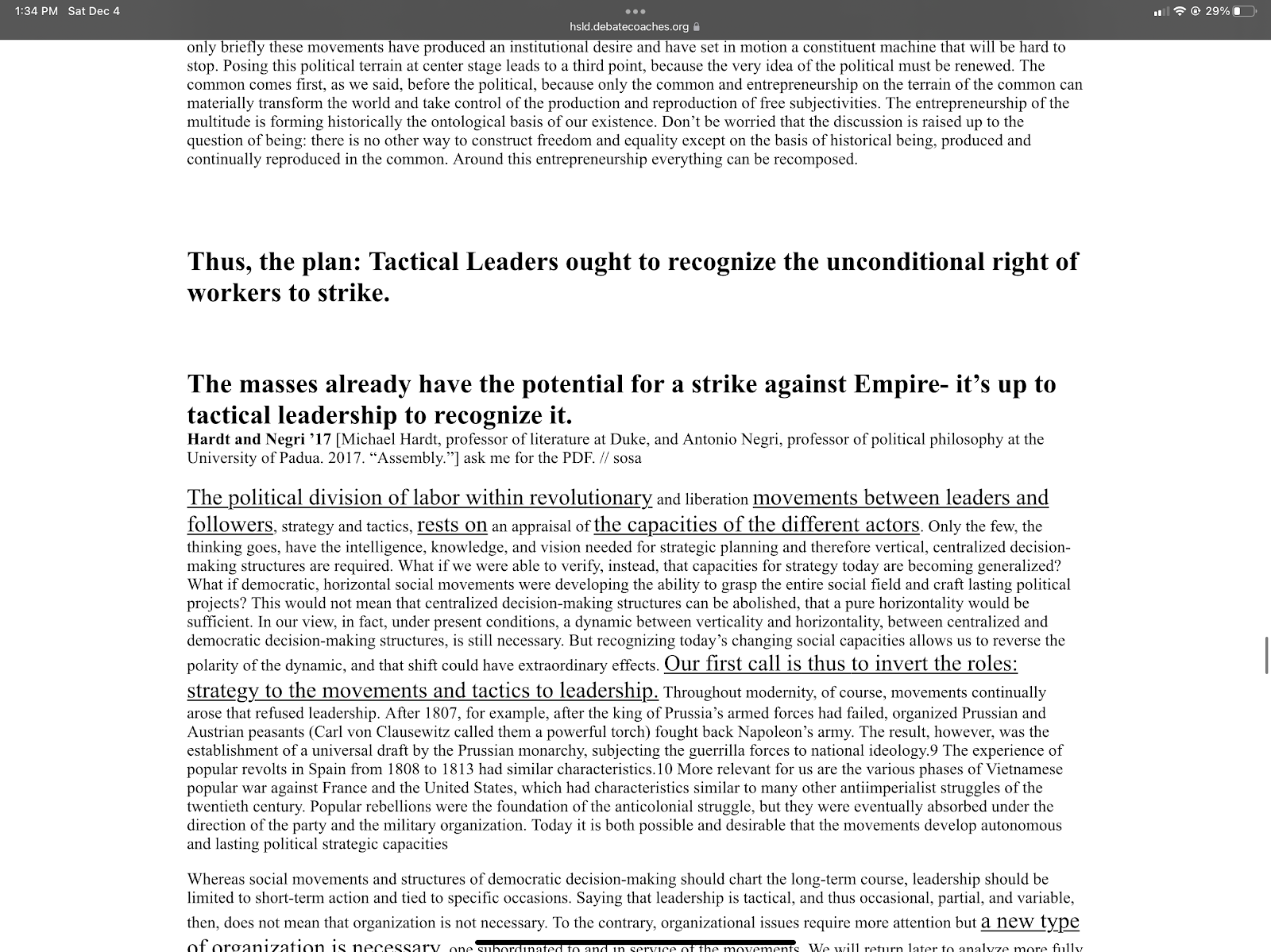
**Shierholz and Poydock 20** [Heidi Shierholz and Margaret Poydock, 2-11-2020, "Continued surge in strike activity signals worker dissatisfaction with wage growth," Economic Policy Institute, <https://www.epi.org/publication/continued-surge-in-strike-activity/>]

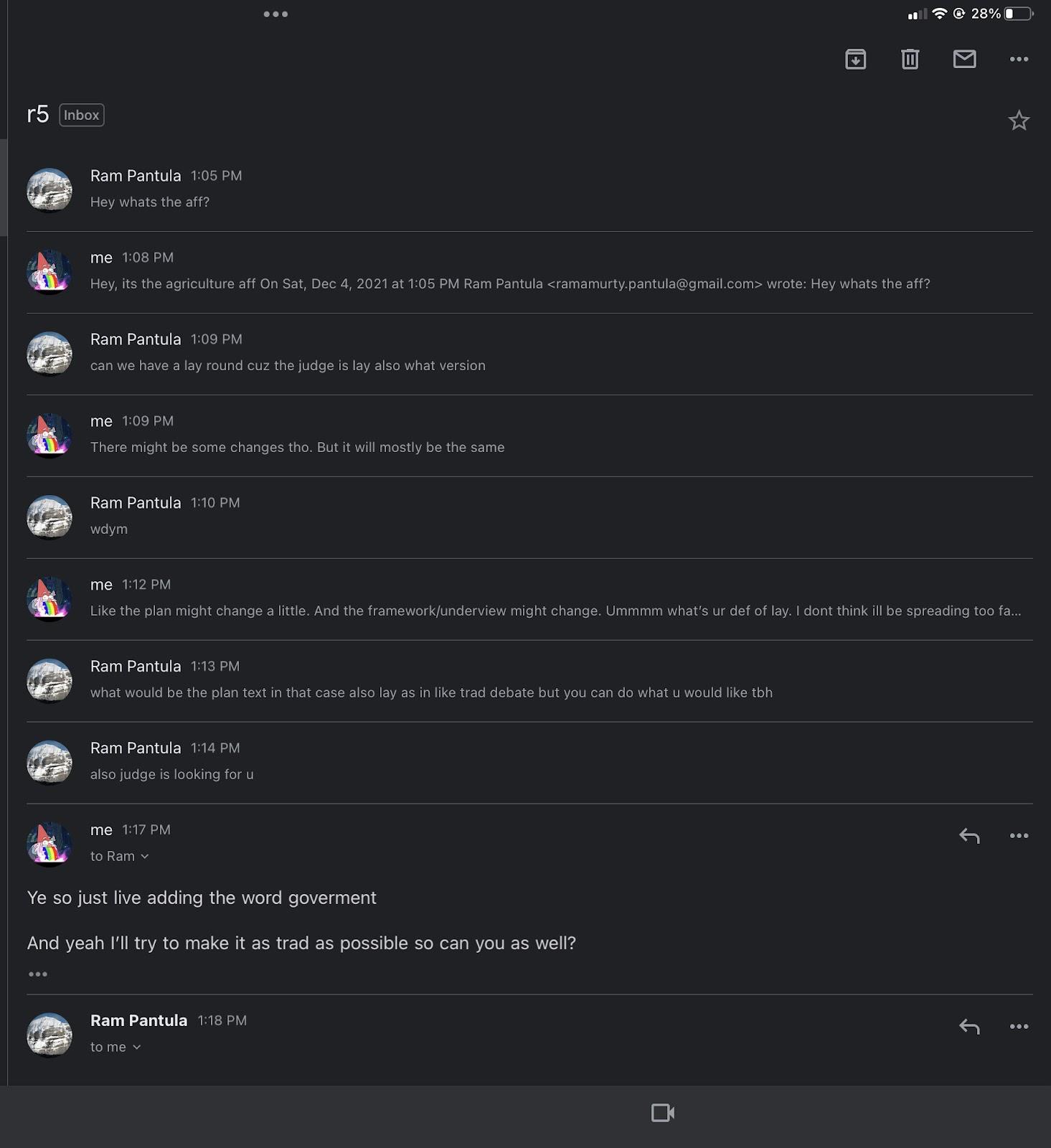
Teacher strikes In February 2018, teachers went on a statewide strike in West Virginia to demand just wages and better teaching and learning conditions. For nine days, schools across the state were closed as teachers, students, and community supporters protested at the state capital against the state government’s chronic underfunding of public education and the impact on the teachers and students. After a week and a half on strike, the West Virginia teachers received a pay increase. They also sparked a movement that prompted public school teachers in other states to strike in support for better pay and working conditions.[12](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note12) Consequently, the largest work stoppages by number of workers during 2018 and 2019 were in elementary and secondary schools in states such as Arizona, Colorado, Kentucky, North Carolina, and West Virginia.[13](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note13) Community support, such as students and parents protesting in solidarity at schools and state capitals, made it possible for hundreds of thousands of teachers to strike in an effort to improve their pay and working conditions. The General Motors strike In the early hours of September 16, 2019, nearly 50,000 workers walked out of General Motors (GM) factories across the nation and went on strike. The action followed GM’s decision to close multiple U.S.-based factories and move jobs abroad, even after the company received millions in corporate tax cuts.[14](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note14) GM workers went on strike to preserve job security, improve wages, and retain health care benefits. The GM strike was the longest major work stoppage in 2019, with over 1.3 million days idle.[15](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note15) The strike was also the first GM strike in over a decade. The six week strike concluded with the United Auto Workers and GM agreeing to a four-year contract that improved wages, sustained health care costs for workers at existing levels, created a transition process for temporary workers to become permanent employees, and committed to making investments in American factories.[16](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note16) In addition to improving the pay and working conditions of GM workers, the final contract will serve as a template for UAW’s contracts with Ford and Chrysler, creating a set of standards in the automotive industry.[17](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note17) The Stop & Shop strike Another notable major work stoppages of 2019 was the Stop & Shop strike. More than 30,000 workers at the New England-based grocery chain went on strike after negotiations over new contracts stalled for three months. During those negotiations, Stop & Shop had offered workers across-the-board pay increases but also proposed increasing the cost of health care, ultimately negating the pay raises. The workers argued that Stop & Shop could offer better compensation than it did because the company reported profits of more than $2 billion in 2018.[18](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note18) As a result of the impasse, workers in over 240 locations went on strike for better pay and benefits during the week of Easter. The Stop & Shop strike was the second largest private industry work stoppage in 2019, with over 215,000 days idle. The 11 day strike concluded with the United Food and Commercial Workers and Stop & Shop agreeing to a three-year contract that preserved health care benefits, increased wages, and maintained time-and-a-half pay on Sunday for current employees.[19](https://www.epi.org/publication/continued-surge-in-strike-activity/#_note19)

#### 

#### 

### 





### **The contention is Sustainable Agriculture**

#### **Population expansion requires farmland expansion to meet food demand—we are on the brink of prohibitive ecological costs from deforestation**

**Tian et al 21**-- Tian, Zhixi [principal investigator, Institute of Genetics and Developmental Biology and former research geneticist at Purdue], et al. "Designing future crops: challenges and strategies for sustainable agriculture." The Plant Journal 105.5 (2021): 1165-1178. (AG DebateDrills)

From the perspective of human evolution, each period of rapid population growth, such as during the Neolithic agricultural revolution, which began at about 8000 BC, the hydro agricultural or irrigation revolutions in the Near East, which began about 3000 BC, and the medieval and modern agricultural periods, which began about 1000 AD, benefited from an advance in agriculture (Taiz, 2013; Wallace et al., 2018). The recent rapid population growth during the past 300 years, in contrast, mainly resulted from the Industrial Revolution, which began in Britain about 1760. **The Industrial Revolution greatly increased the range of human activities and accelerated farmland expansion. In 1700, it was reported that nearly 95% of Earth’s ice-free land consisted of wildlands and semi-natural anthromes; however, by 2000, ~55% of these regions were used as arable land** (Figure 1a, data from https://ourworldindata.org/). The Industrial Revolution also gave birth to new technologies and production systems in agriculture, such as the application of larger irrigation systems, and more fertilizers and pesticides. In the 1960s, semi-dwarf wheat and rice varieties were introduced. These semi-dwarf crops exhibit beneficial characteristics, such as improved response to fertilizer input, lodging resistance and enhanced light utilization (Hedden, 2003; Wallace et al., 2018). Along with the fertilizers, pesticides and irrigation systems made possible by the Industrial Revolution, semi-dwarf crops were quickly adopted and resulted in a significant increase in total grain production globally. This big leap in agriculture was known as the ‘Green Revolution’ (Khush, 2001). Indeed, statistical data have revealed that the average daily food supply per person (in terms of calories) has doubled since the middle of the 19th century (Figure 1b, data from https://ourworld indata.org/). It is estimated that the world population will rise to more than 9 billion by 2050 (Alexandratos, 1999; Cassman, 1999), and at that time we will need at least 60% more food than is consumed by humans today. Moreover, our population will continuously increase, reaching over 11 billion by 2100 (Figure 1a, data from https://ourworldindata.org/). **How to feed the increasing population is a challenge facing the whole world** (Tilman et al., 2001; Godfray et al., 2010; Foley et al., 2011; Wallace et al., 2018). **A simple solution to feed a population of 9 billion is to constantly turn wild habitats into farmland**. However, this type of expansion is unrealistic as most of the world’s icefree and non-barren land area has been exhausted, and much of the rest is unlikely to sustain high yields (Cassman, 1999). More importantly, intact forests have been known to play essential roles in protecting the environment, such as storing fresh water, decreasing flooding and regenerating fertile soils. **Clearing of forests will result in prohibitive ecological costs, such as loss of biodiversity and greenhouse gas emissions. It was reported that, due to agriculture expansion, ~30% of all plant species will become extinct** (Taiz, 2013). The destruction of tropical forests releases about 1.1 9 1012 tons of carbon per year, which accounts for 12% of total anthropogenic CO2 emissions (Friedlingstein et al., 2010).

#### **Biod loss causes extinction – outweighs neg disads and is a threat multiplier**

**Torres 16** [Phil Biologist, conservationist, science advocate & educator. 2 years based in Amazon rainforest, now exploring science around the world. “[Biodiversity Loss: An Existential Risk Comparable to Climate Change](http://futureoflife.org/2016/05/20/biodiversity-loss/)” <http://futureoflife.org/2016/05/20/biodiversity-loss/>.]

According to the Bulletin of Atomic Scientists, the two greatest existential threats to human civilization stem from climate change and nuclear weapons. Both pose clear and present dangers to the perpetuation of our species, and the increasingly dire climate situation and nuclear arsenal modernizations in the United States and Russia were the most significant reasons why the Bulletin [decided](http://thebulletin.org/press-release/doomsday-clock-hands-remain-unchanged-despite-iran-deal-and-paris-talks9122) to keep the Doomsday Clock set at three minutes before midnight earlier this year.

But there is another existential threat that the Bulletin overlooked in its Doomsday Clock announcement: biodiversity loss. This phenomenon is often identified as one of the many consequences of climate change, and this is of course correct. But **biodiversity loss is also a contributing factor behind climate change**. For example, deforestation in the Amazon rainforest and elsewhere reduces the amount of carbon dioxide removed from the atmosphere by plants, a natural process that mitigates the effects of climate change. So **the causal relation between climate change and biodiversity loss is bidirectional.**

Furthermore, there are myriad phenomena that are driving biodiversity loss in addition to climate change. Other causes include ecosystem fragmentation, invasive species, pollution, oxygen depletion caused by fertilizers running off into ponds and streams, overfishing, human overpopulation, and overconsumption. All of these phenomena have a direct impact on the health of the biosphere, and all would conceivably persist even if the problem of climate change were somehow immediately solved.

Such considerations warrant decoupling biodiversity loss from climate change, because the former has been consistently subsumed by the latter as a mere effect. Biodiversity loss is a distinct environmental crisis with its own unique syndrome of causes, consequences, and solutions—such as restoring habitats, creating protected areas (“biodiversity parks”), and practicing sustainable agriculture.

Deforestation of the Amazon rainforest decreases natural mitigation of CO2 and destroys the habitats of many endangered species.

The sixth extinction.

The repercussions of biodiversity loss are potentially as severe as those anticipated from climate change, or even a nuclear conflict. For example, according to a 2015 [study](http://www.ncbi.nlm.nih.gov/pubmed/26601195) published in Science Advances, **the best available evidence reveals “an exceptionally rapid loss of biodiversity over the last few centuries, indicating that a sixth mass extinction is already under way.”** This conclusion holds, even on the most optimistic assumptions about the background rate of species losses and the current rate of vertebrate extinctions. The group classified as “vertebrates” includes mammals, birds, reptiles, fish, and all other creatures with a backbone.

The article argues that, using its conservative figures, the average loss of vertebrate species was 100 times higher in the past century relative to the background rate of extinction. (Other scientists have suggested that the current extinction rate could be as much as 10,000 times higher than normal.) As the authors write, “The evidence is incontrovertible that recent extinction rates are unprecedented in human history and highly unusual in Earth’s history.” Perhaps the term “Big Six” should enter the popular lexicon—to add the current extinction to the previous “Big Five,” the last of which wiped out the dinosaurs 66 million years ago.

But the concept of biodiversity encompasses more than just the total number of species on the planet. It also refers to the size of different populations of species. With respect to this phenomenon, multiple studies have confirmed that wild populations around the world are dwindling and disappearing at an alarming rate. For example, the 2010 [Global Biodiversity Outlook](https://www.cbd.int/gbo3) report found that the population of wild vertebrates living in the tropics dropped by 59 percent between 1970 and 2006.

The report also found that the population of farmland birds in Europe has dropped by 50 percent since 1980; bird populations in the grasslands of North America declined by almost 40 percent between 1968 and 2003; and the population of birds in North American arid lands has fallen by almost 30 percent since the 1960s. Similarly, 42 percent of all amphibian species (a type of vertebrate that is sometimes called an “ecological indicator”) are undergoing population declines, and 23 percent of all plant species “are estimated to be threatened with extinction.” [Other studies](http://commondreams.org/views/2016/02/10/biodiversity-loss-and-doomsday-clock-invisible-disaster-almost-no-one-talking-about) have found that some 20 percent of all reptile species, 48 percent of the world’s primates, and 50 percent of freshwater turtles are threatened. Underwater, about 10 percent of all coral reefs are now dead, and another 60 percent are in danger of dying.

Consistent with these data, the 2014 [Living Planet Report](http://bit.ly/1ssxx5m) shows that the global population of wild vertebrates dropped by 52 percent in only four decades—from 1970 to 2010. While biologists often avoid projecting historical trends into the future because of the complexity of ecological systems, it’s tempting to extrapolate this figure to, say, the year 2050, which is four decades from 2010. As it happens, a 2006[study](http://science.sciencemag.org/content/314/5800/787) published in Science does precisely this: It projects past trends of marine biodiversity loss into the 21st century, concluding that, unless significant changes are made to patterns of human activity, there will be virtually no more wild-caught seafood by 2048.

48% of the world’s primates are threatened with extinction.

Catastrophic consequences for civilization.

**The consequences of this rapid pruning of the evolutionary tree of life extend beyond the obvious. There could be surprising effects of biodiversity loss that scientists are unable to fully anticipate in advance. For example, prior research has shown that localized ecosystems can undergo abrupt and irreversible shifts when they reach a tipping point.** According to a 2012 [paper](http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html) published in Nature, there are reasons for thinking that we may be approaching a tipping point of this sort in the global ecosystem, beyond which the consequences could be catastrophic for civilization.

As the authors write, **a planetary-scale transition could precipitate** “substantial losses of ecosystem services required to sustain the human population.” An ecosystem service is any ecological process that benefits humanity, such as food production and crop pollination**. If the global ecosystem were to cross a tipping point and substantial ecosystem services were lost, the results could be “widespread social unrest, economic instability, and loss of human life.” According to Missouri Botanical Garden ecologist Adam Smith, one of the paper’s co-authors, this could occur in a matter of decades—far more quickly than most of the expected consequences of climate change, yet equally destructive.**

**Biodiversity loss is a “threat multiplier” that, by pushing societies to the brink of collapse, will exacerbate existing conflicts and introduce entirely new struggles between state and non-state actors.** Indeed, it could even fuel the rise of terrorism. (After all, climate change has been [linked](http://thebulletin.org/climate-change-and-syrian-uprising) to the emergence of ISIS in Syria, and multiple high-ranking US officials, such as former US Defense Secretary [Chuck Hagel](http://www.defense.gov/News-Article-View/Article/603441)and CIA director [John Brennan](http://www.cnsnews.com/news/article/cnsnewscom-staff/cia-director-cites-impact-climate-change-deeper-cause-global), have affirmed that climate change and terrorism are connected.)

The reality is that we are entering the sixth mass extinction in the 3.8-billion-year history of life on Earth, and the impact of this event could be felt by civilization “in as little as three human lifetimes,” as the aforementioned 2012 Nature paper notes. Furthermore, the widespread decline of biological populations could plausibly initiate a dramatic transformation of the global ecosystem on an even faster timescale: perhaps a single human lifetime.

The unavoidable conclusion is that **biodiversity loss constitutes an existential threat** in its own right. As such, it ought to be considered alongside climate change and nuclear weapons as one of the most significant contemporary risks to human prosperity and survival.

#### **The only yet extremely effective solution is innovation that leads to more crop yield—there’s multiple possibilities for innovation**

**Tian et al 21**-- Tian, Zhixi [principal investigator, Institute of Genetics and Developmental Biology and former research geneticist at Purdue], et al. "Designing future crops: challenges and strategies for sustainable agriculture." The Plant Journal 105.5 (2021): 1165-1178. (AG DebateDrills)

The first straightforward strategy for designing future crops that meet sustainable agriculture requirements is to improve the following aspects of current well-cultivated crops. **Increasing yield. It is estimated that the yields of major crops need to increase at a rate of 2.4% per year to meet the food supply demand by 2050. However, the current growth rates of the four major crops, maize (Zea mays), rice (Oryza sativa), wheat (Triticum aestivum), and soybeans (Glycine max), are only approximately half of this anticipated rate (Ray et al., 2013).** The development of new varieties with high yield potential that can fill this gap is the foremost mission of the Future Crops Design project. **In fact, in a trial, it was reported that a super-high-yield rice variety could produce one- to threefold more grains under optimal conditions than in normal paddy fields (Liu et al., 2020a). Improving nutritional quality.** Although the amount of food supply has been significantly improved in the last half-century, changes in human lifestyle and food consumption have resulted in a phenomenon called hidden hunger (Nair et al., 2016). For instance, in sub-Saharan Africa and America, about 17–30% of children under the age of 5 years have an inadequate daily intake of Vitamin A (Harjes et al., 2008; Haskell, 2012). **It has been reported that about two billion people are suffering from a chronic deficiency of micronutrients (WHO, 2008), a new threat to human health.** Moreover, the incidence of type-2 diabetes, obesity and colon disease has markedly increased in the past decade (Zhou et al., 2016). **Hence, the second mission of the Future Crops Design project is to generate crops with higher/balanced nutritional quality or specialized metabolites using metabolic engineering and synthetic biology approaches** (Francis et al., 2017; Martin and Li, 2017; Sweetlove et al., 2017; Vasconcelos et al., 2017). **Increasing agricultural resource use efficiency. It was reported that ~17% of arable land has lost productivity since 1945 due to inappropriate agriculture management** (Oldeman, 1994). In fact, nutrient-use efficiencies of today’s crops only reach 30–50% for nitrogen fertilizer (Cassman et al., 2002) and ~45% for phosphorus fertilizer (Smil, 2000). Moreover, fresh water has become a limiting factor for agriculture in many areas in the world. It is estimated that about 2800 km3 of fresh water per year is used for agricultural irrigation, and that crop production decreases by ~20% without irrigation (Siebert and Doll, 2010). **Therefore, to reduce agricultural inputs and environmental burdens, we should aim to develop high nutrient and water-use efficiency crops without yield penalty.**

#### **The reason innovation isn’t happening is lack of profit incentive—there needs to be an incentive for risk taking**

**Mackenzie 20**—Conway Mackenzie; Harve Light Managing Director; Innovation in Agriculture: Why is it so slow?; Shale Magazine; February 3 2020; <https://shalemag.com/innovation-in-agriculture-why-is-it-so-slow/>. (AG DebateDrills)

**Innovation is not a new concept in the agriculture industry. As an example, self-driving farm equipment has been around for years and well ahead of the auto industry**. This has been a major factor in improving yields and reducing input costs as planting accuracy has improved. **However, further automation is needed to improve operating efficiency along the supply chain.** Both farmers and processors face significant labor cost increases due to minimum wage hikes that will continue for the next several years. These increases have little positive effect as both farmers and processors still struggle to find people willing to do the work. Robotics will play a significant role in addressing this issue. Whether it’s picking crops in the field or automating functions at the processor, business owners are looking for ways to reduce their labor dependence.

Sensor technology via the Internet of Things has also made significant inroads. **These sensors improve farmer visibility into what is going on with their land and crops**. This allows them to focus their resources to address known issues. Sensors also help processors maintain quality standards throughout their facilities. Sensor technology is also a major component in addressing another industry challenge, traceability. Today, consumers want to easily determine where their food came from. They want to know that it came from companies that believe in and use sustainable practices. In addition, regulators want to be able to pinpoint sources when food safety issues arise. Sensor technology collects the data needed to meet this need. The second part of the issue is harnessing all that data.

**There are several efforts in their infancy that work toward a data solution.** One of the most advanced is blockchain technology. In simple terms, blockchain is a technology that allows for collection of data from all market participants in a single, secure repository. It will allow for an end to end supply chain trail of a single item. This technology will allow for better traceability by retailer, consumer and regulator which is being requested by the likes of Walmart. Eventually, it will also allow for better collaboration between all members of a particular supply chain. Today, the biggest hurdles to this innovation are the protocols or data formats. Companies in the industry need to know what data to collect and the form it should take. They will need a lot of help in putting these requirements all together.

**So, what’s holding innovation back? While there has been improvement, technological innovation remains slow compared to other industries. Two of the major causes are lack of connectivity and insufficient investment returns**. Lack of connectivity is an issue based on the nature of the industry. Farming takes place in rural areas where internet access is spotty at best. This lack of connectivity hampers farmers from collecting data in the field. This results in an inability to make decisions in time to make a difference. Innovation is also inhibited by a lack of investment. **Entrepreneurs and startups do not want to invest in developing solutions where they can’t see a clear path to a return on their capital.** In agriculture, they can’t see an exit strategy which typically includes the sale of the company to a large industry supplier. **For many years, the agriculture industry has been dominated by a few large input suppliers. These suppliers have been making good profits years and see no reason to take on innovation investment risk.** Without these large players, startups have no incentive to risk their capital on new solutions. This has led to a very slow rate of development and innovation.

## **1AC — Plan**

Thus i affirm resolved

#### **Plan text:The United States Government ought to recognize an unconditional right to strike for agricultural laborers by amending the National Labor Relations Act to extend the definition of ‘employee’ to include agricultural laborers.**

#### **Right now, the NLRA fails to protect farmer’s rights to strike – plan amends the NLRA to collectively bargain**

**Reilly, 11**, Penn State Law, “Agricultural Laborers: Their Inability to Unionize Under the National Labor Relations Act”, Penn State: Masters of Science, JD Law, URL: <https://pennstatelaw.psu.edu/_file/aglaw/Publications_Library/Agricultural_Laborers.pdf>, 2011 + since most recent citation is from then, KR

**The NLRA gives workers “freedom of association, self-organization, and designation of representatives of their own choosing” in order to equalize the bargaining power** between employers and employees in the hopes of limiting the interruptions to the free flow of commerce.10 **The statute covers a large number of workers based on the broad definition of “employee,”11 but excludes from coverage all agricultural laborers**.12 The NLRA does not define who these agricultural laborers are that are excluded from the right to organize, but rather Congress has instructed the National Labor Relations Boards (NLRB)13 in the annual Appropriations Act that in determining who is an agricultural laborer excluded from the NLRA, to rely on the definition of “agriculture” **found in the Fair Labor Standards Act (FLSA).14 Agriculture in the FLSA is defined as “farming in all its branches ... and any practices ...** performed by a farmer or on a farm as an incident to or in conjunction with such farming operations...”15 The definition also lists specific activities to further define what would specifically be considered agricultural work.16 Therefore, workers whose responsibilities are contained in the FLSA’s definition of “agriculture” are excluded from the right to organize and form unions under the NLRA.

The reasoning behind this exclusion is somewhat vague, especially considering that the bill originally proposed in the Senate did not exclude agricultural laborers from the definition of “employee.”17 There is not much mentioned about the agricultural exclusion because of the statute’s primary focus on addressing problems in the industrial sector. There is, however, a debate from in the House addressing the agricultural laborer exemption,18 where an argument was made that **agricultural laborers should be included because they needed the same protections as industrial** workers. Agricultural labor issues were brought to light in 1935 after governmental investigations into child labor issues and the lack of clean water provided for such workers.19

In response, **two possible reasons were briefly mentioned that may explain why agricultural laborers were excluded: first, in regions like the Midwest, farms are mostly family farms and should not be within the scope of the NLRA,** and second there was a concern that Congress did not have jurisdiction over agricultural workers because it was questionable whether such workers were engaged in interstate commerce.20 Many commentators believe that it was the former argument that led to the exclusion of agricultural workers from protection under the NLRA. Another possible reason for this exclusion as presented by some commentators is that the larger farms lobbied to have their workers excluded from the NLRA.21 While not expressly stated, the most likely explanation is that Congress wanted to protect the family farmer from having to pay higher wages that unions would inevitably demand of the employers.22 Realizing that agriculture was important to the entire nation, Congress wanted to shield this industry from unionization, and wanted to protect the family farmer from having to pay what they could not afford. Congress did not think it necessary to equate the family farmer with big business.

The broad definition of “agriculture” under the FLSA would seem to exclude from the NLRA any worker who is employed by any agricultural entity. This is not the case, however, because **the Supreme Court has adopted a two-part test to determine if an employee is in fact an agricultural laborer excluded from the NLR**A.23 An agricultural employee will be excluded from the right to organize if he or she is engaged in either primary or secondary farming. The Supreme Court has taken the FLSA definition of agriculture and essentially limited its application based on a strict application of the statutory language. Primary farming are those tasks specifically referred to in the statutory definition of “agriculture” such as “cultivation and tillage of the soil [and] dairying.”24 The rest of the definition is considered secondary farming, and therefore a worker is an agricultural laborer if the work performed is of the type that would be performed “by a farmer or on a farm as an incident to or in conjunction with such farming operations.”25

In one of the more recent cases to address the question of who is considered an agricultural employee, the Supreme Court in Holly Farms Corp. v. N.L.R.B. upheld the determination made by the NLRB that workers on live-haul chicken crews do not engage in agricultural labor and therefore are not subject to the agricultural exception from the NLRA.26 The responsibility of the live-haul crew is to enter the farms of independent contractors who raise chickens supplied by Holly Farms; the chickens are then caught and caged by nine chicken catchers, moved by a forklift operator onto a truck to be transported by a truck driver to the processing plant.27 These live-haul crews were not engaged in primary farming because primary farming would have been the actual raising of the poultry, which was the responsibility of the independent contractors, not the live- haul crews.28

The court then focused on whether these live-haul crews were engaged in secondary farming. In doing so, the court immediately found that that the work performed by the live-haul crews were not of the kind “performed by a farmer” because Holly Farms gave up its farmer status as soon as the chicks were delivered to independent contractors for raising.29 As a result of this determination, the truck drivers were not considered agricultural laborers and were therefore not part of the agricultural exception to the NLRA and were able to unionize.30

The court then looked to whether the chicken catchers and forklift operators were engaged in work “on a farm as an incident to or in conjunction with” raising poultry.31 The Supreme Court found that neither the chicken catchers nor the forklift operators “worked on a farm” because the work these employees performed were part of Holly Farms’ poultry processing operations and was not of the type of work contemplated to be included in the statutory definition of “farming.”32 The Supreme Court adopted the reasoning of the NLRB in deciding that the catchers and forklift operators were not performing work “incident to or in conjunction with” the farming operations of the independent contractors.33 In doing so, the Supreme Court decided that it was more important to look at the status of the employer as a farmer rather than where the laborer carried out the responsibilities of the job he or she was hired to perform. Because, as previously determined, Holly Farms was not considered a farmer by the time the live- haul crews went in to catch the chickens, the catchers and the forklift operators were not engaged in secondary farming as defined in the FLSA.34 This meant that all the members of the live-haul crews were not agricultural laborers and therefore all had the right to organize under the NLRA.

The Supreme Court limited the applicability of the definition of “agriculture” in Holly Farms and in doing so opened up the possibility that more workers employed by large, vertically integrated employers would be able to organize.35 By taking the approach to look at the status of the employer rather than where the work is performed, the Supreme Court broadened the already broad definition of “employee” under the NLRA. More employees working for these vertically integrated employers will be able to experience the protection of the NLRA that has been open to industrial workers since the act was first passed in 1935. The impact of the Holly Farms decision is for courts to engage in an in depth analysis before deciding whether a worker is an agricultural laborer not protected by the NLRA. Switching the focus to the status of the employer rather than where the employees are performing their responsibilities will ensure greater protection for workers and a broader reach of the NLRA.

While the definition of “employee” has expanded to include some employees who are employed by agricultural employers, **there is still the exception for agricultural laborers included in the statute and therefore there are still many workers who are unable to form unions.** These may be the **workers that need the most protection because they are the field workers who are subjected to abuse, poverty and hazardous working conditions.36** Many commentators would like to see **the NLRA extended to include agricultural laborers**. The main advantage to **extending the definition of “employee” to include agricultural laborers under the NLRA is that the statute has been in existence for many years, and most of the challenges that would be brought up with respect to agricultural laborers attempting to unionize have most likely already been resolved in other employment sectors allowing the NLRB and courts to rely on precedent. This will make application of the statue to the agricultural laborers consistent with other employment sectors. Reliance on precedent would lead to predictable outcomes when labor disputes arise.** Agricultural laborers still have a ways to go before they will be able to reap the benefits of the NLRA; but, if this were to happen, **agricultural laborers would be able not only to unionize and have their association protected, but also would have the advantage of being able to rely on others with experience and knowledge of the NLRA and its intricacies**.

### **1AC — Solvency**

#### **First is creation of unions**

#### **Agricultural laborers don’t form unions in the status quo because of they don’t have an explicit right to strike**

**Reilly n.d.**-- Jaclyn Reilly; JD from Penn State University; Agricultural Laborers: Their Inability to Unionize Under the National Labor Relations Act; Penn State Law Review; https://pennstatelaw.psu.edu/\_file/aglaw/Publications\_Library/Agricultural\_Laborers.pdf

**Since the enactment of the National Labor Relations Act (NLRA), agricultural laborers have been excluded form its protection to organize workers and form unions for the purpose of collectively bargaining with employers.** Employees who engage in collective bargaining are able to band together to bargain with employers for better wages, a safer working environment, fringe benefits and other terms and conditions of employment.1 The NLRA protects this bargaining process and the parties involved. Agricultural laborers are one of only two classes of workers excluded from the protection of the NLRA.2 Although agricultural laborers are not protected under the NLRA because of their exclusion from the definition of “employee,” there is no mention that agricultural laborers are forbidden from forming unions.3 **But without the protection offered by the NLRA, farmers do not have to recognize the union nor will they face any consequences in failing to so recognize in contrast with employers in other industries**.4 **This lack of protection leads to agricultural laborers not forming unions because of the backlash they could face from employers without any recourse to protect themselves from retaliatory practices or the general refusal of employers to bargain.**5

#### **Unions are important for fighting for environmental issues- their interests often align with the community’s**

**Rathzel and Uzzell 11**-- Räthzel, Nora, and David Uzzell. "Trade unions and climate change: The jobs versus environment dilemma." Global Environmental Change 21.4 (2011): 1215-1223. (AG DebateDrills)

**The importance of unions as actors contributing to sustainable development was advocated almost twenty years ago in the Agenda 21 proposals from the 1992 Rio Earth Summit in a document on ‘Strengthening the Role of Workers & their Trade Unions’** (United Nations, 2009). Reading it today, three features in particular are striking. **First, environmental issues are often bound up with health and safety issues, an association that we have found in our research as well. Second, there is an emphasis on collaboration within a tripartite system of government, employers’ and workers’ organisations to encourage capacity building within unions in order to involve them in decision-making on the design, implementation, promotion and evaluation of programmes for sustainable development. Finally, it is advocated that unions should be involved in the development of improvements to both the work environment and the production process, as well as working within the local community.** Given this early initiative, it is surprising that it was not until 2006 that an international trade union conference on the environment involving more than 150 unions was held in Nairobi (UNEP, 2006). Not only did they discuss the significance of sustainable development for the trade union movement, but also agreed to incorporate environmental rights into their definition of traditional workers’ rights. **In 2009, the International Metalworkers Federation (IMF) organised an international conference to formulate their demands for an international agreement on climate change policies, and in 2010 the International Federation of Transport (ITF) workers dedicated one day of their three-day world conference to issues of climate change**. And as part of COP 15 and 16 local and international unions organised workshops at the World of Work Pavilion (WOW) attended by more than 1000 participants, arguing it is no longer acceptable for unionists to ignore environmental concerns or ‘‘leave them to the environmentalists’’. Since 2009 the ITUC, along with other national and international unions, has constructed a website dedicated to climate change issues. Whether these activities translate into policies at national and local levels is a question that remains to be investigated. Nevertheless,trade unions have become social actors, whose positions towards climate change need to be taken into account by governments, business, and scholars.

#### **The cause of worker exploitation is lack of collective bargaining so right to strike drastically improves conditions and wages—other industries prove**

**Perea 11**—Juan Perea [Professor of Law at Loyola University Chicago]; The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act; 72 OHIO ST. L.J. l 95 (2011).; https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1150&context=facpubs

**There is a direct relationship between this modem slavery and contemporary labor law.** Advocates for migrant farm workers express that relationship: **"Modem-day slavery cases don't happen in a vacuum. They only occur in degraded labor environments, ones that are fundamentally, systematically exploitive.** In industries where the labor force is conti[n]gent, day-haul, with subpoverty wages, no benefits, no right to overtime, no fight to organize-that's where you see slavery taking root. ' 13 **Slavery does not exist in labor environments that offer adequate worker protections like collective bargaining and other federally protected rights. A huge disparity exists between the exploitation and vulnerability lived by agricultural and domestic workers and the more reasonable and humane labor conditions existing in most other occupations.**

#### **US climate action specifically spills over and spurs global climate action.**

**Geman 6/7**/21 [National Journal Energy and Environment Correspondent, reporter for Axios, Ben, “The global stakes of Biden's infrastructure negotiations.” https://www.axios.com/biden-infrastructure-bill-climate-change-87b70d16-fdec-4c84-84a6-e7532c592f15.html]

The infrastructure drama enveloping Capitol Hill could spill onto the global climate stage. Why it matters: Major new U.S. investments and policies could help spur other nations to take more aggressive and tangible steps to cut emissions. But failure to steer major new initiatives through Congress could hinder the White House diplomatic posture as the U.N. conference looms. State of play: The White House is negotiating with Republicans amid all kinds of uncertainty over whether Democrats can pass legislation without GOP backing. President Biden has proposed major investments in electric vehicles, grid tech, mass transit, clean energy tax incentives and many other initiatives. The negotiations with Republicans — who object to the plan's steep price tag and expansive definition of infrastructure — come ahead of November's critical United Nations climate summit. What they're saying: "Because of the importance of American leadership on climate**,** the rest of the world is definitely watching what happens on Capitol Hill," said the Environmental Defense Fund's Nathaniel Keohane. Keohane, who leads EDF's climate program, said major U.S. investments will bolster the country's economy and competitiveness. But they're also consequential internationally, he said. "The more the U.S. can demonstrate leadership — not only in the ambition of its targets but in the ambition of its implementation and the seriousness of its implementation — the more likely we are to see the rest of the world stepping into its ambition and accelerating its own climate action," he said. Catch up fast: In April the White House set a voluntary target under the Paris Agreement of cutting U.S. emissions by 50% below 2005 levels by 2030.But that's much harder to achieve absent Capitol Hill approval of new investments and incentives. The Atlantic Council's Margaret Jackson said Biden's climate initiatives thus far have borne some fruit, pointing to several nations strengthening their Paris targets. But Jackson, who has written about the importance of congressional action, also tells Axios: "U.S. allies and partners are still somewhat skeptical in terms of how much this administration can really accomplish, and will it be lasting."

#### **Definition of unconditional right to strike:**

**NLRB 85** [National Labor Relations Board; “Legislative History of the Labor Management Relations Act, 1947: Volume 1,” Jan 1985; <https://play.google.com/store/books/details?id=7o1tA__v4xwC&rdid=book-7o1tA__v4xwC&rdot=1>]

\*\*Edited for gendered language

As for the so-called absolute or **unconditional** right to strike—there are no absolute rights that do not have their **corresponding** **responsibilities**. Under our American Anglo-Saxon system, each individual is **entitled** to the maximum of freedom, provided however (and this provision is of first importance), his [their] freedom has **due** **regard** for the **rights** and **freedoms** of **others**. The very **safeguard** of our freedoms is the recognition of this fundamental principle. I take **issue** very definitely with the suggestion that there is an absolute and **unconditional** **right** to concerted action (which after all is what the **strike** is) which **endangers** the **health** and **welfare** of our people in order to attain a **selfish** **end**.

## **1AC — FW**

### **FW**

#### **The standard is maximizing expected wellbeing.**

#### **Prefer it:**

#### **1] Actor specificity:**

#### **A] Aggregation – every policy benefits some and harms others, which also means side constraints freeze action.**

#### **B] No act-omission distinction – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission**

#### **C] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen**

o/w

#### **2] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose**