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For Immediate Release

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**NCAE Statement on Preliminary Injunction Against Department of Labor's
Unlawful "Worker Protection" Rule**

(Arlington, VA) A federal court in Georgia today issued a preliminary injunction that halts the Department of Labor's (Department) implementation of a disturbing regulation that would have forced farms to allow temporary foreign agricultural workers to unionize. The case was brought by Southeastern Legal Foundation on behalf of Georgia Fruit and Vegetable Association, Miles Berry Farm, and a coalition of seventeen states.

"For far too long," stated Michael Marsh, President and CEO of the National Council of Agricultural Employers (NCAE), "the Department has implemented rules which unfairly target America's farm and ranch families who are already battling to stay competitive at home and in the global market. NCAE celebrates this victory."

In the injunction, the court explains that "[a]gencies may play the sorcerer's apprentice but not the sorcerer himself. The Final Rule is an attempt by the [Department] to play the sorcerer. The [Department] may assist Congress but may not become Congress."

"From the outset of this Rulemaking," noted Marsh, "the Department knew this rule exceeded the authority granted to them under the U.S. Constitution. Rather than acknowledge the comments submitted by NCAE and many others which brought this overreach to their attention, the Department chose to promulgate this rule in hopes that an already embattled and struggling agricultural community would be too weary to fight."

"What the Department does not understand is that America's farmers and ranchers are tough and do not back down from a battle for what is right. This is a victory for them."

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The court's order further states that "Administrative agencies, including the DOL, cannot create law, and the DOL cannot create rights that Congress has not. The DOL cannot make both executive rules and congressional laws."

"We are grateful for the court's reminder," said Marsh, "and are hopeful that the Department might finally stay in their lane."

A nationwide injunction was not deemed appropriate by the court. It remains within Georgia, Kansas, South Carolina, Arkansas, Florida, Idaho, Indiana, Iowa, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Tennessee, Texas, and Virginia.

NCAE will continue to monitor the Department's response to the court's determination. Should further litigation be necessary, NCAE will advise the Executive Committee as to any and all next steps necessary to protect America's farm and ranch families.

NCAE is the national trade association focusing on agricultural labor issues from the employer's viewpoint.

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