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For Immediate Release

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U.S. District Court Grants Injunction for NCAE Lawsuit to Protect Farm and Ranch Families from Unlawful and Unconstitutional Rule

(Arlington, VA) The U.S. District Court for the Eastern District of Kentucky has granted a partial injunction for a lawsuit filed by the National Council of Agricultural Employers (NCAE), alongside several agricultural associations and individual farmers, to thwart the Department of Labor’s (Department) unlawful and unconstitutional Final Rule entitled, *“Improving Protections for Workers in Temporary Agricultural Employment in the United States”* (Rule).

“This Thanksgiving week, America’s farm and ranch families are grateful that the Court in Kentucky understood the damaging effects this Rule would have on their farms and ranches, as well as on those members of the public who like to eat,” stated Michael Marsh, NCAE President and CEO. “This Rule unequivocally and unlawfully violates the rights of America’s farmers and ranchers by stripping employers of the due process rights afforded to them by the Constitution. The Department’s promulgation and enforcement of the Rule thus far has only made it more difficult for America’s family farmers and ranchers to do what they do best—grow food and fiber to feed and clothe the world. We celebrate the Court’s acknowledgement that this cannot stand.”

In the opinion, Judge Reeves noted that the Department used a “blatant arrogation of authority” in their promulgation of the Rule. Enjoined provisions of this rule include:

1. all collective-bargaining type rights including worker voice and empowerment provisions,
2. mandatory piece-rate pay,
3. seatbelt requirements,

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4. personal information requirements, and
5. public access to employer property.

This injunction is the latest update on the nationwide status of the Rule. On August 29th, the U.S. District Court for the Southern District of Georgia issued a preliminary injunction in the case of *Kansas, et al. vs. U.S. Department of Labor* which enjoined the Rule from taking effect in Georgia, Kansas, South Carolina, Arkansas, Florida, Idaho, Indiana, Iowa, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Tennessee, Texas, Virginia, as well as for certain individuals and entities, leaving farmers and ranchers with operations in the two-thirds of states not covered by the injunction vulnerable to substantive provisions of the rule. This injunction extends relief to the plaintiffs of the case, including members of the plaintiff association, in all states except Alaska.

“We are hopeful,” noted Marsh, “that the Department will take heed of this latest admonishment and send this Rule to the compost pile in which it belonged all along. This rule should never have seen the light of day.”

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

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