



## **Florida, National Ag Groups Applaud Decision Vacating 2023 AEW Rule**

*Groups call for rescission of remaining methodology*

**ORLANDO, FLA. (August 27, 2025)** – Earlier today, a federal court in Louisiana vacated the U.S. Department of Labor's (DOL) 2023 Adverse Effect Wage Rate (AEWR) Methodology rule, bringing a much-needed measure of wage stability for agricultural employers as Florida growers prepare for their upcoming season.

"The AEW Rule Methodology rule drastically increased costs for growers and exacerbated the agricultural labor crisis," said Jamie Fussell, director of labor relations for the Florida Fruit & Vegetable Association (FFVA). "We're grateful to Secretary Chavez-DeRemer for her handling of this case and for recognizing the sense of urgency that is still needed to stabilize wages for agriculture."

The rule, published Feb. 28, 2023, based the H-2A program's AEWs on the Occupational Employment and Wage Statistics (OEWS) survey in addition to the Farm Labor Survey (FLS), applying permanent, non-agricultural wage data to seasonal agricultural jobs and subjecting growers to wage increases every six months.

"The vacating of the rule is great news, and we thank Secretary Chavez-DeRemer for recognizing the unlawful nature of the AEW rule," said Michael Marsh, president of the National Council of Agricultural Employers (NCAE). "This decision brings welcome wage relief to some growers who had been subjected to these 'special' wage rates for routine tasks done on the farm for generations."

"At a time when our growers are facing unprecedented challenges, we appreciate Secretary Chavez-DeRemer's recognition of the threat that the AEW Rule Methodology rule brought to the long-term sustainability of agriculture in Florida and across the nation," said Matt Joyner, CEO of Florida Citrus Mutual (FCM). "We look forward to working with the Administration to continue bringing much-needed reforms to the H-2A program to ensure a legal and reliable workforce for growing and harvesting Florida's signature citrus crop."

"As we prepare for our next strawberry season, we're grateful for the sense of relief and reprieve this decision will bring," said Michelle Williamson of G&F and Franberry Farms.

For years, agricultural groups in Florida and across the country have advocated for reforms to the AEW methodology but had to wait until the 2023 rule to challenge the AEW in court. Once published, plaintiffs – including FFVA, FCM, Florida Growers Association, G&F Farms, Franberry Farms, and NCAE – filed suit in federal court in Tampa, seeking to invalidate the new

OEWS methodology and the existing FLS methodology, and challenging DOL's application of adverse effect.

"Today's action is welcomed by the agricultural community, but final relief from the remaining AEWB methodology is still needed to ensure growers in labor intensive agriculture throughout the United States can remain viable." said Paul Meador, Florida Growers Association.

Though the court in Louisiana granted relief from the OEWS-based AEWB, the FLS-based AEWB is still effective, and the underlying premise of adverse effect remains unresolved. Without further action, Florida growers will continue to be subject to the volatile FLS-based AEWB, which spiked nearly 10% this past year and 15% just two years ago.

Faced with a worsening shortage of domestic labor, growers have reluctantly turned to the legal H-2A program. Its burdensome regulations are making the program too costly to use, forcing farmers to make tough operational decisions and jeopardizing the future of American agriculture and our nation's food security. "We have much work left to do," said Marsh. "Farmers must have relief if we are going to continue to produce food in America."

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