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For Immediate Release

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National Council of Agricultural Employers Spearheads Agricultural Coalition in Filing Supreme Court Amicus Brief with Southeastern Legal Foundation to Defend Farmers Against Bureaucratic Overreach

WASHINGTON, D.C. – Today, the National Council of Agricultural Employers (NCAE), in partnership with the Southeastern Legal Foundation (SLF), filed an amicus brief in Department of Labor v. Sun Valley Orchards, LLC. NCAE organized a robust coalition of national and state agricultural organizations to join the filing before the U.S. Supreme Court, challenging an enforcement system that threatens the constitutional rights of agricultural employers across the country.

The case stems from enforcement actions taken by the U.S. Department of Labor against Sun Valley Orchards, a family-owned New Jersey farm that utilized the federal H-2A agricultural worker program. Following an investigation, the Department assessed approximately \$550,000 in back wages and civil penalties. Rather than pursuing those penalties in an independent court, the Department adjudicated the case through its own in-house tribunal system.

NCAE President & CEO John Hollay said, "NCAE is grateful for the partnership with Southeastern Legal Foundation and a robust group of agricultural organizations from across the country in filing this amicus brief in support of Sun Valley and the rights of producers everywhere. The Supreme Court has the opportunity, and we believe the responsibility, to ensure that no farmer has to face the consequences which Sun Valley has faced in the fight to protect their basic constitutional rights."

SLF President Kim Hermann said, "Farming is the backbone of the American economy. These hard workers face some of the most grueling and challenging physical labor just to provide the

groceries that we all purchase with ease. Why a government agency would choose to make life harder for these people and impose truly ruinous fines is completely beyond me. We cannot take their hard work for granted, and that's why we must fight to make sure the government isn't making their lives harder by enforcing random fines."

Led by NCAE's initiative to protect producers, the amicus brief argues that Congress never authorized the Department of Labor to create and operate its own courts for adjudicating disputes involving H-2A employers. The brief contends that while Congress authorized the Secretary of Labor to impose penalties and seek equitable relief when necessary to ensure compliance with the H-2A program, it did not establish agency courts, hearing procedures, review mechanisms, or the broader enforcement structure that now exists through agency regulation.

The coalition further argues that the Department's interpretation would effectively allow the agency to act as rulemaker, prosecutor, judge, and collector of penalties, concentrating extraordinary power within a single agency. The brief maintains that if Congress intended to create such a system, it was required to do so explicitly.

The outcome of the case will affect agricultural employers nationwide who rely on the H-2A program to address labor shortages and sustain domestic food production. At issue is whether employers facing substantial government penalties are entitled to have those penalties adjudicated before an independent judge and jury, or whether federal agencies may instead resolve such disputes through internal administrative courts.

The amici joining the brief are:

- AmericanHort
- California Farm Bureau Federation
- Florida Farm Bureau Federation
- Florida Fruit & Vegetable Association
- Georgia Fruit and Vegetable Growers Association
- Idaho Dairywomen's Association
- International Fresh Produce Association
- National Association of Landscape Professionals
- National Council of Agricultural Employers (NCAE)
- National Onion Association
- National Potato Council
- New York State Horticultural Society
- New York State Vegetable Growers Association
- North Carolina Growers Association
- North Carolina Sweetpotato Commission
- Texas Citrus Mutual
- Texas International Produce Association
- Texas Vegetable Association
- Washington State Dairy Federation
- Western Growers Association

Together, these organizations represent producers, growers, farmers, ranchers, landscapers, and agricultural employers across the United States. The coalition joined the brief because its members believe the Department of Labor must administer the H-2A program within statutory and constitutional limits while preserving the due process rights of agricultural employers.

About NCAE

Founded in 1964, NCAE is the only national association focusing exclusively on agricultural labor issues from the agricultural employer's viewpoint.

About SLF

Southeastern Legal Foundation is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic®. Since 1976, SLF has gone to court for the American people when the government overreaches and violates constitutional rights.