



Southeastern Legal Foundation and Texas Public Policy Foundation Fight for the Rights of Farmers as OSHA is Given Irresponsible Amount of Power to Create New Laws and Regulations

FOR IMMEDIATE RELEASE: December 3, 2025

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[AMARILLO, TX] Today, Southeastern Legal Foundation (SLF) and Texas Public Policy Foundation (TPPF) are [defending Texas farming associations by suing the federal government](#) for unconstitutionally giving unelected bureaucrats in executive branch agencies the power to create boundaryless laws that impose burdensome and unsupported standards on all employers in the United States.

Our Constitution clearly states that Congress makes our country's laws, not executive branch agencies. Ignoring this basic principle of separation of powers, in the Occupational Safety and Health Act (OSH Act) Congress gave the Secretary of Labor all of its powers to make safety standards for American employers. This was nothing short of a full abdication of its constitutional powers and obligations and has been referred to by Justice Thomas as what "may be the broadest delegation of power to an administrative agency found in the United States Code."

Representing the Texas International Produce Association and Texas Vegetable Association, SLF and TPPF argue that Congress failed to set any boundaries for OSHA to follow when creating these laws. They explain, **"The OSH Act . . . is a blank check from Congress with no meaningful restriction on what OSHA may do. . . That is why the Court should declare it violates the constitutional separation of powers."**

SLF President Kim Hermann said, "In this country, our government is set up so that there is an evenly distributed balance of power. Due to checks and balances we are able to hold our government accountable, ensuring that no branch becomes too powerful. An essential aspect of this is that Congress and only Congress has the power to create and implement laws, and yet it has handed this power over to OSHA. The agency's newfound power needs to immediately be regulated to ensure that unelected bureaucrats don't have the ability to make decisions that affect every American employer."

TPPF Director of Litigation Chance Weldon stated, "In our country, laws are supposed to come from Congress—not unelected bureaucrats. But for decades, Congress has essentially



given its power to the executive branch. As a result, folks like our clients now labor under thousands of pages of obscure and costly regulations that most people have never read, and no elected representative has ever voted for. It's time for the courts to make Congress do its job."

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

The Texas Public Policy Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

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