



Contact: Jenny Kefauver
703/850-3533

**Coalition of Produce Growers, Farmers, and State Attorneys General
Join in Landmark Lawsuit Against Biden Department of Labor’s
Unlawful Rule Granting Union Rights to Foreign Workers**

BRUNSWICK, GA (June 10, 2024): [Southeastern Legal Foundation](#) (SLF) is representing Miles Berry Farm and the Georgia Fruit and Vegetable Growers Association in a new [lawsuit](#) challenging the United States Department of Labor’s requirement that will force agricultural employers to allow temporary foreign farm workers to unionize, an unlawful and unprecedented move that will impose significant costs on employers while giving more rights to foreign farm workers than American farm workers. They appear in the [lawsuit](#) alongside a coalition of states.

During the New Deal, Congress gave some employees the right to form labor unions through the National Labor Relations Act (NLRA), but it explicitly excluded farm workers from the right to form unions and has continued to do so for nearly 90 years.

Now, without any signal of approval from Congress, the Biden Department of Labor is taking unprecedented steps to create rights Congress did not intend.

Under a new agency rule, the Department is requiring agricultural employers to allow temporary foreign farm workers to form unions, creating a new right out of thin air that is not even granted to American farm workers. The Department claims that it has authority to do so under the Immigration Reform and Control Act, even though that congressional statute—which grants temporary H-2A employment visas to migrant farm workers—never so much as mentions the right to form unions.

Not only is the Biden Administration ignoring Congress, but it is also imposing devastating costs on employers through this new program. This includes SLF clients Miles Berry Farm and the Georgia Fruit and Vegetable Growers Association, who employ or have members who employ H-2A workers.

Vice President of Litigation for SLF [Braden Boucek](#) states, “President Biden is once again mobilizing the bureaucracy to dismiss and override Congress when it won’t act as he wants. This time it comes at the expense of America’s farmers. Making a living off the land is hard enough these days without the Department of Labor granting a right to foreign workers that is denied to Americans.”

Kansas Attorney General [Kris Kobach](#) states, “Once again, Joe Biden is putting America last. He’s giving political benefits to foreign workers while American workers struggle in Biden’s horrible economy. I stand with American workers.”

Executive Vice President for [Georgia Fruit and Vegetable Growers Association](#) Chris Butts states, “This drastic measure by the Department of Labor will be devastating for the agricultural industry, not just in Georgia but across the nation. Our members’ farms and employees will suffer because they cannot afford to meet this program’s unreasonable and unlawful demands. We must level the playing field for producers instead of continuing to stack the deck against them.”