

October 24, 2025

The Honorable Russell Vought  
Director  
Office of Management and Budget  
Executive Office of the President  
725 17th Street NW  
Washington, D.C. 20503

Dear Director Vought:

Given the persistent challenges associated with the lapse in Fiscal Year 2026 appropriations that does not show signs of relief in the near term, we write with an urgent request that U.S. Department of Labor's (DOL) processing of H-2A labor certification applications be considered an activity essential to protect property pursuant to 31 U.S.C. § 1342.<sup>1</sup> The H-2A application process is lined up to meet harvest windows and it needs to begin approximately 60 days prior to start date. With many important regions scheduled to begin harvest next month, we emphasize the importance of a swift solution.

Representing grower associations and agribusinesses across the country, we have a crisis mounting with the recent pause in H-2A processing. Our members produce highly perishable, nutritious food and plants that are labor intensive and require timely attention to prevent waste, grocery produce shelves deficiencies, and farmers facing additional financial woes. As growers across the country quickly shift into peak production seasons, they rely on H-2A guest workers to fulfill labor needs left unfilled by our domestic workforce.

Florida growers, for instance, face potentially significant crop loss with any further delays in H-2A certifications. From fall to spring, South Florida producers alone supply fresh produce to 150 million people, primarily in the Eastern United States. If DOL does not quickly resume certifying H-2A applications, 40% of Florida's annual H-2A workforce may not arrive in time for harvest. If the shutdown lasts through November, it may be February before workers arrive. For Florida's fruit and vegetable growers, that's simply too late.

Another example is in Yuma, Arizona, which is moving into its peak winter lettuce season. Yuma growers produce over 90% of the U.S. lettuce supply in the winter. These farmers rely on H-2A workers to fulfill the nation's supply of food, and there is a very limited window to solve this problem.

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<sup>1</sup> U.S. Dep't of Labor, Plan for the Continuation of Limited Activities During a Lapse in Appropriations (Oct. 10, 2025), <https://www.dol.gov/sites/dolgov/files/general/plans/dol-contingency-plan.pdf> (providing that the processing of H-2A farm labor certifications under the Office of Foreign Labor Certification (OFLC) has been deemed a significant activity that has ceased during the lapse in appropriations, at 18, 69).

While these instances exemplify the most pressing need, we are also concerned that the ever-growing backlog created by the ongoing shutdown will result in delays for an even broader swath of growers across the country with start dates further into 2026. As you know, the agricultural industry is a major economic driver and plays an indispensable role in feeding the nation with American-grown produce during important production seasons that are dictated by weather and other growing conditions outside of human control. The sheer amount of food loss and supply disruption that will result from any further delay in H-2A process meets the threshold and warrants emergency action.

We urge the Office of Management and Budget to take immediate steps to authorize USDOL to continue processing H-2A labor certifications, even while the shutdown persists. Doing so will protect vital U.S. agricultural production from potential crop loss and the ensuing financial harm to farmers.

Thank you for your attention to this urgent and crucial matter.

Sincerely,

AmericanHort  
International Fresh Produce Association  
National Council of Farmer Cooperatives  
National Potato Council  
North American Blueberry Council  
Northwest Horticultural Council  
U.S. Apple Association  
Western Growers

CC: The Honorable Lori Chavez DeRemer, Secretary, U.S. Department of Labor  
The Honorable Kristi Noem, Secretary, U.S. Department of Homeland Security  
The Honorable Brooke Rollins, Secretary, U.S. Department of Agriculture