

Insights, News & Events

AGRICULTURAL EMPLOYERS' COMPLIANCE CHEAT SHEET: SUMMER 2025

Insights

Jul 11, 2025

Managing a farm workforce can be a heavy lift. Agricultural employers must keep up with farm labor laws and workplace regulations that seem to constantly change, so we created this zero-waste resource for ag professionals and agribusinesses. Read on for the latest updates impacting farm labor management and HR compliance in your industry.

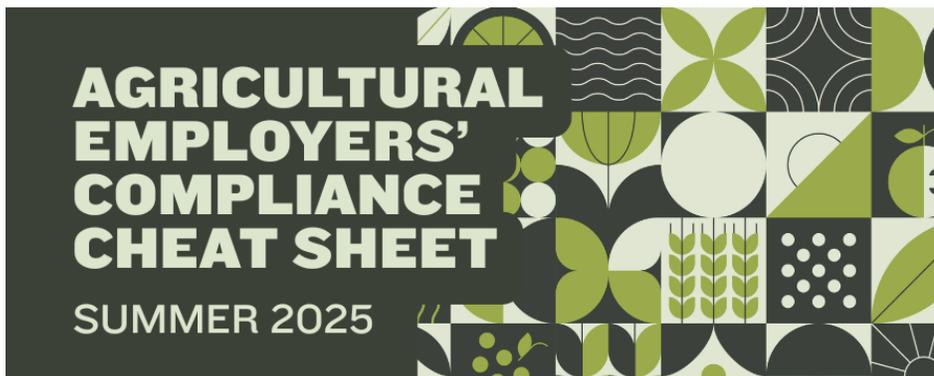


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H-2A Program

DOL Suspends Enforcement of "Farmworker Protection" Rule + Plans to Rescind It

Related People



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- **Snapshot:** The DOL announced on June 20 that, effective immediately, it would no longer be enforcing the [Biden-era final rule](#), which aimed to boost union organizing among workers in the H-2A temporary agricultural visa program but ultimately was restricted by a confusing patchwork of court orders. Then, on July 1, the agency announced a proposal that, if finalized, would officially rescind the farmworker protection rule.
- **Takeaway:** These developments are a major win for agricultural employers and could reduce your labor organizing exposure. But unless and until the DOL officially rescinds the rule, litigation risks remain.
- **Further Reading:** [DOL Suspends Enforcement of Embattled “Farmworker Protection” Rule: What Does it Mean For Agricultural Employers?](#) + [Wave of Deregulation Hits DOL: What Employers Need to Know About the 60+ Rules on the Chopping Block](#)

DOL Judges Could Lose Power to Impose Financial Penalties for H-2A Violations

- **Snapshot:** After getting hit with over \$500K in DOL penalties for alleged H-2A program violations, a family-owned farm in New Jersey sued the agency, challenging the constitutionality of using administrative law judges to impose such penalties.
- **Takeaway:** While a district court sided with the DOL in 2023, the case is now pending in the 3rd Circuit Court of Appeals – and a Supreme Court decision from 2024 could sway the appeals court to reverse. Such an outcome could give agricultural employers the right to a jury trial in federal court any time the DOL attempts to recover such penalties, so stay tuned to see how this plays out.
- **Further Reading:** [Agency Judges’ Power at Risk Again: Family Farm Fights Back After DOL Demands \\$500K for Alleged H-2A Program Violations](#)

Immigration Developments

Trump Flip-Flops Stance on Raids in Ag Industry + New Law Boosts ICE Enforcement

- **Snapshot:** President Trump [acknowledged](#) in June that his administration’s aggressive immigration policies were harming the agriculture industry – but he has repeatedly

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wavered over protections for farm workers, and his administration has since [confirmed that immigration raids would continue at farms](#).

- **The Latest:** President Trump [signed a massive budget bill into law](#) on July 4 that includes an enormous increase in funding for Immigration and Customs Enforcement (ICE), tripling the agency's annual budget to nearly \$30B for enforcement and deportation operations.
- **Takeaway:** Familiarize yourself with [your rights and responsibilities](#) should you face an enforcement action, and take [proactive steps](#) to minimize the chances of one occurring at your workplace.
- **Further Reading:** [An Employer's Playbook For ICE Audits And Workplace Raids](#)

Our [Employers' Rapid Response Team](#) is on call to provide legal counsel when a raid occurs. Call the Emergency Hotline at 483-7781 or contact the team at DHSRaid@fisherphillips.com

Honduras Latest Country to Lose Temporary Protected Status

- **Snapshot:** The Department of Homeland Security [announced](#) on July 7 that it would rescind Temporary Protected Status for Honduras, ending TPS protection from deportation for more than 52,000 Hondurans. The termination is effective at 11:59 p.m., local time, on September 8, 2025, according to the [officially published notice](#).
- **Takeaway:** Keep up on rapid changes impacting TPS programs. Identify affected workers, maintain open communication with them, monitor Employment Authorization Document expirations, and work with immigration counsel to ensure compliance and determine if alternative relief is available.
- **Further Reading:** Click [here](#) for all of our immigration-related insights.

OSHA Compliance

Proposed Heat Safety Rule Moves Forward

- **Snapshot:** While many thought the Trump administration would shelve OSHA's [first-ever proposed national heat](#)

standard, the agency is moving forward with the proposal and just opened a post-hearing comment period that ends September 30. Whether the agency scales down the rule or scraps it altogether remains to be seen.

- **Takeaway:** In any event, don't wait to address heat risks. OSHA will continue to conduct inspections in industries with high heat exposure risk, including agriculture, as part of a National Emphasis Program that was extended until April 2026.
- **Further Reading:** [Get Ready for the Heat: 7 Practical Summer Safety Tips for Employers as OSHA Takes Next Steps for National Rule + FP Snapshot on Agriculture: How Federal OSHA's Proposed Heat Safety Rule Impacts Your Industry](#)

Court Upholds Supervisors' Convictions After Corn Milling Workplace Tragedy

- **Snapshot:** A federal appeals court just upheld the convictions of two managers based on their misconduct during an OSHA inspection into an explosion at a corn milling facility in Wisconsin. The federal criminal charges alleged a month's long scheme to falsify safety and environmental records and mislead OSHA inspectors.
- **Takeaway:** The 7th Circuit's June 10 decision offers stark warnings to employers: OSHA inspections can lead to criminal prosecution, and supervisors can be held criminally liable. Investing in proper training for your compliance teams is critical.
- **Further Reading:** [Federal Appeals Court Upholds Criminal Convictions After OSHA Inspection: What Employers Must Know to Avoid Jail Time](#)

Human Trafficking Liability

- **Snapshot:** Companies across industries – including agriculture – are facing civil lawsuits and criminal investigations related to sex trafficking activities.
- **Takeaway:** You can minimize liability and reduce dangers in your workplace by implementing comprehensive policies and training, establishing robust reporting mechanisms, monitoring business practices and third-party relationships, conducting risk assessments, and documenting your efforts.

- **Further Reading:** [The Surprising Ways Your Company Can Be Liable for Human Trafficking – And 4 Steps to Minimize Dangers](#)

New State Laws

- **Maine** just enacted a [farmworker minimum wage increase](#) that will entitle agricultural employees to be paid at least \$14.65 per hour starting in 2026.
- **Oregon** agricultural workers now have [rights relating to expressing milk in the workplace](#), thanks to a new law signed on May 7 with immediate effect.
- **Washington** now [protects employees from coercion in the workplace based on immigration status](#), and violations may result in civil penalties for the employer. The new law took effect July 1. Another state law relating to [collective bargaining for certain agricultural cannabis workers](#) takes effect July 27.

Workplace Law Updates Across All Industries

- [Employer Cheat Sheet for Workplace Laws Taking Effect July 1, 2025](#)
- [Workplace Law Update: 10 Essential Items on Your July To-Do List](#)

Conclusion

We will continue to monitor workplace law developments impacting agricultural employers. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Agriculture Team](#).