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**NEWS FOR IMMEDIATE RELEASE**

July 8, 2026

**Wisconsin DOJ Joins Amicus Brief in United Farm Workers v. United States Department of Labor to Protect Wages for Domestic and H-2A Farmworkers**

MADISON, Wis. – The Wisconsin Department of Justice (DOJ) is joining a coalition in filing an [amicus brief](#) supporting the United Farm Workers’ (UFW) motion for summary judgment seeking to permanently enjoin the U.S. Department of Labor (DOL) from applying its 2025 interim final rule (IFR) that implements a significant reduction to the Adverse Effect Wage Rate (AEWR). The AEWR is a longstanding regulatory tool used to protect the wages and working conditions of domestic farmworkers from the effects of employers hiring foreign labor.

Through the IFR, the DOL seeks to transfer an estimated \$2.46 billion annually from H-2A farmworkers to industry employers by lowering worker pay standards, without calculating the impact on domestic farmworkers. The rule abandons reliable farm-specific data, arbitrarily creates new lower-paying job categories, and deducts housing costs from the wages paid to H-2A workers. These changes harm the public interest and exacerbate the roots of farmworker poverty for both H-2A workers and domestic farmworkers alike, because when employers can pay H-2A workers less, they pay domestic workers less too.

“Farmworkers do essential work, and they deserve to be paid fairly,” said AG Kaul. “This interim final rule, which drives down wages for farmworkers, should be blocked.”

The H-2A program allows certain agricultural employers to bring in foreign temporary workers when there are insufficient domestic workers to fulfill necessary

jobs. H-2A employers are responsible for providing housing and transportation, and must pay temporary workers a wage, which is typically set by the AEWR.

The effect of this new rule has already been felt throughout the nation. It causes farmworkers to be paid meaningfully less than the wages computed through the traditional wage rate methodology.

Last November, the UFW challenged DOL's IFR in the Eastern District of California, alleging that it violated the Administrative Procedure Act by issuing the rule without prior notice and public comment and by failing to adequately justify the policy change. UFW moved for a preliminary injunction after filing the lawsuit and asked the court to temporarily block DOL's final rule while the litigation proceeds. However, the district court denied the request for a preliminary injunction.

In today's amicus brief, the coalition asserts that:

- The IFR ignores a sordid history of farmworker mistreatment and encourages employers to hire foreign workers over local farmworkers to meet labor demands quickly.
- The IFR defies the purpose of the AEWR and undercuts the federal statute that prohibits the use of the H-2A program in a manner that lowers wages for domestic agricultural workers.
- Empirical research supports that increasing wages helps address farm labor shortages while producing positive economic outcomes for the farming industry.
- The IFR results in farmworkers being paid less than or close to the federal poverty line, which will cause financial injuries to the States.
- The IFR is arbitrary and capricious as DOL failed to adequately explain its departure to the AEWR and did not address evidence regarding the rule's impact on farmworkers wages and labor markets.

Wisconsin DOJ is joined in filing the amicus brief by the attorneys general of California, Colorado, Delaware, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, and Washington.