



October 17, 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:

With indications that the lapse in Fiscal Year 2026 appropriations may persist for several more weeks, I write to express an urgent concern regarding the U.S. Department of Labor's (USDOL) suspension of H-2A labor certification processing due to the government shutdown¹ and request H-2A processing resume for risk of significant loss to property.

As Florida growers move into their peak production season, shutdown-caused delays in H-2A certifications imminently threaten agricultural production, potentially leading to significant crop loss for Florida's fruit and vegetable producers. Florida's agricultural industry is a major economic driver and plays an indispensable role in feeding the nation with American-grown produce during its production season. From fall to spring, South Florida producers alone supply fresh produce to 150 million people, primarily in the Eastern United States. Producers have significant investments in their crops before harvest ever begins – upwards of \$30,000 per acre for some commodities, for hundreds of acres planted. If growers are unable to harvest, these investments will not be recovered.

Fruit and vegetable production is labor intensive and requires harvesting by hand due to the perishable nature of the crops produced. Florida is dependent on the H-2A program for a stable and legal seasonal workforce and is the largest user of the H-2A program nationwide with around 50,000 positions certified annually. Between October 1 and December 31, Florida represents nearly one-third of all H-2A certifications nationwide.

If the USDOL 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.

We respectfully request that the USDOL's processing of H-2A labor certification applications be considered an activity essential to protect property pursuant to 31 U.S.C. § 1342. The potential loss of

¹ 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).

perishable crops that could result from delayed processing meets the threshold for emergency action.

Congress understood the critical importance of workers being available to meet narrow harvest windows when it prescribed a strict time frame² by which USDOL must approve labor certifications. We urge the Office of Management and Budget to follow suit and take immediate steps to authorize USDOL to continue processing H-2A labor certifications, even while the shutdown persists. Doing so will protect vital agricultural production from potential crop loss and the ensuing financial harm to producers.

Thank you for your attention to this critical matter.

Sincerely,



Jamie Fussell
Director of Labor Relations

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

² See, 8 U.S.C. § 1188(c)(1) & (c)(3) (Providing applications for H-2A labor certifications are filed 45 days and certified 30 days before first date of need of agricultural labor and services, respectively).

