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Advocating for a Lasting Labor Solution

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Labor. It's the topic that gets brought up in almost every conversation about controlled environment agriculture and it's probably one of the biggest issues holding the industry back. I've talked to growers who are hesitant to expand because they worry they won't have the workers they need once they finish the project. The federal H-2A guest worker visa program has been a lifeline for many operations, especially those growing vining crops that require more intensive labor that can't be automated, but it's not without its frustrations.

In sitting down with the advocacy team at Cultivate'25 this year in Columbus, they were cautiously optimistic that there could be traction to change the program for the better. However, they were clear the messaging needed to be zeroed in on the specific changes growers need to be successful to accomplish something that hasn't happened in nearly 40 years—meaningful change when it comes to employing agricultural workers.

"I've worked on labor issues both on and off Capitol Hill for more than 20 years, and this is the most momentum I've ever seen around H-2A reform," said Matt Mika, VP of Advocacy & Government Affairs at AmericanHort. "For the first time, there's interest across the board. In both the House and Senate, Republicans and Democrats alike are acknowledging that the system isn't working. Even the Trump Administration has indicated a willingness to take a closer look, which is significant given that President Trump's own businesses rely on H-2A for vineyards and H-2B for his golf courses and hospitality.

"Most importantly, this isn't just a greenhouse or specialty crop issue—our members and the entire agricultural community are unified in saying that labor is the number one issue facing agriculture today. That level of consensus gives me hope that real solutions are possible."

Let's dig in to the H-2A program and what may be coming down the pike (knowing that I'm writing this at the end of September and perhaps some form of change has already come by the time you read this!).

What is H-2A?

Just a quick overview, the H-2 visa program originated with the 1952 Immigration & Nationality Act that allowed foreign guest workers to enter the U.S. for temporary and seasonal employment. In 1986, that act was amended to split the H-2 visa program into two buckets—H-2A for agricultural workers and H-2B for seasonal non-agricultural employment—according to the Bipartisan Policy Center. At that point, about 30,000 seasonal workers were coming to the U.S., mostly for agricultural work. Today, there's no limit on the H-2A program (there still is on H-2B) and in 2024 the Department of Labor (DOL) certified nearly 385,000 positions, with about 50% of them going to five states: Florida, Georgia, California, Oregon and North Carolina, according to the American Farm Bureau Federation.

The program, which started out as a last resort for farmers looking for labor, today has become an increasingly vital part of American agriculture, as fewer domestic workers want to do the difficult work of, among other tasks, pruning, harvesting and packing. However, because the program hasn't changed in nearly 40 years, it has multiple barriers that make it difficult for growers to use, particularly in the CEA industry. I talked to Justin Bartlett, co-founder of Legacy Labor, who puts a fine point on this.

"The current H-2A program, the program of last resort, which is an increasingly large percentage of American growers, excludes most greenhouse operations from participating," he said of CEA growers. "This is not because Congress specifically wanted them excluded, as is the case for some industries. It's because the industry never existed on the scale it did 40 years ago when they last adjusted this H-2A program."

Why is it such a challenge?

There are multiple issues, but the single biggest one is the Adverse Effect Wage Rate (AEWR), which is the wage rate the farm or grower is required to pay someone under the H-2A program. Remember, it was a last resort program initially, and as such, the federal government didn't want to push wages for domestic workers down by having foreign workers come in at reduced wages. So they set minimum requirements (it's also part of the program that growers/farmers have to advertise positions locally first and exhaust all efforts at hiring domestically before moving to the H-2A program).

"The AEWR has increased year after year, creating significant uncertainty and financial strain," Matt said. "For many growers, these costs are simply unsustainable. Without meaningful relief, this trend of escalating rates risks putting otherwise viable operations out of business."

How much is the AEWR? Well, it's complicated because it also depends on what state you're in, as well as the job title. For example, in 2025 in California the hourly rate was \$19.97, while in Florida it was \$16.23 and \$14.83 in Mississippi. Notice those numbers are well above minimum wage—this isn't an inexpensive program. There are also federal requirements for housing, transportation and other necessities, which means these expenses far exceed those of hiring domestic workers.

Growers are willing to pay a fair rate for a stable workforce, but they'd like it to be based on their local market and to be consistent. Every year the AEWR changes and the formulas aren't very transparent, so it's difficult to plan for the coming year's expenses. Since 2019, the AEWR has increased by roughly 42%. Plus, the rates also fluctuate depending on the job being done, making it even harder to plan.

On top of the AEWR, another challenge is the seasonality of H-2A visas. They're only issued for up to 10 months at a time, which is typically fine for field agriculture, but not ideal for greenhouse and vertical farms that can operate year-round. Growers need options, Justin said, and since the visa program wasn't set up with

greenhouse or vertical farm operations in mind, it doesn't meet their needs. Staggered starts with multiple groups of workers were a way around this a while back, but then a ruling in 2011 prohibited that, Justin said. However, that likely has changed (more on that in the next section).

The last big challenge is the sheer amount of red tape and paperwork that goes with the program. It's confusing, difficult to navigate and there are very specific requirements you have to follow. It also spans multiple federal agencies.

"A major frustration is the lack of coordination between agencies. The Department of Labor has moved much of its process online, while the Department of Homeland Security still requires paper documentation," Matt said. "This disconnect creates delays, inefficiencies and added expenses for growers who are already struggling to keep up."

This is why Justin's company is set up so they are the employers, he said. They handle the paperwork, red tape and federal requirements so the grower doesn't have to.

Where are we at now?

There's already been some movement this year. A federal judge vacated a DOL 2023 AEWR methodology rule that had included non-agricultural data, along with farm data, in setting the wage rate. Now, the wage calculation reverts back to the DOL's 2010 rule using just farm data, although—plot twist—the USDA over the summer discontinued the Farm Labor Survey, which is the data used for the calculation. Which may be why another area where there's traction is potentially freezing the AEWR.

"One of the things we're trying to accomplish is a temporary two-year freeze of the AEWR to provide immediate relief to growers," Matt said of AmericanHort's efforts. "Such a freeze would provide time to address some of the challenges with the AEWR system. It should either be fixed or possibly eliminated altogether to create a more predictable and sustainable approach to wages."

In February, a bill freezing the AEWR was introduced in the House and in May more than 100 members of Congress from both sides of the aisle signed a letter supporting the freeze. It's also been part of the conversation for the 2026 appropriations bill. At the AmericanHort Fly-In event in Washington, D.C. in September, Secretary of Labor Lori Chavez-DeRemer told the group more H-2A rules and regulations are coming this fall, but there were no further details yet.

Remember when Justin was talking about the staggered start prohibition? That was reversed in August, and while it's still not entirely clear how this will work, growers will be able to identify staggered start times for their H-2A workers.

While there's been some movement, we're still waiting to see if there's the possibility for more changes to the visa program. I asked Matt what this might look like—is it in the form of executive order or actual legislation?

"Executive orders and administrative changes can provide some short-term relief, however, they're temporary by nature," he explained. "A new administration, or even a new secretary, can easily reverse them with the stroke of a pen."

"What we really need is a legislative solution, something that can pass both chambers, with 218 votes in the House and 60 in the Senate. That's the only way to create stability and predictability for growers who are making long-term business decisions."

What can you do?

A unified, consistent message can move the needle, Matt said. “First and foremost, this is not an immigration issue, it’s a workforce issue, and it’s the number one challenge facing farmers, ranchers, producers and growers,” he added. “We need to emphasize that a reliable agricultural workforce is a matter of national security. Without it, we risk relying more heavily on imported food and products from places like Mexico, China, Brazil or Russia.”

When talking about the issue, he said the message should be clear on solutions—fix the program so it’s affordable and workable (which means freezing AEWR, cutting red tape to simplify the process and ensure all agencies are aligned).

“If we can keep the focus on food security, workforce stability and practical reforms, I believe we can move the process forward in a constructive way,” he said.

How do you get this message out? There are a couple of ways. One, you can join national organizations like AmericanHort and the International Fresh Produce Association (IFPA), which are lobbying on behalf of growers. It’s also beneficial to be a part of your state organization, where you can stay in touch with local officials.

Two, you can contact your representatives in Congress to tell them your story. They need to hear how this affects you and your business. Better yet, make a plan to visit them in Washington, D.C., via the events held annually by AmericanHort and IFPA.

And, finally, you can invite a legislator (or multiple) to tour your facility. What better way to tell your story than to show them in person? **IG**

Resources

For more on advocacy, visit:

Americanhort.org

freshproduce.com

Visit www.congress.gov/members/find-your-member to find your representatives in Congress.

Editor's Note: There *has* been change on the H-2A front since this story was written. [Click here to read about changes to the AEWR and find more resources.](#)