

11/6/2025

DOL Interim Final Rule on Agricultural Wages

Matt Mika, Lynn Jacquez & Shawn Packer

The Department of Labor (DOL) suspended enforcement of its 2024 rule aimed at expanding H-2A guest worker protections and proposed rescinding it entirely. Concurrently, the Department of Homeland Security (DHS) has introduced a new rule that was effective October 2, 2025, to streamline the H-2A filing process.

In addition to the rule-making referenced above on October 2, DOL published a long-awaited interim final rule (IFR) revising the wage methodology for determining the Adverse Effect Wage Rate (AEWR). This rule was issued quickly in response to recent litigation that vacated the 2023 wage rule and the USDA's termination of the Farm Labor Survey, which had previously determined AEWR rates. The new methodology now relies on the Occupational Employment Wage Statistics survey, a three-year running average updated annually in July and a state's minimum wage.

Click to [download a PDF](#) of the rule and a [breakdown of the new rates](#) provided by JPH Law.

— *Matt Mika, AmericanHort; and Lynn Jacquez and Shawn Packer, JPH Law*