

NATIONAL

Dairy industry applauds new guidance on H-2A eligibility for dairies

WASHINGTON — Federal agencies on Wednesday, June 17, clarified that dairies can use the H-2A agricultural worker program to fill seasonal or temporary labor needs.

In a memo issued on Wednesday, the U.S. Department of Homeland Security and the U.S. Department of Labor clarified that dairy operations may use the H-2A program when they can demonstrate a qualifying temporary or seasonal labor need under existing law.

“Dairy farmers appreciate the new clarification released by the Trump administration outlining how dairy operations may use the H-2A agricultural worker program. The dairy industry has long sought access to the H-2A program, and this guidance will help open the door for dairies to begin using this program,” National Milk Producers Federation President and CEO Gregg Doud said in a statement.

Because dairy work continues year-round, dairies have had difficulty using the H-2A program. The policy memo issued on Wednesday clarified that dairies can

use the program when the need for labor is seasonal or temporary, which it defined as less than one year. Under the new guidance, U.S. Citizenship and Immigration Services will evaluate H-2A petitions for dairy-related work on a case-by-case basis “based on the employers’ demonstrated temporary or seasonal need,” a statement from the U.S. Department of Agriculture said.

“Farmers thank the Trump administration for addressing the farm labor crisis by expanding H-2A access for certain dairy jobs. The reality is clear — fewer Americans choose to work on farms while the need for qualified workers increases, creating a difficult labor market for U.S. farm families,” American Farm Bureau Federation President Zippy Duvall said in a statement.

The nine-page memo from the Department of Homeland Security laid out both the legal rationale it found for the use of H-2A in certain dairy jobs as well as explaining the limitations of the policy.

“Absent a showing of extraordinary



Cows inside the barn at the Witt Family Farm in June 2024 in Wilton, Wisconsin. **Noah Fish / Agweek**

circumstances demonstrating a one-time need, a petitioner requesting H-2A workers to perform the same dairying position and job duties for a back-to-back lengthy consecutive or near-consecutive period for the same job duties for a dairying position without a meaningful break in employment, so as to indicate an ongoing permanent need, would generally constitute substantial evidence supporting the denial of the H-2A petition, notwithstanding the existence of [Department of Labor Temporary Labor Certifications] for such

periods,” the memo said.

However, the memo indicated there may be some situations in which consecutive or near-consecutive petitions could be approved.

“USCIS has interpreted H-2A statutory and regulatory authorities to allow H-2A petitioners to file consecutive, back-to-back petitions seeking the same or different workers if they can establish that an employer’s needs for the job duties are demonstrably different or that each consecutive petition is tied to a specific event or pattern,” the

memo said.

For instance, the memo indicates that if there are different seasonal tasks to be done — even if milking remains on the list year-round — a dairy job may be considered seasonal.

“Dairy cows are typically milked for approximately 10 months after calving before they are ‘dried off’ for two months before calving again. For dairies that implement distinct breeding seasons each year, employers may be able to file separate H-2A petitions (for up to 10 months each) for dairy herdsmen for each

calving season to provide the needed labor to address the different needs by the employer in relation to the cadence for the cattle in each herd,” the memo explained.

While agriculture and dairy officials applauded the move, they also indicated there is more work to be done on the issue of dairy labor.

“This is an important step for our hardworking dairy farmers. However, it does not fully solve the problem. Legislation is needed to achieve durable and lasting reform that will provide certainty and fairness to both farmers and their employees as they contribute to a strong and healthy food supply,” Duvall said.

“NMPF pledges to work with both Congress and the administration to secure long-term certainty for the dairy workforce, including solutions to transition to H-2A, which will ensure that dairies across the nation are set up to thrive, boosting rural communities and providing Americans and the world with high-quality, nutritious products,” Doud said.

Trump says US would do better without USMCA trade agreement

BY STEVE HOLLAND AND DAVID SHEPARDSON
Reuters

PARIS/WASHINGTON — U.S. President Donald Trump on Wednesday said that the United States would do better without the U.S.-Mexico-Canada Agreement on trade and that he would prefer not to have a new one, but added that he was open to doing it.

“I would rather not have the agreement, but I may sign it,” Trump told

reporters in France. “We do better as a country if we don’t have an agreement.”

The three countries need to approve a renewal of their existing agreement by July 1 or signal their intention to exit the pact, a process that would take 10 years and would buy time for alterations.

The U.S. Trade Representative’s Office is holding talks with Mexico this week in Washington focused on agriculture and “a level playing

field,” with a third set of talks in Mexico City scheduled for the week of July 20.

Agricultural groups are urging Trump to extend USMCA for another 16 years with duty-free farm products, strengthened provisions for genetically modified corn and ethanol access in Mexico and improved access to Canada’s largely closed dairy market.

Automakers are also pressing for an extension.

“Mexico and the United States seem to understand that North American auto manufacturing and trade is currently at a competitive disadvantage to other automotive-producing countries that have agreements on Reciprocal Trade, and that the USMCA review and renewal is an opportunity to address this,” said Matt Blunt, who heads a group representing General Motors, Ford Motor and Stellantis.

The six-year-old

USMCA and its predecessor pact have created a highly integrated North American economy, underpinning nearly \$1.6 trillion in annual trilateral trade, but its future hinges on negotiations over the coming months.

The United States in 2025 had a \$46 billion trade deficit in goods with Canada and a \$197 billion deficit with Mexico.

Mexico has been the top U.S. trading partner since 2023 and some 80%

of Mexican exports go to the United States, while nearly 70% of Canada’s exports head to its southern neighbor. Mexico and Canada import nearly one-third of exported U.S. goods.

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