June 19, 2026

Administrator Andrew Rogers
Department of Labor
Wage and Hour Division
200 Constitution Avenue NW
Washington, DC 20210

RE: Docket No. WHD-2026-0067; Joint Employer Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act

Dear Administrator Rogers,

The California Farm Bureau (CAFB) appreciates the opportunity to comment in response to the Wage & Hour Division's proposed rule concerning joint employment under the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), and Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

For background, CAFB is a voluntary, non-profit organization made up of nearly 26,000 members across 54 counties and is the largest farm organization in the state. Established in 1919, we work for the betterment of family farmers, ranchers, and workers across California and help support up to 2.5 million jobs and over $58 billion in crop value.

Despite these figures, our industry has faced financial headwinds in recent years as producers face inflation, elevated input costs, and an ever-more challenging regulatory environment. In a January 2025 study from California Polytech State University, researchers discovered the per-acre compliance costs faced by lettuce growers in the Salinas Valley have increased by 1,366% since 2006. While the study examined the effects from the full spectrum of local, state, and federal requirements, it still points to the negative economic impacts of unrestrained regulatory growth.

As such, CAFB is pleased to see the agency's interest in restoring a more efficient and straightforward approach to determining joint employment across FLSA, MSPA, and FLMA. With roughly a third of all agricultural workers employed in California—almost half of whom are hired through farm labor contractors (FLCs)—our members are uniquely familiar with the potential challenges posed by both ambiguous and overly complex workforce requirements.

FLCs have grown to handle a greater share of workforce needs for farmers over the past decade, which we believe in part is a result of the growing regulatory footprint imposed on employers. With farming in California becoming less economically sustainable over time, the percentage of families relying on supplemental jobs and income to support their livelihoods has grown. As such, many smaller and family-owned farm operations rely on farm labor contractors to cope with the thicket of regulatory requirements imposed by both the State of California and the federal government. They do not do this with the intention of avoiding legal requirements but instead seeing the risks of not properly following the long list of overlapping regulatory obligations from local, state, and federal laws.

Under the agency's proposal, a straightforward four-factor test would serve as the main means for establishing vertical joint employment (which is much more common than horizontal joint employment). While other factors play a role—including the *potential* for a joint employer to exercise the "ability, power, or reserved right"—we believe this test will simplify the approach employers must take when considering hiring employees that might have multiple employers.

Similar to our partners with the National Council of Agricultural Employers (NCAE), we believe clearer distinctions between shared compliance responsibilities and shared employer authority are critical for the success of this rule. For many California farmers, especially those that utilize the H-2A program, there is a long list of agencies and entities who impose compliance obligations. Employers are expected to not just navigate these responsibilities but often coordinate inspections for both workers and food safety, amongst other obligations such as environmental compliance and chemical application reporting.

We do not believe such practices should denote control over workers by themselves. It appears that under the agency's current proposal, this would establish a clearer separation between compliance and control. CAFB agrees with the agency's suggestion that if finalized as written, it would not just reduce burdens for employers but also promote greater awareness for the workers themselves.

The result would be greater flexibility and predictability for both employers and employees. Reducing the regulatory risks associated with vague and overly burdensome requirements would give employers greater certainty and trust in their hiring and employment practices, while employees would have a better understanding of their own rights.

Fundamentally, CAFB and our members believe that protecting the partnership between farmers and farmworkers remains critical to our success as an industry. We support practices that deliver not just on food safety, but worker safety, environmental compliance, and other obligations as well. While regulatory requirements overlay these practices—we feel they best work together when rules are both well-defined and concise.

This is why we appreciate and support the agency's attempts to provide a clearer and more succinct approach to establishing joint employment under federal laws. At a time when farm bankruptcies are on the rise, any help to provide regulatory relief would be a positive step for our industry.

We thank you for the opportunity to comment on this proposal and would be more than happy to provide additional details as needed.

Regards,

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California Farm Bureau