

February 2, 2026



The Honorable Lori Chavez-DeRemer
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 553(e), the Montana Stockgrowers Association (MSGA) respectfully submits this petition for rulemaking requesting that the U.S. Department of Labor amend and clarify its regulations governing the H-2A Temporary Agricultural Worker Program to expressly recognize production agricultural services as falling within the definition of agricultural labor or services under 20 C.F.R. § 655.103(c). Specifically, MSGA requests that the Department recognize the need for H-2A labor in livestock auction markets and rancher/farmer feeder feedlots.

Livestock auction markets are a critical and indispensable part of the U.S. production agricultural system. These markets exist exclusively to facilitate the sale, handling, and movement of live cattle, sheep, and other livestock commodities directly to buyers and were established to have direct proximity to ranches and farms. Livestock auction markets are production agriculture and function as a direct extension of the ranch and farm. They are fundamental to the economic viability of ranching and farming operations, particularly in rural communities.

Livestock auction markets make a substantial contribution to the agricultural economy and livestock supply chain. Specific to Montana in 2025, sale barns in one market area facilitated over \$554 million in gross livestock sales directly impacting on-ranch production. This included the commerce of 220,000 cattle, 6,485 horses, and 67,000 sheep and goats. For ranchers, from the moment a calf hits the ground, production decisions are shaped by the reality of the auction market. Genetics, health programs, nutrition, handling practices, and record-keeping are all guided by how animals will eventually perform in the marketplace. Auction markets translate on-ranch decisions into real-time economic signals, rewarding quality, consistency, and responsible stewardship while providing clear feedback to producers about what the industry needs next. Across the United States, approximately 1,000 livestock auction markets

collectively handle millions of head of livestock each year, generating \$30 billion in agricultural commerce in 2025.

Rancher/farmer operated feedlots constitute production agriculture by performing essential, value-added activities within the livestock production cycle, including feeding and daily husbandry of animals prior to finishing or sale. These activities are necessary to transform livestock from one production stage to the next and are performed on ranches and farms, thereby falling squarely within the scope of agricultural labor and services relevant to the H-2A Temporary Agricultural Worker Program.

Rancher/farmer feeder feedlots are inherently seasonal in nature, with labor demands fluctuating based on calving cycles, weaning periods, forage availability, weather conditions, and regional marketing patterns. Peak labor needs typically occur during defined periods when livestock are received, sorted, fed, and managed for growth, often coinciding with fall and spring production cycles. These seasonal influxes of livestock require intensified daily feeding, animal care, health management, and facility maintenance that cannot be deferred or automated. As a result, feeder operations experience predictable, temporary surges in agricultural labor demand that are directly tied to the biological and production cycles of livestock agriculture, consistent with the seasonal labor needs contemplated under the H-2A Temporary Agricultural Worker Program. Similarly, livestock auction markets experience variability of workloads throughout the year. Typically, during peak seasons, spring and fall, cattle movement, care, and handling can be seven to ten times more when compared to the non-peak season. However, rancher/farmer feedlots and livestock auction markets cannot acquire enough seasonal domestic employees to meet the needs of their businesses.

Despite their clear agricultural function and economic importance, livestock auction markets and rancher/farmer feeder feedlots are frequently excluded from eligibility under the H-2A program due to the absence of explicit regulatory recognition. This exclusion has resulted in acute workforce shortages with consistent gaps in workforce availability in roles that are directly tied to the production side of the auctions and feedlots where workers sort, handle, and care for the livestock. As domestic labor availability in rural areas continues to decline, these shortages threaten the efficient operations, human and animal safety, and, by extension, the ability of ranchers and farmers to market their livestock in an orderly and timely manner.

Clarifying that livestock auction markets and rancher/farmer feeder feedlots qualify as agricultural employers for purposes of the H-2A program would support the program's statutory purpose, reflect the economic realities of modern livestock production and marketing, and help ensure the continued functioning of a critical segment of the agricultural economy. Such clarification would also promote regulatory consistency, provide certainty to employers and workers, and strengthen rural economies that depend on livestock agriculture.

For these reasons, we respectfully request that the Department of Labor initiate rulemaking to amend its H-2A regulations to expressly include livestock auction markets and rancher/farmer feedlots within the definition of agriculture and agricultural employment.

Thank you for your consideration of this petition. We would welcome the opportunity to provide additional information or participate in stakeholder engagement as the Department evaluates this request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lesley Robinson".

Lesley Robinson, President
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