



IDFA
International
Dairy Foods Association

U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Submitted electronically via <https://www.regulations.gov>.

October 24, 2025

To Whom it May Concern:

Thank you for the opportunity to provide comments on the Department of Homeland Security's (DHS) proposed rule "Weighted Selection Process for Registrants and Petitioners Seeking to File Cap-Subject H-1B Petitions", DHS Docket No. USCIS-2025-0040 ("Proposed Rule" hereafter).

The International Dairy Foods Association (IDFA), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports more than 3.05 million jobs that generate \$52 billion in direct wages and \$779.45 billion in overall economic impact. IDFA's diverse membership ranges from multinational organizations to single-plant companies, from dairy companies and cooperatives to food retailers and suppliers, all on the cutting edge of innovation and sustainable business practices. Together, they represent most of the milk, cheese, ice cream, yogurt and cultured products, and dairy ingredients produced and marketed in the United States and sold throughout the world.

To ensure the context of IDFA's comments on the Proposed Rule is fully understood, it is important to recognize the growing demand for labor—both on the farm and in processing facilities—needed to support the significant expansion currently underway within the U.S. dairy sector. Today, there are more than 1,000 dairy processing facilities in the United States producing a range of dairy products. That number is steadily increasing as the industry expands its manufacturing footprint and modernizes to meet rising global demand for U.S. dairy. This growth is driven by more than \$11 billion in new processing capacity—investment that will only succeed if the necessary workforce is in place to sustain it from farm to plant.



Impact on Entry-Level Hires

Unfortunately, the U.S. labor market alone does not produce enough skilled candidates to meet industry demand. By limiting access to foreign-born graduates at the entry level, the Proposed Rule threatens the long-term strategies of dairy manufacturers, many of which have developed and rely on these labor pipelines to

meet their entry level hiring needs. The Proposed Rule would deprioritize the use of the H-1B selection process to fill entry level positions in favor of jobs that are more senior. IDFA disagrees with this prioritization system because it will make it more difficult for our members to hire recent graduates who often bring new technical knowledge and emerging skills that prove critical to modernizing operations, improving efficiency, and developing healthier, next-generation dairy products.

Creation of Wage Competition

IDFA members also believe that the proposed wage-based selection system could increase future employee compensation packages. Specifically, the proposed wage-based selection system would create an environment in which employing companies are forced to compete for priority selection by offering higher wages to gain an advantage in the lottery. To improve their chances of selection, dairy manufacturers would be compelled to raise salary offers from Level I or II to Level III or IV, even for entry-level or early-career positions.

This would put dairy manufacturers at a competitive disadvantage with companies from other sectors that may have more financial resources due to higher profit margins and are thus better positioned to absorb the cost of higher wages. Smaller businesses would also be at a competitive disadvantage because a larger business would more likely be able to absorb the costs associated with higher compensation levels. Larger employers will also be able to better absorb the costs associated with the proposed program fees. Finally, dairy companies located in less urban areas with lower costs of living will face more hurdles in offering higher salaries than those in higher cost of living areas. As a result, the added financial burden could force companies that are unable to absorb the additional competitive costs to forgo the opportunity to use the H-1B program to hire much needed skilled workers. Overall, the proposed policy does nothing to level the playing field between companies seeking skilled workers – it picks winners and losers.

Additional Unintended Consequences

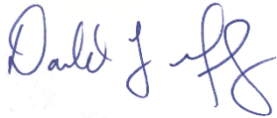
Finally, while we understand DHS's intent to improve the integrity and functionality of the H-1B program through the Proposed Rule, IDFA's members are concerned about the broader, unintended consequences these changes could have on other employment-based visa programs. For example, IDFA members are concerned that the program could have a negative effect on employers who already employ foreign workers as part of the F-1 visa program. It is not clear under the Proposed Rule whether current F-1 visa holders would be subject to the newly proposed \$100,000

fee if selected in a future H-1B lottery. If so, this could place an extraordinary financial burden on dairy manufacturers that struggle to retain skilled talent.

Ultimately, IDFA members are concerned that the Proposed Rule could undermine the industry's ability to recruit highly skilled international workers and harm the carefully built talent pipelines that are essential to maintaining growth, innovation, and affordability in the U.S. dairy sector. IDFA urges the Administration to withdraw the Proposed Rule and instead work with Congress to reform the H-2A visa program, which currently excludes year-round agricultural employers, including dairy manufacturers, that face consistent labor shortages in important, non-seasonal roles. As the dairy industry continues to invest in expanded production and modernized facilities to meet rising demand, access to a stable, legal workforce is more important than ever.

In the interim, however, IDFA appreciates the opportunity to comment on the Proposed Rule and respectfully requests DHS's consideration of these comments in any actions it implements. IDFA and its members would be happy to answer any questions you may have.

Sincerely,



Donald F. Grady
Senior Director, Legislative Affairs
International Dairy Foods Association