

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

TEXAS INTERNATIONAL §
PRODUCE ASSOCIATION, and §

TEXAS VEGETABLE §
ASSOCIATION, §

Plaintiffs, §

v. §

Case No. 2:25-cv-261-Z

OCCUPATIONAL SAFETY AND §
HEALTH ADMINISTRATION, §

UNITED STATES DEPARTMENT §
OF LABOR, §

LORI CHAVEZ-DEREMER, in her §
official capacity as Secretary of §
Labor, and §

DAVID KEELING, in his official §
capacity as Assistant Secretary of §
Labor for Occupational Safety and §
Health, §

Defendants. §

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Summary

Summary judgment is sought as to all claims. *See* Local Civil Rule 56.3(a)(1).

Motion

Plaintiffs hereby move under Federal Rule of Civil Procedure 56 for summary judgment in their favor and against Defendants on the one claim in the complaint. Specifically, Plaintiffs move for summary judgment on their claim that Congress unconstitutionally delegated legislative power to the Occupational Safety and Health Administration (OSHA) when Congress authorized OSHA to issue regulations for “any occupational safety or health standard,” 29 U.S.C. § 655(b), provided that such regulations are “reasonably necessary or appropriate to provide safe or healthful employment and places of employment.” *Id.* § 652(8). Plaintiffs move the Court to declare this delegation unconstitutional and enjoin it.

Under Local Civil Rule 56.3(b), each of the matters required by Local Civil Rule 56.3(a) is set forth in the accompanying brief. For the reasons stated therein, and based also on the Declaration submitted, which is presented to demonstrate the absence of genuine disputes of material fact, Plaintiffs request that the Court grant summary judgment in favor of Plaintiffs and enter a final judgment on their claim.

Date: December 3, 2025

Respectfully submitted,

/s/ Benjamin I. B. Isgur

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