

FSA Cannot Create County Committee Candidate Disqualifications Through Handbook Provisions

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Overview

Federal agencies must operate within the authority granted to them by statute and regulation. An agency handbook may provide guidance to agency personnel, but it generally cannot create a substantive eligibility restriction that does not exist in governing law. A recent federal district court decision involving an FSA County Committee election illustrates the distinction and provides an important practice point for agricultural attorneys and producers involved in FSA elections.

Background

In a recent federal case from South Carolina,¹ a plaintiff sought to be a candidate for an FSA County Committee in South Carolina. The FSA State Committee excluded him from the election based on two circumstances. First, the FSA relied upon an adverse determination involving the plaintiff's participation in the Marketing Assistance for Specialty Crops (MASC) program. Second, the FSA relied upon his prior candidacy for the United States Senate. He had withdrawn from that race on August 11, 2026.

The plaintiff challenged the exclusion under the Administrative Procedure Act (APA), contending that the FSA lacked regulatory authority to treat either circumstance as a disqualification from appearing on the County Committee ballot. The dispute ultimately centered on a fundamental administrative-law question: Can an agency impose a substantive eligibility restriction through an internal handbook when the governing regulations do not establish that restriction? The district court concluded that it could not.

The MASC Issue

The FSA's treatment of the plaintiff's MASC history was particularly significant. During the litigation, the FSA conceded that it could identify no regulation expressly making an MASC program violation a basis for excluding a person from becoming a County Committee candidate. That concession undermined the agency's position. The court examined FSA Handbook 15-AO ¶107E, which the FSA relied upon in connection with candidate eligibility. The court concluded that the handbook provision merely directs agency officials to review applicable requirements. It does not itself establish an additional substantive eligibility restriction. That distinction is important.

An agency handbook can tell agency personnel how to administer an existing regulatory requirement. It does not necessarily give the agency authority to create a new requirement that Congress or the agency's properly

¹ *Ford v. United States Department of Agriculture*, No. 8:26-cv-03869-JDA-MHC, 2026 U.S. Dist. LEXIS 213661 (D. S.C. Sept. 21, 2026).

promulgated regulations have not established. In other words, an internal administrative instruction cannot simply be transformed into a substantive rule having the force of law.

Political Activity Presented a Separate Issue

The FSA also relied upon restrictions concerning political activity. The plaintiff had previously been a candidate for the U.S. Senate, although he withdrew from that race on August 11, 2026. The relevant FSA political-activity provisions are contained in FSA Handbook 22-PM ¶399A. The court determined, however, that those restrictions applied to County Committee members, delegates, alternates, and employees. They did not establish a restriction applicable to someone merely seeking to become a County Committee nominee. That distinction between a candidate and an officeholder proved important.

The governing regulatory framework distinguishes requirements for eligibility to appear on the ballot from restrictions that apply after a person has been elected or appointed to an FSA position. The court therefore rejected the attempt to use restrictions applicable to officeholders as a basis for excluding the plaintiff from becoming a candidate in the first place. The timing and status of the individual matter. A restriction applicable to someone who holds an FSA position does not automatically establish that the same restriction applies to an individual who is merely seeking election to that position.

Preliminary Injunction Granted

The district court granted the plaintiff's request for a preliminary injunction. The court ordered the FSA to place the plaintiff on the County Committee ballot and include him in the candidate materials. The court also found that the plaintiff had demonstrated irreparable harm. That conclusion follows from the nature of an election. If a qualified candidate is improperly excluded from the ballot, monetary damages after the election has occurred may not provide an adequate remedy. Once voting has concluded, the opportunity to participate in that particular election has passed. Thus, the injury from an unlawful exclusion can be difficult—or impossible—to remedy after the fact.

The Administrative-Law Lesson

The case illustrates an important principle for practitioners dealing with federal agricultural agencies: there is a difference between internal agency guidance and substantive law. Agencies routinely rely upon handbooks, manuals, procedural directives, and internal instructions to administer federal programs. Those materials can be important sources of guidance for agency personnel and practitioners. But an internal handbook provision does not necessarily have the same legal status as a properly promulgated regulation. That distinction becomes particularly important when an agency seeks to use an internal provision to deprive an individual of a substantive right or opportunity.

Here, the court found that the cited handbook provisions did not establish the substantive restrictions the FSA attempted to apply to the plaintiff. The FSA could not point to a regulation making the MASC determination a disqualification from County Committee candidacy, and the political-activity restrictions cited by the FSA applied to persons holding certain FSA positions rather than to nominees. The court therefore required the agency to follow the actual regulatory framework governing eligibility.



Practical Implications for FSA County Committee Elections

The decision provides a useful roadmap for practitioners representing farmers and ranchers in FSA election disputes.

- First, identify the actual source of the eligibility requirement. If FSA personnel contend that an individual is ineligible to appear on a County Committee ballot, counsel should determine whether the restriction comes from a statute or properly promulgated regulation or merely from an internal handbook or administrative instruction.
- Second, distinguish candidate eligibility from post-election restrictions. A requirement governing a County Committee member's conduct after election does not necessarily establish a restriction on who may become a candidate.
- Third, ask the agency to identify the specific legal authority supporting the disqualification. In the case, the FSA ultimately conceded that it could identify no regulation making the MASC violation a basis for excluding a candidate.

Finally, timing matters. An improperly excluded candidate may suffer an injury that cannot be adequately remedied after an election. Consequently, prompt judicial review may be necessary when an agency action threatens to remove a candidate from an upcoming ballot.

Conclusion

The case reinforces a basic administrative-law principle with significant practical importance in agricultural law: an agency cannot convert an internal handbook directive into a substantive eligibility requirement without regulatory authority. For FSA County Committee elections, practitioners should carefully distinguish between requirements governing whether an individual may appear on the ballot and restrictions governing individuals who have already been elected or appointed to an FSA position. The agency must be able to identify actual legal authority for a disqualification; an internal handbook provision, standing alone, may not be enough.

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