



The Feed highlights recent legal developments affecting agriculture, with issues released twice a month.

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Brett Bovee  
WestWater Research



Brian Hamilton  
Downey Brand LLP

**Reconciliation & Rescissions.** On June 12, the U.S. House of Representatives passed the “Rescissions Act of 2025” that slashed \$94 billion dollars in spending previously approved for select federal programs. **HB 4** will now move to the Senate for consideration after the House narrowly voted to approve the measure at a vote of 214-212. The Act permanently rescinds funds made available by the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2024 and the Full-Year Continuing Appropriations Act of 2025. Specifically, funds for the United States Agency for International Development (USAID) were rescinded which included food and agricultural programs formerly run by the department. The bill also permanently rescinds development assistance funds, around \$2.5 billion, under USAID that supported the Feed the Future Initiative. The Feed the Future Initiative, created under the Obama Administration, supported global hunger and food insecurity. Additionally, funds were cut for programs sponsored by USAID including global health programs, international organizations, and the Corporation for Public Broadcasting, among others. The bill is headed to the Senate chamber for consideration.

As for reconciliation, the Senate is still considering its version of the One Big Beautiful Bill Act. Currently, the bill is going through the “Byrd bath” process – a procedure where lawmakers work with the Senate parliamentarian to ensure all parts of a reconciliation bill are limited to federal spending and revenue laws. Last week, the Senate parliamentarian ruled that certain portions of the proposal, including the state cost-share requirement for SNAP, violated the Byrd rule. However, the Senate Agriculture Committee is reworking certain portions of their proposal, but is still awaiting the parliamentarian’s approval. Specifically, this revision amends the cost-share requirement by requiring state’s with a SNAP payment error rate above 6 percent to begin contributing a percentage of the cost beginning in FY2028, modifies SNAP work requirements to mandate that able-bodied adults with children over the age of 14 must work, and alters the alien SNAP eligibility provision to exempt Cuban and Haitian entrants. Further, the revision eliminates a provision that would have suspended permanent price support authority. Despite the setbacks, Senate Majority Leader John Thune is still pushing for a July 4th passage deadline. To read the updated agriculture portion of the Senate reconciliation bill, click **here**. To read the House version, click **here**. To learn more about the “Byrd bath” process, click **here** to read Congressional Research Service (CRS) report “The Budget Reconciliation Process: The Senate’s ‘Byrd Rule.’” To learn more about reconciliation generally, click **here** to read CRS publication “The Reconciliation Process: Frequently Asked Questions.”

**Maine: Ag Labor.** On June 10, Governor Janet Mills of Maine signed **SB 589** into law, officially requiring that agricultural workers in the state be paid at least the state’s minimum wage. SB 589 stipulates that on January 1, 2026 agricultural employers in Maine must pay their workers at least the state’s minimum wage which is set at \$14.65. Under current law, agricultural workers in Maine can be paid the federal minimum wage, which is set at \$7.25 an hour. The bill exempts family members and dependents of the farm employer from the definition of employee covered under the new law. To learn about state Agricultural minimum wage laws, click **here** to view NALC’s Minimum Wage for Agricultural Workers state compilation.

**Texas Legislative Updates.** Recently, Texas Governor Greg Abbott signed two bills into law concerning food in Texas. **SB 25**, a first of its kind “MAHA” bill, was signed into law and will increase physical education and nutrition requirements for students in Texas public schools. Additonally, food manufacturers will now face new labeling requirements for products that contain certain ingredients listed in the bill - including Red Dye 40, butylated hydroxytoluene (BHT), interesterified soybean oil, any “certified food colors by the United States Food and Drug Administration,” and more. Specifically, if a food contains any of the listed ingredients, manufacturers would be required to include a warning that states the product “contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom.” Additionally, **SB 261** was signed by Governor Abbott, banning the sale or offering for sale of any cell-cultured protein for human consumption in the state of Texas. This bill will take effect on September 1, 2025, but clarifies that the prohibition on the sale of cell-cultured proteins will expire on September 7, 2027. Texas is now the seventh state to prohibit the sale of cell-cultured proteins.

**Carbon-Capture Pipeline.** On June 11, Iowa Governor Kim Reynolds vetoed **HF 639**, a bill related to carbon sequestration pipelines and the issue of eminent domain. The bill was seen by many as an attempt by the Iowa legislature to increase regulations on Summit Carbon Solutions’ carbon-capture

pipeline project that is routed across several Midwestern states, including Iowa. HF 639 would have increased insurance requirements for pipelines transporting hazardous liquid, limited carbon pipeline permits to only one 25-year term and modified the definition of “common carrier.” Crucially, only those pipeline companies that met the new definition of common carrier would have been able to use eminent domain to build a pipeline. While the Iowa legislature is currently considering an override of the Governor’s veto, it is unclear whether that attempt will be successful. In vetoing the bill, Governor Reynolds issued a letter of disapproval which is available [here](#).

**Allergen Legislation: California.** California state legislators are considering a bill that would require restaurants to identify allergens in the ingredients on their menus. **SB 68** would amend California’s Health and Safety Code to require food service facilities to provide consumers written notice of major food allergens contained in each menu item. The bill defines major food allergens to include milk, eggs, fish, tree nuts, wheat, peanuts, sesame, soybeans, and crustacean shellfish, among others. The restaurant may provide a QR code or a separate allergen-specific menu, among other alternative methods of notice. The bill does not apply to compact mobile food operations such as food trucks and food carts, nor to prepackaged foods that are subject to federal allergen labeling requirements. If enacted, SB 68 would go into effect in July of 2026. The bill has passed the California Senate and is now being considered by the California Assembly. To learn more about allergen regulation on the federal level, click [here](#) to read NALC article “Food Labeling: The Regulation of Food Allergen Labels.”

**Colorado River.** The clock continues to tick on a fast-approaching deadline for the seven states - Colorado, Utah, Wyoming, New Mexico, Nevada, Arizona, and California - that make up the Colorado River Basin to agree on new operational guidelines for the Colorado River. The current framework is set to expire in 2026. The negotiations have proven difficult as states in the Upper and Lower Basins seek to grapple with reduced water supplies, increased demand, and changing weather patterns. While nothing has been agreed to yet, negotiators are reportedly considering a variety of options, including [examining new ways](#) to apportion water among the seven states and [establishing a Colorado River water market](#). Whatever the outcome, as representatives from the Basin States continue their negotiations, it appears likely that changes will be coming in 2026.

- Webinar opportunity (July 16): Brett Bovee, Intermountain Regional Director, [WestWater Research](#), and Brian E. Hamilton, water rights attorney, [Downey Brand](#) will present “Western Water Markets: Overview of Legal & Policy Considerations.” To register, click [here](#).

**Pesticides at the Supreme Court.** Bayer, the owner of Monsanto Co. which manufactures the widely used pesticide Roundup, has filed its final brief asking the Supreme Court to prevent plaintiffs from filing lawsuits against pesticide manufacturers claiming that companies failed to warn consumers about alleged health risks associated with using pesticide products. Bayer’s appeal to the Supreme Court comes after nearly a decade of plaintiffs filing lawsuits under state products liability law claiming that exposure to glyphosate, the active ingredient in Roundup, caused them to develop cancer. For years, Bayer and other pesticide manufacturers have argued that the state law failure to warn claims filed by plaintiffs in such lawsuits are preempted by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which prevents states from modifying the language that appears on federally approved pesticide labels. To date, the Third Circuit Court of Appeals has agreed with Bayer and found that FIFRA preempts the state law failure to warn claims, while the Ninth and Eleventh Circuit have disagreed and ruled that the claims are not preempted. The resulting circuit split has prompted Bayer to appeal the matter to the Supreme Court. The Court is scheduled to discuss whether it will agree to hear the case on June 26. Whatever the Supreme Court decides will have an impact on thousands of on-going cases. To learn more about preemption and failure to warn, click [here](#) to view NALC article “Plaintiffs & Pesticides: Failure to Warn Claims in Pesticide Injury Lawsuits.” To read Bayer’s latest brief, click [here](#). All other documents in the case are available [here](#).

**NEPA Regulations.** Earlier this year, the Council on Environmental Quality (CEQ), the federal agency tasked with administering the National Environmental Policy Act (NEPA), rescinded all its NEPA regulations following an Executive Order from the President and two court decisions which found that CEQ did not have authority to issue binding regulations. When CEQ rescinded its NEPA rules, it directed federal agencies to begin crafting their own policies for achieving NEPA compliance. So far, several agencies, including USDA and the National Oceanic and Atmospheric Administration, have submitted draft NEPA frameworks to the Office of Management and Budget (OMB) for review. While agencies are expected to largely follow the procedures laid out by CEQ in the 1970s, with each agency crafting its own framework, differences in procedure could arise. To learn more about recent changes to NEPA, click [here](#) to view NALC article “CEQ Rescinds All NEPA Implementing Regulations.” To monitor which agencies have submitted NEPA frameworks to OMB, click [here](#) to view OMB’s regulatory review tracker.

**FDA Updates.** The FDA has published a proposed food chemical ranking method for public comment. The new method, titled the Tool for the Prioritization of Food Chemicals for Post-market Assessment, would assess the chemicals in food and score each chemical using a Multi-Criteria Decision Analysis. Under this new approach, the FDA seeks to determine how to best allocate resources based on food chemicals with the highest public health risk. Additionally, the FDA’s risk-based approach will include assessing the chemicals authorized for use in and with foods during packaging, processing, handling, or growing. The creation of a chemical prioritization scheme was one of the key actions identified in FDA’s recently published [framework](#) for a chemical review program. Like the chemical review program announcement, the prioritization scheme was not proposed through the formal rulemaking process, but promises that a “full description of the process will be published later.” The [comment period](#) will close on July 18. Additionally, HHS is launching a “Take Back Your Health” campaign according to this [notice](#) on [SAM.gov](#). The campaign will focus on the perceived link between ultra-processed foods and an increased risk for diabetes, and will aim to promote behavior change by exploiting dynamic ad messaging and encouraging wearable technology to measure diet impact. To learn more about recent FDA announcements, click [here](#) to view NALC article “FDA Updates: June 2025.”

**Combating NWS.** On June 28, Secretary of Agriculture Brooke Rollins USDA’s five-point plan to protect against the New World Screwworm (NWS) in the United States. The NWS fly larvae is a parasite that burrows into the flesh of livestock and can be deadly. NWS was eradicated in the United States, but the pest has been detected in Mexico about 700 miles away from the border between the



two countries. In response, USDA suspended livestock imports on the southern border on May 11. The new five-point plan focuses on both stopping NWS from spreading in Mexico, and on maximizing the United States’ own readiness to combat NWS. Lastly, the plan notes that innovation in research and development is needed to support continued success. USDA has also announced the launch of an \$8.5 million sterile NWS fly dispersal facility in South Texas in an effort to stem encroachment of NWS. To read the plan, click [here](#).

**H2A Rules.** The Department of Labor (DOL) **has announced** that it is pausing enforcement of a **2024 rule** regarding H-2A visas that took effect in June of last year. The final rule imposed new transparency and disclosure requirements for foreign worker recruitment, including increased wage transparency and a mandate that farms disclose their agreements with recruiting agencies. The rule also created stronger protections for farmworker unions by prohibiting agricultural employers from discriminating against employees involved in “activities related to self-organization.” Since the rule was finalized last summer, three different federal courts have issued preliminary injunctions against the rule, effectively blocking its enforcement in certain parts of the United States. According to DOL, its decision to suspend enforcement of the rule was in part due to “legal uncertainty, inconsistency, and operation challenges” that it had created for farmers. To learn more about the now-paused 2024 rule, click [here](#) to view NALC article “Department of Labor Finalizes New H-2A Regulations.”

**Cottage Food.** On June 12, Nevada’s Governor Joe Lombardo signed a bill changing the state’s requirements for both cottage food and craft food operations. In Nevada, a cottage food operation is one that prepares and sells food items such as jams, dry herbs, and baked goods that do not require time or temperature controls for food safety, in a private home or kitchen that is not inspected. A craft food operation, on the other hand, is one that prepares and sells acidified foods, or food items containing either fruits, vegetables, or both and has a finished equilibrium pH level of not more than 4.6. **AB 352** increased the annual revenue cap that both cottage food and craft food operations may earn from \$35,000 to \$100,000. For cottage foods, the bill allows Nevada operations to sell products over the phone, via the internet, through the mail, or with a food delivery service platform, and requires that the Nevada Department of Agriculture maintain a database for all licensed cottage food operations. Conversely, AB 352 allows craft food operations to conduct transactions by telephone or internet but requires sale fulfillment in person. It also creates additional recordkeeping requirements for craft/acidified food producers. To learn about other state’s cottage food laws, click [here](#) to view NALC’s Cottage Food state compilation.

**Mail for MAHA.** A letter signed by 258 agricultural and food organizations was recently sent to HHS Secretary Kennedy, USDA Secretary Rollins, and EPA Administer Zeldin following the release of the MAHA Commission’s report. The letter’s signees request the administration formally include farmers, ranchers, and food producers in a collaborative stakeholder process throughout all future work of the Commission. The signees argue that the Commission’s report creation process lacked transparency and any opportunity for public engagement, and caused “unfounded fears about the safety of our food supply.” Additionally, the letter urges opportunities for public comment stating it would provide the Commission with new ideas and potentially new evidence to improve public health. To read the June 17 letter, click [here](#).

**Industry removes food dyes.** Kraft Heinz recently **announced** it would remove all artificial food dyes from its products and would no longer launch new products containing artificial food dyes. The company confirmed that currently only 10% of its food products contain artificial color additives approved by the FDA. These food products include brands such as Jell-O and Kool Aid. Kraft Heinz aims to eliminate synthetic food dyes from current products by the end of 2027. Additionally, General Mills **announced** that it plans to remove all artificial food dyes from its U.S. cereals and products served in K-12 schools by summer of 2026. General Mills confirmed that only a small number of school offerings will be impacted as most products are made without certified colors. By the end of 2027, General Mill’s plans to remove all artificial colors from its entire U.S. retail product portfolio. Nestle USA has also **announced** a commitment to eliminate the use of FD&C colors in its U.S. food and beverage portfolio. Though the company maintains that over 90% of its current portfolio does not include synthetic dyes, it does plan to have the remaining colors eliminated from its products by mid-2026. Last, Conagra Brands also **announced** its intention to remove all certified FD&C colors from its U.S. frozen food portfolio by the end of 2025. Conagra also commits to removing FD&C colors from foods sold to K-12 schools by the beginning of the 2026 school year, and pledges to discontinue the use of FD&C colors in the manufacturing of all its U.S. retail portfolio by the end of 2027. General Mills, Kraft Heinz, Nestle, and Conagra’s decisions to phase out artificial food dyes follow the publication of HHS’ plan to cut out synthetic food dyes in food products in an effort to combat chronic disease. To learn more about the HHS plan, click [here](#) to read NALC article “FDA Announces Plan to ‘Phase Out’ Synthetic Dyes.”

**Alcohol Guidelines.** The Trump Administration’s 2025 revision of the “Dietary Guidelines for Americans” will **reportedly** modify current alcohol consumption guidance. Previously, the recommended amount of alcohol for consumption was one drink per day for women and two drinks per day for men. It has been reported that the new guidelines will urge moderation rather than specific recommended consumption amounts. The MAHA commission is expected to release policy recommendations for alcohol consumption rulemaking later in the year. However, the Dietary Guidelines for Americans may be released sometime later this summer. To learn more about the federal government’s regulation of alcohol, click [here](#) to read NALC article “Who’s My Regulator? An Overview of Which Agencies Regulate Alcohol Beverages.”

**Foreign Ownership – Federal Legislation.** During the current legislative session, several bills have been introduced in Congress aimed at monitoring and restricting foreign investment in U.S. land—particularly agricultural land. Most recently, the House passed the **Agricultural Risk Review Act of 2025** (H.R. 1713), which would add USDA as a member of the Committee on Foreign Investment in the United States (“CFIUS”), the interagency committee responsible for reviewing the national security implications of certain foreign investments in U.S. businesses and real estate. As a member of CFIUS, USDA will be authorized to review transactions involving agricultural land, agricultural biotechnology, and the broader industry, including transportation, storage, and processing of agricultural products. Additionally, this measure will require CFIUS to review any acquisition of agricultural or forestland by a foreign investor from China, Russia, Iran, or North Korea, if the transaction is reported by USDA. If such a transaction is identified, CFIUS would determine whether to initiate a formal investigation or take other appropriate action. For more resources and information, see NALC’s Foreign Ownership of Agricultural Land: FAQs & Resource Library available [here](#).

**Foreign Ownership – State Legislation.** On June 20, 2025, Texas joined a growing number of states restricting foreign ownership of land with the passage of **Senate Bill 17** ("SB 17"). This legislation prohibits individuals, governments, and entities from "designated countries"—including China, Iran, North Korea, and Russia—from acquiring any interest in real property located in Texas, including agricultural, commercial, and industrial land, as well as mineral and water rights. SB 17 also restricts indirect ownership through affiliates or subsidiaries of designated countries. The law goes into effect on September 1, 2025, and includes both civil and criminal penalties for violations. For a complete list of states with foreign ownership laws, click [here](#).

**State Hemp Updates.** The Eighth Circuit Court of Appeals has **reversed** the injunction placed by the federal district court in Arkansas. **Act 629**, enacted in April 2023, prohibited the sale of certain hemp products, including those that contain specific levels of delta 8 or excess tetrahydrocannabinol, and required anyone selling or manufacturing hemp products to maintain an annual license. Shortly after the act was signed, a judge issued an injunction preventing its enforcement. However, Tuesday’s court ruling lifts the injunction and clarifies that the law does not interfere with federal law. With the injunction lifted, Arkansas will now be enforcing the statewide ban on delta 8 and similar hemp products. In a separate instance on June 22, Governor Abbott vetoed **SB 3** which would have banned the sale of intoxicating consumable hemp products containing THC in Texas. Along with his veto, Abbott called Texas lawmakers to return for a special legislative session starting on July 21. He urged the legislature to promulgate and enact a regulatory framework for hemp similar to the structure of alcohol regulation that “protects public safety, aligns with federal law, has a fully funded enforcement structure and can take effect without delay.” For more NALC resources on industrial hemp, click [here](#).



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