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

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**New Tariff Challenges.** On March 5, a **lawsuit** was filed in the U.S Court of International Trade challenging the Trump Administration's **new global tariff rate** issued under **Section 122** of the Trade Act of 1974. Under this authority, the President may issue a temporary import surcharge to address "fundamental international payments problems." The lawsuit was filed by a group of state attorneys general and two governors. In the complaint, the plaintiffs argue that the Trade Act does not authorize the challenged tariffs. The plaintiffs point out that no President has relied on Section 122 to impose tariffs and reject the government's assertion that a trade deficit is a "fundamental international payments" problem. The challenged tariffs were implemented in response to the Supreme Court's decision to vacate President Trump's IEEPA tariffs. To learn more about the Court's decision, click **here** to read NALC article "Supreme Court Vacates IEEPA Tariffs."

**Farm Bill Update.** On March 4, the United States House Committee on Agriculture voted to pass the **Farm, Food, and National Security Act of 2026** by a vote of 34 to 17. This Act, also known as the 2026 Farm Bill, would reauthorize certain USDA programs, including farm program payments, through Fiscal Year 2031. The bill will now go to the full House for a floor vote, and from there to the Senate. While the bill successfully passed out of Committee, its future remains unclear as Democrats in the Senate have said that the House bill includes various "poison pills" that are considered nonstarters. These include provisions preventing states from requiring pesticide makers to label their products in any way that differs from EPA guidance and preventing sales restrictions on meat products such as those required by California's Proposition 12. Further, the House bill does not address cuts Congress made to the Supplemental Nutrition Assistance Program (SNAP) in 2025. The Farm Bill is typically reauthorized every five years, however the last reauthorization occurred in 2018.

**Prairie-Chicken Check-in.** In late February the United States Fish and Wildlife Service (FWS) issued a **final rule** to remove two distinct population segments of the lesser prairie-chicken from the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). The decision comes after two different federal courts ordered FWS to vacate the final listing rule for the northern and southern distinct population segments of the lesser prairie-chicken. FWS listed the two populations under the ESA in 2023 in response to a listing petition submitted by environmental groups in 2016. Under the final listing decision, a southern population segment of lesser prairie-

chicken was listed as endangered and a northern population was listed as threatened. Both listings were challenged and in 2025, a federal court **overturned** the decision to list the northern population of prairie-chicken as threatened after concluding that FWS had failed to consider the economic impacts of listing the species. The same year, a second court **invalidated** both listing decisions after FWS told the court it was looking to revisit the final rule. The recent decision from FWS to formally remove the lesser prairie-chicken from the ESA was effective immediately. As a result, no population of lesser prairie-chicken is listed under the ESA. For more information, click **here** to view NALC article "FWS Seeks Voluntary Vacatur in Lesser Prairie-Chicken Case."

**HHS, USDA, EPA Funding Chemical Research.** The U.S. Department of Health and Human Services (HHS), in partnership with USDA and EPA, **has announced** over $1 billion to study the impact of "cumulative chemical exposures" on human health and reducing reliance on "chemical crop protection tools." HHS is contributing $200 million towards this effort, $100 million of which will be spent on a "grand prize challenge" for researchers to "to identify creative solutions for evaluating the exposure, diagnosis, and treatments of cumulative chemical exposures on individual health." The other $100 million from HHS will be put towards developing new technologies to "reduce reliance on chemical crop protection tools in order to improve human health[.]" USDA has committed $840 million, with $700 million spent towards funding regenerative agriculture projects through the Environmental Quality Incentives Program and the Conservation Stewardship Program. The other $140 million will be used to identify and support "innovative solutions to pests and disease of plants or animals." Finally, EPA is providing $30 million for its own "grand prize challenge" to identify "alternatives to pre-harvest desiccation use of pesticides." EPA notes that the purpose of this funding is to reduce pesticide usage while "providing innovating new tools for farmers[.]"

**Alternative Protein Labelling.** On March 5, **SB 186** passed both chambers of the Virginia legislature. The bill imposes labeling requirements for alternative protein products. Specifically, the bill mandates that any alternative protein product be labelled with a "qualifying term." Examples of "qualifying terms" for alternative proteins include, but are not limited to: cell-cultivated; cell-cultured; fake; lab-grown; and plant-based. If an alternative protein is labelled as a "meat" product, it must contain one of the above-mentioned terms. The bill prohibits the sale of mislabeled food products and imposes civil and criminal penalties for any violations. Finally, the bill would add new provisions to Virginia's list of fraudulent practices prohibited by a supplier in connection with a consumer transaction. Currently, SB 186 is awaiting a signature from Virginia's governor. Virginia joins a growing number of states that have sought to either limit or entirely ban sales of cell-cultured meat. In 2025, Texas passed SB 261 which prohibits the sale of cell-cultured meat anywhere in the state. That law is currently facing a legal challenge which could offer a look at how courts treat such laws going forward. To learn more, click **here** to view NALC article "Texas Food Law Litigation Updates: Part 2."

**Snake River Spill Levels.** On February 25, a federal judge issued a **court ruling** ordering the U.S. Army Corps of Engineers (Corps) to increase dam spillage along the Snake River in Washington, the latest action in a legal controversy over declining salmon populations on the river. The Snake River is home to multiple species of salmon that have been listed as either threatened or endangered under the ESA. In 2014, the National Marine Fisheries Service concluded that dam infrastructure on the Snake River was being managed in such a way that put the future existence of those salmon species into jeopardy by restricting the flow of water in the river. As a result, various environmental groups filed a lawsuit to require the Corps to manage the dams so that enough flow would be available to support the salmon species. In 2021, the case was paused after the parties agreed to enter mediation. However, in 2025, the federal government withdrew from mediation which prompted the plaintiffs to reinitiate the case. In its recent ruling, the court has ordered the Corps to maintain dam spillage - the amount of water allowed to spill through the dam each day - at levels set in 2024 and 2025 while the underlying challenge to the Corps' dam operation practices is litigated. The Snake River is a heavily used waterbody that provides drinking water, irrigation water, hydroelectric energy, and shipping lanes to communities throughout the region. For more information on management of dams on the Snake River and the Columbia River Basin, click **here** to view CRS Report "Columbia River System Operations and the Future of the Lower Snake River Dams."

**Sage Grouse Lawsuit.** Days later, on March 2, a coalition of environmental groups **filed a federal lawsuit** to challenge the Bureau of Land Management's (BLM) 2025 approval of amendments to a Resource Management Plan (RMP) for the greater-sage grouse. The greater-sage grouse RMP was initially launched in 2015 in response to a 2010 decision from FWS which concluded that the greater sage-grouse was "not warranted" for listing under the ESA at the time but that listing could be appropriate in the future if there were no other legal mechanisms in place to promote the bird's conservation. The 2015 RMP is aimed at conserving greater-sage grouse across nine Western states. The 2025 amendments currently being challenged in federal court seek to roll back several of the greater-

sage grouse conservation measures included in the RMP such as the prohibition on oil and gas leasing in sage grouse habitat. The plaintiffs have asked the court to overturn the 2025 amendments and reinstate the 2015 RMP.

**Paraquat Production Halted.** The pesticide manufacturer Syngenta announced it would be ceasing its global production of the chemical herbicide paraquat by the end of June. The company has cited "significant competition from generic producers" as its primary reason for halting production. Paraquat is a generic herbicide that has long been a staple for agricultural producers in the United States. However, Syngenta has faced a growing number of lawsuits filed by plaintiffs who claim that exposure to paraquat caused them to develop Parkinson's disease. At the same time, some state legislatures have recently taken steps towards banning paraquat. In Illinois, the legislature is currently **considering a bill** that would ban the use of any herbicide containing paraquat within the state. Syngenta is considered the largest producer of paraquat, but not the sole producer. Other paraquat manufacturers are not currently expected to halt production and without a cancellation order issued by EPA, the herbicide will remain available in the United States. To learn more about the legal challenges paraquat has faced in recent years, click **here** to view NALC article "Paraquat Receives Interim Registration Decision, Faces Legal Challenges."

**Central Valley Project Dispute.** A coalition of environmental groups have filed a lawsuit against the United States Bureau of Reclamation (Reclamation) over the agency's alleged failure to protect fish under the ESA. The groups claim that Reclamation's operation of the Central Valley Project, one of the largest water infrastructure systems in the United States, blocks access to breeding spots for several listed fish species including the Central Valley steelhead, the North American green sturgeon, and the Chinook salmon. The Central Valley Project provides water for farmers throughout California's Central Valley region, and relies on water from the Sacramento and San Joaquin Rivers and the San Francisco Bay. The plaintiffs have asked the court to order Reclamation to operate the Central Valley Project according to the terms and conditions established in a 2024 Biological Opinion which imposes limitations on Reclamation's operation of the Project to help minimize impacts on listed species. To read the plaintiffs' complaint, click **here**.

**Dicamba.** Environmental plaintiffs filed a lawsuit in late February to challenge EPA's recent decision to register three dicamba-based herbicide products for use directly on dicamba-resistant soybeans and cotton. The groups allege that the approval decision violates both the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the ESA. This marks the fourth time these environmental plaintiffs have filed a lawsuit to challenge EPA's approval of over-the-top use of dicamba since the agency first approved such use in 2016. The plaintiffs have been successful in getting a court to overturn over-the-top dicamba labels twice, once in 2020 and again in 2024. EPA's recent decision to approve three dicamba products for over-the-top use comes after a federal court overturned the agency's previous registration decision in 2024 after finding that EPA's approval decision had violated FIFRA. For more information, click **here** to view NALC article "The Deal with Dicamba: Products Registered, Lawsuit Filed."

- *Webinar Opportunity (May 20): Brigit Rollins, Staff Attorney, National Agricultural Law Center will present "Failure to Warn: A Look at Recent State and Federal Action on Pesticide Labeling." To register, click **here**.*
- *New resource alert: Dicamba FAQs & Resources **here***

**Updated FDA Food Traceability Guidance** On February 19, the U.S. Food and Drug Administration (FDA) issued updated **guidance** for the implementation of its Food Traceability Rule. In order to prevent foodborne illness outbreaks, the **Food Traceability Rule** imposes recordkeeping guidelines for entities that manufacture, process, pack, or hold foods included on the Food Traceability List. The guidance addresses the applicability of the Food Traceability Rule to specific entities and activities and outlines additional recordkeeping requirements. Public comments may be **submitted** through May 21, 2026. On February 20, FDA also issued a **notice** that exempts certain cottage cheese products from the Food Traceability Rule. Additionally, the FDA announced it will engage with regulated entities through quarterly listening sessions, in collaboration with the Partnership for Food Traceability, to receive public input on the Food Traceability Rule implementation.

**SNAP Update: Waivers, Stocking Rule.** USDA recently approved SNAP food restriction waivers in four states, allowing the states to restrict purchases of items like candy and soda. Kansas, Nevada, Wyoming, and Ohio now join **18 other states** that have received SNAP waivers from USDA since the start of 2025. The four additional states have set target implementation dates for their SNAP restrictions with Ohio seeking to begin implementation in October 2026, Kansas and Wyoming in February 2027, and Nevada in February 2028. When announcing USDA's approval of the waivers, Secretary Rollins stated that she expects a **proposed rule** requiring retailers who participate in SNAP to carry more whole foods to become final "soon." The rule would increase the minimum number of staple food varieties and perishables that SNAP retailers must carry, a move that USDA has stated would increase

the ability of SNAP recipients to access healthy foods. However, some SNAP retailers have claimed that the rule would prevent them from participating in the program. It is not clear if USDA has established a particular date to release the final rule. For more information on state SNAP waivers, click **here** to view NALC article "Excluding 'Junk' Food from SNAP Benefits."

**Family Grocery and Farmer Relief Act.** On March 5, U.S Senate Minority Leader Chuck Schumer introduced the **Family Grocery and Farmer Relief Act**. The bill is intended to "break up" U.S. meatpacking companies by preventing those companies from processing more than one type of meat. Additionally, the bill would allow the Federal Trade Commission to require meat processors to divest plants, or alternatively, create new "spin-off" plants. The bill also contains language allowing for a "review" of foreign-owned companies.

**Foreign Labor.** A recent study by Michigan State University, alongside the California Farm Bureau, claims that increased federal immigration enforcement activities have created "measurable effects" on California's farm labor. 512 farmers from 50 different counties in California were surveyed. The survey reports that worker concerns over "broader immigration enforcement trends" resulted in a 15% loss of farm labor. For labor-intensive crop producers, that number increased to 19%. In response to these enforcement activities, some survey respondents claim they have increasingly relied on alternative labor sources, like the Department of Labor's H-2A program. To learn more about H-2A, click **here** to view CRS Report "Concise History of Wage Regulations for the H-2A Agricultural Worker Visa."

- *Webinar Opportunity (March 18): Audry Thompson, Staff Attorney, Penn State Center for Agricultural and Shale Law, will present "Homing in on H-2A: An Overview of the Temporary Agricultural Worker Program." To register, click **here**.*


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