



The Feed

Recent Developments in Ag Law & Policy

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

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Failure to Warn?



Brigit Rollins,
Staff Attorney,
National Ag Law Center

A Look at Recent State and Federal Action on Pesticide Labeling

- ✓ May 20, 2026
- ✓ Noon - 1 p.m. ET
- ✓ No cost to register



Foreign Ownership – State Legislation. Recently, the South Dakota state legislature enacted **Senate Bill 40** ("SB 40"), which amends the state's existing foreign ownership law prohibiting certain foreign investors from acquiring an interest in agricultural land located within the state. The legislation removes an exception allowing certain foreign investors to exclude agricultural land acquired by devise or inheritance from the state's 160-acre ownership limitation, meaning such land now counts toward the cap. SB 40 also establishes new enforcement provisions, including forfeiture of a violating minority ownership interest and a civil penalty equal to the fair market value of that interest. Additionally, the law authorizes the state attorney general to impose penalties of up to 10% of the value of the land for failure to comply with state-level reporting requirements tied to the **Agricultural Foreign Investment Disclosure Act** ("AFIDA"). The amendments go into effect July 1, 2026. To read a recent NALC article discussing SB 40 is available [here](#). For more NALC resources on foreign ownership of U.S. land, click [here](#). A blog post with more information about SB 40 will be posted to the NALC website next Thursday, 4/30.

- *Webinar Opportunity (July 15); Harrison Pittman, Director, National Agricultural Law Center will present "Foreign Ownership of Ag Land: Federal & State Legislative and Litigation Update." To register, click [here](#).*

Ag-Worker Minimum Wage. A bill currently in California's legislature would raise the minimum wage for "approved agricultural employees" and "corresponding employees," to \$19.75 an hour starting in 2027. **AB-2646** defines "approved agricultural employees" as out-of-state workers approved to work on a temporary basis by California's state labor agencies. "Corresponding employees" are defined as either California residents or non-approved employees who perform the same work as approved employees for the same employer in the same county. Currently, the bill is before California's Labor and Employment Commission. A hearing on the bill is scheduled to occur on April 22nd. Additionally, Virginia's Governor signed a bill into law that removes the exemption of farm laborers and farm employees from the state's minimum wage requirements. **SB 121/HB 20** will go into effect January 1, 2027, and requires farm employees to be paid the state's minimum wage of \$12.77 per hour, which went into effect on January 1, 2026. The Governor also signed into law a bill (**HB1/SB1**) that will incrementally increase the state's minimum wage to \$15 an hour by January 1, 2028, with the minimum wage increasing to \$13.75 on January 1, 2027, and codifying the increase of \$12.77 per hour on January 1, 2026. To learn more about minimum wages for ag-workers, click [here](#) to view NALC compilation "Minimum Wage for Agricultural Workers."

- *Conference Opportunity (June 5): Brandon Davis, Partner, Phelps Dunbar LLP will present “Ag Labor, ICE, & Related Issues: What You Need to Know” at the 13th Annual Mid-South Agricultural and Environmental Law Conference. To register, click [here](#).*

Deere Settlement. After nearly four years of litigation, John Deere has agreed to settle a class-action **lawsuit** which challenged the company’s repair restrictions. Under the **proposed settlement**, Deere has agreed to pay 99 million dollars to members of the class. The class includes individuals or entities who purchased repair services for Deere large agricultural equipment between Jan. 10, 2018, and the present. Additionally, Deere will be making substantial changes to its repair restrictions. With this settlement, Deere is giving farmers and independent repair providers the ability to “diagnose and repair problems without having to use the services of an authorized dealer.” To accomplish this, Deere is making its repair resources widely available to owners, lessors, and independent repair providers on a license or subscription basis. At this time, it is unclear how that system will be structured. Note also, the terms of the settlement will apply for ten years from the date of approval. The settlement is currently awaiting approval from the case’s presiding judge.

NY Wetland Rules Invalidated. A lower court in Albany County, New York has **invalidated** a package of regulations issued by the state Department of Environmental Conservation (DEC) concerning freshwater wetland permitting, use, and jurisdictional mapping. The **regulations**, adopted in 2022 and 2024, were challenged by landowners and business groups who claimed that the rulemaking violated the New York State Environmental Quality Review Act (SEQRA). Under SEQRA, New York state agencies must conduct an environmental review prior to taking any action that may have a significant effect on the environment. Despite receiving comments on the wetland regulations raising environmental concerns, DEC conducted only a short environmental review and concluded that the new rules would not significantly impact the environment. Ultimately, the court determined the DEC’s rulemaking violated the SEQRA because it did not take the required “hard look” at the environmental effects of the regulations. Following the court’s decision, DEC may either appeal the ruling to the state appellate division or conduct an environmental review in compliance with SEQRA before issuing new regulations. To learn more about state wetlands permitting laws, click [here](#) to view NALC’s States’ Wetlands Permitting Statutes compilation.

Oregon Agritourism. On April 7, an Oregon bill that permits local governments to allow the establishment of farm stores on lands zoned exclusively for farm use was signed into law. Under **HB 4153**, agritourism activities include farm tours, crop mazes, farm-to-table meals, hayrides, animal petting exhibits, and any other educational, commercial, or entertainment activities on the farm. The law defines a farm store as a permanently enclosed structure that is used to sell farm products produced on the operating farm. The law prohibits the farm store from exceeding 10,000 square feet and removes a 25% revenue limit for non-farm sources. Additionally, the law specifically prohibits the establishment of farm stores on land designated for exclusive farm use in conjunction with a marijuana crop or a psilocybin-producing fungi crop. Counties are still permitted to regulate traffic, parking, noise, hours of operation, and sanitation issues related to agritourism activities. The law will go into effect on January 1, 2027.

New World Screwworm. On March 27, 2026, the Environmental Protection Agency (EPA) published a **notice** in the Federal Register that it had received a pesticide registration request from USDA. The request was for a new pesticide product called NovoFly which works to sterilize and eradicate New World Screwworm (NWS). NWS is a flesh-burrowing larva that can be harmful to livestock and wildlife. The insect has been spreading north from Mexico, prompting USDA to seek emergency registration of NovoFly under Sections 3 and 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under Section 18 of FIFRA, EPA may exempt any federal or state agency from any provision of FIFRA if EPA determines that an urgent emergency exists. Section 3 of FIFRA grants EPA authority to register pesticides for use, including in limited, emergency situations. Due to what EPA considers the “urgent nature” of the NWS threat, the agency has waived the public comment period for the emergency exemption but will take public comments for the registration of the NovoFly. All comments must be submitted by April 27. To submit a comment, click [here](#). USDA has also **announced** the “New World Screwworm Response Playbook” which outlines strategies that federal, state, and local responders can use should NWS be detected in the U.S.

Colorado River Cuts. The Bureau of Reclamation has **announced** that it will be releasing up to 1 million-acre-feet of water from Flaming Gorge Reservoir between April 2026 and April 2027 to address water shortages throughout the Colorado River Basin. Due to long-term drought and a historically low snowpack, the Colorado River system is currently at 36 percent capacity, a level that threatens water levels in Lakes Powell and Mead. By releasing water from the Flaming Gorge Reservoir, which sits on the Wyoming-Utah border, Reclamation hopes to raise the level of Lake Powell in Arizona in order to prevent the reservoir from falling so low that it can no longer generate electricity.

While releasing water from Flaming Gorge Reservoir, Reclamation will reduce releases of water from Lakes Powell and Mead. These actions are expected to result in Basin-wide impacts. Current operational guidelines for the Colorado River are set to expire later this year. It remains unclear what the post-2026 operating framework for the Colorado River will be as the seven states that rely on the river have yet to reach an agreement. Reclamation itself has proposed various options and may ultimately make the final decision. To learn more about post-2026 options for the Colorado River, click [here](#). To learn more about drought response on the Colorado River, click [here](#) to view CRS report “Responding to Drought in the Colorado River Basin.”

Roundup Heads to Supreme Court. On April 27, the United States Supreme Court will hear oral arguments in *Durnell v. Monsanto*, a case brought by a Missouri plaintiff who alleges that exposure to the herbicide Roundup and its active ingredient, glyphosate, caused him to develop non-Hodgkin’s lymphoma. The case is one of thousands filed over the past decade against Monsanto Company (now owned by Bayer) by plaintiffs claiming that Roundup use caused cancer and that Monsanto failed to warn consumers of the risk. Bayer argues that these state law claims are preempted by provisions of FIFRA that prevent states from altering the language on pesticide labels and should be dismissed. In response, plaintiffs claim that their state law claims are parallel to FIFRA requirements that pesticides bear all necessary warning labels and should be allowed to continue. After years of litigation, that question is now before the Supreme Court, and its ruling could affect not only Roundup-related cases but also future lawsuits involving other pesticides. For more information on *Durnell v. Monsanto* and its potential impacts, click [here](#).

- *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](#).

Timber Theft. On April 10, a resident of Evergreen, North Carolina was **reportedly** arrested and charged with one felony count of larceny of timber and five misdemeanor counts of wood load tickets. The North Carolina Forest Service, alongside local law enforcement, arrested Lennon Colt Hinson after initiating an investigation into a timber theft complaint filed on April 2 by a private landowner. Hinson reportedly contracted with a local to harvest timber on 125 acres of private property and failed to provide wood load tickets or full payment. When an individual in North Carolina removes timber from another’s property without consent, **state law** requires restitution in the amount of three times the value of the timber. This leaves Hinson responsible for over \$100,000 in restitution.

- *Webinar Opportunity (June 17):* Ross Pifer, Penn State University, Center for Agricultural and Shale Law will present “Timber Trespass Statutes.” To register, click [here](#).

Color Additives Update. On April 14, a Nebraska bill banning certain color additives in school meals became law. **LB 940** prohibits any public elementary or secondary school from offering or serving students food containing Blue No.1, Blue No. 2, Green No. 3, Red No. 40, Yellow No. 5, and Yellow No. 6. After going into effect on August 1, 2027, Nebraska will join several other states that have enacted laws specifically aimed at removing color additives from school meals. In other color additive news, Gatorade **announced** that it will remove FD&C colors from some of its most popular products this year. The company stated that instead it will use “fruits and vegetables to retain the bold color that consumers expect from Gatorade.” The efforts of both states and industry to remove artificial color additives from certain foods is in alignment with the federal government’s plan to “phase-out” synthetic dyes from the food system. To see industry commitments similar to Gatorade’s, click [here](#) to view FDA’s Industry Tracker. To learn more about FDA’s phase out plan, click [here](#) to read NALC article “FDA Announces Plan to “Phase Out” Synthetic Dyes.”

- *Conference Opportunity (May 6):* Corey Brown, Deputy Staff Director, U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Mikayla Bodey, Policy Director, U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Brian Sowyrda, Staff Director, U.S. House Committee on Agriculture, Parish Braden, Staff Director, U.S. House Committee on Agriculture will present “Four Corners’ Congressional Update: Ag Trade, E-15, MAHA, Farm Bill, & Related Issues.” To register, click [here](#).

Oklahoma Biosolids Bill. The Oklahoma Senate is currently considering **HB 3403**. This bill would create the Oklahoma Biosolids Land Application Research Pilot Program to study the land application of biosolids and sewage sludge on farms. If enacted, the program will be administered by the Department of Environmental Quality in cooperation with OSU Division of Agricultural Sciences and Natural Resources, OSU College of Engineering, Architecture and Technology, and the OSU Cooperative Extension Service. The study must be completed in 3 years, and requires those permitted to apply biosolids to gradually reduce their land use by 25% each year while the study is underway. If necessary, a moratorium on the application of biosolids may be instituted. The bill started in the

House but was amended and passed by the Senate Energy Committee with a vote of 8-2, and now heads to the Senate floor for a vote.

Geographic Indicators: California Wine. This week, California's General Assembly is holding its first committee hearing on **AB 1585**. This legislation would prohibit any wine produced, bottled, labeled, offered for sale, or sold in California from bearing an "appellation of 'American' or 'United States'" unless the product was 100% derived from grapes or agricultural products grown in the United States. Currently, federal law only requires wine labeled "American" to contain grapes 75% derived from the US. To become law, AB 1585 would have to be passed by both chambers of California's legislature and signed by its governor. If it is enacted, it would only apply to wine that is bottled on or after July 1, 2027. A label, word, icon, or symbol on a product that indicates where a product was produced and presents the product as possessing certain qualities due to its origin is called a geographic indicator (GI). To learn more about GIs, click [here](#) to read NALC article "Food Foundations: Geographic Indicators on Agricultural Products."



DOWNEY BRAND

Agricultural & Food Law Policy Briefing

May 6, 2026 | Washington, D.C.

Hosted by:



The National
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Keynote Speaker - USDA Deputy Secretary Stephen Alexander Vaden

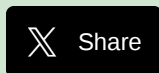


Congressional update on ag trade, MAHA, farm bill, & more



Panel discussion by government affairs professionals

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