



# 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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### Join us for a webinar on Timber Trespass Statutes

✓ June 17, 2026

✓ No cost to register

✓ Noon - 1 p.m. ET



Ross Pifer,  
Penn State University  
Center for Agricultural  
& Shale Law



The National  
Agricultural Law  
Center

*Thank you to the attendees of the 13th Annual Mid-South Agricultural and Environmental Law Conference. To view the conference materials, click [here](#). The 14th Annual Mid-South Agricultural and Environmental Law Conference will be June 10-11, 2027 in Memphis, TN. For more information on next year's conference, click [here](#).*

**Foreign Ownership Laws – Louisiana.** Recently, the Louisiana state legislature has enacted several measures concerning foreign ownership of real property located within the boundaries of the state. **Senate Bill 466** prohibits foreign individuals and corporations majority owned by a **foreign adversary** from expropriating property (seizing private property for public use) within 50 miles of a military base located within the state. The state legislature also enacted **House Bill 192**, which amends the Louisiana Constitution to prohibit any private entity that is a foreign adversary from expropriating Louisiana real property. **Senate Bill 200** authorizes the Louisiana Military Department to expropriate real property located within 50 miles of a military base if it is owned or controlled by a foreign adversary, regardless of when the foreign adversary acquired the property. The state legislature has also passed **Senate Concurrent Resolution 23** to establish the Agricultural-Based National Security Priorities Task Force to study farm security, supply chain resilience, ways to support farmers and food production in the state, and vulnerabilities. The resolution directs the task force to make recommendations concerning the enforcement of state laws restricting investments in agricultural land by Chinese-owned entities. Additionally, the state legislature has sent **House Bill 816** to the governor for signature. If enacted, the legislation will prohibit foreign adversaries and “prohibited foreign actors” from directly or indirectly acquiring any interest in land within 25 miles of a military installation. Foreign investors in violation of this restriction are subject to a civil penalty up to \$50,000 and forfeiture of their property interest if they fail to timely divest. For more NALC resources on foreign ownership of U.S. land, click [here](#). Keep an eye out for upcoming NALC resources on these proposals.

- *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](#).*

**Petition to Expand OR Animal Cruelty Law Advances.** An Oregon voter petition, **Initiative Petition 28**, which seeks to ban hunting and fishing in the state, has moved closer to making it on the November ballot. Currently, Oregon exempts activities such as hunting, fishing and slaughtering livestock from its state animal cruelty laws.

However, Initiative Petition 28 seeks to remove those exemptions by criminalizing injuring or killing animals except in cases of self-defense or for veterinary care. Oregon is one of many states where citizens can propose laws directly through a ballot initiative. For a citizen-proposed initiative to make it on the ballot in Oregon, supporters of the initiative must collect a certain number of signatures and submit them to the Oregon Secretary of State for verification. Supporters of Initiative Petition 28 submitted more than 126,000 signatures, more than the minimum amount required, for verification. While some are likely to be rejected, signatures can still be submitted until July 2. For more information, click [here](#) to view NALC article “Oregon Initiative Petition 28 Draws Attention Ahead of 2026 Election.”

**Timber Theft.** In Rockbridge County, Virginia, two individuals were **recently arrested** for allegedly stealing timber valued at \$103,000. According to local authorities, Eric and Jessica Broughman were arrested after a search warrant was executed at their residence. Eric Broughman was charged with two counts of timber larceny, two counts of conspiracy to commit larceny, one count of obtaining money under false pretenses, and one count of destruction of property. Jessica Broughman was charged with two counts of conspiracy to commit larceny.

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

**SCOTUS Approves Rio Grande Compact Decree.** On May 26, the United States Supreme Court approved a consent decree resolving a long-running dispute among Texas, New Mexico, Colorado, and the federal government regarding water deliveries under the Rio Grande Compact. The litigation began in 2013 when Texas alleged that groundwater pumping in southern New Mexico reduced the amount of Rio Grande water reaching Texas users. Although the Court rejected an earlier settlement in 2024 because the federal government had not consented to the agreement, the parties later reached **a revised settlement** that included all affected parties. Under the revised settlement, groundwater pumping along the river will be reduced and some water rights for irrigated farmland in New Mexico will be retired. By approving the agreement, the Court has approved a framework for managing water deliveries and groundwater impacts in the Rio Grande Basin and brought more than a decade of interstate litigation to a close. For more information on the underlying case, click [here](#) to view NALC article “SCOTUS Rejects Consent Decree Over Rio Grande.” Keep an eye out for upcoming NALC resources on this subject.

**Cottage Food Laws: Colorado.** The Colorado Governor recently signed the “Tamale Act” into law, allowing the sale of temperature-controlled homemade foods, including tamales, burritos, and tortas. **HB26-1033** requires cottage food sellers to complete a food safety course, register with the Department of Public Health and Environment before selling, and food may not be transported more than once or for longer than two hours. Additionally, the law requires a producer to affix a label on the food products sold that includes producer contact information and ingredient information. The enactment of this law is notable because most cottage food laws, for food safety reasons, only extend to food products that do not require time/temperature controls. For example, most food products that contain cheese, like a burrito or tamale, will require a temperature control, like refrigeration, to remain safe for human consumption. Typically, this requirement would prohibit a food from being eligible for cottage food exceptions. To learn how other states treat cottage foods, click [here](#) to view NALC’s Cottage Food State Law Compilation. To learn more about other recent state law updates related to food, click [here](#) to read “Food Law in the States – 2026 Update.”

**Maryland Urban Ag Tax Credit.** On May 26, the Governor of Maryland signed into law **HB 359**. This bill will change the eligibility requirements for a tax credit against the county or municipal corporation property tax imposed on eligible urban agriculture property. Previously, “urban agricultural property” was defined as real property that was at least one-eighth of an acre and no more than 5 acres in size. Now, urban agricultural property is defined as land “not assessed as agricultural land” that is used for urban agricultural purposes, with no acreage requirement. Additionally, the bill has expanded the list of eligible urban agricultural purposes. The newly eligible purposes include agricultural education and agritourism activities, hydroponics, raising livestock, beekeeping, and the production of value-added agricultural products. The bill took effect on June 1 and will be applicable for all taxable years starting after June 30, 2026.

**Gluten Allergy Labeling.** At the end of May, U.S. Representatives Emanuel Cleaver, II, (D-MO) and Betty McCollum (D-MN) **introduced** the Celiac Safety Act, which would require the FDA to include “gluten-containing grains” as a significant food allergen. While the FDA has allergen warning requirements for the nine major food allergens, some grains that contain gluten are not counted in the nine. **HR 9048** would amend the Federal Food, Drug, and Cosmetic Act by including the term “gluten-containing grain” as meaning wheat, rye, or barley. If passed, the bill would apply

only to food introduced in the market beginning 18 months after the bill is enacted. For more information on allergen warning labels, click [here](#) to read NALC article “Food Foundations: The Regulation of Food Allergen Labels.”

**EPA Challenged Over Biofuel-Blending Rules.** On May 29, the American Fuel & Petrochemical Manufacturers (AFPM) **filed a lawsuit** in the D.C. Circuit Court of Appeals to challenge the 2026-2027 Renewable Fuel Standard (RFS) volumes finalized by the Environmental Protection Agency (EPA) last April in the **Set 2 final rule**. The RFS program is authorized under the Clean Air Act and requires transportation fuel to include a minimum volume of renewable fuel each year. Until 2022, that minimum volume was set by statute but post-2022 it is EPA's responsibility to determine annual volume obligations. According to a **statement from AFPM**, the Set 2 final rule places excessive compliance costs on fuel refiners that will ultimately lead to cost increases for consumers. The Set 2 rule will go into effect on June 15. For more information on the rule, click [here](#) to view NALC article “EPA Issues Final RFS Rule.”

**SNAP Updates.** Next month, SNAP Food Restriction Waivers in two additional states will go into effect. The Arkansas restrictions will be effective starting July 1 and the Tennessee restrictions will be effective on July 31. Not long after, Hawaii and South Carolina will go into effect in August, Montana and North Dakota will go into effect in September, and Colorado, Missouri, Ohio, and Virginia will go into effect in October. At the conclusion of 2026, 20 of the 23 currently approved waivers will be in effect. SNAP participants and authorized retailers in those states should be aware of how the restrictions might affect the redemption of SNAP benefits. Additionally, in November, updated SNAP stocking standards for authorized retailers will go into effect. The updated standards will require retailers to maintain a larger quantity and variety of certain SNAP eligible food. To learn more about the new rule, click [here](#) to read NALC article “USDA Updates Stocking Standards for Authorized SNAP Retailers.”

**FWS Finalizes Critical Habitat for Rusty Patched Bumblebee.** Effective July 1, 2026, the United States Fish and Wildlife Service (FWS) **will designate** more than 1.5 million acres of critical habitat for the endangered rusty patched bumblebee in Illinois, Iowa, Minnesota, Wisconsin, Virginia, and West Virginia. Although FWS listed the species as endangered in 2017, the agency **declined** to designate critical habitat in 2020 concluding at the time that doing so would be “not prudent.” Following litigation challenging that decision, FWS reconsidered the issue, proposed critical habitat in 2024, and finalized the designation on June 1, 2026. The designation may affect permitting, funding, and other activities involving federal agency involvement within the designated areas. To learn more about the impact of critical habitat designations, click [here](#) to view NALC's ESA Manual.

**Kellogg's FOP Labeling.** WK Kellogg Co. recently announced its new on-pack nutrition framework to help consumers “identify, understand and choose cereals according to their nutrition priorities.” The tool is called SPOONS, which stands for “simple ingredients (S), protein (P), outstanding fiber (O), other nutritious foods (O), nutrients you need (N), and single-digit sugars (S).” SPOONS will be added to Kellogg's cereal brands such as Raisin Bran and Rice Krispies beginning this summer through the next year. This announcement follows FDA's stated intention to create its own front-of-package nutrition labeling program. The agency, under the Biden administration, released a **proposed rule** in 2025. While no final rule has yet been released, the creation of such a program was included on the FDA's **2026 Priority Deliverables**. Kellogg's SPOONS label will likely be regulated by FDA as a “labeling claim.” To learn more about how labeling claims are regulated generally, click [here](#) to read NALC article “The Legality of Food Labeling Claims: FDA's Regulations.”

**Antitrust Class-Action Filed Against Bayer.** On May 26, an independent seed company filed a class-action lawsuit against Bayer, alleging that the company engaged in anti-competitive, discriminatory, and monopolistic practices. According to the **complaint**, Bayer used its market power and control over NK603, a genetic trait which provides corn seeds with glyphosate resistances, to stifle competition. According to the complaint, the plaintiffs licensed the right to include NK603 in their corn seeds for over a decade while the trait was under patent protection.

Now that this patent has expired, the complaint alleges that Bayer has increased its prices and “foreclosed immediate competition using anti-competitive means.” The plaintiffs assert that Bayer has delayed its largest competitor, Corteva, from entering into the “generic market” for NK603. By preventing this entry, the complaint asserts that Bayer has cemented itself as the only viable source for independent seed companies to obtain NK603. This exclusivity, according to the plaintiffs, has allowed Bayer to increase prices and drive competing independent seed companies out of business. The plaintiffs are seeking class certification for all persons or entities who produced and sold hybrid corn seed containing NK603 pursuant to a “Corn Product License Agreement” or pursuant to an agreement with “materially the same terms.” For a Congressional Research Service primer on antitrust law, click [here](#).

**IRS Announces New Conservation Easement Settlement.** On May 13, the Internal Revenue Service (IRS) **announced** a time-limited settlement opportunity for taxpayers currently involved in conservation easement or historic preservation easement disputes with the IRS. The new settlement announcement comes after the IRS **identified** widespread abuse of this code section by taxpayers who allegedly fail to comply with the statutory requirements and take unnecessarily large deductions. Under **§ 170(h)** of the Internal Revenue Code, land owners are permitted an income tax deduction for preserving land under a conservation or historic preservation easement. According to the IRS, there are currently over 1,100 active conservation easement disputes. Now, the IRS has created a limited-time manner for settling disputes arising from these easement deductions. Per the announcement, this new settlement initiative will allow “eligible taxpayers a chance to resolve these cases on terms more favorable than the results taxpayers have generally achieved in court.” Specific settlement terms will be distributed via individualized correspondence on a rolling basis to eligible parties.

**MAHA State Legislation Updates.** On May 20, the Governor of Iowa signed **H.B 2676** into law. This legislation is titled “Iowa Make America Healthy Again Act” and includes provisions requiring nutrition education for Iowa doctors and medical students, approving over-the-counter sales of Ivermectin, and other “MAHA” priorities. Additionally, it prohibits a school district from serving a meal that contains certain food chemicals, including Red Dye 40, potassium bromate, and propylparaben. The prohibition extends to contracted vendors at the school and sales of food on campus. The prohibition will apply to school years starting on or after July 1, 2027. In related news, both chambers of Alaska’s legislature passed a bill prohibiting certain food additives in public school meals. **SB 187** states that a public school may not serve a food or beverage that contains specified color additives including red dye 3, red dye 40, and some yellow, blue, and green dyes. This bill, if signed by the Governor, will take effect on January 1, 2028. To learn more about the classification of food chemicals like Red Dye 40, click [here](#) to read NALC article “Food Foundations: Categories of Food Ingredients.”

**Texas AG Issues CIDs.** Last week, Texas Attorney General Ken Paxton **announced** an investigation into glyphosate residue on foods, and issued Civil Investigative Demands to pesticide and food manufacturers, such as Bayer and PepsiCo. In his announcement, Attorney General Paxton stated plans to investigate whether major food companies have been violating Texas law and misleading consumers with false health claims. Additionally, Paxton **launched** an investigation into Celsius Holdings, Inc., the company responsible for the popular Alani Nu energy drinks. The attorney general’s investigation centers on whether the company has misled consumers as to the safety of its product in violation of the Texas Deceptive Trade Practices Act.

**Deere Settlement Gets Preliminary Approval.** On May 19, a federal judge issued a **preliminary approval** for a proposed \$99 million **settlement** in a class-action antitrust **lawsuit** brought against equipment manufacturer John Deere. This case was originally brought in 2022 by a group of farmers who alleged that Deere had violated federal antitrust law through its repair restrictions on large agricultural equipment. By withholding access to tools necessary to perform repairs on Deere equipment, the plaintiffs allege that Deere had engaged in “exclusionary tactics” to control the repair services market. However, under the terms of the settlement, many of Deere’s repair restrictions will now be lifted for a ten-year period. Additionally, the settlement requires \$99 million in damages to be paid to eligible class members. Eligible class members include all persons and entities who purchased repair services for Deere’s large agricultural equipment between January 18, 2018, and May 19, 2026. To learn more about the settlement, click [here](#). Recently, a class-action lawsuit was filed against Deere for its repair restrictions on its line of construction and forestry equipment. To learn more about that suit, click [here](#) to read NALC article “John Deere’s Construction & Forestry Repair Restrictions Challenged.”





# CULTIVATING CONNECTIONS

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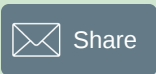
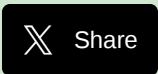
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