



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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Foreign Ownership of Ag Land:

Federal & State Legislative and Litigation Update



Harrison Pittman,
Director, NALC



July 15, 2026



Noon - 1 p.m. ET



No cost to register

Foreign Ownership State Legislation – Tennessee. During the 2026 legislative session, the Tennessee state legislature enacted **Senate Bill 2233** (“SB 2233”) and **Senate Bill 2424** (“SB 2424”), both of which amend the state’s existing foreign ownership law (**Tenn. Code Ann. §§ 66-2-301 through 66-2-309**). Collectively, these measures expand the categories of foreign investors subject to the restriction by incorporating countries designated as “foreign adversaries” under federal law, lowering ownership thresholds for business entities tied to prohibited foreign parties (“PFP”), and broadening the types of property interests subject to the law. Specifically, SB 2233 extends the restriction to certain mineral and water rights, and SB 2424 restricts PFPs from acquiring interest in public and private non-agricultural real property located within the state. SB 2233 went into effect on April 21, 2026, and SB 2424 goes into effect on July 1, 2026. A recent NALC article discussing these amendments is available **here**.

- *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**.*

Dairy Industry Joins H-2A Program. On June 17, the U.S. Department of Homeland Security published **guidance** for dairy producers seeking labor under the federal H-2A program. The H-2A program allows agricultural employers to hire non-immigrant foreign workers on a temporary or seasonal basis to perform farm labor. Under the new guidance, dairy operations will now be eligible to participate in the H-2A program, assuming they demonstrate a need for temporary or seasonal labor. According to this new guidance, Congress intended to include “dairying” and “dairy” as types of agricultural labor or services that can be approved for temporary or seasonal H-2A employment eligibility. To learn more about agricultural labor, click **here** to read NALC’s labor reading room. To learn more, be on the lookout for an upcoming NALC article discussing the new H-2A guidance.

SNAP Waivers Struck Down. On June 22, a federal judge in the District of Columbia blocked the U.S. Department of Agriculture’s (USDA) attempts to ban Supplemental Nutrition Assistance Program (SNAP) participants from using their benefits on certain foods. Over the past year, a **number of states** have submitted waiver requests seeking authorization from USDA to ban certain foods, such as soda or candy, from being eligible for purchase with SNAP benefits. In March, SNAP participants from Colorado, Iowa, Nebraska, Tennessee, and West Virginia challenged USDA’s approval of the waivers, stating that their approval was a violation of the Administrative Procedure Act. The

court found that USDA exceeded its authority by granting these waivers through 7 USC § 2026(b), a waiver avenue for pilot projects designed to increase program efficiency, not participant nutrition.

Additionally, the court held that the agency failed to post proper notice in the Federal Register for the granted waivers. However, the court was firm that its decision here was not a “comment on whether the pilot projects are a good idea or not.” The court vacated and remanded the approved waivers back to USDA. In other words, it reversed USDA's approval of waivers in Colorado, Iowa, Nebraska, Tennessee, and West Virginia and sent them back to the agency. This decision has no effect on the other 18 approved waivers, but it might lead to SNAP participants in those states filing lawsuits with similar claims. To learn more about the waiver process generally, click [here](#) to read NALC article “Excluding ‘Junk’ Food from SNAP Benefits.”

Food Date Labeling Updates. Both chambers of New York’s legislature have passed a bill pertaining to food date labels. **SB 7618B**, the Food Date Labeling Act, would require food manufacturers and processors that label food for human consumption with a date label to use uniform terms. These terms would include either “use by” which would indicate the safety date of the food product, or “best if used by” to indicate the quality date of the food. The bill has not yet been delivered to the governor. However, if it is signed into law, food sold in the state and manufactured after July 1, 2028 must be labeled in accordance with the uniform terms. In 2024, California **passed a similar law** banning the use of labels with the term “sell by,” and creating a statewide standard for date labels. Like New York’s bill, California will now only permit the use of “best if used by” to indicate quality and “use by” to indicate safety. The inclusion of a date label is voluntary unless there is another law which specifically mandates it. However, if a food manufacturer selling its product in California chooses to include a date label, it must either use “best if used by” for quality or “use by” for safety. Notably, the California law will go into effect next week- on July 1st of this year. To learn more about the California law, click [here](#) to read NALC article “Date Labels and the New California Law.”

USDA Looks to Expand Grazing. On June 12, USDA Secretary Brooke Rollins issued a **memorandum** directing the U.S. Forest Service (USFS) to expand livestock grazing opportunities on National Forest System lands. Among other measures, the memorandum directs USFS personnel to reopen vacant and closed grazing allotments where appropriate, streamline permitting and authorization processes, and provide greater flexibility for grazing operations affected by drought and wildfire conditions. The memorandum further calls for increasing authorized grazing by at least 500,000 “head months,” a month’s use and occupancy of range land for one adult animal, over the next two years. The directive implements a **March 2026 memorandum** of understanding between USDA and the Department of the Interior aimed at expanding grazing opportunities and strengthening support for the U.S. cattle industry. The move from USDA comes just as the Bureau of Land Management (BLM) has proposed a comprehensive update of its grazing regulations. The proposal would similarly expand grazing access on public lands while seeking to “modernize” BLM’s grazing program. To learn more about BLM’s proposed grazing rule, click [here](#) to read NALC article “BLM Proposes Overhaul of Grazing Program Regulations.”

California Seeks to Strengthen Pesticide Enforcement. The California Department of Pesticide Regulation (DPR) has **proposed revisions** to its enforcement response regulations, marking the first significant update to the program in approximately two decades. The proposal would create a higher violation category for incidents posing hazards to human health, increase minimum civil penalties for the most serious violations, and require county agricultural commissioners to consider a violator’s compliance history when determining penalties. Additional changes would encourage greater coordination between county agricultural commissioners, district attorneys, and other prosecuting agencies in certain enforcement matters. DPR stated that the proposal is intended to increase consistency in enforcement decisions and strengthen accountability for repeat violations. Public comments on the proposal will be accepted through July 28, 2026. For more information on the proposal and how to submit a comment, click [here](#).

Alternative Proteins: Pasta. Recently, over a hundred farm, food, and nutrition organizations signed on to a **letter** urging the USDA to consider pasta made of lentils, chickpeas, and beans to be categorized as meat alternatives for the purposes of child nutrition programs. These pulse-based pastas are made using seeds of legume plants rather than traditional flour. According to the letter, the groups allege that pulse-based pastas have increased protein and fiber and can “help schools meet both protein and fiber needs in alignment with the Dietary Guidelines for Americans” (DGA). The USDA is currently in the process of updating nutrition standards for their school meals programs to reflect the most recent edition of the DGA. For more information on the DGAs, click [here](#) to read NALC article “HHS and USDA release “The Dietary Guidelines for Americas, 2025-2030.”

Roundup Settlement Stays in Missouri. A federal judge in Missouri has returned litigation involving a proposed \$7.25 billion Roundup settlement to Missouri state court, **rejecting** an effort by settlement objectors to move the

case into federal court. The proposed settlement, which received preliminary approval earlier this year, is intended to resolve both currently active claims and certain future claims that exposure to Roundup caused someone to develop non-Hodgkin lymphoma. Opponents of the agreement argued that the settlement unfairly benefits the settling parties and **sought to remove** the case to federal court. However, the court concluded that the objectors to the settlement were not defendants and therefore lacked authority to remove the case from state to federal court. The objectors have indicated they will appeal this decision. The remand allows the state-court approval process to continue, although final approval of the settlement may ultimately depend on the U.S. Supreme Court's forthcoming decision in *Monsanto Co. v. Durnell*, a closely watched case addressing whether federal pesticide law preempts state-law failure-to-warn claims involving Roundup. For more information on *Monsanto Co. v. Durnell*, click [here](#) to view NALC article "Supreme Court Agrees to Hear Pesticide Preemption Lawsuit."

Ninth Circuit Enforces ESA in Klamath Basin. The Ninth Circuit **recently ruled** that the U.S. Bureau of Reclamation (Reclamation) is not prohibited from dedicating water from Upper Klamath Lake to support endangered fish species, rejecting claims by Klamath Basin irrigators that federal water delivery contracts required the agency to provide that water for irrigation. The dispute stems from longstanding conflicts over water allocation in the Klamath River Basin, where agricultural producers, tribes, and protected fish species compete for limited water resources. Irrigators argued that Reclamation lacked authority to withhold project water to comply with the Endangered Species Act (ESA) and that ESA obligations could not supersede state water law. The Ninth Circuit disagreed, holding that Reclamation's contracts are subject to water availability limitations, including restrictions imposed by the ESA. The court also concluded that ESA compliance does not amount to a federal claim of water rights and does not determine underlying property interests. The decision is in line with previous court cases concluding that Reclamation must manage its water projects in compliance with the ESA. To learn more about the ESA and how it impacts water allocations, click [here](#) to view NALC's ESA Manual.

Federal Nutrition Bills. On June 11, U.S. Representatives "GT" Thompson and Darren Soto introduced two bipartisan bills aimed at increasing access to juice through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). "Juice for Healthy Families Act" or **HR 9305** would increase the maximum monthly allowances of juice to 128 fluid ounces under WIC by amending the Child Nutrition Act of 1966. This bill comes after the 2024 USDA final **rule** that reduced the maximum monthly juice allowance under WIC. In addition, the "Juice Access Improvement Act" or **HR 9304** would establish juice as a default benefit, given to WIC participants, unless they choose to opt-out and receive a \$3 cash-value voucher instead. Meanwhile in the other chamber, on June 18, U.S. Senator Pete Ricketts introduced the **SNAP Staffing Flexibility Act** which would allow the hiring of independent limited term contractors to help with Supplemental Nutrition Assistance Program (SNAP) application backlogs and staffing issues. A House companion bill was included in the House's version of the farm bill, and the recently unveiled Senate farm bill also contained similar language. To learn more about SNAP, WIC, and other USDA nutrition programs, click [here](#) to visit NALC's Nutrition Reading Room.

Washington Child Labor Laws. Washington's **HB1644**, which updates the state's child labor laws, will take effect on July 1, 2026. Under the updated laws, minimum penalties have now been established for agricultural employers with minor laborers. For agricultural employers, Washington's Department of Labor and Industries (L&I) may issue a "Class 1 Civil Infraction," which includes a maximum fine of \$250, for violations of state law or L&I rules governing the employment of minors. Additionally, HB1644 contains penalties tied to specific violations of child labor laws in both agricultural and nonagricultural industries. Notably, the law imposes a fine of up to \$1,000 for violations involving hours of work requirements, meal break requirements, and failures to obtain minor work permits. For violations resulting in the serious injury or death of a minor, L&I may impose a minimum fine of \$71,000. This amount may be doubled in the event of a willful or repeated violation.

- *Webinar Opportunity (August 8): Audry Thompson, Staff Attorney, Penn State Center for Agricultural and Shale Law will present "Minors Working on the Farm: Child Labor Laws for Agricultural Employers." To register, click [here](#).*

Farm Bill. On June 23, the U.S. Senate Committee on Agriculture, Nutrition, and Forestry **announced** that Chairman John Boozman has released a **discussion draft** of "Farm Bill 2.0." Now titled the "Agricultural Act of 2026," this draft contains provisions impacting a variety of federal programs. According to an **overview** published alongside the announcement, Farm Bill 2.0 would modernize farm loan programs, strengthen conservation programs, and improve existing commodity, dairy, standing disaster and crop insurance programs. For an overview of Farm Bill 2.0 titles, click [here](#). For a section-by-section summary of Farm Bill 2.0, click [here](#). To read the Farm Bill passed by the House earlier this year, click [here](#).

Dairy Checkoff Challenged. Last month, three Wisconsin dairy farmers sued USDA, challenging the constitutionality of the federal dairy checkoff program. Under the Dairy Promotion Stabilization Act of 1983 (the Dairy Act), dairy producers are required to pay assessments of 15 cents per hundredweight of milk to finance the administration of dairy promotion and advertisement programs, often referred to as the dairy “checkoff” program. According to the **complaint**, the farmers’ allege that dairy checkoff funds are being used to support a private nonprofit with an environmental, social, and governance (ESG)-centered agenda, contrary to the mandate of the Dairy Act. Additionally, the farmers allege that because they are not allowed to “opt-out” of paying into the dairy checkoff program, they are seemingly paying to further the activities of an organization prioritizing sustainability and environmental stewardship goals. The complaint alleges the dairy checkoff program is unconstitutional under the First Amendment because the government is compelling the farmers to subsidize the ESG-based speech of a private nonprofit. The farmers request that the court stop the USDA from using the checkoff funds to support the private nonprofit. To learn more about commodity checkoff programs, check out the **NALC’s Reading Room on Checkoff Programs**.

Colorado’s ‘Tamale Act.’ Earlier this month, Colorado’s governor signed **HB26-1033** into law. This legislation expanded the “Colorado Cottage Foods Act” to allow cottage food producers to sell time/temperature control for safety foods (TCS foods) such as tamales, burritos, and tortas. 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. The expanded Colorado law includes specific requirements for cottage food producers selling TCS foods, especially those made with meat or meat products, like limitations on TCS food types, transportation rules, and training. Further, this law increases the maximum gross revenue cap for Colorado cottage food producers to \$150,000 and amends the law’s labeling, registration, and outbreak response provisions. To learn more about the expanded law, click **here** to read NALC article “Colorado expands Cottage Food laws with the passage of the ‘Tamale Act.’”



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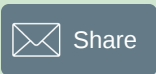
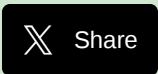
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National Agricultural Law Center | DTAN 2549 N. Hatch Ave. | Fayetteville, AR 72704 US

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