



The Feed

Recent Developments in Ag Law & Policy

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

Volume 4, Issue 13

July 8, 2026

Thank you to all our subscribers! Please forward **the subscription link** to your network. All previous issues of The Feed are available **here**. Send any questions, concerns, or suggestions to **NALC Director Harrison Pittman**.

Follow us on social:



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

Supreme Court Issues Pesticide Preemption Decision. After years of litigation and conflicting court decisions, the Supreme Court held in *Monsanto Co. v. Durnell* that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) preempts state law failure-to-warn claims when the Environmental Protection Agency (EPA) has approved a pesticide label and has not required the warning at issue. The Court concluded that FIFRA prohibits states from imposing labeling requirements that differ from or add to those required under federal law and noted that EPA has repeatedly determined that glyphosate is not likely to cause cancer. The decision resolves a longstanding split among federal appellate courts over the scope of FIFRA preemption. The ruling is expected to significantly affect pending and future pesticide labeling litigation and provides important guidance on the relationship between federally approved pesticide labels and state tort law. For a full explanation of the Court's decision, click **here** to view NALC article "Supreme Court Rules FIFRA Preempts Failure to Warn."

AFIDA Proposed Rule. On June 25, 2026, USDA published a **Proposed Rule** attempting to improve transparency and strengthen enforcement of the **Agricultural Foreign Disclosure Act ("AFIDA") of 1978** disclosure requirements. Under AFIDA, certain foreign persons must disclose their U.S. agricultural landholdings to USDA. One notable change under the Proposed Rule is the transfer of monitoring and enforcement responsibilities from FSA to USDA's Office of Homeland Security. Essentially, FSA would continue providing administrative support, but OHS would be tasked with reviewing filings, assessing penalties, and deciding administrative appeals. The proposal would also revise several existing definitions and introduce several new terms intended to give USDA the ability to identify individuals and entities exercising actual ownership or control over agricultural land rather than the immediate legal owner of the land. In other words, USDA is seeking to reveal underlying foreign owners of U.S. agricultural land, particularly in layered business entity structures. USDA will be **accepting comments** on the Proposed Rule until August 10, 2026.

- *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**.*

SNAP Waivers Updates. On July 1, Arkansas' waiver restricting the purchase of soda, energy drinks, and candy with Supplemental Nutrition Assistance Program ("SNAP") benefits **went into effect**. Though a recent federal court

ruling invalidated USDA's approval of similar waivers for five other states – Colorado, Iowa, Nebraska, Tennessee, and West Virginia – the ruling does not affect Arkansas or the other 17 states with similarly-approved waivers. Meanwhile, before the ruling came down, Missouri **delayed implementation** of its SNAP purchase restrictions until February 15, 2027. Missouri's Department of Social Services announced this extension to allow additional time to finalize program guidance, update retailer point-of-sale systems, and prepare affected stakeholders. For more information about the 23 approved SNAP waivers, click [here](#). To learn more about the decision that invalidated five state waivers, click [here](#) to read NALC article "Court Rules SNAP Waivers Violate APA."

Nationwide Paraquat Ban Proposed. Members of Congress have introduced a bipartisan bill known as the **Paraquat Prevention Act**, which would cancel all federally registered uses of paraquat, permanently prohibit its re-registration, revoke food residue tolerances, and prohibit the sale or use of existing stocks upon enactment. The proposal follows a recently enacted **Vermont law** that phases out the in-state sale, use, and application of paraquat by December 31, 2030. If enacted, the legislation would eliminate the use of paraquat nationwide and require growers to transition to alternative weed management practices. The bill represents the latest legislative effort to restrict paraquat at both the federal and state levels and could have significant implications for agricultural producers that rely on the herbicide.

Monsanto Seeks Glyphosate Tariffs. On June 30, 2026, the Monsanto Company and its subsidiary Ruveon, LLC, filed a **petition** before the U.S. Department of Commerce requesting antidumping and countervailing duties on glyphosate imported from China. The petitioners allege that Chinese glyphosate is being sold, or offered for sale, in the U.S. at less than fair value. The petition further alleges that "unfair" pricing by Chinese manufacturers has harmed domestic glyphosate production and threatens the long-term viability of U.S.-based glyphosate manufacturing. To remedy these perceived threats, the petitioners have requested an investigation into imported glyphosate sales and antidumping duties to offset alleged sales at "less than fair value." Glyphosate is a widely used product in U.S. agriculture and industry groups, like the National Corn Growers Association, have already **voiced concerns** over the petition.

EPA Proposes NEPA Rules. The Environmental Protection Agency (EPA) has proposed revisions to its regulations implementing the National Environmental Policy Act (NEPA) that would narrow the scope of environmental reviews, establish a two-year deadline for completing environmental impact statements, and expand the use of categorical exclusions for certain projects. The proposal follows the U.S. Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County*, which **limited the scope of NEPA reviews** and directed courts to give greater deference to federal agencies' environmental analyses. If finalized, the revisions could speed up federal permitting for infrastructure, energy, and other projects subject to EPA review. The proposal is particularly relevant to agriculture because projects involving rural infrastructure, water resources, energy development, and agricultural processing facilities often require federal environmental review under NEPA. Until recently, the Council on Environmental Quality (CEQ) was responsible for adopting regulations to implement NEPA. However, **CEQ rescinded all of its regulations** in 2025 after a federal court concluded that the agency lacked authority to issue binding regulations. A comment period on EPA's proposed NEPA regulations is open through July 27. To see the proposal and learn how to submit a comment, click [here](#).

Trump Administration Declines to Renew USMCA. On July 1, U.S. Trade Representative Jamieson Greer **announced** that the Trump Administration will not be renewing the U.S.-Mexico-Canada Agreement ("USMCA") during the agreement's six-year joint review process. The decision does not terminate USMCA, which remains in effect, but allows the United States to continue negotiations with Canada and Mexico regarding the agreement's implementation and potential revisions. Administration officials stated they intend to address concerns related to enforcement and trade imbalances through the review process. Because Canada and Mexico are among the largest export markets for U.S. agricultural products, the outcome of the USMCA review could have significant implications for agricultural trade throughout North America. To learn more about the USMCA joint review process, click [here](#). To learn more about previous USMCA negotiations, click [here](#).

Glyphosate Executive Order Faces FOIA Challenge. The Center for Biological Diversity has filed a Freedom of Information Act (FOIA) lawsuit against USDA, alleging the agency failed to respond to a request for records concerning a **February executive order** directing increased domestic production of glyphosate and elemental phosphorus under the Defense Production Act. According to **the complaint**, the requested records relate to the development and implementation of the order, which seeks to expand production of materials used in glyphosate manufacturing. The lawsuit comes as glyphosate remains the subject of ongoing nationwide litigation and just as the Supreme Court ruled in a case that considered whether certain state law failure-to-warn claims involving glyphosate

are preempted by federal pesticide labeling requirements. While it remains unclear what the ultimate outcome of the FOIA lawsuit will be, the plaintiffs have said their goal is to learn more about the decisionmaking that resulted in the executive order.

Moroccan Phosphate Imports. On June 29, the Trump Administration **announced** that it would be temporarily suspending its duties on phosphate being imported from Morocco. The order declared a national emergency, citing an insufficient supply of phosphate fertilizer for domestic agricultural production. According to the Trump Administration, producers in Morocco are able to supply phosphate without “disruption,” which is necessary to “immediately” remedy the lack of phosphate in the United States. Pursuant to federal trade law, this executive order authorizes the Secretary of the Treasury and the Secretary of Commerce to import, duty-free, Moroccan phosphate fertilizers. This order will remain in effect for either eight months or until the national emergency declared in the order ends, whichever comes first.

Alternative Butter. Last month, Representative Tony Wied (R-WI) introduced the **REAL Butter Act (H.R. 9387)**, which would create labeling requirements for certain butter alternatives. Specifically, this bill would require products containing milkfat synthesized through non-agricultural processes that do not meet the federal standard of identity for butter to bear qualifying labels such as “lab-created butter” or “contains lab-created butter.” For example, lab-grown butter created from carbon rather than milkfat would be required to bear such labels. For more information on federal standards of identity, click **here** to read NALC article “Food Foundations: Standards of Identity.” To learn more about labeling requirements for other alternative proteins, click **here**.

South Platte River Dispute Heads to Supreme Court. The Supreme Court has agreed to hear a lawsuit filed by Nebraska against Colorado over the state’s use of water in the South Platte River. Nebraska has accused Colorado of violating the 102-year-old South Platte River Compact by allowing diversions of water during the nonirrigation season and by blocking Nebraska’s attempt to build a canal initially provided for in the Compact. **According to the complaint**, Colorado’s actions have threatened Nebraska’s access to the South Platte River and deprived the state of up to 1.3 million acre-feet of water. Nebraska has asked the Supreme Court to clarify the rights of both states to the South Platte River and to require Colorado to cease all actions that violate the Compact. Documents filed in the case may be found **here**.

Organic Imports Verification Act. Representatives Shontel Brown (D-OH) and Zach Nunn (R-IA) have **introduced** the Organic Imports Verification Act. This bipartisan legislation would require the USDA to establish a routine chemical residue testing program for imported bulk organic products. The bill directs USDA to determine the testing methods, frequency, and targeted residues, while requiring the agency to submit annual reports to Congress detailing testing results and any corrective actions taken. The proposal would supplement existing organic import requirements, including National Organic Program import certificates and current certification oversight. This is a companion bill to S. 1398, introduced in the Senate last year. To read the text of the House bill, click **here**. For more information on organics, click **here** to visit NALC’s National Organic Program reading room.

Nebraska’s Farm Data Act Signed Into Law. On April 14, 2026, Nebraska Governor Jim Pillen signed into law the **Agricultural Data Privacy Act**, which clarifies ownership rights for the data generated by Nebraska’s agricultural producers. Under the act, Nebraska farmers own and control the data that “originates from the farm, land, device, or equipment” of the farmer. Further, the act mandates that agricultural technology producers (ATPs) are required to obtain written consent from farmers before they may sell a producer’s farm data. An ATP is an organization or business that manufactures and distributes technology used in agriculture, like John Deere. Nebraska’s Agricultural Data Privacy Act is the first state law to establish ownership rights and safeguards for the data being generated on modern farming operations. To learn more about Nebraska’s law, click **here** to read NALC article “Nebraska’s Agricultural Data Privacy Act and Similar State Efforts.”

Michigan House Passes New Child Labor Law. On July 1st, the Michigan House of Representatives voted to pass **H.B. 5727**, also known as the Youth Employment Standards Act. This bill would make several changes to Michigan child labor laws, such as eliminating youth work permits. Under the act, employers of minors will now only be required to obtain documentation from the employed minor establishing the minor’s age. Examples of valid documentation include birth certificates, operator’s licenses, and photocopies of a passport, among others. Previously, qualifying minors were required to submit an application requesting a work permit. Additionally, the law would extend the amount of hours a child under 16 is permitted to work when school is not in session to 8 hours per day.

- *Webinar Opportunity (August 19): 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](#).*

EPR Laws. Last month, California's packaging extended producer responsibility (“EPR”) law was **challenged** by a coalition of 17 attorneys general. The group alleges that SB 54, the authorizing legislation for the EPR laws, unlawfully burdens interstate commerce and improperly delegates regulatory authority to a non-government actor, the Circular Action Alliance. Additionally, the National Association of Wholesaler-Distributors (NAW), who is currently challenging Oregon’s EPR laws and obtained a preliminary injunction against Oregon’s law earlier this year, joined the California lawsuit. In related news, **a second challenge** has been brought against the Oregon law. Lollicup USA has filed a putative class action lawsuit alleging that Oregon’s EPR laws are an unconstitutional violation of the Dormant Commerce Clause and the Due Process Clause. Lollicup is bringing this lawsuit on behalf of all regulated producers who “are not afforded the protection of the preliminary injunction entered in [the NAW lawsuit],” and is seeking both a preliminary and permanent injunction. Meanwhile, the Maryland Department of the Environment **finalized guidance** for implementing its packaging EPR program. This guidance clarifies producer obligations, exemptions, recordkeeping requirements, and the scope of covered materials. To learn more about EPR laws, click **here** to view previously recorded NALC webinar “Redefining Responsibility Over Packaging: An Overview of U.S. Extended Producer Responsibility Laws.”

DOJ Reaches Settlement with Major Egg Producers. The U.S. Department of Justice and attorneys general from 17 states have reached **proposed settlements** with Cal-Maine Foods, Versova, and Hickman's Egg Ranch to resolve allegations that the companies coordinated bidding practices to artificially inflate benchmark egg prices between 2022 and 2025. Under the proposed agreements, the companies will collectively pay \$3.3 million to the participating states, donate approximately 53 million eggs to food banks and nonprofit organizations, and implement antitrust compliance measures. The settlements also prohibit certain communications with competitors regarding pricing and bidding strategies and remain subject to court approval. To learn more about antitrust law, click **here**.

Proposed H-2A Reforms. On June 30, U.S. Representative Glenn “GT” Thompson introduced **H.R. 9535**, a bill which pledges sweeping reforms to the H-2A foreign labor program. The Securing Agriculture’s Workforce Act (SAWA) would eliminate the requirement that H-2A work must be “of a temporary or seasonal nature” and instead require only that the work be of a “temporary nature.” This would give prospective H-2A employers more flexibility in the program, as employment would no longer be bound to seasonal periods. Instead, employers would only be required to demonstrate a need for temporary work, regardless of the season. Additionally, the bill would change wage and application requirements under the program. For updates on this newly-proposed bill, be on the lookout for future NALC resources.

USDA Updates Payment Programs. On June 3rd, USDA **announced** that it would be expanding payment limitations and eligibility provisions for the 2026 program year. According to the news release, the Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) programs will see increased payment limits starting with crop year 2025. More specifically, the payment limit will increase from \$125,000 to \$155,000, with the payment limit being adjusted annually for inflation. Additionally, beginning with the 2026 crop year, farm operations that were structured as a limited liability company (LLC) or an S-Corp were limited to a single payment. Now, LLCs, S-Corps, partnerships, joint ventures, and general partnerships will be treated the same. Finally, producers will now be exempt from the \$900,000 Adjusted Gross Income (AGI) cap for conservation and disaster programs. This exemption is contingent on at least 75% of a producer’s annual gross income coming from farming, ranching, silviculture, agri-tourism, direct-to-consumer sales, or certain equipment sales.

- *Webinar Opportunity (September 16): Grant Ballard, Partner, Ark Ag Law, PLLC and Kristine Tidgren, Director, Iowa State University’s Center for Agricultural Law and Taxation (CALT); Dolezal Adjunct Associate Professor, Agricultural Education will present “2026 Update: USDA’s Payment Limitations, Eligibility, & Ag Tax Considerations.” To register, click [here](#).*



CULTIVATING CONNECTIONS

— CONFERENCE —

A CONFERENCE FOR FARM
TRANSITION PLANNERS
AUGUST 3-5, 2026

Columbus, Ohio + Virtual Attendance Available

Join attorneys, tax professionals, educators, farm transition planners, and ag industry professionals from across the country for the Fourth Annual Cultivating Connections Conference.



**IOWA STATE
UNIVERSITY**



This multi-day conference focuses on the legal, tax, business, and family dynamics involved in farm transition and succession planning, offering practical education and valuable professional connections.

Conference topics include:

- Farm transition and succession planning
- Estate and tax considerations
- Business entities and asset protection
- Conservation easements
- Mental health in farm families
- Farm economy outlooks
- Interactive case studies and client scenarios

Registration Rates:

- In-Person: \$375
- Virtual: \$325
- Student: \$100

Share This Issue of The Feed:

