



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 14

July 22, 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:



Minors Working on the Farm: Child Labor Laws for Agricultural Employers

- ✓ August 19, 2026
- ✓ Noon - 1 p.m. ET
- ✓ No cost to register



This session will examine agricultural child labor requirements under the Fair Labor Standards Act, including key exemptions, particularly hazardous occupations, and the interaction between federal and state laws governing the employment of minors.

Presenter:
Audry Thompson

Staff Attorney, Penn
State Center for
Agricultural and
Shale Law



Services Rescind ESA "Harm" Definition. The Trump administration finalized a rule rescinding the regulatory definition of "harm" under the Endangered Species Act (ESA), removing language that treated significant habitat modification or degradation resulting in injury or death to protected wildlife as a prohibited "take." "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect[.]" Since 1975, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) have defined "harm" through regulation as "an act which actually kills or injures wildlife" including "significant habitat modification or degradation[.]" Within days of the rule taking effect, **environmental organizations** and two **Native American tribes** filed **three** separate federal lawsuits alleging the rule violates the Administrative Procedure Act and National Environmental Policy Act, and conflicts with previous Supreme Court precedent. The litigation will determine whether the rule remains in effect and may further clarify how the ESA's prohibition on "harm" applies to habitat modification going forward. To learn more about the ESA, click **here** to view NALC's ESA Manual. For more information on the "harm" rescission rule and its legal impacts, watch NALC for upcoming analysis.

On July 21, the Fish and Wildlife Service (FEWS) finalized additional rule changes to its ESA regulations. Specifically, FWS has once again **rescinded** its so-called "Blanket 4(d)" rule which automatically applied full ESA protections to species listed as "threatened." FWS also **finalized** rule changes that impact how the agency designates critical habitat for listed species. For more information on those new regulations, click **here** to view NALC article "FWS & NMFS Propose New ESA Rules."

UPF Challenge Dismissed. A federal court **permanently dismissed** an amended lawsuit alleging that ultra-processed foods (UPF) manufactured by several major food companies caused a plaintiff to develop type 2 diabetes and nonalcoholic fatty liver disease. In *Martinez v. Kraft Heinz Company, Inc., et al.*, the court concluded that the amended complaint failed to adequately allege that defendants' products caused the plaintiff's injuries and denied leave to amend the complaint again. The lawsuit named several food manufacturers, including Kraft Heinz, PepsiCo, Mondelez, General Mills, Nestlé USA, Mars, and Coca-Cola. To learn more about the first dismissal of *Martinez*, click **here** to read NALC article "MAHA Movement: State Agency Actions and Consumer Legal Challenges."

EPA Petitioned to Add Pesticide Cancer Warnings. The Center for Biological Diversity (CBD) has [filed a petition](#) with the Environmental Protection Agency (EPA) requesting that the agency amend its pesticide labeling regulations to require cancer warnings on pesticides containing active ingredients that EPA has recognized as carcinogenic. The petition argues that the change is necessary to satisfy EPA's obligations under the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA, which requires labels to include warnings needed to protect human health. The filing follows the Supreme Court's recent decision in *Monsanto Co. v. Durnell*, which held that FIFRA preempts certain state law failure-to-warn claims based on EPA-approved pesticide labels. The *Durnell* lawsuit was initially brought by a plaintiff who claimed that glyphosate, the active ingredient in Monsanto's popular herbicide Roundup, had caused him to develop cancer and Monsanto had failed to warn him of that risk. Although the Supreme Court agreed with Monsanto that federal pesticide law prevented the plaintiff from raising that specific claim, the Court noted that anyone could petition EPA to require cancer warnings on registered pesticide products. The recent petition from CBD reflects an effort to change pesticide labeling requirements through that process. For more information on the Supreme Court's decision in *Monsanto Co. v. Durnell*, click [here](#).

Food Additives. New Hampshire Governor Kelly Ayotte has signed **SB 577**, a bill that bans foods with certain food ingredients from being served as part of school meals. Specifically, the law will prohibit public elementary and secondary schools from serving foods with Red Dye No. 3, Citrus Red No. 2, and Orange B as part of a school breakfast or lunch. Further, it encourages schools "to avoid offering foods" that contain Blue No. 1, Blue No. 2, Green No. 3, Red No. 40, Yellow No. 5, and Yellow No. 6. The law will not apply to foods offered on school property outside of the meal programs, such as vending machine items or school fundraisers. The legislation takes effect July 1, 2028. In other news, Florida's Attorney General has issued a civil subpoena to General Mills as part of an investigation into potassium bromate's presence in Pillsbury products. Potassium Bromate, an additive often added to bread, is under **FDA review** and has been **banned in California** for its potential links to cancer. The subpoena will seek documents related to General Mills' products containing potassium bromate that have been sold to Florida consumers. To learn more about the New Hampshire law and other recent state food-related legislative actions, click [here](#) to read NALC article "Food Law in the States: 2026 Update Part 2."

USDA Reorganization Lawsuit. Plaintiffs **challenging** the U.S. Department of Agriculture's (USDA) reorganization plan have filed a second **supplemental complaint** and renewed their request for a preliminary injunction. The lawsuit was filed to challenge USDA's reorganization plan, which aims to relocate more than half of its D.C. workforce to regional hubs across the country. The plaintiffs are seeking a preliminary injunction to prevent USDA's reorganization plan, **arguing** that it is an "unlawful attempt to restructure and downsize USDA without congressional authorization." The plaintiffs argue in the second supplemental complaint that Congress "specifically directed USDA *not* to take actions restructuring the agency or downsizing staff without further congressional approval." As of the time of writing, no ruling has been issued on the preliminary injunction to halt USDA's reorganization efforts.

EPA Proposes Rollback of Heavy-Duty Diesel Requirements. The U.S. Environmental Protection Agency (EPA) has **proposed** revising several heavy-duty truck emissions requirements. These revisions include eliminating engine performance "derates" that automatically reduce engine power when emissions systems detect certain diesel exhaust fluid (DEF) issues. Instead, affected vehicles would receive visible or audible alerts when DEF issues are detected. Additionally, the proposal would retain current emissions equipment warranty requirements and delay expanded engine durability standards from model year 2027 to model year 2030. EPA estimates the changes would increase nitrogen oxide emissions compared to the current rule, but would preserve nearly 90% of the emissions reductions projected under the 2023 standards. Supporters say the proposal would reduce costs and improve reliability for manufacturers and truck operators, while opponents argue it would weaken air quality protections. Public comment on the proposed rule is open through August 29, 2026. For more information on how to submit a comment, click [here](#).

AFIDA. On June 25, 2026, USDA published a **Proposed Rule** to make significant amendments to the implementation of the **Agricultural Foreign Disclosure Act ("AFIDA") of 1978** disclosure requirements. Under AFIDA, a "foreign person" must disclose certain ownership interests in "agricultural land" to USDA. The proposed changes would be the most significant changes to AFIDA reporting in nearly a half century. The proposed rule would make numerous landmark changes, including modifying the definitions of "agricultural land", "any interest", and "significant interest or substantial control", all of which are at the heart of AFIDA application. The proposed rule adds new definitions for "beneficial owner", "foreign adversary", "foreign adversary controlled entity", and "shell corporation", among others. The proposed rule also transfers regulatory authority from FSA to the Office of Homeland Security within USDA. The proposed rule creates an appeals process, proposes and seeks additional input reporting requirements, and modifies the penalty structure and assessment of penalties. USDA will be

accepting comments on the Proposed Rule until August 10, 2026. For more information on Foreign Ownership generally, click [here](#) to view previously recorded webinar “Foreign Ownership of Ag Land: Federal & State Legislative and Litigation Update.”

CWA Irrigation Exemption. The U.S. Supreme Court declined to review a **Ninth Circuit decision** upholding the Clean Water Act (CWA) permitting exemption for irrigation return flows. The case involved California's Grassland Bypass Project, an irrigation drainage system that serves roughly 97,000 acres within the San Joaquin Valley. The Project collects agricultural drainage water and moves it to the San Luis Drain, which discharges into a slough that then drains into the San Joaquin River. Although the San Joaquin River is a protected water under the CWA, the Project has operated without a CWA permit since 1997 pursuant to language within the statute that exempts irrigation return flows from permitting requirements. Environmental organizations filed a lawsuit in 2011, arguing that the irrigation exemption should not apply to the Project because agricultural drainage water transported through the drainage system mixed with pollutants from nonagricultural sources before ultimately entering a protected water body. In a final decision issued in 2025, the Ninth Circuit concluded that nonpoint source pollution does not eliminate the irrigation return flow exemption unless an additional point source discharge unrelated to crop production is involved. The environmental plaintiffs **petitioned** the Supreme Court to review the decision. By rejecting the petition, the Court has allowed the Ninth Circuit's ruling to stand.

Oregon CAFO Permit Challenged. A group of environmental organizations have filed **suit** to challenge Oregon's newly issued general **permit** governing concentrated animal feeding operations (CAFOs), alleging that the permit fails to adequately protect state waterways from pollution. According to the plaintiffs, the permit lacks sufficient pollution monitoring and other safeguards required under state and federal law. The Oregon Departments of Agriculture and Environmental Quality finalized the permit earlier this year, but the plaintiffs contend it does not adequately address manure management and water quality concerns. The case petitions the court to invalidate the permit and require state regulators to adopt stronger pollution controls. The litigation could determine how Oregon regulates livestock waste management under future CAFO permits.

CA Recycling Label Law Halted. A federal district court has temporarily blocked California from enforcing a law that would restrict the use of the "chasing arrows" recycling symbol. The law, which was set to take effect on October 4, 2026, prohibits products from being labeled as recyclable unless they meet state-established recyclability criteria. The court found the plaintiffs, an industry coalition representing agricultural, food, retail, and packaging interests, are likely to succeed on their claim that the law violates the First Amendment and is unconditionally vague. While this decision is not a judgement on the merits of the case, it might be an indicator of the judge's perception of the case's claims. The ruling halts enforcement of the law while the litigation remains ongoing. To read the decision in its entirety, click [here](#). To learn more generally about the legal remedy of injunction, click [here](#) to read NALC article “Procedures: Injunctions.”

- *Conference Opportunity (Nov. 5-7): Michael Stark, Faegre Drinker, Tyler Young, Faegre Drinker, Nora Faris, Bryan Cave Leighton Paisner LLP, and Julia Schatz, Bennett Jones LLP will present “Food Labeling Litigation and Regulatory Updates: U.S. & Canada” at the 47th Annual American Agricultural Law Association Educational Symposium (co-hosted by AALA & NALC).*

Tariff Impacted Farmer Support Act. On July 15, 2026, Rep. Shomari Figures (D-AL), joined by Rep. Bennie Thompson (D-MS), introduced the **Tariff Impacted Farmer Support Act of 2026**. The bill would provide economic assistance to corn, cotton, peanut, poultry and soybean producers for revenue losses during the 2025 and 2026 crop years. The payments would come from \$15 billion in Commodity Credit Corporation funds, with \$7.5 billion allocated to each crop year. Payment amounts would be based on the difference between a producer's total revenue for the applicable crop year and the preceding crop year, and each producer could receive only one payment. To qualify, producers would need an average adjusted gross income of no more than \$500,000 for both years used in the calculation and would be required to document their revenue. The bill has been referred to the House Committee on Agriculture. For a one-page summary of the bill, click [here](#).

- *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](#).*

Glyphosate Trade Petitions Withdrawn. On July 17, 2026, Ruveon LLC, a member of the Bayer Group, **announced** its intent to withdraw petitions asking the U.S. Department of Commerce and the U.S. International Trade Commission to investigate glyphosate-based herbicide imports from China for antidumping and countervailing duties. Ruveon claims that this decision came following discussions with farmers and agricultural trade associations. Ruveon also claimed that pricing commitments announced in a July 1 **open letter** had been contingent on relief from the proposed trade actions and that it will instead continue pricing its products in relation to generic glyphosate prices. The National Corn Growers Association and other commodity groups welcomed the withdrawal after arguing that the proposed duties could increase farmers' input costs. When filing the petitions, Ruveon maintained that trade relief was necessary to address allegedly unfairly priced and subsidized imports and support long-term domestic productions.

Rio Grande Settlement. Following the U.S. Supreme Court's approval of a settlement agreement between Texas and New Mexico over use of water from the Rio Grande river, New Mexico has ten years to reduce groundwater pumping in the Rio Grande Basin by 18,200 acre-feet each year or face penalties. Under the settlement, New Mexico must deliver a certain amount of Rio Grande water to Texas each year. If New Mexico under-delivers, it will be required to make additional water transfers to make up the deficit. The state is currently exploring options to allow farmers to sell their Rio Grande water rights to the state. Already, New Mexico has allocated \$150 million for a voluntary water rights purchase program. Groundwater pumping in New Mexico was prompted by a prolonged drought in the region that started in 2002 and continues through 2026 with Elephant Butte Reservoir at only 13% capacity (as of May 2026). To learn more about the settlement agreement and underlying lawsuit, click **here** to view NALC article "Supreme Court Approves Texas, New Mexico Consent Decree for Rio Grande."

Driscoll's sued for potential PFAS. A proposed class action lawsuit was filed against Driscoll's, the largest berry producer in the nation, after consumers claimed the company inaccurately marketed, labeled, and sold its conventionally-grown strawberries. Specifically, the complaint alleges that Driscoll's promoted their berries as safe and sustainably grown while failing to disclose the presence of per- and polyfluoroalkyl substances, or PFAS. Additionally, the complaint accuses Driscoll's, who represents itself as environmentally friendly, of "greenwashing its true farming and manufacturing practices." The case is pending with an initial hearing set for September. To date, a class has not yet been certified. To read the complaint in full, click **here**.

Poultry Companies Settle Illinois River Pollution Suit: Several poultry companies have agreed to pay nearly \$44 million and limit poultry litter applications in the Illinois River watershed under a **proposed settlement** with the Oklahoma Attorney General's Office. Tyson Foods, Simmons Foods, Cal-Maine Foods, Cargill, Peterson Farms, and George's Farms agreed to fund watershed restoration, pay civil penalties, finance compliance monitoring, and help cover the cost of installing riparian buffer strips in certain areas. The settlement would also require participating companies to meet poultry litter removal commitments intended to reduce phosphorus runoff into the watershed. If approved, the agreement will resolve claims stemming from long-running litigation over nutrient pollution in the Illinois River while establishing ongoing compliance obligations for the companies. However, it is worth noting that the court has previously rejected a similar settlement as insufficient. For more information on the case history, click **here** to read an analysis in Southern Ag Today.

Court Narrows Prop 12 Challenge: A **federal district court** allowed a pork processor to proceed with a narrow portion of its challenge to California's Proposition 12, though the court dismissed the company's remaining claims. Proposition 12 regulates living conditions for certain farm animals within the state and prohibits the sale in California of pork, eggs, and veal produced under conditions that do not meet those requirements. The processor, Triumph Foods, alleged that Proposition 12 violates the Commerce Clause of the U.S. Constitution because the law's slaughterhouse exemption favors California processors over out-of-state competitors. This case comes after the U.S. Supreme Court issued **National Pork Producers Council v. Ross** in 2023 which upheld Proposition 12 against a similar constitutional challenge. Triumph Foods will now continue its lawsuit on the remaining claim. To learn more about the Supreme Court's ruling, click **here** to view NALC article "What's Cooking with Prop 12?: SCOTUS Decision."

Securing Agriculture's Workforce Act of 2026. U.S. House Judiciary Committee Chair Jim Jordan has **reportedly** claimed the Committee will not be considering recent legislation aimed at updating the H-2A program. Earlier this year, House Agriculture Committee Chair Glenn Thompson proposed the **Securing Agriculture's Workforce Act of 2026**. This legislation purports to "modernize" the H-2A program by eliminating the requirement that H-2A work be "of a temporary or seasonal nature" and instead require only that the work be of a "temporary nature." Additionally, the bill would have updated certain wage and application requirements under the H-2A program. If the House Judiciary

Committee refuses to consider the bill, it cannot advance. To learn more about other recent H-2A developments, click [here](#) to read NALC article “New H-2A Guidance for Dairy Operations.”

Child Labor Reporting. As of July 1, 2026, employers in Indiana are no longer required to report, register, or track their minor employees. Indiana’s governor signed the **House Enrolled Act No. 1302** into law earlier this year, which required the deactivation of Indiana’s Youth Employment System (YES). The YES database was an online portal where employers were required to report and record information on minors in their employment. Now, employers are no longer required to enter teen worker data in Indiana’s state portal. For more information on child labor provisions in the Fair Labor Standards Act, click [here](#) to read a Congressional Research Service (CRS) report on the issue.

- *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](#).*



DOWNEY BRAND



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.

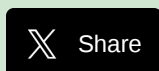
Conference topics include:

- 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:



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

[Unsubscribe](#) | [Constant Contact Data Notice](#)



Try email marketing for free today!