



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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The National Agricultural Law Center
Monthly Webinar Series

Agricultural Data Rights: A New State Law Landscape



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Privacy Practice Group
Leader



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ArentFox Schiff FDA Practice
Leader + Agriculture & AgTech
Industry Group Leader



Wed., October 21, 2026
Noon ET
No cost to register

Temporary Changes to Dyed Diesel Use. A large number of states have temporarily allowed broader use of dyed diesel as record-high fuel prices increase harvesting and transportation costs for agricultural and forestry operations. Some states are permitting highway use of the fuel, which is ordinarily restricted to off-road equipment such as tractors, skidders and irrigation pumps. The length of relief varies from state to state, ranging from approximately one month through the end of the year. The Trump administration also attempted to address high fuel prices by signing an **Executive Order** temporarily allowing the use of dyed diesel for on-road use and deferring payment of federal taxes imposed on its use. To learn more about the dyed-diesel use updates, click **here** to read NALC article, "Recent Changes to Dyed Diesel Regulations."

CA Farm Labor Law. California Gov. Gavin Newsom has signed **AB 2646**, establishing a \$19.75 hourly minimum wage for certain temporary and seasonal agricultural workers. The law, which goes into effect on January 1, 2027, covers H-2A employees as well as California residents performing the same or substantially similar work for the same employer in the same county during the same period. The required agricultural minimum wage will increase annually based on the cost-of-living adjustment applied to Social Security benefits. California's general minimum wage is currently \$16.90, but will increase to \$17.40 in 2027.

IL Launches Grain-Storage Loan Program. On October 7, 2026, Illinois Gov. Pritzker and the Illinois Finance Authority (IFA) **launched** a pilot program providing farmers with low-interest loans to finance grain storage facilities and equipment. Its intent is to lessen financial strain on farmers utilizing on-site grain storage. The program contributes IFA funds to private sector loans in order to spread the lending risk across both the private lender and IFA. Interest rates for the loans are expected to be 2%. Loan programs are important tools for farmers to use as they maintain and grow their operations. To learn more about loan programs and the impact of financial stress on a farmer's repayment process, click **here** to read NALC blog series, "Between a Rock and a Hard Place."

FTC, USDA Examine Farm Equipment Competition. The Federal Trade Commission (FTC) and USDA have **issued** a joint Request for Information (RFI) regarding anti-competitive practices in agricultural equipment

manufacturing and distribution. The **joint RFI** requests comments and information from farmers, dealers, independent repair providers and current or former industry employees to help inform future enforcement actions. The agencies are specifically asking for information on territorial restrictions on equipment sales and service, consolidation within dealer networks, farmer access to parts and repairs, retaliation against farmers, repair providers, dealers or employees expressing opposition to company policy, and penalties imposed on purchases outside designated territories. RFI comments must be submitted by December 7, 2026, and will be used by both agencies to inform future enforcement actions and regulatory priorities.

- *Webinar Opportunity (October 21): D. Reed Freeman, Partner, ArentFox Schiff Privacy Practice Group Leader and Karen Ellis Carr, Partner, ArentFox Schiff FDA Practice Leader and Agriculture & AgTech Industry Group Leader will present "Agricultural Data Rights: A New State Law Landscape." To register, click [here](#).*

OBBBA's SNAP Guidance. An Oregon federal court set aside a portion of USDA's SNAP guidance documents implementing HR 1. Often called the "One Big Beautiful Bill Act" (OBBBA), this legislation made several changes to the Supplemental Nutrition Assistance Program (SNAP). To help states with their implementation of these changes, USDA sent guidance documents. However, in those documents, the agency had listed July 4, 2025 – the law's effective date – as the beginning of a "grace period" where implementation errors would not count toward states' SNAP payment error rates. The court found that the grace period's start date was improper, and set it aside. The court also found that one of USDA's OBBBA implementing guidances incorrectly indicated that certain refugees, asylees, and other humanitarian immigrants remained ineligible for SNAP after obtaining lawful permanent resident status. Instead, the court found that lawful permanent residents are eligible regardless of their prior status and that those who belong or previously belonged to specified humanitarian groups are exempt from the generally applicable five-year waiting period. At this point it remains unclear what dates will be used for the grace period. Further, USDA has until Nov. 27, 2026 to appeal. For more information on the court decision, click [here](#) to read NALC article "Federal Court Vacates a Portion of a SNAP Implementation Guidance."

Uninspected Meat Recalled Over False USDA Marks. Star Meat Delivery Inc. is **recalling** approximately 167,639 pounds of raw pork, beef and goat products that USDA says were produced without federal inspection and bore false inspection marks. Federal law requires meat or meat products sold in the US to be inspected by USDA or an agency with inspection requirements that are at least equal to those enforced by USDA. If a meat product is introduced into the marketplace without being inspected, it is considered adulterated and recalled. Here, the products were made before September 22 and shipped to A&D Foods, a Georgia distributor, for further distribution to retailers and restaurants nationwide. The bulk packaging bears the false establishment number "EST. 1363," although individual products may have received different labels at retail. USDA's Food Safety and Inspection Service classified the recall as Class I, its most serious category, but no illnesses or injuries have been confirmed. For more information on the laws regulating meat inspection, click [here](#) to read NALC article "Food Foundations: Livestock & Poultry Slaughter and Processing."

Beef and Pork Price Fixing Settlement. On October 8, 2026, a federal district judge approved two separate price fixing settlements in class action lawsuits filed against Tyson Foods Inc.. The class action lawsuits were filed by commercial and institutional indirect purchaser plaintiffs accusing Tyson of fixing beef and pork prices. The beef class action alleged that Tyson, along with other large meat packers, conspired to restrict the beef supply and fix the price. The pork class action alleged that Tyson, along with other meat packing and food companies, utilized Agri Stats, an agricultural data collection firm, to compare profits and performance. The judge approved a **\$47 million settlement** for the beef class action and a **\$48 million settlement** for the pork class action. To learn more about competition issues in protein production, click [here](#) to read the NALC article, "Regulating Competition through the Packers and Stockyards Act: History and Recent Changes."

USDA Employee Relocation Pause Extended. On October 13, 2026, a federal judge **ruled** that USDA likely cannot proceed with its planned reorganization without obtaining congressional approval. The reorganization would close or consolidate offices and relocate thousands of employees from the Washington, D.C., area to regional locations, potentially requiring employees to move or leave their jobs. The court found that Congress had placed restrictions on USDA's ability to use appropriated funds for these changes without approval from the relevant congressional appropriations committees. As such, it ordered USDA to pause specified relocation and office-closure activities. The order does not, however, prevent USDA from relocating or assigning employees currently located in the D.C. region to other locations in the same region. It also does not permanently cancel the reorganization or resolve the case on its merits; instead, it prevents USDA from carrying out the covered changes while the lawsuit

continues. Further USDA was ordered to file a declaration within seven business days confirming compliance with the order and detailing the steps taken to comply. To follow along with this case, click [here](#).

EPA, HHS Coordinate Glyphosate Review. EPA and the Department of Health and Human Services have signed a **memorandum** establishing a joint technical working group to support EPA's ongoing registration review of glyphosate, the active ingredient in Roundup and other widely used herbicides. The agencies will exchange scientific information, identify research gaps and coordinate work on the health effects of glyphosate formulations and surfactants, occupational exposure, human biomonitoring and dietary exposure. EPA will also evaluate relevant peer-reviewed studies published since its previous assessment and explain how that evidence informs its updated conclusions. EPA registers pesticides for use under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). After a pesticide is initially registered, FIFRA requires EPA to review the registration at least once every 15 years. The ongoing registration review for glyphosate was initiated in 2009. Since then, glyphosate has come under increased scrutiny due to a report issued by the International Agency for Research on Cancer in 2015 which found that glyphosate is a likely human carcinogen. To date, EPA has not reached a similar conclusion. For more information on the pesticide registration process, click [here](#) to read NALC publication "FIFRA: Steps to Pesticide Registration."

Congress Restores Higher Bankruptcy Debt Limits. On September 28, 2026, the U.S. Senate passed the "Bankruptcy Threshold Adjustment Act." **H.R. 7730** originated in the House and would increase debt limits for certain entities seeking relief through bankruptcy. Specifically, it would raise the debt limit for small businesses under Subchapter V of Chapter 11 of the Bankruptcy Code from approximately \$3 million to \$7.5 million. It would also replace the Bankruptcy Code's Chapter 13's separate secured- and unsecured-debt limits with a single \$2.75 million limit for individuals with regular income. The bill is now on the president's desk, and must be signed before becoming law.

- *Project Spotlight: In partnership with the National Association of State Departments of Agriculture, the National Agricultural Law Center recently announced the launch of a new project that tracks bankruptcy trends across the agricultural sector. The "Data on Economic and Bankruptcy Trends in Agriculture" or "DEBT" project, provides a more comprehensive view of agricultural bankruptcy filings by identifying ag filings under both Chapter 11 and Chapter 12. To view the data and learn more about the project, click [here](#).*

IRS Proposes Farmland Sale Tax Rules. On September 29, 2026, the U.S. Internal Revenue Service ("IRS") **proposed** regulations that would allow eligible landowners to elect to spread the federal tax gains from qualifying farmland sales or exchanges over four years. These regulations are intended to implement the changes contained in OBBBA. In the regulations, eligible taxpayers would be able to pay their tax obligations in equal installments over a four year period, beginning with the tax return for the year of the land transaction. The land sold or exchanged generally must have been farmed by the seller or leased to a qualified farmer during "substantially all" of the preceding 10 years and must be sold to an individual actively engaged in farming. A "qualified farmer" is defined as an "individual who is actively engaged in farming." Additionally, a legally enforceable restriction like a covenant must preserve the land's agricultural use for 10 years after the sale. The proposed election would apply to qualifying land transactions that occur in a taxable year, beginning after July 4, 2025. Comments on the proposed rulemaking are requested by Nov. 30, 2026. To learn more about the changes included in OBBBA, access a post by a NALC partner at the Center for Agricultural Law and Taxation [here](#).

Arkansas Approves Peanut-Harvest Loan. On September 24, 2026, Arkansas Gov. Sarah Huckabee Sanders and Secretary of Agriculture Wes Ward **announced** the administration will provide Delta Peanut, a peanut shelling facility, with a short-term loan to keep the company afloat through harvest. After Delta Peanut lost the USDA federal warehouse bond required for its operations, the company told nearly 90 growers that it could not dry, process or store their peanut crops. Additionally, other peanut processing facilities in Arkansas are at capacity- forcing growers to transport their crops longer distances at higher expense and at the risk of safety and quality issues. The \$5 million loan is intended to serve as a short-term solution to facilitate Delta Peanut's purchase of this year's crop. The loan may only be used for operating expenses such as payroll, utilities and overhead and may remain outstanding for no more than six months. Growers using the facility must pay a \$60-per-ton delivery fee and agree that Arkansas will be repaid ahead of other lenders. The state expects Delta Peanut to repay the loan using revenue from those fees and USDA payments. Delta Peanut has separately obtained a \$2.7 million line of credit needed to restore its federal warehouse authorization and is negotiating the sale of the facility to another company after harvest.

Senate Passes Food Safety Bill. On September 28, 2026, the US Senate approved S.4974, the **Making America's Food Safer Act**, by unanimous consent. It would expand FDA's authority in a few primary areas. Further, it would expand accredited third-party certification programs to domestic food facilities and allow the agency to consider audit results when assessing risks and prioritizing inspections. It would also permit HHS to share certain unredacted food safety information with state, local, tribal and territorial public health authorities. Further, if this legislation passes, HHS could order the destruction of imported products that have been refused admission and present a significant public health concern rather than allowing them to be exported elsewhere. Before becoming law, this legislation would have to be passed by the House of Representatives and signed by the President.

Oregon Packaging Law Ruling Appealed. The National Association of Wholesaler-Distributors (NAW) has **appealed** a federal court decision rejecting its challenge to Oregon's Plastic Pollution and Recycling Modernization Act. The extended producer responsibility law requires covered producers to fund and participate in the state's packaging-recycling system through a producer responsibility organization. The **court rejected** NAW's claims that the law improperly burdens interstate commerce and unconstitutionally delegates fee-setting and program-management authority to the private Circular Action Alliance. NAW is asking the Ninth Circuit to reconsider both constitutional claims. However, its appeal does not automatically reinstate the preliminary injunction that previously protected its members from enforcement. A separate proposed class action, **Lollicup USA v. Feldon**, also challenges the Oregon law on behalf of producers not covered by the NAW injunction. That case was stayed, or temporarily paused, pending the outcome of NAW's challenge. The parties must now submit a joint status report by October 16. For more information about EPR laws, click **here** to watch the NALC's previously recorded webinar "Redefining Responsibility Over Packaging: An Overview of U.S. Extended Producer Responsibility Laws."

SNAP Restrictions: Nebraska. Nebraska has **submitted** a new request for federal approval to restrict purchases of certain foods with SNAP benefits after a court vacated the state's original waiver in June. That waiver was among five set aside in **Aragon v. Rollins**, and Nebraska is the first affected state to submit a replacement request. USDA is taking **public comments** and says it will issue a separate notice either approving or rejecting the proposal. The new request would exclude soft drinks and energy drinks from SNAP eligibility beginning December 1, 2026. It would also add candy to the restricted products beginning March 1, 2027. However, the notice does not define what products would qualify as candy. To learn more about the previous decision, click **here** to read NALC article "Court Rules SNAP Waivers Violate APA."

California to Track PFAS Pesticides. Gov. Gavin Newsom has signed **AB 1603**, requiring the California Department of Pesticide Regulation to identify registered pesticides containing intentionally added PFAS and track their use. The law covers PFAS used as active, adjuvant or inert pesticide ingredients and defines the chemical class as substances containing at least one fully fluorinated carbon atom. By January 1, 2028, or when the state posts pesticide-use data for 2026, whichever occurs first, DPR must flag PFAS-containing products in its public database and begin reporting trends in use. The agency must also publish a list of registered pesticides containing PFAS, provide it to county agricultural commissioners and update it when additional products are registered. The law establishes disclosure and tracking requirements but does not prohibit the use of PFAS pesticides. For additional information on PFAS, click **here** to read Congressional Research Service report "Environmental Remediation of Per- and Polyfluoroalkyl Substances (PFAS)."

Post-Durnell Roundup Trial Begins. Three Roundup users who developed non-Hodgkin's lymphoma are asking a St. Louis County jury to hold Monsanto liable for injuries they allege occurred as a result of exposure to the herbicide and its active ingredient, glyphosate. The case is the first Roundup liability lawsuit to reach trial since the United States Supreme Court's June 2026 decision in **Monsanto Co. v. Durnell**. For more information about the case, click **here**. There, the Court held that federal pesticide law preempts state-law claims that a pesticide manufacturer failed to warn consumers about a specific health risk, finding that FIFRA clearly prohibits states from altering the language on pesticide labels. Plaintiffs in pesticide liability lawsuits like the ones involving Roundup typically raise failure to warn claims and they have largely been seen as successful arguments for a plaintiff to raise. In this case, rather than focus on whether Monsanto failed to warn the plaintiffs of potential health risks of using Roundup, plaintiffs have argued that Monsanto failed to adequately test Roundup's complete formulation and minimized studies indicating possible cancer risks. Monsanto denies that Roundup causes cancer and argues that scientific studies and regulatory reviews support the product's safety. To learn more about the legal claims courts have considered in pesticide liability lawsuits, click **here** to view NALC's Plaintiffs & Pesticides series.

Monarch Listing Decision Due by 2030. A court-approved **settlement agreement** requires the United States Fish and Wildlife Service (FWS) to decide by June 6, 2030 whether to list the monarch butterfly under the Endangered

Species Act. FWS proposed to list the monarch butterfly as a threatened species in December 2024. The ESA requires FWS to finalize proposed listing decisions within one year of the initial proposal. However, FWS failed to issue a final decision on the monarch by December 2025 which prompted the environmental groups that initially petitioned FWS to list the monarch butterfly in 2014 to file a lawsuit. The settlement agreement resolves that lawsuit and sets a date by which FWS must issue a final listing decision. Should FWS fail to meet that deadline, the environmental plaintiffs could ask a court to enforce the agreement. To learn more about the proposal to list the monarch butterfly under the ESA, click [here](#) for a NALC resource.

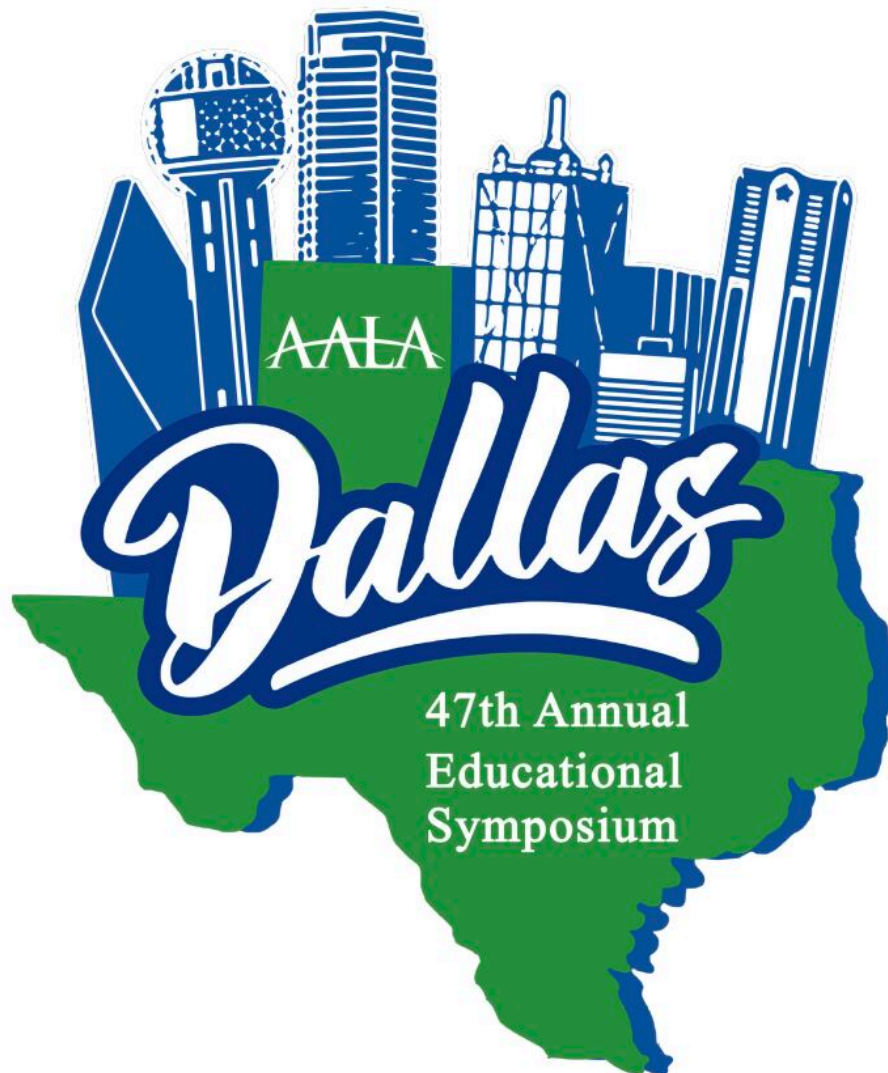
U.S. Not Immune from Water Suit. The Ninth Circuit Court of Appeals **issued a ruling** in late September holding that a water rights dispute between Nevada ranchers and the federal government may proceed. The dispute focuses on the 1934 Baker-Lehman Decree which settled water rights for the Baker-Lehman Creek system in eastern Nevada. Baker Ranches first filed a lawsuit against the federal government in 2021 seeking to enforce the Decree against the United States, alleging that the government had violated it by infringing on Baker Ranches' water rights. In response, the United States claimed that the lawsuit could not proceed because the government had not consented to be sued. Ultimately, the Ninth Circuit held that a federal law known as the McCarran Amendment waived the government's sovereign immunity. To learn more about the case, click [here](#) to view NALC article "Ninth Circuit Concludes United States Not Immune from Water Rights Lawsuit."

State Food Law Updates: California. Gov. Gavin Newsom signed into law four bills that address food labeling, restaurant offerings and sales of certain supplements to minors. **AB 2244** creates a voluntary "Non-Ultraprocessed Certified" seal for qualifying products and directs the California Department of Public Health to begin accrediting certification agents by June 1, 2029. **SB 869** will require chain restaurants to identify menu beverages containing at least the FDA's full daily value for added sugar. **SB 977** will require chains offering children's meals to provide at least one option that meets specified nutrition standards. **AB 2030** will prohibit retailers from selling over-the-counter diet pills and dietary supplements marketed for weight loss or muscle building to anyone under 18. For more information on state food laws passed in 2026, click [here](#) to read NALC article "Food Law in the States: 2026 Update Part 2."

- *Webinar Opportunity (November 18): Emily Stone, NALC Staff Attorney, will present "What's in a Food? A 2026 Snapshot of Food Ingredient Changes at the State and Federal Levels." To register, click [here](#).*

Federal Challenge to Michigan Cage-Free Law Dismissed. A federal judge has **dismissed** the Justice Department's lawsuit seeking to invalidate Michigan's ban on selling eggs produced by hens that fail to meet the state's cage-free standards. The federal government argued that the Egg Products Inspection Act preempts the state requirements because egg quality and inspection are regulated at the federal level. However, the judge concluded that the government lacked standing because it did not identify a concrete injury to a federal operation, interest or property. The court therefore did not decide whether federal law preempts Michigan's requirements, which remain in effect. The dismissal permits the government to file another amended complaint. A similar case was dismissed by a federal judge in California earlier this year. For information on the California challenge, click [here](#) to read NALC article "Challenge to California's Hen Housing Laws."

Great Lakes Water Quality. In August of this year, the EPA **launched** a month-long summer survey of the water quality in the Great Lakes. The survey assesses the lake conditions that occur when warm surface water covers cold water at lower levels. The research vessel, the Lake Guardian, is home to a team of scientists who sample the Great Lakes to help monitor the health of the water bodies. The scientists track water quality stressors like invasive species and chemical contaminants while observing the changes in the lake bed. Water Quality in Lake Erie's watershed has recently been in the news after EPA was sued for approving Ohio's proposal to regulate pollution in the Maumee River. For more information on this case and its potential implications for agriculture operations in the region, click [here](#) to read NALC article "Litigation On-Going in Western Lake Erie Basin."

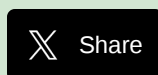


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