

Ag Law Weekly



Top Headlines in Agricultural & Food Law News

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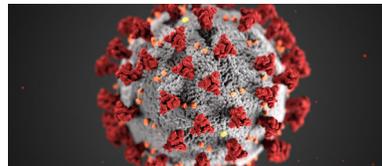
DOJ: DFA not protected from antitrust laws

Last week the Department of Justice filed an amicus brief in an antitrust lawsuit filed against Dairy Farmers of America. In the brief, the DOJ made the argument that DFA was not protected by the Capper-Volstead Act, a law exempting agricultural [cooperatives](#) from federal antitrust laws. The DOJ argued that predatory practices, if they took place, should be outside the protection of the Capper-Volstead Act. Read more [here](#).



Agriculture & the HEALS Act

Senate Republicans proposed the Health, Economic Assistance, Liability Protection and Schools Act (HEALS) last week. Clocking in at \$1 trillion, this COVID-19 stimulus package would appropriate \$20 billion to the United States Department of Agriculture for agricultural assistance packages for producers affected by the COVID-19 pandemic. Read more about the HEALS Act and agriculture [here](#). Read more about COVID-19 and agriculture [here](#).



Indiana Right to Farm laws could see the Supreme Court

After losing in the Indiana Court of Appeals, plaintiffs in a [Right to Farm](#) case have filed a request to have their case heard before the U.S. Supreme Court. The case originally started when a landowner filed a nuisance lawsuit against a mixed agricultural operation that expanded in 2013 to a concentrated animal feeding operation. Plaintiffs lost their original case summary judgement ruling in the trial court, which was upheld at the state appellate court and the Indiana Supreme Court declined to hear it. The current action, brought under the protections of the United States Constitution, challenge the constitutionality of the law itself, rather than its application to their specific situation. Read more [here](#) and find the case [here](#).

From the NALC

Court Concludes: Enlist Duo Registration Upheld: On July 22, the Ninth Circuit Court of Appeals issued a final decision on a lawsuit challenging the registration of Enlist Duo, a 2,4-D and glyphosate herbicide. The court upheld the herbicide's registration, while also requiring the Environmental Protection Agency to assess the potential harm to the monarch butterfly. In this blog post Staff Attorney Brigit Rollins discusses arguments made and what we can expect going forward. Read the full post [here](#).