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DIVISION OF AGRICULTURE
RESEARCH & EXTENSION
University of Arkansas System

The National Agricultural Law Center

Quarterly Newsletter

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[Website Guide](#)

[About the Center](#)

[NALC Partners](#)

[Research By Topic](#)

- [Administrative Law](#)
- [Ag Leases](#)
- [Agritourism](#)
- [Alt. Dispute Res.](#)
- [Animal Feeding Ops.](#)
- [Animal Identification](#)
- [Animal Welfare](#)
- [Aquaculture](#)
- [Bankruptcy](#)
- [Biosecurity](#)
- [Biotechnology](#)
- [Business Orgs.](#)
- [Checkoff Programs](#)
- [Clean Air Act](#)
- [Clean Water Act](#)
- [Climate Change](#)
- [Commercial Trans.](#)
- [Commodity Prog.](#)
- [Conservation](#)
- [Country of Origin](#)
- [Corporate Farming](#)
- [Crop Insurance](#)
- [Environmental Law](#)
- [Estate Planning](#)
- [Finance & Credit](#)
- [Food Labeling](#)
- [Food Safety](#)

First Quarter 2023

Greetings,

Exactly 35 years ago today – April 13, 1988 – the original cooperative agreement to launch the National Agricultural Law Center was executed. Thanks to stakeholders like you, and super-talented NALC attorneys and staff both past and present, the NALC entered 2023 in the strongest position ever. I hope you can take a few moments to read about recent and upcoming NALC activities.



A major priority continues to be the expansion of partnerships and outreach to ag industry stakeholders in the western states. The first phase is now well underway - primarily establishing the NALC **Western Ag Industry Advisory Board** and hosting the upcoming inaugural **Western Agricultural & Environmental Law Conference** (May 4-5 at the Peppermill Resort Spa Casino in Reno, NV). I hope you can read more about the conference below, register for it, and share with others you think may be interested. The in-person portion of the conference is also available via livestream. Note that both "Early Bird" registration and block room deadlines are April 18. Hope to see- or "see"- you there!

The 10th Annual **Mid-South Agricultural & Environmental Law Conference** (June 8-9, Memphis, TN) is shaping up to be our biggest yet. We've come a very long way since the "First Annual" was held at Harrah's Casino in Tunica, Mississippi! In addition to being a premiere learning and networking opportunity, this year's conference is dedicated to the establishment of the Scott E. Fancher Agricultural Law Scholarship. More information on all of this is below, and you can learn more about the scholarship in this **short video**. Hope you'll join us in Memphis for an excellent program on June 9 and the annual "Beer & BBQ" networking dinner at The Rendezvous on June 8.

The Feed has taken off and is gaining altitude. Thanks to all who have subscribed and shared with others. The Feed is a first-of-its-kind newsletter for non-attorneys and attorneys interested in the latest agricultural law and policy updates. It is free of charge, issues twice a month, and provides very brief updates along with links to NALC and other appropriate resources for those wanting a deeper dive on any particular issue covered. We are honored to have the **National Association of State Departments of Agriculture (NASDA) Foundation**, **American Farm Bureau Federation**, and **Downey Brand LLP** as Founding Supporters of The Feed.

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- [International Trade](#)
- [Labor](#)
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- [Local Food Systems](#)
- [Marketing Orders](#)
- [Nat'l Organic Prog.](#)
- [Native American Ag](#)
- [Nutrition Programs](#)
- [Packers & Stockyards](#)
- [PACA](#)
- [Pesticides](#)
- [Production Contracts](#)
- [Renewable Energy](#)
- [Secured Transactions](#)
- [Specialty Crops](#)
- [Sustainable Ag](#)
- [Urban Encroachment](#)
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NALC Publications

AgLaw Reporter

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- [State Compilations](#)
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- [USDA JO Decisions](#)

Farm Bills

AgLaw Glossary

AgLaw Bibliography

Congressional Research Service Reports

General Resources

State Compilations

In the second quarter, we will issue Requests for Proposals for various outreach and projects on topics including, but not limited to, water issues in the western states, public lands, and international agricultural trade. Be sure to watch for announcements via social media, The Feed, and the next issue of this newsletter. We will also launch a survey in the second quarter to seek input on ways we can improve fulfilling our national research and information mission.

Congratulations to our Research Fellows who are graduating soon! The NALC is looking for its next cohort of Research Fellows, and you can read more about this below. If you or someone you know is interested in the opportunity, please send them our way.

Thanks, again, to all of you for your interest in the NALC. As we reflect on not just the past quarter, but the past 35 years, it's exciting to think about how much more is out in front of us. As always, please do not hesitate to reach out to us anytime.

Sincerely,

Harrison M. Pittman

NALC Director

**Want the latest from the NALC?
Follow us on social:**



**THANK YOU to our Western Agricultural
& Environmental Law Conference 2023
Sponsors!**

A very special thanks to the Silver, Gold, and Diamond level sponsors. Their support is a tremendous help not only to the #NALCWestern23 but also to the NALC's overall goal of expanding partners and outreach to ag industry stakeholders in the western states. All net proceeds (registration, plus sponsorships) from the conference will be dedicated to supporting western-focused partners and outreach, including the **Western Resources Legal Center**.

DIAMOND



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American Society of Farm Managers & Rural Appraisers



PERKINS COIE
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SILVER



Sponsorship Opportunities Available for Mid-South Conference and The Feed

Sponsorship opportunities are available for the Mid-South Agricultural & Environmental Law Conference. Sponsorship levels for the conference are available [here](#). NALC will entertain in-kind contributions, as appropriate, as part of funding level support.

Sponsorship levels include varying degrees of recognition in The Feed. Diamond-level sponsors will be featured in perpetuity as "Founding Supporters" on the NALC website and issues of The Feed. We are pleased that the NASDA Foundation and the American Farm Bureau Federation are Diamond Sponsors for both the Western and Mid-South Conferences. The one-time window to be featured as a Founding Supporter of The Feed runs through Dec. 31, 2023.

Any questions regarding sponsorships can be directed to NALC Director Harrison Pittman at hmpittm@uark.edu or (479) 575-7640.

Western Agricultural & Environmental Law Conference

The inaugural Western Agricultural & Environmental Law Conference is just around the corner! There is still plenty of time to register. The "Early Bird" and block room deadline is April 18. For those who register by that date, 3 additional online hours of CLE/CE (including 1 hour of Ethics) will be available on April 19. The "Early Bird" program includes Devin McComb, Partner,



Perkins Coie; Lauren Layne and Joseph Marchini, Baker Manock and Jensen; and a keynote by Christine Birdsong, Undersecretary for the California Department of Food and Agriculture, moderated by Sara Wyant of Agri-Pulse. The May 4-5 in-person portion of the program is also available livestream.

The Western conference is designed for attorneys and non-attorney agricultural professionals involved in varying public and private aspects of the western agricultural industry. In addition to providing an excellent networking opportunity, the program features an outstanding lineup of experts to discuss issues ranging from water rights, foreign ownership of agricultural land, cannabis, the Endangered Species Act, pesticides, and other issues specifically tailored to the western United States.

[Registration/Info for the Western](#)

The Feed: Recent Developments in Ag Law & Policy

In the first quarter of 2023, the NALC launched The Feed. The Feed is a first-of-its-kind, user-friendly digital newsletter for non-attorneys and attorneys involved in all areas of the agricultural industry in both the



public and private sectors. The Feed delivers very brief highlights of recent developments in agricultural law and policy at the state and federal levels, along with links to free-of-charge NALC and other resources for those who want to learn more about any particular issue. The latest on foreign ownership of agricultural land, pesticides, right-to-repair, Clean Water Act, Endangered Species Act, and much more is available. You can subscribe to The Feed and access subsequent issues [here](#). The Feed issues twice each month (except one issue in December).

[Sign up for The Feed](#)

Mid-South Agricultural & Environmental Law Conference

On June 8-9, the Mid-South Agricultural & Environmental Law Conference will be held at the iconic **University of Memphis Cecil C. Humphreys School of Law**. The annual "Beer & BBQ" networking dinner will be held at The Rendezvous on June 8 with the program itself held on June 9. The in-person June 9 program is also available via

livestream. The “Early Bird” registration deadline is May 23 (register on or by May 23 to receive 3 hours of free online CLE on May 24). National Association of State Departments of Agriculture CEO Ted McKinney will deliver the keynote address via the May 24 “Early Bird,” moderated by Wes Ward, Secretary, Arkansas Department of Agriculture and Second Vice-President for NASDA.



The “10th Annual” is dedicated to the establishment of the Scott E. Fancher Agricultural Law Scholarship, which you can read more about below.

This year’s program will feature sessions on carbon and solar contracts, heirs’ property, long-term health care estate planning, the latest litigation and regulatory developments on pesticides, an update on ag issues before the Supreme Court, and more. Sara Wyant, Founder and Editor at Agri-Pulse Communications, Inc., will moderate an “Update from the Potomac” panel that will include Eyang Garrison, Deputy Staff Director, U.S. Senate Committee on Agriculture, Nutrition, and Forestry; Fitzhugh Elder IV, Republican Staff Director for the U.S. Senate Committee on Agriculture, Nutrition, and Forestry; and Parish Braden, Republican Staff Director for the U.S. House of Representatives Committee on Agriculture.

Registration/Info for the Mid-South

The Scott E. Fancher Agricultural Law Scholarship



The National Agricultural Law Center is establishing the Scott E. Fancher Agricultural Law Scholarship to honor the life and legacy of Scott Fancher (1954 – 2019). Scott was a farmer, USDA Farm Service Agency County Executive Director, and a talented agricultural lawyer with extensive knowledge on USDA programs and appeals, FSA Handbooks, and federal crop insurance arbitration. He was a homemade wine and whiskey maker,

musician, U.S. marine, a great supporter of the NALC, and much more. Most of all, he was a friend who genuinely believed in building up other people. The Scott E. Fancher Agricultural Law Scholarship will provide financial support for up to at least two undergraduate and/or law students interested in pursuing careers in agricultural law. All net proceeds from registrations and sponsorships from the 10th Annual Mid-South Agricultural and Environmental Law Conference will be dedicated to the establishment of this scholarship. Learn more about this effort in the short video below. If you are interested in sponsoring or being a "Friend of Scott," contact NALC Director Harrison Pittman at hmpittm@uark.edu.

Video: The Scott E. Fancher Agricultural Law Scholarship

Join Our Team!

NALC Research Fellows are highly qualified students who have completed their first year in law school and are motivated and capable of thriving in a long-distance working environment. They work on research and writing projects in conjunction with supervising attorneys, and play a role in many of the factsheets, state compilations, webinars and other resources created by NALC staff. This spring, several of our current Fellows are graduating from law schools across the country, completing their fellowship and beginning their careers. We're very happy for them, and are looking for the next cohort interested in helping to fulfill the NALC's mission while developing their own legal skills and knowledge of agricultural and food law.

Completed applications are due by April 26th!

Info about the NALC Research Fellowship Opportunity

Current Research Fellows and NALC Staff

Webinar Series

The NALC continues its webinar series with a variety of presentations relating to agricultural law and policy. See below for a list of recent and upcoming webinars.

All webinars are recorded and uploaded to our website. Find upcoming webinars and recordings of past webinars [here](#).

[Recent Webinars](#)

Feb. 15, 2023- Estate Planning Challenges and Strategies for Farm Families

Robert Moore, attorney and research specialist with the **Agricultural and Resource Law Program at Ohio State University**, discussed some of the issues of farm estate planning and some practical



strategies that can be implemented to help farm families meet their estate planning goals. Topics included on-farm/off-farm heir strategies, distribution plan ideas, and incorporating trusts into the estate plan. [Recording here.](#)

March 15, 2023- What's Up with WOTUS: An Overview of "Waters of the United States" and Why it Matters to Agriculture

With the EPA recently releasing a new rule to redefine the critical Clean Water Act term, it seems like everyone is talking about WOTUS. In the first webinar of this two-part series, NALC Staff Attorney Brigit Rollins provided an overview of what WOTUS is, why it's relevant to agriculture, and what exactly is up with WOTUS in 2023. [Recording here.](#)



March 29, 2023- Growing Careers in Agricultural & Food Law for Law Students: Ebony Woodruff

The NALC and American Agricultural Law Association presented this webinar as part of the "Growing Careers for Law Students" series. **Ebony Woodruff**, a first-generation attorney who practices in the agricultural and food law areas, including estate planning, business, farm succession, and heirs' property, discussed her background, path to and through law school, her role as an attorney, and career and professional advice. [Recording here.](#)

April 5, 2023- Expanding Partners & Outreach: Strategic Update on the Future of the National Agricultural Law Center

NALC Director Harrison Pitman presented this webinar, providing a brief history of the NALC, current goals and objectives, and the NALC's high priority on expanding its partnerships and outreach throughout all regions of the U.S. [Recording here.](#)



Upcoming Webinars

April 26, 2023- What's New About Phase 2? Information About Emergency Relief Program (ERP) Phase 2

Farmer's Legal Action Group, Inc. (FLAG)'s Stephen Carpenter



and Lindsay Kuehn will present this webinar on the ERP Phase 2 rules, which are especially notable for the extent to which underserved farmers who are often left out of disaster programs are eligible for assistance. [Register here.](#)

May 17, 2023- Multi-District Antitrust Litigation in the Protein Sectors (Poultry, Pork, and Beef)

Brook Duer, Staff Attorney at NALC partner **Penn State Center for Agricultural and Shale Law**, will discuss the details and status of the three major consolidated multi-district federal dockets created to handle matters in the protein sector, including which processors have settled with which classes of plaintiffs in each respective protein sector. [Register here.](#)



June 21, 2023- An Overview of U.S. Charitable Food Surplus Programs

Audry Thompson, Staff Attorney at NALC partner **Penn State Center for Agricultural and Shale Law**, will present this webinar providing an overview of federal and state food surplus programs, describing how these programs connect agricultural producers with consumers, and discussing some of the legal issues implicated by these programs. [Register here.](#)

July 19, 2023- What's Up with WOTUS: A Look at the Current WOTUS Definition and Recent Supreme Court Decision

NALC Staff Attorney Brigit Rollins will present the second in her two-part series taking a look at the critical Clean Water Act term "waters of the United States," commonly referred to as WOTUS. [Register here.](#)



Publication Highlights

As part of its mission, the NALC continues to deliver webinars, articles, fact sheets, and state compilations on numerous agricultural and food law topics. These resources are free to the public and serve as a research tool for both attorneys and non-attorneys.

The NALC publishes weekly posts about current issues in agricultural and environmental law. Posts from this past quarter are outlined below.

January 2023

- **WOTUS Update: EPA Releases Highly Anticipated Final Rule to Redefine "Waters of the United States"**

- **State Proposals on Restricting Foreign Ownership of Farmland: Part Two**
- **EPA Releases New Environmental Justice Guidance Document**
- **Displaying the Data: Online AFIDA Database to Be Established**

February 2023

- **California Takes Steps to Reduce Pesticide Use in State**
- **State Proposals on Restricting Foreign Ownership of Farmland: Part Three**
- **Judge Issues Ruling in Klamath River Dispute**
- **Virginia's Attempt to Restrict Foreign Agricultural Land Investments**

March 2023

- **WOTUS Update: 2022 WOTUS Rule Faces Legal Challenges**
- **State Proposals on Restricting Foreign Ownership of Farmland: Part Four**
- **The Congressional Review Act: How It Works, Why It Matters**
- **State Proposals on Restricting Foreign Ownership of Farmland: Part Five**
- **Texas Sues FWS Over Decision to List the Lesser Prairie-Chicken Under the Endangered Species Act**

Outreach

NALC attorneys speak and present at events in order to provide agricultural and food law research and information to the public. If you are interested in having an attorney from the NALC speak to a group, either in person or virtually, please do not hesitate to contact us. Learn more about the NALC staff and find our contact information [here](#).

Below are some outreach activities from the first quarter of 2023:

January 2023

Harrison Pittman, Director

- Jan. 17 – Gave a presentation on Agricultural Law Update on Pesticides and Endangered Species Act at the Illinois Fertilizer and Chemical Association Winter Convention in Peoria, IL
- Jan. 18 – Gave a presentation on updates in Agricultural Law at the Southern Southeast Annual Meeting at Myrtle Beach, SC

Rusty Rumley, Senior Staff Attorney

- Jan. 18 – Gave a presentation on Carbon Contracts at New York Corn & Soybean Expo in Syracuse, NY
- Jan. 19 – Gave a short online presentation about the NALC and its resources to Veterans for Armed to Farm
- Jan. 25-26 – Presented on landowner liability, agritourism, livestock activity, and common steps to help prevent liability at the AR Grown Conference in Little Rock, AR

Micah Brown, Staff Attorney

- Jan. 18 – Gave a presentation to the Crawford County Conservation District in Van Buren, AR
- Jan. 18 – Presented NALC webinar **Foreign Ownership**

February 2023

Harrison Pittman, Director

- Feb. 14 – Presented at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA
- Feb. 15 – Participated in NASDA Legal Roundtable at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA
- Feb. 18 – Spoke at Alabama Cattleman’s Association Convention & Trade Show, Montgomery, AL
- Feb. 27 – Presented on foreign ownership of agricultural land at the Alabama Forestry Association Public Policy Seminar, Point Clear, AL
- Feb. 27 – Met with the Western Agricultural Industry Advisory Board via Zoom
- Feb. 28 – Presented on the latest in agricultural law and litigation at the American Soybean Association Board Meeting, Arlington, VA

Rusty Rumley, Senior Staff Attorney

- Feb. 6 – Presented on Ag Leasing to CAFF (Center for Arkansas Farms and Food), Fayetteville, AR
- Feb. 6 – Presented on Heir Property to Faulkner Law School via Zoom
- Feb. 8 – Presented on Business Entities to CAFF (Center for Arkansas Farms and Food), Fayetteville, AR
- Feb. 14 – Presented at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA
- Feb. 15 – Participated in NASDA Legal Roundtable at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA

Micah Brown, Staff Attorney

- Feb. 14 – Gave a guest lecture, Introduction to Agricultural Law, University of Arkansas
- Feb. 24 – Presented on Foreign Ownership of Agricultural Land at USDA’s Agricultural Outlook Forum, Washington, D.C.

Brigit Rollins, Staff Attorney

- Feb. 14 – Presented at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA
- Feb. 15 – Participated in NASDA Legal Roundtable at NASDA Winter Policy Summit/Ag Policy Summit, Arlington, VA

March 2023

Elizabeth Rumley, Senior Staff Attorney

- March 1 – Guest lectured in a food law class in the Dale Bumpers College of Agricultural, Food and Life Sciences at the University of Arkansas, Fayetteville
- March 16 – Guest lectured in animal welfare course in the School of Animal Science at Virginia Tech University via Zoom
- March 31 – Guest lectured in animal welfare course in the College of Agriculture and Life Sciences at Texas A&M University via Zoom

Rusty Rumley, Senior Staff Attorney

- March 1 – Agritourism and Landowner Liability presentations at the Oklahoma Local Agriculture Summit in Broken Arrow, Oklahoma
- March 13 – Landowner Liability for Farmers presentation

at the Center for Arkansas Farms and Food at the University of Arkansas, Fayetteville

- March 16 – Estate Planning presentation at the Columbia County Conservation District Farming Committee in Magnolia, Arkansas
- March 23 – Gave a presentation about the NALC and opportunities for students and research fellowships to the University of Oklahoma Agricultural Law Society in Norman, Oklahoma
- March 27 – Organic Production for Farmers presentation for CAFF (Center for Arkansas Farms and Food) at the University of Arkansas, Fayetteville
- March 29 – Perishable Agricultural Commodities Act for Farmers presentation at CAFF (Center for Arkansas Farms and Food) at the University of Arkansas, Fayetteville
- March 31 – Water Law overview for the National Agricultural Library via Zoom

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This material is based upon work supported by the National Agricultural Library, Agricultural Research Service,
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