



The National Agricultural Law Center

Quarterly Newsletter

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U of A
DIVISION OF AGRICULTURE
RESEARCH & EXTENSION
University of Arkansas System

Second Quarter 2024



The Nation's Leading Source of
Agricultural and Food Law
Research and Information

NationalAgLawCenter.org

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Greetings,

It's hard to believe we've reached the halfway point of 2024. It's been an active 2nd Quarter and we'll be rocking and rolling in the coming months.

I'd like to take a moment to say "thank you" to each and every one of you for subscribing to this newsletter. We first launched this about twenty years ago. I "vaguely" recall when the Quarterly Newsletter was just an idea, had only two authors (myself and the late Ann Winfred), and just a handful of subscribers. Today, this newsletter has grown to thousands of subscribers located across every nook and cranny of the nation's agricultural community. Thank you!



We invite you to subscribe to **The Feed**, if you haven't already. The Feed is a twice-monthly NALC newsletter that briefly highlights recent agriculture and policy developments. We cover a range of the latest federal and state developments across all branches of government along with links to free-of-charge NALC resources and other relevant resources.

Just last month we concluded both the 11th Annual Mid-South Agricultural & Environmental Law Conference and the 2nd Annual Western Agricultural & Environmental Law Conference. The presenters were fantastic across the board, and attendees brought great questions and discussion as well. We're already finalizing plans for next year. The 2025 "Mid-South" Conference will be held June 12-13, 2025 at the University of Memphis Cecil C. Humphreys School of Law. The 2025 "Western" Conference will be held in Reno, Nevada and the dates and specific location will be announced soon. Stay tuned!

If you're interested in farm transition planning, be sure to **check out** the upcoming Second Annual Cultivating Connections Conference, August 5-6 in Cincinnati, Ohio (and available online). NALC Partners Peggy Kirk Hall, Director, Ohio State University Agricultural & Resource Law Program, and Kristine Tigren, Attorney, Director, Iowa State Center for Agricultural Law & Taxation, do an excellent job leading this one-of-a-kind conference.

We recently launched the inaugural webinar in our "Western Water" series in which David Cameron presented on legal and strategic considerations in groundwater recharge projects. We'll announce more "Western Water" webinars soon. Upcoming webinars will cover HPAI in poultry and cattle (July 17), the emerging practice of agrivoltaics (August 21), and right to repair (September 18). All upcoming and past webinars are available [here](#).

One final "heads up." On September 3, we will launch the NALC National Stakeholder Survey. The anonymous survey will be used to guide and inform as to how we best fulfill our national research and information mission. We will publicize the survey in numerous ways, including our website homepage, The Feed, this newsletter, and social media. The survey will run through October 16. Once launched, I hope you'll take a few minutes to share your input!

Respectfully,

Harrison M. Pittman, NALC Director

NALC Launching Stakeholder Survey

On September 3, we will launch the NALC National Stakeholder Survey. Your input is very valuable as it will be a primary tool used to help us strategically plan on how best to fulfill our mission as the nation's leading source of agricultural and food law research and information in 2025 and beyond. The anonymous survey should take less than five to ten minutes to complete. We will make the survey available through a variety of avenues, including news releases, media

announcements, the NALC website, and social media. The survey will run through October 16. We hope you will take provide input for the survey as well as share it with others in your networks.



Mid-South Agricultural & Environmental Law Conference



We hosted the 11th Annual Mid-South Agricultural & Environmental Law Conference on June 6-7 in Memphis, Tennessee. On June 6, we held the annual "Beer & BBQ" networking dinner at **The Rendezvous**. The main conference program took place June 7 at **University of Memphis Cecil C. Humphreys School of Law**, with the event livestreamed as well.

Thanks to our conference attendees, speakers, and sponsors (University of Memphis Cecil C. Humphreys School of Law, **Mississippi Farm Bureau**, **Peoples Company**, **American Society of Farm Managers & Rural Appraisers- Mid-South Chapter**, **USDA National Agricultural Library**).

The presentations were of a very high quality and were very informative. I learned a lot of interesting and useful information.

-Mid-South attendee review

At the Mid-South, we heard terrific presentations on ag law and policy from experts in the field, including an update on pesticide litigation from Rod Snyder, Senior Advisor for Agriculture to the EPA Administrator (pictured above) and NALC Staff Attorney Brigit Rollins. You can read more on that session [here](#). Other topics included the Fourth Amendment and warrantless search of private and ag lands (more on that session [here](#)), what artificial intelligence means for law practice, and the Corporate Transparency Act (more on that below).

Save the date for next year's Mid-South: June 12-13, 2025, back in Memphis (and on livestream)! More information about the event will be available [here](#) as its planning progresses.

To see more photos from this year's Mid-South, click [here](#).

Western Agricultural & Environmental Law Conference

On June 13-14, we held our 2nd Annual Western Agricultural & Environmental Law Conference at the **University of Nevada, Reno**. The program also featured a livestream option.

Thanks to all who attended: speakers, ag professionals, attorneys, students, and more. We are passionate about expanding our network and resources out West, and are already planning next year's program.

J.J. Goicoechea (pictured right), director of the **Nevada Department of Agriculture**, kicked off the conference by welcoming attendees to the event and moderating the opening panel, which discussed the roles of state departments of agriculture.



Incredible depth of knowledge by the presenters.

-Western attendee review

The Honorable Judge Stephen Vaden, **U.S. Court of International Trade** and former **USDA** General Counsel, delivered our conference keynote, "From Regulation to Adjudication: Perspectives on Agriculture & Trade." You can read about his presentation [here](#).

Many more excellent sessions covered a wide array of topics pertinent to the West, including water law, foreign ownership of ag land, Prop 12, and more.

The Western is designed for both attorneys and non-attorney agricultural professionals involved in varying public and private aspects of the western agricultural industry. Stay tuned to NALC social media, newsletters, and webinars for information on next year's Western!

To see more photos from this year's Western, click [here](#).

Need to Know: The Corporate Transparency Act

It is crucial for business owners across the country to understand the Corporate Transparency Act (CTA), which went into effect on Jan. 1, 2024. The CTA requires millions of small business entities (in agriculture and beyond) to file with the federal government,

making known their beneficial owners. Failure to report may result in criminal penalties. Senior Staff Attorney Rusty Rumley gives background on the CTA in [this Southern Ag Today article](#).

CTA



Corporate Transparency Act

As a small business or farm owner, do you know your obligations?



On our website, we have an excellent webinar on the CTA presented by Kristine Tidgren, our partner and director of the **Center for Agricultural Law and Taxation at Iowa State (CALT)**. You can watch the recording [here](#). Additionally, Kristine has an article detailing important information on the CTA available on the CALT website [here](#). She also presented a session on ag tax and the Corporate Transparency Act at our recent Mid-South conference (pictured left). Thanks for all of your work in this arena, Kristine!

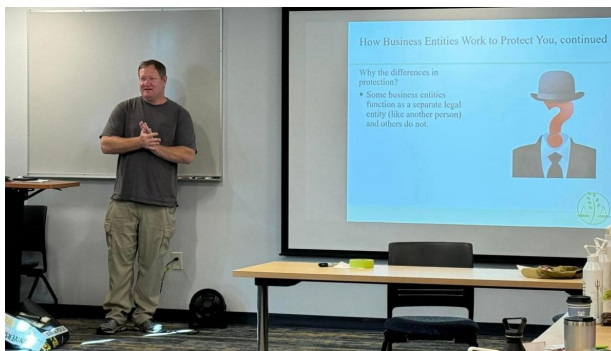
We also have an article on the NALC website discussing the CTA as it pertains to foreign entities, which you can find [here](#).

If you have questions regarding the CTA, please reach out to us anytime. Our contact information can be found [here](#).

Rusty Rumley speaks at annual Frontline to Farm event

In June, Senior Staff Attorney Rusty Rumley spoke at the **Frontline to Farm** event held at Appalachian State University in Boone, North Carolina. Frontline to Farm helps military veterans and beginning farmers get started in sustainable farming as a livelihood.

At the event, Rumley discussed landowner liability and business entities. We have resources on these topics in our Reading Rooms, which you can find [here](#).



Cultivating Connections Conference on Aug. 5-6

Cultivating Connections

A CONFERENCE FOR FARM TRANSITION PLANNERS

The 2024 event will be **August 5-6** at the University of Cincinnati.

In-person and virtual participation options are available (\$295 for general registration and \$35 for students).

Professionals who are dedicated to enabling the transition of agricultural operations from one generation to the next are encouraged to attend this conference. **Farm transition experts** will discuss the **most recent laws, strategies, tools and insights** related to **farm transition planning**.

go.osu.edu/cultivatingconnections



This year's Cultivating Connections conference will be held Aug. 5-6 in Cincinnati, Ohio (with a livestream option available). The program offers valuable information to farm transition planners, and is hosted by our partners the Center for Agricultural Law and Taxation at Iowa State University and The Ohio State University Extension's Agricultural & Resource Law Program. Register for the conference by July 30!

[Register](#)

Want the latest developments in ag law & policy?



A great way to keep up with the latest in ag law and policy is to subscribe to The Feed- NALC's twice-monthly newsletter (with only one issue in December). It features brief highlights of recent developments at both the state and federal levels. The Feed is written by NALC attorneys but designed for attorneys and non-attorneys alike. If you've already subscribed, thank you!

If you know of someone who might be interested in The Feed, please pass it along to them. If you have any comments or suggestions for us, please reach out to NALC Director **Harrison Pittman**.

[Sign up for The Feed](#)

[Read Past Issues](#)

Webinar Series

Our webinar series offers a variety of presentations relating to agricultural law and policy. All webinars are recorded and archived on [our website](#). See below for a list of recent and upcoming webinars.

Recent Webinars

Demystifying PACA: Navigating Compliance and Best Practices in the Produce Industry

June Monroe, director and attorney at Fennemore, presented our April webinar on the Perishable Agricultural Commodities Act, or PACA. She provided a better understanding of PACA and discussed navigating compliance and best practices. Whether you're a distributor, grower, or just want to learn more about PACA, this webinar is for you.



[Watch the Recording](#)



The Deal with Dicamba: Overview of Recent Legal Developments

NALC Staff Attorney Brigit Rollins presented an update on recent developments regarding the herbicide dicamba. She reviewed the Feb. 6 Arizona federal court decision directing EPA to vacate the 2020 registrations allowing over-the-top use of three dicamba-based pesticides: XtendiMax, Engenia, and Tavium.

[Watch the Recording](#)

Groundwater Recharge: Legal and Strategic Considerations of Project Development

David Cameron, formerly partner at Hanson Bridgett, currently partner at Atkinson, Andelson, Loya, Ruud & Romo, presented the first installment in our "Western Water" Webinar Series. He discussed projects designed to foster effective groundwater recharge that have been steadily emerging in the West. He also covered water right constraints, water quality concerns, storage issues, and stakeholder interests related to development of these projects.



[Watch the Recording](#)

Upcoming Webinars



HPAI in Poultry and Cattle: How Can We Miss You If You Won't Go Away?

On July 17, **Brook Duer**, a staff attorney at Penn State Center for Agricultural and Shale Law, will discuss recent health struggles in the poultry and dairy industries related to HPAI outbreaks and how USDA has tackled the issue.

[Register](#)

Can Agriculture and Solar Co-Exist? Exploring the Promise and Challenge of Agrivoltaics

On Aug. 21, **Peggy Kirk Hall**, attorney and director at The Ohio State University Extension's Agricultural & Resource Law Program, and **Jesse Richardson**, professor of law and lead land use attorney at West Virginia University College of Law, will discuss key principles of agrivoltaics.



[Register](#)



Right to Repair and Agriculture

On Sept. 18, **Ross Pifer**, director of the Penn State Center for Agricultural and Shale Law, will present our webinar on the current status of the Right to Repair movement as it pertains to agriculture. The webinar will give a broad overview of Right to Repair, discuss state legislation that has been enacted, other legal developments impacting the Right to Repair in agriculture, and more.

[Register](#)

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 the past quarter are outlined below.

April 2024

- **Farmers File Suit Over PFAS Contamination**
- **SEC Rule and California Laws on Climate-Related Disclosures Face Legal Challenges**
- **Update on Proposed Food Additive Bans**
- **FWS Streamline ESA Voluntary Conservation Programs**
- **Federal Bills Propose Changes to the H-2A Program**
- **Amos Miller and the Regulation of Raw Milk**
- **"Hazardous Substances": EPA Takes Action on PFAS**

May 2024

- **Supreme Court Issues Ruling in Texas Landowners' 5th Amendment Takings Clause Case**
- **Child Nutrition: Summer Nutrition Programs**
- **CEQ Completes NEPA Overhaul with Final Phase 2 Regulations**
- **Department of Labor Finalizes New H-2A Regulations**
- **FDA Publishes Final Agricultural Water Rule**
- **Colorado Legislature Passes Wetlands Permitting Bill**
- **Farm Bill 2024: Themes in the Proposed Crop Insurance Title**

June 2024

- **Animal Ag in the "Farm, Food and National Security Act of 2024"**
- **Cell-Cultured Meat Updates: state bans, labeling requirements, and regulatory clarifications**
- **Ag & the ESA: When a Species is Listed "Wherever Found"**
- **Eleventh & Ninth Circuits Issue Decisions in Glyphosate Lawsuits**
- **State Labor Legislation: 2024 Update**
- **Farm Bill 2024: Themes in the Proposed Nutrition Titles**
- **Farm Bill 2024: Themes in the Proposed Trade, Credit, and Research & Extension Titles**

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 past quarter.

April 2024

• **Harrison Pittman, NALC Director**

- April 9 – In-person co-presentation discussing the process of forming the Farm Bill for Dr. Kristen Gibson's class at the University of Arkansas in Fayetteville, AR
- April 17 – Live webinar co-presentation covering foreign ownership and other emerging ag law topics for Prof. Amber Miller's class at Texas Tech University

• **Elizabeth Rumley, Senior Staff Attorney**

- April 1 – Live webinar covering animal welfare for Professor Gregory Archer's class at Texas A&M University
- April 9 – In-person presentation discussing animal welfare from a legal perspective for Dr. Shawna Weimer's class at the University of Arkansas in Fayetteville, AR
- April 15 – In-person presentation discussing criminal law and FFDCA violations for Dr. Kristen Gibson's class at the University of Arkansas in Fayetteville, AR

• **Rusty Rumley, Senior Staff Attorney**

- April 3 – In-person presentation discussing landowner liability, business entities, and zoning at Armed to Farm in Tallahassee, FL
- April 9 – In-person co-presentation discussing the process of forming the Farm Bill for

- Dr. Kristen Gibson's class at the University of Arkansas in Fayetteville, AR
- April 22 – Live Zoom presentation discussing landowner liability and ag leasing for Hot Springs County Extension Service

- **Brigit Rollins, Staff Attorney**

- April 16 – In-person presentation on the latest dicamba regulations at the State & National Soybean Associations Conference in Virginia Beach, VA
- April 17 – Live webinar co-presentation covering foreign ownership and other emerging ag law topics for Prof. Amber Miller's class at Texas Tech University

For the full April Monthly Roundup, click [here](#).

May 2024

- **Harrison Pittman, NALC Director**

- May 14 – Online co-presentation discussing "Ag Land Transactions: Navigating Title, Transparency Requirements, Foreign Ownership, & Related Issues" for Mid-South Agricultural and Environmental Law Conference Online "Early Bird" session
- May 20 – In-person presentation on perspectives on ag law and policy future for the ag industry at the Southern States Poultry Policy Discussion Meeting in Little Rock, AR

- **Elizabeth Rumley, Senior Staff Attorney**

- May 14 – Online co-presentation discussing "Prop 12, WOTUS, Farm Bill & More: Mid-Year Ag & Food Law Update" for Mid-South Agricultural and Environmental Law Conference Online "Early Bird" session
- May 17 – In-person presentation discussing careers within ag law and opportunities within the National Ag Law Center at the Arkansas Future Ag Leaders Tour in Little Rock, AR
- May 22 – Online presentation discussing "What's Next After Prop 12?" for Global Hog Industry Virtual Conference via Zoom

- **Rusty Rumley, Senior Staff Attorney**

- May 6 – In-person presentation discussing liability in value-added food production at Plan. Produce. Profit! Value-added Food Processing Opportunities in NWA in Fayetteville, AR
- May 13 – In-person presentation discussing wind leasing at Mississippi Farm Bureau meeting in Cleveland, MS
- May 16 – In-person presentation discussing ag law updates in solar, foreign ownership, pesticides, and administrative law for the Huffaker Conference in Lubbock, TX

- **Brigit Rollins, Staff Attorney**

- May 14 – Online co-presentation discussing "Prop 12, WOTUS, Farm Bill & More: Mid-Year Ag & Food Law Update" for Mid-South Agricultural and Environmental Law Conference Online "Early Bird" session
- May 28-29 – In-person presentations discussing WOTUS and ESA for Illinois Farm Bureau in Bloomington, IL

For the full May Monthly Roundup, click [here](#).

June 2024

- **NALC Staff**

- June 6-7 – Hosted the 11th Annual Mid-South Agricultural & Environmental Law Conference at the University of Memphis in Memphis, TN
- June 13-14 – Hosted the 2nd Annual Western Agricultural & Environmental Law Conference at the University of Nevada, Reno in Reno, NV

- **Harrison Pittman, NALC Director**

- June 14 – In person joint presentation on foreign ownership at Western Agricultural & Environmental Law Conference in Reno, NV

- **Elizabeth Rumley, Senior Staff Attorney**

- June 14 – In person presentation on current hot topics in animal ag at Western Agricultural & Environmental Law Conference in Reno, NV
- June 22 – In person presentation on the updates in the cattle and beef industries and recent/forthcoming rules related to PSA at the Texas & Southwestern Cattle Raisers Association in San Antonio, TX
- June 27 – Online presentation on production contracts for the Indiana Ag Law Foundation via Zoom

- **Rusty Rumley, Senior Staff Attorney**

- June 24 – In person presentation on agritourism at Armed to Farm event in Frankfort, KY
- June 25 – In person presentation on agritourism at Frontline to Farm event in Boone, NC

- **Brigit Rollins, Staff Attorney**

- June 7 – In person joint presentation on pesticides at Mid-South Agricultural & Environmental Law Conference in Memphis, TN
- June 13 – In person presentation on pesticides at Western Agricultural & Environmental Law Conference in Reno, NV

For the full June Monthly Roundup, click [here](#).

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