



The National Agricultural Law Center

Quarterly Newsletter

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Third Quarter 2024



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

NationalAgLawCenter.org

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



Greetings,

Thank you for taking a few moments to catch up on recent and upcoming National Agricultural Law Center research and information activities. We appreciate your interest and the opportunity to share updates on the NALC and its partners.



First, I hope you will take – and share – the ongoing **NALC Stakeholder Survey**. We want to hear from as many people as possible throughout the nation's agricultural community. Your input will help us strategically plan future NALC research and information activities as we move into 2025. If you're a producer, a trade association leader, legislative staffer, student, attorney, or anyone else in the ag community, we want to hear from you.

Quick reminder that in June 2025, we'll host the **12th Annual Mid-South Agricultural & Environmental Law Conference** (June 5-6 in Memphis, TN) as well as the **3rd Annual Western Water, Ag, & Environmental Law Conference** (June 19-20 in Reno, NV). These are great networking and learning opportunities for attorneys, students, and other ag industry professionals.

Staff Attorney opening! We've got a job posting for Staff Attorney (Ag Finance & Credit). If you're interested or know someone who might be, additional details are available [here](#).

Be sure to read about our past few webinars, which covered HPAI issues, agrivoltaics, and right to repair. Although technically occurring in the 4th Quarter, on October 2 USDA Deputy Secretary **Xochitl Torres Small** presented our latest "Growing Careers" **webinar** as part of the Ag & Food Law **Bridges Initiative**. Special thanks to Deputy Secretary Torres Small and her colleagues Gray Harris and Scott Marlow for sharing their time and expertise.

As a special note, we co-hosted another "Growing Careers" **webinar**, this one with the **American Agricultural Law Association**. Focused on law students, it discussed how to start and maintain a student association for students interested in agricultural law. We're always glad to work with AALA, and encourage anyone interested to check out the organization- their **upcoming annual meeting** is November 7-9 in Memphis, TN, and looks to be another great event.

Coming up this year, we'll have webinars on managing risk and liability in equine/agritourism operations and a deeper dive on heirs' property issues. I'd like to particularly recognize NALC Research Fellow **Jill Apter** for her heirs' property research alongside **Jesse Richardson**, both of whom will present the heirs' property **webinar**.

Finally, let's stay connected. If you haven't already, check out our other NALC direct communications [here](#). And, follow us on **X**, **Facebook**, and **LinkedIn**. Reach out anytime we can be of any assistance to you in any way.

Respectfully,

Harrison M. Pittman, NALC Director

National Stakeholder Survey Available Now

Thank you to all who have taken our stakeholder survey so far. We greatly appreciate it, as results from the survey will inform how we continue to fulfill our mission as the nation's leading source of ag and food law research and information. If you have

not taken the survey yet, it is 15 questions and takes less than 10 minutes to complete. The survey is anonymous. We hope you will take time to provide input as well as share it with others in your networks. We want to hear from you!



Stakeholder Survey

Help shape the future of ag law research and information.



Take the NALC Stakeholder Survey

Save the Date: 2025 Conferences

Ag. Env. Water. Law.
2025 CONFERENCES

JUNE 5-6 MID-SOUTH
Memphis, Tennessee

JUNE 19-20 WESTERN
Reno, Nevada

CLE/CE Approved Networking
Ethics Sessions Practical Resources

Dates and locations are set for our 2025 conferences! We're already looking forward to these events. We hope you can join us in Memphis or Reno (or both!) to listen to practical insight from experts in the ag, environmental and water law arenas, as well as plenty of networking opportunities with others in the field. Both conferences will have in-person and livestream options, and CLE/CE credit as well.

We'll have more details, including speakers and topics, available in the near future. For information on NALC conferences, including both past and upcoming events, click the button below.

Conference Opportunities

Corporate Transparency Act: deadline to file approaching

Have you heard of the Corporate Transparency Act? Millions of small business entities are required to file under the Corporate Transparency Act, or CTA, by December 31. Are you included? Click [here](#) for an informational resource by NALC research fellow Caitlin Robb. An NALC webinar recorded by Kristine Tidgren, NALC partner and director of the **Center for Agricultural Law and Taxation at Iowa State University**, is also available [online](#).

DEADLINE: 12/31

For some to file a report under the Corporate Transparency Act.

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



NALC presents at NASDA annual meeting in Indianapolis



NALC staff attended the **National Association of State Departments of Agriculture (NASDA)**'s annual meeting in Indianapolis, Indiana in September. The theme of this year's meeting was "Cultivating Common Ground." At the meeting, Director Harrison Pittman, Senior Staff Attorney Rusty Rumley, and Staff Attorney Brigit Rollins presented on "Agriculture in the Supreme Court" to the entire NASDA membership. They also spoke to the Natural Resources and Environment Committee, discussing the potential impacts of the Chevron doctrine being overturned by the U.S. Supreme Court. More on that session is available [here](#). For more information on the Chevron decision, check out [this NALC article](#) by Rollins.

Pittman, Rumley, and Rollins also spent time connecting with **NASDA Next Generation** students about careers in ag law and legal issues facing agriculture.

More information on the 2024 NASDA annual meeting can be found [here](#).

Photos courtesy of NASDA

Pittman testifies before U.S. Senate Committee



In August, Director Pittman testified at a hearing before the U.S. Senate Committee on Appropriations subcommittee on **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies**. The open session, titled "Perspectives on the Future of Agriculture Research and Technology," was held at the **Grand Farm Innovation Campus** in Wheatland, North Dakota. Pittman testified on a panel before Ranking Member Sen. John Hoeven (R- North Dakota), Sen. Amy Klobuchar (D- Minnesota), Sen. Tina Smith (D- Minnesota) and Sen. John Boozman (R- Arkansas).

Xochitl Torres Small (pictured left with Pittman), USDA Deputy Secretary, and **Dr. Chavonda Jacobs-Young**, USDA Under Secretary for Research, Education, and Economics, as well as Chief Scientist, also testified at the event, noting the importance of partnerships such as the one between USDA and NALC. Read more about the event [here](#).

Elizabeth Rumley speaks at Cultivating Connections Conference

Dedicated professionals from across the country traveled to Ohio in August, ready to learn more about creating successful farm transition plans. Available both in person and online, the conference was hosted by **The Ohio State University Agricultural and Resource Law Program** and co-sponsored by the NALC and the **Center for Agricultural Law and Taxation at Iowa State University (CALT)**. Recognizing the need for further focus on this area, OSU and CALT partnered to create the **Association of Farm Transition Planners** in 2023.



At the conference, NALC Senior Staff Attorney Elizabeth Rumley moderated a panel about replenishing rural practice, discussing challenges for rural practitioners, what brings young professionals to rural practice, and what can be done to encourage and attract the next generation of agricultural professionals.

From Florida to Minnesota: More Outreach from NALC Staff



Other outreach from Q3 2024 includes several ag law updates to stakeholders across the country, highlighting the most pressing topics facing agriculture.

In August, Senior Staff Attorney Rusty Rumley spoke at the **Southern Risk Management Education Center** Conference in Pensacola, Florida, and the **Georgia Farm Bureau** Commodity Conference in Tifton, Georgia. In the sessions, he focused on areas like administrative law, solar leasing, pesticides, Prop 12, and the Corporate Transparency Act.

Photo courtesy of Georgia Farm Bureau

In September, Director Harrison Pittman kicked off the **Mid America CropLife Association (MACA)** annual meeting in Bloomington, Minnesota, with an ag and food law update. He covered topics such as pesticide registrations, foreign ownership of ag land, and the Corporate Transparency Act.

The theme of this year's MACA meeting was "What's Our Future?" and featured experts from across the ag industry. To learn more about the event, check out the program [online](#).



Photo courtesy of Mid America CropLife Association

New resource compiles state approaches to heirs property

Heirs property is property held as tenants in common where, generally, the owners received their interests through inheritance. The owners may number in the hundreds or more, and methods to clear title are often difficult to implement. An increasing awareness of the difficulties faced by owners of heirs property prompted action by the Federal Emergency Management Administration and Congress through the 2018 Farm Bill to provide alternative means of proving ownership. However, these alternative means of showing title only apply in limited situations.



Jill Apter, NALC research fellow and student at Michigan State University College of Law, and **Jesse Richardson**, professor of law and lead land use attorney at West Virginia University College of Law, partnered with the NALC to conduct a 50-state survey of the methods, short of formal suits to clear title, that states offered to clear title to heirs property. That recently published survey is available [here](#). A companion report, further expanding on the survey highlights, is available [here](#). Further, they will be discussing their findings in more detail in an upcoming NALC webinar, **State Approaches to Clearing Title to Heirs Property**.

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



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

Brook Duer, a staff attorney at Penn State Center for Agricultural and Shale Law, discussed recent health struggles in the poultry and dairy industries related to HPAI outbreaks and how USDA has tackled the issue during our July webinar.

[Watch the Recording](#)

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

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, discussed key principles of agrivoltaics during our August webinar.

[Watch the Recording](#)



Right to Repair and Agriculture

Ross Pifer, director of the Penn State Center for Agricultural and Shale Law, presented our September webinar on the current status of the Right to Repair movement as it pertains to agriculture.

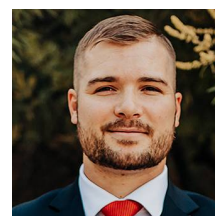
[Watch the Recording](#)



Growing Careers: Planning for Success in Starting and Maintaining an Agricultural Law Association

This installment in the "Growing Careers" series was co-hosted by the NALC and the **American Agricultural Law Association**. Director Harrison Pittman and a talented panel gave an overview of the NALC and AALA, and discussed best practices in creating and building up student ag law associations.

[Watch the Recording](#)



Growing Careers in Ag & Food Law: USDA Deputy Secretary Xochitl Torres Small

Our Oct. 2 "Growing Careers" webinar for students was presented by USDA Deputy Secretary **Xochitl Torres Small**. During the webinar, Torres Small discussed her background, path to and through law school, how being an attorney factors into the various unique positions she has held, career and professional advice, and more.

[Watch the Recording](#)



Upcoming Webinars

Equine Activity & Agritourism Statutes: Strategies for Risk Management

NALC Senior Staff Attorney Rusty Rumley and **Dr. Tim Potter** of Potter Consulting, LLC will discuss states' statutes and other strategies for risk management, including implementing comprehensive safety protocols, obtaining appropriate insurance coverage, and clearly communicating potential risks to participants that are unavoidable. They will also work through real-world scenarios on how business owners can take steps to limit their risk exposure.

[Register](#)



State Approaches to Clearing Title to Heirs



Property

"Heirs property" has disproportionately affected BIPOC communities, especially in the southern United States. A heirs property situation often occurs when a landowner passes away "intestate," without a will or other estate plan. As generations pass, the number of owners for a single property can increase significantly, and methods to clear title are often difficult to implement. **Jesse Richardson**, professor of law and lead land use attorney at West Virginia University College of Law, and **Jill Apter**, NALC research fellow and student at Michigan State University College of Law, will be discussing the results of their 50-state survey of different approaches to the issue, as well as highlighting some best practices.

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.

July 2024

- **Supreme Court Overturns Long-Standing "Chevron" Doctrine**
- **Farm Bill 2024: Themes in the Proposed Rural Development Titles**
- **Supreme Court of the United States Rules SEC Administrative Proceedings Unconstitutional**
- **SCOTUS Rejects Consent Decree Over Rio Grande**
- **Regulation of Food for GLP-1 Drug Users: Labeling Claims**
- **Farm Bill 2024: Themes in the Proposed Commodities, Forestry, and Horticulture Titles**
- **Farm Bill 2024: Themes in the Proposed Conservation Titles**

August 2024

- **Regulation of Food for GLP-1 Drug Users: Off-Label Advertisements**
- **Farm Bill 2024: Themes in the Proposed Energy and Miscellaneous Titles**
- **EPA Releases Draft Insecticide Strategy**
- **FSIS Proposed Salmonella Framework for Raw Poultry Products**
- **Third Circuit Rules Failure to Warn Claims Preempted by FIFRA**
- **Food Labeling: What are Third-Party Certifications?**

September 2024

- **EPA Publishes Highly-Anticipated Final Herbicide Strategy**
- **State Food Laws Enacted in 2024**
- **When Wetlands Go Dry: Prior Converted Cropland under Swampbuster and the CWA**
- **Meat and Poultry Labels: Updated Guidelines & Opportunity for Comment**
- **Heirs' Property State Survey**
- **Affidavits of Heirs' Property State Survey: Research Summary Report**
- **Statutes Regulating Ownership of Agricultural Land (Updated)**
- **Corporate Transparency Act Factsheet**

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.

July 2024

- **Harrison Pittman, NALC Director**
 - July 12 – In-person presentation on foreign ownership of ag land at the National Association of Counties 2024 Annual Conference in Hillsborough County, FL
 - July 25-28 – In-person presentation on latest Supreme Court decision and other legislative and litigation developments in the ag industry to South Crop Production Association Board
- **Rusty Rumley, Senior Staff Attorney**
 - July 16 – In-person presentation on "What You Need to Know from a Legal Risk

- Standpoint” at the Missouri Agritourism Conference in Hannibal, MO
- July 23 – In-person panelist discussing the Chevron decision at the Council of State Governments’ Midwestern Legislative Conference in Columbus, OH

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

August 2024

- **Harrison Pittman, NALC Director**
 - August 12 – In-person presentation on ‘Current and Emerging Issues Impacting the Future of the Ag Industry’ at Farm Credit 2024 Executive Summit in Omaha, NE
 - August 15 – Testified at the field hearing ‘Perspectives on the Future of Agriculture Research and Technology’ for the U.S. Senate Agriculture Appropriations Committee about NALC, several legal issues in the technology and research space, and held a Q&A from Senators in Wheatland, ND (recorded hearing [here](#))
 - August 28 – Online presentation about NALC, hot topics in agricultural law, and careers in agricultural law to the Mississippi Department of Agriculture and Industries Ag Youth Council
- **Elizabeth Rumley, Senior Staff Attorney**
 - August 5 – In-person presentation on Replenishing Rural Practice at Cultivating Connections Conference in Columbus, OH
- **Rusty Rumley, Senior Staff Attorney**
 - August 1 – In-person presentation on landowner liability at Armed to Farm event in IA
 - August 5 – Online presentation on the Uniform Partition of Heirs Property Act for University of Arkansas, Pine Bluff
 - August 6 – In-person presentation on administrative law, solar leasing, and pesticides for AgLaw Update in Pensacola, FL
 - August 8 – In-person presentation on administrative law, Prop 12 and the Corporate Transparency Act at the 2024 Georgia Farm Bureau Commodity Conference in Tifton, GA.
 - August 15 – In-person presentation on landowner liability, zoning, and business entities at Armed to Farm in Harrisonburg, VA.
 - August 21 – In-person presentation on the Perishable Agricultural Commodities Act at Center for AR Farms and Food at the University of Arkansas, Fayetteville, AR
 - August 28 – In-person presentation on the usage of pesticides and the Federal Insecticide, Fungicide, and Rodenticide Act at Center for AR Farms and Food at the University of Arkansas, Fayetteville, AR

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

September 2024

- **Harrison Pittman, NALC Director**
 - September 4 – In-person presentation on the latest legal updates pertaining to agriculture at the Mid-America CropLife Association Annual Meeting in Minneapolis, MN
 - September 11 – Online co-presented “Growing Careers” webinar on starting/maintaining ag law student associations in partnership with American Agricultural Law Association
 - September 22-25 – NASDA Annual Meeting in Indianapolis, IN
 - September 24 – In-person co-presentation on issues and careers in agricultural law to NASDA Foundation Next Generation students
 - September 24 – In-person co-presentation on impact of overturning of Chevron doctrine to NASDA Natural Resources and Environmental Committee
 - September 25 – In-person co-presentation on agriculture before the U.S. Supreme Court to NASDA membership
 - September 27 – Online co-presentation on navigating restrictions and transparency requirements of foreign investments in U.S. lands for an Illinois Bar Association CLE webinar with Jen Modjeska, Division Underwriting Counsel, First American Title Insurance Company
- **Rusty Rumley, Senior Staff Attorney**
 - September 19 – In-person presentation on carbon credits and contracts for the 2024 Pennsylvania Agricultural Law Symposium in University Park, PA
 - September 22-25 – NASDA Annual Meeting in Indianapolis, IN
 - September 24 – In-person co-presentation on issues and careers in agricultural law to NASDA Foundation Next Generation students
 - September 24 – In-person co-presentation on impact of overturning of Chevron doctrine to NASDA Natural Resources and Environmental Committee
 - September 25 – In-person co-presentation on agriculture before the U.S. Supreme Court to NASDA membership
- **Brigit Rollins, Staff Attorney**
 - Sept 18 – In-person presentation on the Loper-Bright case from the most recent SCOTUS term which overturned Chevron deference to the Public Land Council’s Annual Meeting in Grand Junction, CO
 - September 22-25 – NASDA Annual Meeting in Indianapolis, IN
 - September 24 – In-person co-presentation on issues and careers in agricultural law to NASDA Foundation Next Generation students
 - September 24 – In-person co-presentation on impact of overturning of Chevron doctrine to NASDA Natural Resources and Environmental Committee
 - September 25 – In-person co-presentation on agriculture before the U.S. Supreme Court to NASDA membership

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

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