



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
WEBINAR SERIES

**Ag Labor Pointers & Pitfalls for Farming Operations:
A Conversation with Ag Attorney
William Mencer**

Wed., August 20, 2025
Noon ET
No cost to register

William Mencer
Law Office of William L. Mencer

USDA Reorganization. On July 24, USDA Secretary Brooke Rollins announced the long-anticipated USDA reorganization **plan**. A comment period opened August 1 and is set to close August 26. Stakeholders are encouraged to submit feedback to **reorganization@usda.gov**. One key aspect of the plan is to relocate a significant portion of Washington D.C. area staff to five “hubs” across the U.S. – Fort Collins, Colorado; Kansas City, Missouri; Salt Lake City, Utah; Indianapolis, Indiana; and Raleigh, North Carolina. The memorandum released by Secretary Rollins does not include a reduction in force. For more information, read the recent USDA press release **here**.

Pesticides: Dicamba. On July 23, EPA **announced** a proposal to register three dicamba-based pesticide products for “over-the-top” (OTT) use on dicamba-tolerant soybean and cotton seeds. A public comment period is open through August 22. If finalized, this would be the first approval of an OTT dicamba product since a federal court vacated previous label registrations for over-the-top dicamba in early 2024. More information on that court decision is available **here**. To learn more about EPA’s latest proposal, click **here** to view NALC article “The Deal with Dicamba: EPA Proposes Unconditional Registration for Over-the-Top Use.” To learn how to submit a comment, click **here**.

HELP for Haulers. On July 17, U.S. Representative Jeff Hurd introduced the “Hauling Exemptions for Livestock Protection (HELP) Act” (**H.R. 4500**), which seeks to permanently exempt livestock, insect, and aquatic animal haulers from electronic logging devices and federal Hours-of-Service (HOS) regulations. The bill would exempt the livestock hauling vehicle as well as the driver from the regulations as well as an unladen covered livestock hauling vehicle. H.R. 4500 was referred to the House Committee on Transportation and Infrastructure and awaits further action from the Committee.

Ag Labor. On July 31, the Department of Labor (DOL) issued a notice to announce that it is temporarily suspending the collection of H-2A labor certification fees while the Office of Foreign Labor Certification transitions from collecting fees in a paper format to collecting fees electronically. During

the suspension period, DOL will not issue invoices for H-2A certification fees on applications that are not certified, and will not seek retroactive payment for such certifications. The suspension will begin on September 2, 2025 and will stay in place until further notice. To view DOL's notice, click [here](#).

- Webinar opportunity (August 20): William L. Mencer, Law Office of William L. Mencer will present "Ag Labor Pointers & Pitfalls for Farming Operations: A Conversation with Attorney William Mencer." To register, click [here](#).

O DAIRY Act. A group of Democratic Senators led by Senator Peter Welch introduced the Organic Dairy Assistance, Investment, and Reporting Yields Act of 2025 (O DAIRY Act), **S. 2442**, which seeks to extend Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP) coverage to include income losses incurred by organic dairy farmers that are not covered by other USDA disaster programs. The O DAIRY Act would also require the Secretary of Agriculture to establish a funding program for investments in organic dairy processing infrastructure, and create a new organic dairy safety net program. The bill has now been referred to the Senate Committee on Agriculture, Nutrition, and Forestry, and awaits a Committee vote to move to the Senate floor. To learn more about the laws and regulations regarding dairy production in the United States, click [here](#) to view additional resources in the library compiled by the Penn State's Center for Agriculture and Shale Law, a NALC partner.

PRIME Act. The PRIME Act (Processing Revival and Intrastate Meat Exemption Act), **H.R. 4700**, has been reintroduced in the House of Representatives. It seeks to amend the Federal Meat Inspection Act by allowing the sale of products processed without continuous inspection under the "custom slaughter" exemption as long as certain criteria are met. Inspection requirements would be waived so long as the facility conducts the slaughter and preparation of livestock in accordance with state law, and the products are sold to in-state consumers, restaurants and grocery stores. The measure has been referred to the House Committee on Agriculture, and awaits a vote by the Committee to move to the House floor. To learn more about different state requirements for meat processing, click [here](#) to view NALC's "Meat Processing Laws in the United States: A State Compilation".

Grain Standards Act. On July 22, the U.S. House Agriculture Committee approved a bill reauthorizing the U.S. Grain Standards Act. The United States Grain Standards Act, enacted in 1916, sets the marketing and quality standards of certain grains by establishing grading and weighing procedures. The Act is carried out by the USDA, through the Federal Grain Inspection Service. **H.R. 4550** reauthorizes several provisions of the Act that would expire in September of this year. Notably, the bill requires the Secretary of Agriculture to prioritize the adoption of improved grain grading technology. The bill also amends the Act to create a trust fund where the supervisory fees from weighing, inspection and grading of grain may be deposited. H.R. 4550 will now move to the House floor to be voted on by the full chamber. To learn more about state specific grain standards click [here](#) to view NALC's "States' Grain Standards Statutes" compilation. For an overview of the related topic of state grain dealer laws, click [here](#) to view previously recorded NALC webinar "An Overview of State Grain Dealer Statutes in the United States."

Representatives Respond to USDA Rule. Thirty-four U.S. House representatives **co-signed a letter** to Secretary Rollins and the USDA expressing opposition to the USDA's recent rule eliminating the use of race- and sex-based "socially disadvantaged" designation to provide increased benefits based on race and sex under certain USDA programs. Specifically, the final **rule** states the USDA will no longer employ the "socially disadvantaged" designation in program determinations under mission-areas like the Rural Housing Service, the Farm Service Agency, and others. According to USDA, the change is justified because the actions taken by the department in recent decades have sufficiently addressed past discrimination. However, the House representatives expressed concern that the final rule "is an attempt to undo hard-won progress" and incorrectly assumes that the Department's discrimination "has been resolved for good." The letter requests that USDA explain how the final rule was decided, what data was used, and ways the department plans to address future discrimination. While some lawmakers are seeking further explanation from USDA, others are looking to formally codify the new rule. The recently introduced **No Discrimination in Farms Programs Act** would prohibit USDA from applying race- or sex-based criteria when administering various programs including the Federal Crop Insurance program, farm loan programs, the Conservation Reserve

Program, and certain rural development programs.

GHG Endangerment Finding. On August 1, EPA **announced** a proposed rule to rescind all greenhouse gas (GHG) emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines in an effort to repeal the agency's 2009 Endangerment Finding. The 2009 Finding stated that GHG emissions from new cars and engines contributed to air pollution which posed a threat to public health and welfare. The recent proposal argues that the Clean Air Act, specifically section 202(a), does not authorize the EPA to establish emissions standards meant to address global climate change concerns. The proposal justifies the changes by stating that "no requisite technology for vehicle and engine emission control" is able to address the concerns expressed in the Endangerment Finding without adding greater harm to public health. The proposed rule is currently subject to **public comment** that will conclude on September 15. The EPA plans to hold a **virtual public hearing** on August 19 and 20 concerning the proposal.

Lumber Imports. On July 25, the U.S. Department of Commerce **announced** its final decision to raise duties on most imports of Canadian lumber to 20.56 percent in order to offset low prices and Canadian government subsidies. The decision will nearly triple the anti-dumping duty rate for Canadian lumber which is currently set at 7.66 percent and is in addition to current countervailing duties which are set at 6.74 percent. In its announcement, Commerce stated its decision to increase the anti-dumping duties after determining that Canadian softwood lumber was being dumped into the United States by a rate of over 35 percent. On August 8, the Department of Commerce **further determined** that Canada was subsidizing softwood lumber at rates from 12.12 percent to 16.82 percent. The U.S. Customs and Border Protection was instructed to begin collecting the countervailing duty.

Raw Milk & Foodborne Illness. The CDC released a report on July 24, linking the sale of unpasteurized (raw) milk in California and four other states to one of the largest *E. coli* bacteria and *Salmonella* foodborne illness outbreaks in U.S. history. Specifically, the report investigated 171 cases of a *Salmonella* Typhimurium foodborne illness outbreak from October 2023 to March 2024 with 98% of the cases identified in California. The outbreak disproportionately impacted young children as they were most likely to be hospitalized. To read the CDC report concerning California, click [here](#). In unrelated- although similar- circumstances, on August 4, the Florida Department of Health provided an update on raw milk after 21 cases of *E. coli* were traced to a single Florida dairy farm following the consumption of raw milk. The Department reported 21 cases from the specific farm, seven of which resulted in hospitalization. Floridians are asked to be aware of the potential risks of consuming raw dairy products, and encouraged to consider the information reported by the Department to make informed decisions. To read the Department's statement, click [here](#). To learn more about the regulation of raw milk, click [here](#) to read NALC article "Amos Miller and the Regulation of Raw Milk."

WGA & FDA MOU. Western Growers Association and the Federal Drug Administration recently entered into a Memorandum of Understanding (MOU) concerning food safety standards. The MOU outlines the parties commitment to improving food safety standards concentrating on the prevention of foodborne illness outbreaks and protecting the public. Specifically, it creates a data-sharing pilot project that utilizes Western Grower's "GreenLink" food safety platform. This platform will be used to collect and share member-collected data from member companies participating in the pilot program. To read the MOU, click [here](#). To learn about other FDA food safety initiatives, click [here](#) to read NALC article "Food Foundations: FDA Human Food Inspections."

SNAP Updates. The USDA has been **sued** by a coalition of state attorneys general concerning the Department's request for state-level data on Supplemental Nutrition Assistance Program (SNAP) participants and applicants from the past five years. The lawsuit alleges this request violates federal privacy laws, exceeds statutory authority, violates the constitutional spending clause, and fails to meet public comment requirements. In May, the USDA issued instructions to SNAP processors in each state requiring data be shared with the Food and Nutrition Service (FNS). This data includes records like names, dates of birth, Social Security numbers, and personal addresses used to identify applicants or recipients of SNAP, and records to calculate the total value of SNAP benefits to participants over time. However, FNS has recently clarified that the directive has been paused

meaning the EBT Processors do not have to effectuate the required data transfer until FNS provides notice. To read the FNS instructions, click [here](#).

Additionally, earlier this month, Secretary Rollins **granted** SNAP waivers allowing six more states to prohibit certain foods from being eligible for purchase with SNAP benefits. West Virginia, Florida, Colorado, Louisiana, Oklahoma, and Texas now join Nebraska, Iowa, Arkansas, Idaho, and Utah in restricting the purchase of foods like soda and candy. To learn more about each state's specific waiver, click [here](#) to visit the USDA website. To learn more about the process of requesting a SNAP waiver, click [here](#) to view NALC article "Excluding 'Junk' Food from SNAP Benefits."

Bye Bye Dye. The state of West Virginia is the first state to effectuate a law banning food dyes in school meals. The following dyes are prohibited: Red Dye No. 3, Red Dye No. 40, Yellow Dye No. 5, Yellow Dye No. 6, Blue Dye No. 1, Blue Dye No. 2, and Green Dye No. 3. The ban went into effect on August 1, while an additional provision, banning the aforementioned dyes and other specified preservatives from being used in items sold in the state, will go into effect January 1, 2028. Additional states, including Arizona, California, Delaware, Louisiana, Tennessee, Texas, Utah, and Virginia, have banned food dyes from being present in school meals but will not enforce the ban until 2026 or later. To learn more about food dye bans and similar initiatives on the state level, click [here](#) to read NALC article "State Level 'MAHA' Movement: New Texas and Louisiana Laws."

Date Labels. Companion bills related to food date labeling have been introduced in both the U.S. House of Representatives and the U.S. Senate. The **Food Date Labeling Act of 2025** was introduced by a bipartisan group of lawmakers for the purpose of "eliminating confusion around food expiration labels and reducing food waste" by creating a uniform standard for voluntary food date labels. Specifically, the bill would mandate that the language "BEST If Used By" is used only to indicate a food's quality and "USE By" communicates the food's safety. Similar legislation has been passed on the state level by California and Pennsylvania. To learn more about the California law and date labels generally, click [here](#) to read NALC article "Date Labels and the New California Law."

Right-to-Repair. In late July, Deere & Company launched an updated digital service tool that gives owners more options to maintain their farm equipment. The tool is available on the John Deere Operation Center app in the U.S. and Canada, and allows owners to diagnose, maintain, and repair their equipment. Users will be charged a fee per machine for the tool and Deere representatives state that the tool will phase out the previous digital service, ADVISOR. The decision to launch this new tool comes after the Federal Trade Commission (FTC) initiated a lawsuit against John Deere in January over the company's repair and dealer service system which the FTC claims is violating anti-competition laws. To view the FTC's complaint in that lawsuit, click [here](#). On August 8, a federal judge ruled that Deere may access its competitor's business records that the FTC used in formulating this investigation. The competitors- Kubota Tractor Corporation, CNH Industrial, and AGCO Corporation- have strongly objected to this decision, but the court determined that it was "fundamentally unfair" to deny access to Deere. The records will also be shared with the 16 farmer plaintiffs suing Deere in a separate, private action. To view the order, click [here](#). For more information on legal issues involving the right to repair, click [here](#) to view NALC webinar "Right to Repair and Agriculture."

Hunger Relief. On August 1, Agriculture Secretary Brooke Rollins **announced** that the USDA intends to purchase \$230 million in fresh fruits, vegetables, and seafood from American producers to distribute to food banks and nutrition assistance programs throughout the U.S. USDA's Agricultural Marketing Service is authorized to make these purchases through Section 32 of the Agriculture Act of 1935. This announcement follows recent Congressional action, the One Big Beautiful Bill Act, that changes SNAP parameters relating to work requirements and state-funded costs. The Congressional Budget Office (CBO) is **estimating** that those changes will reduce or eliminate SNAP benefits for more than 2.5 million Americans in an average month. To learn more about the specific nutrition provisions in the OBBBA, click [here](#) to read NALC article "One Big Beautiful Bill Act: Nutrition Title."

- Webinar opportunity (September 17): Kristin Tidgren, Director of Iowa State University's Center for Agricultural Law and Taxation will present "Reviewing New OBBBA Tax Provisions Impacting Agricultural Producers." To register, click [here](#).

CRP Improvement & Flexibility Act. On July 31, a bipartisan group of senators introduced the **Conservation Reserve Program Improvement and Flexibility Act**, a bill aimed at updating aspects of USDA's Conservation Reserve Program (CRP). Specifically, the bill would increase the maximum annual payment under CRP from \$50,000 to \$125,000 to account for inflation and rising land values. The bill would also allow for emergency haying on CRP designated acres, under certain conditions, and permanently establish the State Acres for Wildlife Enhancement practice which helps landowners create wetlands on enrolled acres. Additionally, the bill would provide cost-share payments for the establishment of grazing infrastructure such as water tanks and fencing. The bill has been referred to the Senate Committee on Agriculture, Forestry, and Nutrition for a committee vote. To learn more about CRP, click [here](#) to view NALC article "Building Blocks: Basics of CRP."

Corner Crossing Case: Seeking Cert. A rancher in Wyoming has formally **petitioned** the United States Supreme Court to overturn a decision issued by the Tenth Circuit earlier this year in a case concerning corner-crossing and the intersection of public and private land. The case, *Iron Bar Holdings, LLC v. Cape*, was filed by a private landowner who claimed that four hunters trespassed onto his land when they used an A-frame step ladder to cross above the landowner's private property to move from one area of public land to another. In its March 18 ruling, the Tenth Circuit held that the hunters had not committed a trespass because they had not touched the plaintiff's private land. Additionally, the Tenth Circuit held that the Unlawful Inclosures Act, a federal law that prohibits the enclosure of public lands by private individuals, allows corner crossing if access to public lands is otherwise restricted. The issue of corner-crossing is particularly relevant in Western states where some areas resemble a checkerboard of public and privately held parcels. Should the Supreme Court hear the lawsuit, its ruling could impact landowners throughout the country. Click [here](#) to read the Tenth Circuit's decision. For more information on federal and private land ownership in the Western United States, click [here](#) to view the written materials for "Streambeds, Game Trails, & Corner Crossings: Public Access & Private Property" presented by Ryan Semerad, the Fuller & Semerad Law Firm, and Karen Budd-Falen, Senior Partner, Budd-Falen Law Offices LLC, at the NALC's Second Annual Western Agricultural & Environmental Law Conference.

ESA: Gray Wolves. On August 5, the federal District Court for the District of Montana issued an **opinion and order** in a case regarding the U.S. Fish and Wildlife Service's (FWS) 2024 determination against listing a distinct population segment of gray wolves in the Western United States as threatened or endangered under the Endangered Species Act (ESA). Conservation groups filed suit against FWS in June 2024, arguing that the "not warranted" determination did not consider the historical range of the gray wolf, or the "best available science" on wolf population impacts. In its decision, the court ruled in favor of the plaintiffs, concluding that FWS had failed to consider relevant information and "made numerous unfounded assumptions regarding the future condition of the gray wolf." Accordingly, the court vacated the 2024 determination and sent the matter back to FWS for further review. To learn more about the ESA, click [here](#) to access further NALC resources.

Foreign Ownership. Earlier this summer, the House of Representatives passed the **Agricultural Risk Review Act**, which would increase government oversight of certain foreign acquisitions in United States agriculture. Specifically, H.R. 1713 would amend portions of the Defense Protection Act of 1950, requiring the Committee on Foreign Investment in the United States (CFIUS) to review transactions involving foreign investments in domestic agriculture, particularly farmland. The House's decision to pass the bill comes as USDA has released its **National Farm Security Action Plan**, which outlines USDA's intent to create a formal role in reviewing farmland-related transactions in coordination with CFIUS. H.R. 1713 would go a step further by codifying USDA as a CFIUS member with review and decision-making authority. For more information, click [here](#) to view NALC article "House Passes Legislation to Increase Monitoring of Certain Foreign Investments." NALC Director, Harrison Pittman, was recently on C-SPAN to discuss foreign ownership and agriculture. To watch his interview, click [here](#).

Food Traceability Rule extended. On August 6, the FDA **proposed** extending the compliance date for the Food Traceability Rule by 30 months. This rule, authorized by the Food Safety Modernization Act, creates additional recordkeeping and reporting requirements for entities that produce, manufacture, process, package, or hold foods that are listed on the **Food Traceability List**. The

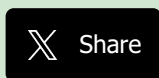
FDA's recent proposal would require all entities subject to the requirements to come into compliance by July 20, 2028. Additionally, the FDA has published new compliance tools for interested stakeholders such as FAQs, new examples, at-a-glance documents on the rule, and translations of the documents in 6 additional languages. The newly published compliance tools can be accessed [here](#). The comment period for the extension is open until September 8, 2025, and comments can be made [here](#).



DOWNEY BRAND

A banner for the 2025 Pennsylvania Agricultural Law Symposium. The top left features the Penn State Law logo (a lion's head in a shield) and the text "PennState Law". The background is a photograph of a red tractor plowing a field. The bottom left features the USDA logo and text: "United States Department of Agriculture" and "National Agricultural Library". The bottom center text reads "2025 Pennsylvania Agricultural Law Symposium", "September 18, 2025", and "Penn State Dickinson Law". The bottom right features the National Agricultural Law Center logo, which is a circular emblem with a scale of justice and a plant.

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