



# 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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### NALC WEBINAR SERIES:

**So Now You Own a Farm:**  
A Beginner's Guide to Farmland Ownership

Wed., October 15, 2025

Noon ET

No cost to register



#### Presenters:



Peggy Kirk Hall,  
Director



THE OHIO STATE  
UNIVERSITY

COLLEGE OF FOOD, AGRICULTURAL  
AND ENVIRONMENTAL SCIENCES

Robert Moore,  
Attorney



**Happy (and Healthy) Meals in California.** Two California bills currently await Governor Newsom's signature that would impact children's meal offerings at chain restaurants and public school meal offerings. **SB 764** requires chain restaurants that sell children's meals to offer a minimum of one healthy option that complies with specific dietary guidelines. The children's meal must contain no more than 550 calories, 700 milligrams of sodium, 10% of calories from saturated fat, 15 grams of added sugar, and zero grams of trans fat. Additionally, the children's meal must include at least 2 servings of specific types of food including fruit, vegetables, meat (or meat alternative), whole grains, or nonfat/lowfat dairy. The bill also requires the impacted chain restaurants to include an icon or symbol on their menu to identify the children's meal that complies with the bill's requirements. If enacted, SB 764 would require chain restaurants that sell children's meals to provide information on complying with this rule to employees on or before July 1, 2026. Additionally, **AB 1264** or the "Real Food, Healthy Kids Act" phases out ultraprocessed foods in California public school nutrition programs. The bill would create the first statutory definition of "ultraprocessed foods" (UPF). Beginning in July 1, 2035, foods sold or offered in public schools shall not include food defined as "restricted school food" or "ultraprocessed food of concern." The bill would require the State Department of Public Health, by 2028, to promulgate regulations that would determine the definitions of "ultraprocessed food of concern" and "restricted school food." The bill would require California schools to start the phase out process no later than July 1, 2029.

**Water Rights "Taking" Case.** The City of Fresno, California along with several Central Valley irrigation districts have asked the United States Supreme Court to weigh in on whether a 2014 decision by the Bureau of Reclamation (Reclamation) to not make contracted-for water deliveries constituted a "taking" for which the plaintiffs should be compensated. Due to an ongoing multiyear drought, in 2014 Reclamation halted water deliveries to growers and municipalities in the Central Valley's Friant Division, despite an existing contract requiring Reclamation to make annual deliveries of irrigation water. This prompted members of the Friant Division to file a lawsuit in the U.S. Court of Federal Claims seeking financial compensation for both breach of contract, and what the plaintiffs

described as an unconstitutional “taking” in violation of the Fifth Amendment which prevents the federal government from taking private property for public use without providing the property holder just compensation. However, both the district and the appellate courts that ruled on this matter concluded that Reclamation had acted appropriately. Now, the plaintiffs have asked the Supreme Court to take up the issue. While it is not currently clear that the Court will agree to hear the case, a decision in this case could have implications for states across the Western region where Reclamation is in charge of several water delivery operations, including those on the Rio Grande and Colorado Rivers. For more information, click [here](#) to view NALC article “Water Users Ask Supreme Court to Consider Whether the Bureau of Reclamation Violated the U.S. Constitution.”

**Judge Rules USFS Violated NEPA.** On Wednesday, September 17, a federal judge **ruled** that the U.S. Forest Service illegally authorized expanded livestock grazing operations near Yellowstone National Park. The leasing allotments subject to the expansion are located in the Greater Yellowstone Ecosystem recovery zone for grizzly bears, an endangered species. The court determined that the Forest Service erred by not considering the National Environmental Policy Act (NEPA) implications of how the expanded grazing leases “specifically and directly impact grizzly bear recovery.” This led the court to hold that the Environmental Assessment (EA) prepared for the proposed expansion was insufficient. The court ultimately vacated the proposed expansion and directed the Forest Service to prepare a new EA. To learn more about the NEPA process and recent changes to how the law is administered, click [here](#) to view NALC article “Supreme Court Clarifies Scope of NEPA.”

**Capital for Beginning Farmers and Ranchers Act of 2025.** The “Capital for Beginning Farmers and Ranchers Act of 2025” was recently **reintroduced** in the U.S. House and Senate. This act amends the Consolidated Farm and Rural Development Act and creates the Beginning Farmer and Rancher Development Loan Pilot Program. This program is intended to make or guarantee development loans to qualified beginning farmers and ranchers to finance development expenditures. A development expenditure is defined under the act as an expenditure for the acquisition or development of initial assets or intangible infrastructure, or an expenditure to establish an appropriate foundation of small equipment, tools, or supplies, among other types of expenditures. The act also requires the Secretary of Agriculture to provide training and support to borrowers of development loans under the new amendments. The training will address bookkeeping, taxation, credit, regulatory compliance, cash flow, profitability, and risk management. S.2797/H.R.53667 was introduced on September 15 and referred to the House and Senate agriculture committees, respectively.

- Webinar Opportunity (October 15): Peggy Kirk Hall, Associate Professor, The Ohio State University Extension’s Agricultural & Resource Law Program and Robert Moore, Research Attorney, The Ohio State University Agricultural & Resource Law Program will present “So Now You Own A Farm: A Beginner’s Guide to Farmland Ownership.” To register, click [here](#).

**Irrigation Return Flows Under the CWA.** The Ninth Circuit Court of Appeals **recently held** that the California Grassland Bypass Project, a drainage system for irrigation runoff from California’s Central Valley, does not need a National Pollution Discharge Elimination Permit (NPDES) under the Clean Water Act (CWA) because the drainage system is a nonpoint source and therefore exempt from NPDES permitting requirements. Under the CWA, a NPDES permit is required for discharges of pollutants from a “point source.” The CWA defines a “point source” as a “discernible, confine and discrete conveyance” such as a pipe, ditch, or channel. All sources of pollution that do not meet the definition of point source are considered nonpoint sources and are not subject to the CWA’s permitting requirements. Traditionally, irrigation runoff is considered a nonpoint source. This case began in 2011 when members of the fishing industry filed suit, demanding the Project obtain a NPDES permit. The plaintiffs argued that the Project did not qualify as a nonpoint source because along with discharging irrigation return flows, the Project also discharged pollutants that are not related to irrigation agriculture. However, the court disagreed, holding that the plaintiffs’ theory is inconsistent with the text and purpose of the CWA. According to the court, the Project is a nonpoint source that does not require a NPDES permit. To learn more how various states address irrigation runoff, click [here](#).

**H-2A Farmworkers.** The Department of State recently **announced** changes to the nonimmigrant

visa application process that will affect farmworkers under the H-2A program. Beginning on October 1, the Department of State will no longer require qualifying applicants to conduct an in-person interview with a consular officer. One group of qualified applicants includes individuals renewing an H-2A visa within 12 months of the prior visa's expiration. The prior visa must have been issued for full validity at issuance and the applicant must have been at least 18 years old. Beyond these requirements, the applicant needs to apply in their country of nationality or usual residence, must have never been refused a visa, and must have no apparent or potential inability. For more information on the H-2A program, click [here](#) to read the recent NALC article "2023 AEWR Rule Vacated."

**Clean Water Act Violations.** Campbell Soup Supply Company recently admitted in a [joint stipulation](#) that its plant in Napoleon, Ohio violated discharge limits set by the Clean Water Act (CWA) more than 5,400 times. The stipulation was filed in the ongoing [lawsuit](#) between Environment Ohio, Lake Erie Waterkeeper, and Campbell. In that suit, the environmental groups alleged that Campbell had violated the CWA. Campbell agreed to not contest these violations, which occurred between April 2018 and December 2024. The document also states that the Ohio facility's waste discharge led to pollution in the Maumee River, which feeds into Lake Erie. Additionally, the jointly filed stipulation holds that Campbell will not assert any defenses to the liability for the CWA violations, and that the members represented by the plaintiffs to the lawsuit have standing to sue. The parties expect to move to trial sometime next year to determine the appropriate remedies.

**Challenge to Effluent Limitations Guidelines.** On September 15, a coalition of environmental groups filed a [petition](#) for review in the Ninth Circuit Court of Appeals. The petition requests review of the Environmental Protection Agency's (EPA) [final agency action](#) that declined to finalize revisions to the pending CWA effluent limitation proposal affecting the meat and poultry products industrial point source category. These regulations would have imposed additional effluent limitations standards, impacting the rates of waste discharged from more than 5,000 meat processing, slaughtering, and rendering facilities across the country. By filing the petition for review, the plaintiffs are asking the court to determine whether EPA violated the law in declining to finalize the proposed revisions. To learn more about EPA's initial proposal, click [here](#) to view NALC article "EPA Proposes Updates to Effluent Limitations for Meat and Poultry Processors."

**PFAS in Food Packaging.** A bill recently passed the California legislature that would impact food packaging. [S.B. 682](#), if enacted, would effectively ban the distribution or sale of food packaging that contains intentionally added PFAS (perfluoroalkyl and polyfluoroalkyl substances). PFAS, often called "forever chemicals," are chemicals that can be added to products for a functional or technical effect such as water resistance. The prohibition on PFAS in food packaging would take effect on January 1, 2030. This bill is currently awaiting consideration by Governor Newsom.

- Webinar Opportunity (November 20): Kayla Kaplan, Associate Attorney, Olsson Frank Weeda Terman Matz PC Law (OFW) and John Dillard, Principal, Olsson Frank Weeda Terman Matz PC Law (OFW) will present "Redefining Responsibility Over Packaging: An Overview of U.S. Extended Producer Responsibility Laws." To register, click [here](#).

**California: Pesticide Permits Near Schools.** The Monterey County (California) Superior Court recently determined that the California Department of Pesticide Regulation and the Monterey County Agriculture Commissioner have the legal authority to award restricted pesticide application permits near schools. That authority was [challenged](#) by the Pajaro Valley Federation of Teachers, and other public interest groups who alleged a violation of the California Environmental Quality Act. The groups asserted that the state and local regulators failed to consider environmental and health impacts when granting pesticide permits for the fumigants chloropicrin and 1,3-dichloropropene. However, the court found the department and county adhered to the required processes under state law. Additionally, the court held that under state law the commissioner possessed the authority to issue restricted permits to permittees that meet the appropriate criteria after an evaluation is made. The court noted that the commissioner's determination would stand even if they do not document and analyze every potential risk in an environmental analysis. The plaintiffs may appeal the court's decision within two months. For more information on this case and the court's decision, click [here](#) to view an article written by the attorneys representing the real parties in interest.

**SNAP & Personal Data.** A federal judge has temporarily blocked the USDA from retrieving the personal data of SNAP participants from states. Additionally, the judge determined that USDA may not cut off SNAP funding as punishment for noncompliance. In May of 2025, USDA through its Food and Nutrition Service notified states that they must provide SNAP participant records, including name, SSN, DOB, and more personal identification information. States were informed by USDA that their noncompliance may trigger consequences such as the loss of federal funding. The judge specifically determined that if the noncompliance procedure (i.e. removing SNAP funding for states) was enacted states would lose their ability to comply with SNAP obligations. This is a temporary restraining order, and a hearing will be held on the states' motion for a preliminary injunction on October 9. To read the order, click [here](#).

**Food Insecurity.** A coalition of 582 national, state, and local organizations from across the nation sent a **letter** to Congressional leaders urging the enactment of a "skinny" farm bill addressing access to SNAP benefits, food safety, food affordability, food system employees, family farms, and communities. Specifically, the groups urge Congress to reject a farm bill that does not address what they have categorized as "harms" occurring from the passage of OBBBA such as cuts to SNAP and nutrition assistance programs. Additionally, the USDA recently **announced** the termination of the annual Household Food Security Report. The USDA press release called the surveys "redundant, costly, politicized, and extraneous" and promised to use "more timely and accurate data sets" available to the department. Data from the 2024 survey will be released as scheduled on October 22, but will mark the end of future surveys. Since that time, it has been **reported** that the team of USDA employees responsible for the production of the survey have been put on indefinite paid leave.

**Alternative Proteins.** On September 1, a **Texas law** temporarily banning the offering for sale or sale of cell-cultured proteins for human consumption went into effect. The ban will expire on September 1, 2027. Shortly after the law took effect, two California-based cell-cultured protein companies, UPSIDE Foods and Wild Type, Inc., challenged the law's constitutionality in court. The companies claim the law violates both the Commerce Clause and the Supremacy Clause of the U.S. Constitution. To read the full complaint, click [here](#). To learn more about other state laws related to alternative proteins, click [here](#) to view NALC's Alternative Protein Laws state compilation.

**FDA Updates.** The U.S. Food and Drug Administration recently **proposed** revoking the regulation that authorizes the use of **Orange B**, a petroleum-based food dye used as a color additive in food. Orange B's revocation was included as one of FDA's priorities in its six-pronged plan to remove synthetic dyes from the food system. Orange B, rarely used in the present-day US food supply, was historically used for coloring the casings or surfaces of frankfurters and sausages. The FDA is accepting public comments on this proposal until October 16, 2025. To make a comment, click [here](#). To learn more about Orange B and the FDA's six-pronged plan, click [here](#) to read NALC article "FDA Announces Plan to 'Phase Out' Synthetic Dyes." Additionally, the comment period for the Request for Information on ultra-processed foods has been **extended** by the FDA and USDA. The original comment period was opened on July 24, 2025 when the FDA and USDA issued a Request for Information to help establish a uniform definition of "ultra-processed foods" for human food products. The comment period has now been extended to October 23, 2025, and comments can be made [here](#). Both the initiatives to eliminate synthetic dyes and define UPFs are a part of the policy priorities of the "Make America Healthy Again" (MAHA) Movement. To learn more about MAHA's movement on the state level and through consumer challenges, click [here](#) to read NALC article "MAHA Movement: State Agency Actions and Consumer Legal Challenges."



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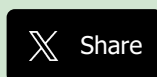
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