



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

Wed., October 15, 2025

Noon ET

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Presenters:



Peggy Kirk Hall,
Director



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AND ENVIRONMENTAL SCIENCES

Robert Moore,
Attorney



Assistance Request. *At the National Agricultural Law Center, we receive frequent requests for the names of attorneys with experience in various areas of agricultural law. Year over year, those requests continue to increase. While we often refer people to bar associations or other similar organizations, we recognize those resources don't fully reflect the range of legal professionals working in agriculture. To better serve stakeholders, we are beginning to compile a contact list of private practice attorneys who have professional experience or a practice focus in areas of law affecting agriculture. Attorneys or firms who wish to be included can enter their information here: <https://rebrand.ly/aglawlist>. Inclusion on the list is not a referral or recommendation, merely a resource for the public.*

States Amend, Adopt Foreign Ownership Restrictions. During the 2025 legislative session, the majority of states considered at least one piece of legislation concerning the restriction of foreign ownership of agricultural land. Of those states, six adopted amendments to existing laws on foreign ownership, while three states enacted new restrictions for the first time. These laws are highly varied, with some focused on expanding the reach of foreign ownership restrictions to include additional property types such as mineral rights and forestland, while others primarily enacted definitional changes. To learn more about the most recent foreign ownership laws, click **here** to view NALC article "2025 Legislative Recap: Continued Expansion of State-Level Foreign Ownership Restrictions." To see how ownership of agricultural land is handled state-by-state, click **here** to view NALC's Statutes Regulating Ownership of Agricultural Land state law compilation.

Klamath River Basin. California Governor Gavin Newsom recently signed a law permanently codifying emergency watershed regulations based on drought conditions. **AB 263** provides that the emergency regulations for the Scott and Shasta River watersheds will remain in effect until Jan. 1, 2031 or until permanent rules are established by the State Water Resources Control Board. The governor first declared an emergency in those watersheds in 2021 and the Board has renewed them

every year since. The regulations institute minimum flow standards on the watersheds that are intended to support the “curtailment of diversions when water is not available,” and mandates that violators be fined up to \$500 per day of violation. Both the Scott and Shasta Rivers are habitat for native salmon species, and AB 263 cites the preservation of those species as one of the primary reasons for codifying the emergency regulations.

New NEPA Guidance. On September 29, the Council on Environmental Quality (CEQ) of the Executive Office of the President published a memorandum providing guidance to federal agencies on National Environmental Policy Act (NEPA) implementation. The guidance memo is not binding but rather “[i]ntended to provide clarity as to NEPA’s requirements and promote consistency as to NEPA’s implementation.” Earlier this year CEQ rescinded the NEPA implementing regulations that it had originally promulgated in the late 1970s after two federal court decisions issued in late 2024 and early 2025 found that Congress had not granted CEQ the authority to adopt binding regulations. With those regulations rescinded, federal agencies have been directed to pass their own NEPA implementation rules that will establish each agency’s NEPA procedures. The guidance document includes a brief history of NEPA, an overview of 2023 amendments to the statute, and a NEPA implementation template that agencies may choose to follow when drafting their procedures. To view the guidance memo, click [here](#). To learn more about recent changes to NEPA regulations, click [here](#) to view NALC article “CEQ Rescinds All NEPA Implementing Regulations.”

California to Allow Sale of E15. California Governor Gavin Newsom recently signed into law a bill that will permit the sale of E15 fuel in California. **AB 30** allows the sale of gasoline containing 10.5% to 15% ethanol by volume to be used as transportation fuel. Prior to the bill signing, California was the only state in the nation that did not allow for the sale of E15. AB 30 went into effect immediately upon being signed and provides for the sale of E15 while the California Air Resources Board completes its ongoing assessment of the blend to ensure that it complies with the state’s air standards. California’s recently finalized 2025-2026 state budget included additional funding for the Air Resources Board to expedite its review.

Air Emissions Reporting on Appeal. A coalition of eleven environmental and community organizations have [appealed](#) a D.C. court’s recent [decision](#) holding that animal agriculture facilities do not have to report air emissions information. The case stems from a 2018 rule adopted by the Environmental Protection Agency (EPA) which clarified that air emissions from animal waste were exempt from notification requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA). The organizations argued that EPA had misinterpreted EPCRA, which they claimed required concentrated animal feeding operations (CAFOs) to report emissions of ammonia and hydrogen sulfide. Ultimately, the court disagreed, finding that an appropriate reading of EPCRA did not require CAFOs to report air emissions of animal waste. The plaintiffs have asked the D.C. Circuit Court of Appeals to overturn the lower court’s decision. For more information, click [here](#) to view NALC article “Federal Court Upholds Reporting Exemption for Livestock Emissions.”

Alternative Egg Products. Bipartisan Congressional legislation has been introduced in both the House and Senate calling for the Food and Drug Administration (FDA) to clarify labeling of eggs. On September 29, U.S. Senators Joni Ernst (R-Iowa) and John Fetterman (D-Pa.) reintroduced the Consistent Egg Labels Act of 2025. **S 2929** prohibits the movement of a product in interstate commerce that uses the market name for an egg or egg product unless the product meets the definition as stated by the bill. The bill amends the Federal Food, Drug, and Cosmetic Act by adding the definition that “a food is an egg only if the food is the reproductive output of avian poultry species, including an albumen or yolk that is, or was at any point, encased in a calcium-based shell.” Additionally, the bill holds that “a food is an egg product only if the food is an egg product described in [part 160 of title 21](#), Code of Regulations.” Similar to the Senate bill, on September 30, U.S. Representatives Chris Deluzio (D-Pa.) and Elise Stefanik (R-N.Y.) introduced H.R. 5659 “to require enforcement against misbranded egg alternatives.” However, at this time the bill text for the House version has not yet been released. The regulation of alternative proteins has been a popular topic among state legislatures this year. To learn more about both enacted legislation and active litigation related to alternative proteins, click [here](#) and [here](#) to read NALC’s latest blogs on the topics. To learn more about state regulation of alternative proteins, click [here](#) to view NALC’s Alternative Protein Laws

Updates to SNAP Retailer Stocking Requirements. On September 25, the USDA's Food and Nutrition Service proposed a **rule** instituting changes to stocking requirements for retailers' that participate in the Supplemental Nutrition Assistance Program (SNAP). Authorized retail food stores are required to stock a certain number of "staple food varieties" in each designated "staple food category." The four staple food categories include meat, poultry, or fish; dairy; bread or cereals; and vegetables or fruit. The proposed rule will increase requirements mandating that SNAP retailers "stock seven (7) varieties of staple foods in each of the four (4) staple food categories, of which at least one (1) variety in each of three (3) different staple food categories is perishable." Public comments are open until November 24, 2025, and can be made [here](#).

Walmart & Synthetic Dyes. Walmart U.S. **announced** its commitment to eliminating eleven synthetic dyes, and the use of certain ingredients like select preservatives, artificial sweeteners and fat substitutes from its private brand foods. Walmart will be removing these ingredients from private brands including bettergoods, Great Value, Marketside, and Freshness Guaranteed. The eleven synthetic dyes slated for removal include Blue 1, Blue 2, Green 3, Red 3, Red 4, Red 40, Yellow 5, Yellow 6, Citrus Red, Orange B, and Canthaxanthin. Additionally, thirty other ingredients will be removed including potassium nitrate, lye, synthetic trans fatty acid, talc, and propylparaben. Walmart plans to start rolling out the changes in the next couple months with the goal of complete removal in January 2027. To learn more about the FDA's plan to phase synthetic dyes out of the food system, click [here](#) to read NALC article "FDA Announces Plan to 'Phase Out' Synthetic Dyes."

Wage Rate Litigation Dismissal. On September 29, a federal judge **dismissed** a complaint brought in 2023 by a group of North Carolina farmers. In that complaint, the plaintiff farmers challenged the 2023 wage rate set by the Department of Labor (DOL) for use in the H-2A temporary farmworkers program. The complaint was dismissed as a result of the decision issued in *Teche Vermillion Sugar Cane Growers Ass'n Inc. v. Su*, where a federal judge in Louisiana had previously issued a **final decision** vacating the 2023 wage rule nationwide. The *Teche* decision rendered the North Carolina case moot, as the plaintiff's request for relief had already been granted. To learn more about the *Teche* decision, click [here](#) to read NALC article "2023 AEWR Vacated."

DOT Issues Interim Final Rule. On September 29, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration published an **interim final rule** titled, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)." The interim final rule limits the ability of state agencies to issue and renew non-domiciled commercial learner's permits and commercial driver licenses to individuals domiciled in a foreign jurisdiction. Additionally, the rule limits the renewal period for non-domiciled CDLs to either the end of the employee's work authorization period or one year, whichever comes first. Public comments on the interim final rule can be submitted [here](#) until November 28, 2025.

DOL Publishes H-2A Adverse Effect Wage Rate Interim Final Rule. On October 2, the DOL published an **interim final rule** amending the methods used to calculate wages for temporary farmworkers in the H-2A program. Under the interim final rule, the majority of jobs under the H-2A program will have wages set according to data from the Bureau of Labor Statistics Occupational Employment and Wage Statistics survey. The survey will be used to establish adverse effect wage rates (AEWR) for agricultural jobs under one of five standard occupational codes. These five codes combine the most common field and livestock worker occupations. Finally, the new interim rule will introduce an adjustment factor that accounts for housing provided to H-2A workers. Public comments on the interim final rule **may be submitted** on or before December 1. To learn more about the 2023 AEWR rule, click [here](#) to read NALC Article "2023 AEWR Rule Vacated."

USDA Disease Traceability Lawsuit Will Continue. On September 30, a federal judge **denied**, in part, a motion from USDA to dismiss a case brought by cattle producers challenging a USDA mandate requiring electronic identification (EID) tags for certain livestock. The group of plaintiffs **filed suit** to challenge a USDA **rule** issued in 2024 which imposed new EID tagging requirements. Under the rule, EID tags were required for "sexually intact cattle and bison 18 months or older, dairy cattle of any

age and for cattle and bison of any age used for rodeos, shows or exhibitions.” The court dismissed a portion of the complaint alleging that USDA acted beyond its statutory authority. However, the court denied the motion to dismiss the second count of the complaint, which claimed that USDA’s actions were “arbitrary and capricious” in violation of the Administrative Procedure Act. In the immediate ruling, the court noted that both Plaintiff and Defendant acknowledged that there were existing issues at the court’s discretion, which created an issue of material fact sufficient to deny the motion.

Kona Coffee. A woman in Kona, Hawaii was **indicted** on federal fraud charges for allegedly selling mislabeled coffee from 2012 through 2024. Patricia Johnson was charged with wire fraud, illegal monetary transactions, and obstruction of justice, after she was arrested for allegedly earning millions in revenue from selling “100% Kona coffee.” The prosecutors allege Johnson falsely advertised that the coffee sold was grown at a local farm when she knew that it originated from South America. Per **Hawaii Department of Agriculture rules**, the “100% Kona Coffee” label can only be given to coffee that solely contains coffee beans grown within a specific geographic region in Hawaii. The rules dictate that the coffee’s label must even specify when “Kona coffee” is mixed with coffee beans originating from other regional areas. A jury trial on this case is set to begin on December 1, 2025. To learn more about geographical labels in various industries, click **here** to view recorded NALC webinar “An Overview of Geographical Indications and their Impacts on U.S. Agriculture.”

California Land Access Bill Vetoed. On October 1, California Governor Gavin Newsom vetoed **AB 524**, the Farmland Access & Conservation for Thriving Communities Act (FACT CA). This bill was intended to promote land access for beginning and underserved farmers. To accomplish this, the bill would have created a grant program to provide funding to beginning farmers for land purchases. Despite bipartisan support from California’s legislators, Newsom made the decision to veto the bill. In a **letter** to members of the California State Assembly, Newsom cited “significant fiscal pressures” and “the federal government’s hostile economic policies” as reasons for vetoing the bill. Newsom concluded the letter by asserting that, “it is vital we remain disciplined when considering bills with significant fiscal implications that are not included in the budget, such as this measure.”

- 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**.

WV Synthetic Dyes Ban Challenged. The International Association of Color Manufacturers (IACM) is challenging the constitutionality of a West Virginia law that would ban foods and beverages colored with synthetic color additives. West Virginia’s **HB2354**, codified at W. Va. Code §§ 16-7-2,4; 18-5D-3A, classified foods that contained Blue 1, Blue 2, Green 3, Red 3, Red 40, Yellow 5, or Yellow 6 as adulterants and banned their inclusion from meals served through a school nutrition program. The school meal provision of the bill went into effect on August 1, 2025, while the total ban provision will not go into effect until January 1, 2028. IACM’s **complaint** alleges that the West Virginia law violates both the U.S. and West Virginia Constitutions’ equal protection guarantees and due process protections. Additionally, IACM claims the law operates as “an unconstitutional bill of attainder” by creating criminal penalties for the use of specific color additives without “providing their manufacturers any opportunity to demonstrate that they are not harmful and thus not worthy of criminal penalties.” IACM is asking the court to enjoin the implementation and enforcement of the law. To read more about the West Virginia law and other food-related state initiatives, click **here** to read NALC article “Food Law in the States - 2025 Update.”

FDA Announces Conditional Approval of Screwworm Drug. On September 30, the FDA **announced** the conditional approval of Dectomax-CA1. Dectomax-CA1 is an injectable solution designed to prevent and treat larval infestations of New World Screwworm in cattle. Under the conditional approval, Dectomax-CA1 will be available **over the counter** to United States cattle producers. The FDA asserted that this conditional approval was granted to “prevent and treat a serious or life-threatening disease.” The drug sponsor, Zoetis, will continue collecting data necessary for a full approval from the FDA. In its announcement, the FDA cautions producers and veterinarians to use the drug only when “medically necessary.” To learn more about the federal authority governing animal and livestock diseases, click **here** to view NALC webinar “HPAI in Poultry and Cattle: How Can

Support for Farmers Announcement Put on Hold. On October 2, U.S. Treasury Secretary Scott Bessent teased an upcoming announcement of a "substantial support" package for U.S. farmers. While no official announcement has been made, President Trump has previously claimed that he will be using tariff revenue to fund cash bailouts for farmers. It has been reported that on September 28, the Office of Management and Budget approved a \$13 billion transfer from the Commodity Credit Corporation to the Office of Agriculture Secretary Brooke Rollins. It is unclear at this time how this transfer of funds will relate to any future announcement.

Pork Processor Challenges Prop. 12; Court Rules on Question 3. On September 23, the Missouri-based pork processor, Triumph Foods filed a lawsuit in federal court challenging California's Prop. 12, a ballot initiative passed by voters in 2018 governing farm animal housing standards for products produced or sold within the state. Triumph Foods argues that the Federal Meat Inspection Act (FMIA) preempts Prop. 12 and asks the court to issue a permanent injunction to halt enforcement of the state law. A factually similar case went to the United States Supreme Court in 2023, which issued a ruling upholding Prop. 12 after determining that the law did not violate a legal doctrine known as the dormant Commerce Clause. NALC explainer [here](#). However, Triumph Foods focuses instead on whether Prop. 12 is preempted by the FMIA, rather than whether it violates the dormant Commerce Clause. To view the complaint, click [here](#).

While it is currently unclear how Triumph Foods' Prop. 12 challenge will be resolved, a case filed by the same pork processor challenging Massachusetts' Question 3 recently resulted in a ruling from the First Circuit Court of Appeals upholding the state law. Like Prop. 12, Question 3 is a voter-approved state law that sets farm animal housing standards for products produced or sold within the state. In its lawsuit, Triumph Foods argued, among other things, that Question 3 violated the dormant Commerce Clause and was preempted by the FMIA. Last year, a federal district court ruled against Triumph Foods on both arguments. While Triumph Foods appealed that decision, a ruling issued by the First Circuit on October 3 sided with the lower court, finding that Question 3 did not violate the dormant Commerce Clause nor was it preempted by the FMIA. To view the First Circuit's opinion, click [here](#).

TX Proposed Labeling Rule. Earlier this year, Texas enacted a **first-in-the-nation law** that would require a warning label on foods containing any of 44 listed ingredients, including FDA certified food colors, propylparaben, interesterified soybean oil, and more. Specifically, the foods would need to bear the following statement: *"WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom."* The law went into effect on September 1, 2025, and shortly after the Texas Department of State Health Services **proposed rules** for its implementation. The proposed rule provides expanded options for food manufacturers and retailers who sell products with one of the 44 listed ingredients via the internet, and clarifies that the labeling requirements apply to any food product that changes its label on or after January 1, 2027. Public comments on the rule are being accepted until October 27, 2025, and may be submitted [here](#). To learn more about the Texas law, click [here](#) to view NALC article "MAHA movement: New Texas and Louisiana Laws."

Reducing Food Waste. Western Growers Association **announced** this month that it is joining the U.S. Food Waste Pact (the Pact), an initiative that is working to reduce food waste throughout the supply chain. Western Growers, a group that represents farmers in the West and Southwest regions of the US, is the 25th signatory of the Pact, but the first representing producers. To learn more about food waste policies on the state level, click [here](#) to read NALC article "Date Labels and the New California Law."

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

CA & UPF. California's Governor Gavin Newsom signed into law a bill that creates the nation's first

statutory definition of “ultra-processed food” (UPF). Additionally, the law directs the state’s Office of Environmental Health Hazard Assessment to establish criteria to define “ultra-processed foods of concern” by June 1, 2028, and mandates that those foods be removed from school meals by 2035. The prohibition on UPFs of concern will only be applied to food sold and served in public schools, and would not affect the sale of UPFs from other vendors in the state. To read the enacted bill, click [here](#).



DOWNEY BRAND

A green tractor with yellow wheels is plowing a field of brown soil under a clear blue sky.

A circular orange badge with a scalloped edge containing the text "SAVE THE DATE!" in white.

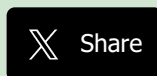
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The logo for the University of Arkansas Division of Agriculture Research & Extension, featuring the text "U of A" in red and "DIVISION OF AGRICULTURE RESEARCH & EXTENSION University of Arkansas System" in black.

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