



# 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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Agriculture, Trade,  
and Policy in a  
Changing World

**Peter Friedmann**  
Agriculture Transportation Coalition

**Kenneth Isley**  
Barnes & Thornburg LLP

**Oliver Ward**  
Agri-Pulse Communications

Wednesday, March 19 · 11:30 ET  
No cost to register

**Corporate Transparency Act.** The Financial Crimes Enforcement Network (FinCEN) recently announced that it would no longer be enforcing any penalties or fines associated with the beneficial ownership reporting requirements of the Corporate Transparency Act. Further, the Department will “be issuing a proposed rulemaking that will narrow the scope of the rule to foreign reporting companies only.” As of now, FinCEN plans to publish that rule by March 21, 2025. For more information from FinCEN, click **here**. To learn more about the litigation surrounding the CTA, click **here**.

**NEPA.** The Council on Environmental Quality (CEQ), the federal agency responsible for implementing the National Environmental Policy Act (NEPA) has announced an interim final rule to rescind all NEPA-implementing regulations. The move comes weeks after two different federal courts issued decisions concluding that CEQ lacks authority to issue binding rules and regulations. While CEQ is rescinding NEPA regulations, the statute remains on the books and federal agencies will continue to be responsible for complying with the Act. In a memorandum accompanying the interim final rule, CEQ has directed federal agencies to adopt their own policies for NEPA compliance. A comment period on the interim final rule is open until March 27, and the rule will go into effect on April 11. For more information, click **here** to view NALC article “CEQ Rescinds All NEPA Implementing Regulations.”

**Food Additives.** In their 2025 legislative sessions, several states have proposed bills related to prohibiting food additives. Texas lawmakers have recently introduced **SB25**, a bill that would require a warning label on food products that contain certain artificial colors, chemicals, or food additives that are banned in Australia, Canada, the European Union, or the United Kingdom. Further, **SB314** was introduced and would ban seven different chemicals from free-lunch programs in Texas public schools, and **HB3137** would ban certain additives from being present in any food or beverage for sale in Texas. Similarly, West Virginia’s Senate has passed **HB2534**, a bill that would ban certain artificial food additives linked to health risks and ban those specified additives from being used as an ingredient in school meals or school nutrition programs in West Virginia’s public schools. The bill must still be sent back to West Virginia’s House of Delegates, who will need to vote on the Senate’s amendments to HB 2534, and it must be signed by the governor before it becomes law. To learn more about state food additive proposals and FDA’s recent ban of Red Dye 3, click **here** to read NALC article “FDA bans Red Dye No. 3.”

On the Federal level, Department of Health and Human Services Secretary Robert Kennedy, Jr. has announced that the Food and Drug Administration (FDA) will explore rulemaking related to “Substances Generally Recognized as Safe” (GRAS). GRAS is a process that allows food companies to include substances in their product without receiving pre-market approval from FDA. A substance can be considered GRAS if it is generally recognized, among experts, to be safe under the conditions of the substance’s intended use. To learn more about GRAS, click **here** to visit NALC’s Food Safety reading room.

- Conference opportunity (June 6, livestream available): Grant Ballard, Partner, Ark Ag Law, PLLC, and John Dillard, Principal, USDA Practice HEad, Olsson Frank Weeda will present “Shifting Sands: Agency Authority, Ag & Food in a Post-Chevron World” at NALC’s **Twelfth Annual Mid-South Agricultural and Environmental Law Conference**.

**Alternative Proteins.** Utah lawmakers have successfully passed a new bill that targets the labeling of cell-cultured and alternative proteins within the state. **HB138** requires that cultivated meat and plant or insect-based meat substitutes must bear a disclaimer notifying consumers that the food contains those ingredients. HB138 must be signed by Utah’s governor to become law. Additionally, **HB1118** was recently passed by South Dakota lawmakers and signed by the governor into law. This law prohibits the use of any state funds in connection with the research, production, promotion, sale, or distribution of cell-cultured meat within the state, but does not apply to any institution under the control of the South Dakota Board of Regents. This follows South Dakota’s passage of **HB1022**, which extends labeling requirements to cultivated-meat products. HB1118 must be signed by South Dakota’s governor to become law. So far, at least 14 states have proposed legislation relating to the labeling or banning of alternative proteins in the 2025 legislative session. **Idaho, Indiana,**

**Mississippi, Missouri, Nebraska, Oregon, and South Carolina** have introduced legislation similar to Utah's that would enact labeling requirements on food products. On the other hand, **Colorado, Illinois, Oklahoma, Georgia, and Wyoming** have proposed bills that would ban the sale, manufacture, or distribution of cell-cultured meat. Specifically, Oklahoma's SB96 would prohibit research on cell-cultured meat by any "entity of the state." However, Oklahoma's SB96 does not make an exception for public universities as South Dakota's does. To learn more about similar state alternative protein laws passed in 2024, click [here](#) to read NALC article "Cell-Cultured Meat Updates: state bans, labeling requirements, and regulatory clarifications."

**Timber Production.** Earlier this month, President Trump signed a pair of Executive Orders aimed at increasing domestic timber production in the United States. **Executive Order 14225** directs the U.S. Forest Service (USFS), the Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) to streamline various environmental and permitting requirements to increase the production of timber on public lands. **Executive Order 14223** directs the Secretary of Commerce to consider the current and projected demand for timber in the United States, the extent to which domestic production of timber can meet that demand, and the impact of current trade policies on domestic timber, and then report back to the President with policy recommendations for "strengthening the United States timber and lumber supply chain[.]" It is currently unclear how the agencies will streamline the various processes typically involved with granting logging permits on federal land or if any legal challenges may follow.

**Missouri Food Labelling.** Missouri lawmakers recently began consideration of SB149, which would impose stricter labeling requirements on food and beverages sold within the state. The new labeling requirements would provide information on sodium and sugar levels, whether the protein is lab-grown, and whether the food was harvested from vaccinated animals. A similar bill was considered in Missouri's 2024 legislative session, but failed. SB149 would have to pass both the Missouri House of Representatives and Senate, and be signed by the governor to become law. For the full text of the bill, click [here](#). To learn more about food labeling generally, click [here](#) to view NALC's Food Labeling reading room.

**Pesticide Injury Litigation.** A state appellate court in Missouri has issued a ruling to conclude that the plaintiff's state law failure-to-warn claims are not preempted by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The decision arose from a case filed by an individual plaintiff who claimed that exposure to glyphosate through use of the pesticide Roundup caused him to develop non-Hodgkin's lymphoma. At trial, the plaintiff argued that Monsanto, the company that developed and manufactured the Roundup used by the plaintiff, failed to warn him of the health risks allegedly posed by glyphosate. Such cases have become common over the last decade, as has the question of whether FIFRA, the primary federal law governing pesticide use in the United States, should preempt state law failure-to-warn claims. To date, three federal appellate courts have heard the issue. The Ninth and Eleventh Circuits have ruled that failure-to-warn claims are not preempted by FIFRA, while more recently the Third Circuit concluded that the claims are preempted. In *Durnell v. Monsanto Co.*, the Missouri appellate court concluded that the plaintiff's failure-to-warn claims were not preempted after determining that Missouri's failure-to-warn cause of action was consistent with FIFRA's requirement that pesticide labels contain all necessary warning and caution statements. To read the full decision, click [here](#). To learn more about failure-to-warn claims in pesticide injury litigation, click [here](#).

**Tariffs.** A 25% tariff on all steel and aluminum imports into the United States went into effect on March 12, while other expected tariffs are set to go into effect next month. President Trump has delayed until April 2 anticipated 25% tariffs on imports from Mexico on products that fall under the U.S.-Mexico-Canada Agreement (USMCA). A 25% tariff on USMCA products imported from Canada has also been delayed until April 2. On March 4, an additional 10% tariff was put in place on goods imported from China on top of the 10% tariff imposed earlier this year. In response, China has increased import duties by up to 15% on various U.S. agricultural products, while Canada announced tariffs on close to \$30 billion worth of U.S. goods, including beef. The European Union has also announced retaliatory tariffs on billions of dollars worth of U.S. products, including various agricultural goods such as poultry, beef, and nuts. These tariffs are slated to go into effect on April 1.

- Webinar opportunity (March 19): Oliver Ward, International Trade Editor, Agri-Pulse; Kenneth D. Isley, Partner, Barnes & Thornburg LLP; and Peter Friedmann, Executive Director, Agriculture Transportation Coalition will present "The Road Ahead: Agriculture, Trade, and Policy in a Changing World." To register, click [here](#).

**Clean Water Act.** On March 4, the United States Supreme Court issued its decision in *City & Cty. of San Francisco v. Env'tl Protection Agency*, concluding that a Clean Water Act (CWA) permit that the Environmental Protection Agency (EPA) issued to the City of San Francisco was too vague. The permit in question was issued to San Francisco in 2019 to allow two wastewater treatment facilities operated by the City to make discharges of pollutants into the Pacific Ocean. The 2019 permit was mostly identical to San Francisco's previous permit except for new language that prohibited the City from making any discharge that "contribute[s] to a violation of any applicable water quality standard." In its decision, the Supreme Court focused on the provision of the CWA that outlines what requirements EPA can include in CWA permits. Specifically, the Court looked to language authorizing EPA to include on permits "any more stringent limitation[s], including those necessary to meet water quality standards[.]" According to the Court, in this context the word "limitation" refers to specific actions that the permittee must take in order to remain compliant with the CWA. Because the language in San Francisco's permit instructed the City not to make discharges that would violate water quality standards, but did not specify the steps San Francisco had to take to ensure compliance, the Supreme Court ruled that the permit was too vague and sent the matter back to the lower court for additional review. To view the Court's full decision, click [here](#).

This is the second time in recent years that the Supreme Court has issued a decision on the CWA. In 2023, the Court issued *Sackett v. EPA* to restrict the amount of wetlands that fall under CWA permitting jurisdiction. While that case has reduced federal permitting requirements for activities that impact wetlands, many states have their own wetlands permitting programs that were unaffected by the ruling. To learn more, click [here](#) to view NALC's new Wetlands Permitting state law compilation.

- Conference opportunity (June 19-20, livestream available): Theresa “Tess” Dunham, Partner, Khan, Soares & Conway, LLP will present “WOTUS & Water Quality in a Post-Sackett World” at the NALC’s **Third Annual Western Water, Ag & Environmental Law Conference**.

**Foreign Ownership.** Several legislators have taken action to restrict the foreign ownership of agricultural land at both the federal and state levels. The House Financial Services Committee recently advanced a bill proposed by Representative Frank Lucas from Oklahoma, which would serve to bolster protections against foreign acquisitions of United States farmland. This bill, **HR 1713**, would provide for United States Department of Agriculture representation on the Committee on Foreign Investment in the United States. A similar bill was introduced to Congress last September where it passed the House but ultimately stalled out in the Senate. On the state level, Arkansas has introduced **SB317**, a bill which would prohibit an institution of higher education from engaging in certain activities with a prohibited foreign party. The prohibited activities include conducting classified research, conducting agricultural research under a contract, selling agricultural products, engaging in the production of agricultural products, or entering into a nondisclosure agreement. SB317 was passed by the Arkansas Senate, and is currently before the House of Representatives. To learn more about foreign ownership laws on the state level, click [here](#) to read NALC’s article series “Soil for Sale? State Legislative Efforts to Restrict Foreign Investments.”

**Pesticide State Bills.** The current legislative session has seen various states introduce bills aimed at regulating pesticides. In California, a recently proposed bill would require anyone selling glyphosate to acquire a license or certificate from the state’s Department of Pesticide Regulation. The bill, known as **SB 89**, was originally intended to outright ban nonagricultural uses of the herbicide. However, it was amended to instead target sales restrictions. This bill bears a resemblance to Texas’ **HB 3137**, which proposes to ban the sale of glyphosate and dicamba, while also prohibiting the sale of food products containing a listed additive.

While some states are seeking to ban or restrict the sale of certain pesticides, others are trying to prevent lawsuits challenging the safety of federally-approved pesticide products. **North Dakota** has joined the group of states that have introduced legislation to make a federally-approved pesticide label a defense against a claim that the pesticide manufacturer failed to warn consumers about alleged health risks of using the products. To learn more, click [here](#) to view NALC article “States Introduce Pesticide Liability Limitation Bills in 2025 Legislative Session.”

**SNAP benefits.** An Iowa lawmaker has proposed HSB216, a bill that would appropriate \$1 million to Iowa’s Double Up Food Bucks Program if USDA grants Iowa’s Department of Health and Human Services approval of a waiver to prohibit the purchase of certain foods with Supplemental Nutrition Assistance Program (SNAP) benefits. HSB216 specifies that the Iowa HHS should request a waiver asking USDA to allow only the following to be “eligible foods:” real eggs, real meat, real dairy, bread and grains, all fruits and vegetables, all cereals and hot cereals, including granola, peanut butter and nuts, pasta, rice, and legumes, and any items on the Iowa special supplemental nutrition program for women, infants, and children approved food lists. Iowa is not the only state this year to consider this type of proposed legislation. **Kansas, Idaho, Kentucky, Arkansas, Indiana, Missouri, New York, Tennessee, Texas, West Virginia,** and **Wyoming** also have similar bills going through their legislatures – though Iowa is the only one that directly ties the waiver request to funding. To learn more about Iowa’s bill and the process of requesting a waiver from USDA, click [here](#) to read NALC article “Excluding ‘Junk’ Food from SNAP Benefits.”

## NALC National Stakeholder Survey



The NALC National Stakeholder Survey is open! The anonymous survey takes only a few minutes to complete, and results will be used to develop and prioritize future research, information, and outreach activities conducted by the NALC and its partners. We want to hear from you!

[Take the Survey](#)

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