



The Feed

Recent Developments in Ag Law & Policy

The Feed highlights recent legal developments affecting agriculture, with issues released twice a month.

Volume 3, Issue 6

March 27, 2025

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The National Agricultural Law Center
WEBINAR SERIES

Distressed Loan Servicing and Borrower Rights in the Farm Credit System

Wednesday, April 16, 2025
Noon ET
No cost to register

Bob Mikell
AgSouth Farm Credit

USDA Assistance. USDA has unveiled the **Emergency Commodity Assistance Program (ECAP)**, a \$10 billion initiative that will make one-time economic assistance payments to eligible agricultural producers. This program was established in December 2024 through the American Relief Act to help producers of certain commodities mitigate the impacts of increased input costs and falling commodity prices. To be eligible, a producer must be actively engaged in farming; have an interest in input expenses for a covered commodity; have reported acreage of eligible commodities to FSA for the 2024 crop year planted and prevent plant acres to FSA on an FSA-578, Report of Acreage form; and have reported acres that were prevented from being planted to FSA for the 2024 crop year on an CCC-576 Notice of Loss form. Applications are open now through August 15, 2025, and can be accessed **here**.

- Webinar Opportunity (April 16): Bob Mikell, Executive Vice President and General Counsel, AgSouth Farm Credit will present "Distressed Loan Servicing and Borrower Rights in the Farm Credit System." To register, click **here**.

Right to Farm. Vermont's Senate recently voted to approve updates to the state's "Right to Farm" laws, which are aimed at increasing protection for farmers in property disputes with neighbors. Specifically, **S.45** would protect farmers engaged in standard "farm activities" from being subjected to nuisance suits brought by neighboring property owners. This protection historically required a set of criteria, namely that the farm be engaged in "good agricultural practices" and must have existed before "surrounding nonagricultural activities." If the proposed updates take effect, farms will be protected if they are "in accordance with generally accepted agricultural practices." Further, the bill would extend protections to trespass suits, provided the farmer was not acting negligently. To learn more about right-to-farm, click **here** to view NALC's Right-to-Farm state compilation. For guidance on other legal nuances that might affect the farm business, click **here** to view NALC partner resource "The Beginner's Guide to Farmland Ownership."

Foreign Ownership. Kentucky Governor Andy Beshear has signed HB315 into law. This bill will restrict certain foreign investments in agricultural land located within Kentucky. Further, **HB315** will prohibit these foreign persons from participating in programs administered by the Kentucky Department of Agriculture, Agricultural Development Board, and the Kentucky Agricultural Finance Corporation. Kentucky is one of several states that are considering proposals to restrict foreign ownership of agricultural land. To learn specifics about the Oklahoma and Kentucky proposals, click **here** to read NALC article "Soil for Sale? State Legislative Efforts to Restrict Foreign Investments - Part Six." To learn more about an Arkansas proposal, click **here** to read NALC article "Soil for Sale? State Legislative Efforts to Restrict Foreign Investments - Part Five."

- Conference Opportunity (June 6, livestream available): Asa Hutchinson, 46th Governor of Arkansas, Former Under Secretary, United States Department of Homeland Security, Founder, Asa Hutchinson Law Group will present "Legal Ethics for Ag Industry Professionals: CFIUS, Foreign Ownership, & National Security" at NALC's **Twelfth Annual Mid-South Agricultural and Environmental Law Conference**.

Corporate Transparency Act. The Department of Treasury's Financial Crimes Enforcement Network (FinCEN) has **published an interim final rule** to narrow the existing beneficial ownership information reporting requirements under the Corporate Transparency Act (CTA). Specifically, the interim final rule would exempt entities classified as "domestic reporting companies" from the CTA's reporting requirements. Foreign reporting companies would still need to comply. A comment period on the interim final rule is open through May 27. The CTA has been the subject of recent litigation which has created some confusion about when the deadline for the reporting requirements would go into effect. More information about recent court rulings and the CTA is available in **this article**, published by NALC partner Southern Ag Today.

Pesticides: ESA Review. A federal judge has ordered the United States Fish and Wildlife Service

(FWS) to assess the impacts of five pesticides on endangered species. Specifically, the court has ordered FWS to complete Endangered Species Act (ESA) evaluations for the Environmental Protection Agency's (EPA) decision to renew the registration for all five pesticides. The pesticides affected by the order include atrazine, simazine, chlorpyrifos, diazinon, and carbaryl. From 2008 - 2013, EPA initiated registration review of each of the five pesticides, and entered into an agreement with FWS to complete ESA evaluation of those registration reviews by 2018. However, FWS missed that deadline which prompted environmental groups to file a lawsuit asking the court to impose a deadline by which FWS would have to complete the ESA evaluations. After concluding that FWS had unreasonably delayed taking action, the court ordered FWS to complete the ESA assessments by no later than September 30th, 2028. To read the court's decision, click [here](#). To learn more about the ESA, click [here](#) to view NALC's ESA Manual.

Pesticide Liability. Georgia lawmakers recently approved a bill that would limit the ability of consumers to file legal claims against pesticide manufacturers over pesticide warning labels. **SB 144** provides that a pesticide label that has been approved by EPA under federal law would be a sufficient warning label for the purposes of any state law claim that the pesticide manufacturer failed to warn consumers about potential health risks associated with using the pesticide. SB 144 is similar to bills that have been introduced in at least eight other states during the 2025 legislative session, although it is the first of such bills to be approved by a state legislature. The legislation is largely seen as a response to the thousands of pesticide injury lawsuits that have been filed in recent years, most of which allege that the pesticide manufacturer failed to warn consumers about risks of using pesticides. For more information on state pesticide liability bills, click [here](#).

In related news, a jury in Georgia has ordered Bayer, the parent company of Monsanto, to pay \$2.1 billion in damages to a plaintiff who claimed that use of the pesticide Roundup caused him to develop non-Hodgkin's lymphoma. The plaintiff argued that Bayer had failed to warn consumers that the glyphosate in Roundup is carcinogenic. In response, Bayer argued that the EPA's most recent human health evaluation concludes that glyphosate is non-carcinogenic. Bayer has said it would seek to appeal the ruling. To learn more about pesticide injury lawsuits, click [here](#).

ADA. The U.S. Department of Justice (DOJ) **announced** that it is rescinding 11 pieces of industry guidance for the Americans with Disabilities Act (ADA). This decision is in response to President Trump's January Executive Order "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis." The withdrawn guidances include five COVID-19 pandemic related documents and six guidances related to accessible features at retail establishments and lodging facilities, customer service protocols at hotels, assistance at self-service gas stations, and guidance for reaching out and receiving input from customers with disabilities. The DOJ is also **highlighting** tax incentives available to help small businesses make access improvements for customers and employees with disabilities.

- Webinar Opportunity (May 21): Jackie Schweichler, Penn State University, Center for Agricultural and Shale Law will present "Navigating ADA Compliance for Agritourism Guests." To register, click [here](#).

Cultivated Meat. Mississippi lawmakers recently passed legislation that makes it unlawful for any person to "manufacture, sell, hold for sale, offer for sale or distribute any cultivated food products" within the state. Mississippi is only the third state to pass legislation of this nature - Florida and Alabama passed similar bans on the sale of cultivated meat in 2024. Like the Florida and Alabama laws, the Mississippi law does not expressly prohibit research on cultivated meat in the state. In 2025, **Colorado, Illinois, Georgia, Oklahoma,** and **Wyoming** have proposed similar bills. The measures have failed in both Colorado and Wyoming, while the Illinois and Georgia proposals are still in committee and Oklahoma's has passed its House of Representatives. The Mississippi law will go into effect on July 1, 2025. To learn more about the Florida and Alabama bans, click [here](#) to read NALC article "Cell-cultured Meat Updates: state bans, labeling requirements, and regulatory clarifications."

Honey Labeling. A group of bipartisan lawmakers are introducing legislation in both the U.S. House of Representatives and Senate related to misbranded honey. The legislation seeks to establish a standard identity for honey at the FDA, in an effort to prevent products made from cheaper sweeteners from marketing themselves as honey. Additionally, the bill would require the Department of Health and Human Services to work with USDA and U.S. Customs and Border Protection on testing requirements for foreign honey products. To read the full bill text, click [here](#). To learn more about standards of identity and other food labeling issues, click [here](#) to visit NALC's Food Labeling reading room.

Climate Litigation. Earlier this month, a jury in North Dakota found that the environmental group Greenpeace must pay more than \$660 million to the Texas-based Energy Transfer company for the group's connection with protests against the Dakota Access oil pipeline in 2016. The lawsuit, which was filed in 2019, centered on statements that Greenpeace had made claiming that Energy Transfer had used aggressive tactics against protestors and was desecrating tribal burial grounds. Energy Transfer argued that the statements were defamatory and had damaged the relationship the company had with banks that were funding the pipeline. In response, Greenpeace claimed that it was not the only group to have made such statements, and that it was simply one of many environmental groups that had supported the protests. The jury held Greenpeace liable for defamation, as well as trespass, nuisance, and civil conspiracy. While Greenpeace has announced its plan to appeal the ruling, the verdict is likely to have an impact on environmental organizations and other groups that protest or oppose the construction of fossil fuel infrastructure. To view the initial complaint in this case, click [here](#).

Cottage Food Bills. North Dakota's governor has signed a **bill** related to cottage foods into law. SB2386 amends North Dakota's cottage foods laws to permit goods to be shipped to out of state customers. Additionally, the law allows for cottage foods to be sold over the internet, by phone, by mail, or by consignment. Additionally, Indiana lawmakers have advanced **HB1562** which repeals current laws and codifies new laws concerning "homemade food products." Specifically, the bill would allow "small farms" to share in the exemptions often afforded "home food vendors" if certain food safety training and product labeling requirements are met. HB1562 has passed Indiana's House of Representatives and is working its way through the Senate. As seen in Indiana's proposed legislation,

small farms are often offered exceptions on a state level. On a federal level, the same is true for smaller and non-traditional operations, like Community Supported Agriculture (CSA). To learn more about the interactions between CSAs and federal programs, click [here](#) to read NALC article "Community Supported Agriculture: A Field Guide for Producers and Consumers (Participation in Federal Programs)."

Raw Milk. Utah and Arkansas recently signed a pair of bills into law regarding the sale and advertisement of raw milk. Arkansas lawmakers passed **HB1048**, which outlines permitted "incidental sales" of raw goat milk, raw sheep milk, and whole milk. Previously, raw milk sales were only permitted in Arkansas at the farm where the milk was produced; however, with the enactment of HB1048, raw milk can now be sold in Arkansas at a farmer's market or by delivery from the farm where the milk was produced. Utah's **HB414** outlines enforcement measures for raw milk and addresses instances where raw milk is suspected to be linked to a food borne illness outbreak. Further, the bill provides clarification and guidelines for raw milk production and sales. North Dakota also has a raw milk related **bill** moving through its legislature. HB1131 would permit the sale of raw milk products, and would require farms that sell raw milk or raw milk products to label those food products as such. This bill has been passed by both chambers of North Dakota's legislature and is awaiting signage by the governor. A number of other states have introduced legislation relating to raw milk including **Iowa, Minnesota, West Virginia, Maryland, Rhode Island, Oklahoma, New York, Missouri**, and **Hawaii**. To learn more about the federal regulation of raw milk, click [here](#) to read NALC article "Amos Miller and the Regulation of Raw Milk."

Public Lands. A panel of federal judges in the 10th Circuit recently ruled that individuals may access an area of public land that is bordered by private land, also referred to as "corner locked" land, by crossing over the privately owned property. The dispute arose when a pharmaceutical executive began purchasing land around Wyoming's Elk Mountain, a federally-owned area that is a popular place for hunting. In buying the land surrounding the property, the private owner had effectively blocked hunters and other individuals from accessing Elk Mountain, which prompted four hunters to file a lawsuit. In its decision, a three-judge panel for the 10th circuit concluded that blocking access to Elk Mountain was improper, citing Supreme Court precedent which precludes private owners from preventing access to public land. Over 8 million acres of public land in the Western United States is considered corner locked, meaning this decision could have widespread implications. To read the court's decision, click [here](#). NALC discussed this case during its **Second Annual Western & Environmental Law Conference** as part of a session on public access and private property.

- Conference Opportunity (June 19-20, livestream available): Katy DeVries Riker, Holland & Hart will present "Federal-Private Split Estate: Considerations for Living and Operating on Stock-Raising Homestead Act Lands" at NALC's **Third Annual Western Water, Ag & Environmental Law Conference**.

FDA Updates. The Food and Drug Administration (FDA) announced it is **extending** the compliance date for the Food Traceability Rule. The **final rule** went into effect in January 2023 and required compliance by January 2026. However, the FDA is now pushing back the compliance date by 30 months. FDA also announced a new plan for updating and reviewing its standards for infant formula - called **Operation Stork Speed**. This initiative will work to complete the first infant formula nutrient update and review since 1988 and increases testing for heavy metals and contaminants in infant formula. Additionally, the FDA unveiled a new online database that outlines the contaminant levels the agency uses to evaluate potential health risks of contaminants in human foods. The database is called the Chemical Contaminants Transparency Tool, and can be accessed [here](#). To learn more about the FDA's role in food safety, click [here](#) to visit NALC Food Safety Reading Room.

"Ag-Gag." A federal judge has determined that an Iowa law which bans trespassers from using cameras or other recording devices to investigate livestock facilities is constitutional and should be upheld. According to the judge, the law represents a targeted approach that directly advances the state's interests in protecting property rights while leaving animal rights groups the opportunity to legally "disseminate their message." The ruling came in response to a question that was put to the federal district court by the Eighth Circuit Court of Appeals which had previously upheld an Iowa statute that makes it a crime to "place" a camera while trespassing on a livestock facility. However, the Eighth Circuit sent back to the lower court the question of whether Iowa could also prohibit the "use" of a camera or recording device while trespassing on a livestock facility. The court's ultimate conclusion that the law is constitutional could have implications for similar laws in other states. To read the court's decision, click [here](#).

Environmental Regulation. EPA and FWS have both announced renewed regulatory efforts in recent days. On March 24, **EPA announced** that it would soon begin holding listening sessions and accept stakeholder feedback on implementation of the Clean Water Act term "waters of the United States," also known as WOTUS. According to EPA, the agency is looking to better align the regulatory definition of WOTUS with the 2023 Supreme Court decision *Sackett v. EPA*. For more information on that decision, click [here](#). Similarly, on March 19, FWS reopened the comment period on the proposal to list the monarch butterfly as threatened under the ESA. While the original comment period expired on March 12, the reopened comment period will run through May 19. FWS said that those who submitted comments during the original comment period will not need to resubmit. To learn more about the monarch listing proposal, click [here](#).

- Webinar Opportunity (recorded): Brigit Rollins, Staff Attorney, National Agricultural Law Center presents "Monarch Butterfly: Exploring the Proposed ESA Listing." Click here to [view](#).

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

Stakeholder Survey

Help shape the future of ag law research and information.

the NALC and its partners. We want to hear from you!

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This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

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