



# 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

## An Overview of State Grain Dealer Statutes in the United States



Wednesday, June 18, 2025  
Noon ET  
No cost to register



**Ross Pifer**  
Penn State Center for  
Agricultural and Shale Law

**Farm Bill.** On May 22, the U.S. House of Representatives voted to pass the massive reconciliation bill titled **The One Big Beautiful Bill Act**, which includes various changes to the current 2018 Farm Bill. The House reconciliation bill would extend two of the major commodity programs, Agriculture Risk Coverage and Price Loss Coverage, through crop year 2031 while reference prices are increased 10% - 20% depending on the commodity. Starting in 2031, reference prices would then increase 0.5% annually in order to keep up with future inflation. The House bill also includes a \$290 billion cut to the Supplemental Nutrition Assistance Program (SNAP). The bill would also require states to pay at least 5% possibly up to 25% of SNAP benefit costs starting in 2028. Additionally, the bill would require parents with children aged 7 years or older to have at least one adult working or volunteering for 20 hours a week in order to maintain SNAP eligibility. Under current requirements, only parents with children aged 18 years or older must work 20 hours a week to remain eligible for SNAP benefits. After clearing the House, the reconciliation bill moves to the Senate where its fate is uncertain. The **Senate's budget plan** includes only \$1 billion in cuts to SNAP, which suggests that the Senate version of the reconciliation bill could differ from the bill passed by the House.

- Conference opportunity (June 19-20): Fitzhugh Elder IV, Republican Staff Director, U.S. Senate Committee on Agriculture, Nutrition, and Forestry and Clark Ogilvie, Special Counsel for the Democratic staff, U.S. House Committee on Agriculture will present "Update from the Potomac: Farm Bill, Public Lands, & Related Federal Issues" at the 3rd Annual Western Water, Agricultural, and Environmental Law Conference. To register, click **here**.

**Pesticide Liability Limitation.** Earlier this month, the governor of Georgia signed **SB 144** into law, making it the second state after North Dakota to enact a law designed to shield pesticide manufacturers from product liability lawsuits. SB144 provides that a registered pesticide label approved by the Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is a "sufficient warning label" that would satisfy any state-level legal claim that a pesticide manufacturer failed to warn consumers about potential health risks associated with using a particular pesticide product. This law will go into effect beginning January 1, 2026. For more information on the recent trend of pesticide liability limitation bills in state legislatures, click **here**.

**Foreign Ownership.** Last month, the state of Idaho enacted **HB 356** and **SB 1149** which together amend an Idaho law restricting certain foreign investments in land located within the state. Previously, Idaho's law on foreign ownership restricted both foreign governments and entities owned by foreign governments from acquiring an interest in agricultural land. Following the amendments made by HB 356 and SB 1149, individuals, businesses, and foreign governments of certain adversarial countries will also be prevented from acquiring agricultural and forestland in Idaho. Additionally, the amendments allow the state's attorney general to pursue enforcement actions against foreign investors that violate the state's restriction on ownership. To learn more about changes to Idaho foreign ownership law, click **here** to view NALC article "Whistleblowers, Divestment, and Disclosure: Idaho Enacts Amendment to State's Foreign Ownership Law." To view NALC's complete foreign ownership article series, click **here**.

In other foreign ownership news, the Tennessee Governor Bill Lee signed into law **House Bill 219**, amending the state's foreign ownership law. Essentially, this new measure requires foreign individuals and entities who are obligated under the federal Agricultural Foreign Investment Disclosure Act ("AFIDA") to report their agricultural and forestland holdings to also submit a copy of this disclosure to the Tennessee Commissioner of Agriculture, if the land is located within Tennessee. If a foreign person fails to submit the required AFIDA report to the Commissioner, they must notify the state attorney general. Upon notification, the attorney general is required to impose a civil penalty of up to 25% of the fair market value of the foreign person's interest in the land.

**FIFRA Preemption.** On May 9, twelve agricultural trade groups led by the American Farm Bureau Federation filed a **brief** with the United States Supreme Court in support of a case that Bayer recently petitioned to the Court for review. The case, *Durnell v. Monsanto*, was filed by a plaintiff claiming that exposure to glyphosate, the active ingredient in Roundup, caused him to develop non-Hodgkin's lymphoma. The plaintiff argues that Bayer, which purchased Monsanto Co. in 2018, is liable for his

injuries because the company failed to warn consumers about the health risks allegedly associated with use of Roundup. This type of pesticide injury lawsuit has become common over the last decade, with Bayer currently facing over 60,000 such cases. The question of whether federal pesticide law preempts state-law failure to warn claims has risen to the forefront of this litigation and has ultimately resulted in a circuit split between the Third Circuit and the Ninth and Eleventh Circuit. Bayer has asked the Supreme Court to resolve the split by deciding *Durnell v. Monsanto*, and the amicus brief filed by agricultural groups urges the Court to resolve the matter in Bayer's favor. Currently, the Supreme Court has yet to decide whether it will hear the dispute. To learn more about failure to warn claims in pesticide injury litigation, click [here](#) to view NALC article "Plaintiffs & Pesticides: Failure to Warn Claims in Pesticide Injury Lawsuits." A recent Congressional Research Service paper has also addressed the issue and can be found [here](#).

**Farm Workforce Modernization Act.** A bipartisan coalition of federal lawmakers in the House of Representatives have reintroduced the **Farm Workforce Modernization Act of 2025** in the 119th Congress. HR3227 would amend the Immigration and Nationality Act by reforming the H-2A temporary worker program and establishing a new program to help agricultural workers earn legal status within the United States. Specifically, the proposed legislation would create a process for farm workers who have worked at least 180 days in agriculture over the last two years to be classified as Certified Agricultural Workers which could then be renewed indefinitely through continued farm work. The bill would also streamline the H-2A visa process, and reform wages for H-2A workers. HR3227 was introduced on May 7, 2025 and has been referred to House Committees for further review.

**SNAP waivers.** The USDA has **granted** a waiver to Nebraska allowing the state to prohibit SNAP participants from purchasing "soda, soft drinks and energy drinks" with SNAP benefits. The waiver will begin in January and last for two years. Indiana, Arkansas, Texas, Colorado, Iowa, and Kansas have submitted similar waiver requests, but Nebraska is the first to be approved by USDA. To learn more about the SNAP waiver process, click [here](#) to read NALC article "Excluding 'Junk' Food from SNAP Benefits."

**Beef Imports.** On May 11, the U.S. Secretary of Agriculture, Brooke Rollins, announced the immediate suspension of livestock imports across the U.S. southern border due to the recent spread of New World Screwworm (NWS) in northern Mexico. Livestock imports were previously halted in November of 2024 after NWS was detected in Mexico, but after a comprehensive pre-clearance inspection and treatment protocol was put in place, imports resumed in February. However, recent spread in northern Mexico has prompted another suspension. The USDA has stated that the suspension will remain in place on a month-to-month basis until a "significant window of containment is achieved." To read the USDA's press release, click [here](#). To learn more about USDA's response to outbreaks like NWS, click [here](#) to view recorded NALC webinar "HPAI In Poultry and Cattle: How Can We Miss You If You Won't Go Away?"

**Tariffs.** On May 12, a temporary trade agreement was reached between the United States and China to reduce tariffs on U.S. and Chinese products for 90 days. The U.S. agreed to reduce reciprocal tariffs on China from 125% to 10%. However, the U.S. will continue to impose a 20% duty on all Chinese imports resulting in a minimum 30% tariff on all goods shipped from China throughout the 90 day pause. For its part, China has agreed to reduce the 125% retaliatory tariffs on the U.S. to 10% and to remove non-tariff countermeasures in place against the U.S. since April 2. The goal of the 90 day pause is to allow for additional discussion between the two countries concerning a trade agreement. The agricultural industry has expressed concerns regarding the temporary agreement stating the temporary pause may not restore full access to the Chinese markets, thus highlighting the importance of coming to a long-term agreement and protecting market access. To read more about the agreement from the White House, click [here](#).

- Conference opportunity (June 5-6): Fitzhugh Elder IV, Republican Staff Director, U.S. Senate Committee on Agriculture, Nutrition, and Forestry and Clark Ogilvie, Special Counsel for the Democratic staff, U.S. House Committee on Agriculture will present "Update from the Potomac: Farm Bill, Ag Trade, EPA, & Related Federal Issues" at the 12th Annual Mid-South Agricultural and Environmental Law Conference. To register, click [here](#).

**Grain indemnity.** Iowa lawmakers are considering legislation that would update the state's grain indemnity laws. **SF608** has passed both the Iowa Senate and House of Representatives, but has not yet been sent to Governor Reynolds' desk because of an amendment that was adopted in the House. This amendment would increase Iowa's minimum funding requirement from \$3 million to \$8 million and maximum funding requirement from \$8 million and \$16 million, and create two categories of credit-sale contracts – deferred-payment contracts and deferred-pricing contracts. The amended SF608 must pass the Iowa Senate before it can be sent to the Governor for signature. To read more about the Iowa legislation, click [here](#) to read NALC article "Recent State Updates to Grain Indemnity."

- Webinar Opportunity (June 18): Ross Pifer, Penn State University, Center for Agricultural and Shale Law will present "An Overview of State Grain Dealer Statutes in the United States." To register, click [here](#).

**Subsurface Ownership.** Earlier this month, the Texas Supreme Court issued its opinion in **Myers-Woodward, LLC v. Underground Services Markham, LLC**, resolving the legal question of who owns the subsurface space under a parcel of property. The case, which has been in litigation for over a decade, concerned a mineral estate located beneath surface property owned by the plaintiff, Myers-Woodward, LLC. The defendant, Underground Services Markham, LLC obtained a lease for the mineral estate in the 1940s and during the 2000s, acquired a deed that purported to grant ownership of the salt produced by the property. A dispute between the parties arose when the defendant began producing salt from the property but did not pay the plaintiff any royalties. Ultimately, the question that made its way to the Texas Supreme Court focused on who owned the empty spaces beneath the property created as a byproduct of salt production. According to the court, Texas law makes it "reasonably clear" that underground storage space belongs to the owner of the surface property unless there is some agreement to the contrary. In this case, because no such agreement existed, the

plaintiff was found to be the owner of the subsurface pore space. Pore space ownership has become an issue of concern across the U.S. as more projects look at storing substances such as hydrocarbons in open, underground spaces. For more information on this decision, click [here](#) to view NALC partner Texas A&M Agrilife Extension's article "Texas Supreme Court Rules Surface Owner Owns Pore Space Beneath Land Absent Agreement Otherwise."

**Insecticide Strategy.** In late April, the Environmental Protection Agency (EPA) released the final **Insecticide Strategy** outlining the agency's new approach to mitigating insecticide exposure to species protected under the Endangered Species Act. The Insecticide Strategy is largely similar to the Herbicide Strategy that EPA finalized last year. It describes different mitigation methods that will be used to reduce insecticide spray drift and runoff in an effort to reduce pesticide exposure to protected wildlife. While it will take some time for farmers and pesticide applicators to begin seeing those mitigation measures appear on pesticide labels, at least a few pesticides are expected to receive new application requirements this year. To learn more about EPA's new policy, click [here](#) to view NALC article "EPA Releases Final Insecticide Strategy."

**Whole Foods Litigation.** Recently, attorneys representing a proposed consumer class in a lawsuit against Whole Foods alleging deceptive beef advertising practices, urged the California federal judge not to wait for the U.S. Supreme Court ruling concerning class certification standards. The plaintiffs in the 2022 lawsuit, *Sara Safari, et al. v. Whole Foods Market Services, Inc.*, allege that Whole Foods label advertising, "No antibiotics, ever," is inaccurate and misleading to consumers. Studies cited in the lawsuit show findings of antibiotic residues in beef products labeled "organic" and "antibiotic free." The plaintiffs advocate that Whole Foods overcharged consumers for meat that was falsely billed as antibiotic-free because ordinarily, consumers expect to pay as much as 20% more for antibiotic-free meat than regular meat. The pending U.S. Supreme Court case, *Laboratory Corporation of America Holdings v. Luke Davis et al.*, may determine whether a proposed class may be certified if some of the class members are uninjured. Oral arguments were held on April 25, 2025. In the Whole Foods litigation, the plaintiffs attorneys as well as the attorneys for Whole Foods both encouraged the judge to not wait for the U.S. Supreme Court ruling. The plaintiffs' attorneys argued that because of the financial injury to consumers through falsely inflated beef prices, Whole Foods broke a promise to consumers purchasing meat. The attorneys for Whole Foods countered this argument by arguing the amount of injured parties in the proposed class is very small, with the majority of the class members being uninjured. To learn more about the regulation of labels like "no antibiotics," click [here](#) to read NALC article "Meat and Poultry Labels: Updated Guidelines & Opportunity for Comment."

**Alternative Protein: Passed Legislation.** The Governor of Oklahoma signed **HB 1126** into law. This legislation will expand Oklahoma's current alternative protein labeling laws to require plant-protein, insect-protein, cultivated protein, and manufactured-protein food products labeled with a "identifying" meat term to also bear a "qualifying" term. This "qualifying" term is used to disclose to a reasonable purchaser that the product is not a meat product but rather the product is cell-cultivated, insect-based, etc. HB1126 also mandates food establishments store alternative proteins separate from livestock meat products and use distinct shelf tags to distinguish between the two products. This law goes into effect November 1, 2025. Nebraska has become the sixth state to ban cultivated meat. Specifically, **LB246** establishes that a cultivated-protein food product is adulterated food and thus is prohibited from being manufactured, produced, imported, distributed, promoted, displayed for sale, offered for sale, attempted to sell, or sold in the state. Because the bill language does not include an effective date, per Nebraska law, it will go into effect three calendar months after the Legislature adjourns.

**Alternative Protein: Legislation under consideration.** In Texas, the Senate has passed a ban on the sale of cell-cultured proteins for human consumption. **SB261** would prohibit the offering for sale or sale of cell-cultured protein, and clarifies that the definitions of terms like "egg" or "meat" do not include cell-cultured protein. SB261 also provides labeling requirements for cell-cultured protein products. The measure is currently awaiting review from the Texas House but if passed would take effect September 1, 2025. In Michigan, the House of Representatives has passed a bill prohibiting the labeling of lab-grown protein as meat. **HB4076** states that a lab-grown meat substitute must be labeled using terms like "cell-cultured," "lab-grown," "cultivated," "cell-cultivated," or another qualifying term. The proposal must pass the Michigan Senate and be signed by its governor before it becomes law. For a more detailed update on state alternative meat proposals, click [here](#) to read an article from NALC partner Southern Ag Today "A Steak by Any Other Name: How States Are Shaping the Future of Cultivated Meat."

**FDA Updates.** On May 9, the Food and Drug Administration **announced** the approval of three new color additives for use in food manufacturing. These color additives are derived from natural sources and include Galdieria extract blue, butterfly pea flower extract, and calcium phosphate. This approval is in step with FDA's recently announced six-pronged plan to "phase out" petroleum-based dyes from the food system. To learn more about FDA's plan, click [here](#) to read NALC article "FDA Announces Plan to 'Phase Out' Synthetic Dyes." Additionally, FDA is extending the public comment period for proposed rule, "Food Labeling: Front-of-Package Nutrition Information." The comment period will now close on July 15, 2025 at 11:59pm ET. For more information on how to submit a comment, click [here](#). FDA also announced the creation of the Nutrition Regulatory Science Program. This program will be a joint research initiative with the U.S. National Institutes of Health (NIH) that seeks to understand the root causes of diet-related chronic diseases. To read the FDA's press announcement about the program, click [here](#). Last, on May 15, the FDA **announced** several updates to its food chemical review process. This will include the creation of a modernized, evidence-based prioritization scheme for reviewing existing chemicals, a systematic post-market review process shaped by stakeholder input, and an updated list of chemicals undergoing review. Additionally, in this announcement, FDA stated that it will expedite its review of chemicals currently under review, such as phthalates, propylparaben, and titanium dioxide.

**ADA Title III.** Title III of the Americans with Disabilities Act (ADA) requires private businesses to provide accommodations to people with disabilities. Newly constructed buildings must be made accessible to those with disabilities while existing facilities must be modified to remove barriers to disabled people when such modification is readily achievable. Failing to comply with Title III requirements can result in lawsuits filed either by individuals or advocacy groups. Tracking of ADA Title III lawsuits has shown that, starting in the 2010s, Title III lawsuits grew from less than 3,000 a year to a peak of 11,452 lawsuits in 2021. Lawsuits then fell to only about 8,600 in 2022 and fell even

further in 2023. However, in 2024 the number of ADA Title III lawsuits rose again to almost 9,000. To learn more about how the ADA impacts agricultural operations, particularly those with an agritourism component that are frequently open to the public, click [here](#) to view NALC webinar "Navigating ADA Compliance for Agritourism Guests."



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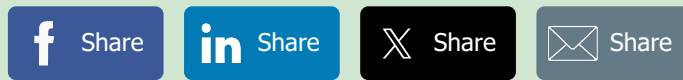


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