



Agriculture and Food Policy

What to Watch For

Farm Programs

The administration is expected to advocate for increased conservation spending. Congress could potentially alter allowable hemp THC levels, and there are groups calling for the 2023 Farm Bill to address racial inequities in agriculture, potentially including certain provisions from the Justice for Black Farmers Act. The Biden administration may promote support for beginning farmers (including an expanded microloan program), increased funds for farm operating loans, and the protection of patents developed at land grant universities.

SNAP and Other Nutrition Programs

Authorized through 2023, the Supplemental Nutrition Assistance Program (SNAP) is the largest domestic food assistance program. Negotiations around extending the program will be a major element of legislative process for the Farm Bill. In its National Strategy on Hunger, Nutrition, and Health, the Biden administration called for the removal of the SNAP eligibility ban on people with convictions for drugs or other felonies. This is likely going to be part of the House and Senate Agriculture Committees' work on the 2023 Farm Bill, as well as other partisan SNAP provisions, such as House Republicans' 2018 attempt to advance mandatory state workfare programs for SNAP eligibility. This strategy also outlines the administration's commitment to working with Congress to permanently extend the Child Tax Credit that was enacted through the American Rescue Plan in 2021 and expired in Jan. 2022. Sen. Joe Manchin (D-WV) opposed including this tax credit in the reconciliation package that was passed this year.

The current Farm Bill expires in 2023. Passing a new one will likely be the top agricultural political priority in 2023.

Ethanol and Biofuels

The Renewable Fuels Standard (RFS) requires that renewable fuels like ethanol be blended into the domestic fuel supply. Ethanol production has nearly quadrupled since the RFS was enacted in 2005, and currently just over a third of the U.S. corn crop goes toward ethanol. Small oil refiners can apply for waivers from the blending requirement, but the Biden campaign suggested that fewer waivers would be granted under the new administration. In April 2022, Biden waived a rule preventing the sale of higher ethanol blends, to lower gas prices. Biden will also propose \$400 billion in clean energy research, part of which will be used to “develop the next generation of biofuels.” The Inflation Reduction Act had a provision that extended second-generation biofuel incentives through Dec. 31, 2024.

Agriculture and Climate

As part of comprehensive climate change legislation, Biden has proposed establishing a “voluntary carbon farming market” to make payments for sequestered carbon, funding research for cellulosic biofuels, and expanding the Conservation Stewardship Program. The Inflation Reduction Act allocates \$20 billion for climate-smart agriculture practices.

Agriculture Labor

Biden has expressed support for “compromise legislation between farmworkers and the agricultural sector that will provide legal status based on prior agricultural work history,” with expedited green card processing. H.R. 1603, the Farm Workforce Modernization Act, which passed the House on March 18, 2021, would enable individuals employed in agriculture for 180 days or more to apply for a renewable temporary worker status. With Republicans in control of the House, this provision is unlikely to pass, but important to keep in mind as a priority for some lawmakers.

Defining “Healthy” in Food Labeling

On Sept. 28 FDA issued a proposed rule to update the definition of the nutrient content claim “healthy,” which has come under fire in recent years and received attention from class action plaintiff lawyers challenging companies’ overuse of the term. The term “healthy” was first defined and codified with respect to nutrient content claims in 1994. While FDA requested comments from industry in 2016, discussion of the term was put on hold during the previous administration. The new proposed definition focuses on threshold limits for certain nutrients like added sugars, saturated fat, and sodium which could affect certain foods that otherwise would qualify as “healthy” under the current definition. Comments about the proposed updates to the definition are due by the end of the year, leaving open the possibility for a revised final rule in 2023.

Congressional Leadership Changes

Rep. Glenn Thompson (R-PA) is likely to take over as Chairman of the House Agriculture Committee. Rep. David Scott (D-GA) is the current Chairman of the House Agriculture Committee and is expected to be Ranking Member in the next Congress.

Sen. Debbie Stabenow (D-MI) is the current Chair of the Senate Agriculture Committee and is likely to remain in that position if Democrats hold the Senate. If Republicans take the Senate, Sen. John Boozman (R-AR) is likely to be Chairman of the Senate Agriculture Committee.

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