

Food & Agriculture

Downey Brand's Food and Agriculture Group helps clients thrive in one of California's most regulated industries.

Our attorneys have extensive practical experience with the issues of daily importance to farmers, ranchers, input suppliers, packers, processors and grocers allowing our clients to focus on the demands of their operations.

Downey Brand provides a range of services to our Food and Ag clients that is unmatched in the region and covers the spectrum of industry issues from air quality compliance to tax issues and from pesticide regulation to succession planning. However, our advantages aren't confined to knowing the law—we are active participants, as well as advisors, to the industry trade groups, associations and their members who must deal each and every day with specific concerns of specialized industries. We are also involved with the legislative committees and agencies that determine that regulatory environment in which the Food and Ag industry will operate.

Our comprehensive approach reflects the reality of today's Food and Ag industry—a thriving, highly-regulated industry with complex business needs. We handle business transactions, interaction with regulatory agencies, counseling to prevent disputes, and dispute resolution in all state and federal forums relating to:

- Perishable Agricultural Commodities Act
- Food Safety Compliance and Labeling
- Food labeling
- Hazardous waste handling
- Environmental compliance
- Supply contracts
- Pesticide regulation and drift
- Crop damage
- Land use and permitting
- Lease of agricultural and commercial property
- Real estate and corporate law
- Regulatory and administrative disputes, including writ proceedings
- License suspension and revocation hearings
- Water supply and water rights
- Wastewater regulation
- Liquor wholesale
- Contract dispute negotiations
- Agricultural cooperatives
- Williamson Act
- Farmland Security Zones

We understand that many of our clients are family businesses both large and small and we work with them to address the particular issues of a family-owned enterprise including estate planning and succession.

Trending: Agricultural Cooperatives

The 2017 Tax Cuts and Jobs Act created a tax advantage for farmers selling their crops to agricultural

cooperatives. Section 199A of the Act spurred many farmers who also own interests in packing or processing operations to look into creating co-ops in order to make use of this opportunity. In April 2018, section 199A was amended, changing the criteria for eligibility and the available benefits. However, creating a co-op may still produce savings for some farmers and some cooperatives. Our Food & Agriculture attorneys have many years of experience forming and representing agricultural cooperatives and work on the front lines of new legislation affecting our clients' interests.

Selected Experience

Environmental Law, Regulatory Compliance, and Government Relations

- Represented large farming operations in the development of innovative conservation easements.
- Represent grape growers regarding a proposed conditional waiver for agricultural and storm water runoff from vineyards and roads.
- Represented both farmers and applicators in pesticide spraying and drift cases.
- Represented livestock and egg farmers in actions filed by animal welfare advocacy groups.
- Served as lead trial and appellate counsel for ten major Sacramento River Settlement Contractors in their defense against an Endangered Species Act challenge to their Central Valley Project water supplies.
- Represent grocery stores in compliance with environmental regulations.
- Resolved problems with small wind turbine program run by the California Energy Commission for systems designed to be used on farms to reduce water pumping and other electrical loads.
- Represent industry associations in drafting, negotiating and passage of key statutes and regulations.
- Represented manufacturers and retailers of food products in defending predatory false advertising and labeling claims.

Commercial Matters and Retail Representation

- Represented large forest products company in action by federal and state agencies to recover costs of fire suppression.
- Represented farmers and processors in contract and other commercial disputes.
- Represented major grocer in significant acquisition and joint venture transactions.
- Represented major fruit processor in intellectual property licensing case.
- Represented major fruit processor in bond and debt financing.
- Represented major agricultural lender in a lender liability dispute.
- Represented large canning company in class action defense.
- Represent grape growers in action to collect from wineries that delay or refuse payments for crop.
- Represented fertilizer manufacturer in product liability action.

- Represent grocery stores in actions to evict trespassing solicitors.
- Represented processors of tomatoes, raisins, olives, and many other commodities in price negotiations with bargaining cooperatives.

Trade Groups

- Bard Valley Date Growers Association
- California Agricultural Commissioners and Sealers Association
- California Association of Wine Grape Growers
- California Association of Pest Control Advisers
- California League of Food Producers
- California Grocers Association
- California Manufacturers & Technology Association
- CGA Educational Foundation
- California Grain & Feed Association
- California Olive Association
- California Wine Education Foundation
- Frozen & Refrigerated Food Council of Northern California
- Grocer's Research and Education Foundation
- The Illuminators (an association of grocery industry suppliers)
- Illuminators Educational Foundation
- Napa Valley Grap growers
- National Grocers Association
- Northern California Water Association
- Pest Control Operators of California
- Stanley W. Strew Foundation
- Western Growers Association