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Farm Bill Primer: Horticulture Title

Congress has included a horticulture title in the farm bill since the Food, Conservation, and Energy Act of 2008 (P.L. 110-234). The horticulture title of a farm bill generally contains reauthorizations, amendments, and new programs that support specialty crops (defined as fruits, vegetables, tree nuts, dried fruits, horticulture, and nursery crops including floriculture; 7 U.S.C. §1621 note); organic agriculture (codified at 7 U.S.C. §§6501-6524); local, regional, and urban food systems; hemp production; and pesticide regulation. Initially, the horticulture title consisted primarily of programs that supported specialty crops and organic agriculture. In subsequent farm bills, the Agricultural Act of 2014 (P.L. 113-79) and the Agriculture Improvement Act of 2018 (2018 farm bill; P.L. 115-334), Congress expanded the title to include programs related to local and regional food systems, hemp production and cultivation, and pesticide regulation. These programs are administered primarily through the U.S. Department of Agriculture (USDA), although the primary law regulating pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. §§136-136y), involves the Environmental Protection Agency (EPA).

This CRS In Focus provides a summary of existing programs and provisions that support specialty crops; organic agriculture; local, regional, and urban food systems; and hemp production and cultivation. It also discusses proposals that would amend pesticide provisions, including provisions currently subject to litigation pending before the Supreme Court. This summary does not discuss pending legislation or include all the programs in the farm bill that directly or indirectly support these issue areas and which receive support from other titles, such as the commodity, trade, research, nutrition, and crop insurance titles.

Farm Bill Programs

The 2018 farm bill amended, reauthorized, and codified programs in the horticulture title through FY2023. Congress enacted three one-year extensions of the 2018 farm bill, most recently in the FY2026 agriculture appropriations law (P.L. 119-37). Some programs in the horticulture title received increases or continuations in mandatory funding in the FY2025 budget reconciliation law (P.L. 119-21). Additionally, the 2018 farm bill definition of hemp was amended in Section 781 of P.L. 119-37.

Specialty Crops

Specialty crop support in the horticulture title includes Specialty Crop Block Grants (SCBG). SCBG is administered by USDA's Agricultural Marketing Service (AMS) and provides grants to state departments of agriculture that "enhance the competitiveness of specialty crops." The program received an increase in mandatory funding from \$85 million to \$100 million per year in P.L.

119-21. USDA is authorized to distribute grants through SCBG through FY2026. The 2018 farm bill also authorized discretionary appropriations for programs that support specialty crops. Some examples include an allocation for market news data collection for specialty crops and grants to support the maple syrup industry.

In a future farm bill, Congress may consider reauthorizing expiring specialty crop programs or altering mandatory funding levels for programs, such as SCBG. Additionally, Congress may consider reauthorizing or changing the authorized discretionary appropriations for specialty crop programs. Some in the agriculture industry and some Members of Congress have proposed amending existing specialty crop programs or creating new programs to enhance the marketing and promotion of specialty crops or to support mechanization of specialty crop production. Others may contend that farmers have sufficient funding opportunities for these efforts or that funding should be reduced to support other efforts.

Organic Agriculture

The horticulture title includes authorizations and support for agriculture products certified organic under USDA's National Organic Program (NOP). The 2018 farm bill made changes to the USDA organic certification process to enhance enforcement, limit program fraud, and fund technology upgrades. The 2018 farm bill also reauthorized organic programs that receive mandatory spending, including the Organic Certification Cost Share Program and the Organic Production and Market Data Initiative. These programs received funding from P.L. 119-21 through FY2031.

Following the extensions of funding to organic programs in P.L. 119-21, Congress may consider whether to amend organic standards, reauthorize or amend appropriations for organic programs, or create new programs. Some in the industry and some in Congress have expressed support for additional technical assistance, outreach, and education to support organic production across existing USDA programs. Some have also proposed to make further amendments to organic certification standards and organic enforcement. Additionally, some have proposed expanding market data collection for various commodities, while others have questioned the federal role in assisting and promoting organic agriculture.

Local, Regional, and Urban Food Systems

Support for local, regional, and urban food systems in the farm bill includes the Local Agriculture Market Program (LAMP) and the Office of Urban Agriculture and Innovative Production (OUAIP). LAMP is an umbrella program created in the 2018 farm bill that consists of grant

programs that support the marketing and promotion of farmers' markets and local food, regional partnerships, and the production of value-added products. LAMP programs receive \$50 million in annual mandatory funding and are authorized through FY2026. OUIAP, created in the 2018 farm bill, provides grants and technical assistance to a variety of operations such as community farms and gardens and rooftop farms. The farm bill authorizes \$25 million in annual appropriations for OUAIP through FY2026.

In a future farm bill, Congress may consider whether or not to reauthorize USDA to provide grants for expiring local, regional, and urban food system programs, such as LAMP. Additionally, Congress may consider reauthorizing or amending the authorizations of appropriations for local and urban food programs. Some in the industry and some in Congress have proposed creating new local food programs or amending the scope of existing programs. This could include expanding the types of eligible businesses that may participate and expanding the eligible activities for grants. Others have supported reducing funding and emphasis for local food programs.

Hemp Production

The 2018 farm bill changed the Controlled Substances Act (21 U.S.C. §802) to exclude hemp from the definition of marijuana and amended 7 U.S.C. §1639o to define hemp as the cannabis plant (hemp is a variety of *cannabis sativa*) and any part or derivative of the plant with a delta-9 tetrahydrocannabinol (THC) concentration of 0.3% or less. The 2018 farm bill also directed USDA to create a regulatory framework for hemp cultivation (i.e., hemp production plan), and producers were made eligible for federal crop insurance and agricultural research programs.

Section 781 of P.L. 119-37 further amended the statutory definition of hemp, changing the THC limit to a total THC concentration of less than 0.3% rather than only a delta-9 THC concentration of less than 0.3%. The new definition explicitly includes industrial hemp (i.e., hemp used for non-cannabinoid purposes) while providing for certain exclusions, such as products that contain cannabinoids that were synthesized or manufactured outside the plant. Additionally, the law directed the Food and Drug Administration (FDA) to publish lists of cannabinoids within 90 days of enactment. The new hemp definition is to become effective on November 12, 2026. For more on the changes to the definition of hemp, see CRS In Focus IF13136, *Changes to the Statutory Definition of Hemp and Issues for Congress*.

Congress may consider whether or not to take further action on hemp after the statutory changes to the definition of hemp in P.L. 119-37. Some in the industry and some in Congress have expressed interest in repealing the new hemp definition, delaying the effective date of the new hemp definition, or further amending the statutory definition of hemp (e.g., increasing the allowable delta-9 THC content). Others expressed support for definitional changes along the lines of P.L. 119-37 prior to its enactment. If no further changes are made to the statutory definition of hemp established in P.L. 119-37, Congress may choose to amend existing statutes for hemp production plans to reflect the

new definition of hemp, such as by updating the standards for state and USDA hemp production plans to reflect the change to a statutory definition based on total THC limit rather than only delta-9 THC. Additionally, Congress may consider whether to further differentiate the statutory requirements for producers of industrial hemp and those producing hemp for cannabinoid purposes.

Pesticide Regulation

Prior farm bills have included provisions amending various aspects of the FIFRA. Among other changes, these amendments excepted certain plant-incorporated protectants—pesticides intended to be produced and used in a living plant—from import notification requirements (P.L. 113-79; 7 U.S.C. §136o(c)). They also amended the consultation process required under Section 7 of the Endangered Species Act (16 U.S.C. §1536) for pesticide registrations and registration reviews (P.L. 115-334; 7 U.S.C. §136a(c)).

Substantial proposed changes to FIFRA have appeared in unenacted farm bills. Some of these provisions would have established further exemptions for certain plant-incorporated protectants and required additional coordination among agencies for certain regulatory activities under FIFRA. Others would have addressed ongoing issues of concern to industry groups and other interest groups about the relationship between state and federal law in FIFRA's preemption provision in Section 24 (7 U.S.C. §136v), which, among other things, prohibits states from enacting pesticide labeling or packaging requirements in addition to or different from those under FIFRA. One proposal would have prohibited political subdivisions of a state (e.g., towns, counties, and municipalities) from regulating pesticides that are subject to regulation under FIFRA, effectively reversing a 1991 Supreme Court opinion, *Wisconsin Public Intervenor v. Mortier*, in which the Supreme Court held that Section 24 does not preempt town ordinances regulating the use of pesticides. Another proposal would have required Section 24(b)—which prohibits states from enforcing “any requirements for labeling or packaging in addition to or different from those required under” FIFRA—to “be applied” to prohibit states and courts from enforcing requirements in addition to or different from labeling or packaging approved by EPA, including requirements related to warnings. Currently, federal circuit courts disagree as to whether Section 24(b) preempts state law tort claims based on a manufacturer's alleged failure to warn of harms stemming from pesticide sale or use. For more on this circuit split, see CRS Legal Sidebar LSB11304, *Preemption in the Federal Insecticide, Fungicide, and Rodenticide Act* (2025). This issue is before the Supreme Court in *Monsanto Co. v. Durnell*, No. 24-1068.

Congress may consider these issues again, including the application of FIFRA to plant-incorporated protectants and the preemptive effect of FIFRA as applied to localities. Congress may also again consider whether FIFRA should preempt state law failure-to-warn claims.

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