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# Agricultural Law Bibliography Updates

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# First Quarter 2015

# Administrative Law

Marzen, The Merrill Doctrine and Federally Reinsured Crop Insurers, 89 NORTH DAKOTA L. REV. 585-610 (2013).

# Aquaculture

Czarnezki, Homan & Jeans, Greenwashing and Self-Declared Seafood Ecolabels, 28 TULANE ENVIRONMENTAL L. J. 37-52 (2014).

# Biotechnology

Caplan, The Ongoing Debate over Terminator Technology: 19 GEORGETOWN INTERNATIONAL ENVIRONMENTAL L. REV. 751-782 (2007).

Mandel & Marchant, The Living Regulatory Challenges of Synthetic Biology, 100 IOWA L. REV. 155-200 (2014).

Mandel, Gaps, Inexperience, Inconsistencies, and Overlaps: Crisis in the Regulation of Genetically Modified Plants and Animals, 45 WILLIAM & MARY L. REV. 2167-2259 (2004).

Mulvaney & Zivian, Sowing Seeds of Hope in California Fields of Resistance to Pharm Rice and Frankenfish, 20 J. POLITICAL ECOLOGY 159-179 (2013).

Noah, Managing Biotechnology [R]evolution: Has Guarded Enthusiasm Become Benign Neglect?, 11 VIRGINIA L. J. & TECHNOLOGY 4 (2006). Note, The Hazards of GMOs: Scientific Reasons Why They Should Be Regulated, Political Reasons Why They Are Not, and Legal Answers to What Should Be Done, 27 REGENT UNIV L. REV. 133-153 (2014).

#### **Cooperatives - Antitrust**

Monica, Protecting Cooperatives from Antitrust Liability, 82 RURAL COOPERATIVES 20-21 (1-2015).

#### **Environmental Issues**

Comment, This Waiting Game Stinks: The Lack of EPA Progress in Regulating Air Emissions from Animal Agriculture, 2 ARIZONA J. ENVIRONMENTAL L. & POLICY 1-51 (2011).

Flatt, C(r)ap and Trade: The Brave New World of Non-Point Source Nutrient Trading and Using Lessons from Greenhouse Gas Markets to Make It Work, 52 HOUSTON L. REV. 301-359 (2014).

Hoover, Can't You Smell That Smell? Clean Air Act Fixes for Factory Farm Air Pollution, 6 STANFORD J. ANIMAL L. & POLICY 1-29 (2013).

Peterson, Farming in the Modern Era: Feeding the World with an Environmental Conscience, 5 SEATTLE J. ENVIRONMENTAL L. 139-164 (2015).

Verheul, Methane as a Greenhouse Gas: Why the EPA Should Regulate Emissions from Animal Feeding <u>Operations and Concentrated Animal Feeding Operations Under the Clean Air Act</u>, 51 NATURAL RESOURCES J. 163-187 (2011).

# Farm Labor - General & Social Welfare

Carlin, Bringing Home the Bacon: Mealtime Donning and Doffing under the FLSA in the Meat Processing Industry, 39 OKLAHOMA CITY UNIV. L. REV. 191-208 (2014).

Note, Forbidden Fruit: Sexual Victimization of Migrant Workers in America's Farmlands, 26 HASTINGS WOMEN'S L. J. 121-145 (2015).

# Farm Policy and Legislative Analysis - Domestic

<u>Civita, Agrarians Feeding Communities: Reconnecting Federal Farm Policy and Nutrition Assistance for</u> <u>a More Just Agri-Food System</u>, 7 NORTHWESTERN INTERDISC. L. REV. 69-125 (2014).

# Food and Drug Law

Benson, Guidance for Improving the Federal Response to Foodborne Illness Outbreaks Associated with Fresh Produce, 65 FOOD & DRUG L. J. 503-524 (2010).

Comment, How America Can Move Closer toward Mandated Labeling for Genetically Modified Foods and Remain First Amendment Compliant, 14 HOUSTON J. HEALTH L. & POLICY 223-261 (2014).

Deliganis, Death by Apple Juice: The Problem of Foodborne Illness, the Regulatory Response, and Further Suggestions for Reform, 53 FOOD & DRUG L. J. 681-728 (1998).

Eskin, Putting All Your Eggs in One Basket: Egg Safety and the Case for a Single Food-Safety Agency, 59 FOOD & DRUG L. J. 441-452 (2004).

Farris, The "Natural" Aversion: The FDA Reluctance to Define a Leading Food Industry Marketing

Claim, and the Pressing Need for a Workable Rule, 65 FOOD & DRUG L. J. 403-424 (2010).

Henson, Demand-Side Constraints on the Introduction of New Food Technologies: The Case of Food Irradiation, 20 FOOD POLICY 111-127 (1995).

Hodges, The Hamburglar, Friend or Foe: What is the Best Solution for Lawsuits Alleging Obesity Caused by Fast Food Outlets when No Causal Link between Consumption and Obesity Can Be Found?, 10 FOOD LAW & POLICY 282-309 (2014).

Lichtenberger, Toward a Just Food Regime: Consumption, Ideology, and Democratic Strategy, 10 J. FOOD LAW & POLICY 173-195 (2014).

Lutter, Food Irradiation – The Neglected Solution to Food-Borne Illness, 286 SCIENCE 2275-2276 (1999).

McCutcheon, Labeling: USDA Process and Policy, 43 FOOD & DRUG L. J. 385-389 (1988).

<u>Negowetti, A National "Natural"</u> Standard for Food Labeling, 65 MAINE L. REV. 581-603 (2013). Note, "Natural" Foods: Inherently Confusing, 39 J. CORPORATION L. 657-674 (2014).

Note, Foie Gras Ban in California, 45 GOLDEN GATE UNIV. L. REV. 5-20 (2014). Rivage-Seul, The Right to Food: A Global Agenda for the Women's Movement, 2014 FREEDOM CENTER J. 123-136 (2014).

Schaefer, Let's Stop Worrying and Learn to Love Transparency: Food and Technology in the Information Age, 10 J. FOOD LAW & POLICY 233-279 (2014).

Telesetsky, Waste Not, Want Not: The Right to Food, Food Waste and the Sustainable Development Goals, 42 DENVER J. INTERNATIONAL L. & POLICY 479-505 (2014).

Vergano, Food Irradiation: The EU Regulatory Framework: Risk Assessment and International Trade Considerations, 2012 EUROPEAN J. RISK REGULATION 373-392 (2012).

#### **International Trade**

Note, Rescuing the Future of the International Coffee Trade with a Voluntary Certification and Labeling Scheme, 46 GEORGE WASHINGTON INTERNATIONAL L. REV. 647-675 (2014).

Soliman, China's Anti-Dumping Regime and Compliance with Anti-Dumping Principles: An Analysis Using Agricultural Dumping Case Studies, 21 UNIV. MIAMI INTERNATIONAL & COMPARATIVE L. REV. 241-263 (2014).

#### Livestock and Packers & Stockyards

Heinzerling, The FDA's Continuing Incapacity on Livestock Antibiotics, 33 STANFORD ENVIRONMENTAL L. J. 325-350 (2014).

Note, Township Makes "Moo"ves against Dairy: The Nebraska Supreme Court Recognizes Local Government Regulation of Agriculture in ... (*Butler County Dairy, L.L.C. v. Butler County,* 827 N.W.2d 267, 2013), 93 NEBRASKA L. REV. 196-225 (2014).

# **Rural Development**

Morath, The Farmer in Chief: Obama's Local Food Legacy, 93 OREGON L. REV. 91-154 (2014).

Symposium - 2014 Rural Practice, 59 SOUTH DAKOTA L REV. 431-633 (2014).
Pommersheim, Buddha Visits a Neighborhood Farmers Market [Poem], 431-432
Gilbertson, Reflections on the Rural Practice of Law in South Dakota: Past, Present, and Future, 433-443;
Goetzinger & Morris, Project Rural Practice: Its People & its Purpose, 44-462;
LaPlante, Remarks on the 2014 Rural Practice Symposium: Indian Country & Rural South Dakota, 463-465;
Pruitt & Showman, Law Stretched Thin: Access to Justice in Rural America, 466-528
Chezem, Public Health Law & Equal Access to Justice in Rural America, 529-556;
Meierhenry, Confidentiality and Conflicts of Interest: A Guide for South Dakota Lawyers, 557-584;
Alsgaard, Rural Incentive Programs for Legal and Medical Professionals: A Comparative, 585-615;
Runge & Vachon, Planting the Seeds and Getting into the Field: The Role of Law Schools in Ensuring Access to Justice in Rural Communities, 616-633

#### Sustainable & Organic Farming

Endres & Armstrong, Community Supported Agriculture and Community Labor: Constructing a New Model to Unite Volunteers and Employers, 43 SOUTHWESTERN L. REV. 371-396 (2014).

#### **Torts and Insurance**

Bragg, Preventive v. Punitive: How Genetically Modified Rice Litigation Shaped Regulation and Remedy for Genetically Engineered Crops, 10 J. FOOD LAW & POLICY 157-171 (2014).

Campbell, Of Coase and Corn: A (Sort of) Defence of Private Nuisance, 63 MODERN L. REV. 197-215 (2000).

Comment, Induced Nuisance: Holding Patent Owners Liable for GMO Cross-Contamination, 64 EMORY L. J. 169-199 (2014).

Endres, An Evolutionary Approach to Agricultural Biotechnology: Litigation Challenges to Regulatory and Common Law Regimes for Genetically Engineered Plants, 4 NORTHEASTERN UNIV. L. J. 59-87 (2012).

Rodgers, Liability for the Release of GMOs into the Environment: Exploring the Boundaries of Nuisance, 62 CAMBRIDGE L. J. 371-402 (2003).

#### Transportation

Nash, Paradise Found? Food Transportation Regulation: A Detour through Regulatory Purgatory, 10 J. FOOD LAW & POLICY 197-232 (2014).

#### **Uniform Commercial Code - Article Seven (Documents of Title)**

Schutz, Article 7: Documents of Title, 69 BUSINESS LAWYER 1211-1213 (2014).

# Water Rights: Agriculturally related

Student Article, Public Trust or Equal Footing: A Historical Look at Public Use Rights in American Waters, 21 HASTINGS W.-NW J. ENVIRONMENTAL L. & POLICY 69-109 (2015).