



National Agricultural Law Center

University of Arkansas · System Division of Agriculture

NatAgLaw@uark.edu · (479-575-7647) · www.NationalAgLawCenter.org

Agricultural Law Bibliography Updates

by Drew L. Kershen

First Quarter 2016

Agricultural Law: Attorney Roles and Educational Programs

Geyer & Guardipee, To Disclose or Not to Disclose: When Rule 1.6 Can Make You Sick — Ethics and Duties Down on the Farm, 20 DRAKE J. AGRICULTURAL L. 21-69 (2015).

Animals — Animal Rights

Student Article, Giving Slaughterhouses Glass Walls: A New Direction in Food Labeling and Animal Welfare, 21 ANIMAL L. 285-328 (2015).

Student Article, A ‘Hare’ Raising Lapse in Meat Industry Regulation: How Regulatory Reform Will Pull the Meat Rabbit Out from Welfare Neglect, 21 ANIMAL L. 329-364 (2015).

Aquaculture

Porter & Kihlslinger, Federal Environmental Permitting of Offshore Aquaculture: Coverage and Challenges, 45 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 10875-10893 (2015).

Biotechnology

Clark, Keet, & Ryan, Mediating the GM Foods Debate: Lessons from the Enduring Conflict Framework, 11 J. FOOD L. & POLICY 229-251 (2015).

Ghoshray, Genetically Modified Foods at the Intersection of the Regulatory Landscape and Constitutional Jurisprudence, 41 AMERICAN J. L. & MEDICINE 223-239 (2015).

Holman, A Proliferation of Legislation Targeting Genetically Modified Crops, 34 BIOTECHNOLOGY L. REP. 207-212 (2015).

Murphy, Noga & Rose, *Seeking Pure Fields: The Case Against Federal Preemption of State Bans on Genetically Engineered Crops*, 49 UNIV. SAN FRANCISCO L. REV. 503-541 (2015).

Note, *Using the Endangered Species Act to Preempt Constitutional Challenges to GMO Regulation*, 43 HASTINGS CONSTITUTIONAL L. Q. 93-116 (2015).

Redick, Galey & Feitshans, *Litigation and Regulatory Challenges to Innovation on Biotech Crops*, 20 DRAKE J. AGRICULTURAL L. 71-91 (2015).

Student Article, *State Preemption of Local GMO Regulation: An Analysis of Syngenta Seeds, Inc. v. County of Kauai*, 47 URBAN LAWYER 275-308 (2015).

Wolt, Wang & Yang, *The Regulatory Status of Genome-edited Crops*, 13 Plant Biotech. J. (2015).

Energy Issues

Johnson, *Promoting the Sustainability of Biofuels in America: Looking to Brazil*, 10 TENNESSEE J. L. & POLICY 263-327 (2015).

Environmental Issues

Note, *Environmental Law—Regulation of Concentrated Animal Feeding Operations—Reducing the Nuisance: How Arkansas Can Use its Right-to-Farm Statute to Protect Against the Destruction of CAFOs*, 37 UNIV. ARKANSAS LITTLE ROCK L. REV. 495-577 (2015).

Note, *From the Farm to the Gulf: Managing Nutrient Runoff through Numeric Nutrient Standards*, 20 DRAKE J. AGRICULTURAL L. 259-290 (2015).

Student Article, *Life on the Mississippi: Reducing the Harmful Effects of Agricultural Runoff in the Mississippi River Basin*, 41 OHIO NORTHERN UNIV. L. REV. 819-846 (2015).

Equine Law

Coleman, *The Kentucky Horse: The Reality vs. the Myth and What Could Be Done to Close the Gap*, 21 ANIMAL L. 181-219 (2015).

Farm Policy and Legislative Analysis - Domestic

Coit, *Support for Local Food in the 2014 Farm Bill*, 20 DRAKE J. AGRICULTURAL L. 1-19 (2015).

Harris, *[Re]integrating Spaces: The Color of Farming*, 2 SAVANNAH L. REV. 157-199 (2015).

Farm Policy and Legislative Analysis - International

Note, *Common Agricultural Policy in the European Union: What Can the European Union Do for the Central and Eastern European Member States?*, 24 TRANSNATIONAL L. & CONTEMPORARY PROBLEMS 217-241 (2014).

Food and Drug Law

Aguirre, *Sickeningly Sweet: Analysis and Solutions for the Adverse Dietary Consequences of European Agricultural Law*, 11 J. FOOD L. & POLICY 254-309 (2015).

Comment, *Can You Judge Your Food by Looking at its Cover? How Courts' Application of Federal Preemption Allows Misleading Food Labeling to Slip through the Regulatory Cracks*, 64 DEPAUL L. REV. 1119-1155 (2015).

Freeman, *Transparency for Food Consumers: Nutrition Labeling and Food Oppression*, 41 AMERICAN J. L. & MEDICINE 315-330 (2015).

Note, *If FDA Does Not Regulate Food, Who Will? A Study of Hormones and Antibiotics in Meat Production*, 41 AMERICAN J. L. & MEDICINE 459-482 (2015).

Note, *New York City, New Haven, and the New Mobile Food Trends: An Analysis of Local Law and Culture in Response to the Reawakening of Mobile Food*, 48 CONNECTICUT L. REV. 233-261 (2015).

Note, *Genetically Modified Organisms, Religiously Motivated Concerns: The Role of the "Right to Know" in GM Food Labeling Debate*, 20 DRAKE J. AGRICULTURAL L. 115-136 (2015).

Note, *A Supersized Solution to Superbugs: Preventing a Post-Antibiotic Era by Optimizing Consumer Demand*, 76 UNIV. PITTSBURG L. REV. 569-592 (2015).

Note, *Ethical Consumerism as a Human Rights Enforcement Mechanism: The Coffee Cultivation Model*, 24 TRANSNATIONAL L. & CONTEMPORARY PROBLEMS 161-192 (2014).

Parasidis, Hooker & Simons, *Addressing Consumer Confusion Surrounding "Natural" Food Claims*, 41 AMERICAN J. L. & MEDICINE 357-373 (2015).

Spreng, *Is the Turkey Halal? Genetically Modified Animal Feed Regulation Where East Meets West*, 20 DRAKE J. AGRICULTURAL L. 191-258 (2015).

Tai, *Whole Foods: The FSMA and the Challenges of Defragmenting Food Safety Regulation*, 41 AMERICAN J. L. & MEDICINE 447-458 (2015).

Hunting, Recreation & Wildlife

Braverman, *Conservation and Hunting: Till Death Do They Part? A Legal Ethnography of Deer Management*, 30 J. LAND USE & ENVIRONMENTAL L. 143-199 (2015).

Darcy, *Pigs in a Pen: The Multi-Faceted Impact of Feral Swine on Michigan's Agricultural and Environmental Communities*, 20 DRAKE J. AGRICULTURAL L. 163-189 (2015).

Note, *Class Dismissed: Forty-Nine Years Later, Recreational Use Statutes Finally Align with Legislation's Original Intent*, 20 DRAKE J. AGRICULTURAL L. 137-162 (2015).

International Trade

Halabi, *The Codex Alimentarius Commission, Corporate Influence, and International Trade: A Perspective on FDA's Global Role*, 41 AMERICAN J. L. & MEDICINE 406-421 (2015).

Note, *Poultry from China: Is the United States Valuing Trade Interests over Public Health?*, 20 DRAKE J. AGRICULTURAL L. 291-307 (2015).

Yigzaw, *WTO Agricultural Trade and the Unfulfilled Promise of Development*, 11 SOUTH CAROLINA J. INTERNATIONAL L. & BUSINESS 163-224 (2015).

Land Use Planning and Farmland Preservation Techniques

Miller, *A Coordinated Approach to Food Safety and Land Use Law at the Urban Fringe*, 41 AMERICAN J. L. & MEDICINE 422-446 (2015).

Livestock and Packers & Stockyards

Chen, & Marceau, *High Value Lies, Ugly Truths, and the First Amendment*, 68 VANDERBILT L. REV. 1435-1507 (2015).

Donahue, *Livestock Production, Climate Change, and Human Health: Closing the Awareness Gap*, 45 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 11112-11128 (2015).

Friedrich, *Still in the Jungle: Poultry Slaughter and the USDA*, 23 N.Y.U. ENVIRONMENTAL L. J. 245-297 (2015).

Marketing Boards, Orders, Promotion & Quotas

Casnote, *Raisin' Contentions: A Farmer's Grapes of Wrath and the Ninth Circuit's Questionable Takings Analysis in **Horne v. U.S. Dept. of Agriculture***, 26 VILLINOVA ENVIRONMENTAL L. J. 385-416 (2015).

Patents and Other Intellectual Property Rights in Agriculture

Dagne, *Beyond Economic Considerations: (Re)Conceptualizing Geographical Indications for Protecting Traditional Agricultural Products*, 46 IIC: INTERNATIONAL REV. INTELLECTUAL PROPERTY & COMPETITION L. 682-706 (2015).

Special Topic "Geographical Indications," 46 IIC: INTERNATIONAL REV. INTELLECTUAL PROPERTY & COMPETITION L. 755-867 (2015).

Sanders, *Geographical Indications of Origin: When GIs Become Commodities, All Gloves Come Off*, 755-759

Calboli, *Geographical Indications of Origin at the Crossroads of Local Development, Consumer Protection and Marketing Strategies*, 760-780

Engelhardt, *Geographical Indications under Recent EU Trade Agreements*, 781-818

Heath & Delphine, *Geographical Indications and the Principles of Trade Mark Law — a Distinctly European Perspective*, 819-842

Knaak, *Geographical Indications and Their Relationship with Trade Marks in EU Law*, 843-867

Pesticides, Herbicides, Insecticides, Fungicides, Fertilizers

Comment, *Toxic Spring: The Capriciousness of Cost-Benefit Analysis under FIFRA's Pesticide Registration Process and its Effect on Farmworkers*, 103 CALIFORNIA L. REV. 1405-1447 (2015).

Student Article, *Pesticides, Water Quality, and the Public Trust Doctrine*, 45 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 10938-10953 (2015).

Rural Development

Boys, Ollinger & Geyer, *The Food Safety Modernization Act: Implications for U.S. Small Scale Farms*, 41 AMERICAN J. L. & MEDICINE 395-405 (2015).

Negro & Terranova, The Birds and the Bees: Recent Developments in Urban Agriculture, 47 URBAN LAWYER 445-455 (2015).

Note, Drone on the Farm: The Benefits and Controversies Surrounding the Future of Unmanned Aircraft Systems in Agriculture, 20 DRAKE J. AGRICULTURAL L. 309-336 (2015).

Raymond & Stemler, When Baby Steps just Won't Work: Small Farmers Are our Best Hope Reducing Food Insecurity and We Are Not Doing Enough, 35 NORTHWESTERN J. INTERNATIONAL L. & BUSINESS 335-375 (2015).

Wiley, Deregulation, Distrust, and Democracy: State and Local Action to Ensure Equitable Access to Healthy, Sustainably-Produced Food, 41 AMERICAN J. L. & MEDICINE 284-314 (2015).

Sustainable & Organic Farming

Wiseman, The Implementation of the Food Safety Modernization Act and the Strength of the Sustainable Agriculture Movement, 41 AMERICAN J. L. & MEDICINE 259-273 (2015).

Torts and Insurance

Comment, When They Don't Want Your Corn: The Most Effective Tort Claims for Plaintiffs Harmed by Seed Companies Whose Genetically Engineered Seeds Produced More Problems than Profits, 38 HAMLIN L. REV. 557-609 (2015).

Comment, Pollen in the Wind: Economic and Legal Consequences when Nature Responds to Man, 18 SMU SCIENCE & TECHNOLOGY L. REV. 185-215 (2015).

Trade Regulation/Antitrust

Note, Smithfield and Shuanghui: Implications on the American Agricultural System and the Government's Flawed Review Process, 20 DRAKE J. AGRICULTURAL L. 93-114 (2015).

Uniform Commercial Code – Article Seven (Documents of Title)

Schutz, Article 7: Documents of Title, 70 BUSINESS LAWYER 1229-1231 (2015).

Water Rights: Agriculturally Related

Note, The Reasonability of California Groundwater Policies in Light of the Drought, 43 HASTINGS CONSTITUTIONAL L. Q. 163-185 (2015).

Ostrowski, The Right to Property: Protecting Water Needed for Agriculture in a Changing Climate, 19 WATER L. REV. 95-120 (2015).

Wade, Liquid Gold or Water for Pecans? Valuation of Groundwater in Regulatory Takings Law, 45 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 10932-10937 (2015).