



National Agricultural Law Center

University of Arkansas · System Division of Agriculture

NatAgLaw@uark.edu · (479-575-7646) · www.NationalAgLawCenter.org

Agricultural Law Bibliography Updates

by Drew L. Kershen

Fourth Quarter 2018

Agribusiness Corporations

Loney, Government Programs in Agribusiness: A Comparison of the United States and Canada, 23 DRAKE J. AGRIC. L. 57-65 (2018).

Agricultural Law: Attorney Roles and Educational Programs

Chezem, Representing Agriculture Producers at the Speed of Change, 23 DRAKE J. AGRIC. L. 15-20 (2018).

Alien Land Ownership (Foreign Ownership of Agricultural Land)

Bocci, Larson & Wu, Acquisition and Disposition of U.S Agricultural Land by Foreign Investors: Federal and State Legislative Restrictions, Limitations, and Disclosure Requirements, 23 DRAKE J. AGRIC. L. 5-13 (2018).

Animals — Animal Rights

Bendor & Dancig-Rosenberg, Animal Rights in the Shadow of the Constitution, 24 ANIMAL LAW 99-135 (2018).

Friedrich, Ritual Slaughter, Federal Preemption and Protection for Poultry: What Legislative History Tells Us about USDA Enforcement of the Humane Slaughter Act, 24 ANIMAL LAW 137-169 (2018).

Symposium, Uproar: The Intersection of Animals & the Law, 95 DENVER L. REV. 843-935 (2018).

Nussbaum, Why Freedom of Speech Is an Important Right and why Animals Should Have It, 95 DENVER L. REV. 843-855 (2018).

Amar, What an Extension of Free Speech Rights to Animals might mean Doctrinally Speaking, 95 DENVER L. REV. 857-863 (2018).

Cupp Jr., Edgy Animal Welfare, 95 DENVER L. REV. 865-876 (2018).

Potter, Sentinel Species: The Criminalization of Animal Rights Activists as "Terrorists," and what it means for Civil Liberties in Trump's America, 95 DENVER L. REV. 877-907 (2018).

Pawliger & Jones, Animals in Transport Languish as Twenty-Eight Hour Law Goes Off the Rails, 25 ANIMAL LAW 1-28 (2018).

Weinstein, Veterinary Lien Laws: Hypocrisy in a Healing Profession, 25 ANIMAL LAW 29-50 (2018).

Note, The Profit and Loss Report on Animal Rights: How Profit Maximization has Driven the Stagnation of the Legal Identification of Animals as Property, 13 UMASS LAW REV. 140-177 (2018).

Aquaculture

Note, The Big "Blue" Nation: Expanding Aquaculture in Kentucky, 10 KY. J. EQUINEM AGRI., AND NAT. RESOURCES L. 89-109 (2017-2018).

Biotechnology

Note, Regulatory Silos: Assessing the United States' Regulation of Biotechnology in the Age of Gene Drives, 30 GEORGTOWN ENVTL. L. REV. 547-568 (2018).

Coit & Bousquet, GMO Labeling: An Emerging Food Labeling Issue, 23 DRAKE J. AGRI. L. 21-28 (2018).

Energy Issues

[Potopova, Recent Developments in Texas and United States Energy Law](#), 13 TEX J. OIL , GAS & ENERGY L. 221-231 (2018).

Comment, The Nuclear Option: What can States Do to Encourage Clean Energy after *Hughes* and

ESPA? 166 UNIV. PA. L. REV. 1267-1292 (2018).

Eid, Beyond Dakota Access Pipeline: Energy Development and the Imperative for Meaningful Tribal Consultation, 95 DENY. L. REV. 593-607 (2018).

Note, Two Ideas, Many Outcomes: How Anti-Waste Sentiments and the Public Trust Doctrine Support Varied Interests in Fracking-Related Litigation, 30 GEORTIA L. REV. 499-519 (2018).

Hudson, Harnessing Energy Markets to Conserve Natural Resources? The Case of Southern U.S. Forests, 44 FLA. ST. UNIV. L. REV. 995-1040 (2017).

Environmental Issues

Symposium: Owley, et al., Climate Change Challenges for Land Conservation: Rethinking Conservation Easements, Strategies, and Tools, 95 DENVER L. REV. 727-779 (2018).

Lovvorn, Climate Change Beyond Environmentalism part 11: Near-Term Climate Mitigation in a Post-Regulatory Era, 30 GEORGETOWN ENVTL. L. REV. 203-256 (2018).

Powell, Effectiveness of the Renewable Fuel Standard in Sparking Innovation in the Cellulosic Biofuels Industry, 30 GEORGETOWN ENVTL. L. REV. 257-280 (2018).

Coplan, The Missing Element of Environmental Cost-Benefit Analysis: Compensation for the loss of Regulatory Benefits, 30 GEORGETOWN ENVTL. L. REV. 281-320 (2018).

Note. A new path to climate justice: adaptation suits against private entities. 30 GEORGETOWN ENVTL. L. REV. 321-354 (2018).

Silecchia, Conflicts and Laudato Si': Ten Principles for Environmental Dispute Resolution, 33 J. LAND USE & ENVTL. L. 61- 86 (2017).

Note, Policy Mechanisms, Precedent, and Authority for State Implementation of Climate Change Agendas, 33 J. LAND USE & ENVTL. L. 145-181 (2017).

Note, Geoengineering: A Promising Weapon or an Unregulated Disaster in the Fight against Climate Change? 33 J. LAND USE & ENVTL. L. 183-216 (2017).

Laitos & student Ainscough, The Paralysis Paradox and the Untapped Role of Science in Solving "Big" Environmental Problems, 30 GEORGETOWN ENVTL. L. REV. 409-454 (2018).

Jaffe, Melting the Polarization around Climate Change Politics, 30 GEORGETOWN ENVTL. L. REV. 455-497 (2018).

Macey, The Incomplete Ecology of Hydraulic Fracturing Governance, 50 ARIZ. STATE L. J. 583-616 (2018).

Note, Environmental and Nuisance Regulations in Iowa: Something to Raise a Stink over? 23 DRAKE J. AGRI. L. 79-112 (2018).

Note, Wetlands Mitigation for Farmers, 23 DRAKE J. AGRI. L. 113-130 (2018).

Case comment, Bearing the Burden: Environmental Injustice in the Protection of the *Polar Bear Alaska Oil & Gas Ass'n v. Jewell* (9th Cir. 2016), 42 HARVARD ENVTL. L. REV. 547-571 (2018).

Note, Frankly, My Dear, I Don't Want a Dam: Refocusing Dam Removal Priorities to Protect Endangered Salmon Now, 25 ANIMAL LAW 75-92 (2018).

Note, Battling the Butterfly Effect: Why the Monarch Butterfly Needs Protection under the Endangered Species Act, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 67- 88 (2017-2018).

Note, The Influence of Property in the Law of Energy Development: How the United States as a Landowner can Limit Environmental Degradation on Federal Lands, 36 VA. ENVTL. L. J. 386-404 (2018).

Mandelker, Practicable Alternatives for Wetlands Development under the Clean Water Act, 48 ENVTL. L. REP. NEWS & ANALYSIS 10894-10913 (2018).

Chen, The Fragile Menagerie: Biodiversity, Loss, Climate Change, and the Law, 93 IND. L. J. 303-367 (2018).

Equine Law

Note, Horseplay Gone Wrong: A Proposed Model Equine Activity Liability Act, 52 VALPARAISO U. L. REV. 543-584 (2018).

Note, Holding Your Horses: A Violation of the Dormant Commerce Clause, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 45-65 (2017-2018).

Note, Thoroughbred Horse Racing: Why a Uniform Approach to Drug Regulation is Necessary, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 111-130 (2017-2018).

Farm Policy and Legislative Analysis – Domestic

Copess, A Perspective on Agricultural Policy in the Age of Nutrient Loss, 23 DRAKE J. AGRI. L. 29-44 (2018).

Farm Policy and Legislative Analysis – International

Rowand & McMahon, Cannabis: Regulatory and IP Landscape for Food and Agribusiness in Canada-A Legal Perspective, 23 DRAKE J. AGRI. L. 67-77 (2018).

Food and Drug Law

Comment, The Global Status of Food Allergen Labeling Laws, 54 CAL. W. L. REV. 293-321 (2018).

Herndindez-Lopez, Sustainable Food and the Constitution, 50 ARIZ ST. L. J. 549-581 (2018).

Mortazavi, Food, Fracking, and Folly, 50 ARIZ. ST. L. J. 617-649 (2018).

Rubin & Sax, Administrative Guidance and Genetically Modified Food, 60 ARIZ. L. REV. 539-599 (2018).

Land Use Regulation

Eagle, Land Use Regulation and Good Intentions, 33 J. LAND USE & ENVTL. L. 87-144 (2017).

Comment, Rights in a Cloud of Dust: The Value and Qualities of Farm Data and How Its Property Rights Should Be Viewed Moving Forward, 71 ARK. L. REV. 319-348 (2018).

Public Lands

Schmitt, A Historical Reassessment of Congress's "Power to Dispose of the Public Lands, 42 HARVARD ENVTL. L. REV. 453-518 (2018).

Rural Development

Hazlett, Rural America and the Opioid Crisis: Dimension, Impact, and Response, 23 DRAKE J. AGRI. L. 45-55 (2018).

Water Rights: Agriculturally Related

Note, Waters of the United States: How the Governmental Branches Struggled to Settle the Jurisdiction of the Clean Water Act, 30 GEORGTOWN ENVTL. L. REV. 379-400 (2018).

Szeptycki, et al., A Flexible Framework or Rigid Doctrine? Assessing the Legacy of the 2000 *Mojave* Decision for Resolving Disputes over Groundwater in California, 37 STANFORD ENVTL. L. J. 185-250 (2018).

Forsythe, Jones & Kemp, A Report Card: Progress under California's Sustainable Groundwater Management Act (SGMA), 21 U. DENVER WATER L. REV. 199-236 (2018).

Note, Redefining the Waters of the United States: Did Government Overreach just get Trumped? 23 DRAKE J. AGRI. L. 131-146 (2018).

Taylor, Talavera & Camacho, Improving Water Quality and Ecosystem Health in California's Marine Managed Areas, 48 ENVTL. L. REP. NEWS & ANALYSIS 10818-10836 (2018).