

## **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

## Third Quarter 2018

#### Administrative Law

Comment, The Constitutionality of Fish and Wildlife Related Searches and Seizures Conducted by Conservation Agents in Missouri, 62 ST. LOUIS U. LAW JOURNAL 713-737 (2018).

#### **Agribusiness Corporations**

Weil, Big-Ag Exceptionalism: Ending the Special Protection of the Agricultural Industry, 10 DREXEL L. REV. 183-238 (2017).

#### **Animal Rights**

Marceau, How the Animal Welfare Act Harms Animals, 69 HASTINGS L.J. 925-959 (2018).

Bradshaw, Animal Property Rights, 89 U. COLO. L. REV. 809-861 (2018).

Cupp Jr., Animals Are More than "Mere Things," but still Property: A Call for Continuing Evolution of the Animal Welfare Paradigm, 84 U. CINCINNATI L. REV. 1023-1067 (2016).

#### Aquaculture

Lieblich, Minimum Size Restrictions are a Problem for Fisheries, Is Litigation the Solution? 48 ENVTL. L. REP. NEWS & ANALYSIS 10457-10466 (2018).

Macpherson, In Pursuit of "Optimum": Forty Years of Federal Fisheries Management under the Magnuson-Stevens Fishery Conservation and Management Act, 31 TULANE ENVTL. L. J. 209-277 (2018).

Dialogue: Current Developments in U.S. Fisheries Policy, Recio-Blanco, moderator; Goldberg, Gravitz & Miller, panelists, 48 ENVTL. L. REP. NEWS & ANALYSIS 10279-10287 (2018).

<u>Kibel, California Rushes In - Keeping Water Instream for Fisheries without Federal Law</u>, 42 WM. & MARY ENVTL. L. & POL'Y REV. 477-523 (2018).

Comment, A Battle Over Oysters: *Drakes Bay Oyster Co. v. Jewell* and Its Aftermath, 10 GOLDEN GATE U. ENVTL. L. J. 33-53 (2018).

Johnson-Weider, Muddying the Waters: Catfish Inspection Authority Transitions to the Food Safety and Inspection Service, 13 J. FOOD L. & POL'Y 298-324 (2017).

Student Article, Highway Culverts, Salmon Runs, and the Stevens Treaties: A Century of Litigating Pacific Northwest Tribal Fishing Rights, 39 PUBLIC LANDS & RESOURCES L. REV. 253-276 (2018).

Student Article, Battle Royale: The Fight Over Sea Lions, Salmon, and Hydroelectric Dams in the Columbia River, 41 ENVIRONS: ENVTL. L. & POL'Y J. 1-45 (2017).

### Biotechnology

Note, <u>The GM Food Debate: An Evaluation of the National Bioengineered Food Disclosure Standard</u> <u>and Recommendations for the United States based on Food Justice</u>, 41 SEATTLE U.L. REV. 1003-1034 (2018).

Fraboni, <u>A Federal GMO Labeling Law: How it Creates Uniformity and Protects Consumers</u>, 32 BERKELEY TECH. L.J. 563-590 (2018).

McLaughlin, A Label Law That Requires No Label, 43 DAYTON L. REV. 127-159 (2018).

DeGiovanni, <u>The Future of GMO Labeling: How a new Federal Labeling Scheme will Alter Public</u> <u>Disclosure</u>, 95 WASH. L. REV. 705-726 (2017).

Fritsche et al., A New Zealand Perspective on the Application and Regulation of Gene Editing, 9 FRONTIERS IN PLANT SCEINCE 1323 (2018)

#### **Energy Issues**

Sensiba, Swiger & White, Deep Decarbonization and Hydropower, 48 ENVTL. L. REP. NEWS & ANALYSIS 10309-10333 (2018).

Comment, The Energy and Natural Resources Act: Updating the U.S. Energy Strategy for the New Age of LNG, 40 HOUSTON J. INT'L. L. 361-408 (2017).

Comment, Government Taxation of Renewable Resources and Its Fatal Effects on Emerging Wind Energy Technology, 43 UNIV. DAYTON L. REV. 297-322 (2018).

Welton, Electricity Markets and the Social Project of Decarbonization, 118 COLUMBIA L. REV. 1067-1138 (2018).

Holman, The Renewable Fuel Standard Reimagined: Clearing a Path for Truly Advanced Biofuels, 86 UMKC L. REV. 805-853 (2018).

Note, It's Always Sunny in Florida: Reexamining the Role of Energy Monopolies after Recent Solar Ballot Initiatives, 42 WILLIAM & MARY ENVTL. L. & POL'Y. REV. 1051-1071 (2018).

Lyons, Protecting States in the New World of Energy Federalism, 67 EMORY L. J. 921-973 (2018).

Note, The Race to Renewables: A Comparative Study of the Energy Market in Germany and the United States, 19 OREGON REV. INT'L. L. 259-288 (2018).

Mullett, The Clean Energy Incentive Program: A Withdrawn Invitation to Technological Innovation and Market Transformation in the Electric Energy Industry, 52 VALPARAISO U. L. REV. 205-230 (2017).

#### **Environmental Issues**

Schiff, Keeping the Clean Water Act Cooperatively Federal - Or, Why the Clean Water Act Does not Directly Regulate Groundwater Pollution, 42 WILLIAM & MARY ENVTL. L. & POL'Y REV. 447-476 (2018).

Scanlan, The Role of Courts in Guarding against Privatization of Important Public Environmental Resources, 7 MICHIGAN J. ENVTL. & ADMIN. L. 237-280 (2018).

Public Seminar, Green Finance: Leveraging Investment for Environmental Protection, Gerrard, moderator; Di Leva, Rousakis & Sims, discussants, 48 ENVTL. L. REP. NEWS & ANALYSIS 10367-10376 (2018).

Hyman, *Gunderson v. State*: The Indiana Supreme Court Strengthens the Public Trust Doctrine's Potential for Conservation of the Great Lakes, 48 ENVTL. L. REP. NEWS & ANALYSIS 10394-10401 (2018).

Hester, Legal Pathways to Negative Emissions Technologies and Direct Air Capture of Greenhouse

Gases, 48 ENVTL. L. REP. NEWS & ANALYSIS 10413-10432 (2018).

Comment, What's All the Buzz About? Analyzing the Decision to List the Rusty Patched Bumblebee on the Endangered Species List, 29 VILLANOVA ENVTL. L. J. 129-153 (2018).

Owen, The Conservative Turn Against Compensatory Mitigation, 48 ENVTL. L. 265-290 (2018).

Robbins, Complementary Authority and the One-way Ratchet: Ecosystem Services Property, Regulation, and Wildlife Conservation, 48 ENVTL. L. 291-310 (2018).

Parenteau, The Clean Water Rule: Not Dead Yet, 48 ENVTL. L. 377-407 (2018).

#### Food and Drug Law

Note, You Don't Know What's in Your Shampoo, and neither does the FDA: A Call for Change, 10 DREXEL L. REV. 277-305 (2017).

Note, The Off-Label Use of POM Wonderful: Using Section 43(a) to Eliminate Misleading Off-Label Drug Promotion, 75 WASHINGTON & LEE L. REV. 593-646 (2018).

Seaman, Reconciling the Lanham Act and the FDCA: A Comment on Chris Hurley's Note, 75 WASHINGTON & LEE L. REV. 647-661 (2018).

Bowen, Protecting Regulatory Expressions of Food Populism through Interstate Cooperation, 85 TENN. L. REV. 1-70 (2017).

Leib & Linnekin, Food Law & Policy: An Essential Part of Today's Legal Academy, 13 J. FOOD L. & POL'Y 228-271 (2017).

Fortin, The FDA's Guidance on Dietary Supplement Naming and the Emperor's New Clothes, 13 J. FOOD L. & POL'Y 272-280 (2017).

Card, The Role of Non-Profit Organizations in Shaping Food Law and Corporate Responsibility in the United States, 13 J. FOOD L. & POL'Y 281-297 (2017).

Student Article, A Proposal for FDA Label Regulations and Uniform Certifications for Organic Non-food and "Natural" Products, 23 BARRY L. REV. 65-78 (2017).

Cooper-Walsh Colloquium: Taking a Bite out of the Big Apple: A Conversation about Urban Food Policy, 45 FORDHAM URBANA L. J. 909-1156 (2018).

> DePasquale, Sarang & Vena, Forging Food Justice through Cooperatives in New York City, 45 FORKHAM URBANA L. J. 909-950 (2018). Freudenberg et al., Ten Years of Food Policy Governance in New York City: Lessons for the Next Decade, 45 FORDHAM URBANA L. J. 951-994 (2018). Linnekin, Food Law Gone Wild: The Law of Foraging, 45 FORDHAM URBANA L. J. 995-1050 (2018). Roache et al., Big Food and Soda versus Public Health: Industry Litigation Against

Local Government Regulations to Promote Healthy Diets, 45 FORDHAM URBANA L. J. 1051-1089 (2018).

Rosenberg & Cohen, Let Them Eat Kale: The Misplaced Narrative of Food Access, 45 FORDHAM URBANA L. J. 1091-1120 (2018).

Brown, Beyond Corporate Form: A Response to Dan DePasquale, Surbhi Sarang, and Natalie Bump Vena's "Forging Food Justice through Cooperatives in New York City", 45 FORDHAM URBANA L. J. 1121-1139 (2018).

Galperin, No Farms No Food? A Response to Baylen J. Linnekin, 45 FORDHAM URBANA L. J. 1141-1156 (2018).

### Forestry

Hudson, Fighting Fire with Fire? Adjusting Regulatory Regimes and Forest Product Markets to Mitigate Southern United States Wildfire Risk, 33 J. ENVTL. L. & LITIGATION 33-46 (2018).

Burton, In Dubious Battle: The Human Cost of Wildland Firefighting, 33 J. ENVTL. L. & LITIGATION 87-128 (2018).

### Hunger and Food Security Issues

Ramsey, Seed Libraries and Food Justice: Cultivating an Effective Legal and Policy Environment, 25 GEORGIA J. ON POVERTY L. & POL'Y 193-220 (2018).

Note, Homeless, Hungry, and Targeted: A Look at the Validity of Food-sharing Restrictions in the United States, 46 HOFSTRA L. REV. 733-763 (2017).

Note, Towards 2030: Shortcomings and Solutions in Food Loss and Waste Reduction Policy, 55 WASHINGTON U. L. J. & POL'Y 265-293 (2017).

Student Article, A Lot to Digest: Advancing Food Waste Policy in the United State, 58 NAT. RESOURCES J. 177-214 (2018).

#### International Trade

Saika, Seeds, Trade, Trust: Regionalization Commitments under the SPS Agreement, 20 J. INTERNATIONAL ECON. L. 855- 881 (2017).

Kennedy, Export Restrictions in Plant Breeder's Rights, 20 J. INT'L. ECON. L. 883-903 (2017).

### Land Use Regulation – Land Use Planning and Farmland Preservation Techniques

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

Simmons, Homestead: A (new) Hope, 63 SO. DAK. L. REV. 75-130 (2018)

Seidemann, Requisecat in Pace: The Cemetery Dedication and Its Implications for Land Use in

## Louisiana and Beyond, 42 WILLIAM & MARY ENVTL. L. & POL'Y REV. 895-922 (2018).

### Livestock and Packers & Stockyards

Lashmet, Bradbury & Weldon, Five Strands: A Landowner's Guide to Fence Law in Texas, TEXAS A&M AGRILIFE EXTENSION, 2018.

#### Pesticides, Herbicides, Insecticides, Fungicides, Fertilizers

Comment, The Blight of the Bumblebee: How Federal Conservation Efforts and Pesticide Regulations inadequately Protect Invertebrate Pollinators from Pesticide Toxicity, 13 J. FOOD L. & POL'Y 325-361 (2017).

#### **Public Lands**

Buccino, Keeping the "Public" in Public Lands, 48 ENVTL. L. REP. NEWS & ANALYSIS 10295-10299 (2018).

Pidot, Public-Private Conservation Agreements and the Greater Sage Grouse, 39 PUBLIC LANDS & RESOURCES L. REV. 161-201 (2018).

Stoellinger, Smutko & Western, Collaboration through NEPA: Achieving a Social License to Operate on Federal Public Lands, 39 PUBLIC LAND & RESOURCES L. REV. 203-252 (2018).

Environmental Law Symposium, The Trump Public Lands Revolution: Redefining "the Public" in Public Land Law, 48 ENVTL. L. 311-375 (2018).

- I. Attacking National Monuments A. Bears Ears National Monument B. Cascade-Siskiyou National Monument
- II. Resisting "Landscape" Federal Land Planning A. The Demise of BLM Planning 2.0 B. Revising Sage Grouse Plans
- III. Fostering Fossil Fuel Development A. Rescinding the Coal and Offshore Oil and Gas Leasing Moratoria B. Scuttling the Methane Anti-Waste Rules C. Eliminating the Hydraulic Fracturing Rule D. Revoking the Cost of Carbon Rule E. "Streamlining" the National Environmental Policy Act

America on Fire: Trends in Wildfire Law, Science, and Policy on Public and Private Lands, 33 J. ENVTL. L. & LITIGATION 1-128 (2018).

### Water Rights: Agriculturally Related

Greetham, Water Planning, Tribal Voices, and Creative Approaches: Seeking new Paths through Tribal-State Water Conflict by Collaboration on State Water Planning Efforts, 58 NATURAL RESOURCES J. 1-49 (2018).

Comment, Compact Compliance as a Beneficial Use: Increasing the Viability of an Interstate Water Bank Program in the Colorado River Basin, 89 U. COLO. L. REV. 937-966 (2018). Note, Another Attempt to Mix Oil, Gas, and Water: An Analysis of the Texas Supreme Court's Decision to Apply the Accommodation Doctrine to Groundwater; *Coyote Lake Ranch, LLC v. City of Lubbock*, 498 S.W.3d 53 (Tex. 2016), 57 WASHBURN L. J. 367-396 (2018).

Student Article, Ebb and Flow: The Changing Powers of the State Water Resources Control Board in Times of Drought, 41 ENVIRONS: ENVTL. L. & POL'Y J. 133-155 (2017).

Student Article, The Columbia River Treaty: Negotiating between Hydropower and Ecosystem-based Functions, 54 WILLAMETTE L. REV. 89-111 (2017).