



## **National Agricultural Law Center**

University of Arkansas · System Division of Agriculture

[NatAgLaw@uark.edu](mailto:NatAgLaw@uark.edu) · (479-575-7646) · [www.NationalAgLawCenter.org](http://www.NationalAgLawCenter.org)

---

# **Agricultural Law Bibliography Updates**

by Drew L. Kershen

## **Second Quarter 2019**

### **Administrative Law**

Ernst, Mr. Try-It Goes to Washington: Law and Policy at the Agricultural Adjustment Administration, 87 FORDHAM L. REV. 1795-1815 (2019).

### **Animals — Animal Rights**

Liss et al., Animal Welfare Act: Welfare Standards, 25 ANIMAL L. 157-184 (2019).

Satz & Winders, Animal Welfare Act: Interaction with other Laws, 25 ANIMAL L. 185-202 (2019).

McFadden, Leary & Hessler, Animal Welfare Act: Excluded Animals, 25 ANIMAL L. 203-223 (2019).

Tischler et al., Animal Welfare Act: Related Litigation and other Efforts, 25 ANIMAL L. 225-247 (2019).

Winders & Chilakamarri, Animal Welfare Act: Enforcement, 25 ANIMAL L 249-267 (2019).

Case Comment, *Humane Society of the United States v. Zinke* (D.C. Cir. 2017): Shifting Baselines in the Endangered Species Act, 43 HARVARD ENVTL. L. REV. 225-245 (2019).

## **Aquaculture**

Case Comment, Administrative Law-The Seafood Import Monitoring Program Upheld to Combat Nefarious Seafood Importers - *Alfa International Seafood v. Ross*, 264 F. Supp. 3d 23 (D.D.C. 2017), 41 SUFFOLK TRANSNAT'L L. REV. 593-623 (2018).

## **Environmental Issues**

Adler, Coevolution of Law and Science: A Clean Water Act Case Study, 44 COLUMBIA J. ENVTL. L. 1-65 (2019).

Adams-Schoen, Beyond Localism: Harnessing State Adaptation Lawmaking to Facilitate Local Climate Resilience, 8 MICHIGAN J. ENVTL. & ADMIN. L. 185-244 (2018).

Steier, The Carbon Tax Vacuum and the Debate about Climate Change Impacts: Emission Taxation of Commodity Crop Production in Food System Regulation, 35 PACE ENVTL. L. REV. 347-375 (2018).

Note, Environmental Personhood and Standing for Nature: Examining the Colorado River Case, 17 U. NEW HAMPSHIRE L. REV. 355-377 (2019).

Note, Iowa's Wetlands: How Agriculture and the Environment can Benefit from Predictable and Manageable Conservation Practices, 23 DRAKE J. AGRI. L. 229-252 (2018).

## **Equine Law**

Note, Will Horseracing Reclaim Its Seat on the Throne? A new Tax Regulation and Pari-Mutuel Betting, 10 KY. J. EQUINE, AGRI. & NAT. RESOURCES L. 303-326 (2017- 2018).

## **Farm Labor**

### **Aliens**

Beltran, 134,368 Unnamed Workers: Client-Centered Representation on Behalf of H-2A Agricultural Guestworkers, 42 N.Y.U. REV. L. & SOC. CHANGE 529-594 (2019).

Russo, Collective Struggles: A Comparative Analysis of Unionizing Temporary Foreign Farm Workers in the United States and Canada, 41 HOUSTON J. INT'L L. 5-55 (2018).

## **Farm Policy and Legislative Analysis**

### **Domestic**

Comment, Small Family Farms and Natural Disasters: Natural Disasters disproportionately Hurt Small

Farms, but should the Government Care? 2018 BYU L. Rev. 893-932.

### **International**

Kim, Encouraging Food Safety Standard Negotiations in the One-Belt-One-Road Initiative, 2 INT'L COMP., POLICY & ETHICS L. REV. 475-502 (2019).

Tang, Greater Uniformity and Centralization: The Regulatory Development of Chinese Food and Product Safety under the WTO, 28 WASH. INT'L L. J. 65-108 (2019).

### **Food and Drug Law**

Note, A "Natural" Stand Off Between the Food and Drug Administration and the Courts: The Rise in Food-Labeling Litigation & the Need for Regulatory Reform, 60 B.C. L. REV. 271-315 (2019).

Fiedler, Lord & Czarnecki, Life Cycle Costing and Food Systems: Concepts, Trends, and Challenges of Impact Valuation, 8 MICHIGAN J. ENVTL. & ADMIN. L. 1-47 (2018).

Note, 100% All-Natural Ambiguity: A Comparative Approach to Food Labeling Requirements for the Term "Natural" by the Food and Drug Administration and the European Union, 18 WASHING U. GLOBAL STUDIES L. REV. 263-292(2019).

Chenyang, Is Meat the new Tobacco? Regulating Food Demand in the Age of Climate Change, 49 ENVTL. L. REP. NEWS & ANALYSIS 10344-10361 (2019).

Westerman, Consumer Choice or Confusion: That GMO Label doesn't Mean what you think it Means, 23 DRAKE J. AGRI. L. 199-227 (2018).

### **Fruits and Vegetables — Perishable Agricultural Commodities**

Olexa & Benn, Feeling the Squeeze: Citrus Greening Policy in the Western Hemisphere, 23 DRAKE J. AGRI. L. 173-197 (2018).

### **Hunger and Food Security Issues**

Schindler, Food Federalism: States, local Governments, and the Fight for Food Sovereignty, 79 OHIO ST. L. J. 761-780 (2018).

### **Hunting, Recreation and Wildlife**

Dick, Dirty Money and Wildlife Trafficking: Using the Money Laundering Control Act to Prosecute Illegal Wildlife Trade, 49 ENVTL. L. REP. NEWS & ANALYSIS 10334-10343 (2019).

Note, Contemporary Sunday Hunting Laws: Unnecessary Economic Roadblocks, Ripe for Repeal, 43 WILLIAM & MARY ENVTL. L. & POL'Y REV 271-298 (2018).

## **Land Use Regulation**

McArdle, Managing "Retreat": The Challenges of Adapting Land Use to Climate Change, 40 U. ARK. LITTLE ROCK L. REV. 605-632 (2018).

## **Land Use Planning and Farmland Preservation Techniques**

Phelps, Defining the Role of Agriculture in Agricultural Conservation Easements, 45 ECOLOGY L. Q. 647-701 (2018).

Note, Urban Creep in Upstate New York: Optimizing the Preservation of Agricultural Land, 82 ALBANY L. REV. 665-691 (2018/2019).

## **Livestock and Packers & Stockyards**

Student Article, Holding the Animal Agriculture Industry Accountable for Climate Change: Merits of a Public Nuisance Claim under California and Federal Law, 30 VILL. ENVTL. L. J. 1-38 (2019).

## **Marketing Boards, Marketing Orders, Marketing Promotion, Marketing Quotas**

Endres, Schlessinger & Endres, Embracing the Sharing Economy and Preparing for Risk: The CSA Experience, 23 DRAKE J. AGRI. L. 147-172 (2018).

Note, Against the Grain: Why Middle-Sized Farmers should Stray from Mass-Distributors and Sell Direct, 23 DRAKE J. AGRI. L. 273-290 (2018).

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

Note, Superfund, Pesticide Regulation, and Spray Drift: Rethinking the Federal Pesticide Regulatory Framework to Provide alternative Remedies for Pesticide Damage, 104 IOWA L. REV. 1523-1550 (2019).

## **Public Lands**

Moffa & student Flaherty, Conserving a Vision: Acadia, Katahdin, and the Pathway from Private Hands to Park Lands, 71 ME. L. REV. 37-70 (2018).

Kochan, The Market to Roam: Using Sharing Economy Platforms for Expanding Roaming Access to Land Resources, 59 NAT. RESOURCES J. 89-134 (2019).

## **Rural Development**

Note, Self-Driving Cars and Rural Areas: The Potential for a Symbiotic Relationship, 37 J. L. & COM.

57-81 (2018).

Note, The Opioid Epidemic and Rural America: Why the USDA should Lead the Response, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 257-280 (2017-2018).

### **Water Rights: Agriculturally Related**

Johnson, How to make South Dakota Surface Water Drainage Law hold Water. 63 S.D. L. REV. 552-564 (2019).

Comment, Left in the Dust: Wyoming's Instream Flow Laws from a Mountain West Perspective, 19 WYO. L. REV. 197-229 (2019).

Comment, Minute by Minute: An Assessment of the Environmental Flows Program for Restoration of the Colorado River Delta, 19 WYO. L. REV. 231-257 (2019).

Gorton III, Continued Turbulence in "Waters of the United States," 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 237-256 (2017-2018).

Verhoeven, Water Leasing under the Agricultural Water Protection Water Rights, 22 U. DENV. WATER L. REV. 41-49 (2018).

Afifi, At Hindsight: Did the Historical Development of Water Law in Colorado Promote Sustainable Development in the State? 22 U. DENV. WATER L. REV. 51-60 (2018).

Note, Clean Water or a Guilty Conscience? The newly proposed Rulemaking to Rescind and Replace the Clean Water Rule has Ethical and Professional Implications for EPA Attorneys, 43 J. LEGAL PROF. 87-100 (2018).

Striffling, Integrated Water Resources Management and Effective Intergovernmental Cooperation on Watershed Issues, 70 MERCER L. REV. 399-435 (2019).

Smith, Instream Flow Rights within the prior appropriation Doctrine: Insights from Colorado, 59 NAT. RESOURCES J. 181-213 (2019).

Note, When the Well Runs Dry: Why Water-Rich States Need to Prepare for Climate Change and Protect Their Groundwater, 43 WILLIAM & MARY ENVTL. L. & POL'Y REV. 219-243 (2018).