



National Agricultural Law Center
University of Arkansas • School of Law • Division of Agriculture
NatAgLaw@uark.edu • (479) 575-7646 • www.NationalAgLawCenter.org

Agricultural Law Bibliography Updates

by Drew L. Kershen

Third Quarter 2009

(All entries have been incorporated into the master Bibliography)

Administrative Law

Comment, The Role of Administrative Law in Regulating “Mad Cow Disease” as Explained in *Creekstone Farms Premium Beef, LLC v. Department of Agriculture*, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCES L. 123-134 2009

Note, The Mystery of the Disappearing Honeybee: Will Government Funding and Regulation Save this Important Pollinator?, 14 DRAKE J. AGRICULTURAL L. 175-197 2009

Agricultural Law: Attorney Roles and Educational Programs

McEowen, Agricultural Law Developments: Shaping the Sector and Legal Practice, 14 DRAKE J. AGRICULTURAL L. 1-18 2009

Animals — Animal Rights

Lovvorn & Perry, California Proposition 2: A Watershed Moment for Animal Law, 15 ANIMAL L. 149-169 2009

Commodities Futures

Rubin, CFTC Regulation 1.59 Fails to Adequately Regulate Insider Trading, 53 NEW YORK LAW SCHOOL L. REV. 599-624 2009

Corporate Farming (Restrictions on Corporate Farming/Family Farm Preservation)

Schultz, Corporate-Farming Measures in a Post-*Jones* World, 14 DRAKE J. AGRICULTURAL L. 97-147 2009

Energy Issues

Cai, Think Big and Ignore the Law: U.S. Corn and Ethanol Subsidies and WTO Law, 40 GEORGETOWN J. INTERNATIONAL L. 865-917 2009

de Lima Mantilla, The Survival of the United States Ethanol Subsidies and Tariff: Are There Further Reasons to Keep Them on the Books?, 15 ILSA J. INTERNATIONAL & COMPARATIVE L. 203-225 2008

McCarl & Boadu, Bioenergy and U.S. Renewable Fuels Standards: Law, Economic, Policy/Climate Change and Implementation Concerns, 14 DRAKE J. AGRICULTURAL L. 43-73 2009

Note, The Iowa Power Fund: Making Iowa the Energy Capital of the World, 14 DRAKE J. AGRICULTURAL L. 221-244 2009

Note, Environmental Perspectives on Siting Wind Farms: Is Greater Federal Control Warranted?, 17 N.Y.U. ENVIRONMENTAL L. J. 1243-1294 2009

Environmental Issues

Cremer, Tractors Versus Bulldozers: Integrating Growth Management and Ecosystem Services to Conserve Agriculture, 39 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 10541-10554 2009

Note, The Impact of Feedlot Waste on Water Pollution under the National Pollutant Discharge Elimination System (NPDES), 33 WILLIAM & MARY ENVIRONMENTAL L. & POLICY REV. 947-970 2009

Equine Law

D'Angelo & Waxman, No Contest? An Analysis of the Legality of Thoroughbred Handicapping Contests under Conflicting State Law Regimes, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCE L. 1-28 2009

Comment, Opening the Door: Recognizing the Many Hats of Jockeys for Workers' Compensation Coverage, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCE L. 109-122 2009

Note, Reining in the Horse Racing Industry: A Proposal for Federal Regulation of Steroid Use in Racehorses, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCE L. 67-88 2009

Farm Policy and Legislative Analysis Domestic

Comment, *Huber Winery v. Wilcher*: The Commerce Clause, State Regulations and the Free Trade of Wine, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCES L. 87-98 2009

Eubanks, The Sustainable Farm Bill: A Proposal for Permanent Environmental Change, 39 ENVIRONMENTAL L. REP. NEWS & ANALYSIS 10493-10509 2009

Food and Drug Law

Houghtaling, Truth in Labeling? New FDA Guidance Does Not Require Labeling of Foods Derived from Genetically Engineered Animals, 26 AGRICULTURAL L. UPDATE 1, 5-8 7-2009

Walker, Double Trouble: Competing Federal and State Approaches to Regulating the New Technology of Cloned Animal Foods, and Suggestions for the Future, 14 J. TECHNOLOGY L. & POLICY 29-50 2009

Forestry

Tesini, Working Forest Conservation Easements, 41 URBAN LAWYER 359-375 2009

Hunger & Food Security Issues

Kong, The Right to Food for All: A Right-Based Approach to Hunger and Social Inequality, 32 SUFFOLK TRANSNATIONAL L. REV. 525-566 2009

International Trade

Bartels, Preventing Coffee Cooperation from Grinding to a Halt: An Institutional Analysis of International Coffee Agreements and Recommendations for Achieving Long-Term Cooperation in the International Coffee Trade, 42 CREIGHTON L. REV. 279-321 2009

Eliason, Science Versus Law in WTO Jurisprudence: The (Mis)Interpretation of the Scientific Process and the (In)Sufficiency of Scientific Evidence in EC-Biotech, 41 N.Y.U. J. INTERNATIONAL L. & POLITICS 341-406 2009

Note, Pour Some Sugar in Me: How Importing and Supporting Sugarcane Ethanol Production Will Not Only Make Friends, but Save America from an Addiction of Foreign Oil or Why the United States Should Remove the Tariff on Sugarcane Ethanol, 14 DRAKE J. AGRICULTURAL L. 199-220 2009

Note, Gently Modified Operations: How Environmental Concerns Addressed through Customs Procedures Can Successfully Resolve the US-EU GMO Dispute, 33 WILLIAM & MARY ENVIRONMENTAL L. & POLICY REV. 971-1016 2009

Peck, Nation-Specific Risk Tolerance in the WTO: US-Continued Suspension of Obligations in the EC-Hormones Dispute (National AgLaw Center Publications) 8-2009

Shin, The Domestic Decisionmaking Process and its Implications for International Commitments: American Beef in Korea, 34 YALE J. INTERNATIONAL L. 567-574 2009

Marketing Boards, Marketing Orders, Marketing Promotion, & Marketing Quotas

Zwagerman, Checking Out the Checkoff: An Overview and Where We Are now that the Legal Battles Have Quietened, 14 DRAKE J. AGRICULTURAL L. 149-173 2009

Patents and Other Intellectual Property Rights in Agriculture

Aoki, "Free seeds, not free beer": participatory plant breeding, open source seeds, and acknowledging user innovation in agriculture, 77 FORDHAM L. REV. 2275-2310 2009

Ikuta, Genetically Modified Plants, Patents, and Terminator Technology: The Destruction of the Tradition of Seed Saving, 35 OHIO NORTHERN UNIV. L. REV. 731-749 2009

Note, Not Confused? Don't Be Troubled: Meeting the First Amendment Attack on Protection of "Generic" Foreign Geographical Indications, 30 CARDOZO L. REV. 2257-2293 2009

Pesticides, Herbicides, Insecticides, Fungicides, Fertilizers

Busby & Eckstein, Organophosphates, Friend and Foe: The Promise of Medical Monitoring for Farm Workers and their Families, 27 UCLA J. ENVIRONMENTAL L. & POLICY 39-69 2009

Rural Development

Pruitt, Migration, Development and the Promise of CEDAW for Rural Women, 30 MICHIGAN J. INTERNATIONAL L. 707- 761 2009

Pruitt, The Forgotten Fifth: Rural Youth and Substance Abuse, 20 STANFORD L. & POLICY REV. 359-404 2009

Sustainable & Organic Farming

Maccabee, Pipelines, Power Lines, and Organic Farms, 14 DRAKE J. AGRICULTURAL L. 19-42 2009

Redick, Regulatory Update – FTC Seeks Input on Green Marketing Guides, 26 AGRICULTURAL L. UPDATE 1-7 8-2009

Schneider, Reconnecting Consumers and Producers: On the Path Toward a Sustainable Food and Agricultural Policy, 14 DRAKE J. AGRICULTURAL L. 75-95 2009

Taxation

Comment, *Topping v. Commissioner*: An Example of How an Equestrian Taxpayer Can Utilize “Single Activity” to Preclude the IRS “Hobby Loss” Challenge, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCE L. 97-108 2009

McEowen, Two Courts Say that LLC and LLP Members Are Not Per Se “Passive” Limited Partners – IRS Scolded for Lack of Regulations, 26 AGRICULTURAL L. UPDATE 1-4 7-2009

Torts and Insurance

Comment, Shortcomings of the Cartagena Protocol: Resolving the Liability Loophole at an International Level, 27 UCLA J. ENVIRONMENTAL L. & POLICY 145-180 2009

Note, The Pending Farmers’ Market Fiasco: Small-Time Farmers, Part-Time Shoppers, and a Big-Time Problem, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCES L. 49-66 2009

Uniform Commercial Code

Article Seven (Documents of Title)

Schutz, Documents of Title, 64 BUSINESS LAWYER 1229-1236 2009

Veterinary Law

Toby, State Regulation of Complementary and Alternative Veterinary Therapies: Defining the Practice of Veterinary Medicine in the 21st Century, 1 KENTUCKY J. EQUINE, AGRICULTURAL, NATURAL RESOURCE L. 29-48 2009

Water Rights: Agriculturally related

Jones & Little, The Ownership of Groundwater in Texas: A Contrived Battle for State Control of Groundwater, 61 BAYLOR L. REV. 578-609 2009

Shepard, The Unbearable Cost of Skipping the Check: Property Rights, Takings Compensation & Ecological Protection in the Western Water Law Context, 17 N.Y.U. ENVIRONMENTAL L. J. 1063-1134 2009