

THE ACADEMY

Spring 2019

OF FOOD LAW & POLICY

GREETINGS FROM THE BOARD

Dear Members,

In this Spring semester newsletter, we celebrate the accomplishments of our members. Building on success of our inaugural conference in October, the Board is pleased to announce that plans for our next conference are already underway. We also announce the formation of the committees designed to support the growth of the Academy: the Conference Committee, Membership & Outreach Committee, Scholarship Committee, and Website & Education Committee. The Board is grateful to those who volunteered and encourage others to join us as we move the Academy forward. Please contact us at foodlawandpolicy@gmail.com. And, stay tuned for the announcement of our new board members.



ACADEMY MEMBER UPDATES

A look at member publications, presentations, and new courses taught and/or developed in 2018 -19, as reported to us by our members.

PUBLICATIONS

Laurie Beyranevand & Diana Winters, *Retooling American Foodralism*, AM. J.L. & MED. (forthcoming 2019).

Susan H. Bragdon & Carly Hayes, *Re-Conceiving Public-Private Partnerships To Eradicate Hunger: Recognizing Small-Scale Farmers And Agricultural Biological Diversity As The Foundation Of Global Food Security*, 49 GEORGETOWN INT'L L. REV. (forthcoming 2019).

Emily Broad-Leib, et al, [COTTAGE FOOD LAWS IN THE UNITED STATES](#), Harvard Food Law & Policy Clinic (2018 version).

Roni A. Neff, Marie Spiker, Christina Rice, Alexandra Schklair, Sally Greenberg, Emily Broad Leib, *Misunderstood Food Date Labels And Reported Food Discards: A Survey Of U.S. Consumer Attitudes And Behaviors*, WASTE MANAGEMENT (forthcoming 2019) DOI: [10.1016/j.wasman.2019.01.023](https://doi.org/10.1016/j.wasman.2019.01.023).

Emily M. Broad Leib & Baylen J. Linnekin, [Food Law & Policy: An Essential Part of Today's Legal Academy](#), 13 J. FOOD L. & POL'Y 228 (2018).

Marne Coit, [The Fate of Industrial Hemp in the 2018 Farm Bill—Will Our Collective Ambivalence Finally Be Resolved?](#) 14 J. of Food L. & Policy 12 (2018).

Marne Coit & Kim Bousquet, [GMO Labeling: An Emerging Food Labeling Issue](#), 23 Drake J. Agric. L. 21 (2018).

Mathilde Cohen, *Should Human Milk Be Regulated?* 9 U.C. IRVINE L. REV. (forthcoming, 2019).
David Forman, *Marooned in the Doldrums While Ignoring Indigenous Environmental Knowledge: Federal and State Preemption of County Ordinances Regulating Pesticide Use in Hawai'i*, in E. GAILLARD & D. FORMAN, TAKING LEGAL ACTIONS ON BEHALF OF FUTURE GENERATIONS: NEW PATHS (forthcoming 2019).

Ching-Fu Lin, [The Emergence of ASEAN Regional Food Safety Governance: Structure, Substance, and Context](#), 74 FOOD AND DRUG L. J. (forthcoming 2019).

Josh Galperin, [Food Localization: Empowering Community Food Systems Through the Farm Bill](#), 14 J. FOOD L. & POL'Y 8 (2018).

Josh Galperin, [No Farms No Food?: A Response to Baylen Linnekin](#), 45 FORDHAM URB. L.J. 1141 (2018).

Josh Galperin, [Value Hypocrisy and Policy Sincerity: A Food Law Case Study](#), 42 VT. L. REV. 345 (2018).

Ernesto Hernandez-Lopez, [Sustainable Food and the Constitution](#), 50 ARIZ. ST. L.J. 547 (2018).

Angela Lee, *The Stakes in Steak: Examining Barriers to and Opportunities for Alternatives to Animal Products in Canada*, 41 DALHOUSIE L.J. 220 (2018).

Baylen Linnekin, [Food Law Gone Wild: The Law of Foraging](#), 45 FORDHAM URB. L.J. 995 (2018).

Baylen Linnekin, *Using Online Tools to Assess Consumer Perceptions of Class-Action Food Litigation*, LOY. CONSUMER L. REV. (forthcoming 2019).

Timothy D Lytton, [Technical Standards in Health & Safety Regulation: Risk Regimes, the New Administrative Law, and Food Safety Governance](#), CAMBRIDGE HANDBOOK OF TECHNICAL STANDARDIZATION LAW, VOL. 2: ADMINISTRATIVE LAW, COPYRIGHT, TRADEMARK, AND INTERNATIONAL LAW (Jorge L. Contreras, ed., Cambridge University Press (forthcoming 2019)).

Timothy D Lytton, [Exposing Private Third-Party Food Safety Auditors to Civil Liability for Negligence: Harnessing Private Law Norms to Regulate Private Governance](#), 27 EUR. REV. OF PRIVATE L., (forthcoming 2019).

Timothy D Lytton & Patricia Zettler, [*Regulation of Chemicals in Food, Chemicals And The Law*](#), ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW SERIES (Edward Elgar Publishing) (forthcoming 2019).

Peter Lehner & Nathan Rosenberg, [*Promoting Climate-Friendly Agriculture for the Benefit of Farmers, Rural Communities, and the Environment*](#), NAT. RESOURCES & ENV'T 7 (2018).

Peter Lehner & Nathan Rosenberg, [*A Farm Bill to Help Farmers Weather Climate Change*](#), J. FOOD LAW & POL'Y 8 (2018).

Nathan Rosenberg & Nevin Cohen, [*Let Them Eat Kale: The Misplaced Narrative of Food Access*](#), FORDHAM URB. L. J. 1092 (2018).

Joanna Sax, Edward L. Rubin and Joanna K. Sax, *Administrative Guidance and Genetically Modified Food*, 60 ARIZ. L. REV. 539 (2018).

Joanna K. Sax, *Book Review: [*Seeds of Science: Why We Got It So Wrong on GMOs*](#)*, by Mark Lynas, IND. L. J. BLOG (2018).

Joanna K. Sax & Neal Doran, *Ambiguity and Consumer Perceptions of Risk in Various Areas of Biotechnology*, J. OF CONSUMER POL'Y (forthcoming 2019).

Susan A. Schneider & Meredith Kaufman, *Agriculture & the Current Regulatory Landscape: Agricultural Exceptionalism*, in CHOOSE FOOD: AN ETHICAL BASIS FOR FOOD PRODUCTION, John Hopkins University (forthcoming 2019);

Gabriela 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 (2018).

Gabriela Steier & Alberto G. Cianci, eds., ENVIRONMENTAL RESILIENCE AND FOOD LAW: AGROBIODIVERSITY AND AGROECOLOGY (Taylor and Francis CRC Press) (2019).

Marc-Tizoc González, Edwin Lindo & Brenda Williams, [*Uncompromising Hunger for Justice: Resistance, Sacrifice, and LatCrit Theory*](#), 16 SEATTLE J. SOC. JUST. 727 (2018).

PRESENTATIONS

Josh Galperin delivered several presentations:

The Life and Death of Administrative Democracy, Josh workshopped this work in progress-- which covers in great detail the USDA farmer committee system and its role in administrative law--at several events, including the first conference of the Academy of Food Law and Policy and the administrative and food law section events at the annual conference of the American Association of Law Schools.

Why Food Law? At Food Law: Um Dialogo Interdisciplinar, Faculty of Law of Ribeirao Preto of the University of Sao Paulo, Sao Paulo, Brazil, Jun 12-13, 2018.

Policy Hypocrisy and Value Sincerity: The Case Of Food Law Advocacy In The United States, part of a [seminar hosted by the Asia-Pacific Center for Environmental Law](#) at the National University of Singapore.

Alexia M. Kulwieg presented a seminar on *Agricultural Labor Issues*, as a Guest Lecturer in UW-Wisconsin Madison, Masters in Agroecology program.

Joanna Sax presented at a number of conferences:

Administrative Guidance and Genetically Modified Food, FDA: Past, Present, and Future, at the American University Washington College of Law and the Food and Drug Law Institute, Washington, D.C., October 2018;

Food and Consumer Decision-Making, Eighth International Conference on Health, Wellness & Society, at Imperial College London, London, UK., September 2018;

Hot Issues in Law and Bioethics, at the Southeastern Association of Law Schools Annual Meeting, Ft. Lauderdale, FL., August 2018 (invited participant);

Ambiguity and Consumer Perceptions of Risk in Various Areas of Biotechnology, Governance of Emerging Technology 2018, Arizona State University Sandra Day O'Connor College of Law, Tempe, AZ., May 2018;

Consumer Perceptions of Risk and Our Food Supply, at the Yale Food Systems Symposium, Yale School of Forestry & Environmental Studies, New Haven, CT., February 2018.

Susan Schneider delivered the following presentations:

Food Law Update, American Agricultural Law Association Annual Symposium, Portland Oregon (Oct. 2018);

Agriculture & the Current Regulatory Landscape: Agricultural Exceptionalism, Choose Food Symposium, John Hopkins University (Nov. 2018);

Discussant, *Meat The Future: A Public Choice Account Of Captured Agency Preference* (draft by Tammi S. Etheridge), Consumer Law Scholars Conference, Berkeley Law (Feb. 2019).

NEW COURSES TAUGHT OR DEVELOPED

Emily Broad Leib developed a new course, *Policy Advocacy Workshop*.

Marne Coit developed a *Food Law* course to be offered in spring 2019 and is currently developing a course in *The Business and Law of Industrial Hemp*, to be offered summer 2019 at NC State University.

Andrea Freeman taught *Food Law and Policy*, the first Food Law and Policy class at the University of Denver Sturm College of Law.

Vivek V. Nemane taught *Biotechnology Law* at the University of New England.

Nathan Rosenberg taught *Animal Law* at the University of Arkansas School of Law and is currently teaching *Agricultural Law* at the University of Iowa College of Law.

Cathy Sherry developed a [Food Law course](#) to be offered in 2019 at UNSW Sydney.

Emily Spiegel taught *Introduction to Food and Agricultural Law and Policy* and *International Law* at Vermont Law.

Stephen Sugarman taught *Food Law and Policy* (an annual course offering). Steve also reports that UC Berkeley has developed a graduate certificate in food policy open to grad students across the campus, including Law students. He taught a section of one of the courses in this program in fall 2018 on food law.

OTHER ITEMS OF NOTE

Josh Galperin received the [Conservation Foundation Local Hero Award](#). Josh Galperin and Anika Singh Lemar were honored recently for their work, along with Brian Fink, in setting up the Connecticut Local Food Hub. The Hub helps connect small farmers and food entrepreneurs with pro bono lawyers to help energize local food economies. The Conservation Law Foundation annually announces Local Hero awards to honor partners in New England who help in advancing CLF's mission.

Janie Simms Hipp became the new CEO of the [Native American Agriculture Fund](#) in late 2018. The Fund is the nation's largest philanthropic organization serving the needs of Indian Country, focused solely on grant-making to support Native farmers and ranchers and sustainability of Native food systems. The Fund was created as part of the settlement of the *Keepseagle v. Perdue* long-standing national class action alleging discrimination in the farm loan and farm loan servicing programs of USDA. The Fund is a 20-year non-profit entity required to provide support according to the terms of the Trust Agreement creating the organization.

Gabriella Steier recently joined Northeastern University as Part-Time Lecturer at the College of Professional Studies teaching food regulation courses.

Marc-Tizoc González will begin teaching full time at the University of New Mexico School of Law on July 1, 2019.

Members of the Board

Emily Broad Leib, Assistant Clinical Professor of Law, Director of the Food Law and Policy Clinic,
Deputy Director of the Center for Health Law and Policy Innovation, Harvard Law School

Neil Hamilton, Emeritus Professor of Law and Director of the Drake Agricultural Law Center, Drake
Law School

Peter Barton Hutt, Lecturer on Food and Drug Law, Harvard Law School, Senior Counsel,
Covington & Burling LLP, specializing in Food and Drug Law

Baylen Linnekin, Food Law & Policy author & adjunct professor, George Mason University Antonin
Scalia Law School

Timothy Lytton, Associate Dean for Research & Faculty Development; Distinguished University
Professor & Professor of Law, Georgia State University College of Law

Margaret Sova McCabe, Dean, University of Arkansas School of Law

Melissa Mortazavi, Associate Professor of Law, Oklahoma University College of Law

Michael Roberts, Executive Director, Resnick Center for Food Law & Policy, UCLA School

Susan Schneider, William H. Enfield Professor of Law, Director, LL.M. Program in Agricultural &
Food Law, University of Arkansas School of Law

Sarah Hiatt, Executive Director, Academy of Food Law & Policy

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