

SAN JOAQUIN AGRICULTURAL LAW REVIEW



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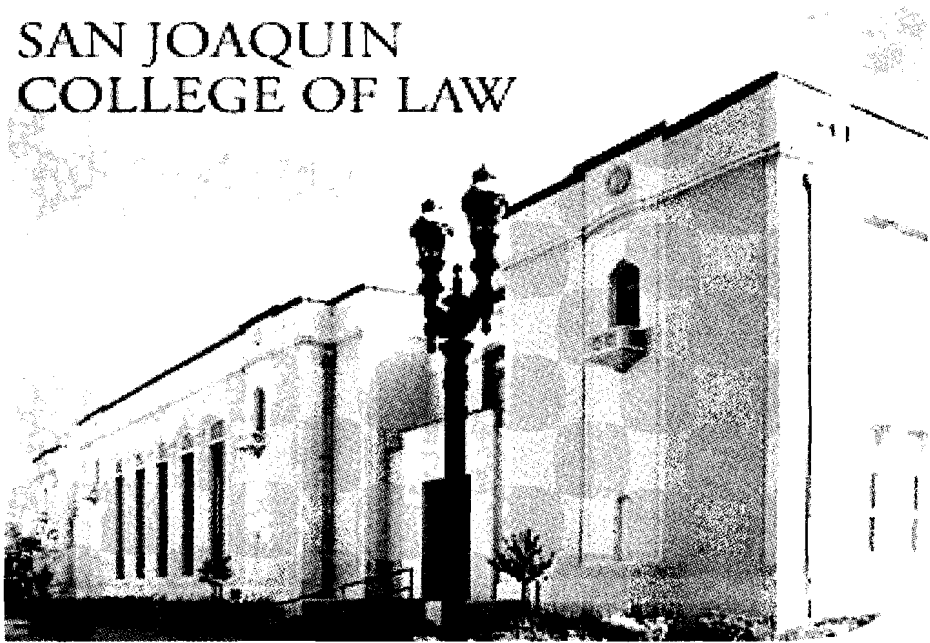
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FOREWORD

SCOTT L. JONES
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In the proud tradition of excellence carried forth since its inception in 1990, the *San Joaquin Agricultural Law Review* continues to provide a forum for cultivating ideas from all points of view. Volume 16 is no exception. Professor John C. Becker, J.D., Professor of Agricultural Economics and Law and member of the Pennsylvania Bar, along with Professor Matthew S. Kaplan, Ph.D. Associate Professor, International Programs and Aging and Professor Jon Nussbaum, Ph.D., Professor of Communication Arts & Sciences, all from the University of Pennsylvania have contributed to our leading article. In *Family Farm Succession Planning: Balancing Professional Responsibility With Client Needs for Help With Family Relationship Issues*, Professors Becker, Kaplan, and Nussbaum examine the delicate balance between a lawyer's professional responsibilities and the unique circumstances of estate planning for a family farm. Extensive research into the lives of families living and working on farms set the foundation for a glimpse into the challenges the families and their lawyers face when addressing these issues.

Doctor Sheila Fleischhacker, Ph.D., a law student at Loyola University, Chicago, has an extensive background in food science as a consultant and a food and nutrition coordinator. In her Comment, *Food for Thought or Terror: The Legal Issues Surrounding Agroterrorism*, Dr. Fleischhacker focuses on the legal issues connected to the deliberate sabotage of processed food with the intent to cause human disease. After a brief overview of agricultural biological warfare and then an analysis of various governmental responses to agroterrorism, this Comment examines the Department of Health and Human Services' recent, unprecedented request to pull a paper, which analyzes a potential bioterror attack on the food supply, from the Proceedings of the National Academy of Sciences.

In his Comment, *From Bracero to H-2A San Joaquin Valley Shepherders: Lessons Learned from the Failure of our Nation's Guestworker Program*, Patrick C. McManaman examines the Federal Guestworker statutes' history and current form. The Comment focuses on the failure of both state and federal law to adequately protect guestworkers, specifically as applied to San Joaquin Valley Shepherders. He recommends revising the federal statutes to include an express private right of action to enable all guestworkers to seek enforcement of their rights in federal court.

In his Comment, *Hidden Cargo: A Cautionary Tale about Agroterrorism and the Safety of Imported Produce*, Adam Stirrup presents timely research of the failures of our current system of food safety that leaves the citizens of the U.S. vulnerable to agroterrorism. Using the recent E. coli outbreak caused by contaminated spinach and other examples, Mr. Stirrup demonstrates the devastating impact an attack of intentional contamination of the produce imported into the U.S. could have on our nation. The Comment reviews the legal history of the U.S. law designed to deter these types of agroterrorism attacks and reiterates the suggestion that our divided food safety system should be consolidated into a single food safety agency.

Dede Agrava's Comment *Examining the Laws Affecting Child Farm Worker and their Impact on the American Taxpayer*, discusses how the labor standards for children in agriculture differ from those for non-farm jobs; how the use of lawful pesticides directly affects the health of the child farm worker; and how pesticide exposure may cause illness, criminal behavior, and death. The Comment examines how it is the child farm worker who suffers and how the American taxpayer bears the costs. Finally, the Comment recommends the American public force Congress to pass legislation to protect our children and ultimately ourselves.

Marjorie Webb's Comment, *Rural School Districts Struggle to Meet the Demands of No Child Left Behind*, analyzes the latest reauthorization of the Elementary and Secondary Education Act. The Comment discusses the difficulties rural school districts encounter due to the requirement that all students be taught by a "highly qualified teacher." While considering the strategies that may be used by rural districts to increase their supply of "highly qualified teachers," the Comment argues changes to the law are needed to address the unrealistic goals of No Child Left Behind.

In her Comment, *Concrete Vineyards and Big-Box Sprawl: Preserving Farmland and Rural Communities in California's Central Valley*, Rhea Ikemiya discusses the threat to one of the world's most prolific agricultural regions by the effects of urbanization and sprawl. The Comment includes information on the current and future trends for population growth and the alarming rate at which the region's land is being consumed. With over 350 different crops and commodities produced in California, and a significant portion of land located in the Central Valley qualifying as "prime farmland," the urgency and relevancy of this problem cannot be ignored. The legal options available to protect agricultural land and rural communities from urbanization, with an emphasis on large-scale commercial development, are examined. The Comment provides an overview of zoning, general plans, and the California Environmental Quality Act (CEQA), as well as a discussion of the need to address this problem through a regional approach and coordinated effort.

In *The Lowest Common Denominator: National Uniformity for Food Act*, Wendy Aguilar discusses the history of food safety and warning notification in the United States at the federal, state, and local levels. Her Comment examines the repeated attempts at the federal level to preempt the more-stringent state and local level regulations, and the faults of this proposed legislation. She argues national uniformity in warning labels is in progress through state regulations and exemptions via a two-tiered standard could be implemented, as has been done in other fields where public safety is at issue.

In *Land Use and Agricultural Exceptionalism*, Peter Wall argues special rules for agricultural land uses should be abandoned because they lead to inconsistent results and clash with current social values. His Comment contends agricultural land use should be treated no differently than industrial or other land uses and without discounting the possibility that other social factors might outweigh the value of protecting agriculture.

Brooke Sorensen's Comment, *The Clean Water Act's Application to Cranberry Growers: The Burdened Stewards of the Environment*, examines Section 404 of the Clean Water Act. She presents the obstacles the Clean Water Act creates for cranberry growers who want to cultivate their property. The Comment argues that cranberry marshes assist in the protection and preservation of wetlands and as such should not be laden with severe regulations. Finally, the Comment recommends a uniformed nationwide permit that would allow cranberry growers a more reasonable expansion process.

Executive Editor Amy K. Guerra provides a concise review of *Capers in the Churchyard: Animal Rights Activism in the Age of Terror*, a book by Lee Hall.

The articles and comments are offered to provide information, provoke discussion and reflect the increasing complexity of legal issues facing agricultural interests across the nation. These are but a few of the varied and diverse issues confronted by those whose lives and interests are touched by agriculture.

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