

SAN JOAQUIN AGRICULTURAL LAW REVIEW



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NUMBER 1

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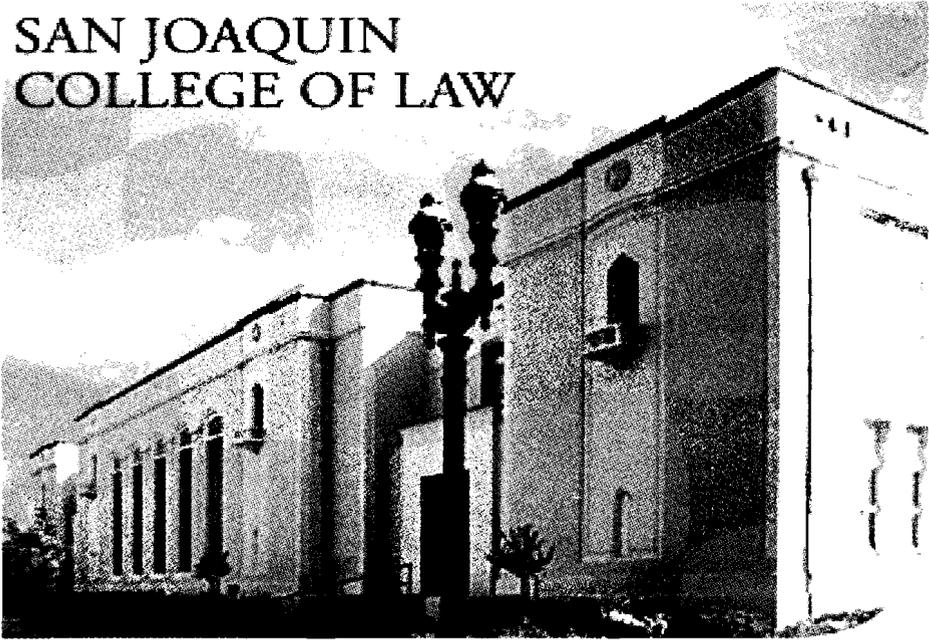
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FOREWORD

MARCELLA DOWNING-HOWK
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The *San Joaquin Agricultural Law Review* is committed to providing an objective, national forum for analyzing legal issues affecting agriculture. Volume fifteen of the *San Joaquin Agricultural Law Review* continues this commitment.

The link between downed animals, animals incapable of walking, and BSE is explored by Kevin Briley in his comment, *Can Your Steak Stand Up for Itself?* Mr. Briley argues that the Ackerman-Latourette Amendment should be passed mandating the United States Department of Agriculture to exclude these animals from the food supply.

In his comment, *Mandatory Mediation and Conciliation in California, What is so Conciliatory About Mandatory Mediation in the ALRA?*, Thomas Casa argues that California's Agricultural Labor Relations Act and its mandatory arbitration amendments is necessary to provide the farm worker with the ability to organize in labor unions and achieve collective bargaining agreements with the agricultural industry.

The nation's leading agricultural producers are facing increasingly stringent enforcement of environmental regulations as they apply to airborne particulate matter. In his comment, *Dust in the Wind*, Scott Jones explores the increased exposure farmers and their insurers face to this heightened tort liability.

California raisin producers who export their raisins are subject to provisions of the Federal Marketing Order and the World Trade Organization under the Uruguay Round Agreement on Agriculture. Stacie Melikian explores the conflicts and inconsistencies between these agreements in her comment, *California Raisins: Compliance with the Federal Marketing Order and the Uruguay Round Agreement on Agriculture* and suggests that participation in the Horticultural Organizations for Responsible Trade (HORT) Alliance may provide a means of reconciling these issues.

The professional article and the comments included in this volume reflect the increasing complexity of legal issues related to agriculture both domestically and internationally. We offer these topics for our readers' consideration and welcome submissions of alternate legal arguments.

MARIANNA R. CHAFFIN
Editor-in-Chief, 2005-2006

The 2005-2006 San Joaquin Agricultural Law Review Editorial Board is pleased to present its portion of Volume 15 which consists of one professional Article and five student Comments. The professional Article in Volume 15 is presented by Shannon L. Chaffin. Mr. Chaffin received his Bachelor of Arts from Hillsdale College, Michigan, in 1997, where he graduated *magna cum laude* with a double major in Political Economics and History. He subsequently attended J. Reuben Clark Law School at Brigham Young University, in Provo, Utah, where he was a member of the Board of Advocates and graduated with honors in 2000. Mr. Chaffin relocated to Fresno, California, and began practicing law at Dietrich, Glasrud, Mallek and Aune in the area of complex business litigation. Mr. Chaffin is currently a Deputy City Attorney with the City of Fresno, where his practice emphasis remains in litigation. His Article, *Loss of Integrity May Mean Loss of the Farm: False Statements Made in Federal Water Subsidy Applications and the Doctrine of Judicial*

Estoppel, studies the impact of statements made under the penalty of perjury in administrative applications and proceedings, and examines the role of judicial estoppel in connection with the subsequent application of those statements in independent judicial proceedings.

Connie Valentino-Parker's Comment, *Workers' Compensation Reform and the Future of the Disabled Farm Worker in California*, provides a review of Senate Bill 899. The focus of the Comment is on how emergency legislation failed to anticipate and respond to the adverse impact it would have on agricultural and similarly situated workers. It further discusses the agricultural demographic in conjunction with the California workers' compensation system, and invites reconsideration of the latest reform measures so that the needs of disabled agricultural workers, guaranteed by Article 14, Section 4 of the State Constitution, are not overlooked.

In *Groundwater: Uniform Control of a Critical and Limited Resource*, Gayle Rousey discusses the problem of aggressive competition by various competing interests such as farmers, local governments, bottled water companies and environmental bodies, for the rights to California groundwater. She argues that groundwater, a valuable resource that merits serious and critical attention by the California legislature, must be protected through the enactment of statewide regulations, which should replace current piecemeal measures.

Rachele Berglund Bailey presents timely research that an estimated percent of foods found on American grocery store shelves are genetically modified or contain genetically modified ingredients in *A Tale of Two Systems: A Comparison Between U.S. and EU Labeling Policies of Genetically Modified Foods*. The Comment details the policies and rationale of U.S. and European Union labeling policies of genetically modified foods by comparing and contrasting the two systems. Finally, the Comment recommends that the United States adopt a mandatory labeling policy to more adequately balance the competing interests of agriculture, science, and consumers.

In her Comment *Agricultural Accountability: The National Animal Identification Plan, Confidentiality and the Freedom of Information Act*, Amy K. Guerra examines the accessibility of information collected under a proposed National Identification Plan. The Comment discusses future participants' concern over the disclosure of confidential information under the Freedom of Information Act and looks at the potential health and safety implications of non-disclosure. Using proposed legislation as a basis, the Comment finally suggests potential opportunities for compromise, which would allow for both government transparency and privacy for participants.

Elizabeth A. McGee's Comment, *Cleaning the Air at the Dairy: Dairy Permitting in the San Joaquin Valley and the Controversy Surrounding the Science*, addresses SB 700 which has begun the implementation of strict air pollution laws throughout various air districts within the state. The Comment specifically discusses the San Joaquin Unified Air Pollution Control District, which adopts and enforces permitting regulations applicable to dairy operations within the boundaries of the District, and argues that significant legal issues are raised as these regulations are based on newly-adopted, questionable standards.

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