

# SAN JOAQUIN AGRICULTURAL LAW REVIEW



---

VOLUME 19

2009-2010

NUMBER 1

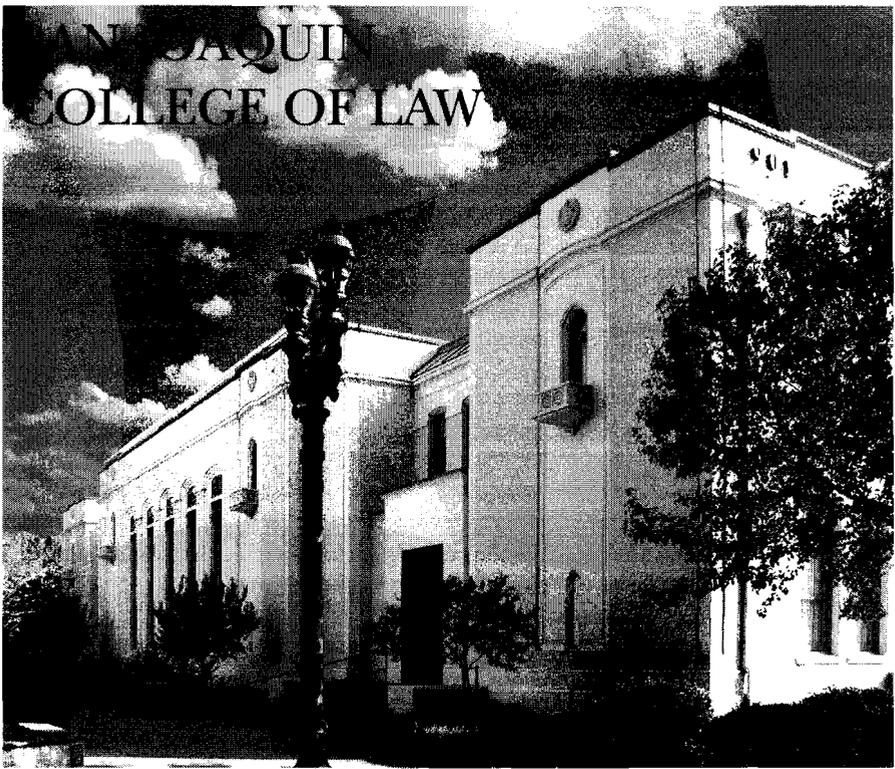
---

## ARTICLES

- OKLAHOMA'S 2009 RIGHT-TO-FARM AMENDMENT:  
EXTENDING NEW PROTECTIONS TO OKLAHOMA'S PRODUCERS ..... *L. Paul Goeringer*
- CALIFORNIA PRODUCER'S LIENS:  
A PRIMER ..... *Riley C. Walter, Donald F. Drummond and Elizabeth E. Waldow*

## COMMENTS

- SOLUTIONS TO A STINKY PROBLEM: CONGRESSIONAL  
LEGISLATION TO PROMOTE THE USE OF CLOTH DIAPERS ..... *Ashley A. Allred*
- CALIFORNIA FARM OWNER LIABILITY FOR HEAT-RELATED INJURIES  
TO THEIR INDEPENDENT FARM LABOR CONTRACTOR'S  
FARM WORKER EMPLOYEES ..... *Rachel Cartier*
- A FISH OUT OF WATER: THE DELTA SMELT  
REGULATED UNDER THE COMMERCE CLAUSE ..... *Brian Jones*
- WHAT CONGRESS GIVES, CONGRESS TAKES AWAY:  
TRIBAL SOVEREIGN IMMUNITY AND THE  
THREAT OF AGROTERRORISM. .... *Erick J. Rhoan*
- ONE FISH, TWO FISH, MORE FISH, NO WATER:  
GRANTING AN EXEMPTION UNDER THE ENDANGERED SPECIES  
ACT DUE TO ECONOMIC WOES IN THE CENTRAL VALLEY OF CALIFORNIA ..... *Kyle Roberson*
- A FUNDAMENTAL FLAW IN THE NATIONAL ORGANIC PROGRAM:  
THE CASE FOR NATIONAL REGULATION OF  
ORGANIC INPUT MATERIALS. .... *Daren A. Stemwedel*
- HAS THE *DAUBERT* DECISION CREATED A NEW "PEST" FOR  
CALIFORNIA FARM WORKERS INVOLVED IN PESTICIDE  
POISONING LITIGATION? ..... *Ronald R. Weber, Jr.*
- MASS MEAT CONSUMPTION, HUMAN RIGHTS, AND ANIMAL  
WELFARE: AN ALTERNATIVE APPEAL TO LIMITATIVE  
FEDERAL LEGISLATION. .... *Jessica Leigh Zaylia*



The *San Joaquin Agricultural Law Review* (ISSN 1055-422X) is published annually by the students of San Joaquin College of Law. The *San Joaquin Agricultural Law Review* prints all matter deemed meritorious regardless of the views expressed. Views expressed herein are views of the authors and do not necessarily reflect the policies or opinions of the *San Joaquin Agricultural Law Review*, its editors and staff, or San Joaquin College of Law.

**Manuscripts:**

The *San Joaquin Agricultural Law Review* welcomes the submission of unsolicited articles, comments, reviews, and case notes. To be considered for publication in a future issue of the *San Joaquin Agricultural Law Review*, manuscripts must be submitted on CD-ROM or via e-mail in Microsoft Word format accompanied by a single hard copy. Text and footnotes must conform to the Technical Publication Requirements posted on the Law Review webpage at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr). Text and footnote citations should conform to the rules set forth in *The Bluebook: A Uniform System of Citation* (18th ed. 2005).

Manuscripts should be submitted to the Executive Editor at the address indicated below or may be electronically mailed to the Executive Editor's e-mail address referenced on [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr). If any portion of a manuscript has been published previously, or is to be published elsewhere, such information must be disclosed at the time of submission of the manuscript to the *San Joaquin Agricultural Law Review*. Manuscripts cannot be returned. The *San Joaquin Agricultural Law Review* will not assume responsibility for lost manuscripts. To be guaranteed consideration for the academic year publication, manuscripts must be received not later than December 10th of the academic year.

**Correspondence:**

Correspondence should be addressed to the Managing Editor at the address indicated below.

**Change of Address:**

The Postal Service will not forward copies. The *San Joaquin Agricultural Law Review* will make reasonable efforts to notify subscribers if their issue cannot be delivered by the Postal Service and is returned. Please notify the *San Joaquin Agricultural Law Review* if you do not receive your issue. Please submit address changes as soon as possible to ensure prompt delivery. The *San Joaquin Agricultural Law Review* will not send duplicate copies without additional charge if non-delivery is based upon a change of address without notification. Address changes should be sent to the Production Editor at the address indicated below.

Please send address changes and address all correspondence to:

San Joaquin Agricultural Law Review  
William T. Richert Law Review Office  
San Joaquin College of Law  
901 Fifth Street  
Clovis, California 93612

Printed by Darby Printing Co., 6215 Purdue Dr., Atlanta, Georgia 30336.

Please cite this issue as: 19 S.J.Agric.L.Rev. 1 (2010)

# SAN JOAQUIN AGRICULTURAL LAW REVIEW



---

VOLUME 19

2009-2010

NUMBER 1

---

## BOARD OF EDITORS

KAREN J. RAY  
*Editor-in-Chief*

ALICIA DIAZ WREST  
*Assistant Editor-in-Chief*

LISA A. CUTTS  
*Production Editor*

CAREY L. HARTSOCK  
*Managing Editor*

CHERI-LYNN WORTHAM  
*Notes & Comments Editor*

## STAFF MEMBERS

ASHLEY A. ALLRED  
ERICK J. RHOAN  
ANN J. STOKES

RACHEL A. CARTIER  
KYLE ROBERSON  
RONALD R. WEBER, JR.

BRIAN JONES  
DAREN A. STEMWEDEL

## FACULTY ADVISORS

LAWRENCE M. ARTENIAN

DENISE KERNER  
MICHAEL SHEITZER

SALLY PERRING

**SAN JOAQUIN COLLEGE OF LAW  
BOARD OF TRUSTEES**

DOUGLAS NOLL, J.D.  
*Peacemaker*  
CHAIRPERSON

ROSS BORBA, JR., *Borba Farms, Vice-Chairperson*  
JOHN E. LOOMIS, J.D., *Retired Founder of San Joaquin College of Law, Secretary/Treasurer*  
RICHARD CAGLIA, J.D., *Attorney at Law*  
HON. JANE CARDOZA, *Judge, Fresno Superior Court*  
RICHARD M. CARTIER, J.D., *Professor of Law, Faculty Representative*  
DEBORAH ANN COE, J.D., *Baker, Manock & Jensen*  
GREG DURBIN, J.D., *McCormick, Barstow, Sheppard, Wayte & Carruth*  
DAVID IBARRA, *Student Bar Association Representative*  
JAN KAHN, J.D., *Kahn, Soares & Conway*  
HON. ROBERT OLIVER, *Judge, Fresno Superior Court*  
HAROLD PARICHAN, J.D., *Parichan Farms*  
DIANNA SETOODEH, J.D., *Attorney at Law*  
DENNIS VEEH, CPA, *Baker, Peterson & Franklin*  
DAVID WEILAND, J.D., *Dowling Aaron & Keeler*  
BOB WHALEN, J.D., *Deputy District Attorney, Fresno County, Mayor, City of Clovis*  
HERMA WILLIAMS, PH.D., *Provost and Vice President for Academic Affairs, Fresno Pacific University*

## FACULTY, ADMINISTRATION AND STAFF

JANICE L. PEARSON, B.A., J.D., *Dean and Professor of Law*  
SALLY A. PERRING, B.A., J.D., *Associate Dean for Academic Affairs and Professor of Law*  
LAWRENCE M. ARTENIAN, B.A., J.D., *Professor of Law*  
RICHARD M. CARTIER, B.A., J.D., *Professor of Law*  
DENISE M. KERNER, B.A., M.A., J.D., *Professor of Law*  
JEFFREY G. PURVIS, B.A., J.D., *Professor of Law*  
MISSY MCKAI CARTIER, *Public Information Officer*  
DEBBI CHACON, *Accounting Assistant*  
KRISTI COSTA, *Head of Circulation*  
KEN COVLE, *Manager of Information Systems*  
MATTHEW DILLARD, *Maintenance Assistant*  
MARK ENNS, *Marketing Manager*  
MAUREEN HAYES, *Assistant to Chief Financial Officer*  
LONZETTA HIGHTOWER, *Student Services Assistant*  
JOAN LASSLEY, *Alumni Liaison and Facilities Administrator*  
ROBIN LEPPA, *Director of Institutional Advancement*  
JEANNIE LEWIS, *Director of Financial Aid*  
JOYCE MORODOMI, *Director of Student Services and Special Events Coordinator*  
MIA MOORE, *Financial Aid Assistant*  
CARLYN ROBBINS, *Administrative Assistant and Receptionist*  
CYNTHIA ROBINSON, *Head of Library Technical Services*  
RICK RODRIGUEZ, *Maintenance Supervisor*  
PETER ROONEY, J.D., M.L.I.S., *Law Librarian*  
PATRICIA SMITH, *Law Coordinator*  
DIANE STEEL, *Director of Admissions*  
CYNTHIA VAN DOREN, J.D., *Career Services Coordinator*  
JILL WALLER-RANDLES, *Chief Financial Officer*  
GWEN WATT, *Human Resources and Regulatory Compliance Officer*  
KASI WELTE, *Institutional Advancement Associate and Continuing Legal Education Coordinator*  
DERRON WILKINSON, *Manager of Information Systems*

## ADJUNCT FACULTY OF LAW

JESSE J. AVILA, B.A., J.D.  
ALYSON A. BERG, B.A., J.D.  
RAQUEL BIRCH, B.S., M.S., J.D.  
HAL BOLEN, B.S., M.B.A., J.D.  
DAVID M. CAMENSON, B.A., J.D., M.B.A.  
HON. HILARY A. CHITTICK, B.A., J.D.  
HON. JONATHAN B. CONKLIN, B.A., J.D.  
MARK E. CULLERS, B.A., J.D.  
CHRISTINE GOODRICH, B.A., J.D.  
JASON P. HAMM, B.A., J.D.  
KATHI KESSELMAN, B.A., J.D.  
JEREMY K. LUSK, B.A., J.D.  
DEANNA MARTINEZ, B.A., J.D.  
MARK D. MILLER, B.S., J.D.  
DOUGLAS E. NOLL, B.A., J.D., M.A.  
TIMOTHY O'CONNOR, B.A., J.D.  
RENE SAMPLE, B.A., J.D.  
MICHAEL SHELTZER, B.A., J.D.  
M. JACQUELINE YATES, B.A., J.D.

ART BAGGETT, B.S., M.S., J.D.  
BARRY J. BENNETT, B.A., J.D.  
HRISTO K. BUEV, M.A., M.A., M.I.C.L.  
ANDREAS BORGEAS, B.A., M.A., J.D.  
DANIEL E. CASAS, B.S., J.D.,  
LISA B. COFFMAN, A.B., J.D.  
PHILIP S. CRONIN, B.A., J.D.  
MATTHEW FARMER, B.A., J.D.  
DAVID GUY, B.S., J.D.  
SHANNON HARDING, B.S., J.D.  
ABIGAIL LEAF, B.A., J.D.  
JEFF MANNING-CARTWRIGHT, B.A., M.A., J.D.  
WILLIAM T. McLAUGHLIN II, B.S., J.D.  
DAVID MUGRIDGE, B.A., M.A., J.D.  
HON. KIMBERLY NYSTROM-GEIST, B.A., J.D.  
ROSE SAFARIAN, B.A., J.D.  
GARY W. SAWYERS, B.A., J.D.  
MICHELLE P. SIATER, B.A., J.D.

## FOREWORD

KAREN J. RAY

*Editor-in-Chief*

The *San Joaquin Agricultural Law Review* provides an objective, national forum for analyzing legal issues affecting our nation's most vital industry – agriculture. In the proud tradition of excellence carried forth since its inception in 1990, Volume 19 of the *San Joaquin Agricultural Law Review* continues to provide a forum to discuss topics of current interest to those in agriculture, government, business, and law.

Paul Goeringer, a member of the Oklahoma Bar, wrote the Article, *Oklahoma's 2009 Right-to-Farm Amendment: Extending New Protections to Oklahoma's Producers*. In 2009, Oklahoma's legislature amended the state's right-to-farm law. The amendments provided a new defense and other protections for Oklahoma producers. This Article looks at the new defense and shows that under current Oklahoma case law it would be viewed as a statute of repose. This would cut off all claims after the agricultural operation has been established for more than one year. The Article explores the relationship between the new defense and the "coming to the nuisance" defense that was already in the original law. Finally, the Article explores whether the law will protect agricultural producers from potential trespass suits, rather than a nuisance suit.

*California Producer's Liens: A Primer* is an analysis of the elements needed in order to assert a producer's lien as provided by statute at California Food and Agricultural Code, Division 20, Chapter 6, section 55631. The California producer's liens are statutory liens that arise when a producer of any farm product sells the product to any processor so that the lien attaches to the product and on the processed or manufactured forms. Of particular interest in this area is the holding in *Frazier Nut* which extended the producer's lien beyond the processed or manufactured products. This Article reviews similar agricultural liens along with the producer's liens and discusses the case law which has ruled on issues arising in the assertion of a producer's lien. Available remedies for a violation of the producer's lien are also presented. The co-authors include Riley C. Walter and Donald F. Drummond who have extensive experience in agriculture law and were lead counsel in several of the cases included in the Article. Elizabeth E. Waldow is a 2009 graduate of San Joaquin College of Law.

In her Comment, *Solutions to a Stinky Problem: Congressional Legislation to Promote the Use of Cloth Diapers*, Ashley A. Allred discusses the hazards landfills pose to nearby agriculture and the adverse effects disposable diapers have on landfills. This issue is explored through examples of landfills and the ramifications that result from waste management. Specifically, this Comment analyzes disposable diapers as being one of the major contributors to landfill waste. In addition to the major contributions disposable diapers have on landfills, she also focuses on environmental dangers, general health and safety risks, and the unsuccessful attempts by other states to legislate disposable diapers in an attempt to reduce their use. In conclusion, she offers a variety of benefits that will occur if disposable diapers are legislated and promotes the use of cloth diapering practices as a solution to reducing landfill waste.

The San Joaquin Central Valley is one of the most productive agricultural regions in the world. It is heavily dependent upon a large seasonal workforce who, under farm owners or independent farm labor contractors, works in triple degree heat during harvest time and are susceptible to heat-related illnesses. In *California Farm Owner Liability For Heat-related Injuries to Their Independent Farm Labor Contractor's Farm Worker Employees*, Rachel Cartier discusses what, if any, remedies are available to a California farm worker employee, in light of the special circumstances of his or her employment, against the farm owner, who did not hire

the farm worker, but did hire the farm labor contractor. Ms. Cartier evaluates the background of the problem, followed by potential legal avenues for recovery, in light of the limitations that California case law has put on those potential legal avenues. Her Comment concludes with a proposed amendment to the Heat Illness Prevention Regulation that addresses this problem.

In his Comment, *A Fish Out of Water: The Delta Smelt Regulated Under the Commerce Clause*, Brian Jones discusses how California's billion dollar agriculture industry has been affected by drastic cutbacks in pumping irrigation water due to regulations in effect by the Endangered Species Act. These controversial government-ordered pumping cutbacks have called into question the government's authority to regulate an issue which many assert to be at the core of State Sovereignty. This work examines the modern interpretation of the Commerce Clause by the United States Supreme Court, as well as the legislative history of the Endangered Species Act challenges under the Commerce Clause. It further examines the legislative interpretations of the Commerce Clause in relation to its application to California's agricultural water pumping.

In his Comment, *What Congress Gives, Congress Takes Away: Tribal Sovereign Immunity and the Threat of Agroterrorism*, Erick Rhoan explores the threat of agroterrorism and what it means for the sovereignty of tribal nations. In particular, the Comment explores whether the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 is a Congressional statute of general applicability that would waive tribes' sovereign immunity if, and when, a party were to bring suit against an Indian tribe arising from damages sustained in an agroterrorism attack. The Comment concludes with a look at the inherent prejudices that still linger in Indian jurisprudence, and how this would affect a judicial reading of the Bioterrorism Act.

As natural water sources become scarce, conflicts have risen between the human need for water and national policy to protect endangered species. In his Comment, *One Fish, Two Fish, More Fish, No Water*, Kyle Roberson discusses the impact that federally mandated water restrictions in accordance with the Endangered Species Act of 1973 to protect the delta smelt has had on rural agricultural communities. In particular, his Comment focuses on the exemption provision within the Endangered Species Act. He analyzes the factors necessary to grant an exemption and applies these factors to circumstances impacting rural agricultural communities. In conclusion, he discusses whether an exemption from federal action to protect the delta smelt can and should be granted given the economic and social hardships on rural agricultural communities.

In his Comment, *A Fundamental Flaw in the National Organic Program: The Case for National Regulation of Organic Input Materials*, Daren Stemwedel discusses organic fertilizers and other inputs, and how they are regulated under the USDA's National Organic Program (NOP). The NOP requires auditing and approval by an accredited certifier for any organic product grown or processed for human consumption. When it comes to fertilizer or any other inputs applied to crops, growers may use only organic materials, and may never use synthetic materials. There are, of course, exceptions to that rule. The NOP maintains a list of which synthetic materials are allowed, and which organic materials are not. The Comment argues that due to the complexity of many processed organic fertilizers, this method of regulating inputs is not adequate. For growers and consumers to be confident that a product is truly organic, there must be a program operating under the NOP to positively verify, audit, and approve specific input products – rather than just a list of exceptions. This gap in regulation is a fundamental flaw in the National Organic Program that negatively affects every stakeholder in the organic industry.

In his Comment, *Has the Daubert Decision Created a New "Pest" for California Farm Workers Involved in Pesticide Poisoning Litigation?*, Ronald R. Weber Jr. examines the *Daubert/Frye* debate as it applies to litigation involving suspected poisoning of farm workers exposed to organophosphate pesticides. New studies indicate exposure to organophosphates may cause such maladies such as asthma, Alzheimer's, obesity and diabetes. The results of these studies may encourage litigation involving farm workers exposed to these pesticides. However, proving causation of these maladies may be affected by different standards for the admission of expert

testimony to prove causation. California follows the *Frye* standard, which is believed to be more favorable to plaintiffs. However, there is the potential for this type of litigation to be removed to federal court, which follows the *Daubert* standard, believed to be more beneficial to defendants. Both *Frye* and *Daubert* jurisdictions are examined to determine if there truly is a difference in these standards. In addition, the use of cholinesterase testing, as mandated by law currently in California, is examined as a method of leveling out the playing field for both plaintiffs and defendants in this type of litigation.

Appeals to animal welfare have never inspired the federal government to limit meat production or importation. In her Comment, *Mass Meat Consumption, Human Rights, and Animal Welfare: An Alternative Appeal to Limitative Federal Legislation*, Jessica Leigh Zaylia appeals to the federal government for limitative legislation based on human rights, not animal welfare. The Comment argues that the federal government should limit meat production and importation because the amount of meat that Americans consume negatively impacts three human rights: to food, to be free from dangerous preventable diseases, and to potable water. The public trust doctrine and international treaties support that the United States has both an interest in preserving these human rights and a means of legislative implementation.

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.

**SAN JOAQUIN AGRICULTURAL LAW REVIEW DONORS  
2009-2010 DONORS**

DON GERMINO

SCOTT JONES

**ACKNOWLEDGMENTS**

The following San Joaquin College of Law Students contributed to the production of the *San Joaquin Agricultural Law Review*, Volume 19:

ASHLEY A. ALLRED  
BRIAN JONES  
DAREN A. STEMWEDEL

NICEA M. BATES  
ERICK J. RIOAN  
ANN J. STOKES

RACHEL A. CARTIER  
KYLE ROBERSON  
RONALD R. WEBER, JR.

The staff at the *San Joaquin Agricultural Law Review* would like to extend a special thank you and acknowledgement to the following people for exceptional assistance and contribution to the advancement of the *San Joaquin Agricultural Law Review* and the production of Volume 19:

SALLY PERRING  
JOAN LASSLEY

ROSS BORBA, JR.  
SCOTT JONES  
MARK ENNS

DEBBI CHACON  
MARCELLA DOWNING

**LAW REVIEW EMERITUS GROUP OF THE SAN JOAQUIN  
COLLEGE OF LAW ALUMNI ASSOCIATES**

DEDE AGRAVA  
MARCELLA DOWNING  
KEVIN HANSEN  
KAREN MATHIES  
JANICE PEARSON  
ANN ROBERIS

CHINEME ANYADIEGWU  
AMY GUERRA  
SCOTT JONES  
KATHY MCKENNA  
SALLY PERRING  
ADAM STIRRUP

DEBORAH BOYETT  
SIERRIE FLYNN  
JOAN LASSLEY, LIAISON  
MICHIELLE OLEKSA  
TONI PORTER  
GARY WINTER

**LAW REVIEW NATIONAL ADVISORY COMMITTEE**

DENNIS BEAN  
THOMAS BIRMINGHAM  
THOMAS CAMPAGNE  
JAMES DEMSEY  
SIERRIE FLYNN  
IMA JEAN HARVEY  
HON. W. RICLIARD LEE  
TONY MENDES  
DICK MOSS  
DOUGLAS NOLL  
TONI PORTER  
HOWARD SAGASER  
GEORGE SOARES  
ELIZABETH STEINHAUER-CLARK

BARRY BEDWELL  
ROSS BORBA  
WILLIAM COFF  
OCATAVIA DIENER  
DAN GERAWAN  
BILL JONES  
KENDALL MANOCK  
JOHN MESROBIAN  
JOEL NELSON  
SALLY PERRING  
PAT RICCIHUTI  
GARY SAWYERS  
ADAM STIRRUP

PAUL BETANCOURT  
GARY BRUNSVIK  
MANUEL CUHNA  
MARCELLA DOWNING  
JOHN HARRIS  
GREG KIRKPATRICK  
DR. BERT MASON  
NORMAN MORRISON  
KEN NEWBY  
CHARLES POOGHIGIAN  
SHARLENE ROBERTS-CAUDLE  
JOHN SHEHADEY  
RILEY WALTER

# SAN JOAQUIN AGRICULTURAL LAW REVIEW



If you are interested in obtaining more information about the *San Joaquin Agricultural Law Review*, including how to obtain past and future volumes or how to make contributions to help continue the Law Review's tradition of excellence in the future, please visit the Law Review's website at [www.sjcl.edu/sjalr](http://www.sjcl.edu/sjalr). Your support is greatly appreciated.

# SAN JOAQUIN AGRICULTURAL LAW REVIEW



---

VOLUME 19

2009-2010

NUMBER 1

---

## TABLE OF CONTENTS

### ARTICLES

- OKLAHOMA'S 2009 RIGHT-TO-FARM AMENDMENT:  
EXTENDING NEW PROTECTIONS TO OKLAHOMA'S PRODUCERS . . . . . *L. Paul Goeringer* 1
- CALIFORNIA PRODUCER'S LIENS:  
A PRIMER. . . . . *Riley C. Walter, Donald F. Drummond and Elizabeth E. Waldow* 25

### COMMENTS

- SOLUTIONS TO A STINKY PROBLEM: CONGRESSIONAL  
LEGISLATION TO PROMOTE THE USE OF CLOTH DIAPERS. . . . . *Ashley A. Allred* 65
- CALIFORNIA FARM OWNER LIABILITY FOR HEAT-RELATED INJURIES  
TO THEIR INDEPENDENT FARM LABOR CONTRACTOR'S  
FARM WORKER EMPLOYEES. . . . . *Rachel Cartier* 93
- A FISH OUT OF WATER: THE DELTA SMELT  
REGULATED UNDER THE COMMERCE CLAUSE . . . . . *Brian Jones* 115
- WHAT CONGRESS GIVES, CONGRESS TAKES AWAY:  
TRIBAL SOVEREIGN IMMUNITY AND THE  
THREAT OF AGROTERRORISM . . . . . *Erick J. Rhoan* 137
- ONE FISH, TWO FISH, MORE FISH, NO WATER: GRANTING AN  
EXEMPTION UNDER THE ENDANGERED SPECIES ACT DUE  
TO ECONOMIC WOES IN THE CENTRAL VALLEY OF CALIFORNIA . . . . . *Kyle Roberson* 169
- A FUNDAMENTAL FLAW IN THE NATIONAL ORGANIC PROGRAM:  
THE CASE FOR NATIONAL REGULATION OF  
ORGANIC INPUT MATERIALS. . . . . *Daren A. Stemwedel* 199
- HAS THE *DAUBERT* DECISION CREATED A NEW "PEST" FOR  
CALIFORNIA FARM WORKERS INVOLVED IN PESTICIDE  
POISONING LITIGATION?. . . . . *Ronald R. Weber, Jr.* 223
- MASS MEAT CONSUMPTION, HUMAN RIGHTS, AND ANIMAL  
WELFARE: AN ALTERNATIVE APPEAL TO LIMITATIVE  
FEDERAL LEGISLATION. . . . . *Jessica Leigh Zaylia* 251