

Agricultural Law

Fall 2017

Credits: 3

Textbook Options:

- Susan A. Schneider, *Food, Farming & Sustainability*, 2011, Carolina Academic Press, ISBN 978-1-59460-588-8. Supplemental materials.

Course Overview:

Students will learn how to apply basic concepts and terminology used in agricultural law and the legal system. The course will introduce students to fundamentals of federal farm policy, contract law, torts law, property law, farm financing, and environmental law. They will learn how agricultural policy, laws, and regulations may affect farms and agribusinesses. This course surveys federal and Indiana state policies and laws that govern agricultural land use and farming methods and guide farming behaviors both on and off the farm and in relations with neighbors and consumers.

At the end of this course, students should be able to:

- Identify a variety of laws and regulations important to agriculture
- Describe the constitutional basis for governmental regulation of commercial agriculture
- Identify the major federal and state agencies regulating agriculture and describe how they operate
- Identify key roles for lawyers in identifying the trends and innovations that will shape farming methods and the surrounding communities
- Discuss the policy arguments on multiple sides of key issues

Basis for Course Grade:

Attendance/Participation – 15%

- Be on time
- Pay attention
- Stay for the entire class
- Participate in class discussions
- This really should be self-explanatory

Draft federal comment (500-750 words) - 10%

- Each student is responsible for drafting an original comment on a proposed federal environmental regulation that impacts the agricultural sector. Each

student must email the tracking number from www.regulations.gov to the instructor.

Midterm (500 to 750 words) – 25%

- Each student must visit two farms identified by the instructor. After the visits the students must compare and contrast production methods of the two farms and reflect on agricultural policy and law concepts discussed in class.

Final exam – 50%

- Multiple choice and short answer

Course Reading:

Class	Date	Topic	Reading
1	August 23	Syllabus Class Expectations	
2	August 25	Introduction to Agricultural Policy - What is agriculture? - Goals of policy - Constitutional basis for broad regulation	Text, pages 3-17 and 45-52 Wickard v. Filburn, 317 U.S. 111
3	August 30	Economic Support to Agriculture - History of commodity policy - Overview of federal and state agencies	Text, pages 53-62, 64-78 and 114-118
4	September 1	Economic Support to Agriculture - Federal crop insurance and disaster assistance	Text, pages 94-114
5	September 6	Contracts Law - Contract Elements	Supplemental materials
6	September 8	Contracts Law - Remedies for breach of contract	Supplemental materials
7	September 13	Property Law - Nature and meaning of property	Supplemental materials
8	September 15	Property Law - Acquiring and disposing of real property	Supplemental materials
9	September 20	Property Law - Rights and Limitations in property ownership	Supplemental materials Right to Farm IC 32-30-6 TDM Farms, Inc. v. Wilhoite Family Farm, LLC, 969 N.E.2d 97

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			Lindsey v. DeGroot, 898 N.E.2d 1251
10	September 22	Property Law - Rights and limitations in property ownership (cont.)	Supplemental materials
11	September 27	Torts Law - Nature of torts - Negligence	Supplemental materials
12	September 29	Torts Law - Strict liability - Risk management	Supplemental materials
13	October 4	Review Session	
14	October 6	Financing the Farming Operation - Distinct attributes of farm Finance - Farm Credit	Text, pages 205-267
15	October 11	Financing the Farming Operation (cont.) - Distinct attributes of farm Finance - Farm Credit	Text, pages 205-267
16	October 13	Financing the Farming Operation - Secured transactions	Text, pages 268-299
17	October 18	Regulation of Livestock Sales - Packer & Stockyards Act	Text, pages 433-459
18	October 20	Midterm Exam	
19	October 25	Environmental Law - Clean Water Act - Agricultural exceptions	Text, 192-200 EPA guidance National Pork Producers Council v. EPA, 635 F.3d 738
20	October 27	Environmental Law - Nutrient management - CFO/CAFO Rule - OISC Regulations	Supplemental materials
21	November 1	Conservation Programs - Sodbuster - Swampbuster - EQIP - Wetlands reserve - CSP	Text, 164-92
22	November 3	Soil Health and Wildlife Habitat - Soil health - Invasive species - DNR	Text, 29-41

Class	Date	Topic	Reading
23	November 8	Air Issues - Clean Air Act - Renewable Fuels Standards	Text, 147-150 Handout
24	November 10	Pesticide/Herbicide - FIFRA - OISC	Text, 126-128 and 150-154 Johnson v. Paynesville Farmers Union Cooperative Oil Co, 802 N.W.2d 383
25	November 15	Review Session Federal Comments Due - Submit tracking number and comment text	
26	November 17	International Trade Issues Emerging Trends	Text, pages 77-78, 535-550, 611- 616 and 664-694
27	November 29	International Trade Issues Emerging Trends (cont.)	Text, pages 77-78, 535-550, 611- 616 and 664-694
28	December 1	Review Session	