

Food System Justice & Sustainability

June 18-22 & June 25-28

9:00am-12:00pm

Room: TBD

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Course Overview

This course examines how litigation can advance advocacy to promote a more sustainable and just food system. It is not a survey of the current debates in food law. Rather, we will use class to drill down on examples of ongoing work, both where legal advocacy has been successfully combined with building power among negatively impacted communities, and where we need to continue to refine and expand our efforts. The hope is students will leave with an appreciation for how people have worked within and around existing laws to engage in food activism, as well as how that work can and should be expanded upon.

As a result, we will start by examining the concept of food justice itself. Students should refer back to these concepts throughout the course to assess whether the particular initiatives we are considering are successful and what else could and should be done in an area.

We will then examine four different areas in which the “good food movement” is currently working. We will discuss why the particular approaches described in the readings were undertaken, ways in which they can increase their impact, what other initiatives should be considered, and what would be required for such projects to move forward.

In the middle of the course, we will visit a sustainable producer to hear what is and what is not functioning on the ground, which will provide an opportunity for reflection on what we are discussing and hopefully will spark ideas for the final paper.

Course Structure and Evaluation

Half the students in the class be required to make **one** five to ten minute presentation at the start of **one** class (sign-up to occur on the first day) regarding a food justice issue in the news that is not the focus of any of the readings. For instance, the readings do not address food waste or institutional purchasing, but both are food policy issues that are receiving a great deal of attention. Students should present on why their chosen topic is a food justice issue, what their article says is being done, and their assessment of that approach. While you can choose your article from any source you consider reliable, you may find it useful to examine civileats.com; thefern.org; newfoodeconomy.org; and Politico’s Morning Agriculture report.

For the other half the students, by 7pm the day before classes 2-4 and 6-8 those students should email (to dmuraskin@publicjustice.net) one *single-paragraph-long* policy or litigation idea sparked by the reading for that class. (Students can elect to skip sending the email for one class.)

The idea does not need to be fully vetted. It is fine if you don't know whether it is entirely workable under the law. But, it should be something that you believe could be realistically undertaken and you should come to class prepared to discuss why you think it is a worthwhile effort, what additional information you may require to formulate and/or pursue the idea, and how you would go about pursuing it.

For example, for the class on "workers' rights" someone might say that the good food movement should be working more to protect immigrant workers. The email should propose a specific strategy and objective toward achieving that end, such as organizing a strike in response to deportations to reduce worker insecurity. Moreover, the person making that proposal should come to class prepared with ideas for how that strike could be achieved in light of the risks of employer retribution and the possibility that strikers may expose themselves to greater risks of deportation, and what steps could be taken to turn the strike into broader activism/policy change.

Half of the grade will be determined by the presentation or emails, and actual class participation. Come to class ready to engage with other students on their ideas, expand on them, and refine them.

The other half of your grade will be based on a five-to-ten page paper (double spaced, 12pt, Times New Roman Font, with 1 inch margins) due following the end of the course laying out a more complete strategy proposal you think the good food movement should pursue. The paper should identify a problem, what you understand is currently being done around the issue, your additional proposal, and provide an implementation plan. The proposal can relate to one of the topic areas discussed in class or any other area that you identify as a food justice issue.

For instance, if you believe more needs to be done to take on misleading labels you should explain why you see this as a food justice issue, how what you propose is different than the other legislative campaigns and litigation that is going on, how you will work within the existing regulatory landscape so that your proposal will not be found to be inconsistent with the law, and (a) if you propose a litigation strategy, what claim you propose to raise, what type of plaintiff you are looking for to have the biggest impact, and how will you try to frame the suit to generate wide-ranging change; or (b) if you propose a legislative strategy, where the campaign will take place (at the federal, state or local level), what type of coalition will you look to build, and what sorts or arguments you will use to build sufficient legislative support, including what sort of counterarguments you expect and how will you address them.

Unlike the nightly emails, the paper should reflect research into the issue you propose.

Of course, I am available to discuss ideas. Please just email to set up a time. The same goes if you have any questions about what is raised in the readings or class.

Readings

Class I: Food Justice

1. Chapters 1-2 in Robert Gottlieb & Anupama Joshi, *Food Justice* 13-58 (2013);
2. Elsadig Elsheikh, *Race and Corporate Power in the US Food System: Examining the Farm Bill*, Dismantling Racism in the Food System (Summer 2016), <https://foodfirst.org/publication/race-and-corporate-power-in-the-us-food-system-examining-the-farm-bill/> (must download pdf. from this website to get full article);
3. Jedeiah Purdy, *Environmentalism Was Once a Social-Justice Movement*, *The Atlantic* (Dec. 7, 2016), <https://www.theatlantic.com/science/archive/2016/12/how-the-environmental-movement-can-recover-its-soul/509831/>.

Class II: Environmental Justice I

1. Scott Hill, *Largest-Ever Gulf Dead Zone Reveals Stark Impacts of Industrial Agriculture*, *Civil Eats* (Aug. 3, 2017), <https://civileats.com/2017/08/03/largest-ever-gulf-dead-zone-reveals-stark-impacts-of-industrial-agriculture/>;
2. Ted Genoways, *Compromised*, *The New Republic* (Dec. 6, 2017), [https://newrepublic.com/article/145924/fighting-toxic-waste-worth-collaborating-islamophobes](https://newrepublic.com/article/145924/fighting-toxic-waste-worth-collaborating-islamophobes;);
3. Erik Loomis, *Towards a Working-Class Environmentalism*, *The New Republic* (Dec. 5, 2016), <https://newrepublic.com/article/139132/towards-working-class-environmentalism>;
4. Sections IV & V in Luke Cole & Caroline Farrell, *Structural Racism, Structural Pollution and the Need for a New Paradigm*, 20 *Wash. U.J.L. & Pol'y* 265, 276-82 (2006), http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1247&context=law_journal_law_policy.

Class III: Environmental Justice II

1. Doug Bock Clark, *Why is China Treating North Carolina Like the Developing World?*, *Rolling Stone* (Mar. 19, 2018), <https://www.rollingstone.com/politics/news/why-is-china-treating-north-carolina-like-the-developing-world-w517973>;
2. Earthjustice, *North Carolina Title VI Complaint* (Sept. 3, 2014);
3. Wallace & Graham, *NC Factory Litigation*, <http://www.wallacegraham.com/practice-area.cfm?Area=10> (read website);
4. North Carolina House Bill 467 (2017), <https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H467v0.pdf>.

Class IV: Workers' Rights (with guest Tom Fritzsche, Milk with Dignity Standards Council)

1. "Chemical Warfare" Chapter & portions of "An Unfair Fight" Chapter in Barry Estabrook, *Tomatoland*, 35-72, 107-20 (2012);
2. Barry Estabrook, *Ben & Jerry's Pledges to Protect Dairy Workers' Rights*, Civil Eats (Oct. 4, 2017), <https://civileats.com/2017/10/04/ben-jerrys-pledges-to-protect-dairy-workers-rights/>;
3. Migrant Justice, *Milk With Dignity* (last updated Oct. 3, 2017), <http://migrantjustice.net/milk-with-dignity> (review website & Code Summary and Program Overview, linked at website);
4. Southern Poverty Law Center, *Unsafe at These Speeds* (2013), <https://www.splcenter.org/20130228/unsafe-these-speeds>;

Class V: Field Visit

Classes VI: Farmers and Consumers (Labels) I

1. Northeast Organic Farming Association of Vermont, *Certification Process* (last visited Mar. 23, 2018), <http://nofavt.org/vof/certification/certification-process> (review website);
2. Selection from Miriam Horn, *Rancher, Farmer & Fisherman*, 102-14 (2016);
3. Emily Atkin, "Organic" Doesn't Mean "Humane," and Trump Likes It That Way, *The New Republic* (Mar. 14, 2018), <https://newrepublic.com/article/147417/organic-doesnt-mean-humane-trump-likes-way>;
4. Stephanie Strom, *As the Organic Movement Fractures, Farmers and Food Companies are Redefining the Standard They Built*, *The New Food Economy* (Mar. 15, 2018), <https://newfoodeconomy.org/farmers-food-companies-regenerative-organic-certification/>;
5. Christina Troitino, *Beef Industry Joins Big Dairy in Petitioning Plant-Based Competition*, *Forbes* (Feb. 28, 2018), <https://www.forbes.com/sites/christinatroitino/2018/02/28/beef-industry-joins-big-dairy-in-petitioning-plant-based-competition/#3d156bd07def>;

Class VII: Farmers and Consumers (Labels) II

1. Excerpts of Good Food Institute Petition, pp. 1-2 (Mar. 2, 2017), <http://www.gfi.org/images/uploads/2017/03/GFIpetitionFinal.pdf>;
2. Excerpts of *Center for Environmental Health v. Perdue*, Complaint ¶¶ 1-8 (Mar. 21, 2018), https://www.centerforfoodsafety.org/files/2018-03-21--dkt-1--complaint_80747.pdf;
3. Excerpts of *R-CALF v. Perdue*, ¶¶ 1-33 (June 19, 2017), <https://www.r-calfusa.com/wp-content/uploads/2017/06/170619-COOL-Complaint.pdf>;
4. Excerpts of *ALDF v. Hormel*, Complaint, ¶¶ 1-23 (June 29, 2016), https://consumermediallc.files.wordpress.com/2016/06/hormel_complaint.pdf;

5. Excerpts of *ALDF v. Hormel*, Motion to Dismiss Decision, pp. 1-6 (Sept. 20, 2017), http://hr.cch.com/hld/AnimalLegalDefenseFundvHormelFoodsCorp_DCSuper_20170920.pdf.

Class VIII: Backlash

1. Center for Constitutional Rights & Defending Rights & Dissent, *Ag-Gag Across America* (2017), <https://ccrjustice.org/sites/default/files/attach/2017/09/Ag-GagAcrossAmerica.pdf>;
2. Deena Shanker, *Trump Chooses Big Meat Over Little Farmers*, Bloomberg (Oct. 25, 2017), https://www.bloomberg.com/news/articles/2017-10-25/the-trump-administration-chooses-big-meat-withdraws-gipsa-rule?utm_content=buffer27827&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer;
3. Laurie Ristino, *Kneecapping CERCLA Won't Get Rid of Air Pollution from Ag*, CPR Blog (Mar. 13, 2018), <http://www.progressivereform.org/CPRBlog.cfm?idBlog=12D56A0B-935E-9407-184D2C95643E5CD0>;
4. Leah Douglas, *With New Bill, Iowa Rep. Aims to Undercut State Agriculture Regulations*, The Fern (Feb. 27, 2018), https://thefern.org/ag_insider/new-bill-iowa-rep-aims-undercut-state-agriculture-regulations/.