

*Food Justice and Sustainability*  
ENV5383.A  
Vermont Law School, Summer Session 2019, 8-Week Term

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**COURSE OVERVIEW**

Description: This is a survey course on food system policy. We still study the legal framework, government programs, and political underpinnings impacting our current food system, and learn about opportunities to advance policy to realize a more healthy and equitable food system. Utilizing case studies from this timely and quickly evolving area of practice, this practical course will examine the policy and program options that could help create a food system that delivers healthy, affordable, and sustainably-produced nourishment. In addition to its content focus, this seminar also has a strong emphasis on practical skill development for oral and written advocacy. There will be several opportunities to interact with practitioners from the field during the course, including several guest speakers and a potentially a field trip to a farm.

Meeting Times: Fridays June 7 through August 2 (no class July 5), 208 Oakes Hall. 9:00 a.m. to 12:00 p.m. with a short midpoint break

Office Hours: Meetings by appointment as needed.

Prerequisite Courses: Administrative Law and Environmental Law provide helpful background, but are not required.

**Grading:**

Daily news 5%  
Class participation 20%  
Topical in-class presentations 20%  
Debates 15%  
Final paper/presentation 40%

Attendance: Per VLS policy, students may not miss more than one class during a Summer Session course (absent extraordinary circumstances). A note from a doctor must be submitted to the Registrar if a student is absent due to illness. Remote participation (via videoconference) may be permitted for good cause on a limited basis and only with advance permission from the instructor.

**REQUIRED COURSE BOOKS**

1. Barry Estabrook, *Tomatoland* (Kansas City: Andrew McMeel Publishing, 2012), 19-34. ISBN-13: 978-1-4494-2345-2.
2. Robert Gottlieb and Anupama Joshi, *Food Justice* (Cambridge: The MIT Press, 2013), 75-97. ISBN 978-0-262-51866-6. (please note that a copy of this book is available from the VLS e-library <https://ebookcentral.proquest.com/lib/vls-ebooks/detail.action?docID=3339193>)

3. Mary Jane Angelo, Jason J. Czarnezki, and William S. Eubanks II, *Food, Agriculture, and Environmental Law* (Washington, D.C.: Environmental Law Institute, 2013). ISBN 978-1-58576-160-9.

## **ASSIGNMENTS**

### DAILY NEWS

- Each class, students who are not responsible for a Topical Presentation in that class meeting, will be responsible for presenting a news item that is generally related to this course (e.g., the alternative food movement, environmental impacts of agriculture, sustainable agriculture practices, food justice, international trade, labor issues in the food movement, food labeling, etc.). We will aim for two presentations per class meeting depending on the number of students enrolled,
- The news item must be current (published within the last two weeks), from a reputable news source.
- Each presentation should be about five minutes long, and there will be an opportunity for classmates to ask questions and discuss afterward.
- Depending on course enrollment, more than two students may present on a given day.
- Students may present on a new and substantial development reported on an issue previously presented by that student or another student in the class in a previous meeting if there is in fact a material development

### TOPICAL PRESENTATIONS

- On the following days, students will take the lead on presenting new content to the class:
  - **June 21: Food Access Inequality:**
    - Supplemental Nutrition Assistance Program
    - Special Supplemental Nutrition Program for Women, Infants, and Children
    - National School Lunch Program
  - **June 28: Food System Labor Justice:**
    - EPA worker protection standard
    - Fair Labor Standards Act
    - Migrant and Seasonal Agricultural Worker Protection Act
    - H2A Guestworker Program
- Each student is expected to do one topical presentation during the course. Students will have the opportunity to sign up for their presentation topic on the first day of class.
- Topical presentations should be about 15 minutes long and may include powerpoints or handouts per your judgment.
- Topical presentations should provide an overview of the policy or program and how it works, present multiple viewpoints on the efficacy of the policy or program, opportunities and challenges, and discuss the status of funding if appropriate.
- Approach this presentation like you would an oral argument - you need to communicate complex information to an audience that is sophisticated but probably not familiar with the specific subject matter. Practice breaking down complex issues into simple, easily understood pieces. Practice sticking to the time limitation, as you would in court or at a policy hearing. Be engaging.
- Depending on course enrollment, students may present in pairs or groups.

## FINAL PAPER AND PRESENTATION:

- *Written Advocacy Letter.*
  - Write a formal comment letter, addressed to the appropriate government agency or entity, advocating for a public policy change to address a problem related to inequity and/or unsustainable practices in the food system.
  - This can be a public policy change at the local, state, or federal level. You are encouraged to stay within the concepts discussed in this course, but exceptions may be made after discussion with the instructor. You are encouraged to focus on an issue that resonates with your real-life experience and/or geography. (E.g., Advocating to a local planning agency for an urban agriculture ordinance in the city you're from).
  - Your letter should lay out the policy change you request, provide evidence for why the change is needed, and address implementation and funding.
  - Letters should be 4-6 pages, single-spaced. The focus should be on high quality content that is well-researched and presented clearly and succinctly. Citations should be in Bluebook format.
  - Proposals for letters are due to the instructor by midnight on Sunday July 29. The proposal should identify the topic you plan to address, who you are advocating to, and briefly outline why this policy change is important and feasible. Proposals should be kept short (1/2 page) and submitted over email to [aiarrapino@vermontlaw.edu](mailto:aiarrapino@vermontlaw.edu).
  - Final letters are due on Sunday, August 5th by midnight. Letters should be submitted by email to [aiarrapino@vermontlaw.edu](mailto:aiarrapino@vermontlaw.edu).
- *Oral Advocacy Presentation.*
  - Each student will give a presentation based on their advocacy letter on the final day of class (August 2nd).
  - Each presentation should be styled as though the submittal of your letter resulted in a public hearing held by the relevant government entity, and you are presenting oral testimony at the hearing.
  - Each presentation should be 10 minutes long. You should be prepared to answer questions from the instructor and other students, who will play the role of the overseeing government entity or members of the public/affected stakeholders at the public hearing. Be engaging.

## Class Schedule

### Week 1:

#### June 7: Introduction and Overview

#### Readings/Videos:

1. Cornell University Library, "Recognizing our own bias"  
[https://guides.library.cornell.edu/evaluate\\_news/bias](https://guides.library.cornell.edu/evaluate_news/bias)
2. Michael Pollan, "The Food Movement Rising," *New York Review of Books*, June 10, 2010.  
<https://michaelpollan.com/articles-archive/the-food-movement-rising/>
3. Robert Gottlieb and Anupama Joshi, *Food Justice* (Cambridge: The MIT Press, 2013), 4-6 (Defining Food Justice), 75-97.

4. Food and Environment Reporting Network, “What is the Farm Bill and Why Does it Matter” (Video) [https://www.youtube.com/watch?v=P4mQyUOE\\_z0](https://www.youtube.com/watch?v=P4mQyUOE_z0)
5. Turning the Farm Bill into the Food Bill (Video)—Ken Cook EWG <https://www.youtube.com/watch?v=Z6T37m4r3yo>

#### Class

- Introductions/bias identification
- Review syllabus, overview class approach, discuss assignments
- Discussion on food movement

#### Discussion Topics (Please come to class prepared to discuss the following subjects)

- How do we define “sustainability” in the food system? What does a “sustainable” food system look like?
- How do we define “justice” in the food system? What does a “just” food system look like?
- In what ways are “sustainability” and “justice” in the food system coextensive? In what ways are those concepts in tension?
- What types and sources of law influence sustainability and justice in the food system?

#### RESEARCH ASSIGNMENT (for small group discussion in class):

- Consider the presence of agriculture and availability of healthy foods (or lack thereof) in your hometown. Spend some time researching the real factors that have shaped this setting (e.g., politics and policies, economic factors, historical development) and come prepared to discuss with your classmates. Be creative in your research approach. Be prepared to discuss the different sources of law and regulation you encountered in your research.

#### **Week 2**

#### **June 14: Labeling and Standards Shaping the Food System - GMO**

#### READINGS:

1. Mary Jane Angelo, Jason J. Czarnecki, and William S. Eubanks II, *Food, Agriculture, and Environmental Law* (Washington, D.C.: Environmental Law Institute, 2013):
  - a. Chapter 6, Genetically Modified Organisms and the Environment - only pp. 93-102.
2. Amy Harmon, “A Lonely Quest for Facts on Genetically Modified Crops,” *New York Times*, January 4, 2014. [http://www.nytimes.com/2014/01/05/us/on-hawaii-a-lonely-quest-for-facts-about-gmos.html?\\_r=0](http://www.nytimes.com/2014/01/05/us/on-hawaii-a-lonely-quest-for-facts-about-gmos.html?_r=0)
3. The Editors, “Do Seed Companies Control GM Crop Research?,” *Scientific American*, July 20, 2009. <http://www.scientificamerican.com/article/do-seed-companies-control-gm-crop-research/?page=1>

4. Vermont Act 120, An act relating to the labeling of food produced with genetic engineering: <http://www.leg.state.vt.us/docs/2014/Acts/ACT120.pdf>
5. Vermont Act 120 lawsuit readings:
  - a. VPIRG-CFS Memo of Law in Support of Motion to Dismiss and in Opposition to Motion for Preliminary Injunction, available at <http://goo.gl/WQwWLz>. Read pages 1-11, skim pages 11-30.
  - b. *Grocery Manufacturers Association v. Sorrell*, 102 F. Supp. 3d 583 (D. Vt. 2015). Read pages 593-98 (beginning thru Part I.D) and pages 621-36 (Part II.D thru II.E). Available on Westlaw or LexisNexis.
6. National Bioengineered Food Standard, Federal Register, USDA Notice of Rulemaking 2019. Read Preamble Sections I-II.F.5 <https://www.federalregister.gov/documents/2018/12/21/2018-27283/national-bioengineered-food-disclosure-standard>

CLASS:

- Informal debate on GMOs.
- Guest Practitioner: Laura Murphy, Esq., Vermont Attorney General's Office, Assistant Attorney General

**Week 3**

**June 21: Food System Labor Justice**

READINGS:

1. Gottlieb & Joshi, *Food Justice*, 18-22.
2. Estabrook, *Tomatoland*, 35-96. (*Optional*: Finish the book!)

*Optional Film:*

"Food Chains" (available for rent on Amazon.com)

Class:

- Topical Presentations—Labor Laws affecting agricultural sector
- Guest Practitioners: Anna T. Casey, Project Manager in the Human Capital group of Resonance Global, Inc.--focusing on efforts to combat human trafficking  
Elena Mihaly, Esq. (VLS JD '13), Staff Attorney, Conservation Law Foundation-- providing legal services to farmers and food entrepreneurs through CLF Legal Food Hub

**Week 4**

**June 28: Food Access Inequality**

Readings/Videos

1. Gottlieb and Joshi, *Food Justice*, 39-58.

2. Andrea Freeman, "The Unbearable Whiteness of Milk: Food Oppression and the USDA," UC Irvine Law Review (December 2013). Available on Westlaw: 3 UC Irvine L. Rev. 1251. <https://www.law.uci.edu/lawreview/vol3/no4/Freeman.pdf>
3. Frida Berrigan, "Stop Judging Me For Shopping with Food Stamps," *Salon* (May 3, 2014). [http://www.salon.com/2014/05/03/stop\\_judging\\_me\\_for\\_shopping\\_with\\_food\\_stamps\\_partner/](http://www.salon.com/2014/05/03/stop_judging_me_for_shopping_with_food_stamps_partner/)
4. VIDEO: "The Food Lobby Goes to School, American News Project," American News Project (2009). <https://www.youtube.com/watch?v=tVfAWbitBTs>
5. Helen H. Jensen and Parke Wilde, "More than Just Food: the Diverse Effects of Food Assistance Programs," *Choice* 25:3 (2010). <http://www.choicesmagazine.org/magazine/article.php?article=139>

#### CLASS

- Topical Presentations - Federal food assistance programs
- Film: "A Place at the Table"

#### WEEKEND ASSIGNMENT: SNAP CHALLENGE LITE

- For at least the next two days (Saturday and Sunday), keep track of how much you spent on all food and beverages consumed each day, as well as where they were purchased. Compare to \$4.40/day that SNAP recipients have to spend on food and beverages (based on national average), and consider whether SNAP benefits were accepted where you made your purchases (visit this SNAP Retailer Locator site: <http://www.fns.usda.gov/snap/retailerlocator>). If you're up for a greater *optional* challenge, try limiting yourself to \$4.40 per day and/or extending the challenge to a week.

### **July 5—HOLIDAY BREAK**

#### **Week 5**

#### **July 12: The Power of the Purse, Eco-Labeling, and Animal Welfare**

#### Readings

7. Angelo et al., *Food, Agriculture, and Environmental Law*, Chapter 17 "The Future of Food Eco-Labeling: A Comparative Analysis" pp. 301-323
8. American Society for the Prevention of Cruelty to Animals & VLS Center for Agriculture & Food Systems, *Food Animal Welfare Certification Guide* (January 2017) <https://www.aspc.org/sites/default/files/frm-wlfr-cert-guide-feb2017.pdf>
9. Lo, J., & Delwiche, A. (2016). *The Good Food Purchasing Policy: A tool to intertwine worker justice with a sustainable food system*. *Journal of Agriculture, Food Systems, and Community Development*, 6(2), 185–194. <https://foodsystemsjournal.org/index.php/fsj/article/view/456/436>

## CLASS

- Guest Practitioner: Kara Shannon, Esq. (VLS JD '15), Manager of the Farm Animal Welfare campaigns at the American Society for the Prevention of Cruelty to Animals (ASPCA), Animal Welfare Certification & Institutional Food Sourcing Policy
- Formal Debate on the comparative merits of voluntary certification programs vs. mandatory government regulations in the context of agricultural production methods

## Week 6

### **July 19: Local Policy and Planning Tools**

#### READINGS:

1. Gottlieb and Joshi, *Food Justice*, 123-126, 145-149.
2. Harvard Law School Food Law and Policy Clinic, *Good Laws, Good Food: Putting Local Food Policy to Work for our Communities*, July 2012. <http://www.chlpi.org/wp-content/uploads/2013/12/FINAL-LOCAL-TOOLKIT2.pdf>.
3. Case Study: Boston, MA
  - a. Read background at: <http://www.cityofboston.gov/food/urbanag/>
  - b. Read zoning article 89 at: <http://www.bostonredevelopmentauthority.org/getattachment/a573190c-9305-45a5-83b1-735c0801e73e>
  - c. Penn Loh, "Land, Co-ops, Compost: A Local Food Economy Emerges in Boston's Poorest Neighborhoods," *yes! Magazine*, November 7, 2014. [http://www.yesmagazine.org/commonomics/boston-s-emerging-food-economy?ica=Tweet&icl=ShareBar\\_Art\\_UR](http://www.yesmagazine.org/commonomics/boston-s-emerging-food-economy?ica=Tweet&icl=ShareBar_Art_UR)
4. Case Study: Burlington, VT
  - a. Skim report: <https://www.burlingtonvt.gov/sites/default/files/UrbanAgTaskForceReport.pdf>
  - b. Resulting Ordinances: Skim Chapter 17, Article II Humane Treatment of Animals & Article III Regulations of the Slaughter of Chickens, Rabbits, Goats, and Sheep <https://www.burlingtonvt.gov/sites/default/files/UrbanAgTaskForceReport.pdf>

## CLASS

- Instructor presentation and discussion on urban agriculture and other local-level policies, local food policy councils, and public participation.
- Guest Practitioner: Jennifer Rushlow, Esq., Dean of Vermont Law School Environmental Law Center (invite pending)

## Week 7

### **July 26: Production and Ecosystems**

#### READINGS:

Instruction: While doing today's readings, consider the pros and cons to the different regulatory and ecosystem services approaches put forth in the readings. We will discuss them in class.

1. Angelo, Czarnezki, and Eubanks, *Food, Agriculture, and Environmental Law*:
  - a. Chapter 7 - Environmental and Climate Impacts of Food Production, Processing, Packaging, and Distribution, 116-123.
  - b. Chapter 4 - Agricultural Irrigation, 57-63.
  - c. Chapter 5 - The Industrialization of Animal Agriculture: Connecting a Model With Its Impacts on the Environment, 72-82; 89-91.
  - d. Chapter 14 - Agriculture and Ecosystems, Paying Farmers to Do the *New Right Thing*, 241-251.
  
2. Readings to prepare for Lake Champlain agricultural water pollution debate:
  - a. Vermont Agency of Agriculture, Food and Markets, Required Agricultural Practices (RAP) Rule (11/23/2018):  
[https://agriculture.vermont.gov/sites/agriculture/files/documents/RAPFINALRULE12-21-2018\\_WEB.pdf](https://agriculture.vermont.gov/sites/agriculture/files/documents/RAPFINALRULE12-21-2018_WEB.pdf)
  - b. "EPA Targets Farming to Cut Lake Champlain Phosphorus Pollution," *Vermont Biz* (June 20, 2016). <http://www.vermontbiz.com/news/epa-targets-farming-cut-lake-champlain-phosphorus-pollution>
  - c. Peter Burmeister, "Proposed Agricultural Practices Fail on Many Levels," *VT Digger* (June 26, 2016). <http://vtdigger.org/2016/06/26/peter-burmeister-proposed-agricultural-practices-fail-on-many-levels/>
  - d. Do your own research to support your assigned viewpoint for the debate!
    - i. For further information about the RAPS, visit:  
<https://agriculture.vermont.gov/2016-rap-amendment-process-archive>
      1. To find public comments on the RAPS (hint: control search to look for your group!), click on "Download Copy of 2nd Draft Public Comments Received" to download all comment letters received by the agency.

CLASS:

- Discuss regulatory v. ecosystem services approaches to managing agricultural pollution.
- Guest Practitioner: Elena Mihaly, CLF VT, Lake Champlain agricultural pollution advocacy.
- Formal debate on Lake Champlain agricultural water pollution.

Week 8

**August 2: Final Class - Policy Briefs Due.**

READINGS

1. Gottlieb and Joshi, *Food Justice*, 197-219.

CLASS:

- Oral Advocacy Presentations
- Closing thoughts
- Farm visit TBD