

# SYMPOSIUM

## FOOD FOR THOUGHT: THE IMPACT OF FOOD CHOICES IN A CHANGING CLIMATE

Approximately eleven million tons of food are consumed globally every minute. And yet, the effects of agriculture are often given little thought. This year, Lewis & Clark Law School's Annual Environmental Symposium Issue focuses on how food choices, ranging from agricultural operations to federal regulation, impact the environment.

Josie Moberg explores how Confined Animal Feeding Operations (CAFOs) are inadequately regulated at the state and federal level. Focusing on Oregon specifically, the author explains why past regulation of CAFOs has failed. The author concludes that remedying the environmental justice issues caused by CAFOS requires better regulation of CAFO emissions. The Clean Air Act and Oregon state legislation provide the best vehicle to accomplish this objective.

Shanna McCormack discusses the relationship between animal agricultural emissions and climate change. She explores this relationship by examining the effects of climate change on a region-by-region basis, analyzing the consequences of climate change on farmed animals. The author explains how federal law and policy protect animal agricultural operations from regulation, exacerbating the environmental harm that animal agriculture causes. The Article ends by exploring how removal of these protections might reduce the impact animal agriculture has on climate change.

George Kimbrell, Sylvia Wu, and Audrey Leonard analyze the harmful effects that agricultural use of pesticides causes the environment. Using a case brought by Center for Food Safety, *National Family Farm Coalition v. U.S. Environmental Protection Agency*, 960 F.3d 1120 (9th Cir. 2020), (NFFC) the authors highlight how pesticides wreak havoc wherever the wind blows. Plaintiffs in the case challenged EPA's decision to approve the registration of the herbicide dicamba, despite a lack of sufficient evidence that the herbicide was safe enough for approval under federal law. The Ninth Circuit, vacating EPA's

approval, determined that EPA's approved registration of dicamba lacked adequate support and was inconsistent with the Federal Insecticide, Fungicide, and Rodenticide Act. The authors conclude by explaining that precedent – such as NFFC – could provide a powerful tool for correcting EPA's oversight in pesticide regulation.

This issue concludes with three articles not related to presentations from this year's Symposium. Dara Illowsky's Comment discusses how the Biden Administration can improve forest management and reduce the risk of wildfire by repromulgating the 1978 NEPA regulations and GHG guidance that the Trump Administration changed. Skye Walker's Comment evaluates the broad exemptions that the U.S. military receives in complying with environmental laws, and calls for greater accountability from agencies tasked with maintaining national defense and security. Romany Webb, Michael Panfil, and Sarah Ladin's Article explores how electric utility companies function in a changing climate and the companies' obligation to better engage climate resilience planning.

Environmental Law thanks the symposium presenters, authors, attendees, volunteers and everyone else who contributed to this year's symposium.

Heidi Logan  
Symposium Editor