



Thank you for joining us in Washington, DC for the 40th Annual AALA Agricultural Law Education Symposium!

Agenda Key

** Designation: To be Recorded and Available to Attendees for one year*

#Designation: Open to Media

Policy Track

Private Practitioner Track

Food Law Track

In-House / Corporate Counsel Track

New Practitioner Track

Ethics

2019 AALA Annual Agricultural Law Educational Symposium Session Descriptions

Thursday, November 7, 2019

10:00 – 11:00 am: USDA Welcome with Featured Speaker

Welcome: United States Department of Agriculture General Counsel Stephen Alexander Vaden

Featured Speaker: Dino LaVerghetta, Counsel at Sidley Austin, LLP and Former Senior Associate Counsel to the President and Special Assistant to the President

11:00 am – 12:00 pm: Session #1: Office of General Counsel Panel

Moderator: Office of White House Counsel Associate Counsel to the President Tara Helfman

Speakers: Environmental Protection Agency General Counsel Matt Leopold

United States Department of Agriculture General Counsel Stephen Alexander Vaden

United States Department of the Interior Solicitor Dan Jorjani

This session will provide an overview of the ins and outs of the work done by the Federal offices of general counsel. The offices of general counsel provide legal services and legal oversight required by the secretary or administrator and the department or agency to deliver programs and services to the American people. Attendees will hear from these lead agency attorneys on the current legal issues and day-to-day matters that they address.

1:00 – 2:00 pm: Session #2: Hot Topics under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Registration Review Update

Speaker: Environmental Protection Agency Assistant Administrator Alexandra Dapoloito Dunn

The Office of Chemical Safety and Pollution Prevention's (OCSPP) mission is to protect you, your family, and the environment from potential risks and toxic chemicals. This session will focus on the current legal and regulatory issues and changes involved with the OCSPP's administration of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA provides for federal regulation of pesticide distribution, sale, and use. All pesticides distributed or sold in the United States must be registered (licensed) by EPA.

Materials Passcode: AALA2019DC!

2:00 – 3:00 pm: Session #3: USDA Farm Bill Update

Speaker: Peter Bonner, Assistant General Counsel, Food Assistance, and Farm and Rural Programs Division, USDA, Washington DC; Mai Dinh, Assistant General Counsel, Marketing, Regulatory and Food Safety Programs Division, USDA, Washington DC; Azine Farzami, Attorney for General Law and Research Division, USDA, Washington DC; Kyle Liske, Senior Advisor to Secretary Purdue, USDA, Washington DC; Beverly Li, Assistant General Counsel, Natural Resources and Environment Division, USDA, Washington DC; and Janet Safien, Assistant General Counsel for International Affairs, Food Assistance, and Farm and Rural Programs Division, USDA, Washington DC

The 2018 Farm Bill was enacted on December 20, 2018 and is largely implemented and administered by the United States Department of Agriculture (USDA). This session will provide an update of the USDA's current legal and regulatory issues and changes with the implementation and administration of the 2018 Farm Bill.

3:15 – 4:15 pm: Session #4: USDA Marketing and Regulatory Update

Speakers: Rick Goeken, Principal Deputy General Counsel, USDA, Washington DC; Sonia Jimenez, AMS Deputy Administrator, USDA, Washington DC; Sheila Novak, Assistant General Counsel, USDA, Washington DC; and Matthew Michael, Director, Issuances Staff, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, Washington DC

The Agricultural Marketing Service (AMS) administers programs that create domestic and international marketing opportunities for U.S. producers of food, fiber, and specialty crops. AMS also provides the agriculture industry with valuable services to ensure the quality and availability of wholesome food for consumers across the country. AMS has jurisdiction on a wide variety of Federal rules and regulations including labeling matters, hemp, research and promotion programs, the transportation of agricultural products and more. Hear from some of AMS's lead staff on a variety of current proposed rules and implementation of rules and regulations by AMS.

4:30 – 5:00 pm: Session #5: USDA Supplemental Nutrition Assistance Program Update

Speakers: Ralph Linden, Associate General Counsel, International Affairs, Food Assistance, and Farm and Rural Programs Division, USDA, Washington DC; and Campbell Shuford, Senior Advisor to Secretary Perdue, USDA, Washington DC

USDA will provide an update on the status of a number of regulatory initiatives currently underway in the Food, Nutrition, and Consumer Service Mission area including items affecting the Supplemental Nutrition Assistance Program, Dietary Guidelines and Child Nutrition Programs.

Friday, November 8, 2019**7:00 – 8:00 am: Session #6: Ag Law Updates****Update #1 – Ag Finance^{##}**

Speaker: Jeffrey Peterson; Gray Plant Mooty (Minnesota)

Update #2 – Food Law^{##}

Speaker: Susan Schneider; University of Arkansas School of Law, LL.M. Program in Agricultural and Food Law

Update #3 – Land Use and Resource Law^{##}

Speaker: Jesse Richardson; West Virginia University College of Law

8:00 – 9:00 am: Session #7: Why the Roberts' Courts New Take on Constitutional Law May Revolutionize Agricultural Law^{##}

Featured Speaker: Erin Morrow Hawley, Senior Fellow at the Kinder Institute, Of Counsel at Kirkland & Ellis LLP, and Senior Counsel for the Independent Women's Forum Center for Law and Liberty

To the surprise of many court watchers, the two newest Justices, Justice Kavanaugh and Justice Gorsuch, agreed on remarkably little this term. Both Justices, however, are skeptical of the power of the administrative state. If this past term is any indication, the Court is poised to make major changes to the way federal courts review agency regulations (Chevron deference) and (perhaps) to revive the non-delegation doctrine. Both changes would represent a profound change in the way we are governed as power will be shifted from administrative agencies to Congress and the federal courts. These changes would also present significant changes for agricultural law.

9:00 – 10:00 am: Session #8: The Nuts and Bolts of Ag Trade

Moderator: Ray Starling, General Counsel, North Carolina Chamber and President of the North Carolina Chamber Legal Institute

Featured Speakers: Janae Brady, Senior Professional Staff, U.S. Senate Agriculture Committee, Washington, DC; Ken Isley, Administrator, Foreign Agricultural Service, USDA, Washington, DC; and David Salmonsens, Senior Director, Congressional Relations, American Farm Bureau Federation, Washington DC

The U.S. is the world's second largest agricultural trader behind only the European Union. U.S. agricultural exports and imports have increased significantly to meet growing international and domestic demand, but the U.S. agricultural trade process is quite complex. This panel will discuss the nuts and bolts of agricultural trade in Washington DC and provide insight into the current process.

10:15 – 11:45 am: Session #9: Concurrent Breakouts

Agriculture and the Clean Water Act – WOTUS, Groundwater, and More⁺⁺

Speakers: Tiffany Dowell Lashmet, Texas A&M AgriLife Extension, Amarillo, Texas; Jesse J. Richardson, Jr., West Virginia University, Morgantown, West Virginia; Mary-Thomas Hart, National Cattlemen's Beef Association, Washington, DC; and Scott Yager, National Cattlemen's Beef Association, Washington, DC

The definition of “Waters of the United States” remains in flux, with the Administration having introduced a revised definition on December 11, 2018. Once the rule is adopted, litigation will ensue. At the same time, the United States Supreme Court is set to consider a case involving indirect discharge, or “groundwater as a conduit”, and whether these discharges require a NPDES permit. Both controversies have potential to immensely reshape the way agriculture is treated under the Clean Water Act. This session will present a balanced overview of the issues and the potential impact.

Track: Policy (Session 9A)

The Law of Hard Times: What Lawyers and Policymakers in 2019 Can Learn from the Farm Crisis of the 1980s⁺⁺

Moderator: Kathleen J. Masterton, The Law Offices of Kathleen J. Masterton, P.C., Monkton, Maryland

Speakers: Roger Johnson, President, National Farmers Union, Washington, DC; Brooke Schumm, III, Esquire, Daneker, McIntire, Schumm, Prince, Manning, & Widmann, P.C., Baltimore, Maryland; Bud Stephen Tayman, Bud Stephen Tayman, P.A., Germantown, Maryland; and Sarah Vogel, Sarah Vogel Law Office, Bismarck, North Dakota

This presentation will provide practitioners and policymakers with information, tools and strategies for representing farmers who are going through financial hard times. Beginning with a report by Roger Johnson, National Farmers Union President, on the 2019 economic situation of farmers, Sarah Vogel and Roger Johnson will share insight from working with farmers in the 1980s, and give practical recommendations for working with financially and emotionally stressed farmers today. Bud Stephen Tayman, Brooke Schumm, III, and John Gabel will then discuss use of Chapter 12 farm bankruptcy reorganizations to keep farmers on the land.

Track: Private Practitioner (Session 9B)

Gene Editing in Agriculture – Regulatory Status and Legal Issues

Moderators: Karen Carr, Arent Fox, Partner, Washington DC and Lisa Zannoni, Vice President, Regulatory and Government Affairs, Inari, Raleigh, North Carolina

Speakers: Timothy Gruenisen, Global Regulatory Counsel – Seeds, Corteva, Johnston, Iowa; Dr. Clint Nesbitt, Senior Director, Science and Regulatory Affairs, Food and Agriculture, BIO, Washington DC; and Ragan Naresh, Litigation Partner, Kirkland & Ellis, Washington DC; Margaret Rosso Grossman, Professor Emerita and Bock Chair Emerita, Univ. of IL, Urbana Illinois

New plant breeding innovations, including CRISPR-mediated gene editing, are here but lack predictable, science-based, harmonized global regulatory approaches. National governments are making decisions on the level of pre-market reviews needed for these innovative plant and animal products varying from consultations to the recent EU decision to treat as GMOs. Session participants will hear perspectives on the current state of regulatory approaches for both plant and animal gene-edited products in the US and with major trading partners, along with a discussion of the civil litigation risks by companies operating in this space.

Track: Food (Session 9C)

Ag Tech Update – Blockchain, Ag Data, IoT and More⁺⁺

Speakers: Julie DiNatale, Senior Director External Affairs, Granular, Philadelphia, Pennsylvania; Shannon Ferrell, Professor, Oklahoma State University Department of Agriculture, Stillwater, Oklahoma; and Todd Janzen, Attorney, Janzen Agricultural Law LLC, Indianapolis, Indiana

Technology has the power to revolution the food supply chain. What will be the benefits for consumers and what impact do these technologies have on farmers' day-to-day activities? This session will cover current legal issues arising from the latest ag tech, including issues arising from ag data, blockchain, Internet-of-Things (IoT), and robotic technology.

Track: In-House (Session 9D)

From Cradle to Grave: The Life Cycles of Farm and Ranch Ownership: From Acquisition through Operation to Disposition⁺⁺

Moderator: Rachel Ralston, Oakland High School, Murfreesboro, Tennessee

Speakers: James D. Eggleston, Jr., Eggleston King, LLP, Weatherford, Texas; Colton McClanahan, Finance Officer, Farm Credit Mid-America, Crossville, Tennessee; Matthew J. McClanahan, G. Keith Alley, P.C, Crossville, Tennessee; and Greg Sampson, Gray Reed, Dallas, Texas

Farming operations pass through distinct life cycles. Just as there is a season to plant and a season to harvest, every farm operation matures and eventually transitions to either a new generation or is absorbed into a larger operating structure. Whether your client is entering the farming life cycle, has reached the mature operation and growth cycle, or is thinking of transitioning into a final disposition cycle, attorneys and other professionals have an integral part to play as their clients enter and pass through each cycle. Trusted advisors are indispensable resources in providing counseling, insights and direction during these cycles.

Track: New Practitioner (Session 9E)

1:00 – 2:00 pm: Session #10: Concurrent Breakouts

Hemp Hemp Hooray, Current Issues in Hemp Production

Moderator: Alli Condra, Davis Wright Tremaine LLP, Portland, Oregon

Speakers: Jeff Giametta, Davis Wright Tremaine LLP, Portland, Oregon; Courtney Moran, EARTH Law LLC, Portland, Oregon; and Cassie Peters, Cassie Peters Legal + Consulting LLC, Eugene, Oregon

The 2018 Farm Bill removed “hemp” from the definition of “cannabis” (effectively descheduling “hemp” from of the Controlled Substances Act) and more clearly opened up a variety of pathways for the legal production of hemp and hemp-derived products (including CBD) in the U.S. This panel will provide a brief overview of the major milestones in the process to legalize and normalize the production of hemp and hemp-derived products, as well as a discussion of current issues facing companies that participate in this market (and the attorneys that represent them) (for example, the FDA and state views of hemp-derived CBD).

Track: Policy (Session 10A)

Protection and Enforcement of Intellectual Property: Special Issues at the Intersection of Patents and Trade Secrets⁺⁺

Moderator: Jan I. Berlage, Partner, Gohn Hankey & Berlage LLP, Baltimore, MD

Speakers: Joan K. Archer, Farmobile, LLC, Leawood, Kansas; Marnie A. Jensen, Husch Blackwell LLP, Omaha, Nebraska; and Corinne Marie Pouliquen, Berenato and White, LLC, Bethesda, Maryland

Agriculture technology companies face a variety of issues when it comes to the protection of intellectual property, including deciding what to patent, what to keep a trade secret, and how to protect and enforce their intellectual property rights. This program will discuss these issues from the viewpoint of both private practice and in-house.

Track: Private Practitioner (Session 10B)

In Search of Sustainable Food: Perspectives from the Supply Chain[#]

Moderator: Jonathan Coppess, Director of the Bock Agricultural Law & Policy Program, University of Illinois

Speakers: Chris Adamo, Vice President Federal & Industry Affairs, Danone North America; and Rod Snyder, President, Field to Market: The Alliance for Sustainable Agriculture

Consumer demand increasingly pushes the food supply chain to improve the sustainability of food. Sustainability begins at the farm level where the pressures from consumers can result in farmers adjusting their practices and operations, efforts that can increase risk, cost and management complexity. Agribusiness companies in the supply chain, including food companies, retailers and input suppliers, all manage complex efforts to source sustainably-produced commodities; efforts include assuring the supply chain, including the consumer, that they have achieved this meaningfully. This panel will review sustainability issues within the supply chain, offer perspectives, and raise questions for practitioners and academics.

Track: Food (Session 10C)

Agricultural Antitrust Developments⁺#

Moderator: Joseph Miller, General Counsel, Rose Acre Farms, Seymour, Indiana

Speakers: John Monica, Partner, Protorae Law, Tysons, Virginia; James Pizzirusso, Partner, Hausfeld, Washington, DC; and Jetta Sandin, Associate, Axxin, Veltrop & Harkrider, LLP, Washington, DC

Agricultural antitrust litigation continues to be a hot topic across the country. The panel will discuss recent developments in antitrust cases in the egg, broiler, pork, tuna, and milk industries. Of particular note is a jury trial involving allegations of egg supply reduction tied to animal welfare efforts backed by agricultural cooperatives. The panel will feature both plaintiff and defense attorneys, as well as in-house general counsel, who will provide their first-hand experience from that case. Additional, first-hand experience from the pork and broiler cases will be discussed, as well as recent developments regarding the Capper-Volstead Act and other pertinent laws.

Track: In-House (Session 10D)

Top 10 Issues in Agricultural Leases⁺#

Moderator: Stephanie Bradley Fryer, Stephanie Bradley Fryer PLLC, Stamford, Texas

Speakers: Daniel Drazan, Dunn Carney LLP, Portland, Oregon; and David Zehntbauer, Dunny Carney LLP, Portland, Oregon

An introduction and refresher for new and private practitioners regarding the top 10 issues to consider from both the Landlord and Tenant perspective when negotiating and entering into an Agricultural Lease Agreement. Topics will include due diligence, term and extensions, defining the premises, condition of the property (environmental, soils), water rights, right to harvest, defaults and remedies, dispute resolution and special agricultural considerations.

Track: New Practitioner (Session 10E)

2:00 – 3:00 pm: Session #11: Concurrent Featured Speakers

State Agricultural Policy Issues

Moderator: Brad Deacon, Director, Office of Legal Affairs, Emergency Management Coordinator, Michigan Department of Agriculture and Rural Development, Lansing, Michigan

Speakers: Dr. Jewel Bronaugh, Commissioner, Virginia Department of Agriculture and Consumer Services; Whitney Place, Assistant Commissioner, Minnesota Department of Agriculture; and Ben Thomas, Director, Montana Department of Agriculture

This session will feature a discussion by State Department of Agriculture leaders who will share their views on leadership, management, the law, and emerging issues.

Track: Policy (Session 11A)

Overview of the USDA-NASS Statistical Program Practitioner Track Featured Speaker(s) - Farm Data Accessibility⁺#

Speaker: Hubert Hamer, Administrator, National Agricultural Statistics Service

The USDA's National Agricultural Statistics Service (NASS) conducts hundreds of surveys every year and prepares reports covering virtually every aspect of U.S. agriculture. Production and supplies of food and fiber, prices paid and received by farmers, farm labor and wages, farm finances, chemical use and changes in the demographics of U.S. producers are only a few examples. This session will cover the NASS's statistical program and provide participants a greater understanding of how agricultural statistics support farm programs, universities and other research activities, and State Departments of Agriculture. Highlights from the recently release Census of Agriculture will be shared along with a discussion of how the USDA statistical program fits in the greater United States statistical system.

Track: Private Practitioner (Session 11B)

Attorney/Client Privilege and Agricultural Matters: Don't let the Cow out of the Barn Door⁺#

Speakers: Brandy A. Sargent, K&L Gates, LLP, Portland, Oregon; and Margaret R. Westbrook, K&L Gates, LLP, Raleigh, North Carolina

Description: Review of basic, advanced and cutting edge developments in ways to protect attorney-client privileged communications made in agricultural and agribusiness scenarios. The session will review the relevant model rules of professional conduct as well as the federal rules of evidence and discuss those in context. This session will provide practical advice for clients, practitioners and in house counsel. In addition to basic scenarios, the session will cover the impacts of technology and globalization on attorney-client communications.

Track: Policy (Session 11C)

3:30 – 4:30 pm: Session #12: Concurrent Featured Speakers

A View from the General Counsel's Office

Moderator: Michael Formica, Assistant Vice President, Domestic Affairs and Counsel, National Pork Producers Council

Speaker(s): Suzanne Griffin, Senior Vice President, General Counsel and Chief Risk Officer, Butterball, LLC; Stewart Leeth, Vice President and Chief Sustainability Officer, Smithfield Foods; and Dan Malech, General Counsel, Plenty

Gain first hand insight into the legal challenges and marketplace trends that are grabbing the attention of in-house legal departments. What are the biggest challenges that currently concern them? What policy and consumer trends do they see coming down the horizon that is going to impact their clients and legal practices? And how do they allocate resources, assess and engage the marketplace for legal services?

Track: *In-House (Session 12A)*

Agricultural Trade and the Law⁺

Moderator: Megan Provost, Farm Foundation, Washington, DC

Speaker(s): Joseph Glauber, International Food Policy Research Institute, Washington, DC; Bruce Hirsh, Tailwind Global Strategies, Washington, DC; and Daniella Taveau, Bold Text Strategies, Washington, DC

The United States is the world's second largest agricultural exporter and largest agricultural importer, making trade critical to the food and agricultural sector. Recently, the United States and some of its key trading partners have adopted trade policies that could significantly alter some of those long-term trading relationships, change the landscape for agricultural trade, and potentially introduce farmers, agribusinesses, and food processors into a new era of market unpredictability. This panel will provide an overview of some areas where agricultural trade and the law intersect – through the negotiation of new agreements, sanitary and phytosanitary barriers, and the dispute settlement process.

Track: *Policy (Session 12B)*

4:30 – 5:30 pm: Session #13: Concurrent Featured Speakers

Caught Between Johanns and Janus: The Future of Federal and State Checkoff Programs⁺

Moderator: Harrison Pittman, National Agricultural Law Center, University of Arkansas System Division of Agriculture, Fayetteville, AR

Speakers: Chip English, Davis Wright Tremaine, Washington, DC; Lance Lange, Faegre Baker Daniels, Des Moines, IA; and Wayne R. Watkinson, Watkinson Miller, Washington, DC

This session will feature leading experts in the field of commodity checkoff programs and litigation. Panelists will discuss recent legal challenges to federal and state checkoff programs with a primary focus on First Amendment issues emanating from the U.S. Supreme Court's 2018 *Janus* decision and 2005 *Johanns* decision.

(Session 13A)

2019 in Review: Farm Income, Policy, Markets and Trade

Speaker: Dr. John Newton, Chief Economist, American Farm Bureau Federation

With farm income remaining at depressed levels, U.S. agriculture began 2019 with significant uncertainty following a record-long government shutdown, delayed farm bill implementation and ongoing trade tensions in our largest agricultural markets. This session will look back on the year that was and review how 2019 shaped up in terms of farm income, commodity markets, the farm bill, trade and regulatory reform and then provide an outlook for what's to come in 2020.

(Session 13B)

Ethical Risk-Management Practical Tips on Using Innovative Tools to Safeguard Your Organization's Reputation

Speaker: Stuart Bender, Director, USDA Office of Ethics, Washington, DC

News reports of ethical misconduct and criminal investigations are increasing, while at the same time, Federal Ethics laws and regulations have become increasingly more complex. This high-energy session will identify ethical risks facing organizations and provide new innovative social media tools as well as practical tips that attorneys can use right away to mitigate reputational risks for their clients. Stuart Bender, USDA's Director of Ethics will share the tools that he and his team have implemented, including the USDA Ethics App (available for free on any smart phone by searching "USDA Ethics" on any app store).

(Session 13C)

5:30 – 6:00 pm: AALA Annual Business Meeting, Amber Miller, 2018-19 AALA President

Saturday, November 9, 2019

7:00 – 8:00 am: Session #14: Ag Law Updates

Update #4 – Tax Law^{##}

Speaker: Kristine Tidgren; Director, Center for Agricultural Law & Taxation, Iowa State University

Update #5 – Environmental Law^{##}

Speaker: Anthony Schutz; Nebraska College of Law

Update #6 – Farm Bill

Speaker: David Grahn, Director of the Office of Regulatory Policy, Farm Credit Administration (Virginia)

8:00 – 9:00 am: Session #15: Concurrent Breakouts

State Responses to Agricultural Water Quality Challenges^{##}

Speakers: Prof. Neil Hamilton, Drake University, Des Moines, Iowa; Prof. Anthony Schutz, University of Nebraska, Lincoln Nebraska; and Susan Stokes, Minneapolis, Minnesota

This session will examine state-based actions relating to water quality issues associated with agricultural production. In recent years states have been incubators for innovative water quality programs including: requiring buffer strips alongside streams, regulating the installation of new drainage tile, developing state-based financial programs to provide cost sharing, and requiring nutrient management plans. Speakers from several Midwestern states: Iowa, Minnesota, Nebraska, and Michigan will address the various legal developments in their states on this topic.

Track: Policy (Session 15A)

Navigating Crop Insurance Claims^{##}

Speakers: Chad Marzen, Professor, Florida State University, Tallahassee, Florida; and Scott Swier, Swier Law Firm, Avon, South Dakota

Crop insurance is an important risk management tool for producers throughout the United States. In fact, crop insurance has become an integral part of the modern farm operation for producers. This panel will provide an outline of navigating crop insurance claims and discussing crop insurance cases throughout the United States.

Track: Private Practitioner (Session 15B)

Implementation and Impacts of USDA's GMO Labeling Rules

Moderator: Jennifer Williams Zwagerman, Drake University Law School, Des Moines, Iowa

Speakers: Trevor Findley, Deputy Director of the Food Disclosure and Labeling Division, USDA, Washington, DC; Brandon Neuschafer, Bryan Cave Leighton Paisner LLP, St. Louis, Missouri; and Luke Westerman, Faegre Baker Daniels, Minneapolis, Minnesota

USDA recently promulgated a final rule regarding labeling of GMO content in foods. These rules require much more than just placing a logo on a food label, and manufacturers are working hard to meet compliance dates that arrive as early as January of 2020. This panel will provide some information on how companies are implementing the GMO labeling rules, but also address a more unique angle of the impact of these rules on the more upstream layers of companies involved in food production, such as production agriculture companies to ingredient manufacturers.

Track: Food (Session 15C)

The Harvest is Ripe, but the Laborers are Few[#]

Speakers: Brandon Eric Davis, Partner, Phelps Dunbar, New Orleans, Louisiana; and Nathan Huff, Associate, Phelps Dunbar, Raleigh, North Carolina

Rising productivity, increased competition, and regulatory uncertainty have resulted in massive agricultural labor shortages. Those farmers relying on foreign labor to fill the gap must confront the dual and interrelated threats of regulatory enforcement actions and agricultural labor union lawsuits. This program will analyze these threats and identify solutions such as the H-2A visa program, Farm Labor Contractor agreements, union-lawsuit prevention and defense strategies, and regulatory/worksite enforcement compliance. Participants will learn how to position their farming operations for future growth and sustainability through lawful labor practices that mitigate the threat posed by regulators and ag labor unions.

Track: In-House (Session 15D)

An Insurable Event? Managing Supply Chain Risk in a Global Food Economy[#]

Moderator: Kari Larson, K&L Gates LLP, Seattle, Washington

Speakers: Jonathan Cohen, K&L Gates LLP, Washington DC; and Tami Griffin, Aon Risk Solutions

This presentation will analyze today's risk environment for agriculture, food and beverage companies, as well as innovative insurance solutions that mitigate supply chain and other risks. The presentations will help practitioners identify practical solutions that enhance protections against risk, even in rapidly changing areas of the industry and economy. Topics to be addressed include the following, among others, (i) how to plan for the financial impact of product contamination and recall claims, (ii) methods for resolving disputes with insurers over insurance claims; and (iii) an overview of developing issues in food insurance law.

Track: *New Practitioner (Session 15E)*

9:00 – 10:00 am: Session #16: Concurrent Breakouts

Regulation of Emerging Technologies in the Meat and Poultry Industry

Moderator: Andrew Bailey, Legal Counsel, Science and Technology, National Pork Producers Council, Washington, DC

Speakers: Karen Ellis Carr, Partner, Arent Fox LLP, Washington, DC; Dr. Daniel Kovich, Director of Science and Technology, National Pork Producers Council, Washington, DC; and Dr. Tiffany Lee, Director, Regulatory and Scientific Affairs, North American Meat Institute, Washington, DC

New and emerging technologies can often face significant technical, as well as legal and regulatory, obstacles to widespread adoption and commercial viability. Gene editing of livestock and human food derived from cell-cultured protein are two of the most recent, high-profile examples of such technologies in the meat and poultry industry. This panel will discuss the basics of these and other technologies, as well as their current regulatory frameworks and the hurdles that such technologies may face.

Track: *Policy (Session 16A)*

Welcome to the Swamp! Advocacy in USDA Regulatory Matters and Administrative Hearings⁺#

Speakers: Chelsea Good, Livestock Marketing Association, Kansas City, Missouri; John Dillard, OFW Law, Washington, DC; and Ken Ackerman, OFW Law, Washington, DC

What does it take to get a regulation changed? What do you need to know if you're representing a client in an administrative hearing? What is the National Appeals Division? Three experienced practitioners walk you through the ins and out of rulemaking, the USDA Rules of Practice, and Farm Service Agency adjudications. Hip waders are optional!

Track: *Private Practitioner (Session 16B)*

National Organic Program – Legal Update⁺#

Speakers: Chip English, Davis Wright Tremaine LLP, Washington, DC; Jennifer Tucker, USDA Agricultural Marketing Service, National Organic Program, Washington, DC; and Laura Batcha, Organic Trade Association, Washington, DC

A number of Washington Post stories in past year have challenged the organic industry's integrity for imported organic products and livestock/pasture compliance. This panel will provide a legal overview and reports on organic integrity, livestock and pasture rules, organic enforcement and FOIA issues with moderator Chip English, Davis Wright Tremaine LLP (with 28 years' experience with organic regulatory issues), Jennifer Tucker, Deputy Administrator NOP, Agricultural Marketing Service, and Laura Batcha, Executive Director, Organic Trade Association.

Track: *Food (Session 16C)*

Responding to Class Action Threats: The A to Z on Minimizing Litigation and Liability Risk⁺#

Speaker: Jacob Harper, Davis Wright Tremaine LLP, Los Angeles, California

This panel will discuss on how to manage, at the front-end, the most common class action facing consumer food and beverage companies today—the inevitable mislabeling lawsuit. The discussion focuses on cutting through empty threats, responding to (or ignoring) demand letters, seeking indemnity or insurance coverage if appropriate, addressing product changes, and fighting the claims. Class action demands more often play on fear of liability than actual reality; this discussion will help counsel—in-house and outside—navigate how (and whether) to respond to consumer class action demands.

Track: *In-House (Session 16D)*

Innovative Policy Solutions for Economic Development in Tribal Food & Agriculture⁺⁺

Speakers: Colby Duren, Indigenous Food and Agriculture Initiative - University of Arkansas, Fayetteville, AR; Erin Parker, Indigenous Food and Agriculture Initiative - University of Arkansas, Fayetteville, AR; and Carly Griffith Hotvedt (Cherokee), Indigenous Food and Agriculture Initiative - University of Arkansas, Fayetteville, AR

This panel will discuss opportunities for furthering Tribal governance and economic development to build strong food systems across Indian country and rural America. Specifically, this panel will detail unique approaches in working with American Indian and Alaska Native producers, explore select Tribal self-governance provisions in the 2018 Farm Bill, and discuss the Model Tribal Food and Agriculture Code Project, a set of model laws developed by the Indigenous Food and Agriculture Initiative at the University of Arkansas.

Track: New Practitioner (Session 16E)

10:15 – 11:15 am: Session #17: Concurrent Breakouts

Right to Farm in North Carolina and Beyond⁺⁺

Moderator: Elizabeth Rumley, National Ag Law Center, Fayetteville, Arkansas

Speakers: Robert Andrew Branan, Agricultural and Resource Economics, North Carolina State University, Raleigh, North Carolina; Rusty Rumley, National Ag Law Center, Fayetteville, Arkansas; and Jake Parker, North Carolina Farm Bureau, Raleigh, North Carolina

Litigation in North Carolina covering ag nuisances has greatly increased the interest in Right to Farm legislation across the country. This session will delve into the cases in NC, recent changes to the NC statute, and look at national trends in modifying existing statutes. Jake Parker with the NC Farm Bureau has been actively involved in the issues in North Carolina and will provide an insider's perspective on that situation and Rusty Rumley from the National Agricultural Law Center will address national trends in Right to Farm legislation.

Track: Policy (Session 17A)

Do and Don'ts Under the Clean Water Act Normal Farming Activities Exemption⁺⁺

Moderator: Mollie Williams, Pacific Legal Foundation, Sacramento, California

Speakers: Tony Francois, Pacific Legal Foundation, Sacramento, California; and Andrew Doyle, United States Department of Justice, Washington, DC

This panel will present a practical overview of the Clean Water Act's permitting exemption for normal farming activities, from the enforcement and defense perspectives, including a discussion of what types of operations are covered, how the Army Corps interprets the exemption and makes determinations, and record keeping that farming operations should consider to protect the exemption.

Track: Private Practitioner (Session 17B)

The First Year of FSMA Produce Safety Rule Inspections: Top Legal Issues⁺⁺

Moderator: Nicole Cook, University of Maryland Eastern Shore, Princess Anne, Maryland

Speakers: Kelly Nuckolls, National Sustainable Agriculture Coalition, Washington, DC; Sarah Everhart, University of Maryland Francis King Carey School of Law, Baltimore, Maryland; and Stephen Hughes, Team Leader, Produce Safety Network, Center for Food Safety and Applied Nutrition, Fresh Produce Safety Branch, U.S. Food and Drug Administration, College Park, Maryland

For the first time this year, several farms are undergoing a Food Safety Modernization Act (FSMA) Produce Safety Rule inspection. There are a number of legal issues practitioners, advocates, and farmers should be aware of including who has the authority to conduct an inspection, what state laws may have additional requirements, whether or not a FSMA inspection impacts a farm's liability, and how to appeal an adverse decision. The session will highlight what resources are available to help answer questions about the first-time inspections and give an update on any pending FSMA rules and FDA Guidance Documents.

Track: Food Law (Session 17C)

Top 5 Eye Openers Impacting Industry – from Hemp to FDA Advisories to Alternative-Proteins

Moderator: Angela Spivey, Co-Lead of the firm's Food, Beverage, and Agriculture Team, Alston & Bird, Atlanta, Georgia

Speakers: Glenn Bass, Deputy Director, Human and Animal Feed Operations – West, U.S. Food and Drug Administration; Mai Dinh, Assistant General Counsel, Marketing, Regulatory and Food Safety Programs Division, USDA, Washington DC; and Tony Pavel, Global Food Law Team Lead, Cargill, Washington DC

The Top 5 Recent Issues Impacting Industry: 1) To Grow or Not to Grow Hemp? Unique insights and discussion of the USDA's newly released Interim Final Rule – from THC testing to impact on interstate commerce; 2) Recalls and FDA Advisories – lessons learned from the romaine outbreak; 3) Audits and Inspections -- insights from FDA, USDA, and in-house perspectives; 4) Where's the Beef? Got Milk? -- as meat and dairy producers battle plant-based protein producers, what is the fall-out and practical implications; 5) Glyphosate litigation -- in the wake of highly publicized verdicts, plaintiffs' attorneys are trolling for their next targets – what are the potential implications for food production and supply chain management.

Track: In-House (Session 17D)

Real Estate Transactions Involving Agricultural Land

Speakers: Kellen Holgate, Associate at K&L Gates LLP, Seattle, WA; J.D. Kious, Kious & Rodgers, Murfreesboro, Tennessee; and Laura Vaught, Kious & Rodgers, Murfreesboro, Tennessee

This session will be an overview of the legal issues that arise during the course of buying and selling agricultural land, including tax implications, conservation tools, and general real estate principles. It is presented by an attorney and title company president with expertise in real estate transactions, an attorney with an agricultural background practicing in the areas of real estate, estate planning, and general business, and an attorney practicing in the area of agricultural land transactions, agribusiness M&A, agricultural leasing and western water rights.

Track: New Practitioner (Session 17E)

11:15 am – 12:15 pm: Session #18: Concurrent Breakouts

Agricultural Commodity Transportation – Industry and Agency Perspectives⁺⁺

Speakers: Joe DeLorenzo, Federal Motor Carrier Safety Administration, Washington, DC; Allison Rivera, National Cattlemen's Beef Association, Washington, DC; Jara Settles, Livestock Marketing Association, Kansas City, MO; and Andrew Walmsley, American Farm Bureau Federation, Washington, DC

Livestock and agricultural commodity haulers face unique challenges when transporting living and highly perishable products across the country's roadways. The implementation of mandatory electronic logging device (ELD) use in the commercial motor vehicle industry has highlighted compliance challenges for this population of drivers as well as a lack of widespread understanding of the sometimes complex rules surrounding commercial hauling. Join industry thought leaders and a Federal Motor Carrier Safety Administration (FMCSA) compliance specialist in a discussion of where laws and regulations stand now and ongoing efforts with respect to increased flexibility.

Track: Policy (Session 18A)

Understanding the Essentials of Agricultural Market Loss Litigation: Duty, the Economic Loss Doctrine and Damage⁺⁺

Moderator: Bill Chaney, Gray Reed & McGraw LLP, Dallas, Texas

Speakers: Don Downing, Gray, Ritter, & Graham, P.C., St. Louis, Missouri; and Gretchen Garrison, Gray, Ritter, & Graham, P.C., St. Louis, Missouri

The factors affecting the market for agricultural commodities range from weather, international, as well as domestic, supply and demand forces to actions by market participants. What is the duty of market participants to others in the market, including producers or processors? How does the Economic Loss Doctrine (a duty rule, not damage limitation) impact that duty? What proof establishes the causes of market loss and quantifies that loss? Our moderator and speakers have grappled with these issues in the Rice and Corn GMO MDL cases and in other settings – individual and class.

Track: Private Practitioner (Session 18B)

Navigating the Regulatory Structure for the Processing, Distribution and Selling of Cannabinoid Related Compounds, Including CBD⁺⁺

Moderator: Tina Hlabse, General Counsel, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina

Speakers: Joe Reardon, Assistant Commissioner for Consumer Protection, NC Department of Agriculture and Consumer Services, Raleigh, North Carolina; and Scott Propheter, Vice President of Agronomy and Outreach, Critically LLC, North Carolina

This program will help both private practitioners and those in the public sector by educating on the current status of the law with regard to the inclusion of cannabinoid related compounds in food. Panelists will provide the current position of FDA on this issue and will address the various regulatory approaches by the States. This program will also cover proposed regulations on a State level to establish good manufacturing practices in the manufacturing, packaging, labeling, and holding operations for cannabinoid related compounds. This program will provide the audience with perspectives from both the regulator and industry.

Track: Food Law (Session 18C)

No Bull—Monetizing the Environmental Attributes of Dairy Gas, Ag Waste, and Renewable Energy Projects on Farmland[#]

Speakers: Marisa Bocci, Partner at K&L Gates LLP, Seattle, WA; Ankur Tohan, Partner at K&L Gates LLP, Seattle, WA; and Buck Endemann, Partner at K&L Gates LLP, San Francisco, CA

Farmers, dairies, and large agricultural landowners are increasing their investments in dairy digester, renewable energy, and other waste-to-value projects. Much of this interest has been driven by the ability to monetize environmental credits under the federal Renewable Fuel Standard, California's Low Carbon Fuel Standard, and other state-level and voluntary renewable energy incentives. This presentation will review the types of environmental programs driving this interest, address some of the key the real estate, land use, and regulatory compliance issues associated with developing such projects on a variety of agricultural lands, and outline several options for financing and funding such projects.

Track: In-House (Session 18D)

The LLC: Why the Partnership is still the Preferred Entity of Choice after Tax Reform^{+#}

Speaker: Dario Arezzo, Farm Credit East, Phelps, New York; and Kristine Tidgren, Director, Center for Agricultural Law & Taxation, Iowa State University

This session will explore why LLCs are still the preferred entity of choice for agricultural producers across the country. It will explore the flexibility the entity has for succession planning through utilization of profits interests, preferred equity returns and ultimately the estate planning process. The landscape has changed so drastically with regard to estate planning that it has in fact become a way to income tax plan through stepped up basis opportunities.

Track: New Practitioner (Session 18E)

1:30 – 2:30 pm: Session #19: Ethics

Ethics Restrictions on Current and Former Federal Employees: A Primer for Individuals and the Businesses Who Wish to Employ Them[#]

Speaker: Autumn R. Agans, Farm Credit Administration, McLean, Virginia

Federal employees are often in high demand for their specialized skills sets and network, especially in the agricultural law community. Focused on Federal employees, present or future, and the businesses who wish to or currently employ those individuals, this program will cover the ethics laws governing the employment search and post-government employment.

**See you next year November 12-14, 2020 at the
41st Annual AALA Educational Symposium at the
Kansas City Marriott Downtown**

Thank you to our committed
2019 AALA Annual Educational Symposium Sponsors!

Platinum Sponsors



Gold Sponsors



Silver Sponsors



Bronze Sponsors



IOWA STATE UNIVERSITY
Center for Agricultural Law and Taxation

PHELPS DUNBAR



CD&M
CRENSHAW
DU PREE
& MILAM, L.L.P.
Attorneys at Law



O F W
LAW
OLSSON FRANK WEEDA TERMAN MATZ, PC

AXINN

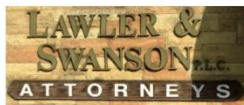


AALA Contributor



BRADY & HAMILTON LLP
Attorneys and Counselors

Friends of AALA



James D. Bradbury PLLC

