In Conversation with Mark Bittman

By Mairead Dolan, UCLA Law '16

On April 2nd, the Resnick Program for Food Law and Policy hosted an evening with Mark Bittman, a journalist, food advocate, and the best-selling author of many cookbooks, including *How to Cook Everything*, and *VB6: Eat Vegan Before Six*. At the event, Kim Kessler, the Policy and Special Programs Director for the Resnick Program, interviewed Bittman about his work, his life, and his ideas for the future of our food system. Bittman’s philosophy on healthy eating is simple: eat real food. Bitmann recommends we should eat more plants and less junk. This, he suggests, has nothing to do with buying organic, or shopping exclusively at Whole Foods. It really is as simple as it sounds: more plants and less junk.

Bittman also described his experiences writing and adhering to the principles laid out in *VB6*, his thoughts on advocating for a more sustainable food system, and he even discussed the merits and shortcomings of the term “foodies.” Perhaps most surprising was Bittman’s response to an audience member’s question regarding GMOs. Here, Bittman admitted that there may indeed be a place for GMOs in our global food system. Unfortunately though, as Bittman pointed out, GMOs have largely been used by corporations for the sole purpose of maximizing profits. Instead of advancing sustainable agriculture, the companies’ use of GMO technology has accelerated industrial agriculture and its corresponding problems.

Following the conversation, audience members attended a networking reception. There, students bumped elbows with professors, alumni, journalists, and some of the foremost food advocates and food thinkers in Los Angeles. Attendees included environmentalists, health care workers, and curious students. The reception arguably could be better described as an impromptu think tank, which was an excellent conclusion to the evening.


Last October the Resnick Program for Food Law and Policy and The Food Law Lab at Harvard Law School held their first annual joint conference at the UCLA Faculty Center. The sold-out conference was attended by 160 people, including many academics, students, and practitioners.

We were honored to have Dr. David A. Kessler, former United States FDA Commissioner and current professor at UC San Francisco School of Medicine, deliver the keynote address. Three conference panels addressed issues of insufficient transparency in areas ranging from food labeling to safety and inquiring if transparency changes behavior, influences social norms, or provides consumers with what they need. The panelists also discussed how transparency intersects with issues ranging from compelled speech to consent to regulation of advertising.

Video recordings of Dr. Kessler's keynote and the panels, as well as the written articles from each of our panelists, are available on our website: www.law.ucla.edu/Resnick.

Following the conference, the Resnick Program co-sponsored and hosted a special screening and panel discussion of the acclaimed farm labor documentary *Food Chains*, as part of both UCLA’s Food Day events and University of California’s Global Food Initiative Food Equity Lecture Series. At the conclusion of the screening, Sanjay Rawal, Director and Producer of *Food Chains*, was joined by Alegria De La Cruz of the Salinas Regional Office of the CA Agricultural Labor Relations Board, Jon Esformes of Pacific Tomato Growers, and Stephen Lee, a professor at UC Irvine School of Law, for a panel discussion and Q&A about American agriculture and the problems workers face.

On Saturday, October 25, to close the conference, 30 faculty members from across the country gathered for an academic workshop to discuss the future of food law teaching and scholarship.

The Resnick Program thanks our friends, students, alumni, and community for their ongoing support and interest in our work. Your investment in the Resnick Program plays an important role in our continued success.

To make a gift online, please visit www.law.ucla.edu/giving and in the comments, please state that your gift is for The Resnick Program for Food Law and Policy. For questions or more information about giving to UCLA School of Law, please contact our Director of Annual Giving at (310) 206-1781 or visit www.law.ucla.edu/waystogive.
Program at UCLA School of Law, hosted author Nora McKeon as she spoke about her newly published book, *Disempowered by the Process*. Her book focuses on the events that led to this and what the world can do to improve. Nora notes that our food system is one that oddly creates issues of hunger alongside concerns of obesity, climate change, and food waste. In her view, responsibility for the public’s food security is in the hands of markets and corporations, while families, communities, and small-scale producers are neglected.

In her view, responsibility for the public’s food security is in the hands of markets and corporations, while families, communities, and small-scale producers are neglected.

The Resnick Program for Food Law and Policy, along with the International and Comparative Law Program at UCLA School of Law, hosted author Nora McKeon as she spoke about her newly published book, *Food Security Governance: Empowering Communities, Regulating Corporations*. Nora studied history at Harvard University and political science at Sorbonne before joining the Food and Agriculture Organization of the United Nations, where she directed the FAO’s relations with civil society. In her new book, she draws upon her past 40 years of experience in the food realm and her work with the FAO, as she seeks to remedy past wrongs and alter the behavior of the USDA underlying its characterization as “the last plantation,” the discussion strongly emphasized that further improvement is necessary to ensure equal access to USDA programs, and the continued economic viability of minority farmers.

### Pigford v. Glickman: Addressing USDA Racial Discrimination with One of the Largest Civil Rights Settlements in History

By Giovanni Saarman, UCLA Law ’15

On January 28, the law school welcomed Anurag Varma and Professor Angela Harris to discuss two class action cases against the USDA: *Pigford v. Glickman* and *Keepseagle v. Vilsack*. Both cases involved allegations of racially discriminatory practices by the USDA in administering its farm loans and assistance programs. *Pigford* focuses on a class of black farmers, and *Keepseagle* on a class of American Indian farmers. In many ways, the suits were predicated on a 1997 internal review of the USDA by the Civil Rights Action Team that documented continued and persistent discrimination in program delivery and employment. In fact, strong evidence suggests that the USDA essentially eliminated its Office of Civil Rights in the early 1980s, storing the complaints it received in a room until the office was refunded in 1998. Mr. Varma oriented these cases as more than just legal issues, rather, they were as a part of a mobilized political movement. Ultimately, the *Pigford* consent decree stipulated payouts of $50,000 per plaintiff, totaling over $1 billion in recovery. *Keepseagle*, filed after *Pigford*, presented a somewhat more difficult process to resolve, requiring over 100 depositions, 3 million pages of documents during discovery, and 11 years to bring the litigation to a close with the same dollar award per plaintiff as *Pigford*. It also included non-monetary relief such as bilingual forms and other requirements crucial for ensuring access to USDA programs, especially on reservations. Professor Harris thoughtfully highlighted the larger context of these cases, noting that 83% of farmers in 2007 were white men, black farmers have decreased by 98% since 1920 and the vast majority of American Indian and black farms are classified as very small. While *Pigford* and *Keepseagle* sought to remedy past wrongs and alter the behavior of the USDA underlying its characterization as “the last plantation,” the discussion strongly emphasized that further improvement is necessary to ensure equal access to USDA programs, and the continued economic viability of minority farmers.

### JILFA Symposium: The Right to Food

By Emily Chen, Resnick Program

On March 6, the Resnick Program co-sponsored the UCLA Journal of International Law and Foreign Affairs 2015 Symposium, which featured Dr. Hilal Elver, the recently-appointed United Nations Special Rapporteur on the Right to Food, as the keynote speaker. The symposium focused on three issues Dr. Elver identified as priorities for her mandate to promote awareness of right to food issues: the impact of global trade of agricultural products on the right to food, the threat of climate change and environmental degradation on the right to food, and mechanisms and tools to enhance implementation, enforcement and accountability of the right to food.

Bringing together leading academics and practitioners in the fields of international food and agricultural policy, international trade, environmental law, and right to food, the symposium was a day-long discussion that included a call for justiciable socioeconomic rights, and sharing of effective strategies for advocates. Smita Narula, legal advisor to Dr. Elver’s predecessor Olivier De Schutter, captured the nature of the discussion in her introductory remarks, stating:

“A conversation about the right to food is at its heart, a conversation about power; it is a conversation about discrimination and deprivation. In turn, the demand for the right to food is a demand for dignity and for agency over resources and decision-making. It is a demand for social and economic justice, for climate consciousness, and for a fundamental paradigm shift and reimagining of our current food systems to fit a more equitable and sustainable frame. That’s a tall order. But it is a task that is supported immensely by grassroots movements, civil society members, academics, and UN experts alike, including by those present in the symposium.”

### Nora McKeon Discusses Food Security Governance

By Randi Kusumi, Resnick Program

The Resnick Program for Food Law and Policy, along with the International and Comparative Law Program at UCLA School of Law, hosted author Nora McKeon as she spoke about her newly published book, *Food Security Governance: Empowering Communities, Regulating Corporations*. Nora studied history at Harvard University and political science at Sorbonne before joining the Food and Agriculture Organization of the United Nations, where she directed the FAO’s relations with civil society. In her new book, she draws upon her past 40 years of experience in the food realm and her work with the FAO, as she raises concerns about our current global food system and suggests possible changes and solutions for improvement. Nora notes that our food system is one that oddly creates issues of hunger alongside concerns of obesity, climate change, and food waste. In her view, responsibility for the public’s food security is in the hands of markets and corporations, while families, communities, and small-scale producers are disempowered by the process. Her book focuses on the events that led to this and what the world can do to mitigate its negative effects.

### Past Speaking Engagements

#### December 15-17, 2014

Remnin University School of Law  
*Beijing, China*

Michael Roberts, guest lecturer for series on Food Safety Law

#### January 23, 2015

Duke Environmental Law & Policy Forum, “Carrots and Sticks: Moving the U.S. National Food System Toward a Sustainable Future.”  
*Durham, NC*

Michael Roberts, panelist on "U.S. Food Law and Policy."

#### February 23, 2015

Food and Drug Law Institute Food Week Conference  
*Washington, DC*

Michael Roberts, panelist on "Impact of Globalization on U.S. Food Safety and Nutrition Policy."

#### March 6, 2015

UCLA School of Law Journal of International Law and Foreign Affairs 2015 Symposium “Realizing the Right to Food: Challenges and Opportunities in the 21st Century”  
*Los Angeles, CA*

Michael Roberts, panelist on "The Impact of Trade Liberalization, GMOs, and Biofuel Production on the Right to Food"

Margot Pollans, moderator on "Environmental Threats to the Right to Food and International Legal Responses"

Kim Kessler, moderator on "Enhancing Implementation, Enforcement and Accountability."

#### March 19, 2015

China Food Law Symposium  
*Park City, UT*

Michael Roberts, presenter on "The Influence of Chinese Culture on Food Laws and Regulations."

#### March 20, 2015

University of Arkansas School of Law Journal of Food Law and Policy 10th Anniversary Symposium  
*Fayetteville, AR*

Michael Roberts, guest speaker on “Beginnings of the Journal”

#### April 9, 2015

*Los Angeles, CA*

Michael Roberts, moderator

#### April 15, 2015

NYU Master’s Program in Food Studies Course, “Food Laws, Regulations, and Enforcement”  
*New York, NY*

Kim Kessler, guest lecturer on city food policy and urban-rural linkages

#### May 11, 2015

East China University of Science and Technology Law School, Annual Food Safety Seminar  
*Shanghai, China*

Michael Roberts, lecturer on “Food Law: Past, Present, and Future.”

#### May 21, 2015

The Sabin Colloquium on Innovative Environmental Law Scholarship  
*New York, NY*

Margot Pollans, presenting paper on “Regulating Farming”
Teaching Fellow Margot Pollans Joins Pace Law School Faculty

The Resnick Program is excited to announce that our inaugural teaching fellow, Margot Pollans, has accepted a tenure-track teaching position at Pace Law School, where she will teach courses in environmental law and food law, and continue her research on environmental regulation of food production. Professor Pollans joined the Resnick Program in the summer of 2013. She was previously a clinical teaching fellow and staff attorney in the environmental law section of Georgetown University Law Center’s Institute for Public Representation. Her work has appeared in the Harvard Environmental Law Review, the Urban Lawyer, and the New York University Law Review; and she is coauthoring a casebook on Food Law and Policy with Michael Roberts, the Resnick Program Executive Director, and Jacob Gersen, a Law Professor at Harvard Law School. Professor Pollans graduated magna cum laude from NYU School of Law in 2010 and, following law school, served as a law clerk to the Honorable David S. Tatel of the D.C. Circuit Court of Appeals. She also earned an LLM with distinction from Georgetown University Law Center in 2013.

She will begin her position at Pace during the summer of 2015.

Alumni Spotlight
Q&A with Lauren Bernadett

Name: Lauren Bernadett
Class: 2013
Food Law & Policy courses taken: Professor Roberts’ Food Law and Policy seminar.

How did your interest in food law begin? My interest in food law stemmed from my focus on environmental law. I find that food, agriculture, and the environment are inextricably linked and create a fascinating realm of under-analyzed yet immediately relevant legal issues.

Can you tell us about your career path after UCLA Law? Professor Roberts’ class and mentorship motivated me to get my LL.M. in agricultural and food law from the University of Arkansas. While in Arkansas, I published multiple law journal and news articles on food law and policy topics, including aquaculture, fisheries, GMO labeling, and a proposed Farm Bill amendment. After earning my LL.M., I moved back to California for a fellowship with California Sea Grant, where I focused on California Environmental Quality Act issues, sea level rise policy, and aquaculture. While a fellow for Sea Grant, I proposed, received funding for, and began to develop plans for a symposium on aquaculture law and regulation in California. It was an honor to return to UCLA on March 13th to host the California Aquaculture Law Symposium, which I planned with the co-sponsorship of the Resnick Program for Food Law and Policy, the Emmett Institute on Climate Change and the Environment, California Sea Grant, and the National Sea Grant Law Center.

What are you currently working on? I am currently an attorney with Somach Simmons & Dunn, a Sacramento-based law firm that does environmental and agricultural law work with a focus on water law. I’m also working on a few articles about aquaculture law and policy.

Do you have any advice for current law students seeking a career in food law? As a law student, I always wanted someone to just tell me what to do to get a job. Unless you want to do big law, it doesn't work like that. You really have to create your own path, and there are no clear steps to do that. My best suggestions are to be authentic, be an entrepreneur, master networking, be your own marketing department, and figure out how you add value. I didn't develop these skills until I moved to Arkansas and became bolder about pursuing and making opportunities. I published articles, co-founded a webpage on agricultural and food law, presented at conferences, and constantly connected with people in the field (lawyers and non-lawyers alike) to partner on projects or chat about their work. Very few of these opportunities were advertised or presented to me. I spent time figuring out how I could contribute, reaching out to people, and convincing them that they needed what I could provide. When a classmate and I couldn't figure out where to publish, we started our own blog. I was always busy, but I was having fun and felt good about these efforts to promote and educate myself.

Getting to your dream job might not be about one monumental, well-planned career move that sets you up perfectly. For me, it was a series of small projects, introductions, conversations, connections, and temporary jobs driven by my interests that, in the aggregate, helped me stand out when my current job became available. Your path doesn't have to be clean or even planned out, but try to be passionate and happy.

What's your favorite food? Any food that I can share with a loved one. Just kidding, sharing food is not my strong suit. I love Indian and Thai food.
Aquaculture: It’s What’s for Lunch

It’s fitting that I’m speaking at lunch because lunch is what I intend to talk about. Aquaculture, as you know, is the name of a set of production systems that have environmental implications, require regulatory oversight, and need scientists and especially entrepreneurs to be realized. But in the end, the purpose of all this activity is to produce food.

For years, the environmental activists blamed aquaculture for its negative impacts and marine biomass depletion. In many cases, they were right to call attention to problems and raise important questions. But production activities have grown more mature in a remarkably quick period of time, and conversations have shifted to improving aquaculture. NGOs and producers have created alliances and developed scientific certification and assessment programs. We now recognize that aquaculture has, in fact, become half the world’s supply of seafood. Many producers - in what is still a very new industry - have adopted very responsible production practices. This evolution was needed and is welcome. But we’ve yet to really begin the real conversation.

The real conversation isn’t a debate about what species and what production systems can be deemed “sustainable” species. While important, those conversations are inside baseball discussions, and few people outside our circle care. Let’s elevate the debate. In my view, only an entire food system can be sustainable, and we are far from that goal. I’m not arguing we stop holding producers accountable, promoting greater responsibility, or meaning smaller portions in the case of restaurant companies. I’m suggesting that the real conversation be for lunch, not for dinner. The work that we do needs to be marketed and promoted as sustainable.

Today, the answer to my question of “what’s for lunch” is typically meat, accompanied by cheese, wheat-based bread with a tiny helping of veg for garnish, and a sugary drink and dessert. Most of these items are commodity-produced items with high environmental impacts. The sad thing is that the typical vegetarian meal is pretty much the same - only more cheese. Increasingly this is now a global standard, not only a North American anomaly. We all know the direction we need to move in.

1) The world has given us the gift of farmed fish from every day from the mid-March fresh asparagus sale to the summer salmon run.
2) The trophic levels of the proteins we consume has to drop, dramatically, on average, and outrageously delicious plants have to become center of our smaller plates.
3) And the regulatory framework, activists’ suspicions, and institutional buyers’ reticence have got to become more sympathetic to adventures in aquaculture production because we fundamentally need a lot more fish protein on our plates.

Pristine and perfect systems, in short, can’t be our goal. Over the past 15 years, we who have been concerned with building a sustainable food system tried an earnest approach to assess and label some production practices and systems as “sustainable food.” Attempts were applied - and are still being applied - in seafood, animal agriculture, vegetables, fruit, and even snacks. Give consumers information, the argument goes, and they will choose the right option.

So what happened? The best producers opted for assessment and affixed a label to their products that allowed them a small price premium. Affluent consumers were happy to pay more. The rest of the producers created alternative labels and simply marketed themselves as sustainable. Buyers fragmented along the lines of their value systems and now we’ve got at least a dozen labels that grace packaged goods from certified GMO-free to cruelty free to the latest health-sounding attribute. Institutional buyers have taken mixed approaches. Some have opted for green-list only type purchasing commitments, others have purchased a range of products. Few have done more than a tiny bit better than the systems overall.

The result of the certification proliferation has been to raise popular consciousness but provide little additional supply of food from improved production systems. No certification system anywhere covers even 10% of the world’s supply. The rich, it seems, can buy sustainability, but the rest of us aren’t lucky.

Let me say that I am not opposed to independent scientific assessment. I don’t have the faith that labels will drive purchasing behavior in a significant enough way. The food writer and historian Mark Kurlansky argues persuasively in his wonderful book, The Great Oyster, that turkeys were probably a novelty item at the first Thanksgiving and that wild oysters were the bread and butter of 1600s New England.

Ironically, today, the answer to my question of “what’s for lunch” is typically meat, accompanied by cheese, wheat-based bread with a tiny helping of veg for garnish, and a sugary drink and dessert. Most of these items are commodity-produced items with high environmental impacts. The sad thing is that the typical vegetarian meal is pretty much the same - only more cheese. Increasingly this is now a global standard, not only a North American anomaly. We all know the direction we need to move in.

According to a recent study published in the journal Ecology, oysters seeded on a very large scale in the Chesapeake Bay may even be able to stem the localized impacts of acidification. But let’s not overlook that while acidification has been a concern for some time, other significant and less publicized impacts on ecosystems have been occurring for many years. A study published in the journal Ecology in 2010 found that oyster reefs can provide significant benefits to local communities by reducing coastal erosion and improving water quality. The study also found that oyster reefs can provide habitat for a variety of marine species, including fish, crustaceans, and mollusks. Oyster reefs can also help to reduce the impact of storm surges and improve the resilience of coastal ecosystems. These benefits can be achieved through the careful and sustainable management of oyster reefs. The implementation of effective management strategies can help to ensure the long-term sustainability of oyster reefs and the ecosystem services they provide.