

LEGAL DEFENSES AND IMPACT ON AGRICULTURAL OPERATIONS

Mr Paul Goeringer¹, Mrs. Tiffany Lashmet²

¹University Of Maryland, College Park, United States, ²Texas A&M Agrilife Extension, College Station, United States

Legal Defenses and Impact on Agricultural Operations 2017 has been a year of development in right-to-farm laws and potentially limiting how these defenses protect farms in the United States. A right-to-farm law is a nuisance defense law that has been enacted in all 50 states. If a farm meets the requirements in the law, then the farm gains a defense to nuisance claims. Right-to-farm laws were developed in the 1980s by state governments as a way to limit some of the impacts of urbanization in many rural areas. As residents moved in next door to farming operations, many of these new neighbors had limited experience with agriculture and were not expecting the impact living next to a working farm could have on their lives. Right-to-farm laws provide a defense to those qualifying farms who face nuisance suits. Today right-to-farm laws have been in the news in the United States more than normal. Producers have seen recent court decisions that potentially limit these laws in some states, decisions that protect the changing nature of American agriculture, and finally state legislatures getting involved to expand these protections. In Alaska, North Carolina, and Iowa, court decisions potentially limit the types of agricultural operations that the right-to-farm law defense would apply too. At the same time, the North Carolina General Assembly acted to change the reach of the court decision in that state. In Pennsylvania and Georgia, courts have interpreted the respective state right-to-farm defenses to protect a changing face of American farms. This poster would fall under the Roles of Government. The poster would highlight recent court decisions and how these wide-ranging of decisions could impact agriculture on a state level in the United States and strategies that states have taken to move these laws to protect the changing face of agriculture.