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Colloquium

AGRICULTURE AND THE ENVIRONMENT: AN INTERNATIONAL AND COMPARATIVE LAW PERSPECTIVE

AN INTRODUCTION

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In September of 1984, the University of Florida's Center for Agricultural Law and the International Center of Comparative Environmental Law of Limoges, France, co-sponsored the International Center's annual colloquium at the Holland Law Center of the University of Florida. The topic chosen for the 1984 session was "Agriculture and the Environment: An International and Comparative Law Perspective." The articles which follow are based on papers delivered at the Colloquium.

Both the topic and the locale of the Colloquium were carefully chosen. In regard to the topic, relatively little attention has been paid in most countries, including the United States, to the environmental law ramifications of agricultural operations. In this country we have given attention in conferences and legal publications to specific aspects of agriculture and the environment. For example, a great deal has been written on nonpoint source water pollution concepts under the Federal Water Pollution Control Act¹ and the controversial issue of EPA implementation of regulations through state programs.

American environmental lawyers have also given much attention to the environmental regulation of agricultural chemicals - pesticides, insecticides, herbicides, and rodenticides. In fact, the current controversy over federal registration procedures and their reform are certainly on everyone's list of leading environmental issues for the 1980's.²

What the American legal system has failed to do is to formulate a conceptual overview of agriculture and the environment. In 1981, the French Society of Environmental Law (one of the key member organizations of the International Center) held a major colloquium, the

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1. Pub. L. 92-500, 86 Stat. 816 (1972) codified at 33 U.S.C. § 1251.

2. See J. JUERGENSMEYER & J. WADLEY, *AGRICULTURAL LAW*, Ch. 27 (1982, Supp. 1985).

papers for which made up one of the few books published anywhere in the world which is totally devoted to the topic. It is entitled, quite simply, *Agriculture et Environnement*.³ The three parts into which that book is divided give an overview of the subject matter and give the three themes which the papers in the current colloquium address within a legal context:

- I. Agriculture as a Source of Pollution;
- II. Agriculture: Victim of Pollution; and
- III. Rural Land Use Regulation and the Environment.

Each of these themes merits brief comments by way of introduction. First, agricultural operations are important sources of many types of pollution. Farm chemicals contaminate air and water and even become so severe as to merit the toxic waste label. Wastes from feedlot operations frequently contaminate air and water and are commonly encountered as odor nuisances. Even noise pollution sometimes emanates from farm operations to disturb the tranquility of nearby residential areas.

Secondly, agriculture is the victim of industrial and urban pollution. Industrial wastes brought by air and water to farms kill or retard the growth of crops and animals. Toxic wastes impair the productivity of the soil and lessen the quality of ground and surface water below the quality needed for its use in watering stock or irrigating crops. Industrial noises destroy the tranquility of the farm and interfere with growth and life cycle patterns of farm animals.

For some pollution, agriculture is both author and victim. Soil erosion, for example, is an increasing menace to the productivity of agricultural operations in the United States and many other nations. Substandard agricultural practices are the frequent cause and the farmers as well as society suffer the consequences of decreased fertility of farmland.

Finally, the land use regulation of rural lands merits attention. Land use regulation law and environmental law are overlapping areas of the law in the United States and most other countries. The overlap is particularly noticeable in regard to agriculture. The preservation of agricultural land, for example, not only affects the continuity of agricultural operations but serves the environmental protection goal of providing open spaces and greenbelts. The allowance or restriction of nonfarm uses in rural areas affects the threshold of normal farm noise, waste and odors that can be tolerated without creating a nuisance to nonfarm uses. To look at the same phenomenon from another perspective, environmental protection laws and regulations

3. *Agriculture Et Environnement: 5e colloque de la Societe francaise pour le Droit de l'Environnement*, PAU, 24, 25, 26 Fevrier 1981.

which require or encourage open space and greenbelts and prevent leap-frog development make the land regulated more desirable and suitable for agricultural uses.

Since the audience for the colloquium presentations and the readership of this *Journal* are primarily American, the foreign scholars strive for an overview of these three issues within a legal context of agriculture and environmental regulation in their respective legal systems. The American scholars focus on specific issues on point in American law.

As stated earlier, not only is the topic of the colloquium of considerable current significance, but the choice by the International Center of Florida as its site is quite appropriate. Florida is one of America's leading agricultural states from several key points of view: production of crops, export of crops to foreign countries, and conflict between land development, agricultural protection and environmental protection. Florida, perhaps more than any other American state, needs ideas and models to use in trying to solve its problems. The organizers and participants in this colloquium hope that the analysis of the issues outlined above in an international and comparative law context will provide some ideas, models, and perhaps even inspiration.

