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**DIMOCK LANDOWNERS FILE LAWSUIT IN FEDERAL COURT AGAINST GAS COMPANY FOR ALLEGED ENVIRONMENTAL CONTAMINATION**

*by Robert Jochen*

A group of thirty landowner-lessors (Plaintiffs) within Dimock Township, Susquehanna County, have filed a complaint against a gas company (Cabot) in federal district court. *Fiorentino v. Cabot Oil and Gas Corp.*, Civil Action No. 3:09-cv-2284 (M.D. Pa. filed Nov. 19, 2009). Cabot began leasing gas rights from Plaintiffs in 2006, and is now the owner-operator of sixty-two gas wells within the township. Plaintiffs claim that in signing the gas leases, Cabot guaranteed them that their properties would be substantially preserved and that any adverse drilling effects would be disclosed and remedied immediately. In the recently-filed suit, Plaintiffs have asserted eight different causes of action against Cabot. The complaint alleges that Cabot’s activities led to the release of methane and natural gas into landowners’ water supplies, the release of pollutants and industrial wastes into the surrounding grounds, and an explosion and fire. Plaintiffs allege that these actions have resulted in contaminated water supplies, exposure to hazardous chemicals, illnesses, and diminishment of property values. Plaintiffs seek relief in the form of an injunction against Cabot, monetary compensation to remedy the environmental contamination, health monitoring and medical costs, compensation for the loss of property value and use, and punitive damages. Cabot has not yet filed a legal response to the complaint. For more on natural gas issues, please visit the [Agricultural Law Center’s Natural Gas Resource Area](#).



*Photo by Jim Clark, Penn State Cooperative Extension of McKean County.*

**SENATE COMMITTEE APPROVES FDA FOOD SAFETY MODERNIZATION ACT OF 2009 TO AMEND FEDERAL FOOD DRUG AND COSMETIC ACT**

*by Christine Arena*

On November 18, 2009, the U.S. Senate Committee on Health, Education, Labor, and Pensions approved the FDA Food Safety Modernization Act of 2009, S. 510. Senate Bill 510 would amend the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301-399a, by granting FDA greater authority in a number of areas. The bill calls for increased inspection and registration of food facilities, implementation of a risk-based hazard analysis and critical control point system, and greater FDA access to company records. It also proposes giving FDA mandatory recall authority and establishing a voluntary qualified importer program. With a few exceptions, the proposals in Senate Bill 510 are very similar to those contained in the Food Safety Enhancement Act of 2009, H.R. 2749, which was passed by the House of Representatives on July 30, 2009. Additionally, another food safety bill was introduced in the Senate on November 9, 2009. The Growing Safe Food Act of 2009, S. 2758, would amend Title IV of the Agricultural Research, Extension and Education Reform Act of 1998, Pub. L. No. 105-185, 112 Stat. 523 (codified at 7 U.S.C. §§ 7621-7628), to provide agricultural producers with food safety education, training, and technical assistance. With the introduction of this bill, there are now more than thirty food safety bills pending before Congress. For more on food safety issues, please visit [www.foodsafety.gov](http://www.foodsafety.gov).



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**SUPREME COURT AFFIRMS RIGHT TO CHALLENGE PREEXISTING ORDINANCES UNDER ACRE**

*by Joshua Wilkins*

The Pennsylvania Supreme Court has authorized the Attorney General's (AG) challenge of ordinances that were enacted by Heidelberg Township and Lower Oxford Township prior to the effective date of the statute commonly referred to as ACRE, 3 PA. CONS. STAT. §§ 311-318. *Commonwealth v. Heidelberg Twp.*, 136 & 137 MAP 2006, 2009 WL 3762698 (Pa. Nov. 10, 2009) (*per curiam*). ACRE addresses local ordinances that unlawfully regulate normal agricultural operations. The ordinances in question regulated commercial composting operations and the "intensive raising of livestock or poultry." In both cases, the Commonwealth Court held in 2006 that the AG could not challenge the ordinances because they predated the enactment of ACRE. The Court's recent order follows its ruling in *Commonwealth v. Locust Township*, 968 A.2d 1263 (Pa. Apr. 29, 2009), which held that the AG could challenge a local ordinance promulgated prior to ACRE, regardless of whether the municipality had acted to enforce the ordinance. For more information on ACRE, visit the Ag Law Center's [ACRE Resource Area](#).

**CHESAPEAKE BAY PROTECTION AND RESTORATION DRAFT STRATEGY OPEN FOR PUBLIC COMMENT**

*by Richard Lupinsky Jr.*

On November 9, 2009, the United States Environmental Protection Agency (EPA) released a draft strategy for the restoration and protection of the Chesapeake Bay. The draft outlines EPA's strategy to set pollution limits for nitrogen, phosphorus and sediment through the Chesapeake Bay Total Maximum Daily Load (TMDL). Unless watershed states and the District of Columbia strengthen their individual pollution control programs, EPA plans to set stronger minimum standards for concentrated animal feeding operations (CAFOs) and expand coverage for new dischargers of pollution, municipal waste plants, and storm water systems. States must develop detailed plans for reducing pollution and measuring progress every two years in order to satisfy EPA's expectations. The draft plan was mandated by the Chesapeake Bay Protection and Restoration Executive Order, signed by President Obama on May 12, 2009. Exec. Order No. 13,508, 74 Fed. Reg. 23,099. A 60-day public comment on the draft is now open until January 8, 2010. For more information, visit the [Chesapeake Bay Executive Order](#) Web site.

**UN FOOD AND AGRICULTURE ORGANIZATION CONDUCTS WORLD SUMMIT ON FOOD SECURITY**

*by Ross Pifer*

The World Summit on Food Security (WSFS) was hosted by the Food and Agriculture Organization of the United Nations in Rome, Italy, from November 16 to 18, 2009. Leaders from 182 countries, including 60 heads of state, attended the summit to address the issue of food security and to develop a coordinated approach towards the eradication of hunger. On the first day of the summit, the conferees adopted the Declaration of the World Summit on Food Security. WSFS 2009/2. This Declaration enunciated strategic objectives including the fulfillment of the Millennium Development Goal to reduce hunger and malnutrition by 2015, increased international cooperation, increased funding for sustainable agricultural production in developing countries, and a proactive response to the issue of climate change. These objectives are to be accomplished through a series of commitments and actions based upon the Five Rome Principles for Sustainable Global Food Security. For more information on this topic, please visit the [WSFS](#) Web site at [www.fao.org/wsfs/world-summit/en/](http://www.fao.org/wsfs/world-summit/en/).

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**THE AGRICULTURAL LAW RESOURCE AND REFERENCE CENTER**

207C Lewis Katz Building  
University Park, PA 16802  
Phone: 814-865-3723  
Fax: 814-863-7274  
[www.law.psu.edu/aglaw](http://www.law.psu.edu/aglaw)

*Center Director*

Ross H. Pifer, J.D., LL.M.  
Email: [rpifer@psu.edu](mailto:rpifer@psu.edu)

*Research Assistants*

Christine Arena  
Robert Jochen  
Richard Lupinsky Jr.  
Joshua Wilkins

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