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**GETTING  
TO KNOW  
NCFB'S LEGAL  
FOUNDATION**



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# GETTING TO KNOW NCFB'S LEGAL FOUNDATION

North Carolina Farm Bureau's mission is "to serve farmers and provide a unified voice for the interests and needs of the farming community." As an advocate for farmers, we're engaged at the local, state, national, and international levels and intervene on the behalf of farmers in legislative and regulatory matters. Chances are that if you're reading this you probably already know about that. But you may be less familiar with NCFB's Legal Foundation and the important work it does to look out for farmers' interests. After all, our government has three branches and neglecting the Judicial Branch would jeopardize our advances in other policy areas. So settle in and get to know NCFB's Legal Foundation in this quick interview with General Counsel Jake Parker.



## 1 TELL US ABOUT THE LEGAL FOUNDATION AND ITS PURPOSE. WHY WAS IT FORMED? WHAT ARE SOME OF THE NOTABLE CASES/ISSUES HANDLED BY THE LEGAL FOUNDATION?

The Legal Foundation was established in 1983 so NCFB could better advocate for farmers in our state and federal courts. Over the years, the Legal Foundation has taken on cases involving the constitutionality of the Present Use Value tax program; the scope of North Carolina's right-to-farm statute; the authority of county governments to zone animal operations; attempts to unionize farms; and the types of damages that farmers can win in a defective seed case. Just to name a few.

## 2 WHY IS IT IMPORTANT TO HAVE THE LEGAL FOUNDATION IN 2020?

NCFB's leaders in the 1980s deserve credit for having the foresight to start the Legal Foundation. That's because the need for the Legal Foundation is probably more pronounced today than it was in the 1980s. Today we're seeing organizations are challenging many of the legislative successes we have achieved recently in the General Assembly. Our Legal Foundation Board believes that if we ask the General Assembly to pass these laws, we should be ready to defend them in court. In fact, the Legal Foundation is helping us defend three of these laws right now: the 2015 Property Protection Act, which protects businesses against employees who go undercover to harm their employers; the 2017 Farm Act's farm labor provisions, and the 2017 and 2018 right-to-farm laws, which provide farmers with enhanced protections against nuisance lawsuits.

## 3 TELL US ABOUT A RECENT CASE HANDLED BY THE LEGAL FOUNDATION? WHAT PROMPTED NCFB TO BECOME INVOLVED?

There are two cases that come to mind. The first is actually a lawsuit that we filed challenging the North Carolina Department of Environmental Quality's development of animal waste permits for cattle, swine, and wet-waste poultry farms. There we believe DEQ's developed the permits after agreeing to a legal settlement with nonprofit groups that oppose the permits. NCFB doesn't typically file lawsuits—we usually defend laws, but we were very concerned about how the permits were put together and felt that we had to take the issue to court.

The second case involves a recent lawsuit that environment groups filed in federal court against the Trump Administration's Navigable Waters Protection Rule, which replaced the Obama Administration's terrible WOTUS rule. NCFB, through the Legal Foundation, joined a business coalition that is led by American Farm Bureau Federation to defend the rule. This lawsuit is a little more than a month old and we were waiting for the Court to tell us whether we can officially participate in the case.



## 4 DOES THE LEGAL FOUNDATION GET INVOLVED IN CASES OFTEN? IS IT EVER A COLLABORATIVE EFFORT WITH OTHER ORGANIZATIONS?

Since it was established, the Legal Foundation has gotten involved with about one to two cases about every other year. But because of the recent increase in public policy litigation in North Carolina, we're involved in six cases at the moment. Before our Board makes decisions about which cases to take on, our legal team evaluates each case and often talks with allied organizations such as American Farm Bureau Federation, the North Carolina Chamber and North Carolina Pork Council, to determine the impact that a case may have on the State's agricultural economy and the broader business community. We've officially partnered with Pork Council on several cases in the past.

## 5 WHY IS THE LEGAL FOUNDATION IMPORTANT FOR FARMERS, AGRICULTURE, COUNTY FARM BUREAUS AND OUR MEMBERS MOVING FORWARD?

NCFB has always been heavily engaged in legislative and regulatory issues and has secured a lot of positive results for farmers through that work. Recently, the groups that have opposed our successes have carried these fights to the courts. If the Legal Foundation isn't involved in defending those victories, one court opinion can wipe out all that good work. Beyond challenging legislation, these groups are also aggressively pursuing their own agendas using the courts, challenging agency rules and suing farmers for certain production practices. Unfortunately, the bottom line is litigating agriculture policy in North Carolina is here to stay. To make sure farmers are represented in those cases, someone has to tell the farmers' story. That's where the Legal Foundation comes in. It helps us tell accurate stories about agriculture to our courts as they weigh these important cases.

