



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

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Don't Diss Florida's Food

As state legislative sessions are getting underway, many new bills are being introduced that affect water across the country. One particularly interesting development in Florida's farm bill (separate from the federal Farm Bill) is the proposed expansion of [food disparagement laws](#), also known as "veggie libel" laws. What are these, you ask? Well, these laws make it easier for food producers, traditionally of the perishable variety, to sue their critics for defamation if the criticism is believed to be an intentionally false statement that injures a producer's reputation. Yes, that's right. These laws make it a potential civil offense to talk smack about fruits and vegetables. [Thirteen states have adopted these laws](#) to protect food producers from false claims about their products, as these products can spoil quickly before misinformation can be corrected. These laws stem from a 1989 "60 Minutes" segment that criticized a chemical used by the commercial apple industry in Washington State. The commercial cattle industry has also tried to use these laws. Does anyone remember [Pink Slime](#)?

Now, Florida's legislature is upping the ante. Under [Senate Bill 290](#), and its House companion, HB 433, Florida's "food libel" laws would now also cover defamation against non-perishable foods and "any agricultural practices used in the production of such products." This last bit is significant because agricultural practices can include the use of fertilizers, pesticides, and herbicides, as well as land and water management methods. Those promoting the Florida "Farm Bill" have included many different provisions [to defend Florida's agricultural industry](#), and they state that this aspect of the bill is designed to cover products sold in Florida [that are not perishable, like sugar](#), which is an economically important agricultural product and industry in Florida. Critics of the disparagement provision of the bill believe [it raises serious free speech concerns](#), endangers accountability for water quality, and could effectively silence people. Additionally, some believe this bill was included [in response to criticism of sugarcane burning](#) in the Florida Everglades Agricultural Area.

The Everglades not only [supply drinking water](#) to millions of Floridians but are also some of the country's [most impressive wetlands](#), with some of the [best birding opportunities](#) in the United States. After decades of [urban and agricultural development](#) and the creation of flood-control canal systems, the Everglades are less than half their original size and have lost over 70 percent of their water flow. Within the Everglades is the Agricultural Area, home to a [booming sugar industry](#) that plants on approximately 440,000 acres and is the most widely grown crop in Florida, bringing in an annual income of over \$800 million. There have been many lawsuits regarding [environmental](#) and [public health](#) stemming from the sugar industry, and these new disparagement provisions, if passed, may affect ongoing struggles to keep water and the environment clean and healthy for nearby residents and the Everglades.

Are We Headed for a Real "Blinky the Three-Eyed Fish?"

Speaking of updated regulations, [NPR reported](#) this week that the Department of Energy (DOE) rewrote a set of nuclear safety guidelines and directives. The updates were shared with the companies they regulate but were not made available to the public. These changes were not to federal regulations, as these require public notice and comment, but

to departmental orders, “which dictate requirements for almost every aspect of the reactors’ operations — including safety systems, environmental protections, site security and accident investigations.” Departmental orders can be changed internally without a public comment period; however, they have historically been made public through a [DOE database](#). NPR reports that more than 750 pages were cut from earlier versions of the same orders, leaving only about one-third of the original document.

A few of the many [changes to the directives](#) include:

- The wording for groundwater protection and discharges into sanitary sewers was loosened. For example, language that conveyed a requirement or a strict standard, such as “must” or “prohibited,” was removed and replaced with words like “may be” or “should be.”
- The directives remove the requirement to use the “best available technology” to protect water supplies from radioactive discharges.
- The [“As Low As Reasonably Achievable” \(ALARA\)](#) principles have [been removed](#), which have been used for decades. This standard “requires nuclear reactor operators to keep levels of radiation exposure below the legal limit whenever they can.”

The justification for these changes comes from the Administration’s [push to expand nuclear energy](#) and its goal of “reaching criticality for at least three advanced nuclear reactor concepts located outside of the national laboratories by July 4, 2026” through [the Reactor Pilot Program](#). Loosening regulations to streamline development has been particularly beneficial to the massive demand for AI data centers. [Small Modular Reactors](#) (SMRs) are at the center of these changes, and are being backed by billions in private equity, venture capital, and public investments from Amazon, Google, and Meta. SMRs can be mass-produced and deliver megawatts of power safely and cheaply, but with loosened regulations, we must ask, at what risk? (The answer: public health and the environment. [Watch out, Radioactive Man!](#)).

Join Our Team!

Hear Ye! Hear Ye! Have you heard the news? An illustrious group of dedicated water lawyers is searching for a new member to join our team. Yes, that’s right, the Institute is looking to hire a new Senior Research Fellow!

If you or someone you know is a recent (within 2 years) JD or LLM who has a strong interest in the legal and policy dimensions of water management and stewardship, this may be the job for you! The position is slated to begin in August 2026 for two years in the fantastic location of New Orleans, Louisiana. [Apply Now!](#) We will begin interviewing candidates after Mardi Gras!

Coming Up:

[Environmental Law & Policy Summit](#)
Tulane University Law School; New Orleans, LA; March 5-7, 2026

[73rd Mineral Law Institute](#)
LSU Law Center; Baton Rouge, LA; March 19-20, 2026

[Coastal Law CLE](#)
May 7 & 8, 2026; New Orleans, LA

Water jobs:

[Senior Research Fellow; Tulane Institute on Water Resources Law and Policy; New Orleans, LA](#)

[Senior Attorney, Louisiana Clean Affordable Power; Environmental Defense Fund](#)

[Deputy Director of Water Resources; City of San José, CA](#)



The [Tulane Institute on Water Resources Law and Policy](#) is a program of the Tulane University Law School. The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and legal stewardship of water.

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