



## Karen Ellis Carr

PARTNER

Karen counsels, advocates, and litigates on behalf of food and agriculture companies and trade groups, with a focus on agricultural technology, biotechnology, pesticides and other chemical substances, food, and environmental law.



### Industries

Fashion & Retail Law  
Media & Entertainment  
Nonprofits & Associations  
Prescription Drugs, Biologics & Diagnostics

### Practices

Complex Litigation  
Food, Drug, Medical Device & Cosmetic  
Trademark

### Education

University of Oregon School of Law JD, 2005  
University of North Carolina at Chapel Hill BA, 2000

### Offices

Washington, DC

### Phone

202.715.8531

### Email

karen.carr@arentfox.com

Karen represents regulated entities in litigation under a number of federal environmental and administrative law statutes, regulatory and product counseling, and on issues related to advertising and labeling, testing and reporting, and data use and compensation disputes.

In addition to her work with individual companies, Karen has represented a number of industry associations in litigation, coordination of industry regulatory strategy, and federal and state legislative issues. Karen has first- and second-chaired matters in numerous state and federal trial and appellate courts throughout the country and in arbitration and mediation, and has experience in all phases of litigation from pre-litigation strategy and counseling to settlement negotiation and appeals.

## Agricultural Law and Litigation

In the area of agricultural law and litigation, Karen has significant experience with regulatory counseling and/or litigation under the National Bioengineered Food Disclosure Standard, FIFRA, NEPA, the Endangered Species Act, the Plant Protection Act, the Toxic Substances Control Act, and the Administrative Procedure Act. Representative cases include:

- Representing industry trade association and agricultural grower groups in a challenge to EPA's framework for the regulation of treated seeds (2016 WL 6834215 (N.D. Cal., Nov. 21, 2016))
- Representing biotechnology developer in federal court challenge to FDA's first approval of a genetically engineered animal for food use
- Assisting companies in obtaining approvals for new, genetically engineered plant varieties from USDA and FDA
- Serving as outside counsel to biotechnology, seed, and crop protection industry associations
- Representing industry coalition successfully seeking passage of uniform federal disclosure standard for bioengineered foods and in associated rulemaking proceedings
- Representing a biotechnology company defending permits granted by USDA under the Plant Protection Act, NEPA, and Endangered Species Act (2011 WL 4737405 (S.D. Fla., Oct. 6, 2011))

- Representing crop protection developers in data compensation arbitrations under FIFRA
- Representing an industry trade association as amicus/intervenor in multiple biotechnology-related NEPA lawsuits (D.D.C.)
  - Providing pre-litigation strategy and counseling for an agricultural products company on matters relating to biotechnology

## Firm Activities and Pro Bono

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Karen serves in numerous firm leadership positions and maintains an active pro bono practice. Karen currently serves on the Advisory Board for Legal Counsel for the Elderly, a DC-based legal services provider. Karen is a member of the firm's Financial Management and Pro Bono Committees and is active in the firm's Women's Initiative.

## Previous Work

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Before joining Arent Fox, Karen served as a law clerk for the Honorable James P. Jones, Chief Judge of the US District Court for the Western District of Virginia. While in law school, Karen served as a judicial extern for Judge Ann Aiken, US District Court for the District of Oregon and as a law clerk for the Special Litigation Unit of the Oregon Department of Justice. While in law school, Karen was an executive editor of *Oregon Law Review*. She also served as a fellow for the Wayne Morse Center for Law and Politics.

## Publications, Presentations & Recognitions

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Karen routinely speaks on biotechnology, crop protection and chemical regulation, and food labeling, and environmental law. Her recent speaking engagements include:

- Virtual Tour, AquaBounty Technologies, Farm Foundation® Round Table; January 13, 2021 (online)
- Introductory Remarks, US Biotech Regulatory Landscape Panel, ABA Section of Environment, Energy and Resources and CropLife America Annual Event: New Developments in Pesticide Law and Policy; November 18, 2020 (online)
- “AgTech: Emerging Legal Challenges and Opportunities,” “Genetic Editing in Agriculture – Will the Cartagena Protocol on Biosafety Restrict Access to Foreign Markets, Causing Litigation over Market Disruption?,” AALA Agricultural Law Education Symposium; November 12-14, 2020 (online)
- USDA Final Rule and Proposed EPA Regulation, Wheat Breeding Innovation Committee Meeting; November 2, 2020 (online)
- “Emerging Technologies: Regulatory Oversight of Intentional Genomic Alterations in Animals,” FDLI Annual Conference: Exploring Advanced Topics in Food and Drug Law; October 7, 2020 (online)
- “USDA’s Part 340 Rule: Modernizing Regulation of Agricultural Biotechnology,” American Agricultural Law Association Webinar; June 2, 2020 (online)
- “National Environmental Policy Act,” National Agricultural Law Center Webinar; April 1, 2020 (online)
- “Update on State Issues and Federal Preemption,” Institute of Food Technologists Food Policy Impact Conference; February 10-11, 2020 (Washington, DC)
- “Regulation of Emerging Technologies in the Meat and Poultry Industry,” American Agricultural Law Association Annual Symposium; November 9, 2019 (Arlington, VA)
- “Gene Editing in Agriculture – Regulatory Status and Legal Issues,” American Agricultural Law Association Annual Symposium; November 8, 2019 (Arlington, VA)

Guest Lecturer, “Regulatory Environment for Biotechnology and Drug Industry: Ag Biotechnology,” Yeshiva University Katz School of Science and Health; November 6, 2019 (New York, NY)

- “Biotech Regulation Panel,” AALA Annual Educational Symposium; October 25-27, 2018 (Portland, OR)
- Gene Editing Roundtable, 6th Plant Genomics & Gene Editing Congress: USA; October 1-2, 2018 (Philadelphia, PA)
- “Upcoming USDA Bioengineered Food Regulations,” FDLI’s Food Advertising, Labeling, and Litigation Conference, on September 26-27, 2018 (Washington, DC)
- “Science, Law, and the Regulation of Food Disruptors: Lab-Created Protein and Gene Editing,” American Agricultural Law Association Webinar; August 9, 2018 (online)
- “Hot Topics in Pesticide Regulation and Litigation,” Ag Tech and the Law Conference; August 16, 2018 (Little Rock, AR)
- “Gene Editing: Opportunities and Challenges,” Farm Foundation@ Forum; July 17, 2018 (Washington, DC)
- “National Bioengineered Food Disclosure Standard,” 30th Annual Food Label Conference; May 21, 2018 (Washington, DC)
- “New Developments in Pesticide Law & Policy,” 2018 ABA SEER Pesticides, Chemical Regulation and Right-to-Know Committee; May 8, 2018 (Washington, DC)
- “GE Labeling Update,” IFT Food Policy Impact; February 6, 2018 (Washington, DC)
- “Industry & Consumer Responses & Action Related to GMO Labeling,” Q1 Productions’ Food Labeling Conference; January 29, 2018 (Arlington, VA)
- “From Farm to Table – The Future of GMO Plants and Animals,” NYSBA Food, Drug & Cosmetic Law Section Meeting; January 25, 2018 (New York, NY)

Karen writes often on biotechnology, crop protection, and food labeling topics. Her recent publications include:

- “Agriculture & Blockchain: The Early Bird Catches the Worm,” *Arent Fox Client Alert*; February 23, 2021
- “USDA Secretary Nominee Receives Unanimous Support by Senate Agriculture Committee, Heads Swiftly to Full Senate for Vote,” *Arent Fox Client Alert*; February 5, 2021
- “FCC Releases Report Addressing Impact of Rural Broadband on Farm Productivity,” *Arent Fox Client Alert*; December 17, 2020
- “EPA Updates Draft Guidance on Plant Biostimulant Products,” *Arent Fox Client Alert*; December 2, 2020
- “FCC Approves \$1 Billion to Facilitate Precision Agriculture,” *Arent Fox Client Alert*; October 28, 2020
- “Indoor Farming Start-Up To Go Public Following Merger With SPAC,” *Arent Fox Client Alert*; October 7, 2020
- “EPA Proposes Expanded FIFRA Exemptions for Certain Plant-Incorporated Protectants (PIPs) Created Using Gene Editing,” *Arent Fox Client Alert*; September 30, 2020
- “FCC Steps Up Support of Agricultural Technology With \$1 Billion Proposed for Precision Agriculture,” *Arent Fox Client Alert*; September 29, 2020
- Arent Fox Association Digest, *Arent Fox Client Alert*; September 14, 2020
- “EPA Approves New Crop Protection Tools for Hemp Farmers,” *Arent Fox Client Alert*; December 20, 2019
- “EU Court Offers Preview of Potential Regulatory Approach for Gene Edited Plants,” *Arent Fox Client Alert*; February 15, 2018
- “Biotech Policy Takes Shape: Rural Task Force Encourages Innovation and Regulatory Coordination,” *Arent Fox Client Alert*; January 22, 2018

- “Status and Outlook of Food Labeling Proposals,” co-written with Brian Ronholm, *Food Safety Tech*; October 17, 2017
- “More Controls Needed to Prevent Organic Import Fraud, Says USDA OIG,” *Arent Fox Client Alert*; October 12, 2017
  - “Another Front Opens Up on Food Disclosure,” *Arent Fox Client Alert*; October 10, 2017
  - “USDA Releases Bioengineered Food Disclosure Report,” *Arent Fox Client Alert*; September 14, 2017

Karen was also recognized by *Super Lawyers* as a “Rising Star” in the Complex Litigation category.

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## **Bar Admissions**

District of Columbia

Virginia

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## **Court Admissions**

US District Court, District of Maryland

US District Court, Eastern District of Virginia

US District Court, Western District of Virginia

US District Court, District of Columbia

US Court of Appeals, 4th Circuit

US Court of Appeals, 5th Circuit

US Court of Appeals, 9th Circuit

US Court of Appeals, District of Columbia Circuit