

Food Law and Policy Seminar
Antonin Scalia Law School | George Mason
University

Mondays | 4:00 pm- 6:00 pm
Fall 2021 | LAW 481-001 | 2
credits

Syllabus Contact Information: Kelly Nuckolls, knuckoll@gmu.edu; 316-323-9294

Please email me at any time if you have questions or concerns. Although I do not have an office on campus, I am happy to set up a time to talk by phone or video.

Course Overview: This is a survey course meant to provide a taste of the food law and policy field. Although we will not cover every possible topic, you will leave the class with an understanding of the breadth of food law and policy issues at the local, state and federal levels. We will study major federal legislation affecting the food system, including the Farm Bill and the Food Safety Modernization Act, among others. We will also discuss current topics in food law and policy, including meat processing, environmental regulations, and urban agriculture policy.

Learning objectives for the course include:

- Describe the relationship between federal, state, and local food laws and policies
- Explain the farm bill process and key programs
- Identify federal agencies and congressional committees that impact food law and policy
- Participate in robust discussions on food law and policy issues
- Demonstrate understanding of a specific food law and policy issue through a final paper

Course Materials: There is no required textbook for this course. Instead, course readings will be selected from a variety of sources and posted on TWEN. All readings will be available online at least one week before the course for which they are assigned.

Attendance: Students are expected to attend class. Students are asked to notify the professor before class if they are unable to attend. Per the law school's attendance policy, a student is not eligible to receive credit for a class if they miss more than 20 percent of the class sessions. For a

class that meets once a week as this one does, that means a student may not miss more than three classes. **To receive participation points for a missed class, a student must submit a one page summary of the course readings and the student's thoughts on the topic by one week after the missed class.**

Grading Overview: The final course grade will be based on:

- 40 % - course participations throughout the semester including:
 - Thoughtful, consistent engagement in class (20%)
 - A brief oral presentation on a current state or local food policy issue (10%)
 - A federal register comment (10%)
- 60% - a final paper, including:
 - A paper proposal (5%)
 - An oral presentation (5%)
 - And a final paper (50%)

The professor has discretion to adjust the final course grade by a single increment either upward or downward (e.g., from B to B+) based on class participation. There is no exam for this course. The professor will provide a grading rubric for each of the assignments discussed below.

Participation (40%): This is a discussion-based course, so robust participation is expected and will account for 20% of the total participation grade. Students must *earn* a high participation grade; simply attending class is not sufficient. Thoughtful, consistent engagement includes demonstrating that students are regularly reading the assigned material, preparing for and participating in in-class debates or exercises, and asking or answering questions.

Of the total participation grade, 10% is earned by giving a brief, in-class oral presentation on a current state or local food law and policy issue (5 minutes maximum). Students are asked to select a current issue that is related to a state or local government's food law and policy topic for the week they sign up for (survey to schedule each presentation will be sent to students after the first class). Students may send the Professor their topic ideas up to one week before the presentations are scheduled.

On TWEN, the "Web Links" category has suggestions on food policy news outlets that students can follow throughout the semester.

The remaining 10% of the participation grade is earned by drafting a comment on a topic posted in the Federal Register. Students are asked to select a proposed rule or final rule on the Federal Register on a current list of food law and policy regulations provided by the Professor and draft a comment to that rule. The comment is due to the professor by email by the beginning of class on **October 25th.**

Final Paper (60%): The majority of the final grade for the course (60%) will be based on a final paper, including a proposal and an oral presentation. Students will select one specific food law and policy topic to focus the final paper on that is timely and interesting to the student. Students are encouraged to work on the final paper throughout the semester. Both the proposal and the final paper must be organized and properly formatted (12 point Times New Roman font, 1" margins, double spaced), use Bluebook legal citation, and avoid spelling and grammatical errors.

Students will submit a one-page proposal to the professor by email in a Word document describing the proposed topic. This proposal is due by the beginning of the **sixth class (October 4th)** and must describe the topic you have selected, discuss why the topic is timely and interesting to you, identify any sources you have already found, and suggest other sources that might be useful to you. The proposal is worth 5% of the final paper grade.

The final paper must be between 5,000-7,000 words, not including footnotes. The final paper is due to the professor by email in a Word file by 11:59 pm on December 6, 2021. Please note that, per law school policy, the professor cannot grant deadline extensions for final papers; requests must be submitted to the Director of Student Academic Affairs. If students would like general feedback on initial drafts of the final paper (not line- by-line edits), the professor is willing to review final paper drafts if students send the draft before November 15th. The final paper is worth 50% of the final grade.

During the final classes, students will share their final paper with their peers during an oral presentation (approximately 10 minutes). The oral presentation is worth 5% of the final paper grade.

Student with Disabilities: Students with disabilities may request academic accommodations as provided by federal law. Please contact George Mason University's Office of Disability Services (ODS) to request services (ods@gmu.edu, 703-993- 2474).

Plagiarism: Plagiarism is a serious offense. Do not take anyone else's words or ideas and use them as your own. Plagiarism is unacceptable, regardless of whether it is committed in a final paper or in an email.

Course Schedule: Please note that this is a draft of the course schedule and is subject to change. Additionally, the bullet points listed below are not meant to be an exhaustive list of covered topics.

August 23: Course Introduction

- Discussion of Syllabus
- Instructor and Student Introductions

- Intro to Food Law and Policy
- **Required Reading for the First Class is On TWEN**

August 30: Food Safety

- Food Safety Modernization Act
- Federal Meat Inspection Act
- Federal Food, Drug, and Cosmetic Act

September 13: Food Safety (Continued) and Food Labeling

- Food Safety (Continued)
 - State and Local Food Safety Policies
 - Food Safety Litigation
- Food Labeling
 - Misbranded or Misrepresented Food Labels & Claims
 - Nutrition Facts Panel
 - Standards of Identity
 - GMOs
 - Organic

September 20: Food Labeling (Continued) and Regulation of Food Markets

- Food Labeling (Continued)
 - Country of Origin Labeling
 - Animal Raising Claims
 - Food Labeling litigation
- Regulation of Food Markets
 - Perishable Agricultural Commodities Act
 - Packers and Stockyards Act
 - USDA Rulemaking
 - USDA Marketing Orders

September 27: Federal Food Law and Policy

- The Farm Bill
- Appropriations
- Mandatory and Discretionary Programs
- Federal Government laws and policies to support the food sector during COVID-19

October 4: Nutrition Programs and Farm Animal Drugs

- Federal Nutrition Programs
- Child Nutrition Reauthorization
- Dietary Guidelines for Americans
- Farm Animals' Drug Usage Impact on Food Law and Policy

NOTE: Paper proposal due by beginning of class.

Tuesday, October 12: Law and Policy Impacting Workers Throughout the Food Supply Chain

- Farmworkers
- Labor and Employment throughout the Food Chain
- Lawsuits against Food Processors

October 18: Environmental Regulation of Food

- Clean Water Act
- Federal Insecticide, Fungicide, and Rodenticide Act
- Conservation programs
- State Regulations and Programs
- Climate Change and Agriculture Policies

October 25: Food Waste and the Right to Food

- Food Waste Laws and Policies
 - Tax Incentives for Food Donations
 - Liability Protection for Food Donations
 - Food Date Labeling Laws
- Right to Food laws and policies

NOTE: Federal Register comment due at the beginning of class.

November 1: State and Local Food Law and Policy

- State level programs
- Food Policy Councils
- Urban Agriculture and Zoning Codes
- Soda bans and taxes
- Alcohol and Cannabis Laws' Intersection with Food Law

November 8: Food Law and Policy as a Career

- Panel of attorneys working in food law and policy

November 15: Research Paper Presentations

NOTE: Last day to submit final paper drafts for review.

November 22: Research Paper Presentations and Final Paper Questions

December 6: Final Papers Due at 11:59 p.m. (EST)