

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

Wednesday | 6:05 pm - 8:05 pm
Fall 2023 | LAW 481 |
2 credits

Syllabus Contact Information: Kyla Kaplan, kkaplan@gmu.edu

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.

Location: Arlington Campus, Hazel Hall room TBD

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 Federal Food Drug and Cosmetic Act (FD&C Act) and the Food Safety Modernization Act (FSMA), among others. We will also discuss current topics in food law and policy, including cannabis law, meat processing, environmental regulations, and state and local food law and policy.

Learning objectives for the course include:

- Describe the relationship between federal, state, and local food laws and policies
- Identify federal agencies and congressional committees that impact food law and policy
- Participate in robust discussions on food law and policy issues
- Understand and discuss relevant issues in the food law and policy space
- 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 Blackboard. You **must** have access to Blackboard for this course. Please let the professor know asap if you have a problem with accessing Blackboard. 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%)
 - Participation in the weekly 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 brief updates on topical food law and policy issues. For the first 15 minutes of each class, the professor will give students an opportunity to share with the class something they saw in the news or read elsewhere relevant to food law and policy. Any relevant topics are welcome that can be related back to food law and policy. For example, a business law, tax law, constitutional law, administrative procedure, and/or criminal law case or news story that in some way will impact the food supply. Student can provide a 1–2-minute overview of what they read, where they read it, etc. If students are interested in sharing the article with the class, they have the *option* to send it to the professor to circulate beforehand. **Students should plan to share updates during at least 2 classes to receive full credit.**

On Blackboard, 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 future proposed rule or policy on the *Federal Register* on current food law and policy regulations and draft a comment to that rule. If students need help selecting a future proposed rule or policy on a current topic the Professor would be happy to discuss. The comment is due to the professor by email by the beginning of class on the **ninth class (October 18, 2023)**.

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 **seventh class (October 4, 2023)** 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 **Friday December 15, 2023**. 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 20, 2023**. 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.

*****Required Reading for the class on Blackboard**

CLASS 1 (August 23): Course Introduction

- Welcome
- Discussion of Syllabus
- Instructor and Student Introductions
- Intro to Food Law and Policy
- Jobs In Food Law and Policy
- *****The readings for CLASS 1 are on Blackboard – please read before coming to the first day of class***

CLASS 2 & 3 (August 30 & September 6): Food Safety

- Historical Overview
- United States Food and Drug Administration (FDA) vs. United States Department of Agriculture (USDA)
- Federal Food Drug and Cosmetic Act
- Food Safety Modernization Act
- Food Safety Litigation

CLASS 4 & 5 (September 13 & September 20): Food Labeling

- Historical Overview
- Governing Laws
- Regulatory Authority
- Overview of labeling requirements
- Claims (GMO, organic, keto, animal raising claims)
- Food Labeling litigation
- Recent controversies

CLASS 6 (September 27): Federal Food Law and Policy

- Farm Bill
- Appropriations
- Mandatory and Discretionary Programs
- Federal Government laws and policies to support the food sector during crisis (COVID-19, Russian invasion of Ukraine, etc.)

CLASS 7 (October 4): State and Local Food Law and Policy

NOTE: Paper proposals due at the beginning of class

- State level overview
- Food policy councils
- Urban agriculture and zoning
- Bans, taxes, etc.

CLASS 8 (October 11): Food Waste

- Tax incentives and food donations
- Liability protection for food donations
- Food date labeling laws

CLASS 9 (October 18): Animals and Food Law

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

- What is an animal?
- Criminal Law and animals
- Torts and animals
- Con Law and animals
- Commercial law and animals
- Animal welfare Law
 - Ag gag laws
 - Humane slaughter

CLASS 10 (October 25): Cannabis Law

- What is cannabis?
- How is cannabis currently regulated (federal, local, state)
- Various concerns around cannabis
- Forthcoming legislation

CLASS 11 (November 1): Nutrition Programs

- History of the role of law in nutrition
- Federal nutrition programs
- Children and women
- Dietary guidelines

CLASS 12 (November 8): Student Presentations (Day 1)

CLASS 13 (November 15): Student Presentations (Day 2)