Tufts University, Friedman School of Nutrition Science and Policy

NUTR 234 – Basics of U.S. Public Policy
Spring 2019

Instructor(s):  Professor Jerold Mande
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Office Hours:  By appointment

Class Meetings:  Wednesdays, 9:00 – 11:00am

Graduate Credits:  3 credits (full-term/13-weeks plus the final exams week) or 1.5 credits (first 6-weeks). Students electing to enroll for 1.5 credits must notify instructor by January 24th.

Prerequisites:  none

Course Description:  This course introduces students to the U.S. policymaking process from our Constitution, through the three branches of government, to the press, with an emphasis on food and nutrition policies and programs. Much of the course focuses on the nuts and bolts of policymaking and will utilize examples from current policy debates. Case studies, developed for the diverse interests of Friedman School students, are used to underscore policy lessons, facilitate small group discussion, and introduce students to several policy initiatives (e.g. food labeling) with which all Friedman students need to be familiar.

Course Objectives:  Upon completion of the course, students are expected to master a fundamental knowledge of U.S. public policymaking. Additionally, each student will become an expert on a current policy issue of their choosing (the subject of their three written exercises).

Texts or Materials:

Academic Conduct:
Each student is responsible for upholding the highest standards of academic integrity, as specified in the Friedman School’s Policies and Procedures manual (http://nutrition.tufts.edu/student/documents) and Tufts University policies (http://students.tufts.edu/student-affairs/student-life-policies/academic-integrity-policy). It is the responsibility of each student to understand and comply with these standards, as violations will be sanctioned by penalties ranging from failure on an assignment and the course to dismissal from the school.

Classroom Conduct:
This class is meant to be participatory and crucial information is imparted during each class lecture, therefore class attendance is mandatory and students are expected to come to class having completed the readings and ready for lively, informed discussion.
Assessment and Grading:

Study Groups (10%)
Students will divide up into “study groups” consisting of 2 or 3 students, depending on enrollment. Each study group will be assigned 2-3 classes during which they will be responsible for:

1. Presenting the case application including relevant history, key political players/stakeholders and outcomes;
2. Posing a set of 7-10 reading-related discussion questions to the class and moderating this discussion.

Policy Exercises (10% each)
Identify a pending legislative bill of interest to you (either from the U.S. Congress or the current Massachusetts legislature) and write three memoranda in relation to all or part of the bill. There are thousands of bills; the challenge is in choosing just one. Possible legislative topics span a wide range of issues such as: increasing R&D funding for nutrition and health issues, food labeling, government food and nutrition programs, dietary guidelines, climate change, sustainable farming. Choose an issue for which you want to become an expert. To find a bill, you can browse the following databases:

Federal legislation: https://www.congress.gov/
Massachusetts legislation: https://malegislature.gov/
- For Massachusetts food-specific legislation, refer to https://mafoodsyste.org/projects/pubsecprogress2018/.

Consistent with real-world practice, these memos must be succinct—one to two pages (single-spaced) are optimal with three pages being the absolute limit.

Exercise #1 Assume the role of a senior staff member to the chairman of the committee in charge of the bill. Choice:

1. Write a memo to your boss proposing an oversight or investigative hearing related to the bill. Describe hearing goals and objectives. Propose witnesses and explain why. List key questions and expected follow-up questions for each witness. Discuss communications plan. Present next steps.
2. Write a memo to your boss summarizing the main issues of concern and the pros and cons of passing the bill. Provide your recommendation for action, including an analysis of the politics. Propose a plan for your boss’s role during committee consideration of the bill, including a communications strategy.

DUE: Week 4, in class

Exercise #2 Choose a nongovernmental organization (nonprofit or for profit, local, regional, or national) interested, or potentially interested, in your chosen bill. Assume the role of the executive director reporting to his/her board of directors. Describe your position on the bill and strategies to win on your issues. On a separate
page, describe the organization, including its structure, budget, and a brief history of its role in relation to the government.

**DUE**: Week 9, in class

**Exercise #3** Assume the role of a senior advisor to the head of the agency responsible for the subject of the hearing or bill. Choice:

1. Your boss has been invited to testify. Write a memo proposing testimony and hearing preparation. Include 3 hearing topics and 5 likely questions and answers.
2. Write a memo advising your boss on how to go about implementing the bill (if at all), including a description of the regulations that must be drafted, staffing needs, budget ramifications, and a timeline for action.

**DUE**: Week 11, in class

**Letters to policy makers** (10% each):

**Letter #1** Write a 500-700 word op-ed on a current food and nutrition topic such as making SNAP diets healthier, the importance of school meal standards, or food labeling. Submit to a newspaper or journal of your choice and bring a copy to class – we will share the content of our op-eds during class. Be sure to indicate in your assignment submission which newspaper or journal you selected. If and when you receive a response, bring it to class to share.

**DUE**: Week 2, in class

**Letter #2** Write a comment to a federal agency on a proposed rule currently pending of your choosing. During previous iterations of this course, students submitted letters on rulemaking issues such as SNAP retailer stocking standards, restaurant food labeling, the GRAS status of salt. Submit your letter through the agency’s Web portal. Bring a hard copy of your letter to class to discuss.

**DUE**: Week 7, in class

**Midterm** (15%):

**Petition**: In groups, students will compose and submit a petition to a federal agency, proposing a new regulation, deregulation, or modification to a regulation already in effect. The final petition will be presented to the class and submitted to the relevant agency at the end of the semester, but an outline of each group’s petition is due for a midterm grade (final petition due at midterm for half-credit students). The petition outline should address the following items:

a) The agency you will be petitioning.
b) An explanation of the proposed action (commencement of rulemaking, amendment to an existing rule, or deregulation) and its purpose.
c) The language you propose for a new or amended rule, or the language you would remove from a current rule.
d) An explanation of why your proposed action would be in the public interest.
e) Information and arguments that support your proposed action, including relevant technical and scientific data available to you.
f) If pertinent, any specific laws relevant to your petition.
DUE:

Full-credit students: Petition outline due Week 6 (topic, agency, and group members due to instructor Week 3). Final petition due Week 13 with a group presentation during final exam session.

Half-credit students: Final petition due Week 6 (topic, agency, and group members due to instructor Week 3).

Final Exam (20%):
Petition Presentation: Students will be responsible for presenting their final petition to the class. Presentations should be 20-30 minutes, prepared with the utmost professionalism and should demonstrate a thorough understanding of the topic under review.

In-class written exam: As part of the final assessment, along with the petition presentation, students will be responsible for defining 20 terms of political significance. The topics will be drawn from lectures, readings, and case studies throughout the thirteen weeks of this course. When presented with a term, students will be responsible for explaining its significance and relevance to our political system, in 2-4 sentences.

Class Participation (5%): Students are expected to participate actively in class discussion. Lack of class participation will be factored into the final grade.

Extra Credit (Optional): Students have the option to earn extra points by engaging, in-person, in state or local politics. There are many ways to come face-to-face with legislative processes, including speaking at a state House or Senate hearing, meeting with a state or local representative to advocate for a specific bill, or submitting a request to speak at a public city council meeting. Please consult the instructor for advice on pending regional legislation to support/oppose or representatives to meet with.

Assignments and Submission Instructions:
Assignments received after their deadline will not be accepted or graded unless extension is approved in advance. Students who are unable to complete an assignment or exam on time for any reason should notify the instructor by email prior to the deadline, with a brief explanation for why the extension is needed.

Accommodation of Disabilities:
Tufts University is committed to providing equal access and support to all students through the provision of reasonable accommodations so that each student may access their curricula and achieve their personal and academic potential. If you have a disability that requires reasonable accommodations please contact the Friedman School Assistant Dean of Student Affairs at 617-636-6719 to make arrangements for determination of appropriate accommodations. Please be aware that accommodations cannot be enacted retroactively, making timeliness a critical aspect for their provision.
Course Schedule:

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This schedule is subject to modifications at the discretion of the instructor.

**Week #1 (Jan 16): Introduction to the course**

*Learning Objectives:*

Students will form study groups and sign up for a week during which the group will be responsible for presenting the case application and demonstrating an understanding of current political events as they relate to the class topic. Students will also develop preliminary answers to the following questions:

- Why is the study of public policy important to your education here at the Friedman School?
- The promotion of “active citizenship” is a top priority for Tufts University. What does being an active citizen mean?
- What are the “hot” public policy issues in the news? Which issues are of particular concern to the members of this class?
- Is the food and nutrition policy community tightly knit or fragmented as described by Kingdon?
• Does the U.S. have a national food policy?
• What does State of Obesity and the Young article tell us about U.S. food policy?

Required Readings:
https://www.youtube.com/watch?v=WySzEXKUSZw.

Recommended Readings:
Tamar Haspel, “Junk food is cheap and healthful food is expensive, but don’t blame the farm bill,” The Washington Post, December 4, 2017.
Young, DeVoe, “Who Will have Health Insurance,” AFM v 10 no 2 156-162 03 2012, review Fig. 2, http://www.annfammed.org/content/10/2/156.long.

Week #2 (Jan 30): The Constitution as a guide for policy making
CASE APPLICATION: Jacobson vs. Massachusetts
Learning Objectives:
Students will explore the following seminal features of American government:
• The extraordinary events of 1789 that have provided an enduring framework for American democracy.
• The written and unwritten Constitution.
• The Constitution as a guide to transforming citizen ideas to public health impact.
• The various structural features of American democracy that promote or prevent government intervention to improve national nutrition.

Required Readings:
The Constitution of the United States, 1789.

Recommended Readings:

Week #3 (Feb 6): The Legislature
CASE APPLICATION: 2018 Farm Bill
Learning Objectives:
• Students will use the Library of Congress’s search engine to track food and nutrition legislation, examine food and agriculture committee composition, and explore the Congressional Record.
• Massachusetts allows all citizens the right to file bills in the state legislature—is there a pressing food/nutrition issue that students want to draft legislation on and bring it to the State House? How would such a bill come to pass?
• Students will achieve a basic understanding of the 2018 Farm Bill, specifically the Nutrition Title.

Required Readings:

Recommended Readings:
Conference Report, Agriculture Improvement Act of 2018, 115th Congress.
The 2014 Farm Bill, Congressional Research Service Report.

Week #4 (Feb 13): Oversight and Investigation
CASE APPLICATION: Organ Donation and Transplantation
Learning Objectives:
Students will learn that Congress, in addition to writing our laws and funding government, has another critical role. Students will examine:
• Oversight and investigation as a legislative policymaking tool.
• The importance of Congressional oversight and investigation in protecting public health.
• The structure of health and nutrition oversight and investigation hearings, specifically how food and nutrition experts are chosen to testify and what makes for effective testimony and questioning.

Required Readings:
Fact Sheet: Obama Administration Announces Key Actions to Reduce the Organ Waiting List https://obamawhitehouse.archives.gov/the-press-office/2016/06/13/fact-sheet-obama-administration-announces-key-actions-reduce-organ.

Recommended Readings:
Week #5 (Feb 20): Budget and appropriations process
CASE APPLICATION: Upcoming Budget
Learning Objectives:
The food and nutrition programs in this country would not exist without the budget and appropriations process. In this class students will:
• Examine portions of the current federal budgets for NIH, USDA, and FDA.
• Determine what these budgets reveal about institutional design, government priorities, and organizational flexibility.
• Differentiate between the budget and appropriations process, between mandatory and discretionary spending, and between debt and deficit.
• Discover how changes in the budget affect the implementation and effectiveness of federal and state nutrition programs.

Required Readings:
** Portions of FY2020 budgets as appropriate/as they become available **

Week #6 (Feb 27): The Executive Branch
CASE APPLICATION: Food Safety – Guest lecture from Deborah Blum
Learning Objectives:
Students will learn the structure and function of key food and nutrition executive agencies – the CDC, FDA, and USDA – using food safety as a case study. Students will develop answers to the following questions:
• How do the CDC, FDA, and USDA share duties and responsibilities for food safety?
• How is the current executive branch effecting food policy, both in regards to food safety and broader nutrition issues?
• How well does our global food regulatory framework work?
• Students will recount the history of food safety regulation and the distinct FDA and USDA frameworks.

Required Readings:
Recommended Readings:

Week #7 (Mar 6): How does a law become a rule?
CASE APPLICATION: Nutrition Facts
Learning Objectives:
In this class we discuss issues of bureaucracy and implementation, and students will accomplish the following:
• Review the desire for consistent standards and the need for flexibility in rules.
• Examine the different kinds of bureaucrats and their various motivations and constraints.
• Examine the bureaucracy of the FDA and USDA and the roles of civil servants and appointees.
• Gain an inside perspective on the development and implementation of the Nutrition Facts Label.
**Required Readings:**


**Recommended Readings:**
https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf


**Week #8 (Mar 13): Agenda Setting, Framing, Issue Formation**
**CASE APPLICATION:** Making SNAP diets healthier

**Learning Objectives:**
Students will develop answers to the following questions:

- How do ideas develop and make their way into the policy debate?
- To what extent is policy analysis dependent on how issues are framed and evaluated?
- Is the President the most powerful agenda setter?
- What is the necessary incubation time for an idea to become policy reality?
- Policy windows open but they also close. How do you know when timing is right to bring an issue to the table?
- How did the problem of obesity evolve from a private issue of individual overeating to a public issue that accounts for complex and interrelated causes?
- How has the framing of SNAP contributed to the program’s evolution/lack thereof?

**Required Readings:**
Deborah, Stone, Ch. 13-14, *Policy Paradox.*
Andrew Fisher, Ch. 4, *Big Hunger.*


**Recommended Readings:**
John Kingdon, Ch. 7-8, *Agendas, Alternatives, and Public Policies.*
National Commission on Hunger, “Ensure that SNAP Promotes Improved Nutrition” p.44-45,
*Freedom from Hunger*, 2015.

**Week #9 (Mar 27): What role do NGOs and lobbyists play in policymaking?**
**CASE APPLICATION:** Menu Labeling

**Learning Objectives:**
Students will develop answers to the following questions:
• To what extent should government harness the power of interest/civil society groups and reflect their wants and needs?
• How do we explain the explosion in NGOs here in the US and around the world?
• How clear is the line between what NGOs and governments do?
• What’s the difference between a 501(c)3 and a 501(c)4?
• Are lobbyists and strategic advisers replacing the institutional memory and policy expertise of Hill staff?
• To what extent can and do groups like FRAC, Center for Science in the Public Interest, American Heart Association and the Bipartisan Policy Center influence nutrition policy?

Required Readings:
Deborah Stone, “Interests,” Chap. 9, Policy Paradox.

Recommended Readings:
Marion Nestle, Ch.4-5, “Influencing Government,” “Co-opting Nutrition Professionals,” Food Politics.

Week #10 (Apr 3): Federalism – how do states and the federal government interact?
CLASS APPLICATION: TBD – Guest lecture from Samantha Kelly
Learning Objectives:
“Federalism” has not had one stable definition throughout history, because the idea of the appropriate balance of authority among the local, state, and federal government has changed over time. Although states have jurisdiction over their own citizenry, the federal government has jurisdiction over how federal dollars are spent to promote national well-being. In this class students will develop answers to the following questions related to shared power between the state and federal government:
• Students will learn the legislative process at the state level (Massachusetts), and identify how it differs from federal legislative processes.
• Guidelines, regulations, and incentives are among examples of policy instruments used by the federal government to influence state action. What other policy instruments are available to federal policymakers and to what extent do they work?

Required Readings:
https://archives.lib.state.ma.us/bitstream/handle/2452/428869/ocn960643836.pdf?sequence=1&isAllowed=y.
**Recommended Readings:**
“Create your own bill” exercise, Massachusetts state legislature, [https://malegislature.gov/CreateYourOwnBill](https://malegislature.gov/CreateYourOwnBill).

**Week #11 (April 10): The judiciary’s role in policymaking**
**CASE APPLICATION:** FDA v. Brown & Williamson Tobacco Corp.

**Learning Objectives:**
This class will use FDA v. Brown & Williamson Tobacco Corp as a window into how the courts settle public policy disputes. This case describes how the FDA, under the leadership of Commissioner David Kessler, raced to build a case that would allow the government to assert jurisdiction over cigarettes, while the tobacco companies and their lawyers fought back fiercely. Students will develop answers to the following questions:

- How do the courts go about determining legislative intent?
- What is the appropriate role for the courts in policymaking?
- How do interest groups calculate potential court actions into their agendas?
- What does POM Wonderful LLC v. Coca-Cola Co. tell us about the Supreme Court and nutrition policymaking?
- Do we need a special court for resolution of highly complex scientific disputes related to food, agriculture, and nutrition?

**Required Readings:**


**Recommended Readings:**
Marion Nestle, “Using the Courts to Sue Critics,” Ch. 7 excerpt (pp.159-166), *Food Politics*.


**Week #12 (April 17): The media: the fourth branch of government?**
**CASE APPLICATION:** Carbs vs Fats – Guest lecture from Corby Kummer

**Learning Objectives:**
Sometimes referred to as the fourth estate, the press plays a huge role in determining policy. In this class we will examine the impact of the media in placing issues on the policy agenda, and clarifying or obscuring food and nutrition science. Students will develop answers to the following questions:

- How have major trends in media, including a declining audience for traditional media and proliferation of web-based materials, influenced policymaking?
• To what extent do policymakers orchestrate their actions to maximize media coverage?
• Did Gary Taubes and Nina Teicholz highjack nutrition policy?
• Students will recount the highly publicized carbs vs. fats debate, as covered by the media and reflected on nutrition policy.

Required Readings:

Recommended Readings:

Week #13 (April 24): Petition Presentations

Further Reading/Course Bibliography:
Marion Nestle, Safe Food: The Politics of Food Safety, revised 2010.
Tonya Riley, “Startups Are Finally Taking On Food Stamps.” Wired, Conde Nast, 6 Sept. 2017,
www.wired.com/story/startups-are-finally-taking-on-food-stamps/.