

Student Abstract

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Title: Regulatory Capture and Meaningful Obesity Regulation

Abstract: In the United States, obesity is a major public health problem, and the prevalence of obesity among adults, adolescents and children continuously grows. The project explored the theory of regulatory capture and whether or not meaningful obesity regulation is possible given that the United States Department of Agriculture ("USDA"), the agency tasked to implement and oversee nutrition policies, is "captured" by the food industry. The theory of "regulatory capture" is commonly used to describe a scenario in which a government regulatory agency becomes dominated by the interests of the industry that it oversees and regulates. Thus, such agencies are "captured" by those whom they are supposed to regulate. Professors Jon Hanson and David Yosifon divide this theory into two tiers – "shallow" and "deep" capture. The objectives of this project were to determine: (1) how the food industry has "shallowly" and "deeply" captured the USDA; (2) how "shallow" and "deep" capture affect the possibilities for meaningful obesity regulation to occur; and (3) how to address the capture issues in order to increase the likelihood of meaningful obesity regulation. The project researched the various "reverse revolving door" scenarios as examples of the food industry's "shallow" capture of the USDA. It then examined some of the statements made by the food industry during the public commenting period for the 2005 Dietary Guidelines and MyPyramid. Next, it assessed how the food industry's comments were adopted in the final versions of the 2005 Dietary Guidelines and MyPyramid, which demonstrates how the USDA is "deeply" captured. In addition, the project determined how the food industry's "deep" capture of the USDA affects Americans in terms of what they eat. Given these issues of capture, the project proposes that meaningful obesity regulation is not possible. However, it also contends that if an agency entirely separate from the USDA were created to implement and oversee nutrition policies regulatory capture issues could lessen; thus, meaningful obesity regulation could be more likely.