



NATIONAL CONFERENCE
of STATE LEGISLATURES

Harvesting Healthier Options

State Legislative Trends in Local Foods

2012-2014



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NATIONAL CONFERENCE *of* STATE LEGISLATURES

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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

Contents

A Word from the Funder	iv
Acknowledgments	v
Introduction	1
Local Food System Approaches	3
Farm-to-School.....	11
Farmers' Markets	17
Community Gardens and Urban Agriculture	23
Healthy Grocery Retail.....	31
Food Policy Councils	36
Table 1. Enacted Local Food System Legislation, 2012-2014	2

A Word from the Funder

The Johns Hopkins Center for a Livable Future's (CLF) mission is to promote research and to develop and communicate information about the complex interrelationships among diet, food production, environment and human health; to advance an ecological perspective in reducing threats to the health of the public; and to promote policies that protect health, the global environment and the ability to sustain life for future generations.

As an interdisciplinary academic center within the University, the CLF is able to draw upon a wide variety of resources to identify and influence policy that impacts access to local, regional and national food options. Since its founding in 1996, the Center has focused on developing relationships with communities to improve food environments, increase access to healthy food and inform food and nutrition policy.

By working with professional, community-based, faith-based, governmental and academic communities, we are able to implement projects and activities that build and strengthen capacity to address key opportunities to create a healthy and sustainable food system that is equitable for all.

Our team provides technical assistance and leadership support in several ways by:

- Developing metrics and evaluation tools to measure the impact of changes;
- Translating scientific research findings into practical policy recommendations;
- Evaluating food system interventions to provide evidence for policy and program decisions;
- And convening stakeholders to advocate for reform on leading food system issues.

Our Food Communities and Public Health program uses scientific evidence to guide its technical assistance and leadership support in efforts to increase community food security, promote environmental stewardship, and encourage the development of relationships among local and regional food and nutrition organizations seeking to improve the food system.

Our Food System Policy program uses its expertise, connections and resources to support activities and policies aimed at improving the food system to become more healthy, fair and resilient. Our work can take the form of collaboration on projects, technical and science advising, Congressional briefings and more.

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Introduction

State legislatures continue to take an active interest in policy strategies that support local and regional food systems and increase access to local food options. NCSL has tracked state legislation regarding local food production and access since the early 2000s. In the mid-2000s, farm-to-school and procurement legislation were popular. In the 2007-2010 time frame, a number of states enacted laws to increase access to farmers' markets for those who receive supplemental nutrition assistance program (SNAP) benefits.

This report focuses on state legislation in all 50 states enacted between 2012 and 2014 that aimed to strengthen various components of local food systems (see Table 1 on page 2). The report is organized into chapters focused on six policy areas with the most state legislative action: local food system approaches; farm to school; farmers' markets; community gardens and urban agriculture; healthy grocery retail; and food policy councils. The report was created using NCSL bill and law searches; communication with established and new local food system contacts; analysis and synthesis of existing research and case studies; and numerous interviews with state lawmakers, state agency staff, relevant nonprofits and other stakeholders.

Each section contains an introduction to the policy area and relevant research, case study or studies highlighting notable state actions in the policy area and trends in 2012 to 2014 legislation, followed by summaries of all enacted legislation in the policy areas from 2012 to 2014.

Thirty-six states and the District of Columbia enacted 91 bills regarding local food production and access between 2012 and 2014.

Notable trends identified within the 2012 to 2014 time period include the following.

➤ Legislatures are taking a stronger role in supporting food hubs, which are value-added facilities that allow producers and other food businesses to store, aggregate, market and distribute local foods. Six states—Maryland,

Massachusetts, Michigan, New Mexico, New York and Ohio—took legislative action to support food hubs, primarily through appropriations.

➤ An emerging trend is state legislative interest and action concerning preservation of a healthy and viable pollinator population that is essential for food production, particularly fruits and vegetables.

➤ Legislation to support farm-to-school programs was popular; 18 states enacted 28 bills on the topic between 2012 and 2014. A few larger bills focused on creating a state structure or support for farm-to-school programs. Five states—Nevada, New Jersey, New York, Oregon and West Virginia—passed laws that sought to link farm-to-school programs and students with school or community gardens in some manner.

➤ Reflecting the popularity of farmers' markets nationwide, 19 states enacted 22 bills on the topic between 2012 and 2014. Strategies to increase access to farmers' markets for vulnerable populations was a particularly prevalent policy approach for state lawmakers. Eight states—Connecticut, Louisiana, Missouri, New Jersey, Oregon, Pennsylvania, Vermont and West Virginia—passed legislation to support or expand the use of SNAP, WIC and seniors' farmers' market nutrition program benefits at farmers' markets.

➤ Legislation supporting development and sustainability of community gardens and other small-scale agriculture approaches notably increased between 2012 and 2014. Eleven states and the District of Columbia enacted a total of 22 laws related to community gardens, urban agriculture and small-scale agriculture. Eight states—California, Delaware, Hawaii, Maryland, Missouri, New Jersey, New York and Tennessee—and the District of Columbia sought to increase access to land for small-scale agriculture. California, New Jersey, New York, Tennessee, West Virginia and the District of Columbia passed legislation encouraging and/or allowing those growing fresh produce in community gardens to sell cultivated produce.

Table 1. Enacted Local Food System Legislation, 2012-2014

State/ Jurisdiction	Local Foods	Farm-to-School	Farmers' Market	Community Gardens and Urban Agriculture	Healthy Grocery Retail	Food Policy Councils
Alabama		X				
Alaska		X				
Arizona						
Arkansas						
California	X	X		X		X
Colorado		X				X
Connecticut	X		X			
Delaware				X		
Florida			X			
Georgia			X			
Hawaii	X			X		
Idaho						
Illinois			X			
Indiana	X		X			
Iowa		X	X			
Kansas			X			
Kentucky						
Louisiana		X	X	X		
Maine	X	X				
Maryland	X			X	X	
Massachusetts	X		X	X	X	
Michigan	X					
Minnesota						
Mississippi		X	X		X	
Missouri		X	X	X		
Montana		X				
Nebraska						
Nevada		X				
New Hampshire	X					
New Jersey		X	X	X	X	
New Mexico	X	X	X			
New York	X	X	X	X		X
North Carolina			X			X
North Dakota						
Ohio	X					
Oklahoma						
Oregon		X	X			
Pennsylvania			X			
Rhode Island	X	X				X
South Carolina		X				
South Dakota						
Tennessee				X		
Texas					X	
Utah						
Vermont			X			
Virginia						
Washington						
West Virginia		X	X	X		
Wisconsin						
Wyoming						
District of Columbia				X		X

Local Foods System Approaches

Food systems across the nation rely on an infrastructure of producers, processors, distributors, sellers and consumers that includes many interconnected parts and supporting organizations. “Local,” “regional” and “community” all could be used to describe the food systems, which are influenced by federal, state and local policies and have varying definitions and priorities. The U.S. Department of Agriculture (USDA) in a [2010 report](#) examines the various definitions and components of “local” or “local food systems” and emphasizes the importance of both geography and the consumer perception of locally produced food. The 2008 Food, Conservation, and Energy Act, also known as the 2008 Farm Bill, defines local agricultural products with the geographic constraint of “less than 400 miles from its origin, or within the State in which it is produced.” A system-wide or holistic approach to supporting local food requires consideration of all parts of the supply chain that ultimately lead to consumption. This section focuses on “local food systems” and the various components involved. Federal agencies and state governments have made efforts in recent years to support one or several aspects of food systems, including strengthening local and regional food systems and infrastructure.

Given that many Americans simply do not have access or enough money to buy healthy food, state legislative efforts to strengthen local food systems often seek to both increase access to and affordability of local, healthy food and also to create economic development and job opportunities for communities. For example, [14 percent of American households were food insecure](#) at some point in 2014. The USDA [estimates 23.5 million live in food deserts](#), areas “without ready access to fresh, healthy, and affordable food.”

Federal agencies provide resources—including information and grant programs—to help support local food systems across the country. The USDA launched [Know Your Farmer, Know Your Food \(KYF2\)](#) in 2009. These Web-based resources include the [KYF2 Compass Map](#) that visually represents and allows users to search the more than 4,000 federally funded local food projects throughout the country. The initiative brings together experts and pro-

grams from across USDA to provide comprehensive information and a clearinghouse for the agency’s work on this issue.

A [January 2015 report](#) by the USDA Economic Research Service cites the increasing trends in both producer participation and consumer interest in local foods. Of all U.S. farms, 7.8 percent marketed their foods locally in 2012, using a combination of purchasing and marketing channels. Grocery stores, distributors, restaurants and other organizations also can purchase directly from farms and ultimately market the goods as local food to the consumer.

Farms continue to sell and market directly to consumers. Direct-to-consumer (DTC) marketing channels include venues such as farmers’ markets, roadside farm stands and community-supported agriculture (CSA) arrangements. According to the report, farming operations with DTC sales increased from 116,733 to 144,530 between 2002 and 2012.

Farmers also may choose to sell food to distributors, institutions such as grocery stores and restaurants, and other aggregators, known as intermediated marketing channels, rather than sell directly to consumers. The [USDA](#) estimates that intermediated marketing channels are on the rise; the percentage of local farms using such channels increased from 8 percent to 14 percent between 2008 and 2012. Some outlets in this marketing channel include sales to institutions such as grocery stores, restaurants and schools and may appeal to farmers because of decreased transportation and marketing costs.

Producers may use one or several methods to market and sell their produce. The USDA has reported on the [differences among small, medium and large-scale producers](#) in their use of certain outlets. The [2014 Farm Bill](#) provided \$30 million annually to the Farmers Market and Local Food Promotion Program to support the various outlets that comprise the local food supply chain.

Food Hubs

Another strategy to help market and sell local foods is the creation of and support for food hubs. Food hubs host a

wide range of services for producers and often house multiple aspects of the supply chain of a local food system in a single facility. These spaces not only provide infrastructure and support for marketing, distribution, storage, processing, training and other services, but also include direct access to consumers and institutional buyers.

The USDA's [Regional Food Hub Resource Guide](#) discusses the various definitions of food hubs and presents this definition from the National Food Hub Collaboration: "A regional food hub is a business or organization that actively manages the aggregation, distribution, and marketing of source-identified food products primarily from local and regional producers to strengthen their ability to satisfy wholesale, retail, and institutional demand." Food hubs can be private, nonprofit, cooperative, publicly held and/or informal organizations.

Since 2007, the number of food hubs has grown by 288 percent to a total of 302 nationwide as of 2014, according to the [USDA](#), and state legislatures have supported this growth. According to the [2013 National Food Hub Survey](#), 73 percent of food hubs were in metro counties. (See the Massachusetts case study in the next column for more information about state support for Food Hubs.)

Procurement Policies

While procurement practices often can hinder the ability to purchase local food products, state and local governments also have increasingly sought to remove barriers and encourage purchasing of local food through reformed procurement policies. Procurement practices may open new markets for producers and distributors and also may increase the purchasing power in the community for certain products. Procurement laws and policies can take various forms. Illinois took a significant step in this direction when the legislature enacted the [Local Food, Farms and Jobs Act of 2009](#), which set a goal for state agencies and state-owned facilities to purchase 20 percent of their food products from local sources. Some states also have employed a mandated percentage price preference, which requires the purchase of local food products if the price falls within a certain percentage when compared to conventional options.

The Puget Sound Regional Council provides a [summary of procurement policies](#), including key strategies that states may use:

- Target percentage of local food purchases

- Mandated percent price preference
- Discretionary geographic price preference or general geographic preference
- Comprehensive plan policies to promote local food procurement

Multi-Faceted Food Access Strategy in Massachusetts

Massachusetts has taken significant steps to attempt to strengthen many aspects of the state's food system and improve food access for vulnerable populations. This culminated with creation of the Massachusetts Food Trust Program in 2014 by the legislature, but much work remains to ensure long-term funding and success of the Food Trust's various initiatives.

Massachusetts has one of the nation's most robust local food economies. The Bay State's nearly [\\$48 million in direct market sales](#), which ranks as the third highest per operation in the country, accounts for 10 percent of total agricultural sales in the state. However, lack of access to healthy, nutritional food remains a problem for many Massachusetts residents. In fact, the number of households that are "food insecure" has almost doubled in the past 10 years, from 6.4 percent of households in 2002 to 11.4 percent in 2012, [according to the USDA's Food Environment Atlas](#).

Food insecurity is defined as "limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways," according to a [Journal of Nutrition definition cited by the USDA](#). Households with very low food security also doubled, from 2.1 percent in 2002 to 4.2 percent in 2012. Very low food security, previously defined as hunger, indicates "disrupted eating patterns and reduced food intake," [according to the USDA](#). Areas of the state also suffer from a lack of access to supermarkets; a [Food Trust study documenting supermarket access in Massachusetts](#) concluded that the state had 141 too few markets. Massachusetts Senator Michael Moore (D) points out that: "The existing food structure in Massachusetts leaves many communities without true access to healthy, affordable foods. Twenty percent of residents in Massachusetts lack adequate access to grocery stores, and these areas are heavily concentrated among lower-income communities. The serious health consequences can drive costs in our health care system."

In response to these food access challenges and efforts to expand local food production and food industry economic development to vulnerable communities in the state, in 2012 a diverse coalition began advocating and building awareness at the state level for funding and policies to support local food access and production in the state. One group, the Massachusetts Grocery Access Task Force, comprised of numerous stakeholders from health, agriculture, state and local government, [made a series of recommendations](#) to improve food access and security in the state. These recommendations were useful in helping rally a statewide coalition of groups led by the [Massachusetts Public Health Association](#), including more than 30 organizations ranging in focus and scale that work to address health equity, economic development and food justice issues, among others. The coalition worked to create a multi-pronged local foods program within the state, ultimately named the Massachusetts Food Trust Program. Representative Daniel Donahue (D) believes a large and diverse coalition was possible because the benefits are not limited to public health. He notes: “It is no coincidence that neighborhoods without access to healthy food are often economically disadvantaged. The businesses supported by the Food Trust Act provide good-paying jobs to people with varying levels of skills, education and language proficiency.”

Senator Moore points out that: “Elected officials partnered with the Massachusetts Public Health Association, the food and beverage industry, municipal representatives, local activists and experts to ensure the program would achieve all its intended benefits.” Conversations with state lawmakers bore fruit and, in 2014, the legislature enacted [HB 4375](#), creating the [Massachusetts Food Trust Program](#), which included a wide-ranging set of duties to increase healthy food access and strengthen community food systems. The program is tasked not only with providing funding and support for grocery retail, but also with expanding urban agriculture, farmers’ markets, food hubs and other food security efforts in the state. This multi-faceted approach has the potential to become one of the nation’s most robust state-led programs to simultaneously increase both food access and local food production.

Modeled on similar initiatives across the country, the Massachusetts Food Trust Program would provide loans, grants and technical assistance to support new and expanded healthy food retailers and enterprises in areas that most need them. Among others, this could include supermarkets, corner stores, farmers’ markets, mobile markets,



Senator Michael Moore



Representative Daniel Donahue

community kitchens, greenhouses and food distribution hubs that create jobs in low- or moderate-income communities. Representative Donahue says the package will “not only address food retail access but really take a comprehensive look at the different kinds of venues, production and distribution models available. The program is designed to provide loans, grants and technical assistance to support new or expanding food enterprises in our communities. That can include anything from supermarkets to farmers’ markets, mobile markets, local food processing facilities, greenhouses and food distribution hubs.”

At publication, the Food Trust Program has not been funded, and legislative action has now shifted to securing funding for the program’s initiatives. Total funding of \$500,000 a year for four years has been built into the capital plan, however, and is scheduled to be allocated starting in 2017. Lawmakers included \$2 million for the program in the FY 2014 Bond Bill. Lawmakers attempted to include \$2.5 million for the program in the FY 2016 budget. Although this request was not granted, the legislature included language that authorizes the Massachusetts Office of Business Development to expend funds on the program. Representative Donahue believes that “Legislators, community organizations, and private sector officials must continue to advocate to make this program a reality.”

One initiative mentioned in the program is funding for urban agriculture businesses. This would build on the 2013 establishment of an [Urban Agriculture Program](#) in the Massachusetts Department of Agricultural Resources (MDAR). This appears to be the first state office in the nation to focus on supporting urban agriculture. The program [granted a total of nearly \\$600,000](#) in each of fiscal years 2014 and 2015 to communities, nonprofits and universities to bolster urban farming efforts. The funded projects reflect a number of program priorities, including increasing urban food production, educating and building capacity for new

farmers, purchasing equipment and increasing access to food vendors for low-food-access areas.



The Worcester Mobile Market is setting up shop at 16 stops throughout the city to increase food access. Photo Credit: Regional Environmental Council of Central Massachusetts

A project in Worcester is a particularly good example of an urban agriculture grant that addresses the supply and demand aspects of the food system by increasing access for vulnerable populations and creating new vehicles to provide local food directly to institutions. The Regional Environmental Council of Worcester received a grant, which it is pairing with funding from the USDA and other entities, to enable its mobile farmers' market to purchase computer services that will allow the mobile market to process and track Electronic Benefits Transfers (EBT, which allows the transfer of government benefits to a retailer to pay for products) and SNAP (supplemental nutrition assistance program, formerly known as "food stamps") market sales. It also will enable local restaurants, grocery stores and other institutions to purchase from market farm vendors. Another \$500,000 has been made available in FY 2016 for urban agriculture grants.

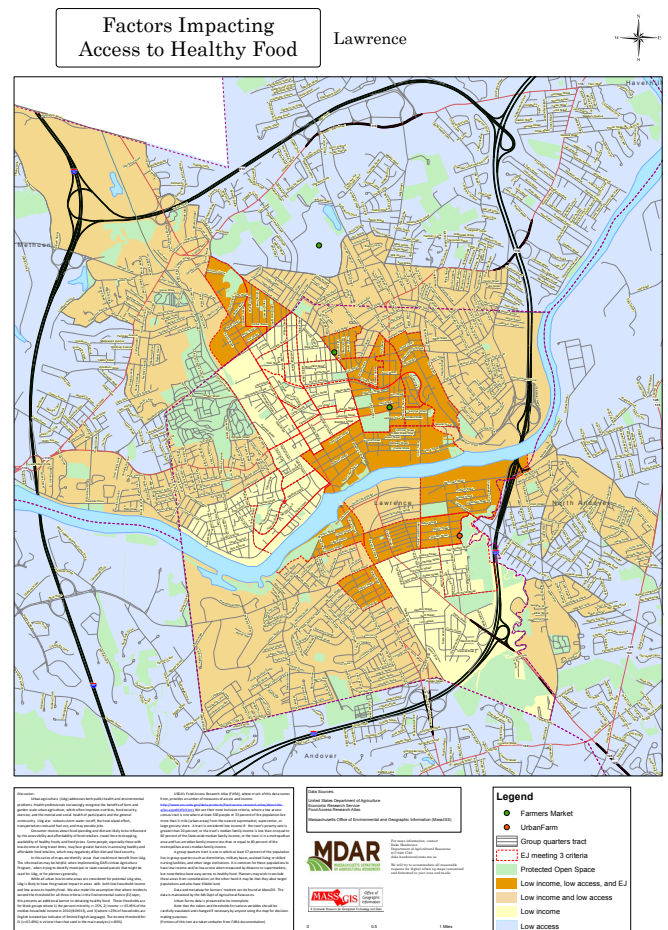
Other notable grants include development of a model composting system by the Suffolk County Conservation District that could be replicated in other cities, an aquaponics cooperative and training center in Salem, and installation of a hoop house and cold-frame structure at an environmental nonprofit in Lawrence. Tufts University and numerous community partners have developed a model small-scale urban farming curriculum and field training program for low-income Boston residents. This project is

using \$130,000 in matching funds from other organizations.

The Urban Agriculture program has also been mapping communities to gain a better sense of the communities that need and would benefit from urban agriculture, based on factors such as low access to fresh food, the number of low-income neighborhoods and the presence of existing urban farming operations and farmers' markets.

States Create Hubs of Food Activity

Another strategy included in the Massachusetts Food Trust Program is promoting and increasing the development, renovation and expansion of food hubs in the state. The USDA recently awarded four grants to Massachusetts food hubs and other similar facilities through its Local Food Promotion Program. Funds will be used to increase production capacity, build and operate a USDA-certified slaughtering and meat processing facility, develop an old hot dog factory into a multi-tenant food production small business center, and conduct a feasibility study to establish a food



hub. For the former Pearl hot dog factory, the state provided a \$1.5 million grant for the \$15 million project to pay for some of the infrastructure through the MassWorks program.

In addition to Massachusetts, at least five other state legislatures—Maryland, Michigan, New Mexico, New York and Ohio—have recently supported food hub development. The Maryland legislature recently awarded \$750,000 to the Baltimore Food Hub, which will redevelop historic properties on 3.5 acres of land into a facility that will include an urban farm, a farmers' market, kitchen and processing space for local food entrepreneurs, and other needs related to food businesses. This food hub was developed in response to a serious need, according to a 2015 policy brief prepared by the City of Baltimore. The brief states that “Thirty percent of school-aged children live in food deserts.”

Delegate Talmadge Branch (D), who represents the district where the food hub is located, is intimately familiar with the problems associated with lack of food access. “Many urban areas are faced with the concepts of food insecurity and food deserts. Food insecurity occurs when people lack resources to access enough safe and nutritious food to maintain a healthy lifestyle, and food deserts are the result of residents not having access to supermarkets. Therefore, regional food hubs are key mechanisms that will help to develop Baltimore’s food industry, which will, in turn, foster entrepreneurship and economic opportunity for businesses and provide healthier food options for Baltimore’s residents.”



Delegate
Talmadge Branch

The funding awarded by the Maryland legislature comes with the requirement that the Baltimore Food Hub submit a report detailing how it will coordinate with the Department of Housing and Community Development food desert initiative, the Maryland Food Center Authority and other Maryland food hubs. Delegate Branch believes the food hub will “be transformative for the city.” He also notes that it will “create between 100-200 culinary jobs and more opportunities for retail distribution and was developed with support from private, federal and state government funding.”



A rendering of the future Baltimore Food Hub. Photo Credit: Ziger/Snead Architects

In Ohio, the Hattie Larlham North East Ohio food hub will be part of a [work training program for adults with developmental disabilities](#). Participants will learn skills ranging from how to grow the food to cooking and canning it. A \$200,000 grant from the Michigan Legislature via the Department of Agriculture and Rural Development will enable a food bank in Flint not only to accept fresh produce it previously had to turn away, but also to cook donated food and offer [job training skills in food production](#).

State legislatures seem to be increasingly acknowledging food hubs’ ability to help communities with food security issues, while providing job training, employment and economic development opportunities.

Trends in 2012 to 2014 Legislation

Food, including locally produced agricultural products, can pass through various channels before it reaches the dinner table. Some states—Connecticut, Maine and New Hampshire—enacted legislation with a statewide and system-wide approach. New Hampshire’s Granite State Farm to Plate Program laid the foundation for state policy for agencies and local governments to support or continue to support local farming and fishing activities. Connecticut established a task force to encourage the purchase of local products that “have traceable points of origin in the state.” Maine clarified state policies to be supported and implemented by the recently merged Department of Agriculture, Conservation and Forestry.

California continues to make strides in supporting and developing local food infrastructure and food access for all residents. Building upon the California Healthy Food Fi-

nancing Initiative, the state passed AB 2413 in 2014, which established the [Office of Farm to Fork \(OFF\)](#) within the Department of Food and Agriculture (DFA). Its purpose is to address food access in both urban and rural communities that may be underserved. The California Healthy Food Financing Initiative and Assembly Bill 581 in 2011 paved the way for the OFF and contributed to recommendations released in 2012. The Department of Education and Department of Public Health collaborated with the DFA to form the OFF. A mixture of federal, state and industry money funds the office through the newly established Farm to Fork Account.

Procurement continues to be a trend in state policymaking. The [New York Legislature recognized](#) the impact of procurement on the state economy and directed the appropriate state agencies to provide a training program for small food and farm businesses. The program aims to help these businesses navigate the procurement process and understand what goods may be in demand.

Six states—Maryland, Massachusetts, Michigan, New Mexico, New York and Ohio—took legislative action to support food hubs, primarily through appropriations. Ohio appropriated funds to create the Hattie Larlham North East Ohio Food Hub and Workforce Development Center. To release state funding, the Ohio State University Board of Trustees entered a 20-year joint use agreement with the nonprofit organization [Hattie Larlham](#). This nonprofit provides a variety of services to children and adults with developmental disabilities. The Maryland legislature appropriated funds to food hubs and requires a report on hub coordination.

California

[CA A 2413](#) (2014) Creates the Office of Farm to Fork to work with the agricultural industry and other organizations involved in promoting food access to increase the amount of agricultural products available to underserved communities and schools in the state. It requires the office to identify urban and rural communities that lack access to healthy food and creates the Farm to Fork Account in the Department of Food and Agriculture Fund.

Connecticut

[CT H 5326](#) (2012) Establishes a task force to investigate methods and incentives to encourage consumer purchases of food products grown or made in Connecticut.

[CT S 804](#) (2014) Adds beef, pork, lamb and farm-raised fish produced or grown in Connecticut to the list of products to which the administrative services commissioner must give preference if their cost is comparable to those produced or grown out of state when purchasing or contracting for such products.

Hawaii

[HI HR 73/SR 71](#) (2012) Requests the Department of Agriculture to implement an incentive program to promote purchase by consumers and institutions of Hawaii-grown agricultural commodities.

[HI S 327](#) (2013) Establishes a policy to promote increased purchasing and use of locally grown food by residents, businesses and governmental bodies.

Indiana

[IN H 1312](#) (2012) Establishes an interim study committee to study obstacles to local food production and make recommendations for actions to encourage production of locally grown food.

[IN H 1039](#) (2014) Establishes the Indiana Grown Initiative to market and promote agricultural products produced in the state. It also establishes the Indiana Grown Commission. The law authorizes the Department of Agriculture (ISDA) to develop, administer, market and promote the program. It also allows the ISDA to establish fees for participation and to adopt rules concerning the program. It requires the Indiana Grown Commission to provide comment and policy feedback on the program to the ISDA. The law allows the commission to provide technical assistance and industry knowledge for the program. It also creates the Indiana Grown Initiative Fund.

Maine

[ME LD 837](#) (2013) Creates state policies to encourage production, processing, sale and consumption of local foods; to encourage small-scale farming and food production; to improve the health and well-being of state residents by increasing access to healthy foods; to promote self-reliance and personal responsibility; and to enhance rural economic development.

Maryland

[MD S 171 / H 161](#) (2014) Appropriates funds for the Baltimore Food Hub. It provides a \$750,000 grant to the Board

of Directors of the American Communities, Trust Inc. to purchase, design and construct a food hub facility in Baltimore in FY 2015.

MD S 170 (2014) Appropriates funds to the Department of Agriculture. It requires a report from the Southern Maryland Agricultural Development Commission with the Department of Housing and Community Development (DHCD) before distributing \$100,000 of the appropriated funds. The report must address how the Regional Food Hub in southern Maryland will be coordinated with the DHCD food desert initiative, the Maryland Food Center Authority, and other Maryland food hubs such as the Baltimore Food Hub and the Eastern Shore Food Hub.

Massachusetts

MA H 4375 (2014) Establishes the Massachusetts Food Trust Program to provide financing opportunities for increasing access to healthy food options. Although no funds were allocated to this program, when it is funded it would support a number of activities, including development, renovation and expansion of supermarkets, farmers' markets, food hubs and urban agriculture. It requires cooperation with the Massachusetts Food Policy Council to promote and develop farmers' market programs in targeted communities. It also requires that an impact statement be submitted in order for an activity to be eligible for financial assistance. The law did appropriate funding for related activities, including \$2 million to support food ventures, such as farmers' markets and infrastructure for community-supported agricultural businesses, primarily in low- and moderate-income communities. It also appropriated \$8 million to promote urban agriculture.

Michigan

MI H 5313 (2014) Appropriates funds for the Department of Agriculture and Rural Development. As part of the department's rural development value-added grant program, \$200,000 is awarded to the Eastern Michigan food bank to be used to complete a new food hub facility. The grant program promotes expansion of value-added agricultural production, processing and access within the state.

New Hampshire

NH S 141 (2014) Establishes the Granite State farm to plate food policy and principles and declares it is state policy to support local food producers, farmers and fisheries. The law lists the farm to plate principles.

New Mexico

NM H 55 (2014) Appropriates funds for food hub development.

New York

NY S 627 (2012) Finances construction, reconstruction, improvement, expansion or rehabilitation of wholesale regional farmers' markets or food hubs that promote farm products grown in New York.

NY S 2438 (2013) Adds a requirement for the Department of Agriculture and Markets to cooperate with the Department of Health to implement the childhood obesity prevention program to encourage production and consumption of fresh, locally produced fruits and vegetables by elementary and secondary school children. The law also requires the department cooperate with other agencies to encourage expansion of community gardens and encourages the department to develop direct marketing programs for fresh fruits and vegetables in areas with a high incidence of childhood obesity.

NY S 5552 (2014) Provides for procurement training programs in each region of the state for small food and farm businesses that sell New York food products. The law allows the Department of Economic Development and the Office of General Services to help with the training.

Ohio

OH H 497 (2014) Allocates \$250,000 to create the Hattie Larlham North East Ohio Food Hub and Workforce Development Center. Ohio State University entered a joint-use agreement with the nonprofit Hattie Larlham organization, which works with people with developmental disabilities.

Rhode Island

RI H 7701/ S 2611 (2012) Directs the Department of Environmental Management to establish the local agriculture and seafood small grants and technical assistance program to promote the sale of Rhode Island seafood and farm products.

States Abuzz About Pollinators

Pollinators are vital to ecological health and stability, the food system and the national economy. They contribute more than [\\$24 billion to the U.S. economy](#), \$15 billion of which comes from honeybees alone. Many plants, including key fruit and vegetable crops, depend on pollinating animals such as ants, honeybees, native bees, birds, bats, butterflies, lizards, and numerous other insects. Two-thirds of crops used for food production and most wild plants depend upon these pollinators. In American diets, roughly [one mouthful in three](#) directly or indirectly benefits from honeybee production. The presence of a healthy pollinator population is essential to ensure the long-term sustainability of local agriculture.

Because of this dependence on pollinators, their health is an important and growing concern among state legislatures. In recent years, at least 21 states have enacted pollinator legislation. This legislation generally falls into one of five categories: researching pollinators' decline and strategies to improve pollinator health; evaluating pesticides' effects on pollinators (including a class of pesticides, neonicotinoids); protecting productive pollinator habitat; increasing awareness and public education; and supporting the beekeeping industry.

Several states have enacted legislation aimed at protecting pollinators. Oregon, for example, created the [Task Force on Pollinator Health](#) in 2014 (HB 4139) to examine regulations, education programs and data collection methods of other states and countries, as well as best management practices for application of potentially harmful pesticides. In 2014, California (AB 1789) and Vermont (HB 869) enacted legislation requiring state agencies to evaluate the effects of neonicotinoids, a widely used insecticide, on both human and pollinator health. Minnesota also took action in 2014 by prohibiting labeling of nursery plants as beneficial to pollinators if the plants were treated with insecticides (HB 2798), while Kentucky and Minnesota enacted legislation aimed at preserving areas suitable for the survival and reproduction of honeybees and other pollinating insects.

The federal government also has taken steps in recent years to promote the health of honeybees and other pollinators. In June 2014, the Obama administration issued a [memorandum](#) establishing a Pollinator Health Task Force, co-chaired by the USDA and the U.S. Environmental Protection Agency (EPA). The task force was charged with developing a national pollinator strategy, and in May 2015, the [strategy](#) was released. The strategy has three main goals: reduce honeybee colony losses to economically sustainable levels; increase Monarch butterfly numbers to protect the annual migration; and restore or enhance millions of acres of land for pollinators through combined public and private action. In addition to the national strategy, the EPA has proposed a [plan](#) to restrict use of highly toxic pesticides when crops are in bloom and bees are present.



Farm-to-School Programs

Farm-to-school programs seek to bring local, healthy food to students by connecting local agricultural producers with schools and by incorporating information about how food is grown into school curricula. The first [U.S. Department of Agriculture Farm to School Census](#) found that more than 40,000 schools and 23.5 million students across the country benefitted from farm-to-school activities during the 2011-2012 school year; kindergarten through fifth grade classes were most likely to participate. This represents a 430 percent increase since 2006 in the number of schools with such programs, according to the census. The second national Farm to School Census will be completed by fall 2015, and results will be posted on the [USDA Farm to School website](#). Farm-to-school programs are popular with the public. A recent [school food poll by the W.K. Kellogg Foundation](#) found that 88 percent of people surveyed supported increased funding for farm-to-school programs.

The census was established along with other USDA farm-to-school activities as part of the 2010 federal [Healthy, Hunger-Free Kids Act](#), which included creation of a grant program to state and local agencies, schools, farmers, tribal organizations and other entities to provide “grants and technical assistance to implement farm-to-school programs that improve access to local foods in eligible schools.” In the first three years of the program (fiscal years 2013 to 2015), the [USDA provided \\$15.1 million in funding](#) for 221 projects in 49 states, the District of Columbia and the U.S. Virgin Islands.

Benefits of Farm-to-School Programs

When deciding whether to implement a farm-to-school program, factors to be considered include the school kitchen’s condition and available equipment for preparing meals; staff expertise and training to procure and prepare products; and seasonality and whether fresh, local food can be purchased and/or stored during the school year. Schools typically rely on school meals to pay for themselves, and many farm-to-school programs have increased participation in and revenue from school meal programs, including



*Students plant seeds in their school garden in Greeley, Colorado.
Photo Credit: Greeley-Evans Weld County School District 6 Nutrition Services.*

programs in [California](#) and Rhode Island. School food service directors often cite food cost as a concern when they consider purchasing local food for their cafeterias. [A study of 10 California farm-to-school programs](#) found no significant cost difference between cooking from scratch using fresh, whole foods as opposed to using prepared food, in part because labor costs were higher, but food costs were less. [A meta-analysis of farm-to-school research](#) notes a number of positive effects in students’ diets, including seven studies indicating increases of between 25 percent to 84 percent in fruit and vegetable consumption at schools that offer farm-to-school salad bars. Several studies also showed that experiential learning such as trips to farms and in-class instruction about agriculture, in tandem with a farm-to-school program, increased students’ knowledge about food, plants, dietary guidelines and healthy food choices.

Research also indicates agriculture producers benefit, since farm-to-school programs provide new markets in which to sell their products. According to the Farm to School Census, nearly \$386 million in food was sold by local producers to schools nationwide in the 2011-2012 school year. While farm to school includes all foods from beef to seafood to grains and more, fruits and vegetables top the list of items purchased. Farm-to-school programs led to an average 5 percent increase in sales for local farmers.

The National Farm to School Network is an excellent resource on all aspects of farm-to-school, including a [fact sheet highlighting research on the benefits of farm-to-school](#).

States and state legislatures have played a significant role in the growth of farm-to-school programs. At least 39 states and the District of Columbia have some type of policy to support farm-to-school programs. Common strategies include supporting farm-to-school programs through funding or appropriations, changing procurement processes to ease purchase of local foods, creating connections and resources to link schools and producers via websites and networking, establishing a state agency staff person who specifically works on farm-to-school activities, and several other approaches that aim to strengthen the relationship between agricultural producers and school systems and to foster farm-to-school activities. For further reading about how states can support and influence farm-to-school activities, see the National Farm to School Network's latest version of its [State Farm to School Legislative Survey](#), which summarizes every farm-to-school-related bill between 2002 and 2014.

Bringing Farmers and School Food Service Directors Together in Mississippi

Mississippi has a strong agricultural heritage and has worked on farm-to-school issues at the state level for a number of years. However, community advocates and the Legislature still felt there was a need for further coordination among various farm-to-school stakeholders. This led to creation of the Interagency Farm to School Council via HB 718, passed by the Mississippi Legislature in 2013. The law sought to build on significant existing efforts in Mississippi to link farmers with schools by promoting discussion and cooperation among government, private and nonprofit groups that were working on farm-to-school issues in the state. Paige Manning of the Mississippi Department of Agriculture and staff for the Interagency Council, felt the council's "Open lines of communication led to better understanding of risks and needs among farmers and school food service directors." One example mentioned by several stakeholders was the state's Market Ready Training Program, which helped Mississippi farmers market and

build commercial relationships with food service directors in schools. Four Market Ready trainings were provided throughout the term of the council and have continued to be offered by the state, although the council ended in summer 2015. Manning noted that the trainings always attract both farmers and school food service directors.



*The Mississippi Farm to School Interagency Council visiting the Holmes County food hub that supplies produce to Mississippi schools.
Photo Credit: Paige Manning, Mississippi Department of Agriculture.*

Manning mentioned that this program educated farmers about what they need to do to sell to schools—and vice versa for food directors—such as using flexibility created by federal legislation to purchase local foods. Priscilla Ammerman of the Mississippi Department of Education noted that the 2008 Farm Bill created a provision that allows for a geographic preference of locally grown, minimally processed agricultural products. School districts may offer local growers a geographic preference, and the amount and the definition of local are determined by purchasers. Ammerman said: "We have conducted training throughout the state on how to incorporate local food into their programs. We see more schools moving toward incorporating locally grown products into their programs."

Additional results of Market Ready training included expanding awareness among schools and farmers to use [Market Maker](#), an online database that helps farmers link with schools, institutions and private businesses. Another result was a procurement template created by the Mississippi Department of Education to address child nutrition directors'

concerns about purchasing local foods. The template was used during the regional Market Ready procurement trainings and at a summer conference for school food service directors.

Mississippi's Statewide Purchasing Cooperative and the U.S. Department of Defense Fresh Fruit and Vegetable Program (DoD Fresh) gave the state a strong base of farm-to-school knowledge and support. The cooperative is operated by the state Department of Education, and DoD Fresh is operated by the DoD, with assistance from the state Department of Agriculture. Ammerman believes the DoD Fresh program was strengthened by the council because it helped bring new farmers on board through the Market Ready trainings. Many schools participate in DoD Fresh but also purchase directly from farmers. Many farmers can produce enough for one school, but are not large enough to meet DoD's needs, thus providing farmers with a variety of ways to sell their products to schools. Ammerman highlighted that "Virtually every school district in Mississippi receives locally grown products through the DOD Fresh program." The Market Ready trainings and other council-led efforts have helped lead to an impressive increase in local food sold via DoD Fresh to schools in the state. For example, according to a [report to the Legislature by the Interagency Farm to School Council](#), schools ordered 32,927 cases of Mississippi product totaling slightly more than \$1 million during the 2014-2015 school year, compared to 7,711 cases totaling \$238,626 during the 2013-2014 school year—a 334 percent increase.

One other initiative of note within the Mississippi Department of Agriculture was creation of a mini-grant school garden program, Growing Your Lunch. Through this program, schools could apply for mini-grants to start, maintain or expand a school garden. The interest and response were overwhelming. Twenty-seven schools were initially funded by the program, with a waiting list of schools for the next funding round. Manning said this program helped schools incorporate local food into their curriculums, allowing students to learn hands-on agriculture skills, develop healthy eating habits and gain a better sense of where their food comes from.

Manning believes that, overall, the council helped build knowledge and relationships among the agencies and farm-to-school stakeholders. "There is a lot of interest in farm-to-school among both nongovernmental and state

agencies, and many of them have different reasons for supporting farm-to-school, whether it be educational, health, strengthening the agricultural industry and so forth."

Trends in 2012 to 2014 Legislation

States continued to enact various legislative approaches to support farm-to-school programs, including creating statewide programs and task forces, appropriating funding or creating grant programs and encouraging school gardens, among other strategies. While the scope of this section included larger farm-to-institution strategies, all the enacted bills from 2012 to 2014 focused on farm-to-school for K-12 schools.

Statewide Programs

Missouri, South Carolina and West Virginia created new statewide farm-to-school programs or directives during this span. In Missouri, two laws created a state farm-to-school program within the Department of Agriculture, with additional staff cooperation and support from the departments of Health and Senior Services and Elementary and Secondary Education. The laws also authorized grant awards to small businesses and agricultural producers that purchase and/or process locally grown agricultural products and primarily market to schools. Missouri recently awarded three farm-to-school grants to a dairy producer, a university and a hydroponic farmer to increase their ability to produce or purchase local foods. Missouri Agriculture Director Richard Fordyce said, "The intent of the legislation was to offer incentives not only to the growers themselves, but also to distributors and those who currently have a relationship with school food service personnel."

In West Virginia, the Legislature directed the Department of Education and county boards of education to form or expand partnerships with the state departments of Agriculture and Health and Human Resources and other stakeholders—such as local master gardeners and county extension agents—to develop farm-to-school programs. South Carolina created a program within the state Department of Agriculture and required [creation of a website](#) that includes resources for farmers, schools and grant-seekers.

School and Community Gardens

Five states—Nevada, New Jersey, New York, Oregon and West Virginia—passed laws between 2012 and 2014 that addressed or supported school or community gardens in some manner. Nationwide, 31 percent of schools with farm-to-school activities reported having school gardens

where students can eat the food they grow, according to the USDA census. New Jersey's law, for example, affirms that a school district can serve students produce from a community garden, so long as the soil and water sources have been tested for contaminants and the produce has been handled, stored, transported and prepared in accordance with relevant laws and requirements.

Councils/Task Forces

Colorado and Mississippi created or extended their farm-to-school councils. Mississippi's focused on state interagency cooperation, while Colorado's council added a charge to explore development of a statewide system to track farm-to-school activities. Missouri also created a farm-to-school task force as part of its legislation.

Alabama

[AL H 670](#) (2012) Establishes the Farm-to-School Procurement Program. The law requires the state Department of Education to investigate potential procurement procedures and tools for schools and to educate food service directors about farm-to-school initiatives. It requires the Department of Agriculture and Industries to provide a person responsible for encouraging farm-to-school initiatives. It also allows local boards of education to purchase fresh, unprocessed products from local farmers without competitive bidding.

Alaska

[AK S 160](#) (2012) Establishes and appropriates \$3 million to fund the Nutritional Alaskan Foods for Schools pilot program for FY 2013.

[AK S 18](#) (2013) Appropriates \$3 million to fund the Nutritional Alaskan Foods for Schools program for FY 2014.

[AK S 119](#) (2014) Appropriates \$3 million to fund Nutritional Alaskan Foods for Schools program for FY 2015.

California

[CA A 2367](#) (2012) Permits schools to sell produce grown in a school garden, regardless of whether the school participates in the Instructional School Gardens Program, so long as the school complies with health and safety regulations.

Colorado

[CO S 153](#) (2013) Authorizes the Interagency Farm-to-School Coordination Task Force to continue indefinitely.

Adds two members to the task force, increasing the membership from 13 to 15, and permits ex-officio members to be added. It expands the focus of the task force to explore statewide data collection systems to track farm-to-school activities. A report was required by Feb. 1, 2015, and must be made every two years thereafter.

Iowa

[IA SF 396](#) (2013) Repeals the Farm-to-School Council and makes the Department of Agriculture and Land Stewardship and the Department of Education responsible for farm-to-school programs.

Louisiana

[LA SCR 94](#) (2014) Requests the Department of Agriculture and Forestry and the Department of Education to implement a Farm-to-School Program and to help schools with local procurement options for fresh fruit, vegetables, meats and seafood.

[LA H 825](#) (2014) Creates the State Master Gardener special prestige license plate. Revenue from plate fees must be used to develop and enhance community programs related to horticulture, community and school garden programs, and public horticultural events.

Maine

[ME H 460](#) (2013) Encourages teaching agricultural studies in elementary and secondary schools, including the importance of knowing where food comes from, the ecology of growing food and the importance of healthy eating.

Mississippi

[MS H 718](#) (2013) Creates the Interagency Farm to School Council to identify models and methods of promoting farm-to-school programs in the state in order to improve the availability of healthy, fresh foods in schools and promote the economic development of Mississippi farmers and producers. The council is to facilitate creation and growth of farm-to-school programs by studying, recommending and administering best practices for the programs.

Missouri

[MO S 701](#) and [MO S 672](#) (2014) Creates the Farm-to-School Program within the Department of Agriculture to provide schools with locally grown agricultural products for school meals and snacks and to strengthen local farming economies. Requires the Department of Agriculture

to designate an employee to administer and monitor the program. Duties include establishing and maintaining a website database to allow farmers and schools to connect; providing leadership to encourage schools to procure and use locally grown agricultural products; conducting workshops and training sessions and providing technical assistance to stakeholders regarding the program; and seeking grants, private donations or other funding sources to support the program. Permits the state's Agricultural and Small Business Development Authority to make grants, loans or loan guarantees to Missouri businesses for accessing and processing locally grown agricultural products for use in schools. Created a Farm-to-School Task Force, which is to include representatives from several agencies, food service directors and small agribusinesses. The task force must provide recommendations for expanding the accessibility of locally grown agricultural products for schools. Requires the task force to identify standardized language for food service contracts. The task force is to prepare a report with findings and recommendations and submit it by Dec. 31, 2015, to the governor, the General Assembly and the director of each agency on the task force.

Montana

[MT H 4](#) (2013) Authorizes continuing appropriations for rural farm-to-school programs in 2014.

Nevada

[NV A 337](#) (2013) Strongly encourages each school to establish and participate in a farm-to-school program and a school garden program to promote consumption of fresh fruits and vegetables by children.

New Jersey

[NJ A 3019](#) (2012) Authorizes public schools to serve to students produce grown in community gardens that meet certain requirements, including using soil and water that have been tested for contaminants.

[NJ A 2641](#) (2014) Allows voluntary contributions by taxpayers on gross income tax returns to support farm-to-school and school garden programs.

[NJ A 156](#) (2014) Requires the Department of Agriculture to post a hyperlink on its website that provides direct access to the New Jersey Farm-to-School website and requires that a copy of any written agreement for purchase of fresh foods to school children that has been entered into and success-

fully implemented in the state be posted on the Farm-to-School website.

[NJ A 2642](#) (2014) Allows contributions to the New Jersey Farm-to-School program.

[NJ A 2643](#) (2014) Establishes the Best in New Jersey Farm-to-School Awards Program to annually recognize the best farm-to-school programs implemented by a school or school district.

New Mexico

[NM H 2](#) (2013) Appropriates \$100,000 "to distribute to school districts and charter schools for the purchase of New Mexico grown fresh fruits and vegetables for school meal programs."

[NM S 313](#) (2014) Appropriates funds for New Mexico Grown Fresh Fruits and Vegetables for School Meals.

New York

[NY S 2438](#) (2013) Adds a requirement that the Department of Agriculture and Markets cooperate with the Department of Health in implementing the childhood obesity prevention program to encourage production and consumption of fresh, locally produced fruits and vegetables by elementary and secondary school children. The law also requires the department to cooperate with other agencies to encourage expansion of community gardens. In addition, it encourages the department to develop direct marketing programs for fresh fruits and vegetables in areas that have a high incidence of childhood obesity.

Oregon

[OR H 2649](#) (2013) Allows the Department of Education to have limited discretion in determining percentages of grant money to be awarded to purchase Oregon food products, and allows the department to award a grant to a school district that can show it has a program to purchase Oregon food products and a program to provide food-based, agriculture-based or garden-based educational activities.

Rhode Island

[RI S 513/RI H 6291](#) (2013) Expands one of the requirements of the Health and Wellness Subcommittee to promote purchasing and serving locally grown fruits, vegetables and dairy products in Rhode Island school districts.

South Carolina

SC S 191 (2013) Creates a program within the Department of Agriculture to foster relationships between farms, school districts and other institutions to provide fresh and minimally processed food for students. The program has a number of tasks, including 1) identifying and promoting local farms to food service programs and offering them information to implement the program; 2) establishing a partnership with public and nonprofit resources to implement a public engagement campaign and facilitate communication between school districts, institutions, farmers and produce distributors; 3) encouraging food service personnel to develop and implement school nutrition plans using locally grown farm fresh products; and 4) offering assistance and outreach to school districts that choose to participate in the voluntary program. The law permits the

Department of Agriculture to seek grants and private funding for the program.

West Virginia

WV S 663 (2013) Creates the Feed to Achieve Act to improve the nutrition and health of the state's children. The law requires establishment of a fund that can be used to provide food to students through a number of programs, including the farm-to-school initiative and community gardens. The law also requires the Department of Education and county boards of education to form or expand partnerships with various state and federal departments, as well as with experts in the field of agriculture or gardening, to develop community gardens, farm-to-school programs and other programs that teach students how to grow and produce healthy food.

Farmers' Markets

During the past two decades, farmers' markets have gone from a rare sight to a fixture in communities large and small across the nation. A farmers' market is [defined by the U.S. Department of Agriculture](#) as “a multi-stall market at which farmer-producers sell agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables...”

The USDA maintains the [Farmers Market Directory](#) that tracks markets where two or more vendors sell agricultural products. The story it tells is one of remarkable growth during the past two decades. In 1994, only 1,755 farmers' markets existed in the United States; as of June 2015, the directory includes 8,394. The number of markets in each state ranges from 33 in Alaska to 760 in California. Some states— including Connecticut, Kansas and New York— have developed Web pages similar to the USDA page. The [Kansas Web page](#) allows farmers' markets to register and provides resources about them. These resources include information about [starting a farmers' market](#) in the state and [food and safety regulations](#) for vendors.

Policymakers, public health groups and community advocates have identified farmers' markets as a vehicle to increase access to healthy food for low-income populations, particularly those on public assistance. As of June 2015, [more than 45.5 million people](#) in the United States received Supplemental Nutrition Assistance Programs (SNAP) benefits, formerly known as food stamps. A number of potential barriers to SNAP use at farmers' markets have been identified, including market size, market location and vendor perceptions, among others. The [Farmers' Market Coalition](#) is [concerned about the cost barriers](#) electronic benefits transfer (EBT) equipment and services can present and about the USDA requirement that some organizations have multiple costly machines.

Many states have proactively increased SNAP access at farmers' markets; since 2008, legislatures in 10 states— California, Illinois, Indiana, Louisiana, Massachusetts, Nebraska, North Carolina, Oklahoma, Vermont and Washington— and the District of Columbia have enacted legislation to support increased access to farmers' markets for SNAP

recipients. Of the markets included in the USDA directory, 1,738 report they accept SNAP benefit payment; this number represents less than 25 percent of the total number of farmers' markets in the country. According to the Farmers' Market Coalition, in 2014 only [.027 percent of SNAP benefits](#) spent were used at farmers' markets; according to the Department of Agriculture, that number represented [\\$18.8 million in SNAP benefits](#). However, SNAP expenditures at farmers' markets [rose 400 percent](#) between 2008 and 2012 according to the USDA.

The Illinois General Assembly created a Farmers' Market Technology Improvement Program in 2010 to expand the capabilities of markets to accept benefit cards. Its goals were to use money from a federal grant to purchase or rent



With more than 20 local farmers and vendors, the 61st Street Farmers' Market in Chicago has offered fresh fruit, vegetables, meats and other culinary favorites to the diverse Woodlawn neighborhood since 2008. Photo credit: Connie Spreen

equipment; pay activation and wireless access fees; and educate benefit recipients about markets through flyers, TV advertising and cooking classes. The Illinois departments of Agriculture and Human Services worked with the state farmers' market association on this effort, and 51 markets now accept benefit cards, up from just 15 in 2009.

In Connecticut, a state program administered by the Department of Agriculture and partially funded through the USDA [enables farmers](#) to obtain the necessary materials to accept SNAP and credit and debit cards, including an iPhone or iPad equipped with a card reader and software for SNAP transactions. A three-year contract for use of these materials costs \$340 through a nonprofit organization that operates the program.

The federal government also has provided significant support to increase access to farmers' markets. For example, the USDA announced on March 31, 2015, that it had [awarded](#) \$31.5 million in grants through the Food Insecurity Nutrition Incentive (FINI) program for organizations to support SNAP participants' purchases of healthy foods at various outlets, including farmers' markets. A grantee in Hawaii will use the funds to match each \$1 a SNAP recipient spends on fruit and vegetables with coupons in the same amount to purchase additional fruits and vegetables. The coupons can be used to purchase from a grower at a farmers' market and at other retail venues.

A [study based on New York City's use of a similar program](#) that offers a \$2 coupon for every \$5 in SNAP benefits spent found that markets offering the extra value for the benefits saw higher daily EBT sales than markets that did not offer the incentive. A [2013 study](#) evaluating the Farmers Market Fresh Fund Incentive Program in San Diego found that "the proportion [of participants] who reported their diet to be "healthy" or "very healthy" increased from 4% to 63%," and the vast majority of respondents indicated that the incentive program was 'important' or 'very important' in their decision to shop at the farmers market." A [similar program in Philadelphia](#) was associated with an increase in fruit and vegetable consumption. (See the case study on New Mexico's Double Up Bucks Program on page 18 for more information about a state program of this type.)

Private organizations also are making a difference. [Whole-some Wave](#), an organization dedicated to providing access to affordable and healthy food, created the [Double Value](#)

[Coupon Program](#) that operates at farmers' markets across the country. The program matches the amount of federal nutrition benefits spent at participating farmers' markets in 31 states and the District of Columbia.

The USDA also administers the [Farmers Market Promotion Program](#), which provides grants for entities that include agricultural businesses and co-ops, community-supported agriculture networks and associations, local governments and nonprofit corporations, among others. The goals of the grants include increasing consumption of and access to local foods and developing "new market opportunities for farm and ranch operations serving local markets by ... assisting in the development, improvement, and expansion of domestic farmers markets..." Awards by the program range from a minimum of \$15,000 to a maximum of \$100,000.

In a [report to Congress](#) on the trends in local and regional food systems, the USDA indicated that "[t]he number of farms with DTC [direct-to-consumer, such as farmers' markets] sales increased by 17 percent and sales increased by 32 percent between 2002 and 2007; however, between 2007 and 2012 the number of farms with DTC sales increased 5.5 percent, with no change in DTC sales." The report stated that the change may be attributed to a plateau in consumer interest or to an increase in the sale of local foods through grocery stores and other institutions.

Benefits of Farmers' Markets

Farmers' markets provide a range of benefits for the consumer, the seller and the local economy. Some research indicates that farmers' markets increase consumption of fruits and vegetables, but more study is needed on the issue. In a [12-week study in 2011](#), researchers found that placing farm stands outside local community sites in low-income communities one day per week resulted in increased consumption of "fruit, fruit juice, tomatoes, green salad, and other vegetables." Prior to the study, individuals involved consumed 3.98 servings of fruits and vegetables per day. Upon completion of the study, however, this number increased to 4.41 servings per day. In addition, a [price comparison study indicated](#) that farmers' market prices are comparable to other outlets, and prices for organic produce often are lower.

[Farmers' markets](#) "can be a place for knowledge exchange between individuals and farmers, and a feasible location

for health promotion strategies such as cooking demonstrations and taste testing.” In addition, most offerings at farmers’ markets are in-season local or organic fresh foods, although a study of farmers’ markets in the Bronx found that **nearly 33 percent of products** available were refined or processed products, such as baked goods.



A vendor with peaches and other fruits at the Espanola Farmers’ Market in New Mexico. Photo credit: Denise Miller, New Mexico Farmers’ Marketing Association.

Shopping at farmers’ markets supports both local farmers and the local economy. The above-mentioned USDA **report to Congress** found farms that sold foods using direct marketing channels such as farmers’ markets “were more likely to remain in business over 2007-12 than all farms not using [these] channels, according to census of agriculture data.” Growers selling locally create 13 full-time farm operator jobs per \$1 million in revenue earned. Those that do not sell locally create only three, **according to one study**.

In addition, farmers who participate in markets that provide SNAP incentives often report increased produce sales, increased profits and **more customers**. A **study in Arizona** found an increase in sales at four out of five markets when EBT terminals were made available. At three of these markets, the increased sales offset the costs associated with the technology. This is not always the case, however. A **study in King County, Washington**, found that, without subsidies, the cost of fees and equipment was too high to support continued use.

In one study of 349 farmers’ markets, SNAP incentive programs were **estimated to generate** between \$2.1 million and \$4.3 million in total economic activity at those markets and to save or create between 23 and 47 jobs.

Creating a Healthier New Mexico through Farmers’ Markets

New Mexico has a vibrant farmers’ market landscape. Between 1995 and 2015, the number of farmers’ markets in the state has increased by 97 percent, from 39 to 77. Now, about 1,000 farmers participate in farmers’ markets in the state. Most markets have 20 to 30 growers, although some are even smaller. Large urban markets also exist in such cities as Santa Fe, Albuquerque and Las Cruces. During the last few years, gross sales at these markets have totaled approximately \$9 million annually.

According to Denise Miller, executive director of the **New Mexico Farmers’ Marketing Association**, the state Legislature has supported farmers’ markets for many years. Since 1995, the state has annually appropriated a small amount of money to the Department of Agriculture that is used to pay for a professional services contract with the Farmers’ Marketing Association. New Mexico House Speaker Don Tripp (R) believes this is one of the most important ways the state can support these markets. The funding allocated by the Legislature can be used for advertising and other necessary expenditures.

When asked how farmers’ markets benefit New Mexicans, Speaker Tripp said that the markets “encourage people to eat more vegetables in their diets, which, in turn, makes for a healthier society.” In addition, state Representative



*House Speaker
Don Tripp*



*Representative
Larry Larrañaga*

Larry Larrañaga (R) said that farmers’ markets allow and encourage farmers to grow and sell their products to local residents, which is a great benefit for both residents and farmers. Speaker Tripp emphasized that farmers’ markets also provide benefits to small towns by strengthening healthy food options and promoting economic development.

Although this report does not include 2015 legislation, some notable news came from the 2015 legislative session in New Mexico. The state enacted the **Double Up Food Bucks** program in the annual budget, providing a \$400,000 appropriation. The program provides financial incentives for people to buy fresh and healthy foods by doubling the value of federal nutrition assistance used at participating

locations. New Mexico is the first state in the nation to allocate funds for such a statewide program. While California and Missouri have enacted similar legislation, they have not funded the efforts to date.



A grandmother makes a purchase at the Espanola Farmers' Market in New Mexico. Photo credit: Denise Miller, New Mexico Farmers' Marketing Association.

The New Mexico Farmers' Marketing Association also received a \$99,999 grant from the USDA Food Insecurity Nutrition Incentive (FINI) program to support this effort, in part via direct-to-consumer marketing that communicates the nutritional and economic benefits of consuming locally grown produce. The Santa Fe Community Foundation also received a \$100,000 grant from the same program to support a project providing "a double value price incentive (spend \$10, receive \$10 value) for weekly fresh produce boxes for each participating SNAP family."

This state and local focus on increasing access to nutritious local produce for those on public assistance is a direct recognition of the serious issue of food security for many New Mexicans. Of the total state population, 22 percent receive SNAP benefits, according to the Food Research and Action Center; only the District of Columbia has a higher rate. Of the 77 farmers' markets in the state, 35 accept SNAP benefits. These markets are located in 24 of the state's 35 counties. Ms. Miller believes the number of markets accepting SNAP benefits in the state will increase as the new Double Up Food Bucks program is implemented. Policymakers and public health advocates across the nation will surely be watching as more information is gathered about whether such incentive programs can increase healthy eating for vulnerable populations in the Land of Enchantment.

Trends in 2012 to 2014 Legislation

Nine states—Florida, Georgia, Massachusetts, Mississippi, New Mexico, New York, North Carolina, Vermont and West Virginia—passed legislation appropriating funds for farmers' markets to support development, renovation, maintenance and promotion. Eight states—Connecticut, Louisiana, Missouri, New Jersey, Oregon, Pennsylvania, Vermont and West Virginia—passed legislation supporting or expanding the ability to use SNAP, WIC and seniors' nutrition program benefits at farmers' markets. Connecticut and Kansas passed legislation to increase promotion of farmers' markets. Finally, both Illinois and Iowa passed legislation to expand the markets' availability by encouraging indoor locations and permitting year-round operation, respectively.

Connecticut

CT S 804 (2013) Requires the Department of Agriculture commissioner, upon request of any farmers' market, to include the market on any list of farmers' markets that appears on the department's website and in any promotional material about farmers' markets that the department publishes or distributes.

CT S 313 (2014) Establishes a pilot program to authorize up to three individual, not-for-profit farmers who engage in the cooperative retail marketing of Connecticut-grown farm products to participate as vendors in both the Connecticut Farmers' Market/Women, Infants and Children Program and the Connecticut Farmers' Market/Senior Nutrition Program. This program will last for two years; after that time, the commissioner of agriculture must submit a report on the program to the legislature.

Florida

FL H 5001 (2012) Appropriates funds for state farmers' markets' maintenance and repair.

Georgia

GA H 741 (2012) Appropriates funds for state farmers' markets.

Illinois

IL H 5893 (2012) Specifies that the Department of Commerce and Economic Opportunity has the power and duty to encourage convention center boards to provide space at a reduced rate or without charge to local farmers' markets

if the market cannot be held outdoors due to inclement weather.

Indiana

[IN H 1312](#) (2012) Specifies that an individual vendor at a farmer's market or roadside stand is not regulated as a food establishment if the food product is made, grown or raised by an individual at the individual's primary residence or on property owned or leased by the individual. However, poultry must be frozen at the point of sale and labeled.

Iowa

[IA H 2092](#) (2012) Authorizes the year-round operation of farmers' markets for Iowa-produced farm products and requires an annual license fee.

Kansas

[KS S 120](#) (2013) Enacts the Kansas Farmers' Market Promotion Act. This law sets up a central registration of farmers' markets to be maintained by the Department of Agriculture, allowing the department to promote and encourage farmers' markets across the state and help the department promote state agriculture by connecting producers and consumers. Any farmers' market operator may register at no charge. Allows the secretary to apply for any grants or funding opportunities that will help create or promote farmers' markets. The law also provides information about liability for registered farmers' market operators.

Louisiana

[LA SCR 20](#) (2014) Directs the Department of Health and Hospitals to submit a state plan amendment to the federal government that will permit WIC cash value vouchers to be used at farmers' markets.

Massachusetts

[MA H 4375](#) (2014) Establishes the Massachusetts Food Trust Program to provide financing opportunities for increasing access to healthy food options. Although no funds were allocated to this program, when it is funded it would support a number of activities, including development, renovation and expansion of supermarkets, farmers' markets, food hubs and urban agriculture. It requires cooperation with the Massachusetts Food Policy Council to promote and develop farmers' market programs in targeted communities. It also requires that an impact statement be submitted in order for an activity to be eligible for financial

assistance. The law appropriated funding for related activities, including \$2 million to support food ventures, such as farmers' markets and infrastructure for community-supported agricultural businesses, primarily in low- and moderate-income communities. It also appropriated \$8 million to promote urban agriculture.

Mississippi

[MS H 535](#) (2012) Permits local authorities to donate funds to support a farmers' market within the locality.

[MS S 2996](#) (2012) Appropriates funds for state farmers' markets. The law also provides support for the Senior Farmers' Market Nutrition Pilot Program to serve citizens over age 60 who fall within 130 percent of the federal poverty level.

Missouri

[MO S 680/MO S 727](#) (2014) Creates a sales and use tax exemption for farm products sold at farmers' markets unless the individual or entity has total annual sales of \$25,000 or more at farmers' markets. The law requires the Department of Social Services to establish a pilot program to provide Supplemental Nutrition Assistance Program (SNAP) participants with access to and the ability to afford fresh food when purchasing fresh food at farmers' markets. It allows the purchase of fresh fruit, vegetables, meat, fish, poultry, eggs and honey with an EBT card and authorizes a dollar-for-dollar match up to \$10 per week.

New Jersey

[NJ S 2013](#) (2012) Appropriates funds for the Senior Farmers' Market Nutrition Program and WIC Farmers' Market Nutrition Program.

New Mexico

[NM H 2](#) (2013) Appropriates \$100,000 "to distribute to school districts and charter schools for the purchase of New Mexico grown fresh fruits and vegetables for school meal programs." The Legislature also appropriated \$85,000 to develop and promote farmers' markets in the state.

New York

[NY S 627](#) (2012) Finances the construction, reconstruction, improvement, expansion or rehabilitation of wholesale regional farmers' markets that promote farm products grown in New York.

North Carolina

[NC S 444](#) (2012) Authorizes construction of and financing for modifications at the Raleigh and Western North Carolina farmers' markets.

Oregon

[OR H 2992](#) (2013) Permits the Oregon Health Authority to operate a Farm Direct Nutrition Program to provide supplemental assistance to participants in the Women, Infants and Children Program and a Senior Farm Direct Nutrition Program to provide supplemental assistance to those age 60 or older who receive medical assistance or supplemental nutrition assistance for the purchase of fresh, unprocessed, locally grown fruits, vegetables and herbs from farmers' markets or roadside stands.

Pennsylvania

[PA S 1466](#) (2012) Appropriates federal funds for farmers' market food coupons and senior farmers' market nutrition.

Vermont

[VT H 781](#) (2012) Appropriates funds for direct grants and investments in food systems, including grants enabling acceptance of EBT funds at farmers' markets.

West Virginia

[WV S 160](#) (2012) Appropriates funds for farmers' markets and the Senior's Farmers' Market Nutrition Coupon Program.

Community Gardens and Urban Agriculture

Growing food in close proximity to those who ultimately will consume it can be an effective way to address food access and support local food systems. Community gardens and urban agriculture, which are often interchangeable terms, provide these opportunities and have become more popular in recent years, according to the [National Gardening Association](#). The [University of Missouri's urban agriculture project](#) uses this definition for urban agriculture: "The growing, processing and distribution of food crops and animal products —by and for the local community—within an urban environment." The [Centers for Disease Control and Prevention \(CDC\)](#) defines community gardens as "collaborative projects on shared open spaces where participants share in the maintenance and products of the garden, including healthful and affordable fresh fruits and vegetables." A variety of plants can be grown, from produce such as vegetables and fruit to decorative plants and flowers. In recent years, agricultural spaces are appearing all over cities and towns, on vacant lots, rooftops and even front yards. Produce grown in these spaces or community gardens often is consumed by the growers themselves, but also may be sold to benefit the growers and the space.

Americans have a long history of growing their own food during times of food scarcity, such as the victory gardens that were common during World War I and World War II. Today, many Americans eat food grown by themselves, a neighbor or a family member. A 2013 study conducted by the [National Gardening Association](#) reports that, over a five-year period



A poster used in support of victory gardens during World War II. U.S. National Archive's Local Identifier: NWDNS-44-PA- 2557



Volunteers at the Fort Scott Community Garden in San Francisco, Calif. Photo Credit: Presidio of San Francisco

(since 2008), the number of U.S. households that participated in food gardening grew by 17 percent, with an increase from 36 million households to 42 million household. However, growing your own food does not necessarily require access to a backyard.

When home gardens may not be possible, community gardens provide an opportunity for a group of people to grow food in a designated area. The [American Community Gardening Association](#) estimates that about 18,000 community gardens exist in the United States and Canada. The food typically is consumed by the gardeners and members of the surrounding community. By keeping the location of food production in the immediate area of consumption, community gardens can become a key component of a local food system.

Some food production efforts go even further with urban agriculture projects that are larger in size and yield. According to the [2011 Survey of the Urban Sustainability Directors Network](#), community gardens continue to be the most common form of urban agriculture found in cities. Especially on a small scale, urban producers may need to pursue different marketing and sale opportunities than intermediated marketing to direct-to-consumer marketing

channels. Intermediated marketing channels could include food hub or buying arrangements with institutions such as schools or sale to groceries or restaurants. The U.S. Department of Agriculture released a [report in January 2015](#) that discusses trends for sale and use of these marketing channels. (See the chapters on farmers' markets, healthy grocery retail and local foods systems for more information about how producers are addressing these challenges.)

Federal agencies support these activities through initiatives and grant programs. The USDA's [People's Garden Initiative](#), which began in 2009, works with more than 700 local organizations in all 50 states, three U.S. territories and 11 foreign countries. In 2011, 10 states received grant awards through the People's Garden Grant Program. The initiative also encourages donation of produce to local food pantries; these donations are covered by the federal [Good Samaritan Food Donation Act](#). Community garden projects also can receive funding from the USDA's [Community Food Projects Competitive Grants Program](#).

Benefits of Community Gardens and Urban Agriculture

The benefits of community gardens and urban agriculture have not been widely studied, but some municipality-specific studies have examined the impacts on both individuals and the community as a whole. Gardening Matters, a non-profit based in Minneapolis, Minn., provides an overview of research supporting the [multiple benefits of community gardening](#). Individuals could benefit from access to healthy, fresh produce, physical activity and vibrant open spaces. Communities could be enhanced by increased property values, decreased criminal activity, improved water and air quality, and creation of public spaces. The [CDC's Built Environment and Health Initiative](#) describes the physical and mental health benefits that community gardens may provide to individuals (see sidebar).

The University of California's Division of Agriculture and Natural Resources also has studied the potential health, social and economic impacts of urban agriculture. Some social impacts may include education and youth development opportunities, creating safe places, reducing blight and cross-generational and cultural integration. In addition to increased consumption of fruits and vegetables, health impacts may include food and health literacy and food access and security. According to the University of

According to the CDC, gardens may offer physical and mental health benefits by providing opportunities to:

- Eat healthy fresh fruits and vegetables.
- Engage in physical activity, skill building and creating green space.
- Beautify vacant lots.
- Revitalize communities in industrial areas.
- Revive and beautify public parks.
- Create green rooftops.
- Decrease violence in some neighborhoods and improve social well-being through strengthening social connections.

California, urban agriculture also may provide economic benefits such as job creation, training and business incubation, increased home values, economic savings on food and market expansion for farmers.

States and municipalities can encourage development of urban agriculture in a variety of ways, including providing spaces for gardening on public lands, ensuring the existence of consistent funding sources and simplifying bureaucratic requirements. The American Planning Association in the article "[Zoning for Urban Agriculture](#)" describes the wide variety of methods local planners can use to implement projects and, in addition, promote "community participation in civic, social, political, and economic life." Cities and municipalities can consider planning ordinances and zoning that support or remove barriers to these projects.

Government provisions of public lands and financial resources are particularly important to the development of lasting community gardens. State policy considerations may include:

- Access to land, including the use of public land and vacant lots;
- The use, sale and consumption of produce grown in a community garden;
- Exempting land used for community gardens or small-scale agriculture from property taxes; and
- Targeting garden resources to financially or socially vulnerable populations such as students and seniors.

State policymakers look to urban agriculture—including community gardens—because they provide an opportunity for individuals, families and communities to grow their own food. Such spaces provide both food access and locally grown foods.

Tennesseans Cultivate Healthy Choices and Lifestyles Together in the Garden

The Tennessee legislature has a long history of involvement with community gardens. The Tennessee Community Gardening Act of 1977 created a state structure to support and encourage gardens, and the legislature has continued to refine the act, including passage of three bills between 2012 and 2014.

These laws changed the regulatory environment to allow local governments to assume more authority, allow the sale of produce from community gardens, and prioritize access to gardens for students and older people.

Two laws in recent years made modifications to create more authority for local governments to engage with Tennesseans to develop community gardens and provide land access. Previously, the commissioner of Agriculture was required to compile a list of suitable public lands for gardens. Senate Bill 609/House Bill 906 in 2011 allowed local governments or other entities to notify the county agricultural extension agent to make land available for community gardening.

House Bill 394/Senate Bill 300, enacted in 2014, established more authority for local governments to take the lead in engaging with Tennesseans to develop community gardens. According to the bill's sponsor, Senator Frank Niceley (R), "The main thing we did with both of those bills was to get the Department of Agriculture uninvolved, just leave it up to the local cities. Previously, the legislature had to sign off on it, and there was more paperwork than it was worth. We streamlined the process to encourage people to have gardens." Senator



Raised garden beds at the Dresden Senior Center in Dresden, Tenn. Photo Credit: Gail Rogers



Senator
Frank Niceley

Niceley sponsored both House Bill 906 in 2011 as a state representative and Senate Bill 300 in 2014.

While local governments now have more authority to promote community gardens, relevant state agencies continue to play a role in supporting and encouraging community gardening. House Bill 394 (2014) built on the Community Gardening Act's original language to prioritize projects for people over age 60 and students in kindergarten through grade 12. The law requires the state Commission on Aging and Disability to provide information about the benefits of garden produce consumption to older people in order to increase community garden participation. The [Tennessee Commission on Aging and Disability](#) provides leadership and guidance for older Tennesseans on community gardens, along with a full array of services from senior centers to nutrition services.

House Bill 394 also directed the State Board of Education to develop and implement programs for students in kindergarten through grade 12, in collaboration with other agencies such as the Department of Health, the Department of Agriculture and the Department of Finance and Administration. This includes developing a program to encourage K-12 students to participate in community gardens, including offering elective credits for such participation. (See the farm-to-school chapter for more information about other states' accomplishments in this area.)

In addition, in 2013 the legislature modified the statutory definition of community gardens to allow sale of produce. The existing statute defined community gardens as “a piece of property, either on vacant public land or on private land, cultivated by residents of a neighborhood or community, or members of a homeowners or condominium owners association for the purpose of providing vegetables, herbs, fruit, or flowers for use of residents of the neighborhood or community or members of the homeowners or condominium owners association, and not for sale.” Senate Bill 102 (2013) removed three simple words—not for sale—from this definition. Allowing the sale of produce could help provide financial and operational sustainability for gardens.

Urban Agriculture Seeks to Breathe Fresh Life into Blighted Areas in California and Missouri

California and Missouri recently took aggressive steps toward revitalizing urban areas with local food production. In 2013, both states enacted legislation to allow local governments to establish zones where urban agriculture is encouraged via tax incentives. This innovative approach not only encourages development of local food infrastructure, but also addresses an issue common in urban areas—the revitalization and beautification of blighted areas. Local governments in these states now have the option to offer landowners tax incentives to use their land for food production. Such projects potentially can benefit urban populations in a variety of ways—provide access to healthy and locally produced foods, increase green and open space, provide economic benefits and offer an overall increase in quality of life.

California already had a history of providing incentives to preserve land for agriculture and open space in rural areas through the Land Conservation Act of 1965, also known as the Williamson Act. [Assemblymember Phil Ting](#) (D) saw an opportunity to apply this concept to the state’s metropolitan areas, including his West San Francisco district. [Assembly Bill 551](#), the Urban Agriculture Incentive Zones Act, encourages the use of blighted areas for small-scale agriculture production and animal husbandry in urban areas. The law authorizes city and county governments to establish urban agriculture incentive zones (UAIZ) for these purposes for a minimum of five years. [Assemblymember Ting](#), in a [press release](#), mentioned numerous potential benefits from this legislation, “My bill will generate more local economic activity, greater access to healthy foods and

less pollution for residents of California’s urban cores.”

The Missouri legislature explored urban agriculture over several years, leading to passage of the Urban Agriculture Act in the 2012-2013 session. [House Bill 1848](#)

(2010) established the Joint Committee on Urban Agriculture.

The committee produced a report in 2012 that resulted in part from multiple hearings across the state. The [report](#) provided guidance for the legislature to move forward in encouraging urban agriculture across the state, “Urban agriculture has the capacity to make a tremendous impact in increasing access to healthy, affordable food in food desert communities. Simultaneously, it has potential to improve health, battle blight, deter crime, and act as an economic engine for residents and producers within food deserts, as well as for farmers and retailers who live outside the food deserts but are integral parts of the local economy.”

This work culminated in 2013, when the Missouri legislature enacted [House Bill 542](#), which authorized municipal governments to establish urban agriculture zones (UAZ) in blighted areas such as vacant lots or abandoned buildings. UAZs are eligible for property tax abatement for up to 25 years and are overseen by a seven-member advisory commission.

Economic benefits of developing the local food system were an important motivator of the Missouri legislation. According to bill sponsor [Senator Jason Holsman](#) (D) in [The Missouri Times](#), “From the employment aspect then you have the pedestrian traffic which then reverses blight. If you take an abandoned factory in a blighted area and you put 20 jobs in there, those 20 people need to eat somewhere. Those 20 people need a gas station. Then the next store turns around. That’s how you plant the seed of prosperity in reversing the blighting trend by putting economic divisions in those areas.” This broad view for the possible use of



Assemblymember Phil Ting visits a garden in his district in California.



Senator Jason Holsman

blighted areas may have led the state to consider multiple types of activities on the UAZs.

The Missouri General Assembly considered a broader view of urban agriculture and use of blighted areas, while the California Legislature focused primarily on food production. In Missouri, UAZs could be used for food production, processing, vending or a combination of the three with the requirement that a minimum of 75 percent of food be locally sourced. The UAIZs of California AB 551 are intended for growing produce and animal husbandry, with the possibility for field retail stands or farm stands.

Another difference between the two laws is the statutory requirements for their sunset and for oversight of the zones. In Missouri, municipal governments are required to establish a seven-member advisory commission, which would review the zone at five years and 10 years and dissolve the UAZ after 25 years. Rather than setting a maximum number of years, California required the UAIZ to operate for a minimum of five years in order to receive the tax incentive and not pay back taxes. This minimum allows more certainty for small producers who are working in an UAIZ.

Municipalities in both California and Missouri have shown interest in using these tax incentives to bring food production and economic activity to blighted areas in their communities. Senator Holsman's district in Kansas City is the first municipality in the state to pass [an UAZ ordinance](#) that could serve as an example for other urban centers. As of early summer 2015, San Francisco was the only California city to have passed a [local law](#). Other cities may soon follow; Sacramento, Santa Clara and San Jose also are considering implementation of AB 551.

Trends in 2012 to 2014 Legislation

Eleven states and the District of Columbia enacted a total of 22 bills related to community gardens and small-scale agriculture between 2012 and 2014. One approach was to encourage access to land for community gardens by allowing use of public land and vacant lots and setting exemptions from property taxes. California and Missouri addressed land access by enabling creation of property tax incentives for landowners who allow their land to be used as gardens or farms upon approval by a municipal or county government. (See the case study on page 25 for more information.) Maryland exempted from property tax land owned by certain nonprofit organizations that is used for community-managed open space such as a garden. Delaware charged

certain state agencies to form a public-private working group, which would identify opportunities to expand community gardening opportunities on state-owned property. The District of Columbia created the Urban Farming Land Initiative, directing the mayor to identify at least 25 plots of city-owned land for food production, and also created the Real Property Tax Abatement Initiative to offer property tax deductions of 50 percent for private property used for small-scale agriculture.

Four states—New Jersey, New York, Tennessee and West Virginia—also focused on the benefits of community gardens for financially or socially vulnerable populations such as youth or students, seniors and low-income populations. In 2014, for example, New York added a goal for the Community Gardens Task Force to encourage community-based organizations to increase opportunities for seniors to participate in community gardens. Tennessee targeted the programs established in the Tennessee Community Gardening Act of 1977 by prioritizing parcels of land for use by people age 60 and older and students in kindergarten through grade 12.

California, New Jersey, New York, Tennessee, West Virginia and the District of Columbia passed legislation encouraging and/or allowing the sale or use of fresh produce grown in community gardens. Growing food on a small scale may be more sustainable and is more likely to be successful when there are opportunities to sell, donate or otherwise use the produce.

California

[CA A 2367](#) (2012) Permits schools to sell produce grown in a school garden, regardless of whether the school participates in the Instructional School Gardens Program, so long as the school complies with health and safety regulations.

[CA A 551](#) (2013) Enacts the Urban Agricultural Incentive Zones Act and allows local governments to enter into contracts with landowners who agree to restrict the use of their land for small-scale agricultural use for a minimum of five years in exchange for lower-assessed property tax valuations. County assessors would be required to value UAIZ property at the rate based on the average per-acre value of irrigated cropland in California. The law allows a county that establishes a UAIZ to set regulations for implementing and administering the UAIZ, including assessing a fee to cover the cost of the UAIZ program and cancellation fees

for exiting a contract early. The law requires that a contract be for a term of no less than five years and that the entire property subject to the contract be dedicated to commercial or noncommercial agricultural use.

CA A 2561 (2014) Requires a landlord to allow a tenant to grow edible plant crops for personal use or donation in portable containers approved by the landlord. The law requires the tenant to regularly remove dead plant material and weeds, specifies that the crop cannot interfere with maintenance of the property or with any tenant's parking spot, and permits the landlord to determine the placement and location of the containers. It also voids any provision of the governing documents of a homeowner's association that prohibits the use of a homeowner's front or back yard for personal agriculture. A landlord may require the tenant to enter into a written agreement regarding the payment of any excess water and waste collection bills arising from the tenant's personal agriculture activities.

Delaware

DE HR 40 (2014) Requests the departments of Natural Resources and Environmental Control, Transportation, and Agriculture form a public-private working group to identify opportunities for expanding community gardening opportunities on state-owned property and to develop a plan for carrying out this objective.

Hawaii

HI H 560 (2013) Permits the Hawaii Housing Finance and Development Corporation and the Hawaii Community Development Authority to develop programs that provide incentives for urban garden development in new housing projects, after consultation with the University of Hawaii's College of Tropical Agriculture concerning the best practices in urban gardening.

Louisiana

LA H 825 (2014) Creates the State Master Gardener special prestige license plate. The law specifies that revenue from plate fees must be used to develop and enhance community programs related to horticulture, community and school garden programs, and public horticultural events.

Maryland

MD H 863 (2014) Exempts property owned by certain nonprofit organizations from property tax if that proper-

ty is used exclusively as community-managed open space such as a local park, garden or woods and is used and cared for by the local community in a natural or cultivated state for the general benefit of the local community.

MD H 223 (2014) Expands the eligibility for a specified property tax credit for urban agricultural property by removing the requirement that a property must be used exclusively for urban agricultural purposes in order to receive the property tax credit. The law applies to taxable years beginning after June 30, 2014.

Massachusetts

MA H 4375 (2014) Establishes the Massachusetts Food Trust Program to provide financing opportunities for increasing access to healthy food options. Although no funds were allocated to this program, when it is funded it would support a number of activities, including development, renovation and expansion of supermarkets, farmers' markets, food hubs and urban agriculture. It requires cooperation with the Massachusetts Food Policy Council to promote and develop farmers' market programs in targeted communities. It also requires that an impact statement be submitted in order for an activity to be eligible for financial assistance. The law appropriated funding for related activities, including \$2 million to support food ventures, such as farmers' markets and infrastructure for community-supported agricultural businesses, primarily in low- and moderate-income communities. It also appropriated \$8 million to promote urban agriculture.

Missouri

MO H 542 (2013) Authorizes establishment of urban agriculture zones (UAZ), defined as a "zone that contains an organization or person who grows produce or other agricultural products, raises or processes livestock or poultry, or sells at a minimum 75% locally grown or raised food." Any person or organization may submit an application to a municipality to develop a UAZ on a blighted area of land. The law requires the municipality seeking a UAZ designation to establish a board to advise the municipality in setting up the UAZ, to review and assess zone activities, and to hold a public hearing on seeking the UAZ designation. Following the conclusion of the public hearing, the municipality may adopt an ordinance designating the UAZ. Real property taxes may not be assessed on any UAZ for 25 years once the application requirements have been met, except an amount as may be imposed by the county as-

essor that is not greater than the amount of tax due and payable during the preceding calendar year during which the UAZ was designated. The law requires a grower UAZ to pay wholesale water rates for water consumed on the zone property and to pay 50 percent of the standard cost to hook onto the water source if the water service is provided by the municipality. It also requires any local sales tax revenues, less 1 percent that is to be retained by the director of the Department of Revenue, from the sale of agricultural products sold in a UAZ, to be deposited into the newly created Urban Agricultural Zone Fund. School districts may apply to the state treasurer for money to develop curriculum on urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district in which the UAZ is located.

New Jersey

NJ A 4114 (2012) Allows all municipalities to sell and lease unneeded public property for urban farming and gardening purposes.

NJ A 3019 (2012) Authorizes public schools to serve to students produce grown in community gardens that meet certain requirements, including use of soil and water that have been tested for contaminants.

New York

NY S 2372 (2013) Expands the powers and duties of the Office of Community Gardens. It allows the commissioner of the Office of Community Gardens to develop a single recommended application form to be used by community groups when applying to state agencies or municipalities for use of vacant public land for community garden purposes. The commissioner also must encourage cooperation between community garden organizations and nonprofit organizations that distribute food to the poor and encourage communication between community garden organizations and farm-to-school/school garden programs, specifically the New York Harvest for New York Kids Week program. Further, the commissioner may convene a community gardens task force to study and develop ways to promote community gardens and community gardening activities.

NY S 2438 (2013) Adds a requirement for the Department of Agriculture and Markets to cooperate with the Department of Health in implementing the childhood obesity

prevention program to encourage the production and consumption of fresh, locally produced fruits and vegetables by elementary and secondary school children. The law also requires the department to cooperate with other agencies to encourage expansion of community gardens. In addition, it encourages the department to develop direct marketing programs for fresh fruits and vegetables in areas with a high incidence of childhood obesity.

NY S 7180 (2014) Adds as a goal of the Community Gardens Task Force to encourage community-based organizations to increase opportunities for seniors to participate in community gardens.

Tennessee

TN S 609 (2012) Authorizes local governments to establish community gardening programs. The law specifies that any local government may allow and encourage the use of vacant local government land for community gardening under terms and conditions established by an ordinance or resolution, which include permit fees, liability insurance requirements, and a refundable deposit requirement. Community gardens located on private property and operated without the intervention of a local government are not subject to permitting, security or insurance requirements, but those and other provisions may be agreed upon by the parties. The law further specifies that community gardens located on private property are required to comply with applicable state and local regulations relative to nuisances; property maintenance; and the health, safety and welfare of the public.

TN S 102/H 117 (2013) Removes the prohibition against selling produce raised in community gardens.

TN H 394 (2014) Modifies the Tennessee Community Gardening Act, originally enacted in 1977, and other bills in the last five years that have amended this law. The law permits local governments to allow and encourage the use of vacant local government land for community gardening. The law removes the permitting process for using vacant public land for gardening. It also allows for the sale of produce from the community gardens and exempts the produce from sales tax.

If there is a shortage in the number of available parcels, the law requires that first priority go to collaborative projects between people age 60 and older and students in grades

K-12 (“grand-mentoring”) and that second priority go to those over age 60 and people who fall under the federal poverty guidelines. The law also requires development of a program to encourage the participation of K-12 students in community gardens, including offering elective credits for students who participate in community gardening. It allows local governments to give delinquent tax sale property to nonprofits for development into community gardens. It also requires the Commission on Aging and Disability to make information available to older people about the benefits of eating garden produce to increase participation in community gardening.

West Virginia

WV S 517 (2012) Permits local governments to include community beautification and reclamation programs for state highways, parks and recreation areas and community gardens in community corrections programs.

WV S 663 (2013) Creates the Feed to Achieve Act to improve the nutrition and health of the state’s children. The overall goal of the program is to provide all school children in the state with free breakfast and lunch, while purchasing locally grown food and supporting local farmers with those purchases. The law requires the Department of Education and each county board of education to establish a fund that may be used to provide food to students through a number of programs, including the farm-to-school initiative and community gardens. The law also requires the De-

partment of Education and county boards of education to form or expand partnerships with various state and federal departments and with experts in the field of agriculture or gardening to develop community gardens, farm-to-school programs and other programs that teach students how to grow and produce healthy food.

District of Columbia

DC B 677 (2014) Creates the D.C. Urban Farming and Food Security Act of 2014. Establishes an urban farming land leasing initiative, requiring the mayor to identify at least 25 district-owned vacant lots that can be used for urban farming. The initiative requires the lots be at least 2,500 square feet and have no pending development agreements. Lease agreements for these lots must be for at least three years, and the applicant must meet certain criteria. Property leased under this initiative would be exempt from real property taxation. An independent farm or farm cooperative leasing land may sell fresh fruits and vegetables on the leased land, off the leased land or both. The law would require an annual report to the Council on the status of the initiative. It establishes a nonrefundable tax credit for perishable food donations made to a District of Columbia food bank or shelter and sets the amount of the credit at 50 percent of the value of the contribution, up to \$2,500 for individual taxpayers and up to \$5,000 for corporations and unincorporated businesses. It also establishes a real property tax deduction of 50 percent for unimproved real property leased for small-scale urban farming.

Healthy Grocery Retail

Promoting the availability of healthy food is important to the overall well-being of a community. In many communities, however, healthy food is not readily accessible. For many Americans, a convenience store or bodega may be the only accessible place to purchase food, and the offerings of healthy food in such stores may be limited. In rural settings, the closest place to buy groceries may be many miles away, even an hour's drive or more. For those who have no vehicle, even a distance of 1 mile may be too far if no convenient transportation alternatives are available.

To address this issue, states have passed legislation that encourages investment in healthy grocery retail in areas that may be labeled “food deserts.” Food deserts are defined in the [2008 Farm Bill](#) as “an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.” Healthy grocery retail includes chain supermarkets, the [primary source for healthy foods for most Americans](#), as well as more limited grocery retail as found in small groceries, bodegas, corner stores, pharmacies, convenience stores and mobile markets.

The USDA Economic Research Service created the [Food Environment Atlas](#), which can be used to locate information about the overall food environment and food access indicators in the United States. The atlas takes into consideration the interaction of a number of food environment factors to determine whether an area is considered to have limited or no access to healthy food. The atlas is intended to compile information that can be used to promote knowledge and research related to food availability, food choices and diet quality, as well as to “provide a spatial overview of a community’s ability to access healthy food and its success in doing so.” A [study from 2012](#) by the Economic Research Service estimated that 29.7 million people were living in low-income areas more than one mile from a supermarket.

Areas with poor healthy food access, often called food deserts, can be found in both rural and urban communities. Citizens in rural communities frequently must travel

greater distances to reach a grocery store, and distributors may not have systems in place to provide products to out-of-the-way areas. Unpredictable weather, lack of public transportation and an older, less mobile population add to the challenges. The number of grocery stores in rural areas has been gradually declining. “In rural Iowa, [43 percent](#) of grocery stores in towns with populations of less than 1,000 have closed.” In Kansas, almost one in five grocery stores in rural areas has closed since 2006. Citizens in [803 American counties](#) live more than 10 miles from a full-service grocery store, and residents of 418 counties live more than 10 miles from any type of store.

Food deserts in urban areas can be the result of a variety of factors. One factor is a lack of land on which to build a store. In addition, higher taxes, security and workforce concerns may lead the store owner to locate in a different area. Transportation also is important in urban communities. When public transit is easily accessible near a store, it can help both shoppers and employees.

According to a [study](#) published in the *American Journal of Preventive Medicine*, low-income zip codes compare unfavorably to middle-income zip codes; they have 25 percent fewer chain supermarkets and 1.3 times the number of convenience stores. Research shows lower-income urban shoppers often must travel far outside their neighborhood to purchase groceries, which affects easy, quick access to fresh food. According to a [report](#) from PolicyLink and The Food Trust, a number of studies have found that stores in lower-income communities of color “are less likely to stock healthy foods, offer lower quality items, and have higher prices compared to stores in higher-income or predominately white communities.” The same report cited a [study](#) using data from North Carolina, Baltimore and New York City that found adults who live more than 1 mile from a supermarket “are 25 to 46 percent less likely to have a healthy diet than those” living close to supermarkets. In addition, [another study](#) found that efforts to improve people’s diets are more effective when those people have access to a grocery store.

Pennsylvania is nationally lauded as a leader in improving healthy food retail access for those living in food deserts. In 2004, the legislature launched the Fresh Food Financing Initiative, which provides funding and support for grocers to establish stores in underserved communities, as well as to improve healthy food offerings in smaller settings such as bodegas and corner stores. This public-private partnership included the Reinvestment Fund, a community development financial institution (CDFI), and the Food Trust, a healthy food access organization that co-managed the program in partnership with the state. All available funds were distributed by 2010, and 88 new or expanded projects were financed, serving an estimated 400,000 people. This program has served as a model for other states and communities. California, Colorado, Illinois, Louisiana, Maryland, New Jersey and New York have developed programs that are based in part on this model.



A woman shops at a market financed through the Pennsylvania Fresh Food Financing Initiative. Credit: The Reinvestment Fund

In 2011, the federal government launched the [Healthy Food Financing Initiative](#) (HFFI), modeled after the Pennsylvania Fresh Food Financing Initiative. The federal HFFI awards grants to CDFIs through the CDFI Fund's financial assistance program at the U.S. Department of Treasury,

as well as community development corporations (CDCs) through the Community Economic Development (CED) program at the U.S. Department of Health and Human Services. In FY 2014, [12 CDFIs received more than \\$22 million](#) in HFFI financial assistance. Grantees included 11 loan funds and one credit union. Of those recipients, “[six] primarily serve major urban markets, [four] primarily serve minor urban markets, and [two] primarily serve rural areas.” Also in FY 2014, [14 CDCs received over \\$9 million](#) in HFFI awards from the CED program. Grantee projects include a food hub in Iowa and an organization in Maryland that will use the funds “to create the Mobile Food Markets of Southern Maryland, an innovative food retail venture that will eliminate three food deserts in rural Southern Maryland.”

The Centers for Disease Control and Prevention published *State Initiatives Supporting Healthier Food Retail: An Overview of the National Landscape* in 2012. This overview included information about state legislation between 2001 and 2011. The report found that 11 states and the District of Columbia had enacted healthier food retail legislation and that an additional seven states introduced legislation that did not pass or was pending at the time of report publication.

Benefits of Healthy Grocery Retail

A number of benefits are associated with healthy grocery retail. First of all, greater access to healthy foods may promote a healthier diet. According to the [PolicyLink and The Food Trust report](#), “[a]ccess to healthy food is associated with lower risk for obesity and other diet-related chronic diseases.” However, evaluations of interventions to increase the number of grocery stores and supermarkets in underserved urban and rural areas remain limited. A few studies have found that the addition of a new supermarket [improved food accessibility](#); however, little to no changes in food purchasing and consumption were observed during the follow-up periods. Further evaluations of the impacts of healthy grocery retail are needed.

Second, an [increase in food retailers](#) “can generate a significant economic stimulus for communities in general and for communities of color and low-income communities in particular.” When new retailers open in a community, they create new employment opportunities and also can encourage other businesses to locate to the area. [Home values increase](#) as the proximity to neighborhood retail in-

creases. The flow of money to areas outside the community decreases as people are able to spend money at stores within their own community. In rural communities, grocery stores contribute to the community through taxes, charitable giving and employment opportunities.

Expanding Healthy Food Access through a Mobile Market in New Jersey

The Food Trust, a nonprofit organization that works with stakeholders at different levels to improve healthy food access through education and greater availability of healthy foods, prepared a report regarding supermarkets in New Jersey in 2009. The report found that the state had “over 25 percent fewer per capita supermarkets compared to national averages.” Recommendations at the conclusion of the report included convening leaders “to develop a strategy to create more supermarkets in lower-income communities” and creating a program to “finance new stores and create a grant and loan program to support local supermarket development projects statewide in order to increase the availability of affordable and nutritious food in underserved communities.”



Camden Mobile Market, Credit: Camden City Garden Club Inc.

The New Jersey Food Council and the New Jersey Economic Development Agency, in conjunction with The Food Trust, then convened the New Jersey Food Marketing Task Force. The task force developed a series of recommendations to support supermarkets and other fresh food retail

in underserved areas across the state. The New Jersey Food Access Initiative is one of the programs in the state created to “increase the supply of affordable, fresh food in underserved areas...” The program, which provides financing opportunities for grocery store owners and developers, prioritizes 10 cities, including Atlantic City, Camden, Newark and Trenton. Created by the state Economic Development Authority in 2009, the initiative began with an investment of \$3 million. In 2012, as a result of the recommendations of the task force to enhance this program with additional loan capital and flexible grants, the Robert Wood Johnson Foundation provided an additional \$12 million in support of the initiative.

Legislative interest in the problem increased, and Governor Chris Christie signed AB 3688 into law in January 2012. According to Assemblyman Gilbert “Whip” Wilson (D), the legislation was a way to bring fresh fruits and vegetables to food deserts. One of the major supermarkets in Camden had closed, which further limited the supply of fresh fruits and vegetables. The law authorized development of a mobile market pilot program, expanding access to fresh and healthy food options for New Jersey residents.



Assemblyman
Gilbert Wilson

According to Valerie Frick of the Camden Children’s Garden, two mobile market pilot programs were provided permits by the state, but funding was not allocated for those programs. Camden, a city that has been labeled a “food desert” by the USDA, was one of the cities that tried to take advantage of the program.

Camden established a mobile market that provides access to locally grown fresh fruits and vegetables. The program is administered by the Camden Children’s Garden. The Garden has grown food in Camden for 30 years and maintains an urban farm where vegetables are grown and sold at cost in its facility. Based on a desire to expand availability of healthy food for the residents of Camden, the Garden decided to use the concept of a mobile market.

The van and trailer used for the mobile market were purchased using a \$63,000 grant from the Walmart Foundation. The trailer was converted into a refrigerated trailer that could be used for the mobile market, and the Garden obtained a street permit from the city of Camden for parking and vending on city streets.



Camden Mobile Market, Credit: Camden City Garden Club Inc.

The truck, which began selling produce in May 2013, can accept SNAP benefits, cash and credit cards. Even though the program had approval to accept SNAP benefits, most of the sales were cash. According to Ms. Frick, the program was unable to accept Senior Citizen Produce Vouchers because they were not authorized by the state Department of Health.

Trends in 2012 to 2014 Legislation

Three states—Maryland, Massachusetts and Mississippi—passed legislation that attempts to make financial assistance available to promote healthy grocery retail. Only the Maryland legislation included funding, however. Maryland allowed a state department to originate and administer financial assistance to a food desert project. Massachusetts established a healthy food financing program in the state that would provide financing opportunities for a range of projects to promote access to healthy foods, including renovation and expansion of supermarkets; no funding

has been allocated to launch this program. Mississippi authorized the state development authority to work with private and public partners to create a program that provides grants and loans for healthy food retailers in underserved communities.

New Jersey passed legislation to help consumers purchase healthy foods by expanding the locations where SNAP benefits can be used. Texas passed legislation allowing land banks to sell property to a developer who will use that land to build healthy grocery retail.

Maryland

MD H 451 (2014) Specifies that designated food deserts may now qualify for financial assistance under the Neighborhood Business Development Program. Adds helping to create small businesses and other food-related enterprises in food deserts to the purposes of the program. The law requires that these food desert projects seek out Maryland-grown produce and Maryland-produced foods. It also specifies that an area may be designated a food desert after consideration of the following factors: 1) availability of fresh fruit, vegetables and other healthy foods; 2) income levels of local residents; 3) transportation needs of residents and availability of public transportation; 4) comments from local governments; and 5) any other relevant factors. It establishes the Interagency Food Desert Advisory Committee under the Department of Housing and Community Development (DHCD). It also allows the DHCD to authorize entities to originate and administer financial assistance to a food desert project and specifies that the department may provide financial assistance.

Massachusetts

MA H 4375 (2014) Establishes the Massachusetts Food Trust Program to provide financing opportunities for increasing access to healthy food options. Although no funds were allocated to this program, when it is funded it would support a number of activities, including development, renovation and expansion of supermarkets, farmers' markets, food hubs and urban agriculture. It requires cooperation with the Massachusetts Food Policy Council to promote and develop farmers' market programs in targeted communities. It also requires that an impact statement be submitted in order for an activity to be eligible for financial assistance. The law appropriated funding for related activities, including \$2 million to support food ventures, such as farmers' markets and infrastructure for community-sup-

ported agricultural businesses, primarily in low- and moderate-income communities. It also appropriated \$8 million to promote urban agriculture.

Mississippi

MS H 1328 (2014) Creates the Small Business and Grocer Investment Act. It authorizes the Mississippi Development Authority to work with private and public partners to establish a program that provides grants and loans to healthy food retailers that increase access to fresh fruits and vegetables and other affordable healthy food in underserved communities. Permits contracting with qualified nonprofits or community development financial institutions to administer the program. The law also permits projects that include new construction of healthy food retailers, store renovations and expansions, farmers' markets, and other projects that create or improve health food retail outlets. Specifies what funds can be used for and who may apply, but prohibits the direct use of state funds as a funding source for a food retailer under the program.

New Jersey

NJ A 3688 (2012) Permits the Department of Agriculture to implement mobile farmers' market and fresh produce voucher programs for "food desert" residents. It requires establishment of standards, qualifications and conditions for fresh mobile vendors. It also specifies eligibility requirements for fresh produce vouchers.

Texas

TX H 2840 (2013) Permits a land bank to sell property to a developer for construction of a grocery store that offers fresh produce and other food items. The law requires the developer to obtain municipal approval for the development plan to qualify to purchase the property. A land bank is defined by Texas Local Government Code Ann. §379C.003 as "an entity established or approved by the governing body of a municipality for the purpose of acquiring, holding, and transferring unimproved real property under this chapter."

Food Policy Councils

The [first local food policy council](#) was established in 1982 in Knoxville, Tenn. The first state food council was created in Connecticut in 1998. Since then, a number of states and localities have created food policy councils (FPCs). The [Johns Hopkins Center for a Livable Future \(CLF\)](#) conducts an annual survey of FPCs and updates an [online directory](#). When the directory was compiled in summer 2015, 215 food policy councils existed in 45 states and the District of Columbia.

Mark Winne, a recognized food systems expert and a senior advisor at the CLF, [identifies five primary goals](#) of food councils: “[1] connecting economic development, food security efforts, preservation and enhancement of agriculture, and environmental concerns; [2] supporting the development and expansion of locally produced foods; [3] reviewing proposed legislation and regulations that affect the food system; [4] making recommendations to govern-

ment bodies; [5] gathering, synthesizing, and sharing information on community food systems.”

Since 2012, several states have taken action to establish or continue FPCs. These councils promote information sharing on how to strengthen local food systems and increase access to healthy foods. FPCs promote discussion and cooperation among government agencies, as well as other private and public stakeholders. CLF also maintains a resource database for groups working on state and local food policy; hosts a listserv with more than 1,000 subscribers; provides training and technical assistance for organizations, governments and communities that are interested in developing food policy councils; and provides an [interactive map](#) showing FPCs in the United States.

According to CLF’s newly updated [Food Policy Council Directory](#), food policy councils organize themselves through a variety of models: independent grassroots coalitions (37 percent), subsidiaries under the financial or administrative purview of larger nonprofit organizations (22 percent), embedded in government (20 percent), as 501(c)(3) nonprofit organizations (16 percent), embedded in extension offices (2 percent), or embedded in universities/colleges (2 percent). FPCs also vary in their relationships with government: some are created through an executive order or legislative ordinance (23 percent), are directly funded (13 percent) or supported through in-kind donations from government agencies (27 percent), have their members appointed by a government official (16 percent) or include government employees as members of their council (35 percent); others have no connection at all to government (27 percent). Because these answers are not mutually exclusive, the total is greater than 100 percent.

Food policy councils can be funded through a variety of sources, including legislative allocations and grants from federal programs and local foundations. According to CLF’s [new report](#), the planning and development of New Mexico’s Food and Agriculture Council was supported by a USDA Community Food Project grant. Initial funding for the council’s work came from legislation and was re-appropriated for three years. Local foundations also

Food Policy Council Relationships with Government

23 percent

created through executive order or legislative ordinance

13 percent

directly funded

27 percent

supported by in-kind government agency donations

16 percent

members are appointed by government official

35 percent

include government employees as council members

27 percent

have no connection to government

came together to provide resources for the council's continued work.

Food policy councils may be established by and have the support of state or local governments or may be operated separately from the government as nonprofits. Rhode Island's Food Policy Council is an example of a grassroots advocacy coalition that functions outside the government. According to Leo Pollock, the part-time staffer for the council, all funding for the council comes from private foundations. The council co-administers a [grant program](#) with the Department of Environmental Management that provides funding opportunities "intended to directly benefit and strengthen the local food system in RI." This offers one example of the many ways food councils, whether they are supported by state and local governments or are a nongovernmental advocacy group, work to promote local foods.

A [survey of 56 FPCs](#) conducted in 2011 assessed the various ways FPCs engage in policy efforts. The most common activities included identifying problems that could be addressed through policy (94 percent), educating the public about food policy issues (78 percent), and developing policy proposals (62 percent). Fewer FPCs lobby for specific legislation (48 percent), participate in the regulatory process (34 percent), or endorse other organizations' or institutions' policies (32 percent). The vast majority of these policies sought to change the food environment and facilitate access to healthy and/or local food, rather than change individual behaviors. The most common policy efforts at the time related to increasing food access; supporting agriculture, community gardens and farmers markets; and institutional procurement.

The study also identified common barriers to FPC ability to engage in policy work. The most common included lack of time (76 percent), lack of financial support for policy work (66 percent), and lack of training/skills in how to engage in the policy process (46 percent). The most common barriers related to working with government included lack of trust in the government by FPC members, inconsistent government support of FPC activities, and the reluctance of government employees who were also FPC members to take positions on policy issues.

Benefits of Food Councils

According to [Mark Winne](#), food councils "bring together all stakeholders in a community food system and give them a say in constructing a system that reflect[s] their values." These councils allow more people to be involved in development of food policy that is significant for all members of a community. Food councils also allow people from diverse backgrounds and with varied knowledge and experience to shape policies that will serve the greatest number of people. These councils can serve as a powerful resource for information that can be used by legislators. The work of FPCs in states such as Massachusetts and New Mexico resulted in some of the legislation included in this report.

Working Together to Strengthen Healthy Food Access in Colorado

Colorado created the [Colorado Food Systems Advisory Council](#) through legislation in 2010. The legislation was initiated by [LiveWell Colorado](#), following a "[Food Policy Blueprint](#)" report documenting food access priorities for the state. LiveWell Colorado is a nonprofit organization that works to promote healthy eating and active living. The blueprint called for a policy council to "provide guidance and advocacy leadership for many different efforts." According to Wendy Peters Moschetti, staff for the Colorado council, at the time the legislation was introduced, other agencies, including the USDA and CDC, "were recommending councils to increase the availability and consumption of healthy foods."

The Food Systems Advisory Council sought to advance "recommendations that strengthen healthy food access for all Coloradans through Colorado agriculture and local food systems and economies." The legislature passed a bill in 2013 that continued the council until 2018 and expanded council membership. Representative Steve Lebsock (D), a sponsor of the 2013 legislation that extended the council to 2018, believes that the council is "a good way to bring different organizations together in a collaborative way."



*Representative
Steve Lebsock*



Members of the Colorado Food Systems Advisory Council tour Holy Terror Farm in Paonia, Colo. Photo by Cynthia Torres

The council is comprised of 15 members who are representatives of state agencies, along with other food systems stakeholders. Members come from diverse sectors of the food system, government and academia. Representative Lebsock feels this is one of the most significant benefits of the council because it brings together different groups to work on issues that are important to all parties. The diverse membership led to a strong partnership between the Colorado Farmers' Market Association and the Colorado Department of Human Services, two groups that previously had not worked together. Because of the council, they began working together closely, particularly in regard to providing technical assistance to farmers, farmers' markets and county human services departments to increase the number of EBT machines at farmers' markets to enable those on public assistance to use their benefits to buy fresh, local food.

The council uses existing studies and works with other task forces, committees, organizations and food policy councils in the state to develop recommendations to promote the local food economy and address healthy food access. The

council currently is "promoting two issue briefs focusing on [SNAP at farmers' markets](#) and [direct marketing of Colorado agriculture products](#)." The direct marketing work has helped secure permanent funding to staff the Colorado State University Extension for business management and food systems expertise. In addition, council staff now participate in the Colorado State University Extension Advisory Committee, testament to the desire to create and maintain stronger ties with public health officials, food policy councils and food access stakeholders.

In February 2014, the council co-hosted a [summit for Colorado food system coalitions](#). Representatives from groups across the state attended the summit to discuss a number of topics, especially the challenges encountered by local food groups. Some challenges identified included lack of funding, lack of education/food literacy, poor communication, navigating regulatory agencies and geographic isolation, among others. Summit participants also identified successes, including completing food maps/assessments, providing educational resources for the community, making connections between existing organizations and the diversity of participants.

While the council has had successes, it also faces difficulties that it must overcome. According to Ms. Moschetti, one major difficulty is the lack of relationships with the policymakers the council is supposed to be advising, including the governor and legislators. The council also receives limited resources from the state; all funding to date has come from LiveWell Colorado. A third and significant obstacle identified by Ms. Moschetti is the fact that the state agency council members do not have actual decision-making power in that agency.

As the council has developed, it has used other food policy councils as examples, learning from their successes and difficulties. Members of the Colorado council have reviewed the work of other councils and participated in a webinar with Mark Winne to develop a better understanding of the successes.

When asked whether Colorado has been successful in increasing access to affordable food for insecure populations, Ms. Moschetti indicated that, while the state has been successful in passing progressive legislation, this has largely been due to groups outside the council. The council continues to work to strengthen healthy food access in the

state, but it must overcome a number of obstacles, including a lack of relationships with policymakers, before it can truly fulfill its task.

Trends in 2012 to 2014 Legislation

Between 2012 and 2014, Rhode Island and the District of Columbia have created food policy councils. The District of Columbia council aims to identify regulatory burdens on the local food economy and promote positive food policies, among other tasks. The Rhode Island council is required to identify and develop solutions to barriers that prevent development of a strong sustainable food economy. Two states— Colorado and North Carolina—extended the lives of existing councils. Three states modified the membership of policy councils. Colorado and New York expanded council membership, adding two members and one member, respectively. North Carolina removed the representative of one organization and replaced that individual with a representative of another organization. It also should be noted that Michigan's FPC was [disbanded by executive order](#) in December 2014 and transitioned to an [intergovernmental council](#). Ohio's Food Policy Advisory Council was [dissolved in 2011](#).

California

[CA A 2246](#) (2012) Requires the State Healthy Food Financing Initiative Council to establish and maintain an Internet website that provides information about actions the council has taken and funding sources that are available to support access to healthy foods.

Colorado

[CO S 174](#) (2013) Continues the Food Systems Advisory Council until Sept. 1, 2018, and requires a sunset review before this date. The law increases the number of council members from 13 to 15.

New York

[NY S 4855](#) (2012) Adds one member to the state's procurement council who is a representative of a New York non-profit that represents agricultural interests in the state.

North Carolina

[NC S 491](#) (2012) Extends the sunset from 2012 to 2015 on the law establishing the North Carolina sustainable local food advisory council. It also replaces the representative of the North Carolina Farm Transition Network Inc. with a representative of the Conservation Trust for North Carolina.

Rhode Island

[RI H 7701/ S 2611](#) (2012) Creates the interagency food and nutrition policy advisory council.

District of Columbia

[DC B 821](#) (2014) Establishes a Food Policy Council to identify regulatory burdens on the local food economy, collect and analyze data on the food economy, and promote positive food policies. It creates the position of Food Policy director to promote equitable and sustainable food policy in the District, attract new participants to the local food economy, help those who already are participating in the local food economy, and achieve the food goals identified in the Sustainable DC plan.

