THE URGENT CALL FOR A U.S. NATIONAL FOOD STRATEGY

An Update to the Blueprint

OCTOBER 2020

VERMONT LAW SCHOOL | CENTER FOR AGRICULTURE & FOOD SYSTEMS

FLPC FOOD LAW and POLICY CLINIC HARVARD LAW SCHOOL

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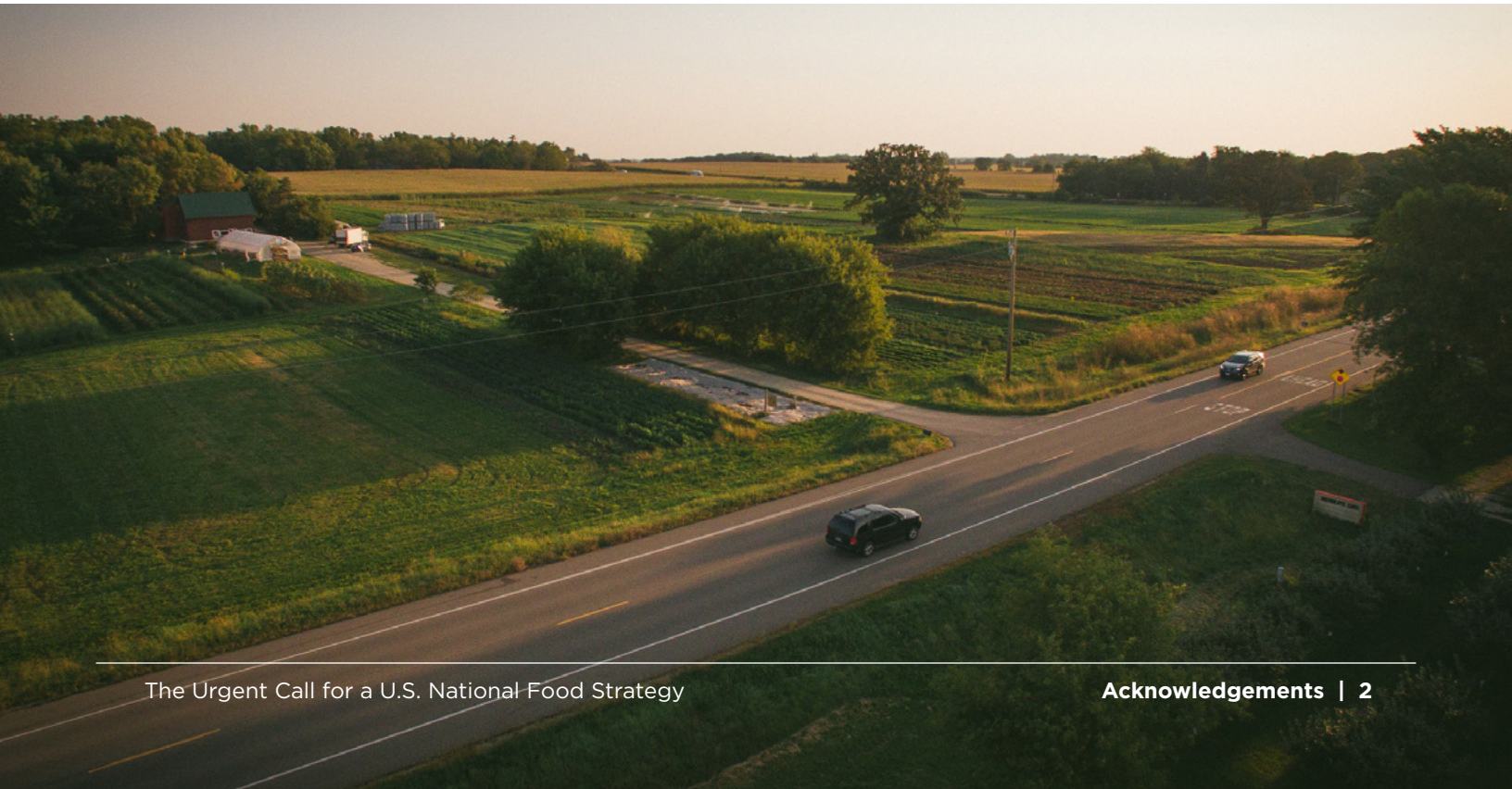

ABOUT THE CENTER FOR AGRICULTURE AND FOOD SYSTEMS AT VERMONT LAW SCHOOL

Vermont Law School's Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. In partnership with local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system. Visit **www.vermontlaw.edu/cafs** to learn more.

ABOUT THE FOOD LAW AND POLICY CLINIC AT HARVARD LAW SCHOOL

The Harvard Law School Food Law and Policy Clinic (FLPC) serves partner organizations and communities by providing guidance on cutting-edge food system issues, while engaging law students in the practice of food law and policy. FLPC's work focuses on increasing access to healthy foods, supporting sustainable production and regional food systems, promoting community-led food system change, and reducing waste of healthy, wholesome food. FLPC is committed to advancing a cross-sector, multi-disciplinary, and inclusive approach to its work, building partnerships with academic institutions, government agencies, private sector actors, and civil society with expertise in public health, the environment, and the economy. For more information, visit **www.chlpi.org/flpc/**.

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I. INTRODUCTION

The United States continues to face concurrent and interrelated crises of food-related inequality, diet-related disease, and environmental and climate disruption. While the inequalities, challenges, and inconsistencies endemic to the U.S. food system[1] have long been recognized, the COVID-19 pandemic exacerbated these issues and shone a spotlight on them. In 2017, the Harvard Law School Food Law and Policy Clinic and Vermont Law School's Center for Agriculture and Food Systems published the *Blueprint for a National Food Strategy,* a roadmap for developing a U.S. national food strategy.[2] Since then, federal agencies have incrementally increased efforts to coordinate on discrete food system issues, yet none of these initiatives has elicited a comprehensive strategy that holistically addresses critical food system challenges, tradeoffs, and long-term goals. Yet, the need for a coordinated federal approach to food and agricultural law and policy has increased dramatically since 2017. Given the significant food system issues raised by the COVID-19 pandemic and the ongoing and sustained movement to address systemic racial inequality coupled with the looming national election, the time is ripe to examine and update the *Blueprint.*

The food system is governed by a complex web of laws and regulations, with government agencies, foreign and domestic stakeholders, and community organizations advocating for policies that often conflict, create redundancies, or increase inefficiencies.

A thriving food and agricultural system ("food system") is essential to the United States due to its implications for our nation's economy, individual and communal health, environment, and social equality. Despite the intersectional nature of these issues, our national food laws and policies are fragmented. Instead, the food system is governed by a complex web of laws and regulations, with government agencies, foreign and domestic stakeholders, and community organizations advocating for policies that often conflict, create redundancies, or increase inefficiencies.[3]

The people of the United States stand to reap significant benefits from a national food strategy that embodies a coordinated federal approach for food and agricultural law and policymaking. Such an approach could increase legislative and agency coordination, thereby reducing administrative redundancy and inefficiency; engage stakeholders and the public through meaningful opportunities to share their challenges, priorities, and suggestions for policy development; and ultimately maximize economic, health, environmental, and social benefits.

Food and agriculture account for 5.4 percent of the American economy, contributing more than $1 trillion to the U.S. gross domestic product ("GDP").[4] The food system also employs 11 percent of the U.S. workforce,[5] and the entirety of the U.S. population has an economic stake in the food system, as we all participate as consumers. **However, the food system fails to meet our nation's most important and basic needs in a variety of ways.**

THE FOOD SYSTEM (Fig. 1)

The food system consists of more than just the food supply chain (see Fig. 2). It includes a number of other factors that impact and are impacted by the food supply chain.

FARM INPUTS

The natural resources used in producing food, such as soil, water, and land, and other inputs used to increase agricultural outputs, such as fertilizers and pesticides.

PRODUCTION

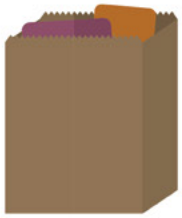
The process of growing and producing food, involving the combination of land, water, and labor resources with capital, machinery, and other inputs.

PROCESSING & MANUFACTURING

The modification of raw agricultural products, often to add value or create ready-to-eat foods.

AGGREGATION

The consolidation of products from multiple small-scale growers to generate wholesale volumes.



DISTRIBUTION

The process and infrastructure involved with moving food products from the end of the production line to the retailer or consumer.

CONSUMPTION

The process of purchase and/or consuming food products.

WASTE MANAGEMENT

The process of recycling or discarding food and other agricultural products used in the process of producing food products.

ENVIRONMENTAL

ECONOMIC

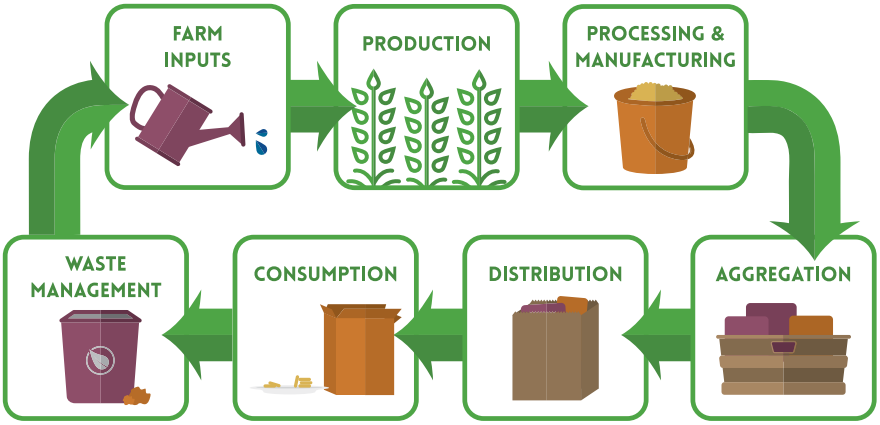
HEALTH

SOCIAL

FOOD SYSTEM CHALLENGES

Health Impacts

FOOD SUPPLY CHAIN (Fig. 2)



Before the COVID-19 pandemic, diet-related disease—which includes obesity, heart disease, stroke, type 2 diabetes, hypertension, and various cancers[6]—was the most significant public health challenge facing the United States.[7] The rates of all diet-related diseases have climbed in the past few decades; for example, nearly ten percent of Americans suffer from diabetes today (and more than one-third are pre-diabetic),[8] compared with less than one percent fifty years ago.[9] These illnesses cause not only a toll in human suffering, but they also impact the economy as well, as a 2009 report from the Centers for Disease Control and Prevention (CDC) estimated that preventable diseases, such as diabetes, account for approximately 75 percent of total healthcare spending in the U.S.[10] Further, Black, Indigenous, and people of color (BIPOC) populations are disproportionately affected by diet-related disease[11] due to many factors,[12] including higher levels of food insecurity, less access to high-quality foods, and targeted marketing of unhealthy foods.[13] This is particularly concerning because preexisting diet-related medical conditions also result in minority communities being more susceptible both to contracting COVID-19 and experiencing severe negative health outcomes at disproportionately higher rates than white populations.[14]

Environmental Impacts

When considering environmental effects, the food system releases environmental contaminants and pollutants, depletes natural resources, and harms local communities.[15] In the United States, agriculture accounts for 80 to 90 percent of "consumptive water use"[16] and is a leading cause of water quality impairment.[17] Despite the significant natural resources, water, labor, and land required to produce our food, nearly 40 percent of the food produced in the United States is lost or wasted.[18] Food waste accounts for the highest percentage of organic waste in landfills, contributing about 14 percent of human-related methane emissions in the United States.[19] Globally, the food system accounts for 60 percent of terrestrial biodiversity loss, 24 percent of greenhouse gas emissions, 33 percent of degraded soils, and 61 percent of commercial fish population depletion.[20]

Hunger and Food Insecurity

Food insecurity is one of the biggest challenges facing the U.S. food system, especially in light of the economic impacts of the COVID-19 pandemic. In 2019, 10.5 percent of U.S. households were food insecure.[21] In April 2020, due to COVID-19, the number of food insecure households was estimated to have more than doubled with figures ranging from 22 to 38 percent, placing tremendous strain on food banks and pantries.[22] Additionally, the number of households with "very low food security," or households where "normal eating patterns were disrupted due to lack of resources,"[23] more than doubled as a result of the pandemic, increasing from 4 percent to 11 percent.[24] The number of households reporting very low food security disproportionately increased for Black and Latinx households, with Black households reporting an increase from 9 percent in 2018 to 20 percent in July 2020 and Latinx households reporting an increase from 5 percent to 19 percent, compared to an increase from 2 percent to 7 percent for white households.[25] While BIPOC households already faced higher rates of food insecurity, this gap has widened dramatically as a result of the COVID-19 pandemic.

Economic Impacts

Although food and agriculture contribute over $1 trillion to the U.S. GDP annually, food system benefits are not distributed evenly among economic and racial groups.[26] Fifty-one percent of all farm production value comes from large-scale farms making over $1 million annually in gross cash farm income ("GCFI").[27] By contrast, small-scale family farms account for only 26 percent of total farm production in the United States, despite representing 89 percent of all farms.[28] Moreover, while net farm income is projected at $102.7 billion in 2020, the median farm income for farm households was anticipated to increase in 2020 to $934 largely due to increases in government payments.[29] Regarding racial disparities, according to the 2017 USDA Census of Agriculture, white farmers received 98.9 percent of government farm payments.[30] Yet, only 0.6 percent of government payments went to farms with Black/African American Producers.[31] Other racial groups are equally underrepresented with only 1.1 percent of American Indian or Alaska Natives, 0.3 percent of Asian, 0.08 percent of Native Hawaiian or other Pacific Islander, and 1.7 percent of Hispanic, Latino, or Spanish producers receiving government farm payments.[32] These disparities are the products of an agricultural system that thrived on enslaving human beings and the government's history of engaging in discriminatory practices, developing policies that sanctioned involuntary land loss, inhibited the accumulation of wealth, and continues to exploit BIPOC and under-represented communities.[33]

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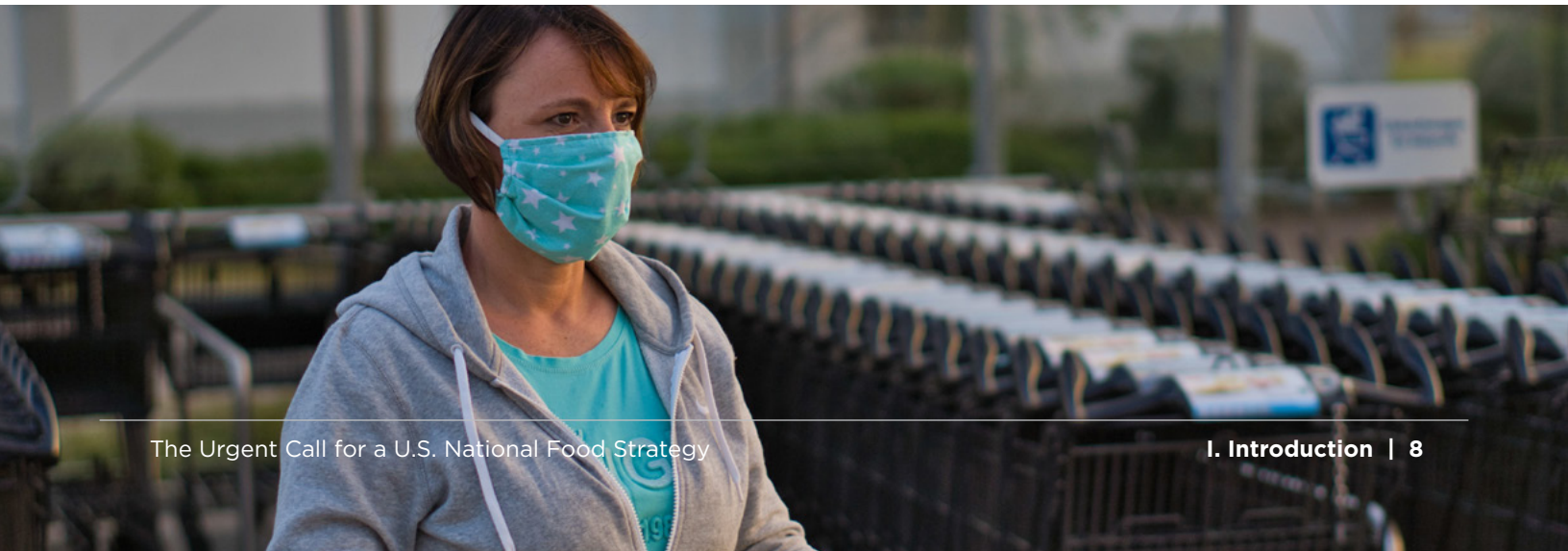
Food and Farm Labor

Despite being essential to the food supply, farm and food system workers who grow, harvest, and process our nation's food supply are unprotected by most labor laws.[34] Agricultural workers are paid sub-minimum wages for strenuous labor without overtime pay[35] and are at significant risk for "fatalities and injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure."[36] They also do not benefit from many of the same workplace protections related to temperature and exposure to hazardous chemicals as workers in other sectors.[37] Additionally, almost half of the two million migrant and seasonal farmworkers in the United States are undocumented,[38] making them ineligible for government assistance, such as workers' compensation, disability benefits, federal nutrition assistance, and Medicaid,[39] despite contributing to these systems through payroll taxes each year.[40] Moreover, farm workers and other food system workers are especially vulnerable to COVID-19.[41] As of September 14, 2020, at least 59,041 food system workers (42,537 meatpacking workers, 9,448 food processing workers, and 7,056 farmworkers) tested positive for COVID-19, and at least 252 workers (203 meatpacking workers, 34 food processing workers, and 15 farmworkers) died.[42] However, the number of cases among food workers may be even higher due to limited testing[43] and resistance from some food businesses to sharing test result data following coronavirus outbreaks at their plants.[44]



The Need for Governmental Coordination to Solve Systemic Issues

The United States has no mechanism to address the food system's interconnected economic, health, and environmental effects, nor a plan to improve these outcomes. Instead, the food system is governed by a complex set of federal, state, tribal, and local laws and agencies, causing inefficient and unintended consequences. At the federal level, more than 15 administrative agencies implement 30 different statutes to regulate and oversee various aspects of the food system, sometimes with overlapping or conflicting mandates and authorities from Congress.[45] Because there is no single food agency within the Executive branch, congressional oversight for food policy is fragmented across various House and Senate committees.

U.S. HOUSE OF REPRESENTATIVES COMMITTEES ON FOOD POLICY

In the House of Representatives alone, three separate committees address:

- Agricultural subsidies and funding for the Supplemental Nutrition Assistance Program (SNAP) through oversight over the farm bill;
- Food safety authority for the majority of the food system; and
- School meals and food support for women, infants, and children.[46]

This jurisdictional morass breeds inconsistency and imposes unnecessary costs and burdens on producers and manufacturers, as well as an inability for the American public to know which agencies or actors should be held accountable for poor food system outcomes. To address these strains on the food system, the U.S. needs a coordinated approach to policymaking that helps identify our national food system priorities and provides opportunities for feedback on the tradeoffs inherent in food policymaking.

Chart I: Federal Agencies and the Regulation of Food

AGENCY	ROLE
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)	Oversees regulation and labeling of domestic and imported meat, poultry, and processed egg products; ensures quality and marketing grades; oversees animal and plant health; administers the Supplemental Nutrition Assistance Program; administers school meal programs; administers Special Supplemental Nutrition Program for Women, Infants, and Children; administers loans and crop subsidies for farmers; provides technical and financial support for rural communities and farmers; along with FDA, issues standards for Good Agricultural Practices; regulates and inspects farm animal transport and slaughter; promotes and oversees farm conservation
FOOD AND DRUG ADMINISTRATION, UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (FDA)	Responsible for protecting the public health by ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; and by ensuring the safety of our nation's food supply, cosmetics, and products that emit radiation
CENTERS FOR DISEASE CONTROL, UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (CDC)	Protects public health, including health around foodborne illnesses
ENVIRONMENTAL PROTECTION AGENCY (EPA)	Regulates environmental pollutants, including air and water pollutants from agriculture, as well as pesticide use
DEPARTMENT OF THE INTERIOR (DOI)	Manages land, water resources, and fisheries
DEPARTMENT OF DEFENSE (DOD)	Responsible for feeding service people and supplying food to other federal programs
DEPARTMENT OF COMMERCE (DOC)	Promotes economic development; issues patents and trademarks; manages fishing in federal ocean waters; conducts climate change research and planning
DEPARTMENT OF TRANSPORTATION (DOT)	Invests in transportation infrastructure, which impacts food transport
DEPARTMENT OF ENERGY (DOE)	Develops energy policy that affects food production
DEPARTMENT OF HOMELAND SECURITY (DHS)	Oversees some aspects of food safety and impacts farm labor through enforcement of immigration laws

Chart I: Federal Agencies and the Regulation of Food (continued)

DEPARTMENT OF LABOR (DOL)	Develops and implements regulations related to workplace compensation, health, and safety, including in the food and agriculture sector
FEDERAL TRADE COMMISSION (FTC)	Regulates food advertising and marketing
FEDERAL COMMUNICATIONS COMMISSION (FCC)	Regulates food advertising
DEPARTMENT OF JUSTICE (DOJ)	Enforces antitrust laws related to food and agriculture; brings criminal charges related to food safety violations
DEPARTMENT OF TREASURY	Administers and enforces laws on the production, safety, and distribution of alcohol; provides financial assistance to healthy food retailers through the Healthy Food Financing Initiative
DEPARTMENT OF STATE (DOS)	Provides food aid and agricultural development assistance overseas
OFFICE OF THE U.S. TRADE REPRESENTATIVE (USTR)	Negotiates with foreign governments to create trade agreements, such as the North American Free Trade Agreement, Transatlantic Trade and Investment Partnership, and Trans-Pacific Partnership

This report provides a needed and timely update to the 2017 *Blueprint* to emphasize the urgency for a U.S. national food strategy, as our situation has only become more dire. Part II of this report summarizes the results of the global and domestic research and recommendations presented in the 2017 *Blueprint.* Part III demonstrates the incremental progress the U.S. has made toward coordination. This Part contrasts this limited progress with other nations that have developed and refined such strategies to holistically address food system challenges. Part IV documents COVID-19's profound impact on the food system, highlighting the substantial disruptions to vital food system functions, and how the lack of a coordinated national strategy hampered our response in the face of supply chain disruptions, disparate impacts on BIPOC communities, and rapidly increasing food insecurity rates. Finally, Part V calls for needed action, suggesting opportunities for Congress or the administration to develop a governance framework that builds and supports a sustainable, equitable, and resilient food system that can respond to the current COVID-19 crisis and chart a course for developing the policies necessary to achieve long-term goals and priorities for the future.

II. RESEARCH AND FINDINGS FROM THE 2017 BLUEPRINT

1. NEED FOR A U.S. NATIONAL FOOD STRATEGY

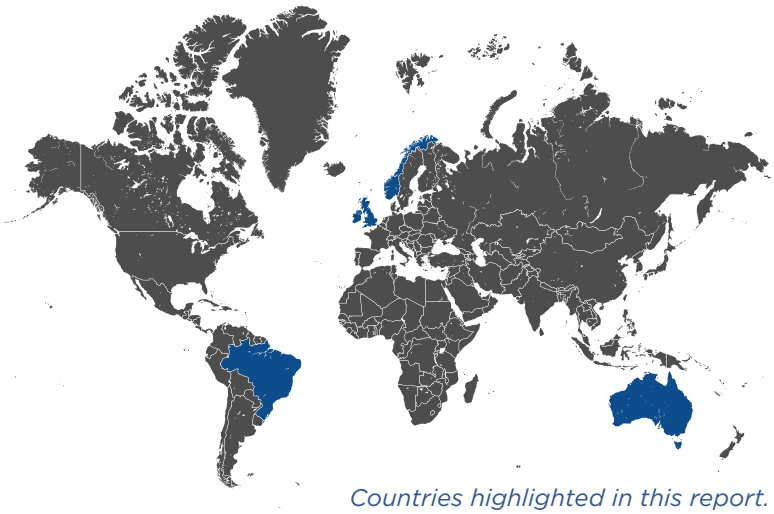
A national food strategy is a **coordinated strategic federal approach to food system policy and regulation.**[47] Such an approach provides a framework to better acknowledge and address the mismatch between the vital importance of our food system and the lack of attention and coordination focused on its operation. In 2017, Vermont Law School's Center for Agriculture and Food Systems (CAFS) and the Harvard Law School Food Law and Policy Clinic (FLPC) developed the *Blueprint for a National Food Strategy* to provide a procedural framework for comprehensive food system law and policymaking.[48] By design, the *Blueprint* focused on process rather than policy. It provided an overview of U.S. food system regulation, identified inconsistencies among some of these laws and authorities, and offered recommendations for a coordinated path forward based on an analysis of selected domestic and international models. As explained in the *Blueprint*, a carefully designed national food strategy lays the foundation for more effective policies and resource utilization, and ultimately, a stronger food system.

For example, a central issue highlighted in the *Blueprint* focused on the absence of a single "food" agency in the United States. Food law and policy are tangled in a vast network of federal, tribal, state, local, and international policies and norms, creating both overlapping and conflicting areas of jurisdiction. One example of the inconsistencies inherent to food system law and policymaking relates to poor health outcomes and rising rates of diet-related disease. Less than 20 percent of Americans are metabolically healthy, an alarmingly low number, largely due to poor-quality diets.[49] As mentioned above, an estimated 42 percent of American adults[50] and 18.5 percent of children are obese.[51] In recommending what Americans should eat, the 2015 Dietary Guidelines emphasized the consumption of fruits and vegetables, listing them as the top two components of a healthy diet.[52] However, the bulk of federal subsidies for food product supports are allocated to commodity crops such as corn and soy.[53] Much of the corn and soy grown in the United States is used to produce highly processed foods or fed to livestock raised for meat production.[54] Yet, the Dietary Guidelines recommend that processed foods and meat should be consumed in moderation,[55] rendering the USDA's crop subsidies at odds with the Dietary Guidelines, which are developed jointly by the USDA and the U.S. Department of Health and Human Services.

Examples of inconsistencies resulting in negative outcomes abound due to our uncoordinated and scattershot approach to food system regulation. A thoughtful, strategic, and coordinated national food strategy could ensure the harmonization of food system priorities, including public health, food equity, and environmental and economic sustainability.

2. INTERNATIONAL EXAMPLES OF NATIONAL FOOD STRATEGIES

The concept of a coordinated federal approach to food system law and policymaking through a national food strategy is not novel or radical. Many countries have adopted national food ***strategies*** to address complex issues within their food systems. The *Blueprint* analyzed national food strategies from six different countries: Australia, Brazil, Norway, Scotland, the United Kingdom, and Wales.[56] These countries faced food system challenges similar to those of the U.S. and their strategies and processes provided examples for the U.S. to consider. While the impetus that led to the creation of each strategy varied, the strategies themselves typically share the underlying goal of providing a framework that accounts for the food system in a coordinated and holistic manner.[57]



Countries highlighted in this report.

A few countries developed national food strategies in response to a national crisis. As cited in the 2017 *Blueprint*, Norway's "farm-food-nutrition" policy, enacted in 1975,[58] responded to high rates of cardiovascular disease in Norway and a global food crisis[59] that underscored Norway's dependence on food imports and highlighted the decline of the nation's farm sector.[60] As a result, the Norwegian government embraced a national food strategy that delegated oversight authority to key government agencies to implement the strategy by improving domestic food production, addressing nutritional health needs, and strengthening international relationships.[61] In 2008, the United Kingdom developed a comprehensive food strategy to address rising global commodity prices and the impact of diet-related diseases. The U.K. government first developed a white paper, *Food Matters,* which detailed legal and policy components of a comprehensive strategy and major food system challenges, and laid out a vision for food policy with strategic goals and actions.[62] *Food Matters* culminated in the U.K.'s first national food strategy, entitled Food 2030.[63]

WHAT IS A STRATEGY?

This report uses a broad definition of ***"strategy,"*** applying it to federal policies, plans, laws, and directives that comprehensively address food system issues by coordinating decision-making across different agencies and governmental departments.

Analysis of the six national food strategies also provided useful examples of participatory governance.[64] In Brazil, stakeholders themselves became policymakers, with advisory councils at every level of government,[65] embodying a partnership between civil society and government. In other countries, stakeholders across the food system participated in the creation of national food strategies through written comments and open consultations.[66] In many instances, governments established targeted working groups in the form of commissions, forums, and councils to conduct outreach, engage in consultations, produce research, or advise government.[67] Finally, to respond to changing needs over time and ensure durability, some countries also included mechanisms to revisit, revise, and recalibrate their strategies.[68] From this international analysis, the *Blueprint* found that countries facing similar sets of challenges as the U.S. determined that the benefits of moving toward coordinated and integrated decision making for the food system far outweighed the costs associated with continuing to address food system issues in a piecemeal fashion.[69]

3. DOMESTIC EXAMPLES OF NATIONAL STRATEGIES

While the U.S. does not have a national food strategy, it does have a rich history of using national strategies to address many other complex health, safety, and environmental issues.[70] The *Blueprint* analyzed comparable national strategy mechanisms, as these mechanisms illustrate the tools available to actualize a national food strategy. Specifically, these strategies serve as models for coordinating action among various agencies, setting national goals and concrete targets, and gathering information from the public and key stakeholders on an ongoing basis.[71] Comprehensive coordinated strategies have been created by the President through executive orders and Congress through legislation, while being championed by Republicans and Democrats alike.

The National HIV/AIDS Strategy provides a good example of a coordinated plan that showcases elements of the successful use of a national strategy as a tool. Throughout the 1990s and early 2000s, activists pressed the federal government to devote increased attention and funding to ongoing high rates of, and disparities in, HIV/AIDS infection.[72] In the lead-up to the 2008 election, the Open Society Foundation's Public Health Watch published a paper, *Blueprint for a National AIDS Plan for the United States,* calling for a national strategy.[73] Thereafter, 500 organizations and 1,000 individuals signed on to a "Call to Action," advocating for the incoming administration to create an effective HIV/AIDS strategy.[74] All Democratic primary candidates and the Republican nominee endorsed the proposal.[75] Upon taking office, President Obama launched a process to create a National HIV/AIDS Strategy, directing the Office of National AIDS Policy ("ONAP") to provide centralized, strategic oversight.[76] As part of the strategy, the President developed an external advisory council of public health officials, experts, and advocates that provided advice and recommendations after soliciting diverse public input.[77] This process culminated in the publication of the first National HIV/AIDS Strategy in 2010,[78] which provided opportunities for ongoing public engagement and updates, thereby increasing accountability and durability.[79] Implementation of the strategy was so successful that ONAP released an updated strategy with new goals and metrics in 2015.[80]

For the National HIV/AIDS Strategy, the Office of National AIDS Policy ***ONAP*** *sought input by facilitating discussions around the country, attended by over* ***4,200 participants*** *of varying ages, economic classes, racial and ethnic backgrounds, sexual orientations, and occupations, as well as soliciting public comments online.*

NATIONAL HIV/AIDS STRATEGY

Much like international food strategies, national strategies in the U.S. have also been used to respond to national crises. For example, commissions were created after Pearl Harbor, the assassination of John F. Kennedy, the space shuttle disasters, and the September 11, 2001, terrorist attacks.[81] National strategies addressing tragic events often follow a similar format: first, a working group or commission determines the events and failures that led to the disaster, and then the commission provides recommendations to prevent similar crises from happening in the future.[82] In some cases, a series of crises can highlight recurring gaps in federal policy. For example, the National Health Security Strategy responded to a set of interrelated concerns following 9/11, Hurricanes Katrina and Rita, and the avian flu outbreak.[83]

Similar to national food strategies in other countries, **the key to the success of the domestic national strategies is empowering a lead office or agency to call meetings, draft the strategy, and report on progress; calling for engagement from relevant offices or agencies; ensuring ample opportunity for public input; and creating channels for transparency and accountability through reporting on strategy implementation and making future revisions.[84]** Prior national strategies offer precedent and a toolkit for building a robust national food strategy in the United States.

4. RECOMMENDATIONS FROM THE 2017 *BLUEPRINT*

Based on its analysis of six national food strategies from around the globe and eight domestic national strategies on other topics, the *Blueprint* proposed a roadmap for creating a national food strategy in the U.S. If followed, this roadmap can increase coordination across government agencies and between public and private sectors, enabling actors to respond efficiently and effectively to the challenges and opportunities facing the U.S. food system. The Blueprint offered four key guiding principles for the development of a U.S. national food strategy: coordination; participation; transparency and accountability; and durability. These principles and corresponding recommendations are still relevant and particularly crucial now as the U.S. food system deals with fallout from the COVID-19 pandemic and its related challenges. The principles are outlined here, and explained in more detail below explained in more detail in the Call to Actions and Recommendations section below.

2017 *BLUEPRINT* RECOMMENDATIONS

COORDINATION

- Identify a lead office or agency and provide it with resources and the authority to compel engagement and action in the creation of the strategy.
- Create an interagency working group to coordinate the key offices and agencies that oversee the laws and regulations that shape our food system.
- Engage state, local, and tribal governments as key partners.

PARTICIPATION

- Create an advisory council to engage vital stakeholders from outside government in strategy development.
- Develop a multi pronged approach to elicit stakeholder and public participation, and provide opportunities for feedback throughout the process.
- Respond to public input, explaining why one course of action has been chosen over another.

ACCOUNTABILITY AND TRANSPARENCY

- Create a written strategy document that includes priorities, goals, expected outcomes, implementation measures, and concrete metrics for measuring progress.
- Require publication of accessible, public-facing reports that measure progress against the strategy's goals, metrics, and expected outcomes.

DURABILITY

- Ensure periodic updating of the strategy to reflect changing social, economic, scientific, and technological factors.
- Implement a procedural mechanism, like that embodied in the National Environmental Policy Act (which requires agencies to consider environmental impacts of their actions), to guide agency decision-making that impacts the food system.

III. PROGRESS TOWARD NATIONAL FOOD LAW AND POLICY COORDINATION

Since the release of the *Blueprint* in 2017, industry stakeholders, nonprofit groups, civil society, and academics have shown increased interest in and support for a coordinated national food strategy in the U.S. In 2017, the Meat and Poultry Dialogue Group ("Dialogue Group"), a stakeholder initiative including the multinational agribusiness Cargill, Inc., and The Pew Charitable Trusts, published a series of recommendations to modernize the meat and poultry oversight system.[85] The report recommended that Congress create one governing body responsible for all aspects of food safety oversight.[86] This entity would streamline risk assessment capabilities and ensure a more coordinated and effective food safety strategy.[87]

Several reports published in 2020 align with the call for more coordination, investment, and strategic planning for the U.S. food system. In March 2020, a multi-stakeholder group convened by the Tufts University Friedman School of Nutrition Science and Policy and Harvard Chan School of Public Health published *Report of the 50th Anniversary of the White House Conference on Food, Nutrition, and Health: Honoring the Past, Taking Actions for our Future.* This report includes policy recommendations for key food policy issues in the United States and called for the creation of a singular executive branch position or office to oversee and manage federal nutrition programs, as well as a number of smaller committees dedicated to specific nutritional health issues.[88] A recent editorial in the American Journal of Public Health called for a unified national policy agenda for the food system to provide needed long-term, transformative solutions.[89] A detailed article in the American Journal of Clinical Nutrition describes the United States' historical lack of investment in and policy coordination focused on nutrition and diet, suggesting a range of options for political structures that could address these challenges, including the creation of an Office of the National Director of Food and Nutrition.[90] A report published in July 2020 by The Rockefeller Foundation called for investment in "coordinated federal, state, and local capabilities" and for collaboration across sectors, including "health, education, environment, labor, nutrition and agriculture" to respond to the food system challenges resulting from the COVID-19 pandemic.[91]

On the global stage, the International Panel of Experts on Sustainable Food Systems (IPES-Food) released a report advocating for a common food policy for the European Union (EU) to "coordinate and align actions across different policy areas and levels of [food system] governance."[92] The report resulted from a three-year multi-stakeholder process that included the creation and participation of five Policy Labs focused on different subject matters and four Local Labs centered in cities around the EU.[93] While the report acknowledges the EU has made progress toward more coordinated food system governance, it also notes several shortcomings in the current approaches, ultimately concluding that the EU needs a common food policy for many of the same reasons cited in the *Blueprint* (see ***Four Key Reasons to Adopt a Common EU Food Policy*** to the right).

This section illustrates various measures and approaches adopted domestically and internationally that coordinate governmental responses to interrelated food system issues. Part A considers various coordination approaches between federal agencies in the U.S. Part B offers examples from other countries that adopted national food strategies, demonstrating ongoing international progress toward coordination in the food system.

INTERNATIONAL PANEL OF EXPERTS ON SUSTAINABLE FOOD SYSTEMS (IPES):

Four Key Reasons to Adopt A Common EU Food Policy

1. To align and eliminate conflicting and inefficient policies;
2. To integrate and elevate innovative policies developed across all levels of government;
3. To encourage long-term, coordinated food system governance rather than responsive policymaking to address issues in the short-term; and
4. To rebuild participatory democratic food system governance and engage a broader range of stakeholders as co-creators of policy rather than consultants.

1. DOMESTIC COORDINATION ON SPECIFIC FOOD ISSUES

Since 2007, fragmentation in food safety oversight has been included on the Government Accountability Office's (GAO) High Risk List, a report published every two years to highlight government programs that are especially vulnerable to fraud, waste, abuse, and mismanagement.[94] In 2011 and 2014, GAO recommended that the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) develop a coordinated plan to streamline food safety protocols. Dissatisfied with USDA and FDA's progress, GAO published a follow up report in 2017 calling for a national strategy on food safety that creates a framework to establish priority actions, assign leadership roles, assess progress, and define future goals.[95]

More recently, Representatives Tim Ryan and Rosa DeLauro requested GAO report on the need for strategic response and coordination regarding food policy and public health; work on this report is underway.[96]

Since 2017, USDA and FDA made a series of cross-agency commitments to streamline food safety oversight and improve interagency communication around particular issues.[97] In 2018, USDA and FDA formally announced their decision to align USDA's Harmonized Good Agricultural Practices (GAP) Audit program with the requirements of FDA's Food Safety Modernization Act's Produce

Safety Rule.[98] This change aimed to make it easier for farmers and producers to understand and meet the federal regulatory requirements, increase the efficiency of farm inspections faced by those producers, and reduce the incidence of harmful foodborne illness outbreaks.[99]

INTERAGENCY AGREEMENTS AND MOUS SINCE 2017

FOOD SAFETY

National Strategy on Food Safety

2017 GAO report

The Government Accountability Office (GAO) calls for a national strategy on food safety that would improve interagency coordination and harmonize federal food safety oversight across the food supply chain.

USDA/FDA Formal Agreement to Bolster Collaboration and Coordination

2018 USDA/FDA formal agreement

In accordance with GAO's recommendations the year prior, the USDA and the FDA formally announce their commitment to improving food safety oversight through increased interagency communication and coordination.

USDA/FDA Streamline Produce Safety Requirements for Farmers

2018 USDA/FDA announcement

The USDA and FDA agree to align rules in the USDA's Harmonized Good Agricultural Practices Audit program with the requirements of the FDA's Food Safety Modernization Act's Produce Safety Rule. This collaboration is intended to make farm inspections more efficient and effective in reducing the risk of foodborne illness.

USDA/FDA agreement to coordinate cell-based meat regulation

2019 USDA/FDA formal agreement

The USDA and FDA reestablish their respective authority over the regulation of animal cell-cultured food products for human consumption. The agreement aims to create a standardized approach to food safety oversight and to improve coordination between the two agencies.

FOOD WASTE

USDA/EPA/FDA Winning on Reducing Food Waste Initiative

2018 USDA/EPA/FDA MOU

This MOU between the USDA, EPA, and FDA signifies an interagency agreement to make food loss and waste reduction a national priority. The agreement calls for improved communication between agencies and a more coordinated effort to address food loss and waste across the supply chain.

USDA/EPA/FDA Winning on Reducing Food Waste FY 2019-2020 Federal Interagency Strategy

2019 USDA/EPA/FDA announcement

This announcement follows the signed MOU from October 2018 and stresses interagency collaboration with state, local, and community stakeholders. The strategy highlights six areas of focus:

1. Enhance Interagency Coordination
2. Increase Consumer Education and Outreach Efforts
3. Improve Coordination and Guidance on Food Loss and Waste Measurement
4. Clarify and Communicate Information on Food Safety, Food Date Labels, and Food Donations
5. Collaborate with Private Industry to Reduce Food Loss and Waste Across the Supply Chain
6. Encourage Food Waste Reduction by Federal Agencies in their Respective Facilities

In 2019, USDA and FDA signed a formal agreement to establish shared authority over the regulation of animal cell-cultured food products.[100] Under the Federal Meat Inspection Act (FMIA)[101] and the Poultry Products Inspection Act (PPIA),[102] USDA–FSIS is primarily responsible for regulating meat, including beef, pork, lamb, and poultry.[103] FDA is responsible for regulating the remainder of the food supply, including other animal products such as game meat and processed foods containing less than 50 percent meat.[104] Animal cell-cultured food products are a novel category of food. Preexisting legislation lacked clarity regarding whether USDA or FDA should regulate lab-grown meat, and the agencies had no mechanism to easily resolve the conflict. In the absence of congressional action addressing the jurisdictional question, neither agency had plenary authority over these products, creating a stalemate over who should regulate. To alleviate these challenges, the 2019 agreement clarified the agencies' shared responsibilities for these products by providing that FDA would regulate animal cell-cultured food products from the production phase until the time of harvest, with regulatory responsibility shifting to USDA for oversight of further processing and labeling.[105] **To ensure safety, increased and frequent coordination between USDA and FDA will only become more integral and potentially cumbersome as food technology continues to evolve and novel products cross agency jurisdictional lines.**

REGULATORY FRAMEWORK BETWEEN FDA AND USDA FOR FOOD INSPECTION (Fig. 3)

FDA oversees safety and labeling for 80 percent of the food supply, specifically:

- All domestic and imported food products processed for sale across state lines, but NOT meat and poultry
- Seafood except catfish
- Certain egg products, including shell eggs
- Game meats
- Fruits and vegetables
- Dietary supplements

USDA oversees safety and labeling for:

- Domestic and imported meat and poultry (except game meat)
- Products containing more than a certain percent of meat or poultry
- Certain egg products, such as processed and liquid egg products
- Catfish

2019 NATIONAL FOOD WASTE REDUCTION STRATEGY:

Six Areas of Focus

1. Enhanced interagency coordination;
2. Increased consumer education and outreach efforts;
3. Improved coordination and guidance on food loss and waste measurement;
4. Enhanced clarity and communication on food safety, date labels, and food donations;
5. Improved collaboration with private industry to reduce food loss and waste across the supply chain; and
6. Increased encouragement of federal agencies to reduce food waste in their facilities.

In addition to coordinating food safety regulation, USDA and FDA agreed, along with the Environmental Protection Agency (EPA), to jointly address food loss and waste. In a 2019 Memorandum of Understanding (MOU), the USDA, FDA, and EPA agreed to make food loss and waste reduction a shared priority.[106] In pursuit of this goal, the agencies announced a national food waste reduction strategy in 2019 that includes six key areas of focus. [107]Along with emphasizing coordination between federal agencies, the strategy also highlights the importance of collaboration with state, local, and community stakeholders.[108]

In 2020, COVID-19 swept through the U.S. and delivered multiple shocks to the food system. The rise of COVID-19 infections on farms[109] and at processing plants[110] and resulting business shutdowns invoked a growing fear of food shortages. On April 28, 2020, President Trump issued an executive order giving the Secretary of Agriculture authority under the Defense Production Act (DPA) to keep meat and poultry processing plants open despite pandemic concerns; the order also gave USDA authority to keep open all "food supply chain resources."[111] FDA was not named in the executive order but the agency was implicated, as both the USDA and FDA are responsible for food safety, with FDA overseeing most of the overall food supply. To resolve outstanding questions, on May 18, 2020, USDA and the FDA signed an MOU clarifying how they would work together to exercise the plenary authority seemingly given to USDA under the DPA.[112] Because so many federal agencies share a role in U.S. food system governance, it is difficult to identify one clear regulatory leader, even in times of crisis.

In recent years, federal agencies have opened communication channels and agreed that certain food problems require the coordination of two or more agencies.[113] However, the aforementioned agreements and MOUs are limited in their effectiveness. While they symbolize a commitment to work together on particular issues, they fail to address the broader set of actors and externalities implicated by the food system. Without expanding interagency support and having a coordinated plan in place, these MOUs between two or three agencies in response to narrow food system issues cannot effectively address the broad, long-term challenges facing the food system.

National strategies in other sectors demonstrate ongoing political will within the U.S. to utilize this type of mechanism to align and ultimately achieve national goals. In recent years, the U.S. developed national strategies on a broad range of issues, incorporating the same guiding principles as the strategies analyzed in the *Blueprint*. For example, in 2018 the Trump administration launched The *National Biodefense Strategy,* designed to strengthen preparedness and response to biological threats.[114] This strategy reinforces the importance of a central coordinating body and appoints the Department of Health and Human Services (HHS) to manage oversight and implementation of the strategy. The strategy also encourages interagency and stakeholder participation, creating an interagency working group of key federal agencies and promoting coordination with the public and private sectors.[115] The 2020 *National Strategy to Secure 5G* also encourages interagency coordination and public-private collaboration, affirming the notion that participation of key stakeholders ensures policy changes are appropriately informed.[116] The 2019 *National Intelligence Strategy* emphasizes the importance of building public trust and aims to offer transparency about intelligence information and activities while protecting national security.[117] These examples indicate the U.S. continues to regard national strategies as effective tools for organizing coordinated responses to vital issues of national concern even when more limited in scope than the food system.

2. PROGRESS ON INTERNATIONAL EXAMPLES OF NATIONAL FOOD STRATEGIES

Since 2017, the international community has witnessed increased support for the use of national food strategies to address complex food system issues. As discussed above, **the *Blueprint* highlighted six countries for their adoption of national food strategies, memorializing priorities and goals to address existing food systems issues and guide future decision-making.** These national strategies typically responded to a set of substantive concerns depending on a country's particular challenges and aspirations. While the strategies of developed countries typically cover a range of substantive issues including environment, economy, trade, health, and nutrition, those of developing countries are often focused on food insecurity and nutrition issues that have reached crisis levels. As described below, several of the countries included as examples in the Blueprint have undertaken more concrete commitments since 2017, and some, such as the United Kingdom, are the in the midst of comprehensive updates to their strategies. In addition, other countries, most notably Canada, have developed national food strategies since 2017. Taken together, these international examples of national food strategies provide a compelling case for creation of one in the U.S.

A. REVISITING THE NATIONAL FOOD STRATEGIES ANALYZED IN THE 2017 *BLUEPRINT*

Since 2017, the countries highlighted in the Blueprint have responded to changed administrations, restructuring of government, and continued strain on their food system in many of the same ways as the United States. Consequently, their progress toward implementing comprehensive national food strategies has been varied, but provides useful analogies and takeaways for the United States.

UNITED KINGDOM

The United Kingdom has long valued comprehensive, coordinated national strategies as a tool to address complex, interrelated food system challenges. Since 2017, the U.K. has experienced a significant shift in government as it left the European Union on January 31, 2020.[118] Consequently, the U.K. government has been in a state of transition over the past year but has continued its focus on policy coordination across the food system. At this pivotal moment, it has recognized that the pandemic, coupled with its radical shift in governance, provides the impetus for a new approach to food system law and policymaking.

Spurred by financial crises in 2007-2008, in 2010, the British government released the country's food strategy paper, *Food 2030*.[119] This strategy articulated the government's vision for a "sustainable and secure food system for 2030" and was prompted, in large part, by the government's continued lack of coordination around food policy.[120] Since the release of *Food 2030*, the U.K. has undergone two changes in administration and the strategy was eventually dropped.[121] Due to the United Kingdom's decision to leave the European Union ("Brexit"), the strategy would require significant revision, as commentators predict Brexit will have a significant impact on the U.K.'s food system.[122]

In 2019, the Department for Environment, Food & Rural Affairs' (DEFRA) Secretary of State proposed launching an independent review and appointed an independent lead, who also serves as a non-executive board member of DEFRA, to undertake a comprehensive review of the food system in the U.K.[123] To engage in information gathering, the U.K.'s government created a consultation period, which resulted in responses from 1,600 citizens and other stakeholders in the food system.[124] The government also launched a stand-alone website for the forthcoming National Food Strategy that includes an explanation of stakeholder engagement.[125] To review and form the strategy, the U.K. government plans to incorporate a Citizens' Assembly of randomly chosen individuals of varying demographics,[126] a National Food Conversation, focus groups, and field visits.[127] The U.K. government also announced an advisory panel for the National Food Strategy that includes members from retail, NGOs, food manufacturing, agriculture, and academia.[128]

In July 2020, in response to COVID-19, the U.K. released Part One of its National Food Strategy, which does not provide a comprehensive, long-term plan for the food system, but rather includes a set of recommendations to address food system disruptions caused and exacerbated by the pandemic and to address the U.K.'s transition from the EU.[129] This report was unexpected, as the U.K. had intended to release its comprehensive long-term national strategy.[130] However, due to the COVID-19 pandemic, the U.K. quickly shifted gears and developed a responsive national strategy to address both the issues raised by the pandemic and those arising as a result of the U.K.'s move from the EU.[131]

The UK National Food Strategy: Part One — July 2020

Given its impetus, the Part One report is centered on two main themes: (1) addressing issues faced by the U.K.'s most "disadvantaged children"; and (2) sovereignty, trade, and standards of quality.[132] Specifically, under the first theme, the strategy includes several directives focused on expanding food assistance programs.[133] Under the second theme, the strategy suggests increased import restrictions to prevent food from entering the U.K. that fails to meet its rigorous environmental and animal welfare standards and the creation of a set of core certification standards to be developed by a newly created Trade and Agriculture Commission.[134] The U.K. intends to release a Part Two report, which will constitute a comprehensive plan with recommendations for the government to use in developing its overarching National Food Strategy in 2021.[135] This strategy will be based on the comprehensive review of the evidence, responses received during the consultation period, and "deliberative debates" with citizens.[136]

SCOTLAND

The Scottish government continued to make forward progress on coordinated food system governance by committing to consult on proposals for a Good Food Nation Bill in 2018 to implement its 2009 National Food and Drink Policy.[137] In response to the consultation, over 800 organizations and individuals expressed a desire for the government to "ensure the right to food" through a systems approach to policymaking.[138]

Additionally, respondents advocated for coordinated policymaking across a number of areas including climate change, human rights, and transport.[139] Stakeholders also called for more provisions about local food systems, nutrition and public health, and food access and affordability.[140] As a result, the Scottish Programme for Government 2019 to 2020, which is published each year to lay out the government's action plan for the year, included a commitment to bring a bill forward that would enact the Good Food Nation bill into law.[141]

BRAZIL

The *Blueprint* commended Brazil's national food strategy for its commitment to including civil society as actual policymakers rather than consultants or participants. However, since 2017, Brazil pulled back from its commitment to maintain a national food policy. Former President Lula established the National Food and Nutrition Security Policy (PLANSAN) by decree in 2010, which constitutionally recognized food access as a human right and established a general policy framework that would be implemented and articulated by multiple government agencies, as well as civil society members.[142]

After President Bolsonaro came to power in 2019, he took several steps to undermine PLANSAN, which were largely possible because the Policy was created through decree rather than legislation. First, through an interim measure, President Bolsonaro eliminated Brazil's National Council for Food and Nutrition Security (CONSEA), an advisory body established in 1994 made up of two-thirds civil society members and one-third government representatives. This action significantly reduced, if not eliminated, federal coordination on food security issues.[143] Prior to its termination, CONSEA convened regular national food security conferences to bring together stakeholders in the food system and elaborate new implementation plans for PLANSAN, which is a three-year national food and nutrition security policy.[144] Without these regular meetings and CONSEA's leadership, it is unlikely the government will articulate a new iteration of PLANSAN for 2020-2023 following the last plan's expiration in 2019.[145] Consequently, the Bolsonaro regime's actions have stunted the PLANSAN process and food security policymaking at a federal level, demonstrating how strategies developed through the executive branch may suffer from changing political climates.

B. A NEW NATIONAL FOOD STRATEGY IN CANADA

In addition to countries continuing to move forward with their national food strategies since 2017, Canada's government heeded the calls of grassroots activists and developed the *Food Policy for Canada: Everyone at the Table*, a written strategy resulting from a 2015 mandate by Prime Minister Trudeau and led by Agriculture and Agri-Food Canada (AAFC) as the lead agency.[146] **Due to its proximity to the U.S., as well as similarities in the governmental structures exercising oversight of the food system, Canada provides a compelling example for the United States, demonstrating the value in developing a coordinated and comprehensive vision for food system law and policymaking.**

CANADA

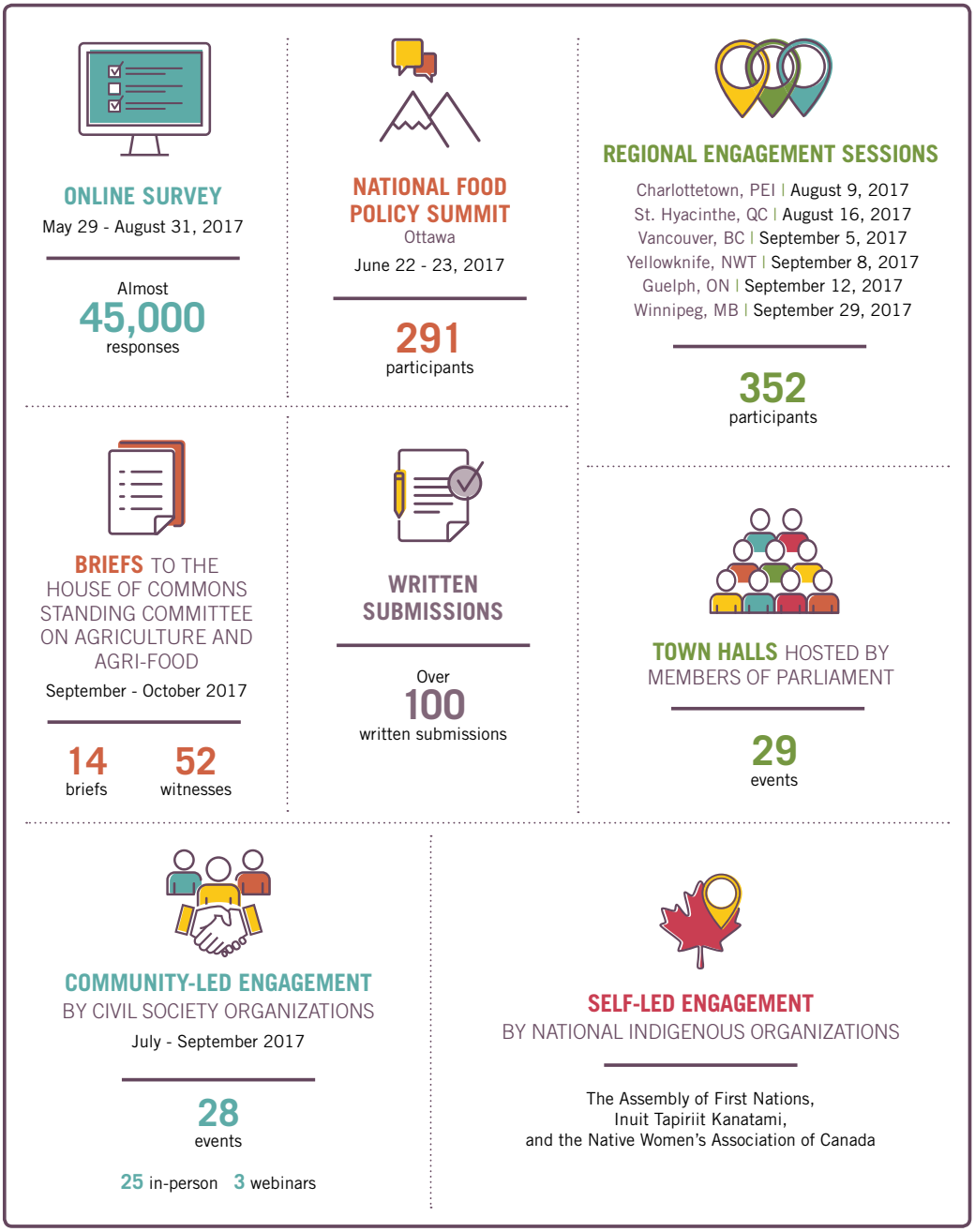
The *Food Policy for Canada*, released in 2019, embodies many of the recommendations set forth in the *Blueprint* based on examples of what worked well in other countries. The Canadian government allocated $134.4 million to specific programs over five years, and while some have suggested the funding may be insufficient to fully implement the Policy's goals, this amount of funding represents a substantial commitment toward implementing the policy (see chart II below for details).[147] An additional allocation of $15 million was made to the Canadian Northern Economic Development Agency to establish the Northern Isolated Community Initiative Fund to bolster local and indigenous food production projects.[148]

Chart II: Funding Allocations Made as a Result of Food Policy for Canada

FUNDING AMOUNT	PROGRAM	DESCRIPTION
$50 MILLION	Local Food Infrastructure Fund	Supporting a wide range of community-led projects that improve access to safe, healthy, and culturally diverse food. These could include greenhouses, community kitchens, projects at food banks, and farmers markets.
$15 MILLION	Northern Isolated Community Initiatives Fund	Supporting community-led projects like greenhouses, community freezers, and skills training to strengthen Indigenous food systems, and combatting significant challenges in accessing healthy food in Canada's North.
$25 MILLION	Buy Canadian Promotion Campaign	Promoting Canadian agricultural products thanks to a new Canada Brand, as well as through online and in-store Buy Canadian campaigns. Increasing consumer pride and confidence in our food.
$26.3 MILLION	Reducing Food Waste	Launching a challenge to fund the most innovative food waste reduction proposals in food processing, grocery retail, and food service—as well as leadership by the federal government to cut its own food waste.
$24.4 MILLION	Tackling Food Fraud	Cracking down on mislabeling and misrepresentation of food products, helping to protect consumers from deception and companies from unfair competition.

The *Food Policy for Canada* was developed with significant public input from stakeholders such as industry, various food system advocates, and the country's indigenous populations.[149] These efforts included an online survey, a national summit focused on food policy, regional and local town hall and consultation events organized by various members of Parliament, community events led by civil society groups, and self-led discussions through National Indigenous Organizations.[150] The online survey resulted in 45,000 responses with 71.2 percent of those coming from the general public.[151] The consultations focused on four themes identified prior to the consultations: (1) increased food access and security; (2) health and food safety; (3) natural resource conservation; and (4) producing high-quality food products.[152]

Input received from Canadians and Stakeholders in 2017

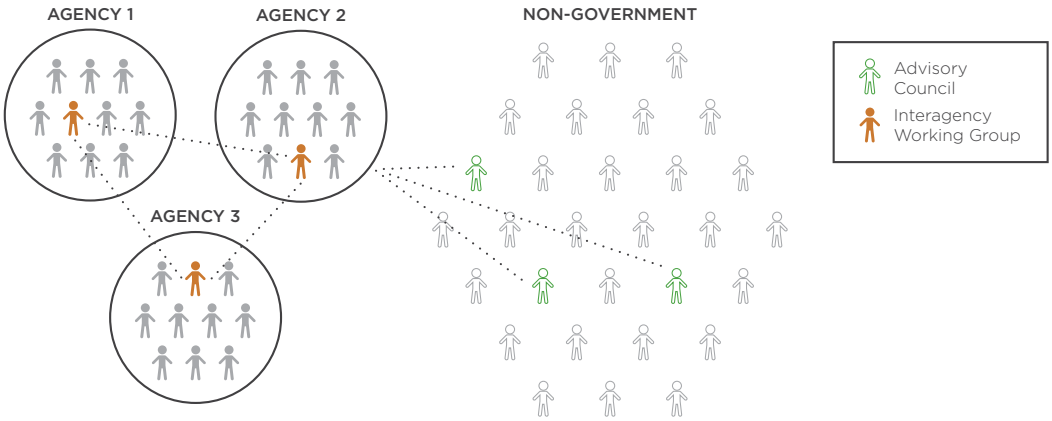


Agriculture and Agri-Food Canada, What We Heard: Consultaions on a Food Policy for Canada

To conduct outreach and ensure input from traditionally marginalized and underserved groups, the Canadian government engaged Food Secure Canada, a nonprofit organization comprised of members from a multitude of backgrounds, to help conduct discussion groups and receive public comments.[153] Additionally, the Canadian government undertook bilateral conversations with National Indigenous Organizations to "identify preferred approaches for Indigenous engagement," which resulted in self-led discussions with governmental support.[154] The Canadian Federation of Agriculture, Canada's largest farm and agribusiness organization, also hosted a number of discussions with the government, civil society, industry, Indigenous organizations, and members of academia in an attempt to find areas of common interest.[155]

Advocates in Canada have long pressed the need for democratized and coordinated food system governance, suggesting that diverse groups of stakeholders needed to be engaged in co-developing food system policy and overseeing its implementation.[156] To promote diversity and inclusion, the Policy calls for ongoing representation of Canada's diverse food system stakeholders through the formation of the Canadian Food Policy Advisory Council (CFPAC).[157] CFPAC which will work with a newlycreated senior-level interdepartmental committee on food policy,[158] or an interagency group working across governmental departments to encourage policy coordination.[159] Members of the Advisory Council are appointed after nomination or through an open application process, with the goal being that all people living in Canada are part of an ongoing dialogue on food system issues.[160]

INTERAGENCY WORKING GROUP VS. ADVISORY GROUP (Fig. 4)



An interagency working group or task force ("working group") and an advisory council or committee ("advisory council") engage different constituencies and serve different roles. Working groups consist of federal employees, such as agency heads or representatives whereas advisory councils typically draw their members from outside the federal government. Their respective roles are closely tied to their membership: while working groups serve to facilitate coordination across federal agencies, advisory councils serve to solicit feedback and advice from key stakeholders and experts external to government.

To ensure the durability and ongoing responsiveness of the *Food Policy for Canada*, the Canadian government should ensure periodic updating of the strategy. While the Canadian government has yet to articulate a specific plan for future updates, it has conveyed that "specific and measurable targets for each of the priority outcomes will also be developed by federal partners with input from the Canadian Food Policy Advisory Council."[161] Once these priority outcomes are determined, the Canadian government envisions a "cross-government reporting framework" that will monitor progress in these areas.[162] Ideally, this framework will enable the Canadian government to assess progress and adjust priorities, budgeting, and implementation measures to ensure the strategy remains relevant and effective.

While it is clear the government expended a great deal of effort ensuring participation by varied stakeholder groups, critics have noted opportunities for improvement. For example, the *Food Policy for Canada* relegates CFPAC to an advisory role, leaving ultimate policy decisions to AAFC and other relevant agencies rather than engaging stakeholders as true policymakers to reflect participatory governance principles.[163] Even more concerning to some is that CFPAC had not yet been formed as of October 2020, even though the application period took place in September 2019.[164] Without CFPAC in place, important policy decisions (such as those relating to the food system response during COVID-19) are exposed to the same pitfalls that gave rise to the National Food Policy in the first place; namely, private interests and the federal government making extempore decisions without giving due consideration to the needs of a range of Canadian stakeholders.[165] Because *Food Policy for Canada* is still fairly new, it remains to be seen how well Canada's government will implement the strategy, meet the identified outcomes, and work to evolve and adapt the strategy over time.

As mentioned above, Canada is a strong analogue to the U.S. both in terms of its food system and governmental structure. The fact that Canada has chosen to create a national food strategy after years of grassroots activism, coupled with the U.K. and Scotland's continued efforts to implement and build upon their national food strategies, sends strong signals to the U.S. about the value of a national food strategy as a mechanism for coordination that can address a wide range of challenges and foster a stronger, more sustainable, and resilient food system.

IV. COVID-19 CONFIRMS URGENT NEED FOR A NATIONAL FOOD STRATEGY

The impacts of the COVID-19 pandemic on the food system have been unprecedented and cataclysmic. These impacts have been well-documented in the press and have shaken our collective conscience. Many of the issues presented—soaring rates of food insecurity and reduced access,[166] disproportionate impacts to underserved and BIPOC communities,[167] inadequately protected food system workers,[168] staggering amounts of lost income for farmers and threats to farm viability,[169] increased food waste,[170] concentrated distribution networks,[171] and concerns about food safety[172]—existed before the pandemic at crisis levels. While the pandemic exacerbated these conditions, it also heightened awareness of these issues among the general public. **Unfortunately, due in part to the lack of formal structures for interagency cooperation, federal solutions have been piecemeal, incremental, and responsive rather than sweeping, strategic, and proactive.**

Largely, the failure to respond comprehensively stems from the fact that regulation of the U.S. food system is incredibly fragmented, confusing, and uncoordinated. As noted above, it is widely known that the two primary federal agencies regulating the food supply are FDA and USDA, yet few understand the explicit jurisdictional divide between them. This directly impacted the national COVID-19 response. Because of the skyrocketing rates of COVID-19 among food system workers and the resulting fear of major disruption to the food supply, in April 2020, President Trump issued the Executive Order discussed previously delegating authority to USDA to maintain food supply chain operations during the pandemic.[173] However, Executive Order 13917 gave USDA authority over aspects of the food supply outside the agency's jurisdiction.[174] Although FDA was not explicitly named in the Executive Order, the agency was implicated as it shares regulatory authority over the food supply chain with USDA—indeed, FDA has sole authority over the majority of the food supply. To address the jurisdictional issue, USDA and FDA were able to work together to develop a memorandum of understanding

outlining a process for FDA to continue exercising its authority over aspects of the food supply chain not under USDA authority with a mechanism to alert USDA regarding any potential disruptions.[175] **This example only serves to highlight that even governmental actors fail to appreciate the complex web of regulatory authority over the food system, and illustrates the need for increased coordination across agencies, which may not always be as cooperative as in the example above.**

USDA CORONAVIRUS FOOD ASSISTANCE PROGRAM

$19 BILLION IN INITIAL ALLOCATIONS

$16 billion in direct support payments

$3 billion in USDA purchases

Additionally, increased planning and coordination among Congress and government agencies could have expedited the rollout of the Coronavirus Food Assistance Program (CFAP), the major relief package announced by USDA in late April 2020 to assist food-insecure families and struggling agricultural producers with pandemic-related need.[176] Funded by both the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act, CFAP allocated $19 billion to support farmers and ranchers,[177] through two programs created by USDA. The first provided $16 billion in direct support payments to agricultural producers who suffered financial hardship due to lost demand and oversupply caused by the pandemic.[178] The remaining $3 billion funded the Farmers to Families Food Box Program, through which USDA solicited bids from businesses to aggregate fresh produce, dairy, and meat into food distribution boxes for needy families.[179] In response to continued need, USDA allocated additional funding for this program several months later.[180] As discussed below, the CFAP programs offered innovative solutions to immediate concerns, but lacked strategic oversight and failed to consider long-term issues, leading to slow and inconsistent relief for needy families and producers.

The following sections describe some of the many food system challenges exacerbated by the COVID-19 pandemic. For each of these challenges, governmental actors at the federal, state, and local level attempted to respond, but often faced obstacles preventing them from responding quickly and systematically. These obstacles came in the form of Congress' failure to develop comprehensive, strategic legislation that could have benefitted from state and local government input, as well as federal agencies' failure to operate within an existing framework by which to align their actions. In many cases, the lack of a national strategy hampered legislative and regulatory responses. The examples below discuss how COVID-19 illuminated many deep, pervasive challenges in the food system. In addition, they illustrate how strategic national coordination could have facilitated more effective crisis response while also resulting in strategic solutions that lay the groundwork for the needed longer-term, comprehensive, and transformative change to the food system.

A. FARM AND FOOD WORKERS ARE DEEMED "ESSENTIAL" YET ARE UNPROTECTED

Despite being essential to the food supply, farm and food system workers who grow, harvest, and process our nation's food supply are under-protected by most labor laws.[181] Agricultural workers, as one example, are paid sub-minimum wages for strenuous labor without overtime pay [182]and are at significant risk for "fatalities and injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure."[183] Workers slaughtering and processing beef, pork, and chicken "have some of the highest rates of occupational injury and illness in the United States." [184]Amidst these pervasive problems, COVID-19 called into sharp focus the dangers and risks associated with work across the food supply chain, as well as the dearth of protections available to support this marginalized population. As of September 14, 2020, at least 59,041 workers in the food system (42,537 meatpacking workers, 9,448 food processing workers, and 7,056 farmworkers) had tested positive for COVID-19, and at least 252 workers (203 meatpacking workers, 34 food processing workers, and 15 farmworkers) had died.[185]

According to President Trump's March 16, 2020, "Coronavirus Guidance for America," those who work in critical infrastructure sectors "have a special responsibility to maintain [a] normal work schedule."[186] The Department of Homeland Security included food and agriculture among the list of critical infrastructure that should be prioritized for in-person work in the face of any stay-at-home orders.[187] Based on this guidance, **the many cities and states that subsequently developed stay-at-home orders generally declared farm and food system workers essential, meaning they were expected to come to work in person.**

WORKERS TESTING POSITIVE FOR COVID-19

As of September 14, 2020

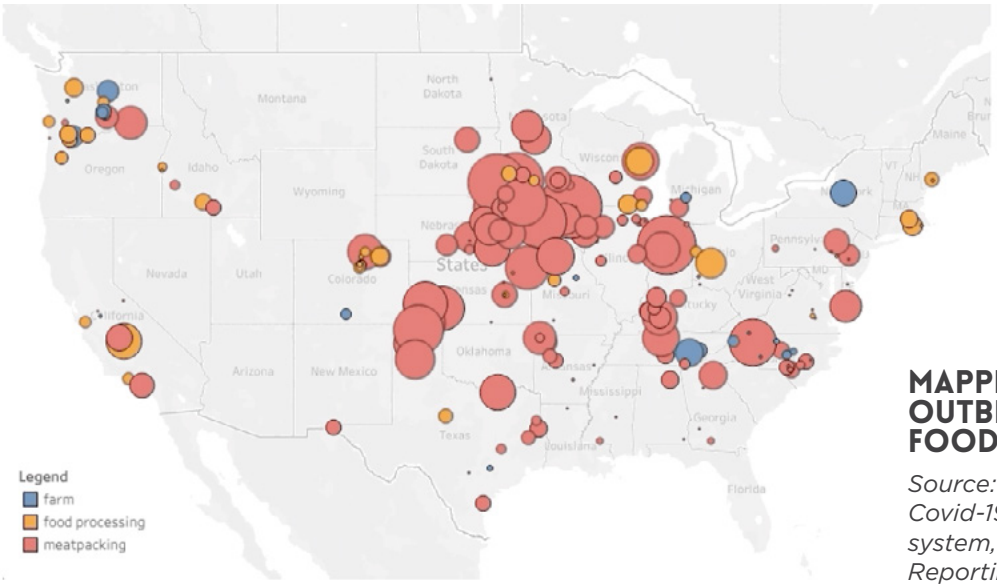
59,041 total positive tests

- 42,537 meatpacking
- 9,448 food processing
- 7,056 farmworkers

252 worker deaths

- 203 meatpacking
- 34 food processing
- 15 farmworkers

Source: Leah Douglas, Mapping Covid-19 outbreaks in the food system, Food & Environment Reporting Network (Sept. 17, 2020)



MAPPING COVID-19 OUTBREAKS IN THE FOOD SYSTEM

Source: Leah Douglas, Mapping Covid-19 outbreaks in the food system, Food & Environment Reporting Network (Sept. 17, 2020)

An assessment from the Centers for Disease Control revealed that approximately one month after states began to enact shelter in place orders excluding food and agricultural workers, there were 4,913 COVID-19 cases affecting meat and poultry workers from 115 facilities and 20 deaths, making these facilities "hot spots."[188] Where the reporting accounted for the respondents' race and ethnicity, these rates were disproportionately higher among minority racial groups.[189] Many state and local officials became increasingly worried about transmission rates, encouraging meat and poultry facilities to shut down; Smithfield and Tyson announced indefinite closures of facilities in South Dakota and Iowa.[190] Despite being told to stay open as critical infrastructure, meat processing facilities began shutting down.

In the midst of these rising outbreaks and shutdowns of meat processing facilities, on April 28, 2020, President Trump invoked his authority under the Defense Production Act, mentioned above, which permits the president to expedite the production of certain resources in times of crisis. The Executive Order deemed "meat and poultry" as "scarce and critical material," and directed USDA "to ensure that meat and poultry processors continue operations[.]"[191] The Executive Order noted that industry responses to outbreaks of COVID-19 resulted in reduced output or facility closures, both of which threatened the meat and poultry supply chain and the continued availability of these products for American consumers.[192] The decision to keep plants open to maintain the meat supply was shortsighted in the absence of mandatory requirements to maintain worker health and safety, as it caused continued virus outbreaks that made it difficult to keep facilities fully staffed and reduced production capacity.[193]

The federal government's push to keep meat and poultry plants open to maintain the meat supply was shortsighted in the absence of mandatory requirements to maintain worker health and safety, as it caused continued virus outbreaks that made it difficult to keep facilities fully staffed and reduced production capacity.

Two days before the President's Executive Order, CDC and OSHA issued joint interim guidance[194] recommending meat processing employers develop COVID-19 assessment and control plans, noting "distinctive risk factors" for these workers including proximity, prolonged working hours, and shared transportation.[195] This guidance was slow to arrive, coming weeks after facilities began to shut down in early April. Additionally, because it was issued as guidance rather than a mandate, there remained questions about whether employers were required to comply and whether the agencies would act to enforce.[196]

DELAYED FOOD SAFETY GUIDANCE FOR FOOD AND FARM BUSINESSES AT A CRITICAL MOMENT

COVID-19 was declared a national emergency in the U.S. on March 13, 2020,[197] however, the federal government was slow to release guidance for safety measures in the food industry. The CDC did not release industry-specific guidance for meat and poultry processing workers until April 26, 2020 (at which time it issued joint interim guidance with OSHA),[198] and did not release guidance for agricultural workers until June.[199] That same month, USDA and FDA issued a joint statement stating that COVID-19 was not a threat to food safety because the virus was unlikely transmissible through food.[200] By summer, USDA and FDA still had failed to create guidance for food processing facilities and their workers to maintain food safety and safe food distribution,[201] though FDA did release guidance for retail food establishments in May.[202] This left producers to make critical decisions on illness reporting, contract tracing, and providing PPE before giving notice to the FDA or USDA.[203] On June 24, the CDC and OSHA, in consultation with FDA, also released industry-specific guidance on COVID-19 protections for seafood processing workers.[204] It was not until September, six months after the start of the public health emergency and well after the peak season for farmers markets,[205] that the CDC issued COVID-19 guidance for outdoor farmers markets; at the same time CDC also issued guidance for food pantries and food distribution sites.[206]

OSHA also issued an Interim Enforcement Response Plan for COVID-19, specifying that the agency did not intend to perform on-site investigations of alleged workplace hazards, but rather would send a letter to the employer requiring a response within five days detailing how the issue would be addressed.[207] According to its enforcement plan, OSHA stated it would only initiate an investigation if the employer's response was deemed inadequate.[208] Thus, the OSHA and CDC joint guidance lacked force because employers were not required to comply, nor was OSHA planning to enforce it in any meaningful way. The joint guidance on workplace safety, in conjunction with OSHA's enforcement plan and the President's Executive Order, sent a set of conflicting messages regarding how these facilities could safely remain open, and whether employers were expected to institute the measures recommended to ensure safe working conditions for meat and poultry workers.

Many suggest that OSHA's response in the early months of the pandemic was grossly inadequate in the face of serious allegations of unsafe working conditions.[209] Moreover, since the industry employs a disproportionately high rate of immigrants, people of color, and individuals living in low-income households,[210] concerns about job loss, deportation, and other forms of retaliation are particularly acute in the event there are workplace hazards to report. Due to increased pressure, OSHA eventually issued two violations in September – one against a Smithfield plant in Sioux Falls, South Dakota,[211] the second against JBS Foods in Greeley, Colorado[212] for failing to protect workers under the general duty clause. Both of these facilities were "hot spots" early on in the pandemic, but quickly reopened their facilities without taking appropriate protective measures.[213] Given the fact that these violations were issued almost six months after outbreaks occurred in the facilities and that the fines were quite low—for example, the Smithfield fine was only $13,494—the likelihood they will serve as deterrents is low.

COVID INFECTION AMONG USDA FSIS INSPECTORS

USDA assured producers that it was able to account for inspector absenteeism in meat facilities and that lines of communication between the agencies and producers would remain open.[214] Even after 123 FSIS inspectors were under quarantine, and another 171 field employees contracted COVID-19, resulting in four deaths, FSIS inspectors were not given PPE, but instead offered a stipend to purchase their own.[215] Without changing the food safety model to account for COVID-19 complications and inspectors being in quarantine, facility inspections were delayed or rescheduled, presenting vulnerabilities to food safety.[216]

While the federal government has been criticized for the inadequacy of the measures taken to protect meat and poultry workers during the COVID-19 emergency, these issues are not unique to the pandemic. Despite playing what was acknowledged as an essential role in the food system, meat and poultry processing workers have faced inequitable and dangerous working conditions for decades, including the long working hours cited as a risk factor for COVID-19 by the CDC and OSHA in their guidance. Additionally, these workers deal with repetitive motions that cause injuries, safety risks due to overly fast line speeds, and health conditions resulting from poor air quality.[217] Fragmentation in agency oversight, such as the lack of clarity as to the division of labor between OSHA and USDA to help spot worker safety violations in meat and poultry plants,[218] hampers efforts to address safety and health risks for workers.

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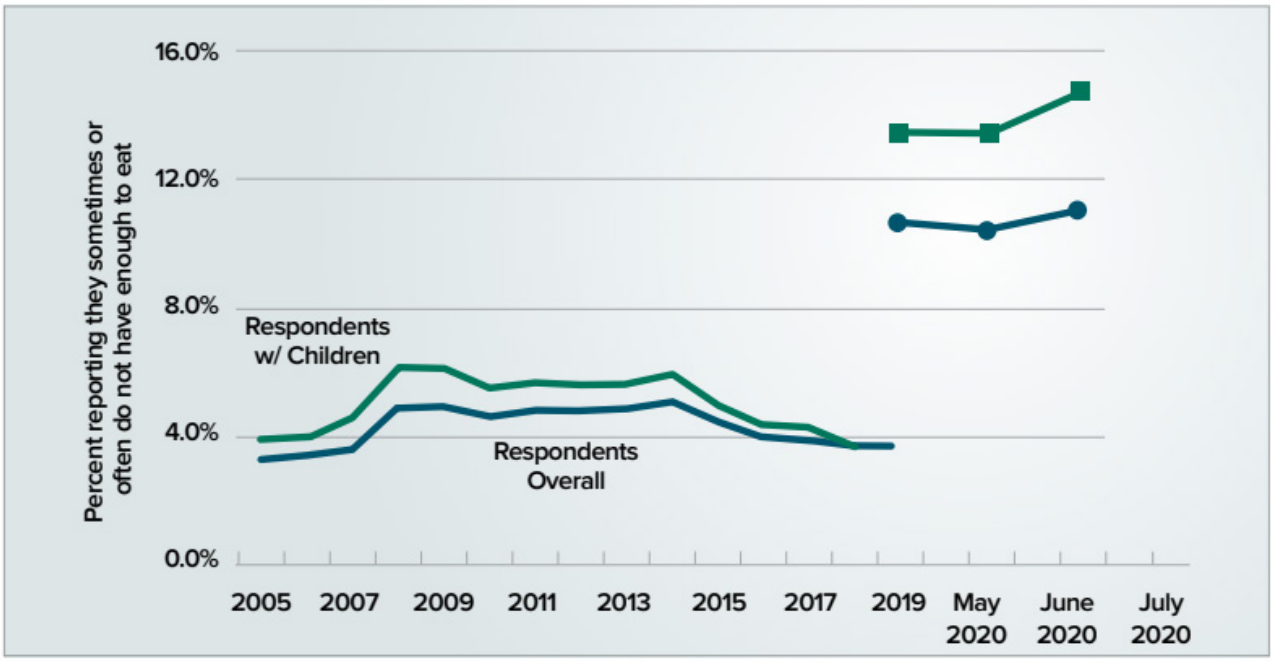
The GAO reported in 2017 that better collaboration was needed between OSHA and USDA to spot and address workplace safety violations.[219] Without a clear mandate to USDA that inspectors should identify and report noncompliance with the CDC and OSHA's guidance, this additional level of oversight has been lacking.

While this section is focused on food processing workers, many frontline food system workers, including those that work in farms and at grocery stores, restaurants, and food banks, have been largely under-protected during the pandemic.[220] The pandemic has further highlighted and heightened the inequality faced by workers throughout the food system who have been deemed essential, yet left largely unprotected, making the need for coordinated national planning to address the needs of these workers more vital than ever.

B. STAGGERING RATES OF FOOD INSECURITY

The impact of COVID-19 on food insecurity in the United States cannot be overstated. Food insecurity is a "household-level economic and social condition of limited or uncertain access to adequate food."[221] Prevalent in both urban and rural areas, issues related to food insecurity are concentrated in areas marked by low incomes and communities of color.[222] Before the onset of the COVID-19 pandemic, 10.5 percent of households in the United States were food insecure.[223] Additionally, 4 percent of American households experienced "very low food security," meaning they faced "disrupted food patterns and reduced food intake."[224] As COVID-19 spread across the country, leading to shutdowns and business closures, the ensuing downturn in the economy caused unemployment rates to soar, making previously food-secure members of the population suddenly food insecure. This worsened circumstances for those who were already food insecure.[225] By April 2020, the percentage of food-insecure households was estimated to have more than doubled since pre-pandemic rates, with food insecurity figures ranging from 22 to 38 percent.[226] Additionally, the rate of households experiencing "very low food security" more than doubled from 4 percent to an estimated 11 percent.[227]

Share of Adults (Overall and With Children) Reporting Their Household Sometimes or Often Does Not Have Enough to Eat: 2005-2018 and May-July 2020



Source: Not Enough to Eat: COVID-19 Deepens America's Hunger Crisis, Food Research & Action Center, (Sept. 2020)

The U.S. government invests heavily in a range of programs to provide support to food insecure Americans, including the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the National School Lunch Program and School Breakfast Program (NSLP/SBP).[228] In addition, unemployment insurance and other cash benefits support food security by providing direct financial assistance to supplement the income of individuals and families to cover their food and other basic needs.[229] Food-insecure households may also receive in-kind support from food banks and other nonprofit organizations. Some of the food provided through these organizations is federally funded through programs like the Emergency Food Assistance Program (TEFAP).[230] Despite this safety net, the quick onset of the COVID-19 pandemic led to unprecedented food security challenges, including the inability to route food to food banks as rapidly as needed, looming budget shortfalls for food banks amidst increased demand, reduced donations, staffing shortages, and challenges coordinating the response between federal actors and state and local actors.[231]

In March 2020, Congress passed the Families First Coronavirus Response Act[232] and the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[233] both of which bolstered relief for food-insecure households. The Families First Act temporarily gave USDA and the states broader authority to expand SNAP, including providing supplemental benefits to already eligible households, offering meal replacement benefits through Pandemic-EBT for households with school-aged children to account for lost school meals, suspending work requirements for SNAP eligibility, and increasing flexibility for states to manage growing numbers of applications and resulting workloads.[234] The CARES Act allocated $24.6 billion in additional funding to "Domestic Food Programs" including the Child Nutrition Programs, SNAP, the Commodity Assistance Program, and the Emergency Food Assistance Program.[235] At the agency level, USDA also created flexibility once schools shut down, allowing schools to utilize the summer food service program model for food distribution from March-June 2020; after much push from advocates,[236] USDA extended this authorization through December 2020,[237] and ultimately throughout the full 2020-21 school year.[238]

While the Families First and CARES Acts gave states some implementation flexibility and provided enough funding to ensure SNAP's solvency,[239] many voiced concerns over the acts' shortcomings. One area of concern for food security advocates was Families First's failure to increase SNAP eligibility and monthly benefits.[240] Eligibility expansions and benefit increases in social safety net programs have been shown to soften some of the adverse food security consequences that accompany economic downturns.[241] For instance, during the 2008 recession, increases in government spending through SNAP contributed to local employment at a higher rate than all federal government spending combined.[242]

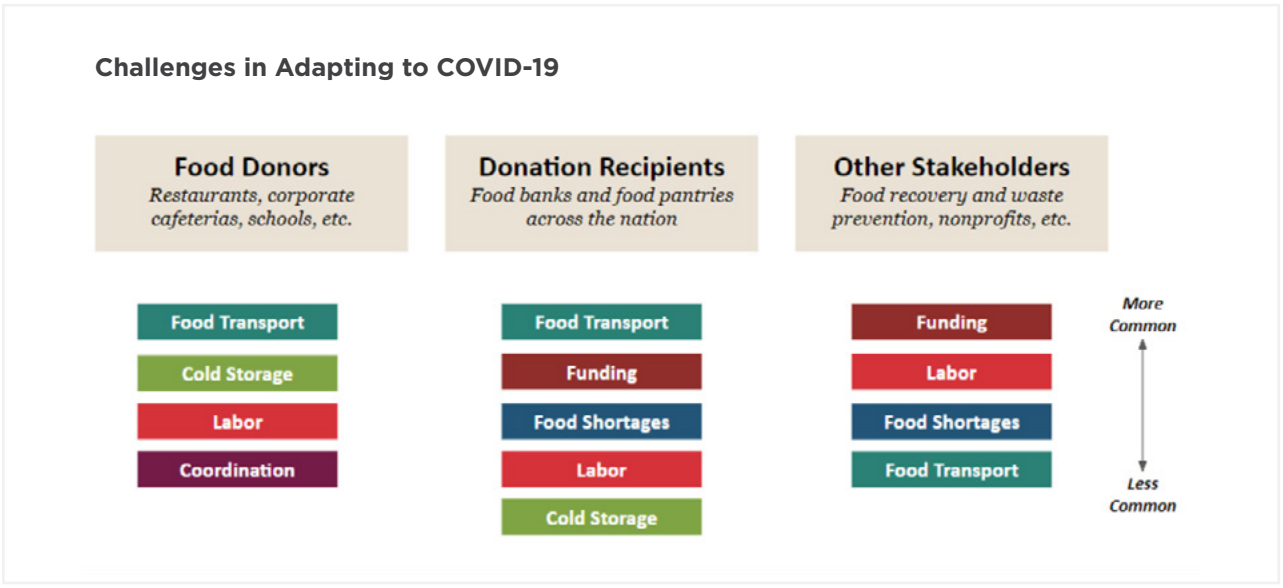
In addition to putting funds in the hands of food insecure households, the federal government also took steps to distribute food. In particular, programs focused on surplus food that would otherwise be wasted due to shutdowns in the food service sector. The Families First Act provided increased funding for TEFAP to enable food banks to purchase more food and to manage administrative costs.[243] However, **even with the substantial injections of federal funding, many food banks were at risk of exhausting their TEFAP inventory.[244] Simultaneously, fresh food was continuing to be wasted across the country as many farmers lost their primary markets.**

The "Farmers to Families Food Box Program" was set up to purchase and deliver dairy, meat products, fruits, and vegetables to families in need of food assistance, providing income to farmers and ranchers who had lost their supply chains while ensuring the provision of fresh food to those in need.

In April 2020, USDA announced the creation of the Coronavirus Food Assistance Program (CFAP) based on authority and funding from the Families First and CARES Acts to provide direct support to farmers and ranchers, as well as procure and distribute surplus foods to needy families.[245] The "Farmers to Families Food Box Program" was set up to purchase and deliver dairy, meat products, fruits, and vegetables to families in need of food assistance, providing income to farmers and ranchers who had lost their supply chains while ensuring the provision of fresh food to those in need. USDA contracted with food distributors to package and deliver the food boxes to nonprofit organizations and food banks for distribution to families.[246]

At the outset, several challenges delayed the distribution of food to recipients or continued to cause food to go to waste. First, it took USDA several months to mount a response to the dual challenges of surplus food going to waste and rising food insecurity. The COVID-19 public health emergency was announced in March 2020, the Farmers to Families Food Box program was announced in April, and the first food box deliveries were not made until mid-May.[247] Further, USDA did not oversee the distribution of the food boxes. Instead, businesses that received contracts to fill the boxes were solely responsible for selecting recipient entities and delivering the food boxes where they promised to deliver them.[248] USDA also came under fire for the companies selected as distributors, ultimately rescinding offers to some companies that critics had derided as either unqualified to manage the operation or unfamiliar with the destination communities.[249] When making its contract selections, the agency excluded the nation's three largest commercial food distributors.[250] While this may have been an effort to ensure participation from a larger range of local and regional distributors, it also meant that many contracts went to less reliable organizations. Notably, even though the program was intended to benefit local and regional farmers and producers, according to analysis of the first round of funding, only seven percent of the funding actually served these groups.[251] Finally, in terms of geographic representation, although USDA said it would choose contractors from seven regions that would have spanned the contiguous U.S., some states had no chosen contractors.[252]

The initial delay—and early lack of governmental oversight—impeded the immediate success of the program,[253] making it difficult to ensure it was providing comprehensive coverage to all households facing food insecurity.[254] The delay and challenges with the rollout of the Farmers to Families Food Box program are not surprising, given that the agency was making decisions without the benefit of additional expertise or coordination from other agencies at the federal, state, and local levels. Notwithstanding these early challenges, however, by the end of September 2020, an estimated 100 million boxes had been delivered to individuals in need.[255] With more coordination across levels of government, USDA's response could have been faster, more efficient, and more successful in its initial rollout. Coordination with more state and local government and key stakeholders in industry and the nonprofit sector, as could be done with a national food strategy, could offer USDA vital guidance to ensure quicker response and more comprehensive coverage of its program, both in terms of farmers and distributors included, geography covered, and nonprofits and end recipients served.[256]



Source: ReFED https://covid.refed.com/overview

C. VASTLY INCREASED FOOD WASTE

As COVID-19 swept through the country, states ordered businesses, schools, and restaurants to shut down. With the food service industry closed, farmers lost key markets, leaving them overwhelmed with excess supply. Simultaneously, because of the rising rates of food insecurity documented above, food banks faced a 40-50 percent increase in demand for their products.[257] Amidst excess supply and increased demand, it should have been easy to reroute food to different end points. However, most farms produce specific products for specific sectors (i.e., potatoes for french fries in restaurants).[258] This system allows for speedy and efficient supply chains, but fails to provide flexibility to move products to different sectors when needed.[259] Therefore, when the supply chain experiences disruptions, farmers are often left with excess product and no feasible market opportunities. Understanding the effects of COVID-19 on dairy and produce farmers, two of the hardest-hit sectors during the pandemic, helps further illustrate major limitations inherent to our food system.

Schools are the largest buyer of milk,[260] and restaurants purchase 50 percent of all cheese and 60 percent of butter.[261] With school and restaurant closures, farmers who sold to distributors that supply these entities were left with thousands of gallons of milk and nowhere to sell it.[262] This oversupply continued even once farmers knew of the closures because their cows continued to produce milk.[263] This excess milk resulted in extraordinary amounts of waste. Dairy Farmers of America, the largest dairy cooperative, estimated that farmers were dumping as much as 3.7 million gallons of milk each day,[264] about five percent of the nation's milk supply.[265] Ideally, farmers could reroute milk meant for schools to grocery stores or food banks. However, the current food system is not designed to quickly shift products from one supply chain to another. Dairy farms are typically set up to manage production, but not processing. Processing equipment is expensive, and contracts with dedicated processors, packagers, and distributors keep pricing steady.[266] When large markets, such as restaurants and schools, shut down, processing plants also close. Moreover, even if dairy farmers package milk for retail consumer purchase or donation, they face additional challenges safely transporting their products.[267] The dairy industry, like many other food sectors, does not have the capability to quickly adapt to abrupt shifts in the supply chain.

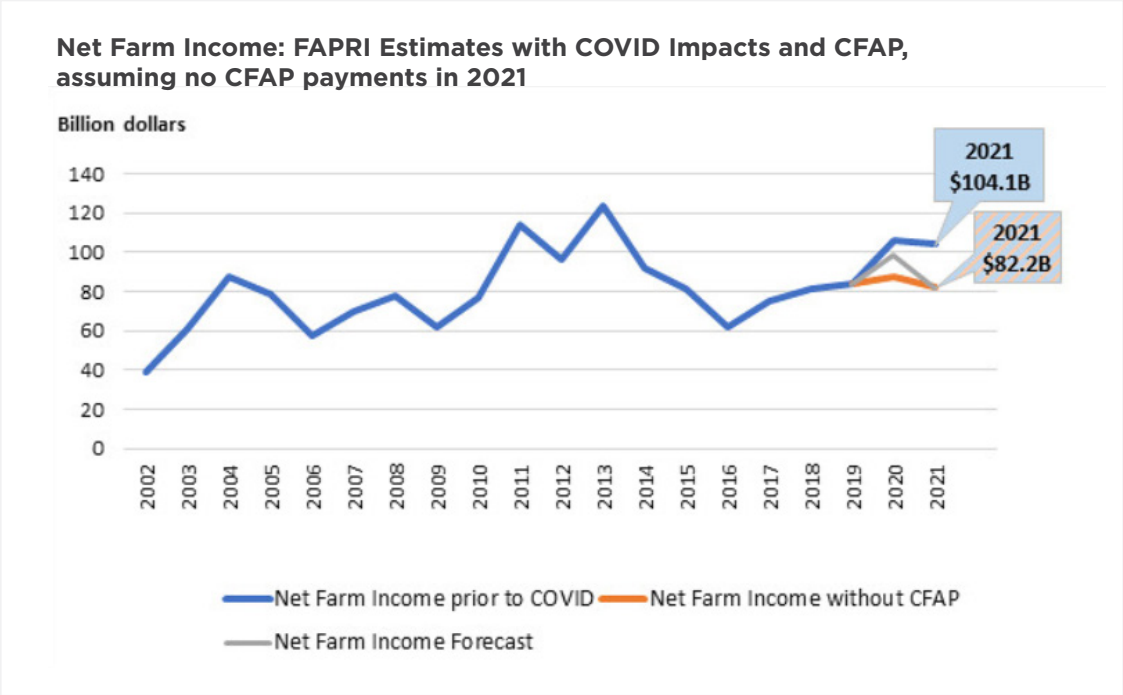
Produce farmers faced similar challenges. With much of the food service industry shut down, farmers were left with tens of millions of pounds of produce they could no longer sell.[268] About half the produce industry sells to food service distributors who supply schools, restaurants, hotels, and other consumer-facing businesses.[269] Under normal circumstances, produce is packaged in bulk to meet the specifications of the food service industry;[270] these products are not required to follow nutrition labeling guidelines set by USDA and FDA for consumer-facing packaging.[271] Thus, redirecting produce to grocery stores would require not only a new supply route and new distribution contracts, but also either new packaging or relaxation of labeling requirements.[272] FDA did eventually relax some labeling requirements allowing retailers to sell products that were initially produced for the hospitality sector.[273] However, these changes took time, and during that time, much food was unnecessarily wasted.

Similarly, many restaurants and other food vendors were left with a surplus of perishable goods while grocery stores and food banks were undersupplied.[274] While restaurants can sell food items prepared on-site without following the same packaging requirements as retail foods, they were unable to comply with FDA regulations that require certain nutritional information on the packaging.[275] At the same time USDA was scrambling to get enough food to food banks and into the hands of needy families, consumable food went to waste for no better reason than a slow response from officials at FDA.[276] Increased coordination among agencies could have helped direct some of that food to the food banks and nonprofit organizations that were struggling to meet rising demand. The unnecessary waste underscores the need for a mechanism to easily reroute supply to meet changing conditions.

Even in the best of times, food donation can be difficult. Date labeling confusion, transportation costs, and lack of refrigerated storage space all make the donation of surplus food challenging for the hospitality and retail sectors.[277] COVID-19 has only exacerbated these problems. First, food banks experienced decreased donations from retailers due to less excess supply, as the number of meals consumed at home and thus consumer purchases at retail quickly increased.[278] Additionally, donations from the hospitality sector slowed as many of these businesses shut down completely. Fear of contracting the virus and social distancing orders also made it more difficult for food banks to recruit enough volunteers to pack and distribute products efficiently.[279] A national food strategy could have enabled agencies to coordinate with one another, as well as with the private sector and other stakeholders, to respond in a faster and more coordinated manner to move products easily from one sector to another.

D. MAJOR THREATS TO FARM VIABILITY

Agriculture and related industries were hit hard by the COVID-19 pandemic, and the lack of coordination between government agencies and relevant stakeholders led to slow relief for agricultural producers. After the White House issued a national emergency declaration in mid-March,[280] and in light of stay-at-home orders issued in many cities and states, many high-volume food purchasers, such as restaurants, processing facilities, school districts, and hospitality sector, closed down,[281] causing farmers to lose reliable markets.[282] Although relief programs were ultimately implemented, the relief plans lacked strategic oversight and long-term solutions, and the aid for farmers was slow due to missed opportunities for coordination between regulatory agencies.



Net Farm Income prior to COVID (NFI - blue line) represents the forecast in the absence of COVID-19 impacts in 2020 and 2021. The grey line accounts for COVID market impacts and the Coronavirus Food Assistance Program (CFAP) payments to agricultural producers. Net Farm Income without CFAP (orange line) represents a forecast of net farm income accounting for COVID-19 impacts but no direct payments from CFAP 1.

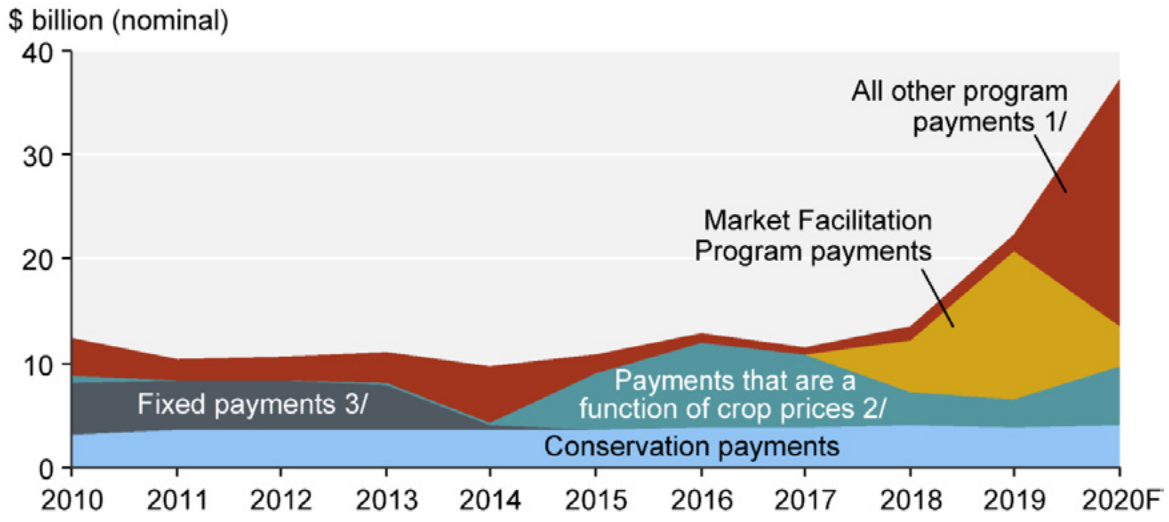
Note, the FAPRI farm income forecast for 2020 includes $11 billion for CFAP 1 (unlike the ERS forecast which included $16 billion) and $5.8 billion in loans forgiven under the Paycheck Protection Program. Also, the FAPRI farm income forecast from early September 2020 did not include any payments related to CFAP 2.

With no strategy to divert agricultural products destined for large-scale food service establishments to empty grocery stores, harvests were left to rot in the fields,[283] ultimately costing farmers millions of dollars in lost revenue.[284] Yet, due in part to a lack of coordination, most pandemic-related agricultural losses were not covered by USDA's disaster assistance programs.[285] In addition, farmers were ineligible for the U.S. Small Business Administration's (SBA) Economic Injury Disaster Loan (EIDL) program,[286] making financial aid for struggling producers limited initially.

USDA offers several disaster assistance programs for farmers, such as federal crop insurance, the noninsured crop disaster assistance program (NAP), and emergency disaster (EM) loans.[287] However, federal crop insurance and NAP must be purchased prior to planting.[288] In many cases, farmers had not purchased insurance, meaning many crops were not covered by these programs.[289] EM loans were similarly unavailable to farmers, as these become available after a farmer experiences a physical loss of crops or livestock.[290] Economic losses are generally not covered by USDA's disaster assistance programs because some degree of physical loss is required.[291] Effectively, most farmers could not receive USDA support because pandemic-related market losses were not eligible losses under the agency's disaster assistance programs.

The SBA's EIDL program provides small businesses and nonprofit organizations with funds to mitigate economic injuries caused by a declared disaster.[292] Still, most agricultural enterprises were ineligible for EIDLs under the Small Business Administration Act because they could receive assistance from other programs offered by USDA.[293] In late March 2020, the CARES Act temporarily expanded EIDL eligibility.[294] However, the CARES Act language failed to specify that the EIDL expansion should include agricultural producers.[295] In April 2020, members of Congress wrote to the SBA Administrator to clarify the legislature's intent to include agricultural businesses in the program,[296] but the SBA did not accept farmers' EIDL applications for another month.[297] Although both USDA's disaster assistance programs and SBA's EIDL program are now able to serve the farm sector, the fragmentation of disaster loan responsibility and lack of coordination between federal agencies slowed relief, causing farmers months without income.

Government farm program payments to farm producers, 2010-20F



1/ All other payments includes supplemental and ad hoc disaster assistance which in 2020 includes payments from the Coronavirus Food Assistance Program and Paycheck Protection Program loans. It also includes tobacco transition, Cotton Ginning Cost Share, and dairy payments.

Source: USDA, Economic Research Service, Farm Income and Wealth Statistics. Data as of September 2, 2020.

In addition to expanding the EIDL eligibility, as mentioned above, the Coronavirus Food Assistance Program (CFAP) offered direct payments to farmers and purchased foods for inclusion in the Farmers to Families Food Box program. However, without strategic planning and oversight, the $16 billion CFAP direct support payments may raise equity issues that have emerged in recent analogous direct support programs. For example, an analysis of the Market Facilitation Program (MFP),[298] an assistance program for farmers and ranchers impacted by retaliatory tariffs in 2018 and 2019, uncovered that the program disproportionately supported large agricultural enterprises owned by white men compared to family farms with nonwhite or female owners. Research found that 99.4 percent of MFP farm operation payments went to non-Hispanic white owners, and 91 percent of the payments went to male business owners.[299] The top 20 percent of MFP recipients received 77 percent of the $23.2 billion program payments, averaging $123,132 each.[300] By contrast, the bottom 80 percent of recipients received an average of only $7,113 each.[301] Without transparent oversight and inclusion of a diverse array of agricultural producers, the CFAP direct support payments may also disproportionately support large-scale operations and farming operations owned by white and male farmers at the expense of diverse farmers and smaller family farms, despite the stated goal in recent years in the U.S. farm bill to better support more diverse "socially-disadvantaged" farmers.[302]

Similarly, the Farmers to Families Food Box program failed to provide relief to many needy farmers. While the program was an innovative solution to oversupply and surging demand, it lacked the strategic, long-term planning needed to adequately support small and mid-sized farmers. Of the first round of Farmers to Families contracts, only seven percent of the funding was estimated to have been allocated to local or regional farms, cooperatives, or community organizations,[303] despite the fact that many USDA programs in recent years have attempted to invest in small or mid-scale and local or regional farming, and engaging small and local farmers was a stated priority in the RFP soliciting contracts for the program.[304] Further, as noted above, some of the chosen contractors raised concerns because they had little high-volume distribution experience. With more strategic coordination among government agencies and industry groups, the food box program could have supported more struggling farmers.

The CFAP programs offered innovative solutions in an effort to support farmers, but they were hindered in their response due to a lack of coordination across agencies and between government and industry stakeholders. Further, without a long-term strategy, as well as broad industry and public participation, these programs are only temporary band-aids. A national food strategy would provide a streamlined mechanism for coordination between relevant government agencies and stakeholders, ensuring that policy misalignment does not prevent farmers from receiving financial aid, excess crops are diverted to hungry families in an efficient manner, and assistance programs effectively support a wider range of farmers and better mirror national priorities and other Congressional investments, rather than exacerbating farm consolidation and racial inequities.

Importantly, although the pandemic exposed weaknesses in the agricultural sector, farmers struggled before COVID-19, facing myriad challenges including depressed prices,[305] industry consolidation,[306] and the trade war with China.[307] With the acceleration of global climate change, farmers will continue to struggle after the pandemic is over.[308] A durable national food strategy should have the flexibility to address immediate concerns during COVID-19 and future disruptions, as well as provide foresight for long-term policy objectives.

> USDA food box program falls short of supporting small farms, National Sustainable Agriculture Coalition
>
> **NOTABLY, EVEN THOUGH THE PROGRAM WAS INTENDED TO BENEFIT LOCAL AND REGIONAL FARMERS AND PRODUCERS, ACCORDING TO ANALYSIS OF THE FIRST ROUND OF FUNDING, ONLY SEVEN PERCENT OF THE FUNDING ACTUALLY SERVED THESE GROUPS.**

V. RECOMMENDATIONS AND CALL TO ACTION

The food system is critical to our economy, public health, environment, and social justice. Many of the challenges facing this system are the result of our fragmented regulatory structure, and long-term positive outcomes are seemingly unachievable due to the inability to coordinate resources, identify food system goals, set priorities, and develop strategic responses that can enable us to meet those goals.

Since 2017, our nation has continued to struggle with the negative impacts of our food system, which have been laid bare by the COVID-19 pandemic. The need for a coordinated framework to structure law and policymaking around the food system has only grown. Government agencies have used memoranda of understanding (MOUs) in an attempt to work within the fragmented regulatory framework. However, the food system's challenges have continued to grow, while an overall lack of coordination has led to limited progress and, most recently, slow and short-sighted COVID-19 food system relief efforts. Canada's *Food Policy for Canada: Everyone at the Table*, released in 2017, and the United Kingdom's *National Food Strategy – Part One,* released in 2020, demonstrate that peer countries increasingly grasp the importance and value in implementing national food strategies as a tool to plan comprehensively and strategically for the future. **The U.S. possesses the tools needed to develop a meaningful national food strategy and is not alone in realizing the fundamental importance of such an endeavor.**

The 2020 election presents an opportunity for the next administration to construct such a framework. Past U.S. administrations have used national strategies to address complex and controversial issues of national concern. As described earlier, the Obama Administration created the National HIV/AIDS Strategy in 2010 in response to sustained public support for a comprehensive response to the HIV/AIDS crisis.[309] By fostering coordination among government agencies and providing opportunities for input from community members, medical experts, and other key stakeholders through the Advisory Council on HIV/AIDS' collaborative efforts, as well as through public comments and forums attended by advocates, individuals, and affected communities, the Obama Administration created a national strategy that has led the country in the fight against HIV/AIDS for 10 years. Other national strategies have been developed as a result of executive action. In 2013, President Obama established the President's Climate Action Plan through an executive order to reduce overall greenhouse gas emissions and establish the United States as a global leader in responding to climate change.[310] In 2014, President Obama established a National Strategy for Combating Antibiotic-Resistant Bacteria through an executive order; this strategy improved surveillance and detection and invested in research.[311]

NATIONAL HIV/AIDS STRATEGY

The Obama Administration directed the Office of National AIDS Policy ("ONAP") provide centralized, strategic oversight of the National HIV/AIDS Strategy. The Administration created a President's Advisory Council on HIV/AIDS ("PACHA") to provide advice and recommendations to ONAP and the Department of Health and Human Services. The National Strategy also provided well-utilized opportunities for public dialogue and engagement, monitoring of strategic goals, and updating of the national strategy, thereby increasing accountability and durability.

Similarly, the next administration should create a national food strategy to address the growing crises facing the U.S. food system. Civil society, food and agricultural producers, and food system workers, as well as environmental, labor, and public health advocates, have repeatedly called for a more strategic approach to a vast array of serious problems in the food system.[312] Pressure for a whole-of-government approach only increased as consumers experienced the pandemic-related effects of our uncoordinated approach to food system governance. The next administration should seize the opportunity to create a strategic response to food system issues so policymakers can identify key goals and priorities, foster coordination and strategic planning among federal agencies, as well as between federal and state, tribal, and local governments, and solicit input from experts, industry actors, nonprofit organizations, and the general public.

Congress could also seize the opportunity to create a framework for informed, effective, and coordinated law and policymaking for the U.S. food system. In the wake of the September 11, 2001, terrorist attacks, Congress passed the Intelligence Authorization Act, which established the National Commission on Terrorist Attacks Upon the United States, commonly known as the "9/11 Commission," to determine the events and failures that led up to September 11, 2001 and recommend how to prevent similar events in the future.[313] Other national strategies have also been created by Congress. In 2006, the National Health Security Strategy was created to mitigate the impact of disasters and emergencies on human health.[314] In 2010, Congress established the National Quality Strategy through the Affordable Care Act, to raise the standard of national health care.[315]

9/11 COMMISSION

To build public trust, Congress ensured that the 9/11 Commission was bipartisan by mandating that no more than 5 of the 10 Commission members be from the same party and giving the President, the leader of the Senate Democratic Party, and the senior member of each party in each house power to appoint Commission members. The Commission reviewed 2.5 million documents and interviewed 1,200 people, including 160 witnesses, and the final report, released in July 2004, included 41 recommendations. Congress addressed most of these recommendations with the Intelligence Reform and Terrorism Prevention Act of 2004.

The Blueprint *discussed the Pandemic and All-Hazards Preparedness Act (PAHPA) as an example of a national strategy enacted by Congress and implemented by the Department of Health and Human Services. The PAHPA has been excluded from this report due to its disappointing impact. Despite the protests of public health experts, Congress appropriated less than 75 percent of the recommended funding levels when the bill was up for reappropriations in 2018. Experts claim that the COVID-19 pandemic was exacerbated by Congress's failure to provide adequate funding for the bill's programs.*

In many ways, the current need for a national food strategy parallels the need for a national strategy to address the September 11, 2001 terrorist attacks. Prior to the establishment of the 9/11 Commission, the U.S. collectively experienced a national trauma leading to prolonged public support for thorough, government-led efforts to address events that were multi-faceted and too complicated for a single entity to handle. Similarly, COVID-19 caused massive food supply chain disruption, illness and safety issues for food system workers, and a drastic rise in food insecurity, but the complexity of the food system and its wide-reaching effects have stymied unilateral solutions. The pandemic's effects on our fragile system add urgency to the need for a coordinated national food strategy. Yet, even if COVID-19 is the impetus for the developing a strategy, it must be comprehensive to address the issues in the long term and create food system resilience in a post-pandemic world.

Even if COVID-19 is the impetus for developing a national food strategy, it must be comprehensive to address the issues in the long term and create food system resilience in a post-pandemic world.

For example, while the national COVID-19 response was mostly piecemeal and reactive, some state and local governments developed COVID-19 strategies that fostered collaboration with an eye to long-term food system goals that were largely focused on food security. These examples could, in part, serve as models for a national food strategy to address COVID's challenges and provide for long-term coordination and strategic planning.

New York City appointed a Food Czar to coordinate citywide agencies working with the private sector to create a two-phased plan to both address immediate COVID-related needs and also to build long-term food system solutions for New York City. The planning effort resulted in the publication of *Feeding New York: The Plan for Keeping Our City Fed During the COVID-19 Public Health Crisis.* To address the short-term crisis during COVID-19, the city sought to feed food insecure residents and protect the city's food supply chain.[316] The cross-agency effort identified and categorized six at-risk population groups, and aligned solutions to meet each of their needs while recognizing specific structural disparities.[317] Accordingly, the city ensured halal, kosher, and vegan meals were available at over four hundred distribution sites,[318] changed its zoning to allow for food storage, processing, and packaging in a wider range of areas,[319] and provided free childcare for grocery store employees and other essential workers,[320] among other changes. For longer-term food system resilience, the city announced plans to build a robust, equitable food system for the future,[321] grounded in the notion that access to nutritious food is a fundamental human right.[322] In pursuit of this goal, the city also developed regional partnerships organized around building a sustainable food system beyond the pandemic. [323]

In a similar vein, Massachusetts created a Food Security Task Force comprised of public and private partners.[324] The Task Force outlined 80 recommendations for developing an emergency food supply program, fortifying local food banks, maximizing federal food resources, and bolstering food system infrastructure.[325] In addition to addressing pandemic-related needs, the governor, state legislature, and Task Force sought to develop long-term solutions to address food insecurity and fortify the state's supply chain. The governor responded by allocating $56 million to implement the Task Force's recommendations.[326] Consistent with that goal, a portion of the $56 million investment went to incentivizing increased food distribution capacity, expanding access points for federal food assistance, offering innovations for urban farmers, and helping local food system businesses provide better access to local food.[327]

While many states and localities took steps to address the needs of their populations during the crisis, responses were mostly reactive to the immediate crisis. New York City and Massachusetts stand apart as they demonstrate responses to the COVID-19 food system crisis in a collaborative and prescient manner by using the moment to build toward longer-term and more strategic food system goals, yet further illustrate the need for comprehensive and coordinated leadership at the national level.

KEY ELEMENTS OF A NATIONAL FOOD STRATEGY

While much of the conversation around a national food strategy will focus on the substance of such a strategy (the specific policy goals and priorities themselves), **the strategic process is equally important and a needed first step.** Without a thoughtfully designed process that enables broad representation and participation, the national food strategy may suffer from some of the same issues we currently face. The recommendations for the structure and process of a government-created national food strategy have remained largely the same as those included in the *Blueprint.* However, given the developments over the past three years, as well as the COVID-19 pandemic, the present report updates some of these recommendations to draw more attention to key elements needed for success.

A well-designed process that encompasses the principles below can ensure that a comprehensive national food strategy is developed with buy-in from key voices and stakeholders, and builds a roadmap to advance a more economically resilient, healthful, sustainable, and equitable food system:

LEADERSHIP AND COORDINATION:

Because so many federal agencies play a role in governing our food system, interagency coordination is essential to achieving national food and agricultural goals and priorities. The lack of a comprehensive COVID-19 response and ongoing food system challenges underscore the need for effective coordination among federal, state, local, and tribal government agencies. First, to centralize the process and foster the ability for action, a national food strategy should **identify a lead office or agency to draft and implement the strategy.** The lead office should have the resources and ability to convene stakeholders, gather information through outreach and consultation, and compel other agencies to engage in the process. The strategy should also **engage an interagency working group across all relevant federal agencies coordinate agencies, communicate with stakeholders, and oversee the implementation of the strategy.** State, local, and tribal governments should be engaged as key partners.

LEADERSHIP

Without strong, committed, and empowered leadership, no strategy or plan can be successful. For this reason, we have added the word "leadership" to the first guiding principle recommended by the 2017 *Blueprint*. This change reflects the growing understanding that effective leadership is as important as agency coordination to a national strategy's success. One takeaway from the COVID-19 response in the food system and beyond was that **leadership was a vital element of effective response.** This was true in terms of federal responses that were most helpful and in terms of outcomes in states and localities that took control of the situation. In the food context, appointing a "food czar," as New York City did, or a Food Security Task Force, as Massachusetts did, created the leadership needed to make an impact on all aspects of the food system. Creating a strong national food strategy will require identifying a particular individual leader or leadership board that can provide effective and decisive oversight to the process.

PARTICIPATION:

State and local governments and diverse stakeholders offer perspectives and resources essential to federal food policy reform. Farmers, food system workers, retailers, academics, consumer groups, and individuals dealing with food insecurity interact with the food system on a more intimate level than most policymakers. **Broad stakeholder and public participation are critical for a successful national strategy.** A federal advisory council made up of external experts can meaningfully provide vital input as well as engage a broad range of stakeholders, including state, local, and tribal governments, as well as the public health, agricultural, and environmental sectors. In addition to a high-level advisory council, the **national strategy process should create meaningful opportunities for broad-based public input, such as opportunities to attend community meetings and listening sessions, offer input on drafts and submit public comments, develop spaces for stakeholders to identify common ground, and provide funding for stakeholders to gather input in a manner they deem appropriate.** Input from stakeholders and the public should be sought throughout the process, and federal agencies creating the strategy should both acknowledge and respond meaningfully to the input to affirm the value of the public's engagement and encourage ongoing participation.

TRANSPARENCY, ACCOUNTABILITY, AND ENFORCEABILITY:

The public increasingly desires greater transparency about food. This includes where it comes from, what it contains, and how it is made. This desire for transparency extends to the system that supports our food—for example, how the Dietary Guidelines for Americans are developed or which crops receive what amount of federal subsidy dollars. Transparency in the food system builds trust and allows U.S. residents to hold government agencies accountable. **To ensure transparency and accountability in its food system planning, the national food strategy process should include publication of a written strategy plan that details the strategy's priorities, goals, expected outcomes, implementation measures, and concrete metrics for measuring progress toward achieving long-term food system goals.** Public-facing progress reports should be published annually to keep the public informed about progress toward implementation, and to enable the public to hold government agencies accountable to the goals set in the strategy. Separately, Congress could enact a procedural mechanism to guide the development of prospective policies that may impact the food system. Such a mechanism could require assessment of new policies or agency actions for their impact on food system priorities, similar to the National Environmental Policy Act's (NEPA) requirement that federal agencies assess the environmental impacts of their actions. This could provide an enforceable mandate to federal agencies requiring them to consider impacts to the food system.

ENFORCEABILITY

Without proper enforcement mechanisms, a national strategy risks becoming little more than toothless symbolism. For this reason, we updated the principles included in the 2017 *Blueprint* to include enforceability. Even durable, well-coordinated strategies can be rendered less effective due to a lack of enforcement authority. The Interagency Working Group on Environmental Justice, profiled in detail in the *Blueprint*, featured cross-agency coordination, but lacked power to issue enforceable regulations or compel its member agencies to do so.[328] Consequently, the IWG was highly dependent on executive power, leaving it subject to the political positions of the President. **A national food strategy should avoid this potential shortcoming by ensuring that it offers the lead office or agency the power to compel action by agencies that are participating in the strategy, that it pushes for agencies to create regulations that themselves are enforceable, and that it creates avenues for citizens to hold governmental agencies accountable to the goals set out in the strategy.**

Moreover, robust procedural mechanisms can ensure that agencies are adhering to the goals of the strategy. Congress, concerned about the environmental impact of agency actions, implemented such a safeguard with the passage of the National Environmental Policy Act (NEPA).[329] While this law does not compel agencies to make changes to any specific regulations, the requirement to create environmental assessments and in some cases environmental impact statements is mandatory and can be compelled by a court. Further, the mere requirement that agencies assess the environmental impact of their proposals has been shown to influence agency decision-making.[330] Inclusion of a similar procedural mechanism can ensure that all agencies remain focused on the goals of the national food strategy while exercising their independent authority, and that private actors can hold them accountable.

DURABILITY:

The goal of a national food strategy is to provide a sustainable framework for a healthy, economically viable, equitable, and resilient food system for today and the future. A national food strategy must maintain focus on long-term priorities and include mechanisms to withstand changes in the presidential administration or Congress. At the same time, a national strategy must be able to adapt to changing social, economic, scientific, and technological factors, as well as to adapt to unmet goals and priorities. **A durable national food strategy will require periodic revisions and updates that reflect social, economic, scientific, and technological innovations and changing realities.**

As Americans reckon with COVID-19 and its aftermath, the nation must also confront the inequalities and externalized costs rampant in our food and agricultural system, as well as the system's critical economic, health, environmental, and social impacts. A strategy guided by the principles above will ensure these critical issues are addressed. As recognized by other countries and dramatically illustrated by the COVID-19 pandemic, this moment represents a significant societal crossroads and the U.S. has the opportunity to rebuild strategically and thoughtfully. **We can no longer afford to address these issues inefficiently and incrementally but must act to address the significant threats facing our economic, environmental, and social sustainability.**

ENDNOTES

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