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# The Farm Bill as a Resource for Strengthening Food Systems

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**A** sustainable community food system may be defined as “a collaborative network that integrates sustainable food production, processing, distribution, consumption and waste management in order to enhance the environmental, economic and social health of a particular place.”<sup>1</sup> The Farm Bill should not be overlooked as a means to improve America’s food system.<sup>2</sup> As the legislative home for a host of farm commodity, conservation, crop insurance, credit, rural development, research, and nutrition assistance programs, the Farm Bill offers opportunities to reduce hunger and food insecurity throughout the food system, including among low-income persons, children, farmworkers, and farmers.<sup>3</sup>

The Farm Bill is renewed every four to six years, with the 2008 Farm Bill set to expire on September 30, 2012.<sup>4</sup> At this writing, Congress was debating the next Farm Bill.<sup>5</sup> At the same time the Institute of Medicine, U.S. Department of Agriculture (USDA),

<sup>1</sup>Sustainable Agriculture Research and Education Program, Agricultural Sustainability Institute at University of California, Davis, *Defining Sustainable Community Food Systems* (2012) <http://bit.ly/OA7MXQ>; Mary Story et al., *Food Systems and Public Health: Linkages to Achieve Healthier Diets and Healthier Communities*, 4 *JOURNAL OF HUNGER AND ENVIRONMENTAL NUTRITION* 219–24 (2009).

<sup>2</sup>JILL KRUEGER ET AL., *FARMERS’ LEGAL ACTION GROUP, PLANTING THE SEEDS FOR PUBLIC HEALTH: HOW THE FARM BILL CAN HELP FARMERS TO PRODUCE AND DISTRIBUTE HEALTHY FOODS* (Aug. 2010), <http://bit.ly/P9UeXO>.

<sup>3</sup>Food security is defined by the U.S. Department of Agriculture (USDA) as access by all people at all times to enough nutritious food for an active, healthy life (Food and Nutrition Service, U.S. Department of Agriculture, *Food Security* (n.d.), <http://1.usa.gov/QfmVT2>). Food insecurity and hunger occur on a continuum ranging from anxiety about food shortages to reduced quality, variety, and desirability of diet, to disrupted eating patterns and reduced food intake that is repeated or prolonged (Economic Research Service, U.S. Department of Agriculture, *Definitions of Food Security* (June 4, 2012), <http://1.usa.gov/Q9NYQk>).

<sup>4</sup>Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651 (2008) (2008 Farm Bill).

<sup>5</sup>JIM MONKE, *CONGRESSIONAL RESEARCH SERVICE, R42484, BUDGET ISSUES SHAPING A 2012 FARM BILL* (June 1, 2012), <http://bit.ly/O3F6Zd>.

U.S. Department of Health and Human Services, and National Prevention Council are conducting research and struggling to understand the complex relationships among agricultural policy, food access (to unhealthy foods as well as to healthy foods), hunger, food insecurity, diet and nutrition, obesity, and adverse health consequences at the individual and population level.<sup>6</sup> Policymakers and Farm Bill stakeholders—the antihunger and antipoverty communities, farmers, farmworkers, food processors, food retailers, environmentalists, consumers, health care providers, and public health officials—increasingly seek opportunities to achieve multiple policy goals within the Farm Bill, or even within a single Farm Bill program. This is not an entirely new concept since the Food Stamp Program was designed to fight hunger and poor nutrition in low-income communities and expand markets for farmers.<sup>7</sup> Reauthorization of the Farm Bill presents an opportunity to study the bill's provisions in depth and realize more of its potential to strengthen food systems.

### Nutrition Title

The 2008 Farm Bill had fifteen titles, but at passage the Congressional Budget Office estimated that the nutrition title would account for nearly two-thirds of expenditures, or about \$189 billion, over the five-year span of the legislation.<sup>8</sup> Most of nutrition title expenditures are for the Supplemental Nutrition Assistance Program (SNAP), but the nutrition title also authorizes and funds nutrition education, the Emergency Food Assistance Program, the Food Distribu-

tion Program on Indian Reservations, and the Commodity Supplemental Food Program. Because CLEARINGHOUSE REVIEW readers are already familiar with nutrition programs as means to fight hunger and food insecurity, my brief discussion of the nutrition title focuses on how it can contribute to stronger food systems, especially greater economic feasibility for farmers and improved human health.

Excess weight contributes to many of the leading causes of death—heart disease, stroke, diabetes, and cancer—in the United States. The Centers for Disease Control and Prevention targeted nutrition, physical activity, and obesity as a winnable battle. Winnable battles are public health priorities with large-scale impact on health and with known, effective strategies to fight them.<sup>9</sup> Public health officials view Farm Bill nutrition programs as one opportunity to encourage healthy eating in a sector of the population that may be at greater risk of diet-related disease.<sup>10</sup> Nutrition assistance programs increase demand for agricultural products and make them attractive to farmers, food processors, and retailers.<sup>11</sup>

In general, nutrition program expenditures help alleviate poverty, fight hunger, and create markets for farmers. In the past decade or so, nutrition programs have been creatively used to yield multiple benefits.

**Farmers' Market Nutrition Programs.** The Senior Farmers' Market Nutrition Program and the Women, Infants, and Children Farmers Market Nutrition Pro-

<sup>6</sup>LISA M. TROY ET AL., FOOD AND NUTRITION BOARD & INSTITUTE OF MEDICINE, HUNGER AND OBESITY: UNDERSTANDING A FOOD INSECURITY PARADIGM: WORKSHOP SUMMARY (2011), <http://bit.ly/LUN2QC>; MICHELE VER PLOEG ET AL., U.S. DEPARTMENT OF AGRICULTURE, ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD: MEASURING AND UNDERSTANDING FOOD DESERTS AND THEIR CONSEQUENCES (June 2009), <http://1.usa.gov/MwrrPYQ>; Press Release, U.S. Department of Agriculture, Dietary Guidelines for Americans: 2010 (Jan. 31, 2011), <http://1.usa.gov/MrqKIE>; NATIONAL PREVENTION COUNCIL, NATIONAL PREVENTION STRATEGY: AMERICA'S PLAN FOR BETTER HEALTH AND WELLNESS (June 2011), <http://1.usa.gov/Mzgyol>.

<sup>7</sup>Gus Schumacher et al., *Healthy Food Access and Affordability: "We Can Pay the Farmer or We Can Pay the Hospital,"* 20 MAINE POLICY REVIEW 124 (Winter–Spring 2011).

<sup>8</sup>RENEE JOHNSON ET AL., CONGRESSIONAL RESEARCH SERVICE, RL33934, CRS REPORT FOR CONGRESS: FARM BILL LEGISLATIVE ACTION IN THE 110TH CONGRESS (June 13, 2008), <http://bit.ly/NwGxQY>.

<sup>9</sup>Centers for Disease Control and Prevention, Winnable Battles (May 9, 2012), <http://1.usa.gov/NwHSHw>.

<sup>10</sup>Centers for Disease Control and Prevention, Strategies to Prevent Obesity and Other Chronic Diseases: The CDC Guide to Strategies to Increase the Consumption of Fruits and Vegetables (2011), <http://1.usa.gov/Nrs75R>.

<sup>11</sup>Kenneth Hanson & Victor Oliveira, U.S. Department of Agriculture, Economic Linkages Between the WIC Program and the Farm Sector (March 2009), <http://1.usa.gov/MrqPFw>.

gram (authorized under the Child Nutrition Act) provide benefits for participants to purchase healthy foods such as vegetables, fruits, herbs, and honey. A farmer receives about twelve cents out of each dollar spent by consumers on processed foods at a grocery store.<sup>12</sup> Farmers Market Nutrition Program expenditures are welcome among farmers who sell directly to program participants because they enable the farmers to capture a much greater share of the consumer dollar. Due to relatively low barriers to entry, farmers' markets are often among the first markets for small, beginning, and limited resource farmers to sell their produce.<sup>13</sup>

**Facilitating Use of Electronic Benefits at Farmers' Markets.** Despite a solid growth in farmers' markets over the past fifteen years, redemption of food stamps at farmers' markets fell during that time.<sup>14</sup> This is due in part to technological difficulties after the Food Stamp Program shifted from paper coupons to electronic benefits transfer (EBT). The 2008 Farm Bill provided assistance to farmers' markets in gaining access to wireless technology to process EBT payments. Not less than 10 percent of funds of the Farmers' Market Promotion Program were designated to support the use of EBT at farmers' markets.<sup>15</sup> USDA deemed an additional \$4 million to have been appropriated for this purpose for the 2012 federal fiscal year.<sup>16</sup>

**Healthy Incentives Pilot.** The 2008 Farm Bill authorized pilot projects to improve the diet and health of SNAP participants.<sup>17</sup>

It granted authority for projects that would do these:

- Increase SNAP benefit allotments.
- Increase access to farmers markets through assistance with EBT benefit redemption.
- Provide incentives to SNAP vendors to increase availability of healthy foods.
- Subject SNAP vendors to stricter requirements in stocking healthful foods.
- Provide incentives at the point of purchase to encourage SNAP participants to buy fruits, vegetables, and other healthful foods.
- Create integrated communication and education programs, with a school-based nutrition coordinator.

Although these pilot projects were authorized, not all have been funded and implemented. However, the point-of-purchase incentives received \$20 million in mandatory funding in the 2008 Farm Bill.<sup>18</sup> Hampden County, Massachusetts, was chosen for the Healthy Incentives Pilot.<sup>19</sup> In this pilot, participants who use their SNAP benefits to purchase fruits and vegetables from an approved SNAP vendor receive an incentive payment of 30 percent. Participating SNAP vendors are supermarkets, superstores, grocery stores, convenience stores, and farmers' markets.<sup>20</sup> Evaluation of the project and of the feasibility of its expansion is ongoing.<sup>21</sup> The Healthy Incentives Pilot

<sup>12</sup>Patrick Canning, Economic Research Service, U.S. Department of Agriculture, *A Revised and Expanded Food Dollar Series: A Better Understanding of Our Food Costs* (Feb. 2011), <http://1.usa.gov/PZidu0>.

<sup>13</sup>U.S. Department of Agriculture, *Farmers Market Services* (Feb. 2012), <http://1.usa.gov/NNpXgv>.

<sup>14</sup>Suzanne Briggs et al., *Community Food Security Coalition & Farmers Market Coalition, Real Food, Real Choice: Connecting SNAP Recipients with Farmers Markets* (June 2010), <http://bit.ly/NcWj67>.

<sup>15</sup>2008 Farm Bill, 7 U.S.C. § 3005(e)(2).

<sup>16</sup>Memorandum from the Food and Nutrition Service, U.S. Department of Agriculture, to Regional SNAP and Field Operations Directors, *Fiscal Year (FY) 2012 Funding to Increase Farmers' Market Participation in the Supplemental Nutrition Assistance Program (SNAP)* (May 2, 2012), <http://1.usa.gov/Pa3iff>.

<sup>17</sup>U.S.C. § 2026(k)(3).

<sup>18</sup>*Id.* § 2026(k)(5).

<sup>19</sup>Food and Nutrition Service, U.S. Department of Agriculture, *Supplemental Nutrition Assistance Program: Healthy Incentives Pilot* (Feb. 16, 2012), <http://1.usa.gov/M3zdun>.

<sup>20</sup>Letter from Kevin W. Concannon, Undersecretary, Food, Nutrition, and Consumer Services, U.S. Department of Agriculture, to Sen. Debbie Stabenow, Chairwoman, Committee on Agriculture, Nutrition, and Forestry (Dec. 19, 2011), <http://1.usa.gov/O2IV7I>.

<sup>21</sup>Abt Associates Incorporated, *Updated Study Plan: Healthy Incentives Pilot Evaluation* (June 27, 2011), <http://1.usa.gov/PZFzS>.

has elements to appeal to many Farm Bill stakeholders in that it provides additional funds to SNAP participants, builds additional markets for SNAP vendors (such as retailers and farmers), and promotes improvements in diet supported by the public health community. Despite this broad appeal, securing authority for a major expansion of the pilot may be a challenge in the current budget climate.

**National School Lunch Program and Fresh Fruit and Vegetable Program.** Legal authority for the National School Lunch Program is found in the National School Lunch Act, most recently amended in the Healthy, Hunger-Free Kids Act of 2010.<sup>22</sup> However, the 2008 Farm Bill has a provision encouraging schools to exercise a preference for locally grown and raised unprocessed agricultural products.<sup>23</sup> USDA created a farm-to-school website to share policy guidance and provide other support for farm-to-school programs.<sup>24</sup> The 2008 Farm Bill expanded the Fresh Fruit and Vegetable Program, which provides grants to states to carry out a free fruit and vegetable snack program in schools with a high proportion of students who are eligible for free or reduced-price meals.<sup>25</sup>

### Farm Programs

Due to weather-related perils and the nature of agricultural markets, farming involves substantial risks. A safety net for farmers helps ensure a stable food supply. This safety net consists of commodity programs, crop insurance and disaster assistance, agricultural loans, conservation, and other programs. A basic understanding of these programs is needed to evaluate whether they protect farmers,

especially low-income family farmers. But this is not the only criterion. If they are to contribute to sustainable community food systems, farm programs must balance economic, environmental, and social effects.<sup>26</sup>

**Commodity Programs and Crop Insurance.** The commodity title of the 2008 Farm Bill provides for direct and countercyclical payments to farmers based on their historical yields of certain crops on farm acres enrolled in the program. These crops are cotton, corn, wheat, soybeans, and rice, among others. Direct payments were made every year without regard to agricultural market conditions. Countercyclical payments were made when average prices fell below target levels. The Agriculture Reform, Food, and Jobs Act would eliminate both direct and countercyclical payments.<sup>27</sup>

Federal crop insurance is sold by private insurance providers, but the premiums are subsidized, and the policies reinsured, by the federal government. Crop insurance was concerned historically with mitigating the risk of yield losses; recently it has been used to deal with revenue losses.<sup>28</sup> Some commodity farmer organizations have taken the position that if direct commodity payments are eliminated, revenue protection available under crop insurance should be increased to insure against “shallow losses,” which had been counted in the farmer’s deductible expenses.<sup>29</sup>

Framing crop insurance coverage for shallow losses as an integral part of the farm safety net, without regard to the financial means of the farmer, appears to be a bid for equivalence with other safety net programs such as SNAP. Yet crop in-

<sup>22</sup>Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-80, 123 Stat. 2125 (2010).

<sup>23</sup>42 U.S.C. § 1758(j) (amending Richard B. Russell National School Lunch Act of 1946).

<sup>24</sup>Food and Nutrition Service, U.S. Department of Agriculture, Farm to School (April 16, 2012), <http://1.usa.gov/NDzzqk>.

<sup>25</sup>42 U.S.C. § 1769a.

<sup>26</sup>See Susan A. Schneider, *A Reconsideration of Agricultural Law: A Call for the Law of Food, Farming, and Sustainability*, 34 WILLIAM AND MARY ENVIRONMENTAL LAW AND POLICY REVIEW 935 (Spring 2010).

<sup>27</sup>Agriculture Reform, Food and Jobs Act of 2012, S. 3240, 112th Cong. (2012) (see U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Agriculture Reform, Food and Jobs Act of 2012 (n.d.), <http://bit.ly/LV3O1Y>).

<sup>28</sup>U.S. Government Accountability Office, GAO-12-256, Crop Insurance: Savings Would Result from Program Changes and Greater Use of Data Mining (March 2012), <http://1.usa.gov/Q2LBkm>.

<sup>29</sup>DENNIS A. SHIELDS & RANDY SCHNEPF, CONGRESSIONAL RESEARCH SERVICE, R42040, FARM SAFETY NET PROPOSALS IN THE 112TH CONGRESS (April 18, 2012), <http://bit.ly/NDBOdb>.

insurance has been difficult to access on an equitable basis for farmers who are just beginning, farmers who grow fruits and vegetables, and farmers who use organic methods.<sup>30</sup>

Conservation compliance requirements for environmentally sensitive land are a condition of participation in the commodity programs. If the commodity programs are eliminated, conservation compliance should be incorporated into crop insurance requirements, some stakeholders argue.<sup>31</sup>

**Agricultural Loan Programs.** Federal agricultural loan programs have long been of interest to poverty lawyers.<sup>32</sup> The 2008 Farm Bill reauthorized several agricultural loan programs. These programs are credit sources for family farmers who are unable to qualify for loans from commercial lenders. For example, beginning farmers may be viewed as too risky by commercial lenders, but USDA offers a down-payment loan program for beginning farmers. USDA recently published a proposed rule to allow microloans for small and beginning farmers and ranchers under its Operating Loan Program.<sup>33</sup>

**Conservation Programs.** The conservation title of the Farm Bill may contribute to greater production of healthy foods, lessening of farm environmental impact, and economic vitality. For example, the Sea-

sonal High Tunnel Initiative helps farmers seeking to extend the growing season in a cost-effective and environmentally conscious manner.<sup>34</sup> A high tunnel is a plastic-sheeted greenhouse that enables farmers to grow and market locally produced fruits and vegetables during colder months when retailers in many states are selling foods shipped for long distances.

### Local Food Systems

One challenge in creating sustainable community food systems has been a lack of coordination among Farm Bill programs. Relevant Farm Bill programs are scattered throughout the bill, and they concern not only economic development but also social and environmental health. Know Your Farmer, Know Your Food, a USDA initiative, creates an information clearinghouse, identifies barriers, and coordinates efforts to overcome those barriers.<sup>35</sup> Besides learning more about the individual programs discussed below, advocates should be aware that the Know Your Farmer initiative helps frame and set up a platform for the discussion of broader food system issues.<sup>36</sup>

**Economic Development.** Producing, processing, and distributing agricultural food products within a community food system may contribute to improved food access, greater food self-sufficiency, and economic development.<sup>37</sup> Many of the

<sup>30</sup>KRUEGER ET AL., *supra* note 2, ch. 3.

<sup>31</sup>National Sustainable Agriculture Coalition, Over 90 Organizations Urge Senate to Support Conservation Amendment (June 13, 2012), <http://bit.ly/Nde715>.

<sup>32</sup>Carl Flink, *Finding a Place for Low-Income Family Farmers in the Legal Services Equation*, 35 CLEARINGHOUSE REVIEW 677 (March–April 2002); Stephen Carpenter & Randi Ilyse Roth, *Family Farmers in Poverty: A Guide to Agricultural Law for Legal Services Practitioners*, 29 *id.* 1087 (April 1996).

<sup>33</sup>Microloan Operating Loans, 77 Fed. Reg. 31220 (proposed May 25, 2012) (to be codified at 7 C.F.R. pts. 761, 764), <http://1.usa.gov/O8slqO>.

<sup>34</sup>Natural Resources Conservation Service, U.S. Department of Agriculture Farm Bill 2008 Fact Sheet: Environmental Quality Incentives Program Seasonal High Tunnel Initiative (Jan. 2012), <http://1.usa.gov/Q2TID3>.

<sup>35</sup>U.S. Department of Agriculture, Know Your Farmer, Know Your Food (n.d.), <http://1.usa.gov/M7jDOT>. Other relevant federal programs are Community Transformation Grants administered by the Centers for Disease Control and Prevention (42 U.S.C. § 300u-13). See also Maggie Gosselin, Institute for Agriculture and Trade Policy, Beyond USDA: How Other Government Agencies Can Support a Healthier, More Sustainable Food System (Feb. 2010), <http://bit.ly/NyCyDj>.

<sup>36</sup>Research is also an essential component of building sustainable food systems. The 2008 Farm Bill recognized this through the Agriculture and Food Research Initiative, administered by the National Institute of Food and Agriculture (formerly the Cooperative State Research Education and Extension Service). The initiative is a competitive grants program that has food security, nutrition, health, and childhood obesity prevention among its research priorities (7 U.S.C. § 450i(b)); Press Release, U.S. Department of Agriculture, USDA Awards Grants to Improve Sustainable Food Systems and Reduce Hunger (May 5, 2011), <http://1.usa.gov/LpyiTC>.

<sup>37</sup>Steve Martinez et al., U.S. Department of Agriculture, Local Food Systems: Concepts, Impacts, and Issues (May 2010), <http://1.usa.gov/QthOlf>.

programs linked through the Know Your Farmer program can help farmers and advocates rebuild local food systems and increase access to healthy, local food:

- Community Food Projects provide grants and technical assistance to promote long-term, community-based solutions to food insecurity in both urban and rural areas.<sup>38</sup>
- Food hubs centralize the infrastructure to aggregate, market, and distribute agricultural products. USDA has created a clearinghouse of information related to these hubs to help farmers gain access to institutional buyers and help buyers maintain a consistent supply.<sup>39</sup>
- The 2008 Farm Bill authorized a comparison of the effectiveness of the Food Distribution Program on Indian Reservations and SNAP in meeting the nutritional needs of low-income Native Americans. It authorized establishment of a fund to purchase traditional and locally grown foods for distribution, with a preference for food produced by Native American farmers and ranchers.<sup>40</sup>
- The Farmers' Market Promotion Program provides grants to local governments, public benefit corporations, economic development corporations, tribal governments, producer associations, and other entities to improve direct marketing of agricultural products from producers to consumers.<sup>41</sup>
- The Specialty Crop Block Grant Program enhances the competitiveness of crops such as fruits, vegetables, tree nuts, horticulture, and nursery crops (such as flowers). State departments of agriculture may partner with other government, nonprofit, and private entities to apply for grants to support projects that strengthen markets for specialty crops.<sup>42</sup>
- The 2008 Farm Bill provided continuing authorization for the National Center for Appropriate Technology, which operates a National Sustainable Agriculture Information Service.<sup>43</sup> The service provides technical assistance and resources on food systems and other topics.<sup>44</sup>
- The 2008 Farm Bill specified that 5 percent of rural Business and Industry Guaranteed Loan Program funds be reserved for Local and Regional Food Enterprise Guaranteed Loans that support the renewal of local food infrastructure—food processing, aggregation, storage, distribution, and marketing.<sup>45</sup>
- The Value-Added Producer Grant Program provides authority and funds for individual and group loans to produce and market value-added agricultural products.<sup>46</sup> For projects that benefit beginning or socially disadvantaged farmers or ranchers, 10 percent of funds are reserved.<sup>47</sup>

**Beginning Farmers and Ranchers.** The average age of U.S. farmers is 57.<sup>48</sup> Re-

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<sup>38</sup>7 U.S.C. § 2034.

<sup>39</sup>See generally Agricultural Marketing Service, U.S. Department of Agriculture, Farmers Markets and Local Food Marketing: Food Hubs: Building Stronger Infrastructure for Small and Mid-Size Producers (July 9, 2012), <http://1.usa.gov/O8mfwe>.

<sup>40</sup>7 U.S.C. § 2013(b)(6).

<sup>41</sup>*Id.* § 3005.

<sup>42</sup>*Id.* § 1621, note (state assistance for specialty crops; specialty crop block grants).

<sup>43</sup>*Id.* § 1932(i).

<sup>44</sup>National Sustainable Agriculture Information Service, <http://bit.ly/NrORCO>.

<sup>45</sup>7 U.S.C. § 1932(g)(9).

<sup>46</sup>*Id.* § 1632a.

<sup>47</sup>*Id.* § 1632a(b)(7)(C).

<sup>48</sup>U.S. Department of Agriculture, 2007 Census of Agriculture: Farmers by Age (n.d.), <http://1.usa.gov/M3RHeo>.

crucial and equipping a new generation of farmers is an urgent national priority.<sup>49</sup> The 2008 Farm Bill continued the Beginning Farmer and Rancher Development Program. It provides competitive grant funds for education, outreach, and technical assistance for beginning farmers and ranchers. USDA seeks, among other priorities, to promote community reintegration for returning military veterans.<sup>50</sup>

**Civil Rights for Farmers and Farmworkers.** Discrimination is a barrier to sustainable food systems.<sup>51</sup> In 1999 USDA settled a class action lawsuit brought by African American farmers alleging discrimination in federal agricultural loan programs.<sup>52</sup> The 2008 Farm Bill directed USDA to resolve, in an expeditious and just manner, similar lawsuits brought by Native American, Hispanic, and female farmers.<sup>53</sup> It provided for targeted assistance to racial and ethnic minorities or women or both, known in USDA terminology as “socially disadvantaged farmers.” Relevant provisions cover outreach and technical assistance for socially disadvantaged farmers, targeted loan funds, and targeted conservation program cost-share payments and incentives.<sup>54</sup>

USDA recently published a proposed final guidance for federal funding recipients; it sets forth the recipients’ obligations toward persons with limited English proficiency.<sup>55</sup> USDA’s own plan to provide equitable services to persons who have limited proficiency in English is described on a federal interagency website as “pending.”<sup>56</sup>

Laws governing agricultural labor have not been a focus of the Farm Bill, even though working conditions for farmworkers may be another barrier to sustainable community food systems.<sup>57</sup> However, the 2008 Farm Bill provided authority to resolve some issues related to farmworker health and safety. It authorized research related to long-term exposure to pesticides and mitigation options related to air emissions from animal feeding operations, although it did not provide mandatory funding.<sup>58</sup> It also authorized the Agricultural Career and Employment Program to make grants to eligible entities to provide training and services to farmworkers.<sup>59</sup> A recent USDA-funded research project implemented a voluntary pilot food certification system focused on social and economic justice throughout the food system, including farmworkers.<sup>60</sup>

<sup>49</sup>Neil D. Hamilton, *America’s New Agrarians: Policy Opportunities and Legal Innovations to Support New Farmers*, 22 FORDHAM ENVIRONMENTAL LAW REVIEW 523 (Fall 2011).

<sup>50</sup>Patricia Leigh Brown, *Helping Soldiers Trade Their Swords for Plows*, NEW YORK TIMES, Feb. 5, 2011, <http://nyti.ms/NdoWjB>.

<sup>51</sup>Stephen Carpenter, *Discrimination in Agricultural Lending*, 33 CLEARINGHOUSE REVIEW 166 (July–Aug. 1999).

<sup>52</sup>*Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999); TADLOCK COWAN & JODY FEDER, CONGRESSIONAL RESEARCH SERVICE, RS20430, THE PIGFORD CASES: USDA SETTLEMENT OF DISCRIMINATION SUITS BY BLACK FARMERS (JUNE 14, 2011), <http://bit.ly/Lma38T>.

<sup>53</sup>Food, Conservation, and Energy Act § 14011. See also Settlement Agreement, *Keepseagle v. Vilsack*, No. 1:99CV03119 (EGS) (D.D.C. Nov. 1, 2010), <http://bit.ly/Lt9oac> (class action lawsuit filed by Native American farmers and ranchers settled in 2011); Women and Hispanic Claims Program, <http://bit.ly/MhbYlh> (claims process for farmers alleging they were discriminated against because of being women or Hispanic).

<sup>54</sup>2008 Farm Bill, 7 U.S.C. § 2279.

<sup>55</sup>Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency, 77 Fed. Reg. 13,980 (proposed March 8, 2012) (to be codified at 7 C.F.R. pt. 15), <http://1.usa.gov/LWuMpW>.

<sup>56</sup>Limited English Proficiency (LEP), a Federal Interagency Website, <http://bit.ly/NCjMxg>.

<sup>57</sup>Bon Appétit Management Company Foundation & United Farm Workers, *Inventory of Farmworker Issues and Protections in the United States* (March 2011), <http://bit.ly/SCDloO>.

<sup>58</sup>7 U.S.C. § 5925(e)(30), (e)(38).

<sup>59</sup>*Id.* § 2008q-1.

<sup>60</sup>Sustainable Agriculture Research and Education, *Improving the Quality of Life for Southern Organic Farmers and Farm Workers* (2011), <http://bit.ly/OJW7Xz>; see also Agricultural Justice Project, <http://bit.ly/OGWBkj>; for a related analysis, see Food Chain Workers Alliance, *The Hands that Feed Us: Challenges and Opportunities for Workers Along the Food Chain* (June 6, 2012), <http://bit.ly/SCGxkj>.

### Finding Common Ground

The Farm Bill offers potential to strengthen food systems, a potential that is only beginning to be realized. As a new Farm Bill is authorized and implemented, poverty lawyers may find common ground with other Farm Bill stakeholders. For example, nearly a hundred organizations representing the antihunger, family farm, public health, and religious communities signed a letter setting forth hunger and nutrition-related priorities for the next Farm Bill.<sup>61</sup> Recommendations in

the letter focused on ensuring adequate resources for federal nutrition assistance programs; increasing consumption of fruits, vegetables, and other healthy foods; and strengthening community-based nutrition initiatives.

No single policy or program will turn the tide of hunger and food insecurity into a wave of healthy food for all. The policies and programs described here, however, are a starting point for a broad-based movement toward sustainable community food systems.

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<sup>61</sup>Public Health Institute, PHI Joins 90 Hunger and Nutrition Organizations in Urging Congress to Protect Nutrition Programs in the Upcoming Farm Bill (April 9, 2012), <http://bit.ly/NDkifi>.



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