



INSTITUTE FOR AGRICULTURE AND TRADE POLICY

Beyond the USDA

How other government agencies can support
a healthier, more sustainable food system

By Maggie Gosselin

Institute for Agriculture and Trade Policy

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By Maggie Gosselin

Edited by Ben Lilliston

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The Institute for Agriculture and Trade Policy works locally and globally
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2105 1st Avenue South Minneapolis, MN 55404

Introduction

In the past century, the American food system has undergone a transformation: agricultural yields have increased due to new crop varieties, machines, practices and chemicals; our food choices have expanded; fewer people produce more food; and food expenditures take up less and less of our income. But these gains have come at a cost: agricultural pollutants negatively impact environmental and human health; the incidence of diet-related disease is growing, as is the number of individuals classified as food insecure; and farming is no longer an economically viable vocation for most young people.

As the damaging effects of how food is grown, distributed, transported and consumed are illuminated, proposals to reform the United States' agriculture, food industries and policies have become more numerous. What many Americans are asking of their food system constitutes a tall order: ideally, it should provide safe, healthy foods that are affordable and accessible to all; benefit the environment; remunerate farmers and farm workers fairly; and treat all participants, including animals, humanely. Barriers to these ideals range from deliberate agricultural policies to unwitting results of laws and regulations, or lack thereof, in diverse areas of government; for this reason, thinking about these goals requires a broad framework.

The United States Department of Agriculture (USDA) is titanic, charged with the administration of commodity, conservation and nutrition programs, Cooperative Extension, the soil survey, the development of dietary guidelines, economic and scientific research—the list goes on. But USDA is not the only federal body influencing what, and how, food is raised and consumed in the United States: many other spheres of governance shape our food system in significant, and sometimes surprising, ways. In carrying out their mandates, these entities affect food access and safety, fisheries, trade, food prices, land use, climate policy, agricultural labor and inputs, and consumer information. While changes to USDA's policies and programs are certainly necessary for food system reform, some critical components of the system are largely outside of the department's jurisdiction.

Currently, there is no integrated approach among government departments and agencies to address food-related issues. Thus, the efforts of one entity may undermine the activities of another. With so many government bodies influencing so many facets of our food system, how can we move towards federal food policies that are smart, non-contradictory and truly serve the public interest? As a start, the U.S. Department of Agriculture (USDA), Environmental Protection Agency (EPA) and Department of Health and Human Services (HHS) should convene an interdepartmental task force on food policy to bring together the diverse departments and agencies that have bearing on food production and consumption in

America. A better understanding of federal oversight of the food system is a prerequisite to a more clear and coordinated approach to food.

This report attempts to summarize the roles that key federal departments and agencies, other than USDA, play in America's food system; it also lists relevant grant programs and resources they offer and, in some instances, provides ideas for changes that would support a more sustainable and just food and agriculture system. This is not a comprehensive document, but we hope that over time—with input and ideas from our colleagues—it might become one. Most of all, we hope that this paper helps policymakers, sustainable food advocates and others to continue broadening the definition of “food policy” and think beyond USDA to improve our food system.

The report begins by looking at departments and agencies that have the most obvious and well-defined roles in regulating our food system, moves to those that have a less clear connection to food, and then looks at a few specific issue areas and the entities that influence them.

Department of Health and Human Services

Its role in the food system

The Department of Health and Human Services (HHS) is charged with protecting the health of Americans. The Food and Drug Administration (FDA) carries out the most prominent of HHS's food-related activities, including primary oversight of food safety, food labeling and veterinary drugs. HHS's Centers for Disease Control and Prevention (CDC) conduct research and educate the public about food- and diet-related topics, and provide information about health-related issues that informs policy and rulemaking.

FOOD SAFETY Fifteen separate agencies administer more than 30 laws related to food safety.¹ FDA's food safety purview is the largest of any agency—it includes regulations and education regarding food allergens, food-borne illnesses, contamination from pesticides and other chemicals, the Hazard Analysis and Critical Control Points (HACCP) system, and safe storage, preparation and handling for almost all foods, both domestic and imported, except meat, poultry and processed egg products. FDA also partners with CDC, USDA and PulseNet (a network of state, local and federal laboratories and agencies that monitor food-borne disease) to detect and respond to enteric illness outbreaks.

Although FDA regulates 80 percent of the food supply, their food safety-related expenditures account for just 24 percent of total food safety spending:² USDA's Food Safety Inspection

Service spends vastly more regulating meat, poultry and processed egg products. In the past few years, contamination of foods under FDA authority has exposed weaknesses in the infrastructure, policies and inspection practices of FDA's food safety program. Consumer groups have raised issues such as the inadequacy of inspection of imported fruits and vegetables as imports rise and the need for stronger mandatory process controls (which mandate certain procedures to improve food safety) and performance systems.^{3,4,5}

Food safety concerns led to the establishment of the President's Food Safety Working Group in 2009 to advise the president on how to improve food safety through legislation, interdepartmental coordination and increased enforcement. The USDA and HHS Secretaries jointly chair the group, and the departments that the two secretaries represent have announced new efforts to better coordinate their food safety programs.⁶

With USDA, FDA also issues the Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables (also known as the federal Good Agriculture Practices, or GAPs), which outline "best practices" for farmers and food processors to reduce produce safety hazards. While the GAPs are voluntary, many wholesale produce buyers and federal food programs require certificates of GAPs compliance from farmers.⁷

DRUG REGULATION The FDA, with authority from the Federal Food, Drug, and Cosmetic Act (FFDCA), is in charge of approval and regulation of all drugs. Even 30 years ago, this charge had relatively little bearing on agriculture, but FDA's role has become more significant with major changes in livestock industries including the use of vastly more drugs in the raising of meat and milk animals. While veterinary medicine has long used antimicrobials to treat disease in animals, these drugs are now commonly used at sub-therapeutic levels to increase production. The Union of Concerned Scientists estimates that 25 million pounds of antibiotics are fed to American livestock annually—about six times more than is used as human medicine.⁸ Antimicrobials are also used in the production of ethanol to control unwanted bacterial growth in fermentation tanks.⁹ Overuse of antimicrobials can lead to the development of resistant bacteria, which are a threat to both human and animal health, since many of the same classes of the drugs are used in human and animal medicine.

The National Antimicrobial Resistance Monitoring System (NARMS), a partnership between CDC, FDA, and USDA, monitors resistance and has collected data and performed trend analysis on antimicrobial resistance since 1996. NARMS's "Get Smart: Know When Antibiotics Work on the Farm" program focuses on education about appropriate use of antibiotics in animal agriculture.

FDA also regulates hormones used in animal agriculture, which are administered to promote growth and increase milk production. Concerns about hormone use range from ecological disruption that might result from hormones entering waterways from farms to health impacts of eating meat or milk from animals that have been treated.

FOOD LABELING With authority from the FFDCA and its many amendments (most significantly, those made by the Nutrition Labeling and Education Act of 1990), FDA enforces and informs several labeling regimes. FDA prohibits usage of some information on food labels, requires the inclusion of other information (such as ingredient lists and Nutrition Facts panels), and establishes standards for certain voluntary claims. The labeling laws that FDA administers, and the rules that it develops, have a significant effect on the information consumers have access to and thus, to some extent, what they buy. FDA's oversight also includes labeling of food supplements, which are treated as food under the Dietary Supplement Health and Education Act of 1994.

DIETARY GUIDELINES AND NUTRITION PROMOTION Since 1977, USDA and HHS have been jointly responsible for issuing dietary guidance to the public. The division of power between the two departments (USDA is the "lead agency" for nutrition advice) has caused tension between the agencies and brought criticism from public interest groups.¹⁰ Because USDA is responsible for promoting U.S. agriculture, their ability to produce dietary recommendations free from the influence of agribusiness interests has often been questioned. Every five years since 1980, USDA and HHS have produced the Dietary Guidelines for Americans, which are the supposed foundation of federal nutrition policy and public health education campaigns. The dietary guidelines are developed by an advisory committee that drafts recommendations based on the best available science. HHS and USDA then revise the guidelines and solicit public comments before the guidelines are translated into succinct messages and graphics.

CDC is also the lead federal agency in a public-private educational campaign called "Fruit and Veggies—More Matters." The campaign (formerly the "5 A Day for Better Health" program) encourages fruit and vegetable consumption by distributing educational materials and maintaining a Web site with recipes and other information.

OTHER RESEARCH AND EDUCATIONAL ACTIVITIES HHS is the primary collector and aggregator of data about the health of Americans, including about obesity, hunger, micronutrient deficiencies and other diet-related diseases. CDC conducts more than 25 different surveys, including the largest health- and diet-related survey in the U.S., the National Health and Nutrition Examination Survey (NHANES), which is

administered by the National Center for Health Statistics (NCHS). In 2002, USDA's Agricultural Research Service and NCHS agreed to reduce duplicative elements of their food consumption surveys and established the What We Eat in America survey (part of NHANES), which is now the main source of information about Americans' eating habits.

CDC also runs the National Institute for Occupational Safety and Health (NIOSH), which conducts research and develops recommendations to improve worker safety and health. NIOSH's Agriculture, Forestry, and Fishing program develops goals specifically for improving the well-being of workers in those sectors.

How HHS can contribute to a healthier food system:

- With its mandate to protect public health, HHS—more than any other agency—should push for food system reform that improves the well-being of Americans.
- FDA should support, and firmly implement, a ban on sub-therapeutic use of antibiotics in livestock and energy production.
- HHS should consider the ecological impacts of food consumption as a factor in the development of the Dietary Guidelines for Americans and resist the influence of special interests in the development of the guidelines.

Other resources:

- IATP's Health Observatory
<http://www.healthobservatory.org>
- Journal of Hunger and Environmental Nutrition, Volume 4, Issues 3 and 4, "Food Systems and Public Health: Linkages to Achieve Healthier Diets and Healthier Communities"
<http://www.informaworld.com/smpp/title~db=all~content=g917718511>
- Center for Science in the Public Interest
<http://www.cspinet.org/>
- Food and Water Watch, Food Safety
<http://www.foodandwaterwatch.org/food/foodsafety>
- Jennifer Wilkins. "Eating Right Here: The Role of Dietary Guidance in Remaking Community-Based Food Systems." Chapter in Remaking the North American Food System (2007), edited by C. Clare Hinrichs and Thomas Lyson.

HHS funding and other resources to support sustainable food systems:

COMMUNITY SERVICE BLOCK GRANT PROGRAM

Community Service Block Grants (CSBG) are awarded to states and Indian tribes to alleviate poverty through programs that provide employment, education, better use of available income, housing, and better nutrition, among other things. HHS distributes money to states, which in turn allocate money to Community Action Agencies within the state. Community Action Agencies use the money to carry out programs and can also re-grant it to other organizations that are serving the needs of low-income communities. Funding for the program is subject to annual appropriations; in FY 2008, CSBG received \$654 million. In FY 2006, the year for which the latest detailed reports are available, states spent \$42 million in CSBG funds to support nutrition programs. Projects supported include: organizing and operating food banks; counseling regarding family and children's nutrition and food preparation; providing meals in group settings; and initiating self-help projects, such as community gardens, community canneries and food buying groups."

- Learn more: <http://www.acf.hhs.gov/programs/ocs/csbg/aboutus/factsheets.htm>

ACTION COMMUNITIES FOR HEALTH, INNOVATION AND ENVIRONMENTAL CHANGE

CDC's Action Communities for Health, Innovation and Environmental Change (ACHIEVE) program grants help communities develop and implement policies, systems and environmental change strategies that can help prevent or manage health risk factors for heart disease, stroke, diabetes, cancer, obesity and arthritis. The program is administered by the CDC and grants are made to four national partners: the National Association of County and City Health Officials, the National Association of Chronic Disease Directors, the National Recreation and Park Association and YMCA of the USA. These organizations re-grant money to their constituents. Average awards are \$50,000 for three-year projects. Projects funded in the past have included community gardens and the development of local policies to improve diet.

- Learn more: <http://www.cdc.gov/healthycommunitiesprogram/communities/achieve.htm>

Environmental Protection Agency

Its role in the food system

Agricultural practices such as the application of pesticides and fertilizers, soil tillage and animal confinement are major sources of water and air pollution. The Environmental Protection Agency (EPA), an independent government body, is in charge of regulating environmental pollutants. EPA also does research related to climate change and implements the Renewable Fuels Standard.

PESTICIDE REGULATION, EDUCATION AND RESEARCH

EPA has registered and regulates more than 18,000 pesticides with authority from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).¹² The agency is responsible for registering or rejecting pesticides proposed for marketing, and for periodic reviews of registered pesticides as science changes and new information becomes available. FIFRA is a “balancing statute,” which means that along with their assessment of risks that a pesticide poses to the environment and human health, EPA regulators must also consider the product’s benefits. If a pesticide is approved, EPA designates how it is labeled and whether it is classified as a “restricted use” product, which only trained individuals can purchase and apply, or as a “general use” product, thus available to anyone. With authority from the Federal Food, Drug, and Cosmetic Act, EPA sets tolerances for pesticide residues on foods that FDA and USDA enforce. EPA’s Pesticide Field Program aims to protect farm workers and animals (especially those protected under the Endangered Species Act), and educate, certify and train pesticide users.

WATER POLLUTION REGULATION AND ABATEMENT With authority from the Safe Drinking Water and Clean Water Acts, EPA is responsible for regulating the health and safety of fresh water. Nutrient, pesticide and sediment runoff from farms are some of the worst water pollution problems. Most farms are considered non-point sources of pollution, meaning that they cannot be easily identified as the origin of a specific pollutant. This designation exempts farms from many regulations. Concentrated Animal Feeding Operations (CAFOs) are considered point sources of pollution under the Clean Water Act, and are thus subject to more regulations than other farming operations. In especially polluted watersheds, such as the Chesapeake and Mississippi basins, EPA has, using the authority of the Clean Water Act, formed special state-federal partnerships aimed at reducing runoff—much of it from agriculture.

AIR POLLUTION REGULATION AND ABATEMENT EPA regulates air pollution with authority from the Clean Air Act of 1970 and its amendments. As with water quality regulations, agricultural operations are largely exempt from air quality

statutes. Agricultural air emissions include hydrogen sulfide, particulate matter, ammonia, nitrous oxide and volatile organic compounds. Emissions are primarily regulated by states, which are required to develop State Implementation Plans (SIPs) to meet federal regulations.

RENEWABLE FUELS STANDARD The 2005 Energy Policy Act directed EPA to create a program to encourage the incorporation of renewable fuels into motor fuels in the United States. In 2007, the Energy Independence and Security Act amended the Clean Air Act, giving the EPA authority to revise and implement the mandated Renewable Fuel Standard program (RFS). The RFS specifies percentages of renewable fuels, such as advanced biofuel, cellulosic biofuel and biomass-based diesel that must be incorporated into petroleum gasoline annually, with the goal of reducing total greenhouse gas emissions from transportation.¹³ The act also required EPA and the Department of Energy to work with the National Academy of Sciences to assess the impacts of the RFS on agriculture and the environment.¹⁴ Currently, renewable fuels are primarily made from agricultural crops, so these mandates impact land use as well as commodity prices.

CLIMATE CHANGE MITIGATION AND RESEARCH Agricultural practices and land-use change related to agriculture are significant contributors to greenhouse gas emissions. Food production is also one of the industries most likely to be affected by changes in rainfall, increases in temperature and more frequent extreme weather events. EPA’s Climate Change Division, within its Office of Atmospheric Programs, implements voluntary programs for greenhouse gas reduction, and conducts research and educational programs about climate change.

How EPA programs can contribute to a more sustainable food system:

- Establish better oversight of water and air pollution generated by CAFOs by properly enforcing existing laws.
- Take a more precautionary stance on approving pesticides by including more thorough consideration of possible chemical interactions between pesticides in risk-assessment models.
- Following the Supreme Court ruling that requires EPA to regulate to mitigate damage caused by greenhouse gasses, the EPA and USDA should form a task force to develop a plan for on-farm mitigation of GHG emissions, and seek congressional funding for that plan within broader climate change legislation.

Other resources:

- EPA's Sustainability Web page has links to national and regional information and initiatives related to sustainable agriculture and development: <http://www.epa.gov/agriculture/tsus.html>
- EPA's Pesticides program: <http://www.epa.gov/pesticides>
- The international Methane To Markets Program (M2M), launched in 2004, is a partnership between the U.S. and 13 other countries. M2M's goals are to improve and implement methane recovery techniques to reduce greenhouse gas emissions by providing technical and financial support and partnering with industry. Efforts to reduce methane emissions from agriculture focus on livestock waste management. EPA provides leadership and administrative support to the program, and works with state and local governments and industrial members in the U.S. to implement the program. See <http://www.methanetomarkets.org/m2m2009/agriculture/index.aspx>.
- The AgStar Program, a partnership between EPA, USDA and the Department of Energy, is one of several domestic methane recovery initiatives. The voluntary program encourages methane recovery for energy use through the use of anaerobic digesters by confined livestock operations. See <http://www.epa.gov/agstar/>.

EPA funding and other resources to support sustainable food systems:

ENVIRONMENTAL EDUCATION GRANTS PROGRAM

The Environmental Education Grants Program (EEG) supports projects that provide people with the information and skills to better protect the environment. EEG projects can be aimed at educators, students or the general public and eligible recipients include local and tribal education agencies, state education or environmental agencies, colleges or universities, not-for-profit organizations and noncommercial educational broadcasting entities. Since 1992, EPA has awarded 3,332 grants totaling \$45,250,214. In 2008, \$3,354,158 was awarded to 111 projects. Topic areas funded in the past have included biodiversity, human health, pest management, soil, agriculture and environmental literacy.

- Learn more: <http://www.epa.gov/enviroed/grants.html>

ENVIRONMENTAL JUSTICE SMALL GRANTS PROGRAM

Environmental Justice (EJ) Small Grants are awarded to organizations working to identify local environmental or public health problems, envision solutions and empower the

community through education, training and outreach. Entities eligible for EJ grants are nonprofit organizations, cities, townships and county and tribal governments. Funding for EJ grants is subject to annual appropriations and has declined significantly since the program's inception. The 2008–09 grant cycle awarded just \$800,000 to 40 recipients.¹⁵ In the past, awards have gone to organizations such as the Agricultural Land-Based Training Association in Salinas, Calif., which received \$20,000 to reduce nitrate pollution of groundwater and drinking water sources and work with participating growers to determine the existence and extent of leaching from their organically managed crop fields.¹⁶

- Learn more: <http://www.epa.gov/Compliance/environmentaljustice/grants/ej-smgrants.html>

BROWNFIELDS PROGRAMS Brownfields are vacant pieces of land previously used for industrial purposes; they are toxic, or perceived as so, but have the capacity to be brought back into use. The Brownfields program provides grants for Brownfield assessment and cleanup. Gardens or farms should never be established on toxic sites, but not all Brownfields are toxic and in the past they have been used as sites for farmers markets or community gardens after cleanup. EPA has also begun an effort to locate renewable energy projects, including biomass production, on Brownfields.¹⁷ In 2009, \$111.9 million in EPA Brownfields grants were awarded. The grants included \$37.3 million from the American Recovery and Reinvestment Act (ARRA) and \$74.6 million from the EPA Brownfields general program funding. Since the beginning of the Brownfields Program, EPA has awarded 1450 assessment grants totaling \$337.5 million, 242 revolving loan fund grants totaling \$233.5 million and 538 cleanup grants totaling \$99 million.¹⁸

- Learn more: <http://www.epa.gov/brownfields/pilot.htm>

NON-POINT SOURCE MANAGEMENT PROGRAM (NSMP)

The NSMP allocates money to states for projects that attempt to reduce pollution from non-point sources of pollution. Agriculture is by far the largest source of non-point pollution in the United States, and agriculture-related projects receive more than 50 percent of NSMP funds. Projects aimed at reducing pollution from CAFOs are not eligible for these funds. States determine priorities and re-grant money to state and local agencies, nonprofit organizations and community groups. Grant money goes to support activities including technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring.

- Learn more: <http://www.epa.gov/nps/cwact.html>

CLEAN WATER STATE REVOLVING FUND The Clean Water State Revolving Fund (CWSRF) provides low-interest loans for wastewater treatment, non-point source pollution control, and watershed and estuary management. CWSRF funds are allocated to states, and states allocate funds to communities based on a competitive process. CWSRF has provided more than 22,700 in low-interest loans totaling more than \$68 billion, with a recent average of \$5 billion annually.

■ Learn more: <http://www.epa.gov/owm/cwfinance/cwsrf>

REGION-SPECIFIC GRANTS Several region-specific EPA grants programs also offer funding opportunities that might be used for food-related projects. For example, the Region One (New England) Healthy Communities Grants program provides assistance to reduce environmental risks and improve quality of life. The Region Nine (Western States) Resource Conservation Funds program supports projects that address solid waste production, including composting.

■ Learn more: <http://www.epa.gov>

Department of the Interior

Its role in the food system

The Department of the Interior (DoI) manages more than 10 percent of all land in the U.S. and routes much Western water through several massive delivery projects. DoI also houses the Fish and Wildlife Service (FWS), which is in charge of managing freshwater fisheries and hatcheries, and is the primary administrator of the Endangered Species Act.

WESTERN WATER SUBSIDIES DoI's Bureau of Reclamation (USBR) facilitated the development of the Western United States, providing water and hydroelectric power to both rural and urban areas through the construction of countless dams, canals and reservoirs. To this day, USBR plays a major role delivering water in the West, providing 140,000 Western farmers with irrigation water for 10 million acres of farmland that produce 60 percent of the nation's vegetables and 25 percent of its fruits and nuts.¹⁹ Much of this water is provided to farmers at or below delivery cost. The Environmental Working Group estimated in 2004 that farmers in California's Central Valley alone were receiving \$416 million worth of water subsidies annually.²⁰

LIVESTOCK GRAZING DoI's Bureau of Land Management (BLM) allows livestock grazing on about 160 million acres of public lands in the Western United States. BLM administers nearly 18,000 permits and leases held by ranchers who graze their livestock, mostly cattle and sheep, at least part of the year on more than 21,000 allotments. Because current grazing

fees do not cover the full costs of the program, grazing permits are, in effect, subsidies. Many permit-holders are managing cow-calf and stocker operations on BLM lands, presumably producing young animals for sale to feedlots.²¹

FISHERIES MANAGEMENT FWS's Fisheries Program is in charge of protecting, restoring and maintaining the health of valuable freshwater fish and supplementing food fish stocks through the National Fish Hatchery System. FWS works closely with the National Marine Fisheries Service to monitor and regulate diadromous and coastal fisheries. FWS also houses the Aquatic Animal Drug Approval Partnership (AADAP) program, whose goal is "to ensure continued progress towards obtaining FDA-approved and EPA-compliant new animal drugs for use in federal, state, tribal and private aquaculture programs throughout the United States."²²

ENDANGERED SPECIES ACT ADMINISTRATION The Fish and Wildlife Service (FWS) is the primary administrator of the Endangered Species Act of 1973 (ESA), which protects species from imperilment due to human activity. FWS's determinations about which species are endangered and threatened under the ESA affect farmers who use chemicals. EPA is required to ensure that pesticides it registers will not result in any harm to covered species. The ESA can also impact water available to farmers when reductions—due to agriculture—in river or stream flow harm protected species. Even though agriculture and the ESA are often pitted on opposite sides of endangered species determinations, the biodiversity that the ESA seeks to protect is extremely important to agriculture, which relies on wild species for crop breeding, pollination and biological pest control.

How DoI programs can contribute to a more sustainable food system:

- Create new rules for livestock grazing on public lands that reward environmental stewardship and prevent environmental degradation.
- Charge a fair market price for grazing permits.
- Ensure that large farmers do not benefit disproportionately from water subsidies in the West, and push for laws that make receipt of water subsidies contingent upon the use of the most efficient irrigation technologies, including dryland agricultural techniques.

Other resources:

- Environmental Working Group
<http://www.ewg.org/node/8642>

Department of Defense

Its role in the food system

Among the complex operations of the Department of Defense (DoD) is feeding nearly 1.5 million active service people. DoD is also responsible for supplying food to several other federal programs including the Federal Jobs Corps program, Veteran's Administration Hospitals, some federal prisons and the National School Lunch Program. In total, DoD purchases more than \$4.5 billion worth of food annually.²³ Military procurement programs are bound by the Buy American Act and the Berry Amendment to source only domestically produced products, including food. A few items, such as bananas, have been deemed domestically "nonavailable" and are exceptions to the Buy American rules.²⁴

MILITARY FEEDING PROGRAMS DoD provides food to troops through the Defense Logistics Agency's Defense Supply Center in Philadelphia (DSCP). Through contracts with independent companies, DSCP provides foods to military bases in the U.S. and abroad. DSCP also supplies the Federal Jobs Corps program, Veteran's Administration Hospitals and some federal prisons. The Defense Commissary Agency supplies food for a worldwide network of nearly 300 markets that sell food to military personnel and their families at just above wholesale costs.

PRODUCE PROCUREMENT FOR CHILD NUTRITION PROGRAMS Since the mid-1990s, DSCP has been serving USDA as a procurer of fresh fruits and vegetables for the National School Lunch Program. The partnership came out of the School Meals Initiative for Healthy Children, a set of regulations developed by USDA's Food and Nutrition Service after the passage of the Healthy Meals for Healthy Americans Act of 1994, which, among other things, directed the Secretary of Agriculture to "to provide technical assistance to schools and other entities to ensure compliance with nutritional requirements under the school lunch program."²⁵

The partnership, known as DoD Fresh, serves school food authorities (the local bodies that administer the NSLP) in almost every state.²⁶ Since 2002, a \$50 million annual expenditure has been authorized for school districts to purchase fresh fruits and vegetables through DoD Fresh using Section 32 commodity entitlement funds—monies authorized by the Agricultural Adjustment Act of 1933, which permanently appropriated 30 percent of gross annual customs receipts to the Secretary of Agriculture to support domestic agriculture.²⁷

In 2006, the DoD produce procurement program (which serves the military and other DoD agencies in addition to USDA) was forced to overhaul its operations.²⁸ This change has affected the ability of states and school districts to source locally produced foods using DoD's program.

How DoD programs can contribute to a more sustainable food system:

- Allow school food authorities to use Section 32 funds to purchase fresh fruits and vegetables from purveyors other than DoD.
- Source agricultural products from USDA-qualified participants in beginning and minority farmer programs when possible.
- Include in contracts the requirement to offer organic produce if it is requested and available.

Department of Commerce

Its role in the food system

The Department of Commerce (DoC), whose primary purpose is to promote economic development, impacts and informs the food system in many ways. DoC's National Oceanic and Atmospheric Administration (NOAA) manages fishing in all federal ocean waters, conducts some of the government's most important research on climate change, and runs the National Weather Service.²⁹ The department also issues patents and trademarks for all products, including foods and seeds, and plays a role in domestic economic development and international trade.

FISHERIES MANAGEMENT In 1970, President Nixon signed an executive order that created NOAA and moved the Bureau of Fisheries (then part of the Department of the Interior) to DoC, renaming it the National Marine Fisheries Service.³⁰ In 1976, the Magnuson-Stevens Fishery Conservation and Management Act established the first comprehensive fisheries management system for federal waters. The legislation mandated the creation of eight regional councils to manage marine resources from state ocean boundaries to the border of the U.S.'s newly defined Exclusive Economic Zone (EEZ, initially named the Fishery Conservation Zone)—3 to 200 nautical miles off the coast. The EEZ comprises 3.4 million square nautical miles of ocean, an area larger than the entire land area of the United States.³¹ Regional management councils are composed of the regional NMFS Director (or his designee) and people representing commercial and recreational fishing interests, fisheries agencies, fishing communi-

ties and the general public. Management councils create and submit fisheries management plans to NMFS, which gives final approval and is responsible for implementing the plans.

AQUACULTURE Worldwide, the aquaculture industry is growing more quickly than any other food sector, but many aquacultural practices present ecological and human health concerns. In 2004, NOAA launched an aquaculture program aimed at reducing U.S. seafood imports, replenishing commercial fisheries, and contributing to research on practices, feedstocks, and other aspects of raising plants and animals in fresh and salt water.³² Currently, most aquaculture in the U.S. takes place inland, in fresh waters, or in near-shore marine waters; there are no fish farms currently located in federal waters. The allowance and regulation of aquaculture in the EEZ has been extremely contentious. During the Bush administration, several unsuccessful attempts were made to approve marine aquaculture projects in federal waters. [See the Nation Offshore Aquaculture Act of 2007 and the Minerals Management Service proposal to allow repurposing of offshore oil facilities.] In 2009, the Gulf Fishery Management Council submitted a plan to allow aquaculture in their management zone and NOAA failed to review the plan, which became effective by default. A group of organizations has sued DoC, claiming that it does not have the authority to regulate aquaculture, and has called on Congress to develop legislation that would cover all marine aquaculture.

WEATHER MONITORING AND CLIMATE CHANGE RESEARCH, RESPONSE AND EDUCATION NOAA conducts many monitoring, research, planning and educational projects related to weather and climate. The National Weather Service (originally a bureau of USDA) provides weather, climate and hydrological forecasts that are useful to farmers and agriculture-based industries. The agency's Climate Program Office (CPO) conducts and funds climate change research, including predictive climatological modeling that will become increasingly useful to agricultural industries in the future. The CPO also runs a Regional Decision Support program aimed at helping the public and local decision-makers understand and develop programs and policies to respond to climate change.

NOAA is one of 13 member agencies of the U.S. Global Change Research Program (USGCRP, formerly the Climate Change Science Program), which integrates cross-agency research about human-induced and natural global change processes, focusing on climate. [Other members of USGCRP include the departments of Commerce, Defense, Energy, Interior, State, Transportation, Agriculture, Health and Human Services, the National Aeronautics and Space Administration, National Science Foundation, Smithsonian Institution, Agency for International Development, and the Environmental Protection Agency.] Independently and through USGCRP, NOAA

collaborates and participates in several international partnerships including the Intergovernmental Panel on Climate Change (IPCC) and the United Nations Framework Convention on Climate Change (UNFCCC).

DOMESTIC ECONOMIC DEVELOPMENT DoC's Economic Development Administration aims to encourage both industrial and commercial growth in economically distressed areas. In the past, they have made investments in food and agriculture infrastructure projects in rural areas, which are disproportionately affected by poverty and unemployment. For more information on domestic programs, see the "DoC funding to support sustainable food systems" section on page 11.

PATENT AND TRADEMARK APPROVAL DoC's Patent and Trademark Office (USPTO) reviews and approves patent requests, including those related to food and agriculture, such as for plants, seeds, crops, techniques and genetic sequences used to modify plants. USPTO's interpretation of laws and judgments about the uniqueness or novelty of technologies or products plays a big role in which applications are granted patents. Disputes with USPTO patents, including those affecting genetic resources for agriculture, are settled in a special patent court. Since a 1980 Supreme Court ruling (*Diamond v. Chakrabarty*) that organisms could be patented on the basis of their genetics, the number of seed patents has increased significantly.

TRADE See page 15, "Agencies that negotiate, implement and enforce international protocols, trade agreements and foreign aid programs."

How DoC programs can contribute to a more sustainable food system:

- Call for Congress to develop strict and comprehensive regulations for aquaculture in federal waters. Ensure that farming of fish in federal waters is done without antibiotics and does not threaten wild fish populations or any other marine life.
- Scrutinize patent requests related to food and agriculture more carefully and require disclosure of genetic resources and traditional knowledge in patent application claims. Restore proportionality between the degree of innovation and utility proven to patent examiners and the breadth and duration of patent protection granted.
- Administer penalties for patent applications that are not developed into products to prevent patent filing for anti-competitive business reasons.

Other resources:

- Food and Water Watch
<http://www.foodandwaterwatch.org/fish>
- Rural Advancement Foundation International
<http://www.rafiusa.org/>

DoC funding to support sustainable food systems:

ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS

Economic Development Administration (EDA) programs support the construction or rehabilitation of public infrastructure to retain jobs, attract capital, and provide technical assistance and research to help communities cope with economic changes. Funding for the program is subject to annual appropriations: In 2007, EDA made 748 investments that totaled \$277 million. The ARRA appropriated \$150 million for the EDA American Recovery Program. While there is no evidence that local and sustainable food systems projects have been funded in the past, EDA is interested in talking with anyone who has a proposal for projects that would create a significant number of jobs in a community.

LEARN MORE: <http://www.eda.gov/AboutEDA/Programs.xml>

Department of Transportation

Its role in the food system

The Department of Transportation's (DoT) investments in transportation infrastructure affect how food travels, where agricultural industries develop and how easily Americans can access healthy foods. The department's mission is to "serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future."³³ Food is among the most vital of interests, yet no transportation-related laws or regulations address the issues of food access or agricultural transport.

FOOD TRANSPORT, INFRASTRUCTURE AND LAND USE DoT probably made its biggest mark on the American food system beginning in the mid-1950s with the construction of the Interstate Highway System. President Eisenhower championed and signed the Federal-Aid Highway Act in 1956, and soon thereafter DoT went to work constructing 42,000 miles of roads. The new highway network reduced our reliance on trains for food delivery and spurred the growth of the nascent fast food industry; it also affected land use, making suburban development (much of it on farmland) more attractive. Today, these roads are the literal foundation of America's food system, which relies heavily on transport by trucks along interstate routes.

FOOD ACCESS DoT's Federal Transit Agency (FTA) is responsible for providing financial and technical assistance to local transit systems, including buses, subways, light rail, commuter rail, ferry boats, trolleys and vanpools. Their policies and grants related to public transit systems affect access to food, especially in low-income areas. Two publications about food deserts, one from ERS and another from The National Academies Press, identify transportation policy as a key contributor. The dual problem of lack of mobility and a dearth of grocery stores in poor neighborhoods makes public transit particularly important to food access.

How DoT programs can contribute to a more sustainable food system:

- Incorporate provisions that would provide funding for research, grant programs, tax breaks and pilot programs to increase food access in major transportation legislation, including the reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- Consider the effects of transportation laws and investments on food infrastructure and access in all transportation policy and rulemaking analysis.

Department of Housing and Urban Development

Its role in the food system

The Department of Housing and Urban Development (HUD) exists to "to increase homeownership, support community development and increase access to affordable housing free from discrimination."³⁴ These programs play an important role in some economically depressed communities. Often, these are communities in which access to food and the ability to pay for healthy foods is limited, so HUD's potential to make an impact is significant.

How HUD programs can contribute to a more sustainable food system:

- In 2009, HUD and DoT announced a partnership to create livable communities. [See <http://fastlane.dot.gov/2009/03/first-steps-toward-livable-communities.html>] Interdepartmental efforts like this are a step in the right direction and should include consideration of food environments.
- Economic revitalization projects, like those funded through the Community Development Block Grant Program (outlined on page 12), should consider food

access and encourage the inclusion of community gardens and farmers markets in local planning efforts.

HUD funding and loans to support sustainable food systems:

COMMUNITY RENEWAL AND EMPOWERMENT ZONES Businesses within one of 70 areas identified as either a Community Renewal or Empowerment Zone are eligible for tax incentives that encourage the establishment and growth of new businesses and the employment of local residents. The incentives include employment credits and zero percent capital gains taxes.

- Learn more: <http://www.hud.gov/offices/cpd/economicdevelopment/programs/rc/index.cfm>

COMMUNITY OUTREACH PARTNERSHIPS CENTERS PROGRAM Community Outreach Partnerships Centers (COPC) grants are awarded to colleges and universities to apply their resources to revitalizing distressed communities. COPC provides competitive 2- to 3-year grants of up to \$400,000 to institutions of higher education to establish and operate COPCs. In the past, funds have been used to create a local urban agricultural enterprise and a community improvement company to provide jobs and business training for neighborhood youth.

- Learn more: <http://www.hud.gov/progdesc/copc.cfm>

SECTION 108 LOAN GUARANTEE PROGRAM The Loan Guarantee Program is a source of financing available for economic development, housing and public facilities rehabilitation, construction or installation that benefits limited-income people. In the past, these funds have been used to locate food markets in former food deserts.³⁵

- Learn more: <http://www.hud.gov/offices/cpd/communitydevelopment/programs/108>

Department of Energy

Its place in the food system:

In recent years, energy policy has received much attention for its role in determining land use and influencing farmer and consumer livelihoods. The idea of using agricultural products for fuel is not by any means novel but it has gained political traction and sparked many public debates. This discourse centers around the extent to which biofuels can replace petroleum, the energy balance of biofuels, consumer implications of using food crops to produce ethanol, ownership of refineries, impacts on land use and the employment of biotechnology to create cellulosic alternatives to ethanol. There are other interactions

between energy policy and agriculture as well. More farms are installing renewable energy projects like solar panels and wind turbines, and new technologies are changing the possibilities for meeting on-farm energy needs. The Department of Energy's (DoE) initiatives and programs have strong bearing on these renewable energy industries as well. Because our food system is highly dependent upon fossil fuels—for fertilizer production, on-farm vehicle use, packaging, storage and food transportation—policies related to fossil fuels also affect farmers' input costs and consumer prices.

BIOENERGY RESEARCH, MANDATES, SUBSIDIES AND LOANS

DoE's Office of Energy Efficiency and Renewable Energy (EERE) runs a large Biomass program dedicated to advancing the use of biofuels and making them cost-competitive by 2012. To this end, they conduct research and disseminate technology related to biofuel feedstocks, processing and infrastructure. The department also offers loan and subsidy programs for farmers, refineries and others in the biofuels industry. In 2006, the Department of Energy provided \$4,708,277,549 worth of ethanol subsidies, which amounted to 26.5 percent of total national spending on ethanol that year.³⁶ In concert with USDA and DoT, DoE conducts research on biofuel feedstocks and technology, some of which is mandated in the 2008 Farm Bill.

OTHER RENEWABLE ENERGY PROGRAMS EERE conducts and supports research and development about other renewable energies, such as wind and solar. Some of the most important new technologies in the renewable energy field have come out of EERE research and partnerships.

How DoE programs can contribute to a more sustainable food system:

- Invest more in sustainable biofuel technologies with criteria to provide economic multiplier effects in rural communities.
- Ensure, in cooperation with USDA and EPA, that transitioning acreage to biofuel crops does not threaten local availability of food crops or out-crossing of biofuels feedstocks into food and feed crops.
- Increase research about alternative crops and small-scale biofuel production.

DoE funding to support sustainable food systems

SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) are programs that encourage innovation by small businesses by providing grants for research and development activities. Several federal departments participate in the

program by setting aside 2.5 and .3 percent, respectively, of their research and development budgets for the programs. In FY 2005, DoE set-asides for SBIR and SBTB were \$102 million and \$12 million respectively. The major difference between the two types of grants is that SBTB grants require a partnership with a nonprofit organization, while SBIR grants do not. In the past, these programs have funded research into technologies that might create new revenue for farmers.

■ Learn more: <http://www.sc.doe.gov/sbir/aboutSBIR.html>

TAX INCENTIVES Several tax credits are available for the installation and generation of energy via renewable energy projects. The Energy Policy Act of 2005 provides the bulk of these incentives, including for solar and small wind installations, the purchase of commercial (heavy duty) hybrid vehicles, and commercial buildings that save heating, cooling and lighting costs. The American Reinvestment and Recovery Act also extended the Renewable Electricity Production tax credits, which give incentives per unit energy generated by wind, closed-loop biomass and poultry waste.

■ Learn more: The best site to learn about renewable energy tax credits is the Tax Incentives Assistance Project, an effort sponsored by governmental agencies and non-governmental groups that provides information to consumers and businesses to make the best use of federal income tax incentives provided by the Energy Policy Act and its amendments. See <http://energytaxincentives.org/>.

Department of Homeland Security

Its role in the food system

The Department of Homeland Security, established by the Homeland Security Act of 2002, is responsible for protecting America from terrorism and natural disasters. DHS has some oversight of food safety, enforces certain country-of-origin labeling laws at U.S. borders, and affects the supply of labor for farming and food processing industries through immigration enforcement.

FOOD SAFETY AND SECURITY DHS works with USDA and FDA on food safety and bioterrorism issues, and has established several partnerships with academic institutions and private industry to protect the food supply. The Strategic Partnership Program Agroterrorism (SPPA) initiative is a public-private cooperative between the Federal Bureau of Investigations, DHS, USDA and FDA, with state and industry volunteers. To comply with Homeland Security Presidential Directive 9—which establishes a national policy to defend the food and agriculture system against terrorist attacks, major disasters and other emergencies—DHS is currently constructing a new National Bio and

Agro-Defense Facility (NBADF). The new facility will replace and expand research that has been done since 1954 at their Plum Animal Disease Center, whose mission is to protect American livestock from foreign disease. The placement of this facility is the subject of a forthcoming GAO report.³⁷

CUSTOMS AND BORDER PROTECTION DHS's Bureau of Customs and Border Protection (CBP) enforces country-of-origin labeling provisions contained in the Tariff Act of 1930, which require the labeling of all imported products, including all wrapped foods, to be marked with their country of origin through to the "ultimate purchaser."³⁸ CBP also coordinates with FDA and USDA's Food Safety and Inspection service to inspect and track imported foods.

DISASTER ASSISTANCE DHS's Federal Emergency Management Agency (FEMA) is responsible for disaster preparedness, protection, response, recovery and mitigation. While USDA's Farm Service Administration provides emergency loans and other support, FEMA is often the first federal responder in disaster situations, and provides farmers with information about how to apply for and access USDA emergency funds.

IMMIGRATION AND CUSTOMS ENFORCEMENT DHS's Office of Immigration and Customs Enforcement (ICE) is responsible for enforcing immigration and customs laws. The way that ICE interprets and enforces immigration policies has a major impact on workers available to the agricultural and food processing industries, which are heavily reliant on undocumented immigrants. Thirty-nine percent of undocumented laborers work in food- or farming-related industries, and these workers make up a large part of the workforce: 29 percent of agricultural laborers, 27 percent of butchers and other meat, fish and poultry processing workers, and 17 percent of food preparation workers.³⁹

How DHS programs can contribute to a more sustainable food system:

- Recognize food system decentralization as a viable strategy to improve food security and safety.
- Ensure that the interagency task force on import safety provides for sufficient budget, infrastructure and training of personnel to scan products electronically, inspect and test them physically and ensure that imports meet customs, border control, food safety and other technical requirements before those products enter into domestic commerce.
- Ensure that importers bear legal liability for unsafe products exported by their suppliers and require that

importers pay a safety performance bond to incentivize compliance with U.S. import rules.

Other resources:

- The Institute for Food and Development Policy's Food Workers—Food Justice Program
<http://www.foodfirst.org/en/viewtax/term/119>
- United Farm Workers
http://www.ufw.org/_board.php?b_code=cre_leg
- UC Davis Migration Dialogue
<http://migration.ucdavis.edu/>

Department of Labor

Its role in the food system

The Department of Labor's (DoL's) mission is to protect the welfare and health of American workers, 17 percent of whom work in our food system; growing, processing, transporting, preparing and selling food.⁴⁰ DoL administers many laws related to worker protection, compensation and health, and keeps records on the characteristics of workers in all industries, including agriculture.

EMPLOYMENT STANDARDS DoL's Wages and Hours Division administers the Fair Labor Standards Act (FLSA) and the Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA). FLSA is the primary law that concerns minimum wages, overtime pay, child labor and other labor standards issues for all industries, but the law exempts certain agricultural workers from minimum wage and overtime pay standards.⁴¹ The MSAWPA establishes employment standards related to wages, housing, transportation, disclosures and recordkeeping specifically for agriculture; it also requires farm labor contractors to register with DoL.⁴²

OCCUPATIONAL SAFETY AND HEALTH Jobs on farms and at food processing facilities are among the most dangerous in America.⁴³ DoL's Occupational and Health Administration (OSHA) is responsible for administering laws and developing regulations aimed at preventing work-related injuries, illnesses and deaths. The agency was established by the William-Steiger Occupational Safety and Health Act (OSH Act) of 1970—the primary statute that OSHA administers. The OSH Act contains several provisions specifically related to agriculture; general provisions cover other food-related professions such as poultry processing and meatpacking. In the 1980s, OSHA developed regulations that established standards for field sanitation, including access to drinking water, toilets and hand-washing facilities for field workers.⁴⁴

TEMPORARY AGRICULTURAL WORKER PROGRAM ETA's Office of Foreign Labor Certification administers the Immigration and Nationality Act, including the H-2A Temporary Agricultural Worker certification program and the H-2B Temporary Non-Agricultural Worker certification program. H-2A and H-2B visas allow agricultural employers who anticipate a domestic labor shortage to bring in temporary workers from other countries.

NATIONAL AGRICULTURAL WORKERS SURVEY Since 1988, ETA has conducted the National Agricultural Workers Survey, "an employment-based, random survey of the demographic, employment, and health characteristics of the U.S. crop labor force."⁴⁵ Each year, the agency conducts between 1,500 and 4,000 face-to-face interviews with farm workers; the resulting data are available on DoL's Web site.

Other resources:

- Farmworker Justice
<http://www.farmworkerjustice.org/>

Corporation for National and Community Service

Its role in the food system

The Corporation for National and Community Service (CNCS) is an independent government agency whose mission is "to improve lives, strengthen communities, and foster civic engagement through service and volunteering."⁴⁶ Essentially, the agency serves as a grantmaker to support volunteerism in America by funding projects and living expenses for volunteers. Through the AmeriCorps Volunteer in Service to America and Learn and Serve America programs (which are explained below) CNCS currently provides some support for volunteers working on sustainable food-related programs. Organizations such as the American Farmland Trust have proposed that CNCS develop a "FarmCorps" to encourage the development of a new generation of farmers.⁴⁷

CNCS funding and other resources to support sustainable food systems

AMERICORPS VOLUNTEERS IN SERVICE TO AMERICA (VISTA) PROGRAM Every year, AmeriCorps offers 75,000 opportunities for adults to serve in positions that help fight poverty through a network of partnerships with local and national nonprofit groups. VISTA members make a full-time, year-long commitment to volunteering at a nonprofit organization or public agency; in return they receive a modest living allowance, stipend and health care. Organizations that choose to sponsor AmeriCorps volunteers receive their

services in return for mentorship and supervision. AmeriCorps grants may cover the full volunteer stipend, but do not cover the administrative expense of operating an AmeriCorps program. Examples of organizations working to promote local and sustainable food systems that have in that past or currently sponsor a VISTA program include Just Food in New York City, N.Y.; Grow Montana in Missoula, Mont.; New York Sustainable Agriculture Working Group in Rochester, N.Y.; and Southside Community Land Trust in Providence, R.I.

- Learn more: http://www.americorps.gov/for_organizations/apply/vista.asp

LEARN AND SERVE AMERICA PROGRAM The Learn and Serve America Program (LSA) encourages Americans to participate in service-based learning projects. Volunteers help to establish new programs aimed at supporting a broad range of issues, including education, the environment and public safety. LSA administers programs for school-based and community-based projects as well as for Indian Tribes and higher education. About 45 percent of all Learn and Serve America funds support non-competitive grants to State Education Agencies (SEAs) that are based on a statutory formula. An example of a project that might be supported by this program reads: “A science teacher in an urban area with little access to fresh produce could teach students about botany, biology, and agricultural practices by having them build and maintain a community garden. The students might even set up a vegetable stand, where they could put into practice the concepts they are learning in their math or economics classes.”⁴⁸

- Learn more: <http://www.learnandserve.gov/>

Agencies that negotiate, implement and enforce international protocols, trade agreements and foreign aid programs

Their role in the food system

America’s food system is deeply intertwined with global markets and food production. For decades, U.S. agriculture and trade policies have strongly supported export markets, and imports have kept pace, accounting for more and more of what Americans eat. In 2008, the U.S. exported \$115 billion worth of agricultural products and imported more than \$80 billion worth.⁴⁹ From 1998 to 2007, imports of fruit and nuts doubled.⁵⁰ While specific foreign markets are generally sought independently (the USDA’s Foreign Agricultural Service provides some support), an underlying framework of rules governing these markets is determined by trade agreements that are negotiated in a broader political and economic context. Historically, agriculture has been one of the most

controversial elements of regional and global trade agreements. U.S. policies on foreign aid and climate change also impact farmers and consumers worldwide.

DEPARTMENT OF STATE The State Department is the primary executive entity responsible for foreign affairs and is concerned with representing American interests in international relations. The department’s Bureau of Economic, Energy, and Business Affairs (EEB) has the most food and agriculture-related oversight. EEB’s Multilateral Trade Affairs division is responsible for the State Department’s activities related to trade policy in multilateral institutions such as the World Trade Organization (WTO) and the Organization for Economic Cooperation and Development (OECD). The bureau’s Agriculture, Biotechnology and Textile Trade Affairs (ABT) division will work with USAID to implement the Obama administration’s new Global Hunger and Food Security Initiative, announced at the L’Aquila G-8 Summit in 2009. The division is also in charge of “addressing barriers and opening markets for American farm products, contributing to the development of effective food aid policies, promoting rural development and increasing agricultural productivity through biotechnology.”⁵¹ The ABT division actively promotes international acceptance of biotechnology and is in charge of all trade issues related to biotechnology.⁵²

The State Department also represents the United States at international climate talks. In early 2009, the president appointed a Special Envoy on Climate Change to take part in a series of climate negotiations anticipated in coming years. The results of these talks could have significant bearing on food and agriculture in the future, from transport of food to on-farm carbon sequestration efforts. How effective the international community is at thwarting climate change will influence future farming conditions.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (USTR) Prior to the passage of 1962 Trade Expansion Act, the State Department was the primary agency in charge of all international trade-related diplomacy. The 1962 act established a Special Trade Representative, who was incrementally given more power in advising and negotiating, until the establishment of Office of the Trade Representative in 1979.⁵³

USTR negotiates directly with foreign governments to create trade agreements, resolve disputes and participate in global trade policy organizations. A central goal is to reduce barriers to U.S. agricultural exports. Once trade agreements are in place, USTR is responsible for their administration and monitoring. With USDA, USTR negotiates all agricultural trade agreements, the terms of which directly affect domestic food policy and the types of protections the U.S. and other countries can employ with regard to food imports.

In recent years, American farm policy has been the source of several trade disputes. Two pending suits, one brought by Brazil and the other by Canada, claim the U.S.'s direct payments to farmers are beyond the allowed limit for agricultural subsidies.⁵⁴ When the United States is ruled against, it must either eliminate or restructure support programs, or face sanctions. The U.S. also challenges other countries policies on the grounds that they violate international laws. As part of the executive branch, USTR's policies strongly reflect the current administration's views and goals related to trade.

THE INTERNATIONAL TRADE ADMINISTRATION AND THE INTERNATIONAL TRADE COMMISSION The International Trade Administration (ITA) is an agency within the Department of Commerce that exists to promote trade and investment and ensure fair trade and compliance with trade laws and agreements. The International Trade Commission (ITC) is a quasi-judicial independent agency that conducts anti-dumping and countervailing duties, patent infringement investigations for imported goods, and offers trade expertise and analysis to both the executive and legislative branches. ITA generally addresses only non-agricultural goods and services; USDA's Foreign Agricultural Service fulfills many of the same charges ITA does for agricultural products. However, ITA and ITC together address all claims of dumping on U.S. markets, including for agricultural products.

Dumping refers to selling products on foreign markets for below cost of production. In cases where foreign goods are suspected to have been dumped, ITA determines whether dumping has indeed occurred and what the "dumping margins" are. ITC then determines whether or not the dumping has negatively affected domestic producers.⁵⁵ If foreign dumping is harming domestic producers, the U.S. can impose anti-dumping duties on imports.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) USAID is an independent government agency that provides foreign aid to countries coping with disaster and hunger based on broad policy directives from the Secretary of State. The object of this aid is to provide humanitarian assistance, support the United States' "geo-strategic" objectives, and strengthen fragile states.⁵⁶ USAID's food- and agriculture-related programs include food aid, disaster assistance and agricultural development assistance. U.S. food aid programs, which are also administered by USDA, have often been criticized for being inefficient and serving American interests over those of the countries they are ostensibly aiding.⁵⁷

One of the most controversial laws that USAID implements is the Agricultural Trade Development Assistance Act of 1954 (Public Law 480), also known as Food for Peace. When the law

was signed, President Eisenhower declared that its purpose was to "lay the basis for a permanent expansion of our exports of agricultural products with lasting benefits to ourselves and peoples of other lands." The program provided surplus American agricultural commodities for hunger relief and monetization. However, since the U.S. no longer holds excess food reserves, these goods are purchased on the open market and shipped on U.S. carriers. Critics charge that this practice is costly and slow, and in some cases undermines markets for farmers in countries receiving aid and creates dependency on American products.

The Obama administration appears to be taking a different approach to reducing hunger in developing countries than has been used in the past, experimenting with local and regional purchases of food and increasing emphasis on technical assistance and the provision of inputs to farmers.⁵⁸ If Congress approves the president's full budget request, USAID will be the primary recipient of \$1 billion for agricultural development as part of the administration's new food security initiative in 2010.

How trade and aid programs can contribute to a more sustainable food system:

- Reform trade agreements to allow countries, including the U.S., the policy flexibility to support the development of local food systems.
- Establish trade rules to prohibit agriculture export dumping.
- Reform food aid programs to encourage greater local purchasing of food.
- Endorse a global climate agreement that supports sustainable agriculture production for local food systems.

Financial agencies and departments

Their role in the food system

Agencies that regulate financial markets and influence monetary and fiscal policy affect the price and price volatility of food and farm inputs. They also influence the availability of loans for farmers and businesses to build capital and pay for costs at the beginning of the growing season. The complicated details of how the economy affects our food system are too big a topic for this paper; below are descriptions of the activities of several agencies that affect lending and markets for food and agriculture.

FARM CREDIT ADMINISTRATION The Farm Credit Administration (FCA) is a small, independent agency that regulates the Farm Credit System (FCS). It receives its statutory authority from the Farm Credit Act of 1971. Both FCA and FCS were established in

1916 by Congress. FCS itself, however, is not a government agency but a private, for-profit government sponsored enterprise (GSE); “a federally chartered corporation that is privately owned, designed to provide a source of credit nationwide, and limited to servicing one economic sector.”⁵⁹ FCS receives tax benefits for fulfilling its congressional mandate to serve agricultural borrowers and comprises a network of five large, private, borrower-owned financial institutions and many smaller institutions, most under the purview of one of the larger banks. [The five large institutions are Agribank, Farm Credit Bank; Farm Credit Bank of Texas; AgFirst, Farm Credit Bank; U.S. AgBank, Farm Credit Bank; and CoBank, Agricultural Credit Bank.] A series of mergers and restructuring has led to significant consolidation of these small lenders; in the 1940s, more than 2,000 existed, and in 2006 just 96 remained.⁶⁰ Unlike USDA’s Farm Service Agency (FSA), FCS is not a lender of last resort—borrowers must meet credit standards. In 2008, FCS held 23 percent of all farm debt (\$56 billion) while FSA held less than one percent.⁶¹

COMMODITIES FUTURES TRADING COMMISSION The Commodity Futures Trading Commission (CFTC) is an independent agency that regulates futures trading based on the legislative authority given by the Commodities Exchange Act of 1974. The commission was established after grain and soybean prices soared in the early 1970s, and price spikes were blamed partly on excessive speculation in the commodity futures markets.⁶² Commodity futures speculation continues to affect market volatility and has been implicated as a factor in the food price crisis of 2007–08. CFTC would also be in charge of regulating carbon emissions permit trading as envisioned in the House of Representatives American Clean Energy and Security Act.

FEDERAL RESERVE SYSTEM The Federal Reserve (Fed) is in charge of managing the amount of money and credit in the American economy, regulating financial institutions and managing risk. Among other things, the Fed’s decisions about monetary policy affect the interest rates and loan availability from FCS and other financial institutions. Lower federal funds rates lead to lower interest rates offered by lenders and benefit farmers who often rely on credit. Devaluing the dollar also increases demand for U.S. products, improving agricultural domestic and export markets. The Federal Reserve Banks of Kentucky, Dallas, Minneapolis, Chicago and Richmond also release quarterly results from their Agricultural Credit Conditions Surveys which detail farm loan repayment rates, land values and farm income and spending. [Some believe that the Federal Reserve’s policies have had profoundly negative effects on American farmers. See “The Fed and the Farmer” by Edward Kennedy (1983).]

DEPARTMENT OF THE TREASURY The Department of the Treasury’s mission is to “Serve the American people and strengthen national security by managing the U.S. Government’s finances effectively, promoting economic growth and stability, and

ensuring the safety, soundness, and security of the U.S. and international financial systems.”⁶³ The Department of the Treasury and the Fed share many goals, and often work together on economic stabilization and monetary policy. The treasury also determines U.S. policy at the International Monetary Fund and at the World Bank, both of which have agricultural programs that affect developing countries and economies in transition. In early 2009, USDA announced a new partnership with the Department of the Treasury’s Internal Revenue Service to better enforce the income limits established in the 2008 farm bill.⁶⁴

Other resources:

- Steve Suppan has written extensively on the complicated subject of commodity futures trading. For suggestions on better regulation of commodity futures markets, see the Institute for Agriculture and Trade Policy’s “Commodities Market Speculation: The Risk to Food Security and Agriculture” at <http://www.tradeobservatory.org/library.cfm?RefID=104414>.

Community Development Financial Institutions Fund

The Community Development Financial Institutions Fund (CDFIF) is a Department of Treasury program that helps to improve access to capital and economic growth in low-income urban and rural areas. Through several programs, CDFIF enables certified Community Development Financial Institutions and Community Development Entities to finance local economic development by providing loans to individuals, businesses and organizations.

- Learn more: <http://www.cdfifund.gov>

Agencies in antitrust oversight and enforcement

Their role in the food system

Antitrust laws are statutes meant to keep markets competitive by limiting the establishment of monopolies (also known as trusts) and oligopolies. Three federal entities enforce antitrust laws related to food and agriculture: USDA’s Grain Inspection, Packers, and Shipyards Administration (GIPSA), The Department of Justice’s (DoJ) Antitrust Division, and the Federal Trade Commission’s (FTC) Bureau of Competition. DoJ and FTC have considerable overlap in their duties, which has historically caused confusion and conflict regarding oversight; both agencies administer the Sherman Antitrust Act of 1890 and the Clayton Antitrust Act of 1914. To remedy oversight

issues, the agencies signed a memorandum of agreement in 2002 that established clearance procedures for investigations and clarified their respective areas of jurisdiction.⁶⁵

Antitrust legislation has its origins in agriculture-related issues, but anticompetitive matters in food industries have rarely been addressed in the past several decades. During this time, there has been significant consolidation in many industries that affect input and crop prices for farmers. Examples of highly concentrated industries include beef packing, soybean crushing, seeds and grocery retail.⁶⁶

DEPARTMENT OF JUSTICE In the 2002 memorandum, food- and agriculture-related allocations to the Department of Justice included agriculture and associated biotechnology; [This includes seeds, crops and livestock; produce, meat, poultry, fish, seafood, and dairy products; herbicides, fungicides, insecticides, and fertilizers; and all associate biotechnology.] beer; lumber and timber; and commodity markets.⁶⁷ DoJ is also responsible for investigating violations within the poultry industry of the Packers and Stockyards Act of 1921. While GIPSA is the primary administrator of the law, it does not have antitrust oversight of the poultry industry. The Antitrust Division reviews mergers, investigates and prosecutes violations of antitrust laws, and drafts guidelines and policy statements that clarify antitrust laws for industries.⁶⁸ If the Antitrust Division finds an antitrust violation, it can either bring a criminal suit or simply require that the violator stop engaging in anticompetitive activities.

In August of 2009, USDA and DoJ announced that they would hold five workshops across the country to examine antitrust issues in the agriculture sector,⁶⁹ including topics on vertical integration, market transparency and buyer power; the poultry industry; the dairy industry; the livestock industry; the seed industry; and margins (the difference between farmer and consumer prices). The workshops will take place throughout 2010.⁷⁰

FEDERAL TRADE COMMISSION The Federal Trade Commission (FTC) is an independent government agency whose mission is to prevent unfair competitive businesses practices. In addition to the Clayton and Sherman Acts, FTC's Bureau of Competition enforces antitrust laws with authority from the Federal Trade Commission Act (FTC Act) of 1914. In the 2002 memorandum between DoJ and FTC, the Bureau of Competition was allocated operation of grocery stores and grocery manufacturing; pharmaceuticals and biotechnology (other than that associated with agriculture); and operation of retail stores. The Bureau of Competition's responsibilities are nearly identical to DoJ's, except that FTC does not enforce criminal suits.

Agencies that regulate food advertising

Their role in the food system

According to an Economic Research Service Bulletin, "The U.S. food marketing system is the second largest advertiser in the American economy, and a leading supporter of network, spot, and cable television, newspapers, magazines, billboards, and commercial radio."⁷¹ The Federal Trade Commission (FTC) and the Federal Communications Commission (FCC) share oversight of food advertising—any commercial or promotional communication about a food product other than its label. One of the most controversial issues in food advertising is the marketing of unhealthy food to children, especially during children's television programming.

FTC'S BUREAU OF CONSUMER PROTECTION The FTC Act contains provisions that prohibit misleading and fraudulent advertising. In relation to food, this means that FTC must examine both explicit and implied claims about products made in all types of advertising. FDA and FTC regulate many of the same types of claims; however, in addition to protecting consumers, FDA is directed (especially by the NLEA) to improve consumer information and public health. The two agencies have tried to harmonize their regulatory programs but differences persist, and as Marion Nestle points out in her book, "Food Politics" (2002), "The net result of these differences is that the FTC permits in advertisements statements about health benefits that the FDA does not permit on product labels."⁷²

As the Bureau of Consumer Protection's director David Vladeck acknowledged in a 2009 speech, "the Commission has had a troubled history with food marketing to children."⁷³ When FTC tried to regulate television advertising to children in the late 1970s, there was fierce opposition from the food, toy and other industries that resulted in some of FTC's regulatory authority over television advertising being taken away by Congress. The agency has taken little action in the area since then, but David Vladeck indicated in the same speech that FTC is beginning to monitor food advertising more closely.⁷⁴

FEDERAL COMMUNICATIONS COMMISSION The FCC regulates communications by radio, television, wire, satellite and cable. The agency is charged with ensuring that broadcasters serve the public interest, therefore the company's purview is not over advertisers, like FDA's or FTC's, but over broadcasters. According to the agency's Web site, "The FCC has adopted children's television rules related to two areas: (1) the obligation of television broadcasters to provide educational and informational programming for children and (2) the requirement that television broadcasters, cable operators, and satellite providers protect children from excessive and inappropriate commercial messages." In 2007, the

FCC convened a task force on media and childhood obesity comprising congressional representatives and members of the media and food industries.⁷⁵

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