



CALL FOR THE INCOMING ADMINISTRATION TO IMPLEMENT A U.S. NATIONAL FOOD STRATEGY



FOOD LAW
and POLICY CLINIC
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INTRODUCTION

The COVID-19 pandemic has called into stark focus the need for greater coordination around food system law and policymaking. President-Elect Biden has recognized the myriad needs facing the food system, noting specifically the aims to **support small and mid-sized farms, increase access to land and capital for beginning farmers, strengthen and support regional food systems, and address racial inequality in the food system**. These goals cannot be accomplished by considering and addressing each in isolation. Each of the needs mentioned represents an issue that is simultaneously impacted by and affects other areas of law and policy making. To comprehensively address these food system issues, in addition to those not specifically mentioned in planning documents but in need of attention, the **incoming Administration should commit to developing and implementing a national food strategy – a comprehensive and coordinated approach for federal food and agricultural law and policymaking.**

Food is not only essential to survival, but also plays a huge role in the American economy. The food and agriculture system contributes more than \$1 trillion to the United States' GDP annually and employs approximately 11 percent of the American workforce.¹ Moreover, all Americans interact with the food system on a routine basis as consumers. Despite its vital importance, however, our food system is often inefficient and difficult to navigate. The complex web of federal policies, laws, and regulations governing food and agriculture results in waste and harm to our nation's health, environment, and economy. To make matters worse, these negative outcomes disproportionately impact BIPOC households and those with low incomes. **To fulfill many of the goals addressed in various plans issued by the incoming Administration, including those related to the economy, rebuilding rural America, addressing racial inequality, and taking concrete action on the climate crisis, the Administration should use a broader lens to address the significant role the food system plays in constraining or bolstering these efforts.** Simply put, now is the time to address these problems and revamp our nation's outdated, ineffective, and unjust food system. To do this, the administration should commit to a coordinated response, and should take action to develop and implement a national food strategy.

The U.S. would not be alone in utilizing a national food strategy as a tool, as other countries have developed national food strategies, and the U.S. has used national strategies for countless other complex issues of societal concern. In 2017, the Harvard Law School Food Law and Policy Clinic and Vermont Law School Center for Agriculture and Food Systems released the *Blueprint for a National Food Strategy*, a roadmap for developing and implementing a coordinated national food strategy.²

Although federal agencies have taken incremental steps toward coordination since 2017, these steps have been insufficient given the increased pressure on our food system in the wake of COVID-19.

The pandemic has harmed farmers and food workers, increased rates of food insecurity, and added dramatically to our country's excessive levels of food waste. As a result, the authors of the *Blueprint* recently published *The Urgent Call for a U.S. National Food Strategy*, an update report which includes new analysis and recommendations for addressing our food system's current and most pressing issues.

A national food strategy provides a framework to transparently acknowledge and address the mismatch between the vital importance of our food system and the lack of attention and coordination focused on its operation.

The United States currently has no mechanism to address the food systems' many interconnected economic, health, and environmental effects, nor a plan to improve these outcomes. Instead, the food system is governed by a maze of federal, state, tribal, and local laws and agencies with overlapping duties that result in inefficient and unintended consequences. At the federal level, more than fifteen administrative agencies oversee various aspects of the food system, often with overlapping or even conflicting mandates and authorities from Congress.³ Since 2017, the United States Department of Agriculture (USDA) and the Food and Drug Administration (FDA) entered into a series of cross-agency commitments to streamline food safety oversight and improve interagency communication related to several specific food safety issues.⁴ However, those agreements are limited in their effectiveness because they fail to address the broader set of actors and externalities implicated by the food system. Without including or involving a broader set of agencies, giving authority to one office to coordinate a broader effort, and putting a strategic plan in place, these agreements between two or three agencies in response to narrow food system issues cannot effectively address the inter-related, long-term challenges facing the food system.

URGENCY OF A NATIONAL FOOD STRATEGY

The COVID-19 pandemic shocked the food system in innumerable, unprecedented ways, highlighting existing weaknesses and fragilities in the U.S. food system, including systemic lack of care for the safety of farm and food workers, food insecurity and food access barriers, food waste, and serious threats to farm viability.

The lack of a national food strategy and limited inter-agency cooperation significantly exacerbated COVID-19's impacts on the food system, making it difficult to respond to the crisis quickly and adequately. For example, following the closure of businesses and schools, many farmers were left with surplus produce ordinarily sold to food service distributors.⁵ While many farmers may have wanted to donate this excess produce or sell it in retail stores, they were unable to because of consumer-facing packaging requirements imposed by FDA and USDA. Though FDA and USDA eventually relaxed regulations, much food was wasted as a result of the agencies' slow responses to producers' needs.⁶



Further, a lack of planning and coordination among Congress and government agencies hampered the Coronavirus Food Assistance Program (“CFAP”), a program announced by USDA in April 2020 to assist food-insecure families and struggling agricultural producers with pandemic-related need.⁷ The CFAP programs were innovative solutions to immediate concerns, but lacked strategic oversight and planning, leading to slow and uncoordinated relief for needy families and farmers.

These issues represent many of the larger challenges in our food system. The Biden-Harris Administration should seek to tackle these underlying gaps in our food system by coordinating and developing a national food strategy that can help achieve goals around health, sustainability, and equity in the food system, and avoid inconsistent and unintended negative outcomes.

HISTORY OF COORDINATED STRATEGIES IN THE U.S.

The concept of a national strategy to tackle challenges in our food system is not novel. In recent years, the U.S. has developed national strategies on a broad range of issues. While some of these strategies, including the National Health Security Strategy and the 9/11 Commission, have been implemented by Congress, several of the most successful strategies have been spearheaded by the executive branch through executive orders or other executive actions. **Under the Obama Administration alone, three major national strategies were established through executive order: the National Strategy for HIV/AIDS, the President’s Climate Action Plan, and the National Strategy for Combatting Antibiotic-Resistant Bacteria.**

The first of those strategies, the National Strategy for HIV/AIDS, came in response to years of public activism. Since the 1980s, the HIV/AIDS epidemic had been a focal point for public health advocates. In the lead up to the 2008 election, the Open Society Foundation’s Public Health Watch published a paper, *Blueprint for a National AIDS Plan for the United States*, calling for a national strategy.⁸ This paper led to creation of the Coalition for a National AIDS Strategy, the launch of a website, and a call to action directed at the presidential candidates. The proposal was endorsed by all Democratic primary candidates and later by Republican nominee Senator John McCain.⁹

After committing to create a national strategy addressing HIV/AIDS as candidate, once in office, President Obama responded by announcing the National Strategy for HIV/AIDS. The strategy featured a multi-pronged approach: the administration established the President’s Advisory Council on HIV/AIDS (“PACHA”), an external federal advisory council of 25 public health officials, experts, and advocates to provide recommendations;¹⁰ the administration also created the Office of National AIDS Policy (ONAP),¹¹ which coordinated and oversaw the strategy’s implementation. Additionally, the administration fostered diverse public input by holding open discussions around the country attended by over 4,200 participants and soliciting comments online. As a result of its coordination and participation, the first National Strategy for HIV/AIDS was published in 2010. The 2010 strategy was so successful that ONAP published an updated strategy in 2015, providing a roadmap for experts to battle against the AIDS epidemic.

The Biden-Harris administration has an opportunity to tackle problems in our food system in a similar manner. Experts in a variety of fields have long pushed for a coordinated national food strategy to address ongoing challenges. Leaders in academia¹² and the Government Accountability Office¹³ have published calls for a national food strategy. The Biden-Harris Administration should heed these calls and announce the creation of a national food strategy.

COORDINATED FOOD STRATEGIES AROUND THE GLOBE

Several nations have already taken the steps to develop a coordinated national food strategy, charting a course for policymakers in the U.S. The 2017 *Blueprint* analyzed the strategies implemented by six nations - Australia, Brazil, Norway, Scotland, the United Kingdom, and Wales - each of which successfully established goals, created priorities, and engaged stakeholders in the development of a coordinated food system. As discussed in the *Urgent Call for a U.S. National Food Strategy*, the past three years have seen major updates for these nations. Scotland, for example, has deepened its commitment to its national food strategy,¹⁴ while the UK recently released the first portion of a comprehensive food plan dedicated to tackling the challenges associated with COVID-19 and the UK's exit from the European Union.¹⁵

Since the publication of the *Blueprint*, Canada's government also responded to calls for a national food strategy by developing its own policy, *Food Policy for Canada: Everyone at the Table*.¹⁶ Canada is a strong analogue to the U.S. both in terms of its food system and governmental structure. The Canadian government's decision to implement a national food strategy in response to grassroots efforts sends a strong signal to the U.S. about the value of and public support for using a national food strategy as a policy coordination tool. With so many neighbors and allies paving the way, the Biden-Harris Administration should follow the examples set by our peer nations and implement a national food strategy to tackle our nation's food system challenges and re-establish the United States as a global leader in governance.

CALL TO ACTION

As we rebuild our nation in the wake of COVID-19, there is no better time to consider how to rebuild comprehensively, strategically, and in a coordinated manner. The Biden-Harris Administration must take immediate concrete steps to rebuild our food system to ensure health, resilience, and justice. **The *Blueprint* outlined four guiding principles for a successful national food strategy developed from our analysis of other U.S. national strategies, and national food strategies from seven other countries: coordination, participation, accountability & transparency, and durability.** The *Urgent Call for a US National Food Strategy* calls on the administration to follow these principles by implementing the following policy changes:



LEADERSHIP AND COORDINATION: In order to foster greater cooperation between federal agencies, the next administration should **create an interagency working group** that would coordinate agencies in the food system, communicate with stakeholders, and oversee the implementation of the strategy.

The administration should also **name a lead office or agency** to spearhead the national food strategy. The lead agency should have the ability to convene, gather information through outreach and consultation, and compel other agencies to engage in the process.



PARTICIPATION: A successful national food strategy must have the trust and buy-in of the public. In order to advance that goal, the administration should **create an advisory council** that would engage stakeholders outside the federal government, including state, local, and tribal governments as well as the public health, agricultural and environmental sectors.

Additionally, the national strategy should **create meaningful opportunities for public input**. The administration can learn from the HIV/AIDS strategy, where ONAP fostered public involvement by holding discussions around the country attended by over 4,200 participants, as well as look to our international allies who have thoughtfully engaged the public.



TRANSPARENCY, ACCOUNTABILITY, AND ENFORCEABILITY: In order to further build public trust, the administration should require **the publication of a written national food strategy** that details priorities, goals, expected outcomes, implementation measures, and concrete metrics for measuring progress.

Public-facing progress reports should be published annually to keep the public informed and government agencies accountable to the goals set in the strategy.

Finally, a **procedural mechanism to guide agency decision-making** should also be implemented. This could serve a similar role to the National Environmental Policy Act (NEPA), which helps govern environmental policy. The administration should push for a guiding mechanism to ensure that agencies consider national food strategy goals before taking action, as it is proposing to address the climate crisis.



DURABILITY: To maintain the strategy's longevity, the administration must ensure that the strategy is **periodically updated** to reflect changing social, economic, scientific, and technological factors.

Using the above principles to build a thoughtful, transparent, and equitable process for the creation of a national food strategy will allow the administration to create a more resilient, fair, and sustainable food future for all Americans. **Though COVID-19 alerted many Americans to the cracks in our food system, the problems implicated go far beyond the pandemic and require urgent but lasting change.** By implementing a coordinated national food strategy, the Biden-Harris Administration can reduce inefficiencies, establish meaningful long-term food system goals, begin to make measurable progress towards attaining those goals, and give all Americans a voice in the outcomes.

Learn more at www.foodstrategyblueprint.org



ENDNOTES

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