



**CALL FOR CONGRESS
TO IMPLEMENT A
U.S. NATIONAL
FOOD STRATEGY**



INTRODUCTION

The COVID-19 pandemic has called into stark focus the need for greater coordination around food system law and policymaking. Food is not only essential to survival, but also plays a huge role in the American economy. The severe economic downturn caused by COVID-19 resulted in devastating losses to the food and agricultural sectors, while dramatically increasing rates of food insecurity. The food and agriculture system contributes more than \$1 trillion to the United States' GDP¹ annually and employs approximately 11 percent of the American workforce.² All Americans interact with the food system on a routine basis as consumers. A thriving food and agricultural system (“food system”) is essential to the United States due to its implications for our nation’s economy, individual and communal health, environment, and social equality.

Despite the intersectional nature of these issues, the U.S. food system is governed by a complex web of laws and regulations, with federal agencies developing policies that conflict, create redundancies, or increase inefficiencies. Meanwhile, the United States continues to face concurrent and interrelated crises of food-related inequality, diet-related disease, and environmental and climate disruption. To remedy this, **Congress should enact legislation calling for a lead agency to develop and implement a national food strategy – a comprehensive and coordinated approach for federal food and agricultural law and policymaking.**

The U.S. would not be alone in utilizing a national food strategy as a tool, as several other countries have developed national food strategies, and the U.S. has used national strategies for countless other 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 published *Blueprint for a National Food Strategy*, a roadmap for developing a U.S. national food strategy.³ Since then, there have been incremental efforts from U.S. agencies to coordinate on discrete food system issues, but no initiative has undertaken the creation of a comprehensive strategy for critical food system issues. Meanwhile, **the need for a coordinated federal approach to food and agricultural law and policy has only become more dire since 2017, and our nation can no longer afford to postpone strategic food system planning in the wake of the COVID-19 pandemic.** *The Urgent Call for a US National Food Strategy*, released in October 2020, advocates for an immediate commitment to implement a national food strategy as a response to the current crisis and to build a framework for the future.⁴

A national food strategy is a coordinated, strategic federal approach to food system law and policy that provides a framework to better acknowledge and address the mismatch between the vital importance of our food system and the lack of attention and coordination currently focused on its operation. The United States 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 cause 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.⁵ Because there is no single food agency within the Executive branch, congressional oversight for food policy is fragmented across various House and Senate committees. Inconsistent laws and regulations cause or exacerbate numerous critical issues affecting the food supply.

The U.S. Government Accountability Office (GAO) has recognized many of these issues in the context of food safety, food loss, and nutrition for decades.⁶ However, as recognized by the GAO's continued recommendations for improved coordination, those agreements are limited in their effectiveness. Since 2017, the United States Department of Agriculture (USDA) and the Food and Drug Administration (FDA) made a series of cross-agency commitments to streamline food safety oversight and improve interagency communication around particular issues.⁷ While they symbolize a commitment to work together on particular issues, they fail to address the broader set of actors and externalities implicated by the food system. **Without expanding interagency support and having a coordinated plan in place, agreements between two agencies solely addressing narrow food safety issues cannot effectively address the inter-related, long-term challenges facing the food system.**

COVID-19 CONFIRMS URGENT NEED FOR A NATIONAL FOOD STRATEGY

The COVID-19 pandemic highlighted weaknesses in the US food system, including a systemic lack of concern for the safety of farm and food workers, food insecurity and barriers to food access, food waste, and serious threats to farm viability. For example, agricultural labor is explicitly exempted from most occupational health and safety standards, leaving many agricultural workers vulnerable to illness. In the months since the start of the COVID-19 public health emergency, farmworkers suffered some of the highest COVID-19 illness rates.⁸ Similarly, due to poor work conditions and inability to physically distance, some of the largest COVID-19 outbreaks in the country occurred in meat-processing plants. The pandemic also increased food insecurity, stemming from rising unemployment rates. At the same time, food waste spiked when key markets closed, leaving producers with excess supply. The unnecessary waste of healthy, wholesome food is a pervasive challenge in the United States, with up to 40 percent of food going to waste annually.⁹ Food waste has been exacerbated by the governmental response to COVID-19, with shutdowns leading to excess food left on farms and in processing facilities. The impact has been felt by farmers acutely, with many seeing billions of dollars in losses as their markets evaporated overnight.



The lack of a national food strategy and inter-agency cooperation exacerbated COVID-19's impacts on the food system, making it difficult to quickly and adequately respond to the crisis. For example, during rising outbreaks and shutdowns of meat processing facilities, in April 2020, President Trump invoked his authority under the Defense Production Act, which permits the President to expedite the production of certain resources in times of crises.¹⁰ The Executive Order deemed “meat and poultry” as “scarce and critical material,” and directed USDA “to ensure that meat and poultry processors continue operations[.]” The Executive Order noted that industry responses to outbreaks of COVID-19 resulted in reduced output or facility closures, both of which threatened the meat and poultry supply chain and the continued availability of these products for American consumers. The decision to keep plants open to maintain the meat supply was shortsighted in the absence of mandatory requirements to maintain worker health and safety. It caused continued virus outbreaks that harmed workers, made it difficult to keep facilities fully staffed, and reduced production capacity.

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 needs.¹¹ 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.

DOMESTIC EXAMPLES OF NATIONAL STRATEGIES DEMONSTRATE A PATH FORWARD

Congress should draw from examples of past effective federal responses to national crises. **While the United States does not presently have a national food strategy, it does have a rich history of using national strategies to address complex health, safety, and environmental issues.**

For example, following the 9/11 attacks, Congress passed the Intelligence Authorization Act, which established the National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission (“Commission”), to determine the events and failures that led up to the September 11, 2001 terrorist attacks and recommend how to prevent future events.¹² To build public trust, Congress ensured that the Commission was bipartisan by giving the President, the leader of the Senate Democratic Party, and the senior member of each party in each house power to appoint Commission members. The Commission reviewed 2.5 million documents and interviewed 1,200 people, including 160 witnesses, and the final report, released in July 2004, included 41 recommendations.¹³ Congress addressed most of these recommendations with the Intelligence Reform and Terrorism Prevention Act of 2004.¹⁴ Similar approaches have been used in response to other crises, such as the assassination of John F. Kennedy and the space shuttle disasters. For example, the National Health Security Strategy was passed by Congress in response to a set of interrelated concerns following 9/11, Hurricanes Katrina and Rita, and the avian flu outbreaks.¹⁵

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

INTERNATIONAL EXAMPLES OF NATIONAL FOOD STRATEGIES PROVIDE LESSONS FOR THE U.S.

The concept of a national food strategy is not novel or radical. Other countries have adopted national food strategies to address complex issues within their food systems. For example, after years of grassroots activism, Canada developed a national food strategy in 2019.¹⁶ As Canada is a close analogue to the U.S. in terms of its food system, this model sends a strong signal to the U.S. about the value of a national food strategy as a policy coordination tool.

Similarly, in July 2020, the UK released Part One of its national food strategy, which admittedly does not provide a comprehensive, long-term plan for the food system, but rather includes a set of recommendations to address food system disruptions caused and exacerbated by the pandemic and to address the UK's transition from the EU.¹⁷ The report is centered on two main themes: (1) addressing issues faced by the UK's most "disadvantaged children"; and (2) sovereignty, trade, and standards of quality. The UK intends to release a Part Two report, which will constitute a comprehensive plan with recommendations for the government to use in developing its overarching National Food Strategy, in 2021.

Additionally, other countries have considered enacting legislation to implement their national food strategies. In 2018, the Scottish Government committed to consult on proposals for a Good Food Nation Bill to move forward with its 2009 National Food and Drink Policy.¹⁸ In response to the consultation, over eight hundred organizations and individuals responded expressing a desire for the government to "ensure the right to food" through a systems approach to policymaking. Due to the feedback in the consultation for proposals, the Scottish Programme for Government 2019 to 2020 included a commitment to bring a bill forward to enact the Good Food Nation Bill into law.¹⁹

CALL TO ACTION

While much of the conversation around a national food strategy will focus on the substance of such a strategy (the specific policy goals, priorities, and metrics themselves), laying out a strategic process for input and decision-making is a vital first step. *The Urgent Call offers four key guiding principles for the development of a US national food strategy, developed from our analysis of other U.S. national strategies, and national food strategies from seven other countries:*



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

Congress 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, Congress 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**. Congress 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, Congress 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.

Congress 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, Congress must ensure that the strategy is **periodically updated** to reflect changing social, economic, scientific, and technological factors. Coordinated Food Strategies Around the Globe

As Americans reckon with COVID-19 and its aftermath, the nation must also confront the inequalities and externalized costs rampant in our food and agricultural system. A strategy guided by the principles above will ensure these critical issues are addressed. **As recognized by other countries and dramatically illustrated by the COVID-19 pandemic, this moment represents a significant societal crossroads, and the U.S. has the opportunity to rebuild strategically and thoughtfully. We can no longer afford to address these issues inefficiently and incrementally but must act to address the significant threats facing our economic, environmental, and social sustainability.** Without expanding interagency coordination and having a strategic plan in place, small changes will not last. Even worse, minor tweaks could impair other areas of the food system, creating a web of new problems. A national food strategy could serve to avoid further disruption in the food system by offering agencies coordinated guidance to leverage partnerships and better achieve their policy goals.

Congress has the opportunity to develop a strategic response to immediate pandemic-related disruption as well as the enduring economic, health, and environmental challenges facing the food system. A strong food system is critical to the nation's well-being, and the systemic challenges highlighted in *The Urgent Call for a U.S. National Food Strategy* demonstrates the dire need for Congress to ensure better coordination between agencies overseeing the food system. As we rebuild our food system and collectively recover, it is imperative we do so in a coordinated, strategic, and comprehensive manner by taking the lessons we have learned and shaping them into long-term, resilient law and policy solutions.

Learn more at www.foodstrategyblueprint.org



ENDNOTES

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- 2 Id.
- 3 Vt. L. Sch. Ctr. for Agric. & Food Sys. & Harv. Food L. & Pol'y Clinic, *Blueprint for a National Food Strategy* (2017), http://www.chlpi.org/wp-content/uploads/2013/12/National-Food-Strategy-Blueprint_March-2017.pdf.
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- 5 U.S. Gov't Accountability Office., GAO-15-290, *High Risk Series: An Update 262* (Feb. 2015), <https://www.gao.gov/assets/670/668415.pdf>. For example, the regulation of pepperoni pizza is frequently cited as an example of inefficacy in food safety oversight. Under current law, the Food and Drug Administration (FDA) regulates cheese pizza and its ingredients. However, if more than 50 percent of the pizza has pepperoni or other meat, the USDA Food Safety and Inspection Service (FSIS) regulates the meat ingredients. Daniela Galarza, *USDA vs. FDA: What's the Difference?* *Eater* (Mar. 24, 2017), <https://www.eater.com/2017/3/24/15041686/fda-usda-difference-regulation>.
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