

EXECUTIVE SUMMARY

Justice on the Menu

*Legal & Policy Strategies to Address Structural Discrimination
in the US Food System*



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Overview

Racism and oppression have been woven into the US food system since the country's founding, with roots in colonization and slavery. Today, racism is evident across many dimensions of the US food system, from low pay and poor working conditions for farm and food workers – many of whom are Black, Indigenous, and other people of color (BIPOC) – to unjust racial and ethnic disparities in rates of hunger, food insecurity, and diet-related diseases. Movements for food justice respond to these historical and ongoing conditions by acknowledging structural racism and honoring the power of BIPOC communities to develop and implement strategies that support a healthy and thriving food system.

Advancing and sustaining racial justice in the US food system requires collaboration across racial identities, age groups, sectors, and disciplines, and among people working on food system transformation and those involved in other social justice movements such as movements for economic, environmental, and climate justice. The information in this resource is for anyone seeking to center racial justice in food system research, policy, and action. Audiences may include a wide range of changemakers – including community members; advocates; researchers; funders; financiers; narrative change agents, like local journalists and storytellers; business and organizational leaders; and policymakers and other government officials.

Transforming the US food system into one that is equitable and racially just requires rebalancing power in systems of food governance and redistributing resources based on values such as diversity, self-determination, equitable access and opportunity, worker safety, environmental protection, nutrition, food security, and economic security. Naming both the root causes of inequities and the values that should be reflected moving forward invites policy and systems change that can advance food justice, health justice, and racial justice.

Structural racism is a system wherein policies, institutional practices, cultural representations, and norms reinforce and perpetuate racialized hierarchies. It is embedded in our social, economic and political systems and distinct from acts of interpersonal bias. Structural racism is engrained in the US food system. Many present-day inequities in health and health-related social and economic outcomes can be traced to laws, policies, and practices such as the following:

- **Mass slaughter of North American bison for profit by European settlers throughout the nineteenth century.** Endorsed by government leaders as a means of forced assimilation and control, this slaughter eliminated a major source of sustenance and spiritual and cultural practices for Indigenous people.

- **Exclusion of agricultural workers from basic protections in the National Labor Relations Act of 1935 and the Fair Labor Standards Act of 1938.** This exclusion was meant to appease Jim Crow–era Southern Democrats who were interested in maintaining a political and economic culture dependent on exploitation of Black agricultural labor. Today, these unjust exemptions disproportionately harm Latine farmworkers, who make up more than two-thirds of the US agricultural workforce.
- **California’s Alien Land Law of 1913.** This legislation prohibited Japanese immigrants from owning land or leasing land for more than three years, to protect white farmers from economic competition. The law was later expanded to include all Asian immigrants, their American-born children, and corporations run by Asian immigrants.
- **Persistent discrimination against Black, Latine, and other farmers of color by the US Department of Agriculture.** The department’s discriminatory administration of farm loan and other financial assistance programs since the twentieth century has contributed to a significant decrease in Black-owned farms – which fell from 14 percent of all US farms in 1920 to less than 1 percent today – and has inhibited opportunities for self-determination and intergenerational wealth accumulation.
- **Employment discrimination in the restaurant industry.** Data show that in fine dining establishments, white applicants are more likely to be interviewed and twice as likely to be hired as equally or better-qualified applicants of color. The highest rates of discrimination occur in service jobs that have substantial customer interaction and higher earnings, such as front-of-house server and bartender positions.

Laws and policies, which form the basis of current systems that perpetuate racial inequities in the food system, must also be used as a tool to undo them. Creating fairer laws and policies is a powerful strategy for creating robust structural changes that improve living conditions for large numbers of people.

Racism-Conscious Laws & Policies

Because racism is embedded in and reinforced by many existing laws and policies, using laws and policies to dismantle structural racism in the food system can be fraught. Laws and policies have built a system that has perpetuated racism, discrimination, and segregation throughout US history. In this context, color-blind approaches to policymaking – those that deny the existence of structural racism – do little, if anything, to further racial justice. For laws and policies to redress the racist legacy of the United States, they must be *racism-conscious*, purposefully considering race and focusing on mitigating the root causes of structural racism. Racism-conscious laws or policies vary. Some may make explicit classifications based on race, while others may be race-neutral but have a racial purpose or be pursued with awareness of racial effects.

No single policy pursued in isolation can dismantle structural racism or make transformational change in the food system. Changemakers who use this resource should consider individual policy options as “bricks in a brick wall” – meaning that over time, and when connected to broader social justice movements, they can be part of the pathway toward more transformational change. Deliberate racism-conscious legal and policy interventions can help to codify and institutionalize ideas and values that emerge from these movements to drive long-term food justice and racial justice. They can address the distribution of money, power, opportunities, and resources and **undo fundamental drivers of inequity**, including structural discrimination, which is the preeminent driver of inequity. Efforts to address historical and ongoing harms and advance food justice, health justice, and racial justice would be incomplete without law and policy changes.

Intersection of Food Justice, Health Justice & Racial Justice

This resource focuses on the intersection of food justice, health justice, and racial justice movements as a promising nexus for change. While food justice, health justice, and racial justice are separate movements, they are all grounded in the same core principles and approach their goals with similar beliefs. Exploring the relationships between them can reveal opportunities to advance all of them. For example, the policy menus in this resource encourage using the food system as a tool or pathway to advance racial and health justice. All three approaches focus on the following principles:

- Structural discrimination as a root cause of inequities
- The role of law and policy in both perpetuating and dismantling structural discrimination
- Social movement organizing and leadership by frontline communities

Practical & Legal Considerations for Policymaking to Promote Food Justice, Health Justice & Racial Justice

Practical Considerations

In advancing racial justice, the policy development process is just as important as policy content. Even a policy that is racism-conscious will fall short in reaching its goals if the process used to develop and implement it is inequitable. Here are some principles to inform policy change efforts that address structural racism in the food system:

Center people with lived experience in the policy process. In the end, even the most well-intentioned policies will fail to advance racial justice in the food system if they are done *to* or *for*, rather than *by* the people closest to the issues the policies are trying to address. People with lived experience – specifically, BIPOC communities and individuals, who experience a disproportionate burden of harms related to racial inequities in the food system – should be at the forefront of policy development and advocacy efforts seeking to advance racial justice in the US food system. Being at the forefront includes defining the vision and goals; selecting, analyzing, and designing specific policy solutions; strategizing and organizing on the ground; and implementing and evaluating policies once they are adopted. Policymakers and other changemakers with power and privilege can work to support policy change efforts in solidarity and partnership with people who have lived experience.

Pursue advocacy through multiple avenues. Policy wins can be achieved through multiple pathways:

- Grassroots advocacy “on the streets” (e.g., peaceful protests, strikes, boycotts)
- Legal advocacy through the courts (e.g., lawsuits to challenge government policies or private conduct)
- Legislative and administrative advocacy to influence adoption of new public policies and budgets (e.g., statutes adopted by legislative bodies, regulations adopted by administrative agencies)

When seeking policy changes to promote food justice, health justice, and racial justice, it can be helpful to strategically pursue all three approaches at once, sometimes at multiple government levels. These different avenues for advocacy can be interconnected, and wins in one forum can prompt change in another.

Assess racial equity impacts. When advocating for policies to promote racial justice through the food system, it can be helpful to use a racial equity assessment tool to help identify community-specific factors at the outset of the policy development process. Based on the findings, policy options can be prioritized and tailored to unique contexts.

Legal Considerations

For advocates and policymakers working toward racial justice, one legal consideration is navigating civil rights protections, gaps, and opportunities. Affirmatively advancing civil rights is a central aspect of the government’s work to deliver more equitable outcomes for all communities, across agencies and at multiple jurisdictional levels. Although civil rights protections have been promised in the US Constitution, advancements of civil rights have often been met with legislative and judicial backlash.

The Fourteenth Amendment is known for its Equal Protection Clause, which establishes that a governmental body may not deny people equal protection of its governing laws. Put another way, governments must not treat individuals differently based on some sociodemographic characteristics, including race, although there are some exceptions to this rule. Congress later passed Title VI of the Civil Rights Act of 1964 to address racial injustices, reduce health disparities, and fill in the gaps left by the Fourteenth Amendment. The effectiveness of these laws has been limited by a lack of consistent, equitable enforcement and by judicial interpretations of the meaning and purpose of these laws – for example, by the US Supreme Court in its decision on affirmative action in higher education in *Students for Fair Admissions v. Harvard* (2023).

The courts have read the Equal Protection Clause’s prohibition on discrimination to limit the ability of state and local government to confer benefits or burdens based on race and other “suspect classifications” such as ethnicity or national origin. The language “benefits” and “burdens” means that this prohibition applies not only to discrimination against certain groups but also to affirmative

action or discrimination that favors certain groups. The courts apply different legal standards, depending on the class of individuals to whom a challenged policy applies:

- **Strict scrutiny** applies to laws, policies, and other government actions that make explicit distinctions based on race, ethnicity, and national origin – also known as *protected classes*. In these cases, the government must prove that the policy promotes a “compelling government interest” and that the goals cannot be achieved through less discriminatory alternatives.
- **Intermediate scrutiny** applies to laws, policies, and other government actions that make explicit distinctions based on “quasi-protected classes” such as sex or gender. In these cases, the government must prove that the policy serves an important government interest using means that are substantially related to that interest.
- **Rational basis review** applies to laws, policies, and other government actions that make distinctions based on non-suspect categories such as income, veteran status, immigration status, criminal record, or disability status. In these cases, the government must prove that the policy or action is rationally related to a legitimate government interest.

Despite facing a higher legal hurdle, race-based policies, which make explicit distinctions based on race, are likely to be legally permissible as long as they remediate specific past instances of government-sponsored racial discrimination within the geographic area covered by the policy. It will be important for people pursuing these policies to partner with researchers to build the evidence base demonstrating these connections. Changemakers should also ensure that this type of evidence is introduced into the legislative record to support the policy’s adoption, via public hearings, written comments, or other avenues. Policymakers can also directly cite this evidence of past discrimination in the text of the adopted policy – for example, in a purpose statement. Strategies like these can increase the likelihood that a policy will withstand a legal challenge.

Race-neutral policies, which do not make explicit racial distinctions in their text but have a disproportionate positive impact on different racial groups – for example, laws expanding agricultural worker protections – are also likely a legally viable path forward. When such policies are adopted with the explicit purpose of remediating past instances of government-sponsored racial discrimination, they may be subject to a legal standard that is more rigorous than rational basis review, although this area of law is evolving. Such policies should be supported by evidence demonstrating the remedial effects of the policy, as described in the preceding paragraph. When such policies are not adopted with any racial purpose, they may be far less vulnerable to a legal challenge. However, they may also raise other concerns by failing to directly acknowledge or address the role of racism in policy outcomes.

This area of the law is complex and evolving quickly. Those who wish to pursue racism-conscious policies should always partner with an attorney early in the process for help in formulating a legally feasible approach and evaluating legal considerations in depth.

Policy Menu

The policy menus in this resource provide options for changemakers who want to address structural racism within the US food system. Moving toward justice and equity is always context-specific, and people who live, work, and make decisions in a particular place are best suited to determine what policy solutions are best for their communities. The context and nuance of what is happening on the ground – including local community assets and state-specific political and legal considerations – inform what is possible and what should be prioritized. Therefore, the policy menus in this section are meant not to offer recommendations or an exhaustive list of solutions but to inspire and increase collective understanding and discourse about pathways toward a racially just food system by highlighting what others have done.

How Were the Policy Options Identified?

ChangeLab Solutions' research to identify policies that can advance racial justice in the US food system encompassed three distinct phases:

- 1. Scoping:** identifying legal and policy options via virtual roundtables with food justice advocates, scholars, and others, as well as an informal review of peer-reviewed and gray literature
- 2. Assessment:** conducting legal and policy research to evaluate the impact of various policy options on outcomes related to food justice and racial justice
- 3. Ground truthing:** gathering feedback on interim findings from practitioners in the field

This process, while primarily focused on state and local policies, also aimed to find opportunities for states to leverage and implement federal food policies.

Why Focus on State & Local Policies?

Policy changes at state and local levels are more likely to be grounded in a deep understanding of community needs and goals; the lived experiences of residents; and unique geographic, economic, political, and other factors that influence the local food system. Making changes to state and local policy may also be more feasible than policy changes at the national level, especially when policies involve novel or innovative approaches. Additionally, many drivers of food justice, health justice, and racial justice can be influenced through decisions about how local and state programs and services are delivered.

Although this resource focuses on state and local policies, many of the examples can also be adopted and implemented at the organizational level. Organizational

policies include the internal policies of government agencies, schools, health care institutions, nonprofits, businesses, or other private entities. These policies establish organizational practices or govern employee conduct and do not apply broadly at the jurisdictional level. Some policy options that could be adopted by organizations include values-based procurement policies and requirements to support healthy retail food environments.

These policy assessment tables are designed as a menu for local and state policymakers, community leaders, and others who wish to advance racial justice in the US food system. They are intended as a resource and a conversation starter rather than an exhaustive list of policy and strategy solutions. The tables provide a lens that communities can use to filter or think through existing policy actions that center BIPOC communities and address structural racism across food system domains.

Table 1. Definitions Used in the Policy Menus

Food system component	Which aspect of the food system is the policy primarily concerned with?
Production	The policy creates change in the food supply chain at the point of growing, producing, hunting, fishing, and/or gathering food.
Consumption	The policy creates change in the activity of preparing and/or consuming foods in a variety of settings.
Retail	The policy creates change in food retail environments where food is marketed and/or sold.
Workforce	The policy creates change for food workers and/or in labor practices across the supply chain.
Governance	The policy creates change in decision-making processes and/or practices.
Racial justice impact	In what way(s) does the policy support the elimination of racial hierarchies; advance collective liberation; and promote conditions for the equitable distribution of dignity, resources, power, and self-determination?
Community power	The policy supports BIPOC community participation in food policy decision making and governance, BIPOC community-led resistance to corporate power in the food system, and/or community-led or community-owned food solutions. The policy aims to use democratic processes and/or practices to address how structural racism inequitably distributes political power across the food system.
Distribution of resources, land, and capital	The policy supports the equitable redistribution of land, capital, and/or other resources necessary for food production, processing, distribution, and/or consumption.
Income and food supports	The policy supports administration of state and federal income and/or food assistance programs in ways that acknowledge the presence of structural racism in the food system, recognize food insecurity as a form of trauma, preserve participants' dietary and bodily autonomy, and/or include participants' meaningful involvement in formulating program guidelines and practices.
Retail and commercial determinants	The policy addresses structural racism in food and beverage production, procurement, marketing, and/or sales.
Food justice impact	In what way(s) does the policy promote the right and power of all people to grow, sell, and/or eat nourishing foods?
Access	The policy improves access to nourishing and culturally appropriate foods by addressing barriers such as limited transportation options or retail outlets.
Affordability	The policy promotes affordability of nourishing and culturally appropriate foods by addressing barriers related to income and pricing, among others.
Availability	The policy helps to ensure that nourishing and culturally appropriate foods are being produced and sold at retail outlets.
Choice and dignity	The policy addresses the experience of engaging in the food system by maintaining individual choice and dignity in producing and consuming foods.
Community control	The policy helps to ensure that those who are or will be affected by the policy have meaningful participation in developing, implementing, enforcing, and/or evaluating the policy.
Cultural responsiveness	The policy protects and promotes cultural practices related to preparation and consumption of food, considering, for example, where, how, and with whom it is eaten.
Safety	The policy promotes physical and emotional safety for individuals engaging with the food system, by ensuring reasonable freedom from harm or danger and/or preventing further traumas from occurring.

Table 2. Policy Menus for Addressing Structural Discrimination in the US Food System

Production

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Eased Insurance Requirements for Urban Farmers	By easing insurance requirements for community and urban gardens, these policies reduce operating costs and make it easier for individuals to create and manage these sites.	Distribution of resources, land, and capital	Availability	State Local	Adopted	<ul style="list-style-type: none"> ▪ § 154-3(D): Community gardening regulations (Springfield, Massachusetts)
Hunting and Gathering Rights on Public Land	These laws and policies protect the rights of individuals to hunt, fish, and gather wildlife on public land. They may specify public land access for tribes and Indigenous people and/or establish government-to-government co-management agreements. They aim to facilitate food access and community control, which can be specifically impactful in regard to land that has been removed from community control – an issue that disproportionately affects BIPOC communities.	Community power	Access Cultural responsiveness Community control	State Local	Adopted	<ul style="list-style-type: none"> ▪ Right to Hunt and Fish (Utah)
Incentives for Leasing Land and Equipment to New Farmers	These policies offer agricultural asset owners a state income tax credit if they lease land, equipment, livestock, and/or buildings to new farmers. Such policies can make it easier to access food production and income generation, especially for aspiring producers who may not have access to resources and wealth.	Distribution of resources, land, and capital	Affordability	State Local	Adopted	<ul style="list-style-type: none"> ▪ Beginning Farmer Tax Credit Program (Iowa) ▪ NextGen (Nebraska)
Land Returns and Grants	Land returns and grants create funds and/or procedures to return stolen land and support investment in land access and ownership efforts for BIPOC individuals.	Distribution of resources, land, and capital	Access Affordability	State Local	Adopted	<ul style="list-style-type: none"> ▪ Land Access & Opportunity Fund (Vermont) ▪ Tübatulabal Tribe Conservation Easement (California) ▪ State park transfer to Upper Sioux (Minnesota) ▪ Black Farmer Restoration Act (Illinois)
Seed Sharing and Saving Protections	Seed sharing and saving protections remove legal barriers to seed sharing activities and organizations. These policies explicitly exempt non-commercial seed sharing activities, like seed libraries and seed swaps, from regulation under commercial state seed laws. These policies also ensure that labeling, permitting, and testing requirements do not apply to non-commercial seed sharing, promoting pathways for food sovereignty and food access.	Community power	Access	State Local	Adopted	<ul style="list-style-type: none"> ▪ Minnesota Seed Law and Rules
Tax Incentives for Urban Agriculture	These laws reduce property tax assessments for vacant lots converted to urban agriculture use, lowering the barrier for individuals and communities that wish to produce food.	Distribution of resources, land, and capital	Access Community control	State Local	Adopted	<ul style="list-style-type: none"> ▪ Urban Agriculture Incentive Zone Contracts (Los Angeles, California)
Uniform Partition of Heirs' Property	These state acts require that courts provide heirs with an opportunity to buy out the share of the person who wishes to sell and instructs courts to consider the non-economic value of the property, including its cultural or historical significance, when deciding whether to order a partition sale. This requirement helps facilitate preservation of wealth for BIPOC farmers.	Distribution of resources, land, and capital	Affordability	State	Adopted	<ul style="list-style-type: none"> ▪ Uniform Partition of Heirs Property Act (Mississippi)
Zoning for Food Production	These laws define and create clear intent about specific agricultural land uses. Expanding zoning for food production across residential and commercial zoning districts increases opportunities for community food production.	Distribution of resources, land, and capital	Access Community control	Local	Adopted	<ul style="list-style-type: none"> ▪ Agricultural uses (Austin, Texas)

Consumption

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Child Tax Credit	These laws change state tax law to provide child tax credits for individuals and families with children, supporting the economic security of these families.	Income and food supports	Affordability	State	Adopted	<ul style="list-style-type: none"> ■ Child Income Tax Credit (New Mexico)
Elderly Simplified Application Project (ESAP) Waiver for Minors	Through the Elderly Simplified Application Project, some states offer simplified application and recertification requirements for households with older people and/or individuals with a disability with no income. This administrative change extends this flexibility to older people and/or individuals with a disability in households with children as well.	Income and food supports	Affordability	State	Adopted	<ul style="list-style-type: none"> ■ ESAP Waiver for Minor Children (California)
Food and Cash Assistance for Immigrants Regardless of Immigration Status	States and localities can supplement existing federal food and cash assistance programs with policies that establish programs offering food and cash assistance to any income-eligible individual, regardless of immigration status.	Income and food supports	Affordability	State Local	Adopted	<ul style="list-style-type: none"> ■ California Food Assistance Program (California)
Food and Cash Assistance for Individuals with Prior Felony Drug Convictions	An administrative flexibility of federal assistance programs allows states to opt to remove bans on SNAP and TANF for individuals with previous drug felony convictions, expanding eligibility and access to these programs' benefits.	Income and food supports	Affordability	State	Adopted	<ul style="list-style-type: none"> ■ Public assistance: Eliminates restrictions on eligibility for certain public assistance for persons with prior drug convictions (Louisiana)
Food Service Guidelines	These policies regulate food and drink that are sold or served in retail environments and/or congregate meal settings (e.g., fast food restaurants, government buildings, correctional facilities, senior meal programs). These guidelines can prioritize values such as nutrition, valued workforce, local economies, and racial equity in food products sold and served.	Retail and commercial determinants	Access Cultural responsiveness	State Local	Adopted	<ul style="list-style-type: none"> ■ Healthy Default Beverages Offered with Children's Meals (Berkeley, California) ■ Healthy Procurement (Miami Gardens, Florida) ■ Philadelphia Nutrition Standards
Increased Reimbursement Rates to Support Fair Pay for Home-Based Child Care Workers	These policies allow states to increase or supplement reimbursement rates for meals served in home-based child care settings. Such policies support fair pay for home-based child care workers, who offer a critical service for working families.	Income and food supports	Affordability	State	Proposed	<ul style="list-style-type: none"> ■ Child Care Trailer Bill (California)
Prison and Jail Food Reform	These policies seek to improve food quality and nutritional value; increase availability of fresh, whole, nutritious foods; and make changes to the eating experience for people who are incarcerated.	Income and food supports	Access Choice and dignity	State Local	Adopted	<ul style="list-style-type: none"> ■ Executive Order No. 509: Establishing nutrition standards for food purchased and served by state agencies (Massachusetts) ■ Menu Planning and Meal Preparation and Service (Maine Department of Corrections)
Summer EBT	States and tribes can opt in to a federal program that offers cash assistance via electronic benefit transfer (EBT) to families with school-age children during the summer months when school is not in session and school meals are not available.	Income and food supports	Affordability	State	Adopted	<ul style="list-style-type: none"> ■ 2024 Summer EBT Implementing States, Territories, and Tribes
Universal Free School Meals	This legislation provides free breakfast and lunch to all students attending public schools, regardless of household income.	Income and food supports	Affordability	State Local	Adopted	<ul style="list-style-type: none"> ■ School Meals for All (Maine)

Retail

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Commercial Kitchens	These laws support commercial kitchens in various ways – for example, by permitting kitchens in residential zones or simplifying licensing requirements. Adoption can lower the barrier to entry for food businesses and support local economies.	Distribution of resources, land, and capital	Access Community control	State Local	Adopted	<ul style="list-style-type: none"> Commercial Kitchens in Residential Zones (Montgomery County, Maryland) Defining Community Kitchen as an Approved Facility (Minneapolis, Minnesota)
Elimination of Grocery Sales Tax	These laws reduce or eliminate taxes on grocery sales or provide refundable tax credits based on income, reducing the cost of food for consumers.	Retail and commercial determinants	Affordability	State Local	Adopted	<ul style="list-style-type: none"> Grocery Tax Credit (Utah) Axe the Food Tax (Kansas)
Fee Waiver for Mobile Vendors of Farm and Food Products	These fee waivers exempt producers/manufacturers (farmers, butchers, cheese makers, dairy farmers, bakers) from paying merchant license fees required of mobile food vendors.	Retail and commercial determinants	Access	State Local	Adopted	<ul style="list-style-type: none"> Fee Exemption (Red Lion, Pennsylvania)
Food Procurement	Food procurement policies can be leveraged to drive governments and institutions to prioritize specific values, such as good nutrition, valued workforce, racial justice, sustainability, and local economies, in their procurement and contracting.	Retail and commercial determinants	Access	State Local	Adopted	<ul style="list-style-type: none"> Local Food Purchasing Policy (Albany County, New York)
Healthy Food Overlay District	Overlay districts – a zoning or planning tool – can be used to apply additional standards for previously established zoning districts. In the context of food retail, they can be used to promote healthy retail within existing zoning districts. For example, an overlay district may require that small box discount stores be physically distanced from one another to support better access to fresh, healthy foods and encourage more retail options.	Retail and commercial determinants	Access	Local	Adopted	<ul style="list-style-type: none"> Healthy Food Overlay District (Birmingham, Alabama)
Healthy Retail Food Environment	These policies promote healthy in-store and online food environments, restrict targeted marketing to children and BIPOC communities, and protect individual choice and dignity.	Retail and commercial determinants	Choice and dignity	State Local	Adopted	<ul style="list-style-type: none"> Grocery Minimum Stocking Requirements (Minneapolis, Minnesota) Healthy Food Retailer Incentives (San Francisco, California) Code, § 14-603(7): Relaxing design requirements for fresh food markets (Philadelphia, Pennsylvania)
Mobile Food Vending	Mobile food vending policies permit the operation of food trucks and other mobile vending methods within city limits and establish rules and regulations related to mobile food vending. These policies typically include specific instructions on obtaining and renewing permits to operate food trucks, carts, or other mobile vending methods.	Retail and commercial determinants	Access	State Local	Adopted	<ul style="list-style-type: none"> Economic Development and the Food Truck Industry (Boston, Massachusetts)
Prohibition of Restrictive Covenants on Supermarkets	These laws ban food retail stores from including use restrictions in contracts for sale, lease, or transfer of property that prohibit the future use of that and any property within one mile as a grocery or food retail store. This prohibition removes barriers to replacing closed food retail stores.	Retail and commercial determinants	Access	State Local	Adopted	<ul style="list-style-type: none"> Grocery Store Restrictive Covenant Prohibition (Washington, DC)
Sale of Produce on Residential Streets	These policies legalize the sale of fresh produce on residential streets, expanding access to healthy and affordable foods.	Retail and commercial determinants	Access	Local	Adopted	<ul style="list-style-type: none"> Urban Agriculture Regulations (Sacramento, California)

Workforce

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Access to Affordable Civil Legal Assistance for Farm Owners and Workers	These policies provide farmworkers with access to affordable legal services and assistance so that workers in an industry with a high volume of immigrant workers have access to support to help ensure that their rights are protected.	Distribution of resources, land, and capital	Safety	State Local	Proposed	<ul style="list-style-type: none"> ■ Pilot Program Providing Free Legal Services for Undocumented Farmworkers (California) ■ Agricultural Workers' Rights (Colorado S.B. 87) ■ Universal Representation (Oregon S.B. 1543)
Anti-Wage Theft Laws	Anti-wage theft laws increase penalties for businesses that fail to pay wages to their employees. These laws are especially important for businesses through which employees earn an hourly wage and tips, as in the food service industry.	Distribution of resources, land, and capital	Affordability	State Local	Adopted	<ul style="list-style-type: none"> ■ Enforcement, Penalties, and Procedures for Law Regarding Failure to Pay Wages (New Jersey)
Collective Bargaining Rights for Agricultural Workers	These laws encourage and protect the right of agricultural employees to join unions and to collectively bargain with their employers.	Distribution of resources, land, and capital	Community control	State	Adopted	<ul style="list-style-type: none"> ■ Agricultural Workers: Wages, Hours, and Working Conditions (California)
Cooperative Incorporation Statutes	States may support formation of cooperatives under a general incorporation statute, a specific cooperative incorporation statute, or under a special agricultural cooperative associations act. These laws provide structure for the establishment of cooperatives.	Community power	Community control	State	Adopted	<ul style="list-style-type: none"> ■ Agricultural Cooperative Associations (Arkansas) ■ Cooperatives – General (Colorado)
Earned Paid Sick Time	Earned paid sick time policies require that employers provide paid time off, accrued based on time worked, for employees who are ill or caring for an ill family member.	Distribution of resources, land, and capital	Affordability Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Accrual of Earned Paid Sick Time (Arizona)
Easing of Commercial Lending Requirements to Support Small and Worker-Owned Businesses	These policies allow credit unions to make business loans to members without requiring a “personal guarantee,” which can help small and worker-owned businesses access this type of financing	Community power	Community control	State	Proposed	<ul style="list-style-type: none"> ■ NCUA 12 CFR Part 723: Member Business Lending
Health Care Benefits for Agricultural Workers	These policies require employers to provide agricultural workers with health insurance.	Distribution of resources, land, and capital	Safety	State Local	Proposed	<ul style="list-style-type: none"> ■ Expanding Health Coverage for California Farmworkers
Housing for Farmworkers	These policies enforce housing standards and/or incentivize housing development on agricultural land for farmworkers.	Distribution of resources, land, and capital	Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Worker Housing: State Funding: Streamlined Approval Process for Agricultural Employee Housing Development (California) ■ Oregon H.B. 2001: Relating to Housing and Declaring an Emergency ■ Temporary Worker Housing – Health and Safety Regulation (Washington)
Increased Access to Financing and Other Types of Support for Employee Ownership	These policies establish loan funds, grants, tax incentives, and/or technical support programs for businesses with employee ownership structures (e.g., worker cooperatives, employee stock ownership plans) and/or to help businesses offset the cost of converting to an employee-owned structure.	Community power	Community control	State Local	Adopted	<ul style="list-style-type: none"> ■ Employee Ownership Loan (Colorado) ■ State legislation in support of employee ownership ■ National Worker Cooperative Development and Support Act (H.R. 7721)
Independent Contractor Laws	Independent contractor laws require companies that hire independent contractors to reclassify them as employees, entitling them to minimum wage, health insurance, breaks, and other benefits.	Distribution of resources, land, and capital	Affordability Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Worker Status: Employees and Independent Contractors (California)

Workforce (continued)

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Overtime Pay for Agricultural Workers	These laws mandate overtime requirements for agricultural workers to ensure that they are fairly compensated for time worked.	Distribution of resources, land, and capital	Affordability	State Local	Adopted	<ul style="list-style-type: none"> ■ Overtime for Agricultural Workers (Oregon)
Pesticide Bans and Protections	These policies outline general standards to regulate pesticide usage and offer protections for workers in industries with high pesticide use, such as agriculture, who may be exposed to harmful chemicals on the job. These policies can also reduce consumers' pesticide exposure.	Retail and commercial determinants	Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Pesticide Registration (New York)
Preferential Procurement and Contracting for Worker-Owned Businesses	These policies provide local or state government agencies with flexibility to prioritize worker cooperatives when selecting a vendor for food purchases or food services.	Community power	Community control	State Local	Adopted	<ul style="list-style-type: none"> ■ Supporting Worker Cooperatives (Berkeley, California)
Protections for People Who Are Incarcerated and Working in Agriculture and Production	These policies aim to provide fair wages and safe working conditions for people who are incarcerated and address the convict leasing system in the criminal justice system. To date, some states have amended their constitutions to eliminate the Thirteenth Amendment exception language, making it unconstitutional to impose slavery as punishment for a crime, but none have gone further to protect wages and working conditions.	Distribution of resources, land, and capital	Choice and dignity Safety	State	Proposed	<ul style="list-style-type: none"> ■ Captive Labor: Exploitation of Incarcerated Workers ■ "An Examination of Prison Labor in America"
Warehouse Worker Protections	These policies outline protections specific to workers in warehouses, including workplace safety, hour and wage protections, collective bargaining rights, and benefits.	Distribution of resources, land, and capital	Affordability Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Warehouse Distribution Centers (California A.B. 701) ■ Worker Safety Requirements (Minnesota H.B. 36)
Worker Protections Regardless of Immigration Status	These policies ensure that workers, regardless of immigration status, have access to protections such as wage and hour protections and workers compensation.	Distribution of resources, land, and capital	Affordability Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Rights of Workers Regardless of Immigration Status (California)
Youth Employment Protections	These policies strengthen the working standards for youth.	Distribution of resources, land, and capital	Safety	State Local	Adopted	<ul style="list-style-type: none"> ■ Remedies at Law for Violating Colorado Youth Act (Colorado) ■ Child Labor Law Amendment (Illinois) ■ Workers Compensation Law Amendment (Arkansas)

Governance

POLICY NAME	POLICY DESCRIPTION	RACIAL JUSTICE IMPACT	FOOD JUSTICE IMPACT(S)	JURISDICTION LEVEL(S)	STATUS	EXAMPLES
Disaggregation of Public Data	These policies seek to improve data collection and require data disaggregation by government offices and departments in order to better understand the impacts of structural racism on residents and communities and develop appropriate policy solutions.	Community power	Cultural responsiveness	State Local	Adopted	<ul style="list-style-type: none"> ▪ Racial Equity Plan (Minneapolis, Minnesota)
Government Offices of Food Policy and Racial Equity	Law and policy establishing these offices create a home for food justice and racial justice work within a jurisdiction and can align and promote food justice and racial justice efforts across government departments.	Community power	Community control	State Local	Adopted	<ul style="list-style-type: none"> ▪ Division of Community Nutrition and Food Policy (Marion County, Indiana) ▪ Office of Equity (Austin, Texas)
Land-Grant Institutions	States can use policy to increase funding and resources for 1890 land-grant institutions (historically black colleges and universities), 1994 land-grant institutions (tribal colleges and universities), and Hispanic-serving agricultural colleges and universities. States control how federal land-grant funding is allocated within the state and can provide matching funds.	Distribution of resources, land, and capital	Access Community control	State	Adopted	<ul style="list-style-type: none"> ▪ State Funding of TSU (Tennessee)
Language Access	These policies ensure that people have equal access to public services and programs, regardless of the language(s) they speak. Such policies can apply to a variety of services and settings, including hospitals and health care providers, school districts, businesses, and governments.	Community power	Cultural responsiveness	State Local	Adopted	<ul style="list-style-type: none"> ▪ Hawaii Language Access Law
Participatory Budgeting	Participatory budgeting is a process through which residents are asked to propose ideas for how to spend a set amount of funds before voting to determine the winning projects. Policies establishing participatory budgeting can be leveraged to engage residents who have historically been excluded from decision-making venues.	Community power	Community control	State Local	Adopted	<ul style="list-style-type: none"> ▪ Participatory Budgeting (King County, Washington)
Racial Justice in Planning	These policies incorporate food system needs and racial justice goals into government emergency and sustainability planning policies, guidance, and practices.	Community power	Access Availability Safety	State Local	Adopted	<ul style="list-style-type: none"> ▪ Emergency Management (Florida) ▪ Baltimore Sustainability Plan (Baltimore, Maryland)
Representation of BIPOC and Youth Voices in Decision-Making Venues	These laws establish, protect, require consultation of, and ensure BIPOC, tribal, and youth participation in decision-making venues such as food policy councils and advisory commissions.	Community power	Community control	State Local	Adopted	<ul style="list-style-type: none"> ▪ Council for Native American Farming and Ranching ▪ Youth Advisory Commission (Anchorage, Alaska) ▪ Cleveland Cuyahoga County Food Policy Coalition (Cleveland, Ohio)
Representation on Public Boards, Councils, and Committees	These policies require that the composition of each appointed public board and commission broadly reflect the general public racially, ethnically, and by gender.	Community power	Community control	State Local	Proposed	<ul style="list-style-type: none"> ▪ Indianapolis Community Food Access Advisory Commission