

# THE NEW ENGLAND FOOD SYSTEM IN 2060: ENVISIONING TOMORROW'S POLICY THROUGH TODAY'S ASSESSMENTS

*Margaret Sova McCabe and Joanne Burke, PhD, RD, LD*

- INTRODUCTION
- I. WHY A NEW ENGLAND FOOD SYSTEM AND STRATEGIES TO PROMOTE REGIONAL FOOD SYSTEM SUSTAINABILITY?
  - A. *Major Influences on All Food Systems*
  - B. *Focusing on New England*
  - C. *Strategizing for Collective Impact*
- II. FOOD SYSTEM PLANNING IN NEW ENGLAND
  - A. *Connecticut*
  - B. *Maine*
  - C. *Massachusetts*
  - D. *New Hampshire*
  - E. *Rhode Island*
  - F. *Vermont*
- III. EMERGING TRENDS
  - A. *What Is the Role of State Government?*
  - B. *What Is the Role of a Food Policy Council?*
  - C. *How Do State-Based Plans Work to Support the Potential of Regional Initiatives?*
  - D. *What Is the Role of Money?*
- IV. THE NEW ENGLAND FOOD VISION 2060
- VI. THE VISION AS INFORMING PLANNING AND POLICY TOOL
  - A. *A Better Diet Based on Data and Related Assumptions*
  - B. *A Population of Seventeen Million People, Across the Region Roughly as Presently Distributed*
  - C. *A Future in Which Global Food Supply Is More Expensive than Today Because of High Demand, High Energy Costs, Climate Change, Water Scarcity, and Other Environmental Constraints*
  - D. *Expanded Food Production Within New England Will Need to Be Part of an Overall Strategy of Environmental Conservation and Stewardship, Using Sustainable Methods in the Most Comprehensive and Exacting Sense of That Term*
  - E. *A Need to Fit Our Agricultural Vision into Broad-Scale Protection of New England's Recovered Forest—Even Sweeping Forest Protection Would Still Leave Room for the Re-Expansion of Farmland from Its Current Two Million Acres to As Many As Six Million Acres; or About 15% of New England*
  - F. *We Assume that Healthy Food, Fair Wages for Work, Safe and Healthy Working Conditions, and the Ability to Enjoy One's Food Culture Are Human Rights of Everyone*
- VI. THE VISION AND FUTURE POLICY CONCERNS
- CONCLUSION

## THE NEW ENGLAND FOOD SYSTEM IN 2060: ENVISIONING TOMORROW'S POLICY THROUGH TODAY'S ASSESSMENTS

*Margaret Sova McCabe\** and *Joanne Burke, PhD, RD, LD\*\**

### INTRODUCTION

As the local food movement gains critical mass around the country, deep and important issues concerning food system policy arise. The modern American food system spans from agricultural production to food processing to food consumption, and finally, to health outcomes.<sup>1</sup> The system's components include economic, environmental, social, political, and scientific aspects that interact in ways that far outstrip any one discipline's capacity to analyze and resolve problems. Additionally, the system is profoundly shaped by a complex architecture of law and regulation. With much credit to the local and regional food movements, people have begun to question not only the current food system, but also the laws that support it. As this critique moves forward, people are asking what vision exists for the future of food at the local, state, and federal levels. Most New England states have begun this discussion by engaging in state and regional "good food" planning.<sup>2</sup>

This Essay analyzes how the New England states' planning processes are envisioning revitalized local, state, and regional food systems. This Essay has five parts. First, it begins with examining compelling reasons for promoting more sustainable food systems based on national and global trends, and identifies strategies for promoting regional food systems approaches with a brief introduction to the major influences on the national and New England food system. Second, it describes the states' planning efforts and their enabling legislation or source of authority.

---

\* Professor of Law, University of New Hampshire (UNH) School of Law & UNH Sustainability Institute Food & Society Faculty Fellow. Thanks to the Maine Law Review editors, the colloquium participants, and the audience for an enriching day in Portland, Maine.

\*\* Clinical Associate Professor, UNH College of Life Sciences and Agriculture & UNH Sustainability Institute Food & Society Faculty Fellow.

1. For the purposes of this article, we use the W.K. Kellogg Foundation definition of "food system," which states "[a] food system includes the who, what, where, when and why of our food—from farm to form. Food systems are composed of the many interconnected steps that go into planning, producing, storing, processing, transporting, marketing, retailing, preparing, and eating." *What is a Food System?*, W.K. KELLOGG FOUND., <http://www.wkcf.org/knowledge-center/FAQs-and-glossary.aspx?q=good+food> (last visited Feb. 4, 2013). Readers are encouraged to explore the various definitions of "food system." See e.g., *Community Food Systems*, USDA NAT'L AGRIC. LIBR., <http://fnic.nal.usda.gov/nutrition-assistance-programs/community-food-systems> (last visited Dec. 27, 2012).

2. By good food, we mean food that is affordable, healthy, green (produced in a manner that is environmentally sustainable), fair (meaning no one along the production line was exploited), and locally grown, when possible. *What is a Food System?*, *supra* note 1.

The Essay then introduces the New England Food Vision 2060 (the Vision),<sup>3</sup> an emerging discussion of food system possibilities that models potential food production options for the region based on different food based scenarios. The Vision is not a plan or prescription for each state, but rather serves to generate critical thought regarding the direction and aspirations for regional food systems. Likewise, given the goal to have ongoing updates of the Vision, this project will likewise be influenced by individual state plans and strategies. Thus, the Vision represents an opportunity for continuous dynamic interchange among those committed to designing and developing a New England food system Learning Action Network. By applying “collective impact” strategies to food system advancement, the network will be poised to advance regional food justice, food policy access, and system sustainability (i.e., good food).

Next, the Essay analyzes the key policy challenges that are presented by a desire for a more self-sufficient regional food system, such as local ordinances, land use and zoning laws, institutional procurement policy, and food access issues. This section offers a brief overview of how the Federal commerce clause (including the dormant commerce clause), and compact clause influence the scope of local, state, and regional policy. Finally, the paper concludes by identifying how the Vision can assist in identifying legal issues that researchers and scholars should focus on when engaging in food system planning now and in the future. This interdisciplinary Essay challenges readers to think critically, and across traditional doctrinal and disciplinary barriers, about the possibilities for New England’s “good food” future.

## I. WHY A NEW ENGLAND FOOD SYSTEM AND STRATEGIES TO PROMOTE REGIONAL FOOD SYSTEM SUSTAINABILITY?

### A. *Major Influences on All Food Systems*

Compelling reasons prompt increased attention to the development of regional food systems.<sup>4</sup> The most cogent reasons include the realization that Americans need a greater voice in their food system, and that the local and regional food system models provide for a greater opportunity for active citizen participation, planning, and policy development.<sup>5</sup> Additionally, despite impressive gains in

---

3. *New England Food Vision*, FOOD SOLUTIONS NEW ENGLAND, <http://www.foodsolutionsne.org/new-england-food-vision> (last visited Jan. 3, 2013). The Vision is a projected initiated by a collaboration between Dr. Brian Donohue of Brandeis University, FSNE, and regional writing team members.

4. See Kate Clancy & Kathryn Ruhf, *Is Local Enough? Some Arguments for Regional Food Systems* 25 CHOICES MAG. 1st Quarter 1, (2010), available at <http://www.choicesmagazine.org/magazine/article.php?article=114> (last visited, Jan. 1, 2013); *Infrastructure to Health: Modeling Production, Processing, and Distribution Infrastructure for a Resilient Regional Food System*, URB. DESIGN LAB (2011), available at <http://www.urbandesignlab.columbia.edu/sitefiles/file/optimization-model.pdf>.

5. See Margaret Sova McCabe, *Foodshed Foundations: Law's Role in Shaping our Food Systems Future*, 23 FORDHAM ENVTL. L. REV. 563, 563 (2011).

United States food production,<sup>6</sup> nearly 15% of the United States population is identified as food insecure.<sup>7</sup> This includes nearly one in five households with children who report an inability to meet their household food needs.

The focus on food systems across the region is also informed by the predicted increases in global population, and the concomitant demand for food and related environmental pressures. Global population increased from 3 to 6.8 billion during the fifty years from 1960 to 2010.<sup>8</sup> The increase has been associated with increased incomes, changes in dietary patterns, and increased demand and production of plant and animal-based products.<sup>9</sup> Overall global food production for the past 1,000 years has been marked by increased production per acre, and per labor hour.<sup>10</sup> Of the 285,000,000 people living in the United States, less than 1% claim farming as an occupation (and only about 2% actually live on farms),<sup>11</sup> yet since 1948, farm output has increased by about 170% in America;<sup>12</sup> and global food production has increased by about 168% from 1963-2005.<sup>13</sup> With fewer individuals actively working the land, there is an increased distance between those whose primary purpose is to produce foods, and those who consume the food.

Looking forward, the population is expected to reach nine to ten billion by 2050.<sup>14</sup> This will place greater demands on global food production. Estimates range from an additional increase of 70% to 110% above current production levels to meet estimated global food needs by 2050.<sup>15</sup> If these production estimates are

6. Craig Osteen et al., *Agricultural Resources and Environmental Indicators*, 2012. EIB-98, U.S. DEPT. OF AGRIC., ECON. RES. SERVICE, 10 (Aug. 2012), [www.ers.usda.gov/Publications/eib-economic-information-bulletin/eib98.aspx](http://www.ers.usda.gov/Publications/eib-economic-information-bulletin/eib98.aspx).

7. Alisha Coleman-Jensen et al., *Household Food Security in the United States in 2011*, USDA ECON. RES. REP. No. 141, v (Sept. 2012), <http://www.ers.usda.gov/publications/err-economic-research-report/err141.aspx>. (Food security and insecurity, as measured for this report, are based on respondents' perceptions of whether the household was able to obtain enough food to meet their needs.)

8. Pete Smith, *Delivering Food Security without Increasing Pressure on Land*, GLOBAL FOOD SECURITY, 2 (2012), available at <http://www.sciencedirect.com/science/article/pii/S2211912412000363>.

9. GOV'T OFFICE FOR SCI., FORESIGHT: THE FUTURE OF FOOD AND FARMING: CHALLENGES AND CHOICES FOR GLOBAL SUSTAINABILITY, 14 (2011), available at <http://www.bis.gov.uk/assets/foresight/docs/food-and-farming/11-546-future-of-food-and-farming-report.pdf>.

10. Prem S. Bindraban & Rudy Rabbinate, *2012 Megatrends in Agriculture-Views for Discontinuities in Past and Future Developments*, SCI. DIRECT <http://www.sciencedirect.com/science/article/pii/S2211912412000247> (last visited Jan. 1, 2013); STANLEY WOOD & SIMEON EHUI, THE MILLENNIUM ASSESSMENT REPORT: ECOSYSTEMS AND HUMAN WELL-BEING: CURRENT STATES AND TRENDS 211 (Rashid Hassan & Robert Scholes eds.) (2005), available at <http://www.maweb.org/documents/document.277.aspx.pdf>.

11. *Demographics*, U.S. ENVNTL. PROTECTION AGENCY, <http://www.epa.gov/agriculture/ag101/demographics.html> (last visited Dec 30, 2012).

12. Osteen, *supra* note 6, at 10.

13. WOOD & EHUI, *supra* note 10, at 211.

14. H. Charles J. Godfray, et al., *Food Security: The Challenge of Feeding 9 Billion People*, 327 SCIENCE 812, 812 (Feb. 12, 2010), available at <http://www.sciencemag.org/content/327/5967/812.full>.

15. See Jelle Bruinsma, Food & Agric. Org. of the United Nations, *The Research Outlook to 2050: By How Much Do Land, Water, and Crop Yields Need to Increase by 2050?* 2 (June 24-26, 2009), available at <http://dels.nas.edu/resources/static-assets/banr/AnimalProductionMaterials/BruinsmaOutlook.pdf> (last visited Jan. 2013); David Tilman et al., *Global Food Demand and the Sustainable Intensification of Agriculture*, 108 PROCS. NAT'L ACADS. SCI. 20260, 20261 (2011), available at <http://www.pnas.org/cgi/doi/10.1073/pnas.1116437108> (last

not met, or dietary practices that embrace consumption of large amounts of animal products continue to gain favor, food prices and environmental demands will also increase, making many in the world even more food insecure than they are today. This also means that there will be likely increased demands for United States food exports, and reduced availability of foods at the local and regional level. Likewise, unless addressed purposefully, there will be increased environmental degradation if food production advances in a haphazard manner.<sup>16</sup>

Unsustainable food production practices at the international and national level place all populations at future risk for surviving and thriving.<sup>17</sup> Many of the global estimates for increased food demand have not generally factored in the impact of environmental degradation and climate change on production yields.<sup>18</sup> According to the United Kingdom's The Future of Food and Farming report:

Addressing climate change and achieving sustainability in the global food system need to be recognized as dual imperatives. Nothing less is required than a redesign of the whole food system to bring sustainability to the fore. The food system makes extensive use of non-renewable resources and consumes many renewable resources at rates far exceeding replenishment without investing in their eventual replacement. It releases greenhouse gases, nitrates and other contaminants into the environment. Directly, and indirectly through land conversion, it contributes to the destruction of biodiversity. Unless the footprint of the food system on the environment is reduced, the capacity of the earth to produce food for humankind will be compromised with grave implications for future food security. Consideration of sustainability must be introduced to all sectors of the food system, from production to consumption, and in education, governance and research.<sup>19</sup>

### B. Focusing on New England

Based on the state of the national and global food system, New Englanders, like the rest of the nation, have become increasingly concerned about the extent of potential hazards and vulnerability inherent in the current fragmented food system.<sup>20</sup> Mounting concerns about food safety,<sup>21</sup> access,<sup>22</sup> production practices,<sup>23</sup>

---

visited Jan. 1, 2013); NAT'L RESEARCH COUNCIL OF THE NAT'L ACADS., A SUSTAINABILITY CHALLENGE: FOOD SECURITY FOR ALL (2012), available at [http://www.nap.edu/catalog.php?record\\_id=13378](http://www.nap.edu/catalog.php?record_id=13378).

16. Smith, *supra* note 8, at 1; Bindraban & Rabinage, *supra* note 10, at 103.

17. NAT'L RESEARCH COUNCIL OF THE NAT'L ACADS., *supra* note 15, at 1; LESLIE PRAY ET AL., INST. OF MED. & NAT'L RESEARCH COUNCIL OF THE NAT'L ACADS., EXPLORING HEALTH AND ENVIRONMENTAL COSTS OF FOOD 1 (2012), available at [http://www.nap.edu/catalog.php?record\\_id=13521](http://www.nap.edu/catalog.php?record_id=13521); see also CTR. FOR SUSTAINABLE SYSTEMS, UNIV. OF MICH., U.S. FOOD SYSTEM FACTSHEET (Oct. 2012), available at [http://css.snre.umich.edu/css\\_doc/CSS01-06.pdf](http://css.snre.umich.edu/css_doc/CSS01-06.pdf); Mark Winne, *The Industrial Food System: Ministry of Plenty or Department of Destruction?*, in FOOD REBELS, GUERRILLA GARDENERS, AND SMART COOKIN' MAMAS: FIGHTING BACK IN AN AGE OF INDUSTRIAL AGRICULTURE 33-55 (2010).

18. CHRISTIAN NELLEMAN ET AL., UNITED NATIONS ENV'T PROGRAMME, THE ENVIRONMENTAL FOOD CRISIS: THE ENVIRONMENT'S ROLE IN AVERTING FUTURE FOOD CRISES, 5 (2009), available at [http://www.grida.no/files/publications/FoodCrisis\\_lores.pdf](http://www.grida.no/files/publications/FoodCrisis_lores.pdf).

19. GOV'T OFFICE FOR SCI., *supra* note 9, at 12.

20. See generally MICHAEL POLLAN, THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS (2006); MARION NESTLE, FOOD POLITICS (2002); ORAN B. HESTERMEN, FAIR FOOD 3 (2011).

environmental impacts,<sup>24</sup> food consumption patterns,<sup>25</sup> and social justice issues,<sup>26</sup> and health and obesity rates<sup>27</sup> serve as additional compelling indicators of a food system that needs to be reframed and redesigned based on the principles of “good food.”<sup>28</sup>

At this critical juncture of food opportunity or food crisis, many New Englanders have come to realize that the industrialized food system is highly vulnerable and is in need of purposeful rebuilding and sustainable restructuring. Long term, robust human existence is dependent upon healthy ecosystems marked by the availability of clean water and healthy foods that are produced sustainably and secured by all in a socially acceptable manner. There is renewed interest in and respect for agriculture’s impact on our region, nation, and the world. Opportunities to positively revolutionize food system policies and practices are fueled by a mix of grassroots, social, political, environmental, scientific, human rights, and social justice calls for action.

If the New England regional food system is to be sustainable, its characteristics should be in concert with those proposed by the World Commission on Environment and Development, *Our Common Future*. The Commission defines sustainable development as “development . . . [that] meets the needs of the present without compromising the ability of future generations to meet their own needs.” Within this definition are two key concepts: the concept of “needs,” in particular, the essential needs of the world’s poor, on which overriding priority must be given; and the idea of limitations imposed by the state of technology and social organization on the environment’s ability to meet present and future needs.<sup>29</sup>

When considering food systems and sustainability, the dynamic nature of

21. Elaine Scanlon et al., *Foodborne Illness Acquired in the United States—Major Pathogens*, CENTERS DISEASE CONTROL & PREVENTION, *Emerging Infectious Diseases*, Vol. 17, No. 1, 7 (Jan. 2011), available at <http://wwwnc.cdc.gov/eid/article/17/1/pdfs/p1-1101.pdf>; *Frequently Asked Questions (FAQ) About Antibiotic Resistance*, CENTERS DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/narms/faq.html> (last visited Mar. 24, 2013).

22. See Coleman-Jensen, *supra* note 7, at v.

23. U.S. DEP’T OF AGRIC., CENSUS OF AGRICULTURE 2007, <http://www.agcensus.usda.gov/Publications/2007/index.php>; UNION OF CONCERNED SCIENTISTS, *Failure to Yield. Evaluating the Performance of Genetically Engineered Crops* (Doug Gurian-Sherman ed., 2009), available at [http://www.ucsusa.org/food\\_and\\_agriculture/our-failing-food-system/genetic-engineering/failure-to-yeild.html](http://www.ucsusa.org/food_and_agriculture/our-failing-food-system/genetic-engineering/failure-to-yeild.html).

24. Winne, *supra* note 17, at 43-44.

25. See generally WILLIAM MOOMAW, *THE CRITICAL ROLE OF GLOBAL FOOD CONSUMPTION PATTERNS IN ACHIEVING SUSTAINABLE FOOD SYSTEMS AND FOOD FOR ALL: A UNEP DISCUSSION*, UNITED NATIONS ENVIRONMENT PROGRAMME, DIVISION OF TECHNOLOGY, INDUSTRY AND ECONOMICS (2012).

26. See generally S. POVERTY LAW CTR., *INJUSTICE ON OUR PLATES: IMMIGRANT WOMEN IN THE US FOOD SYSTEM* (2010), available at [http://cdna.splcenter.org/sites/default/files/downloads/publication/Injustice\\_on\\_Our\\_Plates.pdf](http://cdna.splcenter.org/sites/default/files/downloads/publication/Injustice_on_Our_Plates.pdf).

27. See generally J.D. Burke, *Just Food: Obesity Trends Demand System Strategies*, 5 J. LIFE STYLE MED. 222 (2011); *Obesity Statistics*, CENTERS DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/obesity/data/facts.html> (last visited Mar. 15, 2013).

28. See *supra* text accompanying note 8.

29. UNITED NATIONS, *OUR COMMON FUTURE* (1987), available at <http://www.un-documents.net/wced-ocf.htm>.

sustainability also needs to be recognized in any attempt to define it. Sustainability is thus as much as a process as a concept:

Most current efforts to define a sustainable food system assume a steady-state situation; i.e., if we just tweak our current food system so it causes less pollution, promotes conservation, regulates food safety more effectively, and includes more of the ingredients that a healthy diet requires, and then it will be sustainable. Probably nothing could be further from the truth. Since nature is full of emergent properties, sustainability is always an emerging concept. Sustainability is about maintaining something indefinitely into the foreseeable future. Consequently, to be sustainable we have to anticipate and successfully adapt to the changes ahead. Sustainability is a process, not a prescription. This process always requires social and ecological as well as economic dimensions.<sup>30</sup>

Thus, any attempt to promote regional food system strategies needs to be dynamic and structured to promote resiliency, adaptability, and change. Though this paper will focus on the New England states, key food system indicators for each of the fifty states are available from resources such as the University of Minnesota, The Food Industry Center, State Level Food System Indicators,<sup>31</sup> and the USDA Compass Project.<sup>32</sup> There are also many food system strategies being implemented in unique ways across the country. In all, the many activities and resources show that food system thinking plays an important role in how food is produced and consumed in the United States.

The concept of a sustainable regional food system is consistent with New England's agrarian past and is an important part of a vibrant future. The New England region has a rich food history, going back to its earliest days when American Indians shared their crop planting wisdom with the newly arrived Pilgrims. As the world has modernized, food systems have often been described as the inputs and outputs "from farm to plate" or from "field to fork," but in reality are far more complicated.

The modern American food system spans from agricultural production to food processing to food consumption, and finally, to health outcomes. The system includes economic, environmental, social, political, legal, and scientific aspects that interact in an infinite variety of ways, as illustrated by the breadth and depth of the topics addressed at the Colloquium. Yet, these interactions can also be hard to discern, analyze, and understand. However, using a regional approach that has soft geographic, i.e., fluid boundaries, promotes regional food security, enhances local food production, and is ideally of a scale that promotes stewardship, access, and sustainability. A regional approach to structuring food systems also offers environmental, economic, and cultural resource advantages with increased transparency and accountability compared to large-scale food system structures.

In the United States, local food systems are nested in regional systems, which are part of the national food system, and these are indeed part of the global food

---

30. Frederick L. Kirschenmann, *Food as Relationship*, 3 J. HUNGER & ENVTL. NUTRITION 106, 113 (2008).

31. *State Level Food System Indicators*, U. MINN., <http://foodindustrycenter.umn.edu/Research/foodsystemindicators/index.htm> (last visited Jan. 3, 2013).

32. *Know Your Food, Know Your Farmer*, U.S. DEP'T AGRIC., [http://www.usda.gov/wps/portal/usda/usdahome?navid=KYF\\_COMPASS](http://www.usda.gov/wps/portal/usda/usdahome?navid=KYF_COMPASS) (last visited Dec 28, 2012).

system. Thus, even those systems that are viewed as local or regional, are still capable of engaging in national and international food trade and of course influenced by patterns in trade as addressed by Professor Telesetky's essay on fishery subsidies.<sup>33</sup> To be clear, we do not envision a future where there is no national or global food system and trade. We do however, recognize the potential for multiple, overlapping regional systems, in which the advantages of geography, regional resources, culture, and environmental stewardship can be more fully realized. As two food system experts have noted:

An ideal regional food system describes a system in which as much food as possible to meet the population's food needs is produced, processed, distributed, and purchased at multiple levels and scales within the region, resulting in maximum resilience, minimum importation, and significant economic and social return to all stakeholders in the region. This is known as "self-reliance"—as opposed to "self-sufficiency" wherein everything eaten is supplied within the target area.<sup>34</sup>

### C. Strategizing for Collective Impact

Taking a comprehensive, regional food systems approach will enhance capacity to devise meaningful, sustainable food system strategies and provide opportunities for leveraging existing resources and expertise. However, significant and persistent challenges are present when attempting to coordinate regional food system efforts, avoid redundancy, enhance communication, leverage existing resources, and establish long term relationships for collaborative regional food system work.

One of the most powerful frameworks for addressing complex problems, such as food system revitalization, is the collective impact model. In their article, "Collective Impact," published in the *Stanford Social Innovation Review*, John Kania and Mark Kramer identify five key factors as critical to increasing collective impact: (1) identifying a common agenda across organizations; (2) establishing shared measurement systems; (3) promoting mutually reinforcing activities that create synergy rather than redundancy; (4) building continuous communication across and within organizations; and (5) establishing backbone support organizations that can plan, manage, and support the initiative.<sup>35</sup>

Indicators of pervasive and widespread interest in food system viability are evident within each of the six New England States. Examples include work that is already happening within and between the states and as broader regional projects. Selected initiatives are noted below to serve as examples, but do not suggest an all-inclusive list. The potential for even greater influence may be achieved through the application of collective impact by active networking, collaboration, and resource sharing. Highlighted initiatives include:

---

33. Anastasia Telesetky, *Follow the Leader: Eliminating Perverse Global Fishing Subsidies Through Unilateral Domestic Trade Measures*, 65 ME L. REV. 627 (2013) (highlighting that the role of global trade and trade policy on local food systems, wherever situated, cannot be underestimated).

34. Clancy & Ruhf, *supra* note 4, at 1.

35. John Kania & Mark Kramer, *Collective Impact*, 36 STAN. SOC. INNOVATION REV. 39-40 (2011).

1. Increased attention to local and national Food Policy and Law via recent publications such as *Good Food, Good Law* from the Harvard Law School's Food Law & Policy Clinic<sup>36</sup> and the Maine Policy Review of 2010.<sup>37</sup> In addition, university contributions to sustainable agriculture such as the UVM Food System Spire,<sup>38</sup> the UNH Sustainable Agriculture and Food Systems and EcoGastronomy programs, the UNH Sustainability Institute,<sup>39</sup> and other emerging academic offerings designed to promote awareness of a systems approach to food.
2. Growing realization of the power inherent in the U.S. Farm Bill, but relative weakness of support for New England growers and producers. Presently, the Northeast region grows very limited amounts of the major crops supported by traditional Farm Bill incentives; the economic support of the Farm Bill as presently structured is not evenly applied across the farming community.
3. Growth in Community Supported Agriculture and Farmers Markets.
4. Increase in formal and informal agriculture and food system training opportunities via technical training, higher education, and Cooperative Extension outreach and engagement.
5. Enhanced regional food discussion and collaboration via the Northeast Sustainable Agriculture and Working Group (NESAWG).<sup>40</sup>
6. Increase in the number of small farm operators, though a loss in mid-sized operations (based on USDA data for the Northeast).<sup>41</sup>
7. Collaboration among New England Regional Food and Agriculture Commissioners as indicated by the Blue Ribbon Commission Report.<sup>42</sup>
8. Increased attention to purchasing local through Farm to School and Farm to Institution programs.

---

36. Emily Broad-Lieb, *Good Laws, Good Food: Putting Local Food Policy to Work for Our Communities*, HARV. L. SCH. FOOD L. & POL'Y CLINIC (July 2012), available at <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/FINAL-LOCAL-TOOLKIT2.pdf>; Emily Broad-Lieb, *Good Laws, Good Food: Putting State Food Policy to Work for Our Communities*, HARV. L. SCH. FOOD L. & POL'Y CLINIC (Nov. 2012), available at <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2012/12/FINAL-full-state-toolkit.pdf>.

37. MARGARET CHASE SMITH POLICY CTR., *Maine's Food System*, 20 ME. POL'Y REV. 1 (2011), available at <http://digitalcommons.library.umaine.edu/mpr/vol20/iss1/>.

38. *Food Systems Spire of Excellence*, U. VT., <http://www.uvm.edu/foodsystems> (last visited Jan. 25, 2013).

39. *Dual Major in EcoGastronomy*, U.N.H., <http://www.unh.edu/ecogastronomy/> (last visited Jan. 25, 2013); *Sustainable Agriculture and Food Systems*, U.N.H., <http://www.sustainableag.unh.edu/> (last visited Jan. 25, 2013).

40. NORTHEAST SUSTAINABLE AGRIC. WORKING GROUP, <http://www.nefood.org/page/nesawg> (last visited Jan. 25, 2013).

41. ERS Bulletin EIB-88, *The Changing Organization of U.S. Farming* (U.S.D.A. 2011), available at [http://www.ers.usda.gov/media/176816/eib88\\_1\\_.pdf](http://www.ers.usda.gov/media/176816/eib88_1_.pdf).

42. NEW ENGLAND GOVERNORS' CONFERENCE, REPORT OF THE BLUE RIBBON COMMISSION ON LAND CONSERVATION 9 (2009), available at [http://negc.org/main/admin/uploads/20\\_negc\\_clc\\_report\\_909.pdf](http://negc.org/main/admin/uploads/20_negc_clc_report_909.pdf).

9. Increase in individual New England state food planning activities and building a regional food system Learning Action Network via participation in Food Solutions New England annual summits and regional food system visioning project.

The initiatives identified above illustrate that much is happening in local and regional food system efforts. Indeed, historically, much of the food system work undertaken by individuals and agencies was targeted to a specific cause, passion point, or special interest, but was not typically designed to address many of the upstream causes of food system fragmentation or inequalities. For instance, many of the anti-hunger initiatives have historically focused on providing emergency food assistance, which in itself is a legitimate problem that needs to be addressed in an immediate fashion given the dire consequences of food insecurity on physiological and psychological health and well-being. However, those in the anti-hunger movement are now also addressing the causes of food insecurity, be it low wages or unemployment, lack of grocery stores, transportation challenges, developmental disabilities, cultural relocation, language barriers, etc. The cross discipline discourse, and the capacity for designing collaborative, multi-dimensional responses to complex problems speaks to the potential clout of “collective impact.”

In the New England states, the Collective Impact process is being embraced through the UNH Sustainability Institute (the Institute). The Institute is serving as the backbone organization that plans and manages initiatives designed to bring all six states together to collectively address regional food system strategies, opportunities, and challenges. The first twelve-month initiative is currently underway, and includes the development of a network design team comprised of individuals from all sectors in the food system from each of the six New England States. One of the major goals of this team is to help establish a process through which regional food system efforts can be identified and collaboratively addressed within and among state partners. Funding from private foundations has been leveraged to make this work possible.

The Institute envisions that at least a decade will be required to successfully strengthen and support the network, establish the necessary relationships and trust, and build common processes, metrics, and activities that will enable the network to flourish. As a result of this effort, anticipated outcomes include:

- *A dynamic Vision for New England that serves as an aspirational and critical thinking tool that informs and is informed by key stakeholders and emerging food system issues across the region; there is demonstrated commitment by stakeholders to advancing a common agenda at local, state, and regional levels;*
- *Diverse efforts that are well-networked and lead to synergistic activities across the region that strengthen and build the network capacity and impact;*
- *Anticipatory and responsive communication systems support and promote activities throughout the region;*
- *A set of shared regional metrics, including baseline data and annual monitoring of metrics, enable ongoing monitoring of the food system;*
- *Each New England state’s food system plan or strategy is implemented and*

updated in a mutually reinforcing way across the region; [and]

- *A healthier, more sustainable regional food system* as indicated through monitoring of metrics. Examples may include:
  - Increased land utilized for sustainable agriculture and/or in agricultural production;
  - Increased accessibility, affordability, and consumption of locally- and regionally-grown foods through retailers, farm to institution, farmers' markets, and elsewhere;
  - Identification/Inventory of existing programs and initiatives;
  - Improved farm and fishing practices, including certified organic, Integrated Pest Management, line caught, and other recognized sustainable practices;
  - Enhanced access to, and sharing of, food system data that enhances assessment and positively informs sustainable food system strategies; and
  - Enhanced practices and policies that promote sustainable food system opportunities and enterprises.<sup>43</sup>

One of the basic premises of the Collective Impact model is the need to identify a common agenda for stakeholders and collaborators to embrace. For the New England regional food system work, the emergence of a food vision for the six New England States has served as a way for each participant and state to explore the bold possibilities for aligning and expanding state and regional food system capacity, infrastructure, and sustainability.

Though projections for the possibilities of food in 2060 cannot be predicted with certainty, they provide a vision that triggers critical thought as each state plans. In turn, the state planning process will also inform the Vision project. It is anticipated that the initial hard (and electronic) copies of the Vision will be available in the summer of 2013. Future editions will be dynamically maintained electronically, providing for continuous updating and communication by and for state and regional planning. The potential power for this unifying vision appears limitless if taken in the spirit of possibility.

Building a more just sustainable "good food system" will have profound positive and synergistic local, regional, national, and ultimately global impacts, while failing to address food system reform has equally negative consequences. The Vision is one step towards identifying food system possibilities that will result in systemic changes to the region's food system. The Vision, and its assumptions, (detailed in Part IV) could be challenged as unlikely or unrealistic. The marketplace of ideas is however, powerful. As Professor Birdsong has illustrated, a popularly held belief about carbon footprint of "food miles" may not be valid.<sup>44</sup>

---

43. Tom Kelley & Joanne Burke et al., *Better Together: Strengthening our Learning-Action Network to Advance a Sustainable Regional Food System* (Aug. 2012) (on file with author Burke); see also HENRY P. KENDALL FOUND., <http://www.kendall.org/> (last visited Jan. 26, 2013) [hereinafter KENDALL FOUNDATION].

44. Bret C. Birdsong, *From Food Miles to "Moneyball": How We Should be Thinking About Food and Climate*, 65 ME. L. REV. 409 (2013) (arguing that the emphasis on food miles fools us into thinking

Yet, the idea that reducing the distance food travels will significantly reduce the climate impact of agriculture prompted closer attention to understanding carbon and agriculture and perhaps the understanding that other aspects of agriculture need deeper study if we are to reduce agriculture's impact on climate. Regardless of which position is correct, this is precisely the type of creative and critical thinking that bold ideas generate.

However, the Vision is intentionally bold because that boldness will challenge all food system stakeholders to be creative, dynamic, and progressive about the future of food in New England, and beyond. Only through taking on the bold challenge of providing an alternative, regional food system that is an economic driver and public health and social justice promoter will lasting food system change take root.

## II. FOOD SYSTEM PLANNING IN NEW ENGLAND

All six New England states have current, active statewide food planning initiatives. The approach of each state is as unique as the state itself—illustrating that there is not a single way in which food system planning must be done. In fact, the unique characteristics of each state's process will likely create a more resilient<sup>45</sup> and functional regional food system. However, food system planning cannot be oversimplified. Such planning requires not only a broad array of subject matter experts, but also an acute awareness of process. Process is critical because of the diverse and complex nature of the food system. Unless there is a transparent, inclusive, and dynamic process, then the collective impact necessary to create a regional food system will be weaker. Additionally, as food system planning occurs, planners should understand the key catalysts for planning in their state. Thus far, catalysts include economic development and green job development, social justice and food security, and environmental protection. Though different states may have different priorities, all of the catalysts should be considered as part of a holistic plan (even if one, such as jobs or food access, is given priority).

This part focuses on the most identifiable state initiatives—those that have a robust presence in their state from their food network's strength, size, and broad base. Three of the six states are coordinated extensively through a state level food policy council (Connecticut, Massachusetts, and Rhode Island). These networks may or may not have official government support, though they all share significant government participation. The initiatives highlighted here also do not represent the full scope of food system planning activities within each state.<sup>46</sup>

In this Essay, we focus on statewide food planning, because we believe that it is most likely to identify policy innovations that are needed to fully support a strong regional food system. Therefore, this part provides an overview of each

---

that local food reduces climate impact of agriculture, when in fact focusing on issues such as forestland loss have much higher carbon reduction potential.)

45. *E.g.*, ANDREW ZOLLI & ANN MARIE HEALEY, *RESILIENCE: WHY THINGS BOUNCE BACK* 7 (2012).

46. Within the states, there are robust networks of sub-state and local planning activities that are focused on local or county food planning. These initiatives are critical to the success of a strong regional food system, but are not addressed here.

New England state's current food system planning process, and identifies the source of authority for the plan. The part ends by identifying interesting trends that emerge from examining the current status of each state's process. These trends will be worth watching, as they will help us develop a deeper understanding of the interplay of government, collective impact, policy development, and ultimately, the pathways to lasting, sustainable food system change.

*Table 1.1 State Food Planning—Source of Authority.*

| State         | Source of Authority           | Year Established <sup>47</sup> | Website   |
|---------------|-------------------------------|--------------------------------|---|
| Connecticut   | Sec. 22-456 (P.A. 97-11)      | 1997                           | <a href="http://www.ct.gov/doag/cwp/view.asp?a=3595&amp;q=423834">http://www.ct.gov/doag/cwp/view.asp?a=3595&amp;q=423834</a>   |
| Maine         | 7 M.R.S.A. § 216              | 2005                           | <a href="http://www.maine.gov/agriculture/mpd/information/foodpolicy.html">http://www.maine.gov/agriculture/mpd/information/foodpolicy.html</a>   |
| Massachusetts | M.G.L. c. 20, Sec.6C.         | 2010                           | <a href="http://www.mass.gov/eea/agencies/agr/boards-commissions/massachusetts-food-policy-council-fpc-generic.html">http://www.mass.gov/eea/agencies/agr/boards-commissions/massachusetts-food-policy-council-fpc-generic.html</a> ; <i>see also</i> <a href="http://mafoodpolicyalliance.org/">http://mafoodpolicyalliance.org/</a> |
| New Hampshire | No legislative action.        | 2013                           | <a href="http://www.foodsolutionsne.org/">http://www.foodsolutionsne.org/</a>   |
| Rhode Island  | No legislative action.        | 2011                           | <a href="http://www.rifoodcouncil.org/">http://www.rifoodcouncil.org/</a>   |
| Vermont       | Vt. Stat. Ann. tit. 10, § 330 | 2009                           | <a href="http://www.vsjf.org/projects/2/sustainable-agriculture">http://www.vsjf.org/projects/2/sustainable-agriculture</a>   |

#### *A. Connecticut*

The Connecticut legislature established the state's Food Policy Council in 1997. The law requires appointment of six members by various elected officials. The members nominated by elected officials must represent the following areas: agriculture (two members), food security, Cooperative Extension, food retailing, and produce wholesaling. The statute then includes Commissioners of the state's Departments of Agriculture, Administrative Services, Education, Transportation, Public Health, and Social Services. This mix of food system and executive branch officials is tasked with four core areas of responsibility. Specifically, the law requires the council to

- (1) Develop, coordinate and implement a food system policy linking local economic development, environmental protection and preservation with farming and urban issues;
- (2) review and comment on any proposed state legislation and regulations that would affect the food policy system of the state;
- (3) advise and provide information to the Governor on the state's food policy; and
- (4) prepare and submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment an annual report concerning its

47. Estimates based on either publically available documents or legislative enactment dates.

activities with any appropriate recommendations concerning food policy.<sup>48</sup>

Connecticut was fortunate to have food system visionaries already at work in cities such as Hartford and New Haven. Mark Winne, the well-known food system activist, has already worked as the director of the Hartford Food System for twenty-five years.<sup>49</sup> Additionally, CitySeed began offering producer-only markets in New Haven in 2005 and in three short years was recognized as the farmer's market "Golden Grocer Hunger Champion" by USDA.<sup>50</sup> As with other states, these important influences spurred action at the state level. For example, by 2007, the Connecticut Food Policy Council had a lengthy list of projects promoting a healthier, sustainable food system, including: (1) farmland preservation achieved through state purchase of development rights which benefitted both growers and dairy farmers; (2) supporting school nutrition legislation that promoted healthier choices for all school foods; (3) preserving important transportation routes to allow access to grocery stores based on survey and mapping data; (4) and promotion of healthy urban food environments whether through promoting use of Electronic Benefit Transfer (EBT) at farmer's markets or promoting healthier foods at small neighborhood markets.<sup>51</sup>

In late 2012, the Council continued to focus on food security and also the role of local and sub-state regional food planning efforts. The Council received and approved of the proposal to provide training on collective impact. Specific interests of the Council included supporting local networks developing food system initiatives and plans, creating communities of practice, and building capacity for more robust food system networks and activism.<sup>52</sup> Interestingly, the Connecticut council has focused on issues (as noted above), rather than statewide food planning. This approach has thus far provided excellent network building and project-based success. Whether Connecticut will choose to develop a statewide food system plan remains to be seen; however, given its successes since 1997, it may not see this as necessary to food system sustainability in Connecticut.

### B. Maine

Maine presents an interesting story. It is interesting because though it has perhaps the oldest food plan in the region, it also appears to be where political changes have had an impact on the direction and progress of state sponsored food policy over the years. As a result, the state has seen university and private funding partners emerge as the leaders of creating a state food plan.

In 1984, the state established the Maine Food Policy.<sup>53</sup> In 2005, following a convening held by the state's first lady, a working group emerged to review and

---

48. Conn. Gen. Stat. Ann. § 22-456 (c) (2012).

49. See, e.g., *Community Food Systems and Food Policy*, MARK WINNE, <http://www.markwinne.com> (last visited Jan. 26, 2013); *Access to Healthy Food*, NAT'L CONF. ST. LEGISLATURES, <http://www.ncsl.org/issues-research/health/food-policy-council-site-visit-summary.aspx> (last visited Jan. 26, 2013).

50. CITYSEED, <http://cityseed.org/about-cityseed/history> (last visited Jan. 26, 2013).

51. *Access to Healthy Food*, *supra* note 49.

52. Minutes of the Connecticut Food Policy Council (Dec. 31, 2012), [http://www.ct.gov/doag/lib/doag/Minutes\\_December\\_13\\_2012.pdf](http://www.ct.gov/doag/lib/doag/Minutes_December_13_2012.pdf).

53. 5 M.R.S.A. § 12004 (2012).

revitalize the 1984 Food Policy. Coordinated by the State Department of Agriculture, Food, and Rural Resources, the group issued its report to the Maine Legislature in 2006.<sup>54</sup> The report contained three key recommendations: (1) establish a concise food policy; (2) establish a food policy council; and (3) create and maintain stable and consistent state policies. The report then articulated goals for the Maine Food System (including sourcing 80% of the Maine population's caloric needs in-state by 2020) and proposed comprehensive legislation to begin the process of realizing the goals and recommendations. The Maine Legislature then established, by law, the Maine Food Policy Council.<sup>55</sup>

In 2012, the University of Southern Maine Muskie School of Public Service received funding from the Sandy River Charitable Foundation, Kendall Foundation, Broad Reach Fund, John Merck Fund, and the Maine Community Fund to develop "a strong, abundant, and resilient food system strategy to enhance value-added production, processing, and distribution of Maine food throughout the state."<sup>56</sup> Like other New England states, Maine has vibrant sub-state regional and local initiatives that promote local agriculture, production, access, and ultimately, health.

The interesting issue Maine presents is whether food policy councils are more or less successful when they are legislatively created and "owned" by an executive branch agency. Both collective impact theory and the Maine experience thus far seem to show that public-private partnerships in which power and network is shared will make more progress than a "top-down" government initiative. Of course, a reason for this may be that a collective impact network is more insulated from politics and the inevitable priority shift that comes with changes in political leadership. What this likely means is that collective impact networks will also have to engage with both political parties to establish the value of food system planning and reforms in order to leverage accurate political discourse (to the extent possible).

### C. Massachusetts

Since 2007, the Massachusetts Food Policy Alliance (MFPA) has been working to network food system interests in the state. Its objectives include increasing local food production, developing the state and regional agricultural economy, expanding access to state and regionally produced food, promoting environmental sustainability, improving public health, and protecting farmland while supporting new farmers and food producers within the state.<sup>57</sup> With the

---

54. Food Policy Working Grp., A Food Policy for the State of Maine (Jan. 2006), available at <http://www.maine.gov/agriculture/mpd/information/foodpolicydraft.pdf>.

55. 7 M.R.S.A. § 216 (2012) (later repealed in 2011).

56. *Maine Food Plan Creation Initiative*, U.S. ME., <http://www.usm.maine.edu/research/maine-food-plan> (last visited Jan. 26, 2013) (noting \$100,000 in funding will allow the project to "address ways to position Maine as a center of production, create more and better Maine food for Maine people, increase job opportunities through appropriate infrastructure, encourage investments in new food development and food entrepreneurs, revamp local food preservation and distribution, and educate communities on proper food preparation").

57. MASS. FOOD POL'Y ALLIANCE, [http://mafoodpolicyalliance.org/Home\\_Page.html](http://mafoodpolicyalliance.org/Home_Page.html) (last visited Jan. 26, 2013).

support of the MFPA, the state legislature created the Massachusetts Food Policy Council in 2010.<sup>58</sup> The seventeen-person Council includes four legislators, six executive agency representatives, and seven “industry” representatives appointed by the Governor from food production and marketing. Its purpose is similar to the goals articulated by the MFPA—to increase production, sales, and consumption of state-grown foods, increase access to these foods to the state’s residents through programs such as targeted subsidies, increased public institutional purchasing (schools, adult care), double coupons, and other market interventions. The Council reports annually regarding progress towards these goals.

In its most recently available public minutes, the Massachusetts Council’s experience likely reflects the biggest challenges faced across the New England region: understanding, connecting, and leveraging the massive number of projects, initiatives, and activities occurring in the food system. The minutes reflect the breadth of constituencies in Massachusetts (and indeed across the region) including farmers, child care centers, fisheries, conventional grocers, and faith-based groups. The challenge is for the Council to collaborate with all interests to promote Massachusetts agriculture and public health, which is the Council’s stated goal. It appears the next steps are for the Council to establish a process to engage stakeholders in 2013.

#### *D. New Hampshire*

While New Hampshire may be the New England state with the least tangible evidence of legislative support until recently,<sup>59</sup> it has extensive sub-state regional food planning activities. The Seacoast, Monadnock, and North Country regions enjoy vibrant efforts to promote local agriculture, food access, and value added New Hampshire food products. In 2010, the UNH Sustainability Institute and New Hampshire Department of Agriculture, worked with economists Matt Magnuson and Ross Gittell from the UNH Whittemore School of Business to examine the economic impact of Local Food Systems in New Hampshire, as discussed in the Home Grown Report.<sup>60</sup> However, until 2011, there was no coordinated state-wide effort to examine New Hampshire’s food system.

In 2011, the N.H. Children’s Alliance convened the State Food Advisory Council formed to create a roadmap to end childhood hunger in the state. The N.H. Children’s Alliance partnered with Food Solutions New England, an initiative of the Sustainability Institute, to develop the working groups and support their work. The N.H. Children’s Alliance process involved three working groups: (1) Food Access, (2) Economic Development, and (3) Food Systems. Over an eighteen-month period the groups worked to identify goals, benchmarks, and initiative leaders within the state. In November 2012, the N.H. Children’s Alliance issued its

---

58. *Massachusetts Food Policy Council (FPC)*, MASS. DEPT. AGRIC. RESOURCES, <http://www.mass.gov/eea/agencies/agr/boards-commissions/food-policy-council.html> (last visited Jan. 26, 2013).

59. An Act to Establish a Granite State Farm to Plate Plan, S.B. 141 (N.H. 2013).

60. MATT MAGNUSSON & ROSS GITTELL, LOCAL FOOD SYSTEMS IN NEW HAMPSHIRE (2010), available at [http://www.agriculture.nh.gov/publications/documents/HomeGrownReport\\_final.pdf](http://www.agriculture.nh.gov/publications/documents/HomeGrownReport_final.pdf).

Roadmap to Ending Childhood Hunger.<sup>61</sup> This effort has now moved to the implementation and assessment phase. An important outgrowth of the Children's Alliance Food Advisory Council was the realization that many groups and individuals in New Hampshire were passionate about moving forward statewide with food planning and network building.

With the support of the Kendall Family Foundation and the New Hampshire Charitable Foundation,<sup>62</sup> the UNH Sustainability Institute's Food Solutions New England convened a statewide Network Design Team on February 1, 2013. Comprised of approximately thirty people who represent all sectors of the New Hampshire food system and its various networks, the goal of the project is to provide this group with facilitated time and space to design a process for a state food system plan and a vibrant food system network. The project will rely on models of collective impact and communities of practice in order to achieve its goals. While legislative support and interest are welcome, unlike Vermont, New Hampshire has not yet given agriculture and food production priority. Therefore, it will likely take time to develop a robust and deep culture of support for local food systems in the state—though there are many examples that illustrate emerging success stories.<sup>63</sup>

#### *E. Rhode Island*

Like New Hampshire, Rhode Island's food system planning has occurred without explicit legislative support. Holding its first public meeting in early 2012, the Rhode Island Food Policy Council has accomplished a lot in a short period of time. Released on Food Day, October 24, 2011, the Rhode Island Food Council Design Committee commissioned and issued the "Rhode Island Food Assessment."<sup>64</sup> This report described the current state of the Rhode Island food system, identified priorities for increased community food security, and identified gaps in the food system. From its inception, the Rhode Island process has focused on improving the food system with a primary focus on creating community food security. In its vision statement, the Rhode Island council articulates that

Community food security will exist in Rhode Island when safe, nutritious, and culturally appropriate food is accessible and affordable in every community, and an increasing proportion of Rhode Islanders' food is raised, caught and processed

---

61. Press Release, Children's Alliance of NH and NH Hunger Solutions, NH Roadmap to End Childhood Hunger (Nov. 20, 2012), *available at* [http://www.childrennh.org/web/Hunger%20Solutions/hunger\\_initiative.htm](http://www.childrennh.org/web/Hunger%20Solutions/hunger_initiative.htm).

62. See KENDALL FOUNDATION, *supra* note 43; N.H. CHARITABLE FOUND., <http://www.nhcf.org/> (last visited Jan. 26, 2013).

63. See e.g. STONEWALL FARM, [http://www.stonewallfarm.org/About\\_Us/Community](http://www.stonewallfarm.org/About_Us/Community) (last visited Jan. 26, 2013) (highlighting food system activities in the western Monadnock region); CONCORD CO-OP, <http://www.concordfoodcoop.coop/aboutus.php> (last visited Jan. 26, 2013) (highlighting active and growing consumer coop in central part of state); KEEP GROWING, SOWING OUR LOCAL FOOD MOVEMENT, <http://www.keepgrowingnhvt.org> (last visited Jan. 26, 2013) (highlighting northern NH and VT partnership to revitalize agriculture and build a local food system).

64. Prepared by Karp Resources (Nov. 2011).

locally.<sup>65</sup>

The Rhode Island Food Policy council operates according to its by-laws.<sup>66</sup> The Council is specifically structured to include fifteen to nineteen members who represent a wide variety of food system sectors. The Food Policy Council Design Committee elected the first Food Policy Council Members. Based on issue-based work groups that change depending on the Council's need and six standing committees,<sup>67</sup> the Council has a clear and structured approach to developing Rhode Island's food system, which also appears flexible enough to respond to changes in the food system as issues are addressed or emerge anew.

Rhode Island's current work groups reflect the Council's efforts to create community food security across the state. The groups are: (1) Thriving and Just Food Economy, (2) Consumers & Increased Access to Healthy Food, (3) Increased Production & Demand for Local Food, and (4) Healthy Environment.<sup>68</sup> As with other states, many other programs complement the Council's activities and initiatives within Rhode Island that seek to improve agriculture, the economy, and public health.<sup>69</sup>

#### F. Vermont

Vermont has arguably the most advanced statewide food plan in New England. The Vermont Farm to Plate Plan has thirty-three goals with many specific benchmarks across all sectors of the Vermont Food System.<sup>70</sup> Supported by the Vermont legislature and private funders, the Vermont Sustainable Jobs Fund has created the early model that other states in the region examine before embarking on their own process. After adopting the plan in 2010, the first annual report concludes that Vermont's food system has created over 450 private sector jobs and 120 food related businesses since the release of the Farm to Plate Executive Summary.<sup>71</sup> These are truly remarkable numbers, which if replicated in similar manner around the region, also illustrate the power of the food system to contribute to a healthier economy.

Vermont's food planning represents a model where an established entity, the Vermont Sustainable Job Fund, was able to use a well-accepted policy goal—sustainable jobs—as a catalyst for comprehensively examining the food system. It

---

65. *Mission and Vision Statement*, R.I. FOOD POL'Y COUNCIL, <http://www.rifoodcouncil.org/node/2> (last visited Jan. 26, 2013); see also R.I. DEP'T OF ENVTL. MGMT., SUMMARY OF THE RHODE ISLAND FOOD ASSESSMENT TO BE RELEASED AT STATE HOUSE EVENT CELEBRATING NATIONAL FOOD DAY (Oct. 20, 2011), available at <http://www.dem.ri.gov/news/2011/pr/1020111.htm> [hereinafter RHODE ISLAND FOOD ASSESSMENT].

66. *Working Framework*, R.I. FOOD POL'Y COUNCIL, [http://www.rifoodcouncil.org/sites/default/files/RIFPC Bylaws 6.15.pdf#overlay-context=node/2](http://www.rifoodcouncil.org/sites/default/files/RIFPC%20Bylaws%206.15.pdf#overlay-context=node/2) (last visited Jan. 26, 2013).

67. The six standing committees are: (1) Steering, (2) Governance, (3) Finance and Fundraising, (4) Policy, (5) Outreach and Communication, and (6) Data Evaluation and Research.

68. *Forums*, R.I. FOOD COUNCIL, <http://www.rifoodcouncil.org/forum> (last visited Jan. 26, 2013).

69. *Resources & Links*, R.I. FOOD COUNCIL, <http://www.rifoodcouncil.org/node/35> (last visited Jan. 26, 2013); see also RHODE ISLAND FOOD ASSESSMENT, *supra* note 65.

70. *Farm to Plate Strategic Plan*, VT. SUSTAINABLE JOBS FUND, <http://www.vsjf.org/project-details/5/farm-to-plate-initiative> (last visited Jan. 26, 2013).

71. *Id.*

also represents the sole example in New England of a state government also providing significant funding for the effort—approximately \$600,000. In its first annual report, the Sustainable Jobs Fund also noted approximately \$3 million invested from public and private sources to execute the plan.<sup>72</sup> One question that remains, and is particularly important to state-wide food system networks, is the extent to which government support is necessary for success. In Vermont's case, it is likely that because the Jobs Fund had been established in 1995 that there was already political support for the initiatives it identified as important to Vermont's economy. As a result, food system planning appears to have enjoyed political and grassroots support from the start. Whether this is a necessary attribute of a successful transition from a conventional food system to a sustainable one remains to be seen, but should be of interest to researchers and lawmakers.

### III. EMERGING TRENDS

The New England Food System is undoubtedly gaining momentum in its quest to develop a system marked by sustainability in jobs, food access, and human and environmental health. Yet, the distinctions between states and their processes raise four important considerations.

#### A. *What Is the Role of State Government?*

The conventional food system may be disdained, in part, because it is not viewed as democratized. The federal system is often characterized as wholly influenced by “big agriculture” and special industry interests. As a result, corporate control of food with the complicity of government appears as a major negative attribute of the conventional food system. It is not surprising then that much of the local, state, and regional food movement is not centered around or dependent upon government action. In this sense, the New England food movement has some attributes of a revolution.

Though four of the six states (Connecticut, Massachusetts, Maine, and Vermont) have legislative support for statewide food system planning, all of the states are heavily dependent on emerging networks to have a collective impact. Therefore, the trend is not a question of whether government is responsible for food system leadership, but rather to what extent government can foster (and not interfere) with collective impact. Government should be highly incentivized to support food system networks at all levels. These networks are already showing capacity to integrate and leverage a broad array of food system interests (one of the most established examples is connecting growers with their youngest consumers, school children, in farm to school programs) while at the same time inspiring everyday citizens to buy local, care about environmental and human health, and to engage in sustainable economic behaviors.

Ultimately, we may find that the best role of state government is to view state food system networks as a valuable public-private partnership, in which investment of some public financial resources will yield large benefits for society at large through private sector activity.

---

72. *Id.*

*B. What Is the Role of a Food Policy Council?*

Food policy councils, food system network design processes, and other efforts to coordinate the food system are powerful tools in advancing state and regional food systems. However, in the same way that the role of state government is uncertain, the same may be true for these efforts. For citizens who are not involved in the councils, there may be concerns about unelected officials and representatives having the power to change a food system that, in theory, exists for the benefit of all. Therefore, it is imperative that these efforts transparently and appropriately engage all citizens to the extent possible. Additionally, it is important to consider the power of these efforts on policy recommendations. Will lawmakers accept council's policy recommendations more easily if the council is legislatively established? Will efforts to plan without a government mandate (such as Rhode Island, New Hampshire, and to some extent, Maine) be as powerful as those that do have mandates (Connecticut, Massachusetts, and Vermont)? Should food policy members, or a percent of food policy members, be elected officials?

*C. How Do State-Based Plans Work  
to Support the Potential of Regional Initiatives?*

Much of the current state based work is focused on the potential and promise of local and state agriculture in promoting a more sustainable food future, while enhancing job opportunities, preserving land, and promoting more equitable access at the state level. How can the six New England states embrace the regional possibilities and direction as proposed in, for example, the regional Food Vision, to enhance their own state efforts, while building networked capacity for food system improvement across the region?

Leveraging population, resources, and expertise has the potential to dramatically propel food system work forward, yet much of the work remains geographically bounded by state lines.

*D. What Is the Role of Money?*

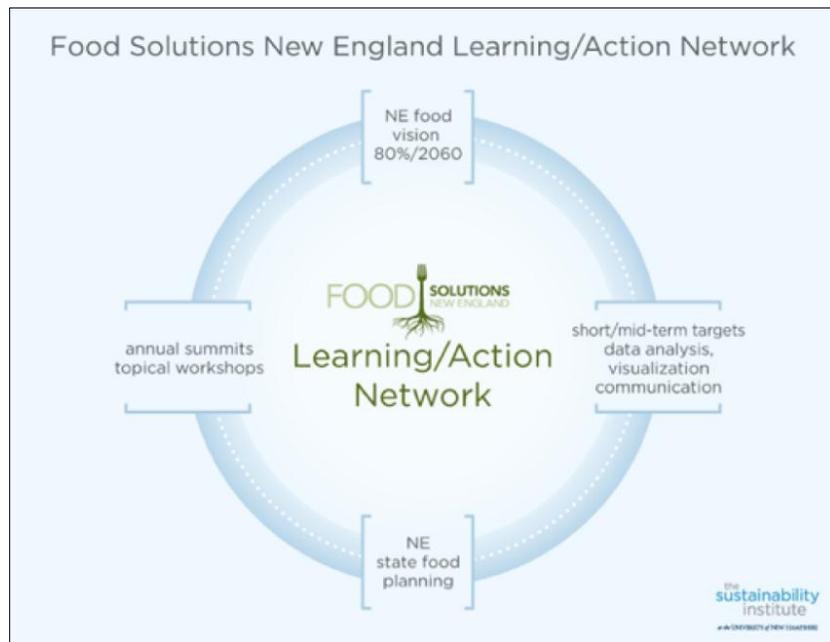
The Vermont Sustainable Jobs Fund was funded with \$600,000 to complete its Farm to Plate Plan. By contrast, Maine and New Hampshire are embarking on similar planning processes with privately funded grants of about \$100,000 in each state. Does \$500,000 make a difference in the efforts' success? One cannot help but think that it will. Therefore, one trend that must be watched carefully is the amount of capital that will be invested from public and private sources to revolutionize the New England Food System. As noted below, the Vision does not address the issue of the amount and location of investments necessary to transition to a more regionally vibrant and self-sufficient system. Finally, an obvious, but not yet tapped, source of funding to assist states in achieving their state food plans is the federal government and in particular, a greater share of Farm Bill funding for regional food systems.

IV. THE NEW ENGLAND FOOD VISION 2060<sup>73</sup>

The Vision is a part of a multi-phase project designed to influence the development of a sustainable, vibrant regional food system in New England. Its development reflects a maturation in food system approaches, one in which local food promotion is appreciated, but one that also recognizes that scaling up to a regional scale provides opportunities and possibilities for all the New England States. Given the multitude of public and private interest in food system work, the New England Food Vision is poised to provide a dynamic framework through which state planning can be informed, and likewise it will be influenced by state planning.

The Vision sits within the larger context of an emerging regional learning/action network based on principles of collective impact and communities of practice.<sup>74</sup> This learning action network is developing a shared vision of what the New England Food System could be, and using this Vision to shape long-term strategies. These strategies are intended to create a dynamic capacity for shared measurements, targeted communication, and social learning in state food planning and analysis for New England food system sustainability.

Using collective impact as a guiding premise, New Englanders are discovering what we can do better together as a region than what can be accomplished as individual initiatives or entities as the graphic below indicates.



73. For a description of the Vision, *see supra* text accompanying note 3.

74. *See* Penelope Eckert, *Communities of Practice*, in *ENCYCLOPEDIA LANGUAGE & LINGUISTICS* 683, 683 (2d ed. 2006), *available at* <http://www.sciencedirect.com/science/article/pii/B0080448542012761> ("A community of practice is a collection of people who engage in an ongoing basis in some common endeavor.").

The Vision asks this bold question: Given New England's landscape and seascape resources, could New England produce 50%, 60%, or up to 80% of clean, fair, and accessible food (i.e., "good food") for all its residents by 2060? Global food production estimates project the need for global food production to increase from 70 to 110% between now and 2050 to meet dietary needs and population increases.<sup>75</sup> Food prices are likewise expected to escalate given increased demand for increasingly limited food and water resources. Though the increased globalization of the food system translates into more avenues for farmers and producers to sell their products, it also carries with it the challenge of having more competition for products that were once more readily available in the market and making relatively small producing regions of the country more vulnerable to food shortages and price manipulation.

By working across state lines and using a multidisciplinary approach, the Vision serves as a reference point to focus New England efforts to work together on selected food system issues that can be most successfully and sustainably envisioned using a multi-state approach. The aspirational nature of the vision speaks to possibilities. For instance, the states of Maine, New Hampshire, and Vermont have far more farmland than population, while Connecticut and Massachusetts enjoy greater population density. Therefore, the land rich states with unused production capacity could calibrate greater production to feed the more populated New England states with fresh, local products.

The Vision will explore a variety of food system issues such as, but not limited to, estimating land needs, types and amounts of food needed to maintain current patterns of eating, or those foods needed based on less animal protein, to briefly considering how do we adjust to climate change, and promote greater food justice and access? In its current iteration, which continues to develop, the Vision's proposed outcomes are aspirational in nature and are designed to consider the direction of enhanced food production and access in New England. Its core concepts include:

New England could produce the great bulk of its own vegetables and about half of its fruit, and from that fruit a significant portion of its own beverages.

New England could once again produce most of its own dairy products, and alongside that most of its own lamb and beef.

[Based on land use for points one and two there would remain] some acres of cropland could be devoted to some combination of grain for direct human consumption and livestock feed, protein crops, or oil crops.

New England could produce its own pork, chicken, turkey, and eggs.

A restored and thriving regional fishery would be another crucial building block of a sustainable New England food system.

Enhanced regional "good food" production should promote a more equitable food system, job development, and greater access to healthy food for all New England citizens.<sup>76</sup>

---

75. See Bruinsma, *supra* note 15; Tilman et al., *supra* note 15.

76. See *New England Food Vision*, *supra* note 3.

As discussed during the New England Food Summits (convening of New England food system delegates facilitated by the Sustainability Institute and partner institutions such as the Universities of Vermont and Southern Maine), the authors of the report are dedicated to developing an ambitious food Vision and the assumptions upon which it is based (discussed in Part VI). They will not be asking individual delegates or state groups to endorse the Vision in its entirety, nor will it be promoted as representing a consensus report of the Food Summit or of any group or organization. Rather the authors will seek feedback that will inform the breadth and depth of this regional aspirational Vision. Groups will then be able to use the document to further their own unique efforts and state plans and initiatives as applicable.

#### VI. THE VISION AS INFORMING PLANNING AND POLICY TOOL

The New England Food Vision can powerfully inform planning and hence policy tools. All too often, policy change is required to solve a problem that has created human and environmental hardship. However, the Vision presents the opportunity for policy to foster a food system that is marked by sustainability across the system—in the economics of production and consumption, and in human and environmental health outcomes. Used properly, the Vision will allow policy makers to imagine the future and design initiatives and policies that are flexible, yet supportive of strong local, state, and regional food systems. Finally, at its most powerful, the Vision has the potential to illustrate to citizens and federal lawmakers alike that the New England region represents a viable and vibrant food system deserving of federal support—whether in policy or greater allocation of federal dollars through grants, entitlement programs, or other programs.

The breadth of food system activity in New England indicates the desire of many citizens for a more self-sufficient regional food system. However, building local food systems requires reexamining many sources of law and regulation including local ordinances, land use and zoning law and regulations, institutional procurement policies, and food access issues.<sup>77</sup> Additionally, local and state regulation operate within the confines of the complex federal regulatory overlay of food safety, entitlement programs, and of course, Farm Bill policies and programs. The Vision is a tool that can assist policymakers and advocates to begin to coordinate the various parts of the system in ways that promote sustainable economic activity and better human and environmental health outcomes. The remainder of this section examines the Vision's assumptions to identify their various policy implications for local, state, and national governments.

Before addressing the Vision's assumptions, our system of government must also be considered. Readers are undoubtedly familiar with the fact that the Federal Constitution broadly empowers the federal government to regulate commerce. Additionally, the taxing and spending clause and general welfare clause empower the federal government to enact entitlement programs aimed to provide some basic level of food security to America's poor. Finally, federal law, including regulation, is supreme and may preempt state law. As a result, as states and localities grow

---

77. For an excellent overview of the local and state food policy issues, see Broad-Lieb, *supra* note 36.

their food systems as economic engines, they must be mindful that they may intersect with federal powers in unanticipated ways. Therefore, in terms of policy constraints, the Vision should always be read in the context of federalism.

The federal system is also widely criticized as promoting harmful food system practices—whether in industrial agricultural production methods or in the production of highly processed foods that have questionable nutritional value.<sup>78</sup> Against this backdrop of federal influence, states and regions must remain mindful that attempts to advantage regional or state agriculture can run afoul of the dormant commerce clause, or may create situations where federal entitlements do not apply. However, this negative view of the federal government and regulation should not be the focus of policymakers. Instead, policymakers should concern themselves with methods to leverage the best attributes of federal power with state power. For example, the Midwest has long benefitted from Farm Bill subsidies, while New England has not to the same degree. With regional activities reaching critical mass, it may be time for the Farm Bill to be seen as a vehicle for federal financial support to rebuild and reinvigorate New England's food system. Additionally, due to its small size and emerging coordinated food system networks, the region should be promoted as an ideal laboratory for federal programs to pilot new and innovative agricultural and public health programs.

Turning back to the Vision, there are six draft assumptions that currently inform it.

#### A. *A Better Diet Based on Data and Related Assumptions*

The Vision assumes a different diet, and one that is more healthful than that of today. A threshold policy question (and one that is always lively) is whether government should manipulate its citizens' diet with policy, or whether such manipulation treads on individual freedom.<sup>79</sup> The current health care crisis illustrates most powerfully why individual health is a community issue. At the same time, the fiery debate over limiting soda size in New York City illustrates how individual liberty can be impeded. The Vision has been designed to make dietary assumptions based on current scientific studies, but realizes many factors influence current dietary recommendations, such as politics and industry special interests.<sup>80</sup> However, one of the first issues that lawmakers will have to decide is the extent to which government will influence the food production, processing, and consumption policies of the future.

To some extent lawmakers already make these decisions. For example, federal entitlement programs such as Supplemental Nutrition Assistance Program (SNAP)

---

78. See Diana R. H. Winters, *How Reliance on Private Enforcement of Public Regulatory Programs Undermines Food Safety in the United States: The Case of Needled Meat*, 65 ME. L. REV. 719 (2013) (providing a powerful example of how needled meat regulation can undermine not only food safety, but consumer awareness of processing methods).

79. See Paul A. Diller, *Obesity Prevention Policies at the Local Level: Tobacco's Lessons*, 65 ME. L. REV. 459 (2013) (noting the inherent challenges, but benefits, to using local policy to combat public health challenges); Samuel R. Wiseman, *Liberty of Palate*, 65 ME. L. REV. 737 (2013) (analyzing the fundamental rights issues surrounding a right to food choice or a right to know).

80. For a classic tale of how USDA Dietary Guidelines are influenced by industry interests more so than science, see MARION NESTLE, *FOOD POLITICS* (2010).

can be modified by states to exclude certain types of food.<sup>81</sup> Similarly, the National School Lunch Program provides certain commodities to school districts, rather than allowing school districts cash-in-lieu of those commodities where it makes more economic (and perhaps health) sense for districts to source locally.<sup>82</sup> Farm Bill subsidies for certain commodity crops such as soy, wheat, corn, and rice incentivize production of those crops, while there are smaller incentives for fresh fruits and vegetables, though support for specialty crops has gained traction.<sup>83</sup>

Finally, lawmakers may want to consider creating a better process for allocating tax dollars to support food production—one that is less influenced by lobbyists or special interests, and is instead anchored in rigorous scientific recommendations for the best way to achieve health through diet.<sup>84</sup> Regardless of how policymakers proceed, the Vision’s assumption of a healthier diet challenges all who are interested to think about how policy, education, and maybe even litigation, can help realize a healthier population.

*B. A Population of Seventeen Million People,  
Across the Region Roughly as Presently Distributed*

Population policy is not typically considered in food system planning. It is, of course, critical to two key food system questions. First, are there enough people to produce food? Second, are the food producers able to provide for the population? The first question has traditionally been one of “rural policy,”<sup>85</sup> though with the emergency of urban agriculture, the question likely shifts to “producer policy.” The latter question is largely one of degree—how do current lawmakers envision New England’s future population? Further complicating the New England analysis of population policy, is the question of how to best balance the rural, suburban, and urban populations of the region.<sup>86</sup> The question of the Twenty-First Century New

81. See S.B. 1658 (Fla. 2012); see also Caroline Scott-Thomas, *Florida Bill to Prohibit “Junk” SNAP Food Purchases Passes Committee*, FOOD NAVIGATOR-USA.COM (Feb. 1, 2012), <http://www.foodnavigator-usa.com/Regulation/Florida-bill-to-prohibit-junk-SNAP-food-purchases-passes-committee>.

82. See Farm to Institution New England Memorandum on Cash-in-Lieu of Commodities (2012) (on file with authors).

83. *2008 Farm Bill Side-by-Side*, U.S. DEP’T AGRIC. ECON. RES. SERVICE, <http://webarchives.cdlib.org/sw1vh5dg3r/http://ers.usda.gov/FarmBill/2008/> (last visited Jan. 26, 2013) (archival page accessed on Web Archiving Service).

84. See generally ERS Report ERR-31, Possible Implications for U.S. Agriculture from Adoption of Select Dietary Guidelines, (U.S.D.A. 2006), available at [http://www.ers.usda.gov/media/860109/err31\\_002.pdf](http://www.ers.usda.gov/media/860109/err31_002.pdf).

85. For an excellent overview of rural policy and agriculture, see Neil D. Hamilton, *Emerging Issues of 21st Century Agricultural Law and Rural Practice*, 12 DRAKE J. AGRIC. L. 79, 84 (2007) (“One of the most important forces creating opportunities for small-scale and alternative farmers is the steady increase in demand for locally-grown food. Efforts to diversify the types of crops grown by farmers and to broaden the array of marketing opportunities available to them, have been common ingredients in most efforts to promote sustainable agriculture.”).

86. See Kenneth M. Johnson, *New Hampshire Demographic Trends in the Twenty-First Century*, in CARSEY INST., REPORTS ON NEW ENGLAND 3 (2012) (“New Hampshire’s future depends, in part, on the size, composition, and distribution of its policy.”); JOBS FOR THE FUTURE, WHAT IT TAKES TO SUCCEED IN THE 21ST CENTURY—AND HOW NEW ENGLANDERS ARE FARING, at v (2008), available at [http://www.jff.org/sites/default/files/WhatItTakes\\_0.pdf](http://www.jff.org/sites/default/files/WhatItTakes_0.pdf) (“The region’s population growth is slow; new

England population is complex and concerns issues of education, socio-economic status, job creation, and other factors. And, population policy is not just a question of whether the region is capable of providing more of its food, it also concerns whether there is access to affordable land for production. For some, this question also requires thinking about the role of the Midwest in feeding the country.

*C. A Future in Which Global Food Supply Is More Expensive than Today  
Because of High Demand, High Energy Costs, Climate Change,  
Water Scarcity, and Other Environmental Constraints*

The Vision's assumption that food will be more expensive is not shocking. In fact, the United Nations has predicted that 2013 may be the worst on record for increasing food prices due to crop failure and other political influences.<sup>87</sup> The reasons for this assumption are likely some of the most serious that policymakers must face. Climate change will alter the types of crops that can be grown in New England, for better or worse. Additionally, the New England Council has already identified that the lack of a reliable and regional energy supply threatens the region's economic development which, fully conceptualized, includes agricultural production and value added foods.<sup>88</sup>

Meanwhile, New Hampshire's Sustainable Water Commission has recognized that water supply is critical to the viability of New Hampshire's agricultural sector and proposed evaluation of the impact a reduced water supply and quality will have on the agricultural sector.<sup>89</sup> Finally, organizations across New England are beginning to work towards establishing a regional food system that will ensure the population will have reliable access to food in the future. For example, the Conservation Law Foundation launched its Farm and Food Initiative, including particular focus on regional food systems policy and market barriers.<sup>90</sup>

Additionally, collaboration between the six New England states' Chief Agricultural Officers, Land for Good, and the American Farmland Trust, resulted in the "Keep New England Farms in Farming" program, which was launched in

---

population and labor market growth are concentrated in immigrant and other groups whose educational achievement and attainment lag; educational and economic disparities are significant, by racial, ethnic, and socioeconomic status. Our educational and economic institutions have left a significant proportion of the region's population ill prepared for advancement in education and the labor market."); *see also* THE NEW ENGLAND COUNCIL, SMART INFRASTRUCTURE IN NEW ENGLAND, AN INVESTMENT FOR GROWTH AND PROSPERITY 1 (2012), available at <http://www.newenglandcouncil.com/assets/SmartInfrastructureStudy-FINAL.pdf> (emphasizing the need to connect infrastructure, education, and capital to create sustainable economic growth, but notably omitting agriculture and food as industry sectors).

87. *Soaring Food Prices Initiative*, FOOD & AGRIC. ORG. UNITED NATIONS, <http://www.fao.org/isfp/isfp-home/en/> (last visited Jan. 26, 2013) (readers should be aware that the FAO Food Price Index dropped in the last quarter of 2012, though FAO continues to issue warnings about crop failures—especially the U.S. draught conditions—creating serious risk for increased food prices throughout 2013).

88. *See* THE NEW ENGLAND COUNCIL, *supra* note 85, at 3.

89. *New Hampshire Lives on Water*, N.H. WATER SUSTAINABILITY COMMISSION 15 (Dec. 17, 2012), available at <http://www.nh.gov/water-sustainability/publications/index.htm>.

90. *Farm and Food Initiative*, CONSERVATION L. FOUND., <http://www.clf.org/our-work/healthy-communities/food-and-farm-initiative/> (last visited Jan. 26, 2013).

2012.<sup>91</sup> This program has the explicit goals of focusing on regional farmland and issues related to resiliency, access and affordability, transition, and protection. What the previous examples illustrate is that regional organizations are acutely aware that food production is profoundly impacted by climate change, water quality, energy availability, and access to land and capital. This assumption is perhaps the most important for policy makers to consider because it captures external, and often overlooked, influences on the food system. Yet, without considering what the future holds for each of these issues, any food system policy is incomplete.

*D. Expanded Food Production Within New England Will Need to Be Part of an Overall Strategy of Environmental Conservation and Stewardship, Using Sustainable Methods in the Most Comprehensive and Exacting Sense of That Term*

In 1990, organic production was likely considered the major sustainable agricultural method. While organic production is perhaps the gold standard, it is also now a legal standard and one that is expensive to achieve in order to use the USDA organic seal.<sup>92</sup> As a result, many producers have resorted to near-organic or other similar processes that are based on best agricultural practices rather than the Code of Federal Regulations.

Therefore, a key policy challenge is likely determining how to incentivize sustainable agricultural practices without defining them so narrowly that the methods become inflexible and cost-prohibitive for producers and consumers. Issues related to sustainable agriculture are abundant and include the long-term impact of genetically modified crops, antibiotic use in livestock, mono-cropping, and the food safety implications of concentrated animal feedlots.<sup>93</sup> New England has the potential to be a region that develops its brand of sustainable agriculture that replaces industrial agriculture norms with more sustainable practices.

The Vision is helpful in this arena because it will help policymakers determine the amount of land that should be in agricultural production in the region, and then act to incentivize best agricultural practices for environmental health. For example, farmers who choose sustainable methods could receive certain property tax credits. Or, New England fruits and vegetable products could benefit from a “sustainably

---

91. Press Release, Am. Farmland Trust, Keep New England Farmland in Farming: Regional Workshop and Convening (Jul. 26, 2012), available at [http://action.farmland.org/site/DocServer/Keep\\_Farmland\\_in\\_Farming\\_summary\\_7-26-12.pdf?docID=3661](http://action.farmland.org/site/DocServer/Keep_Farmland_in_Farming_summary_7-26-12.pdf?docID=3661); see also Rich Pirog & Corry Bregendahl, *Creating Change in the Food System: the Role of Regional Network in Iowa*, MSU CENTER REGIONAL FOOD SYS. (Mar. 2012), <http://expeng.anr.msu.edu/uploads/files/59/Creating%20Change%20in%20the%20Food%20System%20report.pdf>; *Healthy Communities*, CONSERVATION L. FOUND., <http://www.clf.org/our-work/healthy-communities> (last visited Jan. 26, 2013).

92. See National Organic Program, 7 U.S.C. §§ 6501-6522 (2006).

93. For an excellent example of the complexities of novel production methods, such as genetic modification, compare Saby Ghoshray, *Food Safety and Security in the Monsanto Era: Peering Through the Lens of a Rights Paradigm Against an Onslaught of Corporate Domination*, 65 ME. L. REV. 491 (2013) (making the case for requiring labeling of GMOs and limiting the patentability of seeds) with Lars Noah, *Whatever Happened to the “Frankenfish”?* *The FDA’s Foot-Dragging on Transgenic Salmon*, 65 ME. L. REV. 605 (2013) (illustrating the challenges posed by novel production methods, particularly when political and popular views may be at odds with science).

produced” branding program that is paid for similarly to federal “check-off” programs.<sup>94</sup>

Finally, most states already have finely tuned systems of environmental regulation. A very simplistic approach to promoting food system development is for each state to consider how its environmental laws intersect with agriculture—and whether there are ways to help farmers transition to sustainable agriculture with specific programs designed to assist with environmental regulatory compliance in agriculture.

*E. A Need to Fit Our Agricultural Vision into Broad-Scale Protection of New England’s Recovered Forest—Even Sweeping Forest Protection Would Still Leave Room for the Re-Expansion of Farmland from Its Current Two Million Acres to As Many As Six Million Acres; or About 15% of New England*

Currently, there is little evidence that lawmakers consider the nexus between agriculture and food policy and forest management policy. As noted above, the Vision grew out of the Wildlands and Woodland Report, which included the principle of “promoting local, sustainable forest and farm economies.”<sup>95</sup> This important report discusses the importance of the woodlands to the New England ecosystem, including air and water quality. Its incorporation into the Vision presents a major challenge to lawmakers: How to balance competing uses for the region’s land. Whether protected forests, fiber production, tourism, or food production, some of New England’s oldest industries rely on its land. Therefore, whenever land use policy is changed to facilitate agriculture, responsible lawmakers must also consider the woodlands and wildlands.

How policymakers will consider this important aspect of the environment when creating agricultural and food policy remains to be seen. However, the Vision provides a powerful reminder that land use policy must balance sometimes competing uses for overall environmental health. It also provides a pathway for eco-system level thinking in future land use policy that should foster the view that diverse land use needs are complementary rather than competitive.

*F. We Assume that Healthy Food, Fair Wages for Work, Safe and Healthy Working Conditions, and the Ability to Enjoy One’s Food Culture Are Human Rights of Everyone*

Though not a reality in the United States, we recognize that this assumption must be acknowledged and operationalized for full participation in a truly sustainable food system. The rights to food are not formally recognized by the U.S. government, although they are recognized by all other industrialized countries. Despite the United States signing onto the United Nations international agreement on the Universal Declaration of Human Rights, the basic right to food has not been integrated into routine practices and policies in the United States. Escalating rates of food insecurity, and the widening gap between those earning a livable wage and

---

94. For a thorough explanation of check-off programs, see Geoffrey S. Becker, *Federal Farm Promotion (“Check-off”) Programs*, CRS REP. FOR CONGRESS #95-353 1-6 (Oct. 20, 2008).

95. *A Vision for the New England Landscape*, WILDLANDS & WOODLANDS, <http://www.wildlandsandwoodlands.org/home> (last visited Jan. 26, 2013).

those eking out an existence, are undeniable trends that indicate unresolved social and food justice issues

#### VI. THE VISION AND FUTURE POLICY CONCERNS

As the above analysis illustrates, the New England food system is at a critical juncture, and it has government and grassroots support. A regional system offers the promise of good jobs, good food, and good health. Yet, there is much work to be done to make lasting change. This is the role of the Vision. Its role is not to predict or dictate the future, but to provide context for critical thinking that will result in positive and sustainable changes in the food system. Change must begin somewhere, and this final part suggests that diet and land use policy are the two key near term policy focal points that will create progress and momentum towards realizing a vibrant, sustainable New England food system.

Diet—simply defined as what people eat—is the touchstone of a successful regional food system. We will make little progress by incentivizing green leafy vegetable production if our citizens prefer corn, and that corn is abundant and cheap. While there are already excellent examples of ways to promote healthier diet through local agriculture such as Farm to School programs and more programs would be welcome, we challenge policymakers to take on the bigger issues, such as:

- Should law limit soda size?
- Should highly processed, high-fat/sugar/sodium snack foods be taxed?
- Should production of locally grown and sold fruits, vegetables, meats, and dairy receive some state business or property tax incentives?
- Should SNAP benefits be doubled for fruit and vegetable purchases and halved for soda and candy?
- Should schools be required to teach students how to prepare wholesome foods from scratch?

These are hard and politically difficult questions, but answering them is what lasting change will require. The Vision's assumptions and scenarios prompt new ways to tackle these questions by allowing policymakers to anticipate balancing the negative choice (taxing snack foods) with promoting a positive choice (incentivizing locally grown, fresh products). It also allows us to imagine what happens to a population that over time prefers blueberries to candy, water to soda, and locally produced cheese to imitation cheese. Finally, by focusing on diet, policymakers will provoke citizens to think more deeply about what they value in the food system.

Land use policy will shape the regional food system. It touches on where people live, what they can do with their land, and how differing uses are balanced. The Vision promotes consideration of all land uses and does not simply advocate for greater agricultural land use. Instead, it seeks to integrate ecosystem concerns with the food system. As with diet, land use policy presents difficult issues for policy makers, such as:

- Do current land use laws serve the needs of a Twenty-First Century New England?
- How can manufacturing, energy production, tourism, agriculture, and conservation/preservation co-exist on our land?
- Is it a good use of tax dollars to provide special financing incentives to permit new farmers to access prime farmland, particularly where the alternative is new residential or industrial building?
- How can sustainable agriculture be incentivized?

The relationship between agricultural law that benefits food production and land use policy that preserves the environment while not unduly restricting landowners is complex, yet it must be considered as new initiatives emerge to promote local agriculture.

#### CONCLUSION

In December of 2012, the American Planning Association released its *Planning for Food Access and Community-Based Food System* report.<sup>96</sup> Collecting 888 responses from local governments, the report found 12% of localities had plans that included local or regional food systems. After survey research, specific plan evaluation, and case studies, the report found the following about successful food planning processes:

Common themes emerged, including: the importance of good baseline data to understand the food systems issues and track progress in achieving plan goals over time; the value of working with local nonprofit organizations such as universities to develop and implement food system plan goals and policies; the focus on low-hanging fruit, such as regulatory, policy, and administrative review and reform, in cases of limited implementation funding; and the impact plan development had on the public's and local officials' understanding of food system issues in their community as well as how food system issues relate to other urban systems.<sup>97</sup>

The Vision is an excellent tool to help develop these common themes, many of which were developed and discussed during the *Maine Law Review's* Colloquium. More importantly, the Vision allows policymakers and stakeholders to think boldly about food policy that not only solves today's issues, but also anticipates a future of "good food" for all New Englanders. Though organized by states, regions, nations, and cultures, we are all part of one humanity as noted in the preamble to the Earth Charter released in 2000:

We stand at a critical moment in Earth's history, a time when humanity must choose its future. As the world becomes increasingly interdependent and fragile, the future at once holds great peril and great promise. To move forward we must recognize that in the midst of a magnificent diversity of cultures and life forms we are one human family and one Earth community with a common destiny. We

---

96. *Planning for Food Access and Community-Based Food Systems: A National Scan and Evaluation of Local Comprehensive and Sustainability Plans*, AM. PLAN. ASS'N (Dec. 2012), <http://www.planning.org/research/foodaccess>.

97. *Id.*

must join together to bring forth a sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace. Towards this end, it is imperative that we, the peoples of Earth, declare our responsibility to one another, to the greater community of life, and to future generations.<sup>98</sup>

---

98. *The Earth Charter*, EARTH CHARTER INITIATIVE, <http://www.earthcharterinaction.org/content/pages/Read-the-Charter.html> (last visited Jan. 26, 2013).

