

Policies Related to Farm-to-School

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This list is not intended to be an inclusive list of legislation or sources, rather a comprehensive working document of legislation and policies which help to tell the story of and support for farm-to-school projects around King County and Washington State, as well as across the country.

1. Local: School & County

Policy	Role	Potential	Constraints
2004, September: Comprehensive Nutrition Policies: Sales of Sodas and Junk Food Banned on Campuses; E 11.01-Breakfast and Lunch Program; E 13.01- Distribution and Sales of Competitive Foods	Require all foods & beverages sold and distributed during the school day to meet nutrition guidelines & follow certain portion sizes; Effective at elementary and middle schools September 2004 & at high schools February 1, 2005; 'Pouring rights' contracts are prohibited, & the current exclusive contract with Coca-Cola will be phased out within one year	Gives direction to school meal program & others to offer fresh, local, organic, non-genetically-modified, non-irradiated, unprocessed food, whenever feasible	
2004, June: King County Overweight Prevention Initiative (King County Public Health)	Brings together KC organizations to promote "healthier eating" and "more active living." Sponsored by Public Health - Seattle & King County, the King County Board of Health and the University of Washington's Exploratory Center for Obesity Research and Center for Public Health Nutrition; lead by Steering Committee and four workgroups: Nutrition, Physical Activity, Design for Active Communities & Communications	Promotes healthy eating & mobilizes local organizations	Addresses healthy issue; may not incorporate farms
2006, May: Eleven Critical Physical Activity & Nutrition Policy Objectives to Make Washington Healthier (King County Public Health, NPA-PLG, A Washington State Collaborative)	Policy suggestions by the Nutrition & Physical Activity Policy Leadership Group (NPA-PLG); begin to "address some of the leading causes of preventable illness, injury and premature death by promoting both physical activity and nutrition policies that make the healthy choice the easy choice;" a list of policy objectives that begin to address equal access to nutrition & physical activity; 'Implement Strong School Nutrition Policy' is the first objective	Includes objectives aimed to: "Implement farm-to-school programs to incorporate fresh, local produce into school meals," "adjust wholesale and retail taxes to increase the price of unhealthy foods in order to encourage consumption of healthy food;" and to "provide incentives to small storeowners in underserved areas to carry healthier foods, such as fresh produce."	
2005, October: King County Board of Health Resolution No. 05—8: "Recommending a Comprehensive Strategy to Promote Healthy Eating and Active Living in King County" (King County Board of Health, Index)	Established a 10-point plan & report back to the KC Board of Health; plan includes communications, nutrition, design for active living and research	Includes assisting school districts to implement nutrition policies and "supports the adoption of guidelines, best practices and policies that promote nutrition standards, appropriate portion sizes and healthy food choices."	

2. Washington State

Policy	Role	Potential	Constraints
<p>2002: HB 2657 Agricultural Products, Public Purchasing (adds new sections to RCW 43.19)</p> <p>(Washington State Legislature)</p>	<p>Provides improved markets for WA agricultural commodities; Department of Administration (DA), through state purchasing & material control director, is to encourage state and local agencies doing business with the department to purchase WA-produced goods when available; DA will work with the WSDA & others to identify & recommend strategies to increase public purchasing of WA products</p>	<p>Potential to "stabilize" & "enhance" rural and agricultural economies</p>	<p>Follow-up? Enforcement?</p>
<p>2003-2004: SB 6525, Requires model policy for nutrition and physical activity for public schools</p> <p>(Washington State Legislature)</p>	<p>Requires the development of a model policy for nutrition & physical activity for schools</p>	<p>Model policy to create standard for WA Wellness policies; aligned with federal mandate: The Child Nutrition and WIC Reauthorization Act, 2004</p>	<p>Local enforcement, evaluation?</p>
<p>2003-2004: HB 1866, Nutrition in Public Schools</p> <p>(Washington State Legislature) USDA Food and Nutrition Services)</p>	<p>DOH & OSPI must develop recommendations regarding nutrition for local school boards to determine food policies; school boards must create "Nutritional Integrity Policies"; DOH & OSPI must develop model policies</p>	<p>Model policy to create standard for WA Wellness policies; aligned with federal mandate: The Child Nutrition and WIC Reauthorization Act, 2004</p>	<p>Local enforcement, evaluation?</p>
<p>2004: SB 5436, School Food and Beverage Sales (RCW, Chapter 18)</p> <p>(Washington State Legislature; NCSL, 2005)</p>	<p>The Washington State School Directors Association (WSSDA), with assistance from the OSPI, DOH, and the Washington Alliance for Health, Physical Education, Recreation, and Dance, is to form an advisory committee to develop a model policy regarding student access to nutritional food & physical activity; submitted to the Governor and Legislature & posted on WSSDA website by January 1, 2005.</p>	<p>Each WA school district must adopt their own policy on competitive foods by August 1, 2005</p>	<p>Financial incentive from beverage companies difficult for school to pass up; Evaluation?</p>
<p>2004: HB 2680, Establishing a model policy for nutrition and physical activity for public schools</p> <p>(Washington State Legislature)</p>	<p>Requires development of a model policy for nutrition and physical activity for schools</p>	<p>Model policy to create standard for WA Wellness policies; aligned with federal mandate: The Child Nutrition and WIC Reauthorization Act, 2004</p>	<p>Local enforcement, evaluation?</p>
<p>2005: Advertising for bid and bid procedures: RCW 28A.335.190</p> <p>(Washington State Legislature, 28A.335.19)</p>	<p>Guidance for School District bidding; Updated 2005 Legislature; "Formal Public Bid Procedures" explain that public notice must be given in at least one newspaper once for two consecutive weeks; bids should be in writing and open to public; School board must receive quotations from at least three sources and made public</p>	<p>Can food be made its own category and made exempt from formal bidding procedure? If food purchases are less than \$40,000, could other procedures apply?</p>	<p>Schools must continue to adhere to Formal Public Bid procedure; food considered under "supplies"</p>
<p>2005: HB 2221, Chapter 513; Modifying the excise taxation of fruit and vegetable processing and storage; to take effect 7/1/07</p> <p>(Washington State Legislature)</p>	<p>Provides a sales and use tax deferral for fruit & vegetable processing and storage, enabling farmers to more easily direct market their goods</p>	<p>Encourages direct marketing by farmers</p>	
<p>Proposed 1/3/06; last action 3/18/06: SB 195; Obesity, under Healthy Community Design Legislation</p> <p>(Washington State Legislature)</p>	<p>Calls for the WA State Board of Health to implement health impact assessments, a systematic review of legislative or budgetary proposal or other public policy, program or practice; specifically addresses health disparities and factors including 'healthy diet'</p>	<p>Provides for evaluation, follow-up, assessment</p>	<p>Who will carry out assessment at local level? How will farm-to-school activities be interpreted/assessed as part of school-wide program?</p>

3. Other States

Policy	Role	Potential	Constraints
<p>2004 (Introduced): West Virginia: <i>School Vending Price Restriction Bill</i>; awaiting further action by the Senate Education Committee</p> <p>(Milk Delivers.org)</p>	<p>Places restrictions on beverages sold in public schools; Allows selling “nutritious beverages such as water, 100% juice and low-fat milk” in schools; 75% of beverages sold in high school vending machines to be “nutritious;” only “nutritious” beverages can be sold during school breakfast and lunch, & if school sells beverages at other times, they must be sold at 25% less than the price of the other</p>	<p>Encourages healthy vending, which could include farmer-packaged goods</p>	<p>Vending market difficult for farmers</p>
<p>1997: North Carolina: General Assembly passed legislation to provide 50 schools with \$1,000 grants to make purchases from NC farmers</p> <p>1997: North Carolina, Partnership begins between DoD, Markets & Food Distribution Division of NC Department of Agriculture & Consumer Services</p> <p>2004: About 60 NC school districts took advantage of program (Azuma, 32; NCDOA & Consumer Services; National Farm to School Program)</p>	<p>In first year, 11 schools received grants & schools purchased more than \$40,000 from small, NC farmers; in year two, schools received \$500 from the state, & by year three, schools financed projects; Tested market for Red and Golden Delicious apples; success in western NC lead to statewide; School food service programs adopted the program; After legislation, USDA hosted Town Hall Meeting in NC, January 1998: brought together potential partners in food service projects & DoD, with its existing sophisticated procurement system, suggested as way to link farmers and schools</p>	<p>Schools now willing to connect with farmers; in 2004, approx. 30 NC farmers involved with program; sold watermelon, cantaloupe, apples, cabbage, broccoli, sweet potatoes, potatoes, & strawberries; items integrated into daily school lunch; financially viable; storage facilities & trucks owned by State; DoD & state absorb storage & shipping costs; majority of schools have necessary infrastructure to use & prepare fresh products</p>	
<p>2001: New Mexico House Joint Memorial 34</p> <p>(NCSL, May 2005)</p>	<p>Requested NM departments of Education and Agriculture to work together to encourage public schools to use locally grown produce in school meals and to evaluate the outcome of their efforts</p>	<p>Potential fiscal benefits to school districts, as they reduce the cost of purchasing food for school meals; expand marketing opportunities for farmers; eliminate ‘middleman’</p>	<p>Legislation may infringe upon state procurement act by not providing out-of-state farmers and equal opportunity to bid on school contracts</p>
<p>2006, April: Kentucky HB 669: Kentucky Farm Products Bill (Kentucky DOA, KDA)</p>	<p>Provides KY farmers with another market for Kentucky Proud products; requires state agencies that purchase Kentucky-grown foods to report on the amount of each product purchased to the General Assembly and the KDA</p>	<p>KY Department of Parks bought more than \$21,000 worth of Kentucky Proud produce in 2005, the first year KY bought produce from local growers; (Kentucky Proud is KDA’s marketing program for Kentucky products</p>	

4. FEDERAL

Policy	Role	Potential	Constraints
<p>1946: National School Lunch Program (NSLP) or "Richard B. Russell National School Lunch Act," (42 U.S.C. 1751 et seq.)</p> <p>1998: Congress expanded the NSLP to include reimbursement for snacks served to children in after school educational and enrichment programs to include children through 18 years of age. (Cornell Farm to School Program, 2006; Food Research and Action Center; USDA Food and Nutrition Service, Wellness Policies; Azuma, 42).</p>	<p>Administered by Food and Nutrition Service;</p> <p>In 1998-99, NSLP fed about 27 million kids/school year day, with 95% of elementary and secondary school students enrolled in participating schools (Azuma, 42); students may qualify for free or reduced meals, based on family income; All other meals subsidized and prices set by local food service; in return for agreeing to serve meals that meet federal dietary requirements, schools receive support from USDA in two ways: cash reimbursements per meal and commodity foods.</p>	<p>School cafeteria can be integrated into classroom w/ nutrition and school garden's curriculum; food services departments can offer higher quality, fresh produce</p>	<p>Financial challenges; low reimbursement rates per meal limit food options; no restrictions for unhealthy a la carte items or contracts made with soft drink vendors, etc.; School food services forced to generate revenue through profitable, a la carte items; lucrative, 'pouring rights' prevail in needier schools; competitive foods undermine profitability of SLP, which depends on adequate sale volumes to meet costs</p>
<p>1994 (Pilot): Department of Defense's (DoD) Fresh Program</p> <p>2006 (Updates): DoD Fresh Program</p> <p>(USDA-FNS, 2006, Changes to the DoD Fresh Program; USDA-FNS, Food Distribution Programs)</p>	<p>Partnership between USDA and DoD; make use of procurement capacity in accessing fresh produce for schools; Schools in 40 states are able to use their commodity funds to purchase fresh produce; \$25 million is currently available to schools through the program; the DoD's Defense Supply Center's Produce Business Unit operates 10 regional Produce Buying Offices, and oversees a roving staff of field buyers who purchase products directly from growing areas.</p> <p>2002: NM, KT, NC, MI, MS, FL, GA, NJ; IL and NY in process of implementing programs (National Farm to School Project, 2002)</p>	<p>Allows access to DoD's Defense Supply Center, which is responsible for purchasing clothes, medicine and food for the US military, and has a procurement process and network nationwide</p> <p>Program gives preference to small and mid-size farmers within the states in which it operates;</p>	<p>USDA is pressuring DoD to adhere more strictly to geographic restrictions (Geographic preference regulation, 2000)</p>
<p>1995: Food and Nutrition Services (FNS), Agricultural Marketing Service (AMS) and Defense Personnel Support Center (DSCP) agreement program</p> <p>(USDA-FNS, National Policy/Database)</p>	<p>Pilot began in eight states; allocated a portion of their commodity entitlement funds to program; Piggybacks on existing state-run commodity distribution; schools place orders through DoD; Schools inform farmers about quality and packaging needs; Farmer delivers product to state-run warehouse that is used for other commodity distribution; state delivers the product to the schools along with other commodity distribution products</p>	<p>Opened to all states after successful pilot; expanded to include purchases for the Food Distribution Program on Indian Reservations; Saves farmer cost & time; draws on existing resources, warehouses, & transportation systems; state owns warehouses & trucks in some states, used for storage and delivery; enables schools to obtain cheaper prices with the program than they would receive dealing with a broker; farmers receive competitive prices; farmers typically small scale & specialize in one crop (Azuma, 46-58)</p>	
<p>1995: PL 104-149, "The School Meals Initiative"</p> <p>(Azuma, 43)</p>	<p>Requires school meals meet federal guidelines; dietary guidelines recommend no more than 30% of calories come from fat & less than 10% from saturated fat; school lunches must also meet 1/3 of RDA for protein, Vitamin A, Vitamin C, iron, calcium, & calories</p>	<p>Dietary guidelines guided school nutrition policy & recommendations</p>	<p>Task of school food service is to "provide the requisite nutrients at the lowest possible price," and it's a "nutrient delivery system" - Liz Wheeler, Hartford, CT Food System</p>
<p>1997: Small Farms/School Meals Initiative: Food, Nutrition, and Consumer Services and Agriculture Marketing Service</p> <p>(Azuma, 37)</p>	<p>Facilitates state partnerships; USDA has committed to discussion on feasibility of purchasing from small farmers via the DoD program; piloted in FL and NC</p>	<p>Plans moved forward in Kentucky, Iowa, Nevada, New York, New Jersey, California, and Vermont</p>	<p>Not known to what extent the produce purchased in the DoD program comes from small farmers</p>

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<p>1998: Farm to School Initiatives and other direct marketing strategies (Azuma, 42-50: Reported by the Small Farm Commission Report)</p>	<p>146 recommendations to improve climate of small farming in the US; a partnership between the Natural Resources Conservation Service and the Agricultural Marketing Service along with the West Florida Resource Conservation and Development Council and the Small Farmer Outreach Training and Technical Assistance Program at Florida A & M University was formed to provide more markets for limited-resource farmers</p>	<p>FL farmers formed the New North Florida Cooperative</p>	
<p>2000: USDA Small Farms/School Meals Initiative, endorsed by the USDA National Commission on Small Farms (Cornell Cooperative Extension)</p>	<p>To strengthen links between farms and schools; school food services (in 2000) represented a \$16 billion market and college/university food budgets can run into several million dollars a year; helped to launch and expand farm-to-school pilot programs in at least 19 school districts in three states; provided evaluation, and analysis</p>	<p>Sought to improve nutritional quality of food choices, develop new markets for farmers, increase knowledge and awareness of food systems, and help to extend interest in direct marketing strategies.</p>	<p>Assessment on local implementation?</p>
<p>2000: USDA Initiative for Future Agricultural Food Systems (IFAFS) (Azuma, 38)</p>	<p>Consortium brought together by grant program led by the Community Food Security Coalition: Occidental College; California Department of Education; Community Alliance with Family Farmers; the Community Food Security Coalition; Davis Joint Unified School District (CA); Cornell University; Rutgers University; University of California Sustainable Agriculture, Research, and Education Program (SAREP); and Penn State University; to initiate new farm-to-schools programs in 16 school districts in CA, NY, and NJ</p>	<p>Funding, partnerships, research, outreach, education, training, technical assistance; catalyze new farm-to-school projects in numerous communities throughout the country</p>	
<p>2002: 2002 Farm Bill, "Purchase of Local Foods," (FNS-USDA: Conference Report for the 2002 Farm Bill; USDA-AMS 2000, Updated 2003; Wagner, April 24, 2006)</p>	<p>Provided \$6 million for the Fruit and Vegetable Pilot Program for the 2002-03 school year; Requires the Secretary of Agriculture and the USDA to encourage and support the purchase of local foods "to the maximum extent practicable and appropriate;" Includes advising and providing start-up grants for equipment and other costs incurred;</p>	<p>25 elementary and secondary schools in each of four states (IN, MI, IO, OH) and seven schools in the Zuni Pueblo of NM piloted the program; evaluations showed program was popular and successful</p>	
<p>2004: The Child Nutrition and WIC Reauthorization Act (Public Law 108-265); "Federal Wellness Policy," Reauthorization of Child Nutrition Act of 1966 (42 U.S.C. 1771 et. seq) (USDA-FNS, Wellness Policy)</p>	<p>Schools participating in NSLP/BP are to establish Wellness Policies by the 2006-07 school year; Policies must have set goals for nutrition education, physical activity, campus food provision, and other school-based activities which promote student wellness; Policies must include plan for measurement</p>	<p>Requires every school district, private school and residential child care institution (RCCI) on the National School Lunch Program, School Breakfast Program, and Special Milk Program (NSLP/SBP/SMP) to develop and implement local wellness policy by the beginning of 2006-07 school year</p>	<p>Who enforces them? How do they enforce them?</p>
<p>2003: 7CFR016.36: Code of Federal Regulations, revised January 1, 2003, pg. 123, Section 2 (Wagner)</p>	<p>"Grantees and sub-grantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where</p>		<p>Threatens progress made by the DoD Fresh program, utilizing the DoD's organizational capacity and infrastructure to help schools and farms</p>

Policy	Role	Potential	Constraints
	applicable federal statutes expressly mandate or encourage geographic preference." USDA's ban on 'geographic' preference mandated in 2000; forbids states and school districts from preferencing in-state and local farmers in the bidding process; applies to any program federal funds are involved; Justification is that geographic preferencing will limit open competition, and limit competitive pricing		connect
2006: (Updated) Federal State Marketing Improvement Program (FSMIP) (Azuma, 48-49; USDA-AMS)	Provides \$1.2 million in grants through state departments of agriculture to develop innovative approaches in the marketing of state agricultural products; funds 20-30 projects per year	Priorities for FSMIP include small farms, direct marketing, and sustainable agriculture	
Commerce Clause, United States Constitution (Article 1, Section 8) (Wagner, 3)	Influences procurement policy; gives federal government the right to regulate commerce between states, with justification being that competition should be free and fair, creating lower prices through competition	Other state clauses in economic development for rural areas that validate preferencing producers based on locality	
Doha Trade rounds of the World Trade Organization Negotiations (Wagner, 3)	"Local preferencing" can be argued as a "trade-distorting" policy that unfairly favors local producers; other arguments and exceptions that may defeat these claims	Clause in WTO agreements: "Protecting critical infrastructure for the well-being of a population," for local procurement, access to institutional markets, protects the well-being of both farmer and school	

Sources of Policy Information (in Appendix E)

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USDA-AMS, <http://www.ams.usda.gov/tmd/fsmip.htm#BriefDescription>.

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Wagner, Amanda. "Procurement Policy and Farm-to-School Programs, Draft, April 24, 2006, (Emerson Hunger Fellow: Community Food Security Coalition); Testimony by Thomas Forster, Community Food Security Coalition to Maryland State Legislature.

The Washington State Legislature: <http://www1.leg.wa.gov/legislature/>.