



New England Food Policy: *Building a Sustainable Food System*

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**American Farmland Trust
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Frameworks for Regional Food System Coordination

A thriving regional food system depends in part on the capacity of governments and stakeholders to work together around planning, policies and programs. Coordinating certain policies, programs, tools and incentives across New England is critical to increasing production and market opportunities, reducing market barriers and enhancing regional food security and self-reliance.¹ Growing enthusiasm for regional food solutions has generated considerable interest in identifying appropriate institutions and mechanisms for promoting regional (i.e., multistate) coordination.

This section considers New England states' existing efforts to build a regional food system and additional work they can undertake to achieve food systems goals. This section also examines several examples of regionwide approaches and structures. Regional frameworks for multistate cooperation and coordination range from informal to quite formal. Several frameworks build on the legal authority and democratic accountability of government entities. Others, such as associations and networks, stand outside government, although governments may participate. The section concludes by illustrating several areas that are ripe for new or renewed regional collaboration, coordination or policy efforts.

It is important to recognize that while there are many models for regional frameworks, relatively few efforts have achieved lasting policy successes for the New England food system. Indeed, reaching regional consensus among the New England states is often challenging. According to Brian Dabson of the Rural Policy Research Institute, “[t]he regional landscape is cluttered with [these] attempts. . . . It is a big challenge for states to work together. Some initiatives work for idiosyncratic reasons; many fail.”²

Moreover, this exploration does not seek to prioritize or recommend any particular multistate mechanism for working together on food system issues. No one approach is suitable to address the many challenges of creating a more sustainable, resilient and self-reliant food system. A particular model may be appropriate to address one problem, but not necessarily others. While entirely new approaches deserve

Highlights

- Build on existing intergovernmental efforts, regional food system networks and initiatives, and state and local food charters and policy councils.
- Explore a regional food system planning entity to chart a course for greater regional coordination and collaboration.
- Harmonize, reciprocate and cross-pollinate state programs and policies, such as meat processing regulations, labor and workforce development, and institutional procurement.

serious consideration and may be vital to achieving meaningful solutions, the region would also benefit from leveraging existing regional food system networks and initiatives to address emerging and shared challenges for which multistate coordination may be helpful or necessary.

6.1 MODELS FOR REGIONAL COORDINATION

The following pages explore a few potentially applicable models for regional governance, policymaking and cooperation in agricultural markets and other contexts.

INTERSTATE COMPACTS, COMMISSIONS AND AUTHORITIES

The preeminent binding form of interstate governance is the interstate compact. Referenced in the U.S. Constitution, interstate compacts are contracts between states and must be authorized by Congress in many cases.³ Compacts address a range of policy and administrative issues, from boundary disputes and mutual natural resources to criminal extradition and taxation. The National Center for Interstate Compacts (NCIC) counts 200 active interstate compacts, with more than 30 compacts involving contiguous states.⁴ According to the NCIC:

- Interstate compacts are powerful, durable, flexible tools to promote and ensure cooperation among the states, while avoiding federal intervention and preemption of state powers. Compacts offer the following benefits:
 - » They settle interstate disputes.
 - » They provide state-developed solutions to complex public policy problems,
 - » unlike federally imposed mandates.
 - » They respond to national priorities in consultation or in partnership with the
 - » federal government.
 - » They retain state sovereignty in matters traditionally reserved for the states.
 - » They create economies of scale to reduce administrative costs.
- In other words, the interstate compact is a constitutionally authorized means of implementing and protecting federalism and the states' role in the federal system.⁵

As creatures of federal and state law, interstate compacts can be regulatory in nature. An example of a regulatory interstate compact is the Atlantic States Marine Fisheries Compact, which governs commercial fishing in the waters off 15 states on the Atlantic seaboard.⁶ Compacts also may serve an advisory function, as in the case of the Bay State-Ocean State Compact, which established an interstate commission with representatives from Massachusetts, Rhode Island and the U.S. Environmental Protection Agency to study, develop and make recommendations about the environmental and economic aspects of Narragansett Bay and Mount Hope Bay.⁷

The chief impediment to developing interstate compacts is the substantial effort needed to enact identical compact legislation in each party state and to reach complete regional consensus on the compact's mission, authority and goals. If the compact establishes regulatory or other legal powers implicating federal authority — such as those associated with traditional farm bill programs — and/or seeks a federal funding mechanism, it requires Congressional approval, which can prove a potentially significant challenge. If an interstate compact is merely advisory in its mission, it may suffer from a lack of financial resources or a lack of state commitment.

Example: Northeast Dairy Compact

The most prominent recent example of an interstate compact addressing an agricultural issue is the Northeast Dairy Compact, which was developed to fix minimum prices for liquid milk at higher levels than the federal minimum price and to promote the region's dairy industry. The Northeast Dairy Compact was approved by Congress in 1996. It pertained to the six New England states and allowed membership in the compact to expand to New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia, if the prospective state was contiguous to a member state, and if the compact was approved by the state legislature of the prospective state and Congress. No additional states joined. An interstate commission authorized by the compact regulated milk prices in New England until 2001, when Congressional authorization expired.⁸

While opinions are varied among stakeholders, many believe the Northeast Dairy Compact was a successful approach to improving the viability of dairy farms. There is little discussion of reviving the compact or enacting similar compacts for other products, however, because of significant political resistance to the approach.⁹

Typically authorized by Congress, interstate commissions are governmental bodies comprised of state and sometimes federal representatives, often with regulatory or policy development responsibilities. Prominent examples include the Chesapeake Bay Commission, the Appalachian Regional Commission and the Delaware River Basin Commission. A commission can be a formal agency or body with decision-making authority, or an appointed group with a mandate to research or investigate a topic, make recommendations to policymakers, or oversee an area of endeavor. Some commissions receive federal dollars, often matched by state and private sector resources.

Congress also creates interstate entities called authorities that administer infrastructure, ports and transportation functions affecting more than one state. The Tennessee Valley Authority and the Port Authority of New York and New Jersey fall within this category. In many cases, interstate commissions and authorities are created by or charged with implementing an interstate compact.¹⁰

MEMORANDA OF UNDERSTANDING

As an alternative to more formal compacts, states have executed cooperative initiatives through more informal agreements such as memoranda of understanding (MOU). MOUs are typically executed by governors or executive branch agencies, often without the direct involvement of state legislatures. Although MOUs are styled as voluntary, nonbinding commitments, participating states often agree to evaluate and pursue specific policies, to pool financial and technical resources, and to follow defined procedures for decision-making, dispute resolution and stakeholder involvement. Because MOUs are less formal and easier to adopt than interstate compacts, for example, states commonly use MOUs or similarly informal documents to coordinate regional decision-making and even to implement joint regulatory programs.

Example: Regional Greenhouse Gas Initiative

Among the most robust examples of an interstate MOU, the Regional Greenhouse Gas Initiative (RGGI) is a market-based cap-and-trade program to combat climate change by limiting the carbon dioxide emissions of large power generators in 10 Northeastern states.¹¹ The RGGI agreement was developed between 2003 and 2005 in coordination with participating states and a broad coalition of energy sector and environmental stakeholders.

Under the MOU, participating states worked together to develop a complete model rule that each participating state is directed to propose under state law, either as new legislation or through administrative rulemaking, which includes a provision for a state-specific emissions cap and requires generators to acquire permits from any participating state to emit carbon dioxide in amounts no greater than the cap through periodic region-wide auctions. Each participating state implemented its own version of the model rule, and RGGI started its first trading period in 2009.

All auctions and other regional aspects of the program are administered and facilitated by a third-party nonprofit organization called RGGI, Inc. The proceeds of auctions, which total more than \$1 billion to date, are allocated to participating states for consumer benefits, energy efficiency, renewable energy development, or other fiscal priorities as the states see fit.¹² Independent analysis of RGGI shows that the program has yielded substantial net economic and environmental benefits for consumers and the regional economy as a whole and is succeeding in reducing demand for fossil fuels.¹³ Although RGGI's development required substantial support from the states and private foundations, the auction process now generates fees that support the technical needs of RGGI, Inc., as well as dedicated state agency participation in the ongoing regional dialogue on program effectiveness and design. The economic benefits associated with RGGI, especially the new revenue stream for energy efficiency, were integral to the program's development and to building energy and business sector constituencies for state-by-state adoption of legislation or rules.

RGGI offers several potential lessons for regional food policy coordination. Despite some opposition from utilities, the development of RGGI required genuine collaboration between governmental, industry and public-interest stakeholders. Likewise, a robust MOU approach necessitates decisions made by full consensus of the participating states, which imparts significant legitimacy and momentum to program implementation. Even so, RGGI, an inherently narrow program intended to address a single environmental problem, likely represents the outer limit of the MOU approach to interstate policymaking, given the economic significance of the program and its direct regulatory mandates.¹⁴

Example: Transportation and Climate Initiative

MOUs also can serve to study shared policy problems and catalyze regional collaboration and dialogue.

In June 2010, the heads of environmental, energy and transportation agencies from 11 Mid-Atlantic and Northeast states and the District of Columbia issued a joint declaration of intent, establishing the so-called Transportation and Climate Initiative (TCI).¹⁵ The goal of this initiative is to foster regional collaboration around transportation policy and clean energy technology solutions that would reduce the carbon emissions of the transportation sector. Housed at Georgetown University's Climate Center, TCI receives most of its operating funds from the U.S. Department of Energy and private foundations.

The Transportation and Climate Initiative focuses on several core work areas, including the launch of the Northeast Electric Vehicle Network to expedite deployment of electric vehicles and charging infrastructure; promoting transportation policies that advance sustainable communities; adopting information and communication technologies that increase transit use and decrease traffic congestion; and improving the efficiency of freight movement.¹⁶ TCI's sustainable communities work is documented in a separate agreement.¹⁷

While the Regional Greenhouse Gas Initiative is a regulatory MOU, the Transportation and Climate Initiative approach to interstate collaboration might be categorized as an advisory MOU. Its function is to facilitate research, information sharing, dialogue and policy analysis on key transportation and climate issues with the imprimatur and support of the sponsoring agencies. With TCI's external funding, it is undertaking work on issues that many resource-strapped state agencies are interested in addressing but cannot pursue given personnel and budget constraints. As a result, TCI's work may result in stronger regional policies in the long run, although its projects have not yet translated into meaningful state-level policy changes.

REGULATORY HARMONIZATION AND RECIPROCITY

States may also pursue regionally focused solutions without a single regional governance structure or body such as those described above. There are many examples of market-based and regulatory programs that begin within a couple of states and are ultimately adopted, in similar

but not necessarily identical ways, in more states, possibly encompassing a discrete region. In some cases, national or regional organizations publish model regulations or programs that are then disseminated for adoption by multiple states.

For instance, in response to slow federal promulgation of regulatory measures to reduce mercury pollution, state laws and regulations in the Northeast now regulate mercury and toxic air pollution more stringently than the federal law does, essentially creating a regional regulatory policy.¹⁸ This policy emerged through both a regional task force, initiated by the New England Governors' Conference in the 1990s, but also through distinctive state law changes and rulemaking.

The restructuring of the New England electric industry is a prominent example of complementary and independent state law changes that coalesced into a transformed regional market. These legal changes forced most New England utilities to leave the electric generation business and opened the market to competition from nonincumbent power plant operators and other suppliers. Restructuring laws resulted in the development of a regional wholesale market for electricity administered by a private, nonprofit corporation, ISO New England, Inc., which is empowered by federal law and tariffs to act as the operator of the region's electric transmission system and the wholesale power market.

In another form of regulatory cooperation, states often engage in reciprocal licensing or regulatory programs, where actions in one state are recognized in other states. This is common in education, professional and other services, and criminal law contexts. In the agri-food sector, several New England states have in the past operated pesticide-applicator licensing programs under reciprocity agreements, which are no longer in effect.

Example: Renewable Portfolio Standards

A set of complementary state policies in the energy sector has drawn interest from food system stakeholders as a potential model for increasing food production in the region. Renewable portfolio standard (RPS) laws require electric utilities to purchase an increasing percentage of their energy supply from renewable sources of power, such as wind, solar, biomass and small-scale hydropower. Although each New England state has its own RPS program,¹⁹ the programs establish set percentages of different types of renewable supply, differentiating between

newly developed and preexisting facilities and between fuel sources. Certified renewable energy facilities, which can be located anywhere in New England or adjacent power grids, earn renewable energy credits for each unit of power they generate.

Generally, utilities satisfy their renewable portfolio standard obligations by purchasing credits from certified renewable energy sources or by making payments to a state renewable energy fund. By creating new markets and revenue streams for the emerging renewable energy industry, renewable portfolio standard laws have been moderately successful at encouraging investment in and strengthening the economics of renewable energy in New England. With renewable energy facilities able to sell credits to utilities throughout New England and beyond, renewable energy credit markets are both state-based and regional.

INTERGOVERNMENTAL COUNCILS

State governments frequently form collaborative, formal relationships, often without direct legal or regulatory mandates. These relationships are intended to be permanent and ongoing, with varying structures and processes for accomplishing goals and tasks.

Example: Coalition of Northeastern Governors

The Coalition of Northeastern Governors (CONEG) brings together the governors of the six New England states and New York for periodic meetings, information-sharing and joint statements of policy.²⁰ In recent years, this coalition — as well as the former New England Governors' Conference, which had a similar structure and goals, and was folded into CONEG in 2012 — has promoted policies addressing shared economic, environmental and social issues that reflect CONEG's agenda. Through the Coalition of Northeastern Governors, the state executive branches establish joint visions, priorities and goals. They also create joint agreements to tackle common problems and coordinate policy efforts.

A nonprofit organization serves as the staff arm of the coalition. Where the governors identify national or regional issues warranting joint focus, CONEG facilitates information exchange, tracks related developments within the region and nationally and conducts policy assessments and studies to help inform and coordinate state actions.

Example: Northeastern Association of State Departments of Agriculture

The Northeastern Association of State Departments of Agriculture (NEASDA) is the regional chapter of the National Association of State Departments of Agriculture (NASDA), an organization that represents state departments of agriculture “in the development, implementation, and communication of sound public policy and programs which support and promote the American agricultural industry, while protecting consumers and the environment.”²¹ Like the national association, NEASDA adopts joint policy statements on a range of agricultural issues and provides a platform for lobbying Congress and federal agencies on matters of concern to the agricultural sector. The northeastern association, which includes the New England states, New York, New Jersey, Pennsylvania and Delaware, meets at least twice a year and has no formal staff; its work is conducted by the respective agency heads from each state department of agriculture and its staff, with support from the national staff in Washington, D.C. In addition to identifying common policy issues of regional importance, NEASDA allows for informal coordination and information sharing among the region's state agriculture agency heads and staff.

Example: New England States Animal Agriculture Security Alliance

Another of the New England governors' achievements to date was forming the New England States Animal Agriculture Security Alliance (NESAASA). Precedents in other parts of the country include the Multi-State Partnership for Security in Agriculture and the Southern Agriculture and Animal Disaster Response Alliance. All six New England governors signed the NESAASA charter in July 2010.

The chartered goal of NESAASA is the following:

- To support and develop regional NIMS-compliant standards, processes, and capacity through collaborative planning, preparedness, mitigation, response, and recovery efforts that help to ensure the safety, health and security of the regional food and animal and animal agriculture sector infrastructure and economy. NESAASA seeks to enhance New England regional animal and animal agriculture emergency preparedness and response to all hazards including chemical, biological, radiological and nuclear incidents and natural disasters.²²

With the support of the Area Office of the USDA Animal and Plant Health Inspection Service-Veterinary Services, the six state veterinarians who comprise NESAASA developed the Cooperative Agreement and Work Plan for this project.

- Strengthening the profitability and sustainability of the region's dairy farming industry;
- Fostering long-term farm profitability and sustainability; and
- Expanding farm production capacity.

6.2 EXISTING REGIONAL FOOD SYSTEM NETWORKS AND INITIATIVES

Several regional networks and initiatives share a commitment to convening food system stakeholders, fostering greater collaboration on food policy issues across New England, and promoting a strong New England food system. These networks and initiatives have different structures, priorities and funding sources.

A common intent of regional networks is to provide ongoing network functions such as communications, joint endeavors, information exchange and, in some cases, policy advocacy. Other initiatives include collaborative, time-limited, or ad hoc task forces, committees, projects and events that help achieve regional outcomes and also build relationships, networks and joint capacity.

Example: New England Governors' Conference and the New England Farm and Food Security Initiative

The New England Farm and Food Security Initiative (NEFFSI) was an effort of the New England Governors' Conference and the chief agricultural officers from New England's six states. NEFFSI emerged as one of five key initiatives recommended by the New England Governors' Conference's Blue Ribbon Commission on Land Conservation.²³ In 2010, the New England Governors' Conference endorsed a three-year action plan focused on regional-scale research, projects, investments and policies. Its goals included:

- Enhancing and strengthening New England's food system infrastructure;
- Spurring job creation and economic growth in the region's farm and food sectors;
- Retaining and protecting the region's working farmland resources;
- Improving access to nutritional foods in the region's urban and rural communities;

A change in executive leadership in four of the six New England states in 2010 led to a phaseout in 2012 of the Commission on Land Conservation and its five formal initiatives. However, several recommendations made through NEFFSI have been acted on, and the six current chief agricultural officers continue to collaborate on regional-scale solutions to identified barriers. A NEFFSI convening of public, private and philanthropic partners led to seed funding for and the launch of Farm to Institution New England, a regional network now addressing institutional procurement barriers and opportunities. NEFFSI recommendations on meat processing led to a formal project exploring opportunities for processors to sell beef to institutional customers in the region. And the six New England agricultural officers have organized several listening sessions between officials from the U.S. Food and Drug Administration and regional producers over two proposed rules related to the Food Safety Modernization Act.²⁴

Example: Northeast Sustainable Agriculture Working Group

NESAWG, a partner in this report, is a 12-state network of organizations and individuals that seeks to build a more sustainable, healthy and equitable food system for the Northeastern United States.²⁵ NESAWG started in 1992 and is an unincorporated association; the network operates under a fiscal sponsorship arrangement with Just Food, Inc., a New York-based nonprofit organization. More than 400 organizations actively participate in the network, which works at local, state, regional and national levels to coordinate public policy advocacy, foster market-based innovation and educate the public about farm and food issues. NESAWG sponsors an annual conference that brings together food system professionals and advocates, local community food leaders, policymakers, planners, researchers, extension and other educators, farm groups and support organizations, food supply chain businesses, consumer groups, students and youth. It emphasizes and promotes regional approaches and solutions to food system problems. NESAWG also sponsors research, educational publications and special projects. It hosts a Listserv and interactive website.

Example: Food Solutions New England

Established in 2006, Food Solutions New England (FSNE) is a “regional food systems learning-action network” dedicated to “transforming the New England food system into a resilient driver of healthy food, sustainable farming and fishing, food system equity and thriving communities.” FSNE is supported by the University of New Hampshire’s Sustainability Institute with assistance from private foundations. FSNE is organized around four activities: the New England Food Vision; New England state food system planning; annual regional Food Summits; and network development and communications. The New England Food Vision calls for building the capacity for the region to produce at least 50 percent of its food needs by 2060. The Vision is the work of a writing team of academic researchers and practitioners. It reflects three years of review and input from diverse stakeholders and will continue as a living document. FSNE-hosted annual regional summits and network development events contribute to shared learning, mutual awareness and dialogue across the diverse approaches to state food planning underway in the six New England states. FSNE is committed to promoting the design and facilitation of a regional network to advance the aspirations of the New England Food Vision and food system transformation through collaboration at the local, state and regional levels.

Example: Harvest New England

Harvest New England (HNE) is a marketing program jointly created in 1992 by New England’s state departments of agriculture. Its theme and message are: “Support New England’s farm economy. Buy local, buy New England!” The initial purpose of the program was to support the sale of New England-grown produce through supermarket channels. The program was subsequently opened to all New England food and agricultural products. Harvest New England fosters collaborative problem-solving at the regional level and sponsors a biennial regional conference and trade show. The program also coordinates workshops and meetings focused on regional issues of concern to farmers, such as regulations, food safety and agritourism.²⁶

Example: New England Extension Consortium

The New England Extension Consortium is a regional network of the six New England states’ cooperative extension systems. Its goals are to foster multistate collaboration and to strive for more effective and efficient use of the extension systems’ limited resources.²⁷ One of its recent projects is the New England Extension Food

Safety Consortium, a network of food safety and nutrition specialists and educators, as well as food science faculty representing the six New England land-grant universities. The food safety consortium creates educational programs and online resources related to food safety. The six New England extension programs also sponsor the annual New England Vegetable and Fruit Conference, a three-day winter meeting to promote collaboration and resource-sharing among the extension programs and the region’s vegetable and fruit growers.²⁸

OTHER INITIATIVES

Numerous other examples of multistate food system initiatives demonstrate the potential for impact. Recent examples include Farm to Institution New England (funded by the John Merck Fund and others); Northeast Ag Works! (funded by the W.K. Kellogg Foundation); Enhancing Food Security in the Northeast with Regional Food Systems (funded by the USDA’s Agriculture and Food Research Initiative); the Land Access Project (funded by the USDA’s Beginning Farmer and Rancher Development Program); and the New England Food System Policy Project of which this report is a part (supported by the Henry P. Kendall Foundation).

6.3 STATE FOOD CHARTERS, PLANS AND POLICY COUNCILS

As discussed above, regional frameworks inherently involve multiple states. Food system planning and policy efforts within states are potential contributing platforms for regional food system coordination or collaboration. These state-based efforts take diverse forms, including state food charters, plans and policy councils. In some cases, state food policy councils are charged with developing or implementing state plans, among other responsibilities or functions. In other cases, food system planning is being conducted outside of state government. Each of the six New England states has embarked on food planning efforts.²⁹

In general, charters, plans and councils have not been undertaken on a multistate or regional scale. A notable exception is the plan prepared by the Delaware Valley Regional Planning Commission. Greater Philadelphia’s Food System Plan covers parts of Pennsylvania and New Jersey. Yet those working to develop state-based food

policy and planning structures are increasingly recognizing that success depends in part on the larger food system. From this perspective, strong state food charters and plans are potentially significant influences on regional food system planning coordination, and vice versa. Similarly, state food policy councils or similar planning entities can be powerful participants in any regional efforts or institutions. As an example, the New England Food Vision 2060, referenced above, assumes regional collaboration among the six states. It recognizes New England has diverse population and production capacity as well as sea-based resources. Ideally, regional planning will inform state plans, and state food planning will influence regional efforts.

STATE FOOD CHARTERS AND PLANS

The food charters and food plans described here share a common purpose. A food plan is largely synonymous with a food charter but may be more detailed and may imply or include more specific actions. In most cases, one or more organizations or entities are responsible for the charter or plan and may also sponsor events, research, a website or publications.

Typically developed through the joint effort of diverse food system stakeholders concerned with a specific state, geographic area or community, a food charter consists of a declaration of common visions, values and principles that should guide the jurisdiction's food policy. It does not have regulatory weight or the force of law. In recent years, food charters have been adopted in Michigan, Iowa, Oregon, West Virginia, the city of Los Angeles, the region around Durham, N.C., and in Canada.³⁰ In an unusual example of a food charter applicable to more than one state, organizations and institutions in Wisconsin and Minnesota together adopted a food charter for the food system of 15 counties along the western shore of Lake Superior.³¹ Stakeholders in Rhode Island recently developed a farmer-driven statewide strategic plan to strengthen and diversify the state's agriculture sector.³²

Example: Vermont Farm to Plate

Vermont's 2010 Farm to Plate plan is a particularly robust 10-year statewide strategic food system plan. It was developed by the Vermont Sustainable Jobs Fund and the Vermont Sustainable Agriculture Council, a food policy advisory entity created in 1995.³³ In part, Farm to Plate is intended to guide and support Vermont's Farm to Plate Investment Program, which the Vermont legislature enacted in 2009.³⁴ A self-governing network of more than

200 organizations — including work groups, task forces and cross-cutting teams — that is coordinated by a steering committee and facilitated by the Vermont Sustainable Jobs Fund, Farm to Plate is focused on achieving the plan's 25 goals, which touch on all sectors of Vermont's food system.³⁵ A central product is the newly launched online Vermont Food Atlas, a comprehensive repository of food and agriculture resources in the state and an online destination to monitor the state's progress in achieving the plan's goals.³⁶

FOOD POLICY COUNCILS

A food policy council brings together stakeholders from across the food system to engage in food system planning efforts, research, education and, most significantly, food system policy development. Many food policy councils operate at the municipal level. They work to develop legislative, regulatory and nongovernmental solutions to strengthen state or local food systems, promote economic development in the food system and advance environmental stewardship and social justice. Often initiated by government through legislation or executive orders, statewide food policy councils may have an official mandate and obligations, as well as government members and formal relationships with administrative agencies and legislative bodies. Other food policy councils, especially at the county or local level, are independent of government but may include representatives from governmental entities.³⁷ Several are coordinated by a city employee.

According to the Harvard Food Law and Policy Clinic:

A food policy council provides a unique forum for diverse stakeholders to address the common concerns about food policies that arise in their city, county, or state, including topics such as food security, farm policy, food regulations, environmental impacts, health, and nutrition. Stakeholders include a range of people invested in the food system, such as farmers, city and state officials, non-profit organizations, chefs, food distributors, food justice advocates, educators, health professionals, and concerned citizens. With the lack of government agencies (at any level) devoted to the sole task of regulating and improving food policy, food policy councils have emerged as innovative and much-needed mechanisms to identify and advocate for food system change.³⁸

As of 2012, there were 193 state and local food policy councils around the country, nearly twice as many as there were in 2010.³⁹ There are no multi-state food policy councils.

Example: Connecticut Food Policy Council

Created by the Connecticut legislature in 1997, the Connecticut Food Policy Council consists of six stakeholders from various sectors of the food system that are nominated by elected officials.⁴⁰ By statute, the council is charged with the development, coordination and implementation of a food system policy, as well as active participation in legislative and regulatory policy activities affecting the food system.⁴¹ Since its enactment the council has been at the center of several important food system projects across the state.⁴²

Other entities and programs with regional focus deserve mention, for example the Northeast-Midwest Institute, and various regional rural and urban policy institutes. Federal agencies have regional divisions, USDA's Sustainable Agriculture Research and Education Program in the Northeast and EPA Region I, for example. There are also regional chapters of NGO associations and professional organizations such as the Northeast Regional Anti-Hunger Network, which holds regular conferences.

Action

As the above catalogue reveals, there are several mechanisms for states to work together toward common goals. There is no one best model for interstate cooperation. The most appropriate model depends entirely on the problem or goal that stakeholders wish to address. The challenge — and opportunity — is to match the model to the problem. This requires a solid analysis of the problem and the regional strategies, if any, that best address it. It also requires strong network connections and relationships that promote trust and collaborative action.

Indeed, regional cooperation is fraught with challenges. These include existing state-focused mandates, cultural parochialism, bureaucratic constraints, real and perceived competition, and inadequate resources. The takeaway is that there is a choice of devices to bring states together to solve problems and achieve shared goals. This is far more likely to happen in networks with shared values and visions.

More prescriptive approaches are only possible with deep political will among diverse stakeholders to bring the chosen model to fruition and committed resources to sustain it for whatever time is needed. With other approaches, it may be sufficient to rely on voluntary coordination and collaboration or to build on the momentum

and consensus reflected in existing initiatives to achieve new goals. For instance, an interstate compact may not be needed to develop a multistate farm and food marketing campaign. A task force may not be sufficient to address issues such as regional milk pricing or interstate harmonizing of state meat inspection programs, though it may be an appropriate first step. Some, but not all, models require a substantial investment of time, energy and resources.

In the spirit of furthering dialogue to address regional food system issues, the following discussion describes one idea for an overarching regional approach. In addition, we present several specific policy and institutional areas for additional regional collaboration that were suggested by stakeholders engaged as part of this research.

REGIONAL FOOD SYSTEM PLANNING ENTITY

A regional entity comprising representation from New England states could set an agenda for states to work together on food system issues. It could build regional consensus around a sustainable food system vision such as, for example, the New England Food Vision 2060. The initial mandate of the entity would be to develop a process for multistate cooperation. It could be organized using one of the models discussed above, such as a regional food policy council or an ad hoc task force. The body could lead the development and implementation of a strategic regional plan to achieve jointly identified goals. Such an entity could be initiated by formal government action or as an evolution or outgrowth of the Vision and efforts of the New England Farm and Food Security Initiative or Food Solutions New England.

The group could be charged with producing a strategy similar to the charter or food plan models described above, or developing an MOU to facilitate shared and cooperative actions. With a clearly defined mission or mandate, the entity would provide a forum for identification of market-based and regulatory solutions and for regional coordination of public policies to seize those opportunities. If the initiative aimed at identifiable and immediate economic benefits for farmers, supply chain actors and citizens, while promoting food equity, a regional initiative to strengthen food systems could generate a high level of participating state commitment and stakeholder enthusiasm.

As an advisory institution, a regional body would need strong, broad-based support from governmental, industry and public stakeholders as well as adequate financial

resources and staff support to facilitate its work. Achieving meaningful policy changes likely will require an entity with some institutional underpinning and longevity. The daunting task of translating visions and plans into state legislation and rulemakings that garner political support would be the principal challenge for this group. In a more modest approach, the entity could be charged with establishing an inclusive process to derive a shared set of food system principles and guidelines for the multistate region.

As part of any regional planning process, a regional food planning body might focus on evaluating the appropriate regional tools and methods, such as those discussed in this report, for addressing specific food policy or institutional challenges where stakeholders identify a need for greater regional coordination. It is possible that the functions of a regional food-system-planning group could be split among several networks or institutions, although disaggregation could diminish the effort's overall impact.

AREAS FOR GREATER REGIONAL COORDINATION AND COLLABORATION

Interviews with food system stakeholders during the first half of 2013, various breakout discussions at the Food Solutions New England 2013 Food Summit, and the research informing this report identified a number of policy and institutional areas as potentially promising for greater regional coordination.⁴³ These areas merit additional exploration as future focuses of regional initiatives, potentially including one or more of the regional frameworks identified in this section.

Farm Bill: A frequent refrain of stakeholders is the need to strengthen New England's voice in establishing and implementing the provisions of the federal farm bill through regionally based coordination and advocacy.⁴⁴

Federal Food Safety Modernization Act: Implementation of the new requirements of the federal Food Safety Modernization Act is a clear potential focus for regional coordination, information-sharing and advocacy at the federal level for needed regulatory changes, as well as evaluation of the impacts of FSMA implementation across states.⁴⁵

Cooperative Extension Programs: Stakeholders identified a need for further efforts to promote regional resource-sharing, coordination and communication

among the states' cooperative extension programs, above and beyond the New England Extension Consortium.⁴⁶

Food System Workforce Coordination: Stakeholders addressing fair labor and workforce development in the food system suggested a regional repository of model state policies and legislation, coordination of university and other training programs, and educational and licensing reciprocity agreements among the New England states.⁴⁷

Institutional Procurement: Stakeholders pointed to regional branding of food products as a strategy that could expand opportunities for institutional procurement of New England-grown foods.⁴⁸

Meat Processing: Stakeholders discussed meat processing and related federal and state regulatory requirements as a potential area for regional agreements, regulatory harmonization and better coordination to improve market opportunities and slaughterhouse capacity.⁴⁹

Federal Programs and Funding: A potential focus of regional coordination is the use of federal programs and funds, including those for ecosystem services, so that underused resources could be shifted to other states in the region where demand and program use are higher.⁵⁰ Likewise, in those cases where a large number of New England farms fail to qualify for certain federal programs or funding, the states could explore regionally oriented approaches and consider pooling financial resources to provide similar grants and incentives to a broader group of New England farms.

Assessment of Regional Branding: Stakeholders noted that the proper role of regional branding efforts is an important and evolving issue, suggesting that such efforts may require additional focus, clearer standards and ongoing monitoring and assessment to ensure that these efforts provide value and contribute to successful marketing.⁵¹

Soil Contamination Issues: Given divergent state regulatory approaches, urban agriculture efforts throughout New England could benefit from a common set of regional best practices for due diligence, environmental liability protection and soil remediation where urban land or brownfields are being converted to agricultural uses.

Regulatory Harmonization, Reciprocity and Cross-Pollination: There appear to be a number of promising areas where state laws and regulations could be better harmonized to facilitate regional markets, such as food safety and processing, and where best practices should be shared among states, including current-use taxation, access to state lands for farming, and water resources management.

Coordinated Research: It could prove beneficial to coordinate research topics of shared interest, including land access mechanisms, food transportation options, supply network options and the protection and restoration of water and marine ecosystems.

Greater Food Access, Justice and Equity: Rates of food insecurity have escalated throughout New England during the past 10 years. Many people of color and people living in poverty continue to have unequal access to healthy foods. Federal food programs are not keeping pace with demand. Purposefully addressing race and economic disparity among the structural causes of food system inequities should be a cornerstone of a regional food system vision.

ENDNOTES

- ¹ See, e.g., Kate Clancy & Kathryn Ruhf, *Is Local Enough? Some Arguments for Regional Food Systems*, Choices Mag, 1st quarter 2010, http://www.choicesmagazine.org/magazine/pdf/article_114.pdf; Margaret Sova McCabe & Joanne Burke, *The New England Food System in 2060: Envisioning Tomorrow's Policy Through Today's Assessments*, 65 Maine L. Rev. 549, 556-60 (2013). See also the discussion below of stakeholder suggestions of areas for improved regional collaboration.
- ² Interview with Brian Dabson (Mar. 14, 2013).
- ³ U.S. Const. art. I, § 10, cl. 3 (“No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State.”). The Supreme Court has held that only compacts that affect the balance of state and federal power or otherwise intrude into areas of federal supremacy require Congressional consent. See, e.g., *U.S. Steel Corp. v. Multistate Tax Comm’n*, 434 U.S. 452, 471 (1978).
- ⁴ The Council of State Governments administers NCIC as a clearinghouse for information and technical assistance for states considering and developing interstate compacts. NCIC has published resource guides addressing the legal aspects of, and best practices for, compact development. See, e.g., *Best Practices for Compact Development*, Nat’l Ctr. for Interstate Compacts (May 2011), http://knowledgecenter.csg.org/kc/system/files/Compact_Development_0.pdf.
- ⁵ *Compacts Fact Sheet*, Nat’l Ctr. for Interstate Compacts, <http://www.csg.org/knowledgecenter/docs/ncic/FactSheet.pdf> (last visited Nov. 13, 2013).
- ⁶ Atlantic States Marine Fisheries Compact, Pub. L. No. 77-539, 56 Stat. 267 (1942). See 16 U.S.C. § 5102(3).
- ⁷ *Bay State-Ocean State Compact*, Council of State Gov’t’s, <http://apps.csg.org/ncic/PDF/Bay%20State-Ocean%20State%20Compact.pdf> (last visited Nov. 13, 2013).
- ⁸ Jasper Womach, *Agriculture: A Glossary of Terms, Programs, and Laws* CRS-186, Cong. Research Serv. No 97-905, (2005), available at <http://www.cnie.org/NLE/CRSreports/05jun/97-905.pdf>; see also *N.Y. State Dairy Foods, Inc. v. Northeast Dairy Compact Comm’n*, 198 F.3d 1 (1st Cir. 1999) (upholding compact against constitutional challenges); cf. *West Lynn Creamery v. Healy*, 512 U.S. 86 (1994) (striking down state milk pricing order).
- ⁹ E.g., Interview with Lorraine Merrill, Commissioner, N.H. Dep’t of Agric., Markets & Food (Feb. 18, 2013); Interview with Rob Johnson, N.H. Farm Bureau (Feb. 20, 2013); New England Food Summit, Processing, Slaughter, Aggregation & Distribution Breakout Session (Jun. 13, 2013); Womach, *supra* note 8, at CRS-240. A similar compact, the Southern Dairy Compact, failed to gain traction. Enacted by 13 Southern states between 1997 and 2001, the compact has not been approved by Congress.
- ¹⁰ This is especially common in the stewardship of common environmental and natural resources. See *An Overview of the Structure and Governance of Environment and Natural Resource Compacts* 4, U.S. Gov’t Accountability Office GAO-07-0519 (2007), available at <http://www.gao.gov/new.items/d07519.pdf>.
- ¹¹ See *Memorandum of Understanding*, Regional Greenhouse Gas Initiative, http://www.rggi.org/docs/mou_final_12_20_05.pdf, (last updated Dec. 12, 2005).
- ¹² *Auction Results*, Regional Greenhouse Gas Initiative, http://www.rggi.org/market/co2_auctions/results (last visited Nov. 13, 2013).
- ¹³ Paul J. Hibbard et al., *The Economic Impacts of the Regional Greenhouse Gas Initiative on Ten Northeast and Mid-Atlantic States*, (Nov. 15, 2011), http://www.analysisgroup.com/uploadedFiles/Publishing/Articles/Economic_Impact_RGGI_Report.pdf.
- ¹⁴ Some commentators have questioned RGGI’s constitutional validity under the Compact and Commerce Clauses. See, e.g., Steven Ferrey, *Goblets of Fire: Potential Constitutional Impediments to the Regulation of Global Warming*, 35 Ecology L.Q. 835, 883, 900-2 (2008).
- ¹⁵ *Transportation and Climate Initiative of the Northeast and Mid-Atlantic States Declaration of Intent*, Georgetown Climate Center, <http://www.georgetownclimate.org/sites/default/files/TCI-declaration.pdf> (last visited Nov. 13, 2013).
- ¹⁶ *Transportation and Climate Initiative of the Northeast and Mid-Atlantic States: Building the Clean Energy Economy and Reducing Greenhouse Gas and Emissions in the Northeast*, Georgetown Climate Ctr., <http://www.georgetownclimate.org/sites/default/files/TCI%20brochure.pdf>, (last visited Nov. 13, 2013).
- ¹⁷ *TCI Jurisdictions Move Forward With Sustainable Communities Activities*, Georgetown Climate Ctr., (June 8, 2011), <http://www.georgetownclimate.org/tci-jurisdictions-move-forward-with-sustainable-communities-activities>.
- ¹⁸ *Northeast States Succeed in Reducing Mercury in the Environment*, New England Interstate Water Pollution Control Comm’n, Northeast States for Coordinated Air Use Mgmt., and Northeast Waste Mgmt. Officials’ Ass’n, (Sept. 2007), <http://www.nescaum.org/documents/northeast-states-succeed-in-reducing-mercury-in-the-environment/final-mercury-success-story-summary.pdf/>.
- ¹⁹ Unlike the other New England states’ RPS laws, Vermont’s program establishes portfolio goals to incentivize new renewable development in the state but is not legally binding on utilities. See *Vermont’s Renewable Energy Programs: Speed Program*, VermontSPEED, <http://vermontspeed.com/> (last visited Nov. 13, 2013).
- ²⁰ *About CONEG*, Coal. of Northeastern Governors, <http://www.coneg.org/about/> (last updated Aug. 29, 2012).

- ²¹ Nat'l Ass'n of State Dep't of Agric., <http://www.nasda.org/About.aspx> (last visited Nov. 13, 2013).
- ²² New England States Animal Agricultural Security Alliance, Charter, 1 (July 21, 2010), http://newenglandmsproject.weebly.com/uploads/1/2/7/3/12737832/nesaasa_charter_agreement_signed_7-21-10.pdf.
- ²³ *Report of the Blue Ribbon Commission on Land Conservation*, New England Governors' Conference (Sept. 2009), http://action.farmland.org/site/DocServer/NEGC_CLC_Report_9.09.pdf?docID=2201.
- ²⁴ *Id.*
- ²⁵ Northeast Sustainable Agric. Working Grp., <http://www.nefood.org/page/nesawg> (last visited Nov. 13, 2013).
- ²⁶ Interview with Mary Jordan, Harvest New England (July 8, 2013).
- ²⁷ *About the New England Food Safety Extension Consortium*, New England Food Entrepreneurs, <http://extension.unh.edu/nefe/about.html> (last visited Nov. 13, 2013).
- ²⁸ *About the Conference*, New England Vegetable and Fruit Conference 2013, http://www.newenglandvfc.org/about_the_conference.html (last visited Nov. 13, 2013).
- ²⁹ McCabe & Burke, *supra* note 1, at 560-70.
- ³⁰ *E.g.*, *Michigan Good Food Charter*, Michigan Good Food (June 2010), <http://www.michiganfood.org/assets/goodfood/docs/MI%20Good%20Food%20Charter%20Final.pdf>; *Los Angeles Food Policy Council Objectives*, Los Angeles Good Food, <http://goodfoodia.org/objectives/good-food-for-all-goals/> (last visited Nov. 13, 2013).
- ³¹ *Lake Superior Good Food Charter*, Lake Superior Good Food Network, <http://www.goodfoodnetwork.org/goodfoodcharter.html> (last visited Nov. 13, 2013).
- ³² *A Vision for Rhode Island Agriculture - Five-Year Strategic Plan*, R. I. Agric. Partnership, (May 2011), http://students.cs.uri.edu/~rhodyag/docs/RI_agriculture_5yr_strategicplan.pdf.
- ³³ *Farm to Plate Strategic Plan*, Vt. Sustainable Jobs Fund [hereinafter Vt. Sustainable Jobs Fund], <http://www.vsjf.org/project-details/5/farm-to-plate-initiative> (last visited Nov. 13, 2013); *Farm to Plate Strategic Plan*, Vt. Food System Atlas, <http://www.vtfoodatlas.com/plan/> (last visited Nov. 13, 2013).
- ³⁴ *Farm to Plate Strategic Plan*, *supra* note 33.
- ³⁵ *Farm to Plate Investment Program*, Vt. Food System Atlas, http://www.vtfoodatlas.com/uploads/F2P%20Annual%20Report_January%202013.pdf (last visited Nov. 13, 2013).
- ³⁶ *Farm to Plate Strategic Plan*, *supra* note 33.
- ³⁷ Alethea Harper et al. *Food Policy Councils: Lessons Learned*, Inst. for Food & Dev. Policy, <http://www.foodfirst.org/en/foodpolicycouncils-lessons> (last updated Dec. 16, 2009).
- ³⁸ *Good Laws, Good Food: Putting State Food Policy to Work for our Communities* 1, Harvard Food Law and Policy Clinic, (Nov. 2012), <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2012/12/FINAL-full-state-toolkit.pdf>.
- ³⁹ *Id.*
- ⁴⁰ Conn. Gen. Stat. § 22-456.
- ⁴¹ *Id.*
- ⁴² McCabe & Burke, *supra* note 1, at 563-64.
- ⁴³ *2013 Summit*, Food Solutions New England <http://www.foodsolutionsne.org/2013-summit> (last visited Nov. 13, 2013).
- ⁴⁴ *E.g.*, Interview with Emily Broad Lieb, Harvard Food Law and Policy Clinic (May 17, 2013).
- ⁴⁵ *Id.*; see also "What Else is Needed" in the Food Safety, Processing, Aggregation, and Distribution section of this report.
- ⁴⁶ New England Food Summit, Food Production Policy Breakout Session (Jun. 13, 2013).
- ⁴⁷ New England Food Summit, Labor and Workforce Development Breakout Session (Jun. 13, 2013).
- ⁴⁸ New England Food Summit, Growing Market Demand Breakout Session (Jun. 13, 2013).
- ⁴⁹ New England Food Summit, Processing, Slaughter, Aggregation & Distribution Breakout Session (Jun. 13, 2013).
- ⁵⁰ Interview with Emily Broad Lieb, Harvard Food Law and Policy Clinic (May 17, 2013).
- ⁵¹ *E.g.*, Interview with Phil Korman, Community Involved in Sustaining Agriculture (July 11, 2013); interview with Michael Botelho, Commonwealth Quality Program Coordinator, Mass. Dep't of Agric. Resources (July 9, 2013); interview with Mary Jordan, Harvest New England (July 8, 2013).



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