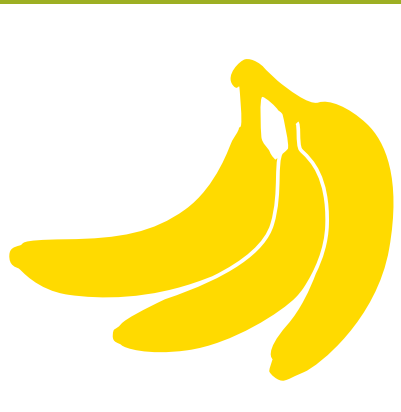
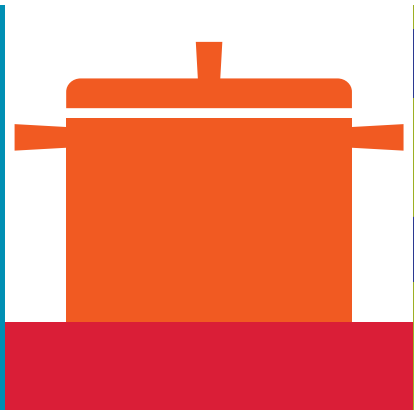
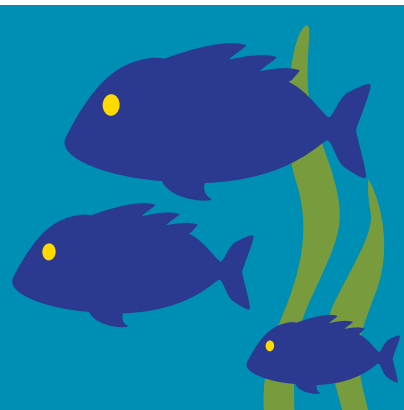




Legal & Policy Strategies for Health Care & Food System Partners

Supporting Local Food Production & Retail



Contents

4-3	Overview
4-4	Why invest in the local food system?
4-5	Local gardens & agriculture
4-5	Legal considerations
4-6	Policy considerations
4-8	Healthy retail
4-8	Legal considerations
4-9	Policy considerations
4-11	Key resources
4-11	Local agriculture
4-12	Healthy retail
4-13	References

This publication is the fourth part of [**Legal & Policy Strategies for Health Care & Food System Partners**](#), a guide for health systems, local governments, and community organizations working at the intersection of health equity, health care, and food systems. Please see the first part of the guide for introductory material, including partnership roles and key terms in addition to background on the values of a just food system and the fundamental drivers of health inequity. See the second and third parts for guidance on other food system interventions.

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Overview

Supporting healthy local food production and retail can contribute to community health by increasing access to nutritious foods; bolstering the local economy and encouraging reinvestment; enhancing local food culture and social cohesion; and reducing environmental harms associated with reliance on distant, large-scale operations. In addition to on-site options for supporting local food production, local entities can promote gardens and other forms of local food production in the surrounding community. The strain on local economies and food systems resulting from the COVID-19 pandemic magnifies the importance of local wealth protection, job creation, and development of diversified supply chains as elements of strategies to address the short-term needs and long-term resilience of communities.

Supporting Local Food Production & Retail discusses two types of just food system interventions that are appropriate for cross-sector partnerships between health care providers, local governments, and community-based organizations and also provides links to examples, resources, and relevant research. We discuss (1) local gardens and agriculture and (2) healthy food retail.

For each of the interventions, we include two lists of considerations for partners to discuss and address: legal considerations and policy considerations. *Legal considerations* are concrete legal questions or challenges that can arise when partners work to implement a particular intervention. Legal considerations may be related to federal, state, or local laws and regulations that require certain actions. *Policy considerations*, on the other hand, are legislative or organizational policy changes that partners can advocate for in order to support community uptake of an intervention; promote a healthier, more sustainable food system; and improve health outcomes. These considerations come into play when the success rate for a specific intervention could be improved (or its challenges could be reduced) by a systemic policy change. The policy considerations are organized by level of impact (individual, institutional, and community). Finally, we highlight policy considerations that address equitable outcomes and mitigate unintended negative consequences of food system interventions.

We have compiled additional resources pertaining to each type of food system intervention in the [Key resources](#) section.



Why invest in the local food system?

Increasing local healthy food production and retail opportunities can make it easier for residents to enjoy the physical and mental health effects of healthy eating. Robust local food systems can also bring economic, social, and environmental benefits to a community and its residents. Economic benefits can include strong businesses,^{1,2} higher rates of employment and worker satisfaction,³⁻⁸ and wealth retention and local reinvestment, keeping food dollars – from consumer spending to wages to business tax revenues – in the community.^{3,4,8-10} The economic harms from unhealthy food systems might be less visible and might include, for example, local businesses controlled by large industry interests or contracts (wealth funneling from local businesses or residents),¹¹⁻¹³ worker dissatisfaction and reduced productivity,¹⁴⁻¹⁸ and community costs of managing health, social, and environmental harms. These harms unfairly burden local small business owners, agricultural and restaurant workers, and people who live in areas of disinvestment, who are often people with low income and people of color.¹⁹⁻²²

Social benefits from just food systems can include cultural connections – and celebration of diversity – that come from preparing culturally responsive, healthy food and eating together.²³⁻²⁵ Components of just food systems can also offer collaborative opportunities for multi-generational education. For example, community gardens provide spaces for community members to share knowledge related to growing and preparing healthy foods, while farmers markets also create community space where people can come together to learn about shopping for and preparing healthy foods.²⁶⁻²⁹ Food systems can improve community safety,³⁰ foster community connectedness, and reduce isolation through farmers markets, local gardens and agriculture, and retail stores that contribute to the well-being of nearby residents.^{26-29,31-33} Culturally significant foods and traditional food-related practices can nurture food sovereignty for local groups who have been disenfranchised by the existing food system – for example, Native American communities or other communities of color.³⁴⁻³⁸

Just food systems can also prevent, reduce, or mitigate environmental harms and how they are distributed in communities. Environmental harms from food production, processing, and transportation may include polluted air³⁹⁻⁴⁴ and land³⁹⁻⁴⁸ (e.g., from unchecked use of certain pesticides; other particulates resulting from food processing or treatment; or transportation-related chemicals) and polluted water^{41,49-52} (e.g., from dumping, runoff, unchecked depletion of a resource or nutrients, or diversion from other priority uses like safe drinking water access or sanitation); as well as increased risks related to climate change, fire, landslides, or other natural disasters. Furthermore, many environmental harms are more likely to affect people with low incomes, from Native American communities, or from other communities of color.

Local gardens & agriculture

Local stakeholders can host or otherwise take part in local gardening and small-scale agriculture initiatives, contributing directly to local food access and other economic, social, and environmental health benefits. Some stakeholders can create on-site gardens in available spaces like lawns or rooftops on government property or at health care facilities, schools, churches, parks, or vacant lots. Other organizations can partner with nearby stakeholders or farmers to sponsor gardens or other forms of local agriculture. Policy changes can facilitate opportunities for local growers to contribute to a healthier food system.

For more information, see [Local agriculture](#) in the **Key resources** section.

Legal considerations

- **Land use and zoning.** Partners can ensure that the space planned for food growing or production is compatible with local land use and zoning requirements – i.e., that the property is zoned for growing and any permits, licenses, waivers, or authorizations have been obtained.⁵³ Regulations might specify the types of infrastructure that such activities may or must include (e.g., compost piles, water access, waste removal, parking, lighting, or structures such as greenhouses, hoop houses, or toolsheds).
- **Volunteers/staff and liability protections.** Partners should discuss volunteer and staff considerations, such as liability waivers, training, background checks, and allocations of risk and responsibility in the event that volunteers or staff are injured or otherwise harmed during their involvement in local agriculture.⁵⁴ Delineating insurance options (or requirements, in some cases) and mitigation strategies is helpful preparation for any risks. Note that partners often exercise flexibility in addressing these requirements, to ensure that the partnership doesn't lose access to valuable people and expertise.
- **On-site liability protections.** Partnerships that support local agriculture, especially community gardens, may provide opportunities for community members to connect and work together. Having members of the public on site for day-to-day use or during events creates some risk of accidents. Partners can plan how to allocate, mitigate, and provide insurance coverage for on-site risks in similar ways to how they plan for liability risks related to volunteers or staff.⁵⁵
- **Food safety and liability protections.** Depending on the end use of any food grown, even local growers may be required to comply with growing, handling, processing, storage, or distribution requirements and certifications – for example, guidelines related to soil quality or soil contamination or regimes such as Good Agricultural Practices⁵⁶ – in part to avoid liability for any risks of harm to food purchasers or consumers. Additional requirements may apply when serving people with allergies or those who require medically tailored meals. Specific liability protections apply

to donated foods (e.g., the Bill Emerson Good Samaritan Food Donation Act⁵⁷ and related state and local policies).^{58,59} Finally, health and safety considerations are especially important in light of COVID-19, and partners should align their practices with relevant state and local regulations.

- **Food sales.** When institutional support of local gardens and agriculture might lead to food sales – whether the food is used or purchased by the institution or sold in the community – legal considerations related to contracting and healthy food retail also come into play. (For more information, see the Institutional food service & sales section in **Modeling Healthy Institutional Purchasing & Sales**, the third part of this guide, and the [Healthy retail](#) section later in this document.)

Policy considerations

- **Community-level policies.** Policies can support local gardens and agriculture in many ways. The following list includes some broad approaches, as well as the policy mechanisms by which they can be implemented. Stakeholders can advocate for and help implement these policies in partnership with government agencies.
 - *Land use.* Through land use policies, zoning codes, and licensing or leasing practices, local governments can facilitate or incentivize community gardening and other local small-scale agriculture. They can authorize these activities on publicly owned vacant land (e.g., via “adopt a lot” programs), on school property, in park spaces, or via waivers or other permissions for private property owned by churches, hospitals, or local businesses. Communities can protect properties used for gardening purposes – and the food grown on them – by incorporating soil safety protocols and recommending or requiring best practices. Finally, local governments can authorize land banking by partnering with nonprofits to purchase tax-delinquent or abandoned properties and/or licensing, leasing, or selling them at an affordable rate for productive uses such as gardening.
 - *Utilities.* Communities can also facilitate gardening and small agricultural activities by subsidizing utility costs for those endeavors – for example, for water, electricity, or waste removal. Permits for fire hydrant use are another way to support gardens’ utility needs.
 - *Food use.* Local government policies can make it easier for small-scale food growers to find productive uses for their harvests – for example, by facilitating the safe sale of lightly processed foods through cottage food laws⁶⁰ or by broadening protections of donation activities to include gleaned produce.⁶¹



COMMUNITY EXAMPLES & CREATIVE SOLUTIONS

Local laws and policies that support productive gardens in unlikely places. In 2019, Proviso Partners for Health in Illinois – which comprises 33 stakeholders, including community-based organizations, houses of faith, government agencies, schools, universities, and health care partners – was looking for new ways to encourage productive local gardening ventures on commercial property in the town of Maywood. With research support from ChangeLab Solutions, the team reviewed local laws and policies from communities around the country as well as opportunities within Maywood’s own municipal code. They examined land use policies (implemented through zoning codes), permitting processes, land banking, and other methods of ensuring access to land for community members and community groups. With these options, Maywood set out to expand the amount of land that could be used to extend their existing community garden successes.⁶²

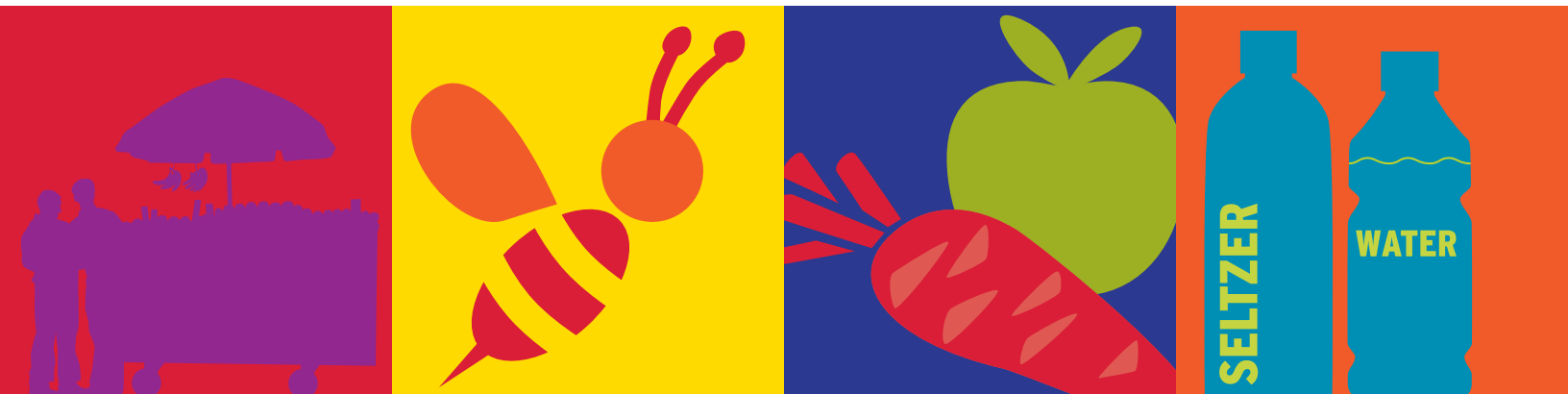


For more information about the team’s continued work on food justice, see the web pages for [Proviso Partners for Health](#) and Trinity Health’s [Transforming Communities Initiative](#).

Local agriculture options for a variety of (policy) landscapes. In 2017, partners in Harris County, Texas, including the Department of Public Health, were exploring strategies to promote urban agriculture and eliminate local legal and policy barriers to farming and gardening. However, one of the primary policy levers for doing this work is comprehensive zoning codes, which the two largest cities in the county didn’t have. With research assistance from ChangeLab Solutions, the team was able to evaluate options for policy landscapes with and without comprehensive zoning codes. For example, in areas without zoning provisions, local ordinances, deeds, tax and other financial incentives, leasing, and permitting processes can all be used to encourage local small-scale agriculture.



For more details on local policies that support urban agriculture, see [Moving Health Care Upstream’s 2017 Policy Learning Lab Compendium](#), pp. 458–461.



Healthy retail

Stakeholders can participate in efforts to improve healthy retail opportunities in their local communities. They can host healthy retailers at farmers markets and through mobile vending or produce carts. They can also directly support retail partners through funding, nutrition advising, and small business support or networking connections to facilitate any changes required in order to implement healthier options. Through local policy support, stakeholders can foster change at a broader level to encourage healthier retail practices throughout their community.

For more information, see [Healthy retail](#) in the **Key resources** section.

Legal considerations

- **Land use and zoning.** Partners can ensure that the space planned for farmers markets or mobile healthy food vendors is compatible with local land use and zoning requirements – i.e., that the property is zoned for such purposes and any permits, licenses, waivers, or authorizations have been obtained.
- **Volunteers/staff and liability protections.** Partners should discuss volunteer and staff considerations, such as liability waivers, training, background checks, and allocations of risk and responsibility in the event that volunteers or staff are injured or otherwise harmed while serving at the farmers market or mobile vending site. Delineating insurance options (or requirements, in some cases) and mitigation strategies is helpful preparation for any risks. Note that partners often exercise flexibility in addressing these requirements, to ensure that the partnership doesn't lose access to valuable people and expertise.
- **On-site liability protections.** Partnerships that support local healthy retail, especially farmers markets, may provide opportunities for community members to connect and work together. Having members of the public on site creates some risk of accidents. Partners can plan how to allocate, mitigate, and provide insurance coverage for on-site risks in similar ways to how they plan for liability risks related to volunteers or staff.
- **Food safety and liability protections.** Vendors at farmers markets may be required to comply with growing, handling, processing, storage, or distribution requirements and certifications – for example, guidelines related to soil quality or soil contamination or regimes such as Good Agricultural Practices⁵⁶ – in part to avoid liability for any risks of harm to food purchasers or consumers. Markets and mobile vendors may also be subject to environmental and food safety laws and regulations to limit risks to consumers from food-borne illnesses, fire, and animals, for example. Additionally, health and safety considerations are especially important in light of COVID-19, and partners should align their practices with relevant state and local regulations.

- **Contracting.** Partnering with healthy retailers in farmers markets or mobile vending, similar to partnering on procurement, might require soliciting and drafting contracts with provisions that support healthy community and food system goals, such as nutritional standards for products or prioritization of healthy, equitable, and sustainable business practices. The risk/liability allocations that are intrinsic to contracting provide an opportunity for large institutions to shoulder potential costs of entering into business with new partners, especially small local businesses.

Policy considerations

- **Individual- and institutional-level policies.** Stakeholders can partner with retailers to support policies that increase the healthy retail options in their communities. Dietitians and other nutrition or wellness specialists can help retailers, institutions, and municipalities create nutrition standards or guidelines, implement policies and programs, and develop outreach and education efforts. Retailers can accept federal benefits like SNAP and WIC, and stock healthy options for beneficiaries to purchase. Large institutions can provide funding or advice to help small businesses reduce the risks involved in changing their stocking practices and business models as they shift to healthier offerings. Finally, institutions and retailers can explore their influence on the lives of their community members, not only through their products but also through health-promoting employment practices related to, for example, hiring equity, worker classifications and benefits, paying a living wage, worker safety, unemployment insurance, and paid leave options. Local businesses can also foster community health and contribute to social cohesion by serving as a hub of community activity – for example, by hosting events with local artisans, producers, or products. Check out this example of a [partnership between a health center and a local grocery store](#).
- **Community-level policies.** Local jurisdictions can adopt policies that allow streamlined licensing for farm stands, farmers markets, healthy mobile vendors, and other healthy retailers. Cities and counties can also provide incentives for healthy retail via general plans, zoning ordinances, licensing practices, business or marketing support, or even certification programs. Localities can submit or support applications for healthy food financing initiatives. They can also limit siting of unhealthy retail near youth-oriented facilities or other sensitive areas – for instance, schools, libraries, or playgrounds. Here's a [model ordinance that creates healthy food zones](#). This model ordinance is directed at schools but can also be applied in other areas of a community, such as hospitals.



COMMUNITY EXAMPLES & CREATIVE SOLUTIONS

- **Financing healthy retail and working with retailers.** In 2017, two cross-sector partnerships, one in Georgia and one in Texas, focused on improving healthy retail options in underserved areas, knowing that it would take sustained investment and a menu of options for working with retailers. The teams wanted to understand the funding and financing options that could incentivize and support healthy retail in their communities, and with research assistance from ChangeLab Solutions, they discovered multiple funding opportunities directed at increasing both healthy food access and economic development. The often-overlapping federal initiatives in each of these areas highlight the value of funding (and implementing) healthy retail projects collaboratively, across sectors. The teams also gathered resources on various methods of promoting healthy retail – for example, (1) rewarding retailers who promote health in their businesses; (2) connecting retailers to other food system partners that offer healthy products; (3) requiring retailers to run healthier businesses through licensing; and (4) attracting healthier stores to underserved areas.



For more detail on financing and incentivizing healthy retail, see [Moving Health Care Upstream's 2017 Policy Learning Lab Compendium](#), pp. 175–181 and pp. 451–456.

- **Unpacking racial inequities and grocery access.** In 2018, the Atlanta Regional Collaborative for Health Improvement Assistance and its partners from public, private, and nonprofit organizations were developing a community assessment methodology to help them understand the distribution of grocery stores in DeKalb County, to further their goal of increasing healthy food access in underserved communities. With research assistance from ChangeLab Solutions, the team was able to map out a variety of data sources to help launch their assessment and inform their engagement with community members. Resources included sources of economic data, demographic data (including research connecting structural racism and healthy food access), and data collected by different government agencies.



For more details on this research, see [Moving Health Care Upstream's 2018 Policy Learning Lab Compendium](#), pp. 26–36.

Key resources

These resources are organized by topic in the order they appear in the preceding sections.

Local agriculture

- **[The Economics of Local Food Systems: A Toolkit to Guide Community Discussions, Assessments and Choices](#)** (from the [US Department of Agriculture's Agricultural Marketing Service](#)) provides a detailed set of modules for evaluating and improving local food systems.
- **[Building a Better Local Food System: A Toolkit to Take Action](#)** (from [Sustainable America](#)) is "a starter guide for fostering a stronger local food system," including "ideas for acquiring local food and supporting local farmers, tips for growing and sharing food" at a neighborhood scale, and "ways to make positive change for [local] food businesses and producers."
- **[Seeding the City: Land Use Policies to Promote Urban Agriculture](#)** (from [ChangeLab Solutions](#)) provides "a framework and model language for land use policies that local policymakers can tailor to promote and sustain urban agriculture in their communities."
- **[Dig, Eat, and Be Healthy: A Guide to Growing Food on Public Property](#)** (from [ChangeLab Solutions](#)) is full of tools to facilitate the use of public land for growing food. Also see the infographic [Digging In: Local Polices to Support Urban Agriculture](#), which shows how community gardens, urban farms, home gardens, and edible parks can promote civic participation, urban greening, and access to fresh and healthy food.
- **[Local and Sustainable Purchasing](#)** (from [Practice Greenhealth](#)) offers information on how hospitals can use their buying power to "shift the entire food system toward sustainability, without significant cost increases to total food service spending. . . . Practice Greenhealth offers resources for sourcing and purchasing every category of food and case studies of successful hospital purchasing practices, [aiming] to provide step-by-step resources that will make it simpler for any hospital to set sustainable procurement goals, then design, implement, and measure the success of these strategies."

Healthy retail

- **Healthier Food Retail: An Action Guide for Public Health Practitioners** (from the [US Centers for Disease Control and Prevention](#)) “provides guidance for public health practitioners on how to develop, implement, and partner on initiatives and activities around food retail to improve access, availability, and affordability of healthier foods and beverages.”
- **Healthy Retail: A Set of Tools for Policy & Partnership** (from [ChangeLab Solutions](#)) includes a playbook, conversation starters, and a collaboration workbook to help communities establish partnerships among advocates for healthy foods and beverages, tobacco use prevention, and excessive alcohol use prevention in order to promote healthy retail environments.
- The **Center for Healthy Food Access** (from [The Food Trust](#) and the [Robert Wood Johnson Foundation](#)) is a national collaborative “serving as a catalyst to share learning and test groundbreaking ideas” for increasing access to nutritious, affordable food, including efforts to create “jobs and economic development by bringing grocery stores and other healthy food businesses to underserved areas,” to partner “with businesses to focus marketing efforts on healthier choices,” and to promote the [Healthy Food Access Portal](#) “so organizations and businesses can share successes with one another.” The portal includes the [Launch a Business](#) landing page, which offers information on starting a healthy food business, creating demand for healthy food in retail settings, examples of business models, and [financing opportunities](#).
- The **Farmers Market Legal Toolkit** (from the [Center for Agriculture & Food Systems](#)) “includes legal resources, best practice recommendations, and case studies for market leaders on selecting and enhancing business structures, accepting SNAP benefits, and managing common risks.”
- **From the Ground Up: Land Use Policies to Protect and Promote Farmers’ Markets** (from [ChangeLab Solutions](#)) provides “an overview of farmers’ market policy issues and community-tested best practices” as well as “a set of complementary model land use policies for comprehensive plans and zoning ordinances.”



TELL US YOUR STORIES!

At ChangeLab Solutions, we are interested in hearing from you as you navigate your partnerships. We’d like to learn how to address questions that have come up in your partnership work and are interested in tracking new ideas, nuances, and stories we haven’t addressed in this guide. Please don’t hesitate to [contact us](#).



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