



Family Farm
Action Alliance



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USHERING IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

Policy Recommendations to the 117th Congress

Based on the pivotal report, "The Food System: Concentration and Its Impacts," authored by Dr. Mary Hendrickson, Dr. Philip Howard, Emily Miller, and Dr. Douglas Constance

Photo Credit: Lance Cheung, USDA-NRCS

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ABOUT US

Family Farm Action Alliance is a thought leader, policy developer, and network builder for farmers and ranchers, food chain workers, consumers, organizations, and policymakers up and down the food supply chain. We are working to build a sustainable, inclusive economy in which everyone has the right to share in the prosperity they help build and that respects our land, natural resources, and neighbors around the world.



Family Farm Action Alliance is a tax-deductible charitable 501(c)(3) organization. Headquartered in Missouri, we formed as an affiliate organization of Family Farm Action, a political nonprofit 501(c)(4) organization. Together, our two organizations represent a seamless chain of action from research and policy development, to the adoption of the policy through legislative action by elected officials who support our vision.

BACKGROUND

In 2020, Family Farm Action Alliance's commissioned report, "The Food System: Concentration and Its Impacts," found that our agrifood system has continued the decades-long trend of rapidly increasing consolidation, leaving the means for feeding American families in the hands of a few corporate CEOs who dictate who gets to farm, what they farm, and who gets to eat.

The agrifood system is concentrated from local to global levels. A measure of concentration is the top four firm Concentration Ratio of a sector (CR4). When those four firms control 40% of the market (40% - CR4) or greater, it is considered to be under monopsonistic or monopolistic control, where abuses and price fixing are likely. Currently, multinational corporations have monopolistic control over many of the inputs farmers and ranchers need to raise crops and livestock, such as seeds (50% - CR4), farm equipment (45% - CR4), and agrochemicals (65% - CR4). The same corporations also control the markets farmers and ranchers sell to, like soybean processors (80% - CR4), beef processors (73% - CR4), and pork processors (67% - CR4).

Realistically, monopolistic markets result in farmers and ranchers forced to take prices instead of negotiating them at both the input and market stage of production, whether those prices are fair or not. This creates a bottleneck, where the corporate CEOs controlling the inputs and markets get big checks, and the only party making hard choices for the sake of profit is the farmer.

Multinational corporations justify their extreme price fixing and control by saying it is necessary to ensure people are fed. Yet despite surplus production, the condition of U.S. hunger and poverty is dire – especially in rural places. 15.8% of rural people live below the poverty line compared to 12.2% in metropolitan areas, and 15% face food insecurity compared to 11.8% respectively.¹ The only instances of persistent poverty (where at least 20% of people have been in poverty over 30 years) are in rural places.²

In the agrifood supply chain, immigrants and people of color are overrepresented in U.S. food chain worker demographics. In meatpacking, 44.4% of workers are Hispanic, and 25.2% are Black.³ Of all farm laborers, 64% are Hispanic.⁴ Of these groups, women disproportionately face extra risks associated with reproductive health,⁵ imbalanced bargaining power with their male counterparts, and sexual assault while working.⁶ Dangerous working conditions, low wages, and an almost non-existent social safety net traps all workers in imbalanced power and employment relationships.

If there is to be relief for millions of families facing the harrowing consequences of a failed food system, bold and comprehensive action is required of Congress.

¹ Food Research & Action Center. 2018. "Rural Hunger in America: Get the Facts." Available at <https://frac.org/wp-content/uploads/rural-hunger-in-america-get-the-facts.pdf>

² Tracey Farrigan. 2020. "Extreme Poverty Counties Found Solely in Rural Areas in 2018." Amber Waves. Available at <https://www.ers.usda.gov/amber-waves/2020/may/extreme-poverty-counties-found-solely-in-rural-areas-in-2018/>

³ Shawn Fremstad, Hye Jin Rho, & Hayley Brown. April 29, 2020. "Meatpacking Workers are a Diverse Group Who Need Better Protections." Center for Economic and Policy Research. Available at <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>

⁴ USDA-ERS. "Farm Labor." April 22, 2020. Available at <https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic>

⁵ Charlene Galarneau. 2013. "Farm Labor, Reproductive Justice: Migrant Women Farmworkers in the US." Health and Human Rights, Vol 15, No. 1. Available at <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/08/Galarneau-FINAL.pdf>

⁶ Ariel Ramchandani. "There's a Sexual-Harassment Epidemic on America's Farms." The Atlantic, January 29, 2018. Available at <https://www.theatlantic.com/business/archive/2018/01/agriculture-sexual-harassment/550109/>

Farmers, ranchers, workers, communities, consumers, and the environment have been suffering from corporate control of agriculture for decades. These harms are especially evident in the hollowing out of rural America. If the longstanding deterioration of market competition, economic opportunity, workers rights, environmental quality, and animal welfare wasn't enough, the stark demonstration of how flawed industrial agricultural models are in the wake of the COVID-19 inarguably demonstrates how brittle our food supply chain really is.

The issues in our agrifood system did not happen because of COVID-19; COVID-19 simply exposed the existing issues. Multinational corporate actors, who are largely responsible for those existing issues, are pushing independent farmers and ranchers off the land, wasting limited natural resources, disproportionately harming Black, Indigenous, and People of Color (BIPOC) farmers, workers, and at the end of the day, failing to feed hungry Americans.

While farmers, ranchers, food chain workers, marginalized BIPOC and rural communities have been speaking out against corporate consolidation in agriculture for decades, **COVID-19 has added millions of voices to the fight:**

- Those waiting in lines for food banks while farmers euthanize healthy livestock as hyper consolidated processing facilities shuttered their doors
- Those paying inflated prices for produce found on almost-bare grocery store shelves when they have been told that the efficiency of industrial agricultural models would make food cheaper and more accessible
- Those with children who suffer from diabetes, malnutrition, or both, and are unable to afford the healthy food they need

The brittle industrial, multinational corporate system of today is supported with billions of dollars in federal spending and market supporting policies. From inadequate antitrust enforcement, a “get big, or get out” farm sector mentality, and trapping farmers on a subsidized feed-meat complex treadmill – federal policy has allowed this detrimental system to persist.

As we work together immediately, and look to a transformative 2023 Farm Bill, policymakers, farmers, workers, and communities can shape policy and action⁷ that ushers in a better future for agriculture by addressing these six, key points of intervention outlined in “The Food System: Concentration and Its Impacts:”

1. Curb monopolistic tendencies in the agrifood system
2. Shine a racial lens on agrifood system power and consolidation
3. Prioritize resilience and redundancy instead of efficiency
4. Rethink core assumptions such as efficiency and property rights
5. Encourage the development of alternative production and consumption arrangements
6. Consider the benefits and consequences of what kinds of crops, livestock, and sectors in the agrifood system are subsidized

⁷ See Appendix A

1. CURBING GLOBALIZED CONCENTRATION

Multinational corporations have co-opted our agrifood system, subverting their primary goal – feeding people – and rather, using it as a means to gain profit and ultimately, power. We can begin to take control of our agrifood system with the right policy that prioritizes creating fair markets for everyone along the supply chain, allowing them to truly benefit from regenerative and resilient food systems. We must ensure the power to make decisions about the agrifood system lies in the hands of those who produce and consume food directly.

Fully Enforce Existing and Champion New Antitrust Law

- Increase funding, including for additional personnel, for full investigations and enforcement of the Packers and Stockyards Act of 1921. This would be a first, and obvious, step to curbing monopolistic behaviors in the agrifood system.
- Mandate United States Department of Agriculture (USDA) to initiate rulemaking to reinstate rules where the provisions in the 2010 Farmer Fair Practice Rules⁸ serve as the minimum threshold for farmer protections.

Create the Independent Farmer Protection Bureau

- The Independent Farmer Protection Bureau, modeled after the Consumer Financial Protection Bureau, would be housed within USDA to protect independent farmers and ranchers. It would serve as a watchdog for threats to competitive markets and multinational corporate capture of USDA research and program implementation.⁹

Halt Monopolistic Mergers and Acquisitions

- Halt any agribusiness merger or acquisition where annual net sales or total assets of \$160 million are exchanged, and would result in the acquisition of 15% or more of the entity's voting securities or assets of \$15 million as outlined in the Food and Agribusiness Merger Moratorium and Antitrust Review Act of 2019.¹⁰
- Establish a commission to examine the current state of agrifood concentration, its consequences, and recommend how to best change antitrust and other Federal laws to keep a fair and competitive marketplace for independent farmers, ranchers, processors, and their communities.¹¹

⁸ Federal Register. 2010 Farmer Fair Practice Rules. Vol. 75, No. 119. June 2010. Available at <https://www.govinfo.gov/content/pkg/FR-2010-06-22/pdf/2010-14875.pdf>

⁹ Zoe Willingham & Andy Green. 2019. "A Fair Deal for Farmers." Center for American Progress. Available at <https://www.americanprogress.org/issues/economy/reports/2019/05/07/469385/fair-deal-farmers/>

¹⁰ 116th Congress: Food and Agribusiness Merger Moratorium and Antitrust Review Act of 2019 (H.R.2933/S.1596) [hereinafter Food and Agribusiness Merger Moratorium and Antitrust Review Act]

¹¹ Food and Agribusiness Merger Moratorium and Antitrust Review Act

Setting Clear Concentration Limits and Non-Monopolistic Business Practices

- Bar acquisitions or mergers that would result in a single entity's control of greater than 25% of a market, or the market's CR4 to surpass the 40% threshold.
- Ban the use of employment non-compete agreements for non-leadership employees.
- Ban the use of exclusionary contracts.
- Tie antitrust to fair labor laws by enforcing antitrust penalties to corporations that deny workers a fair wage through market collusion.
- Mandate federal government procurement of food and farm products from non-monopolistic entities and independent farmers and ranchers.
- Allow individual complaints to be addressed, and antitrust enforcement be taken, in absence of proof of competitive harm to an entire industry. Further, make the use of significant business justifications for monopolistic practices that cause individual harm unlawful.¹²
- Enact the Agricultural Foreign Investment Disclosure Reform Act¹³ to strengthen oversight and recordkeeping of foreign investment in U.S. agricultural land.

Reform the Commodity Research and Promotion (Checkoff) Programs

- Adopt the Voluntary Checkoff Program Participation Act.¹⁴
- Enact the Opportunities for Fairness in Farming Act¹⁵ to stop farmer-paid government assessments from being used to promote abusive monopoly control of the agrifood system and create transparency in checkoff assessment spending.

¹² 116th Congress: Farm System Reform Act (H.R.6718/S.3221) [hereinafter Farm System Reform Act]

¹³ 116th Congress: Agricultural Foreign Investment Disclosure Reform Act (H.R.8522)

¹⁴ 116th Congress: Voluntary Checkoff Program Participation Act (H.R.5699/S.934)

¹⁵ 116th Congress: Opportunities for Fairness in Farming Act (H.R.5563/S.935)

2. ANTI-RACIST FOOD AND FARM POLICY

Historic discrimination and exploitation of BIPOC farmers, ranchers, and workers must be actively addressed and remedied. Policy must intentionally create equitable access for BIPOC folks to land and credit, market opportunities, safe working conditions, a seat at the policy development table, access to culturally relevant training and technical assistance, and just treatment by all Federal agencies.

Justice to Those Enduring Anti-Black Racism

- Enact the Justice for Black Farmers Act¹⁶ to begin to tackle systemic racism and discrimination in the agrifood system.
- Amend the Equal Credit Opportunity Act¹⁷ to allow and require USDA to collect and report demographic data on all Farm Service Administration (FSA) lending, including credit approvals and denials.
 - Demographic data is collected only on FSA direct loan programs, and thus annual targets for Socially Disadvantaged Farmer and Rancher (SDFR) lending is not set for FSA Guaranteed Loans.
- Appropriate 1890 college payments and 1890 cooperative extension funds¹⁸ to the same federal level as 1862 land grant college payments¹⁹ and cooperative extension funds,²⁰ and require states to meet the federal match.

Ensure Indigenous Farmers Can Prosper with an Ecosystem of Growth

- Allow all Native Community Development Financial Institutions (CDFIs) to pay back only the interest on a loan to all federal financiers, and reinvest the principal amount into Native Community Development. This will bar existing commercial credit extraction from Native CDFIs.
- Authorize the Consumer Financial Protection Bureau to investigate claims of discrimination by Farm Credit Service (FCS) institutions, and require FCS to meet SDFR lending goals.
- Appropriate the 1994 land grant college payments²¹ and endowment fund²² to the same federal level as 1862 land grant college payments²³ and cooperative extension funds,²⁴ and require states to meet the federal match.

¹⁶ 116th Congress: Justice for Black Farmers Act of 2020 (S.4929) [hereinafter Justice for Black Farmers Act]

¹⁷ 15 U.S.C §§ 1691-1691f

¹⁸ National Agricultural Research, Extension, and Teaching Policy Act of 1977. 7 U.S.C. § 3222-3222d

¹⁹ Smith-Lever Act of 1914. 7 U.S.C. § 341-343 [hereinafter Smith-Lever Act]

²⁰ Hatch Act of 1887. 7 U.S.C. § 361a-361i [hereinafter Hatch Act]

²¹ Equity in Educational Land-Grant Status Act of 1994 [Part C of title V of the Improving America's Schools Act of 1994]. 7 U.S.C. § 301 note

²² 1994 Institutions Endowment Fund authorized in the Equity in Education Land-Grant Act of 1994

²³ Smith-Lever Act

²⁴ Hatch Act

Create an Independent Civil Rights Oversight Board & Equity Commission²⁵

- The Board would review appealed decisions regarding racial discrimination made by the Office of Assistant Secretary of Civil Rights at USDA.
- An Equity Commission would review all programs within USDA to understand barriers based on race, gender, ethnicity, and LGBTQ+ identity.

Justice and Protection for Food Chain Workers

- Require the USDA-National Agricultural Statistics Service (NASS) Farm Labor Survey to report on employee work related injury, illness, and deaths.
- Create a federal fund with mandatory contribution by mega-food chain employers to place food chain workers who have left due to exploitative conditions to gain employment in an independent, non-monopolized entity in the same sector, including payments to current and former food chain workers who experienced adverse health and exploitative working conditions.
- Fully fund Occupational Safety and Health Administration (OSHA) Whistleblower Protection Programs and Investigations²⁶ to protect workers from employer retaliation.
- Enact the Safe Line Speeds in COVID-19 Act²⁷ to suspend existing, and deny new line speed waivers, and suspend the implementation of the New Swine Slaughter Inspection System.²⁸

Usher in the Next Generation of Farmers

- Enact the Black Farm Land Trust in the Justice for Black Farmers Act.²⁹
- Forgive student loan debt so farmers and aspiring farmers may pursue agriculture without the massive burden of debt.
- Change USDA lending authority to prequalify beginning farmers for FSA loans, and provide no interest loans to beginning BIPOC farmers and BIPOC-led cooperatives.
- Authorize funding to support the creation of racial equity, diversity, and inclusion priorities in 4-H and other federal agricultural discovery programs curriculum so young people are empowered to pursue a career in agriculture.

²⁵ Justice for Black Farmers Act

²⁶ U.S. Department of Labor - OSHA. Whistleblower Statutes Summary Chart. Available at <https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf>

²⁷ 116th Congress: Safe Line Speeds in COVID-19 Act (H.R. 7521/S. 4338)

²⁸ Federal Register. New Swine Slaughter Inspection System Final Rule. Vol. 84, No. 190. October 1, 2019. Available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20245.pdf>

²⁹ Justice for Black Farmers Act

3. PRIORITIZE RESILIENCE, NOT EFFICIENCY

The breakdown of our food supply chain during COVID-19 has shown us the need for resiliency in our food systems. Five decades of prioritizing efficiency over everything has created the inflexible agrifood supply chain of today where only a few large firms make decisions for everyone along the supply chain. Corporations profit from wiping out their market competition, and creating a few, huge processing operations that are in many instances less efficient. When one of those operations goes offline, there are no viable operations left to step in and step up. Policy to increase competition, independence, social justice, and success of many smaller entities will ensure a long-lasting, resilient agrifood system that can better stand the shocks of pandemics, climate change, and foreign relations disruptions.

Regenerative Lending Through Farm Service Agency (FSA) Programs

- Lengthen FSA operating loan terms from seven years to 20 years. Farmers and ranchers are discouraged from implementing long-term on-farm regenerative practices that yield long-term benefits due to short-termed credit cycles.
- Allow FSA farm ownership and conservation lines of credit to be transitioned to operating credit under the same term.
- Implement a path for transition from or combination of FSA Farm Loan Programs to other FSA loan programs such as marketing assistance and farm storage facility loans under an umbrella operating loan term.

Investing in Regenerative Practices through the Farm Credit Service

- Under congressional authority in the Farm Credit Act of 1971,³⁰ require a 10% set aside of FCS profits to be re-lent to promote environmentally sustainable agriculture, prioritizing BIPOC and women farmers.

Put Rural Communities Back on the Grid

- Develop and implement a national broadband connection plan that considers broadband a utility, and utilizes existing structures such as Rural Electric Cooperatives.
- Allow basic banking services (deposits, withdrawals, and bill payments) to be carried out through United State Postal Services offices to remedy financial service inaccessibility through physical bank branches or online banking in many rural communities.

³⁰ 12 U.S.C. §§ 2001-2279cc

4. REDEFINING THE STATUS QUO

Today's agrifood system is based on a false economic model that ignores and pushes the cost of externalities such as public health, environmental impacts, and community wellbeing onto taxpayers to subsidize them. For example, while industrial agriculture's runoff pollutes water and air, the very communities suffering from lack of economic opportunity are asked to foot the bill and clean it up. Everything from property rights, to feeding livestock, to rural development must be rethought in ways that acknowledge social and ecological consequences. Federal policy needs to go further, holding corporations accountable and actively creating the conditions that allow communities to reclaim their health, liberty, and economic opportunity.

Finding the "True Cost" of Agriculture

- Enact the Farm System Reform Act³¹ to place a moratorium on large Concentrated Animal Feed Operations.
- Create an independent commission to study and examine true and full costs of industrialized agriculture to include but not be limited to its externalized costs on the environment, healthcare, local economies, and property values.

Identify and Support Places of Persistent Poverty

- Implement the Clyburn 10/20/30 Formula³² throughout all federal funding and spending allocations, which would direct at least 10% of investment be made in persistent poverty communities (counties where 20% or more of the population lives below the poverty line for the last 30 years).

Change Herfindahl-Hirschman Index (HHI) Merger Guidelines

- Require the Federal Trade Commission (FTC) and Department of Justice (DOJ) to use regional HHI measurements, and deploy additional contextual measures when evaluating merger requests. Depending on the application of the HHI, it does not detect financial control across sectors, nor does it account for geographic monopolies, which is of concern with so few agrifood corporations operating in the U.S.
- Require FTC and DOJ to amend their merger and acquisition guidelines to reflect a review based on competition and end the use of the failed "efficiency rule" regarding consumer welfare standards.³³

³¹ Farm System Reform Act

³² Congressman James. E Clyburn. "10/20/30 Formula to Fight Persistent Poverty." Available at <https://clyburn.house.gov/10-20-30-amendment>

³³ Roger D. Blair & D. Daniel Sokol. 2012. "The Rule of Reason and the Goals of Antitrust: An Economic Approach." 78 Antitrust L.J. 471. Available at <http://scholarship.law.ufl.edu/facultypub/292>

5. SUPPORT LOCAL AND REGIONAL FOOD SYSTEMS

As we rein in the power held by industrial agricultural corporations, we must simultaneously build a support system for farmers, ranchers, workers, and communities creating an accessible avenue for diverse independent businesses to become a prosperous, integral part of the agrifood supply chain. Through food production and consumption arrangements that root producers and consumers in place, we can reduce society's dependence on dominant agrifood firms, and build a brighter, more resilient agrifood system.

Truth in Labeling

- Reinstatement mandatory Country of Origin Labeling of meat and meat products through USDA Food System Integrity Service (FSIS), defined as born, raised, and harvested in the U.S.³⁴
- Empower states to develop and implement cottage industry food programs through a 75% federal cost share. This would allow independent farmers and ranchers to meet consumer demand for sustainable food products, rather than deceptive greenwashed labels and products³⁵ from monopolized corporations.
- Mandate USDA to implement rules that raise animal welfare standards under the National Organic Program for meat, eggs, and dairy similar to those issued in 2017 Organic Livestock and Poultry Practice Rule.³⁶

Remove Regulatory Barriers and Support Small Meat Processing

- Enact provisions from the Strengthening Local Processing Act (SLPA)³⁷ that prioritize scale-appropriate and BIPOC owned meat processing support through operating grants, increase state meat inspection programs, and provide safety and technical assistance to small plant operators and employees.
- Increase federal cost share amount to support state adoption of the State Meat and Poultry Inspection to 65%, and the Cooperative Interstate Shipment program to 80% as outlined in the SLPA.^{38 39}
- Address the FSIS inspector shortage by creating local inspector qualifications so small-scale processors may rely on community based agricultural professionals such as veterinarians to conduct inspections.

Support Agriculture Production and Procurement that Directly Impacts Communities

- Increase appropriations to the USDA's Local Agricultural Marketing Program (LAMP), Healthy Food Financing Initiative (HFFI), and Gus Schumacher Nutrition Incentive Program (GusNIP).

³⁴ Farm System Reform Act

³⁵ "Complaint for Action to Stop False or Deceptive Advertising." November 23, 2020. Available at https://farmactionalliance.org/wp-content/uploads/2020/11/Cargill-FTC-SENT-11.23.2020-_compressed.pdf

³⁶ Federal Register. "National Organic Program Organic Livestock and Poultry Practices." Vol. 82, No. 12. January 19, 2017. Available at <https://www.govinfo.gov/content/pkg/FR-2017-01-19/pdf/2017-00888.pdf>

³⁷ 116th Congress: Strengthening Local Processing Act (SLPA) (H.R. 7868/S.XXX) [hereinafter Strengthening Local Processing Act]

³⁸ Strengthening Local Processing Act

³⁹ USDA-FSIS State Inspection Programs. Available at <https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/state-inspection-programs>

- Allow Farmers Market and Local Food Promotion Program (FMLFPP) grants to be more accessible to local food aggregation centers and hubs to compensate for monopoly controlled and unfair food retail markets.
- Establish tax incentives for individuals who invest in infrastructure for local and regional foods systems, included but not limited to food aggregation centers, shared farming and processing equipment, processing facilities, public marketplaces, and cooperative grocers.

Enable Schools and Other Institutions to Buy Fresh and Local

- Expand school food procurement geographic preference to include local processed food products, in addition to unprocessed foods.
- Allow federal institutions such as hospitals, military bases, and agency offices to procure processed and unprocessed foods with regional geographic preference in contract bidding.
- Require USDA food purchasing programs to prioritize regionally produced food and food products from independent farmers, ranchers, and processors.

Ownership and Aggregation Structures

- Transform land exchange through agricultural land trusts and easements that prioritize distributing farmland to BIPOC farmers.⁴⁰
- Provide oversight of the implementation of the order for USDA to examine the impacts of current land tenure disputes regarding heirs' property, fractured allotments, and colonias as directed in the 2018 Farm Bill.⁴¹
- Fully implement the program to allow operators on heirs' property to obtain a FSA farm number, as directed in the 2018 Farm Bill.⁴²
- Order ERS to study and make recommendations on federal cooperative ownership standards, to remedy the current state patchwork policies regarding cooperative establishment, ownership, public-private collaboration, and operation.

⁴⁰ Justice for Black Farmers Act

⁴¹ Agricultural Improvement Act of 2018: Sec. 12607. 7 U.S.C. § 2204i

⁴² Agricultural Improvement Act of 2018: Sec. 12615. 7 U.S.C. § 6622b

6. TRANSITION TO A JUST AND RESILIENT AGRIFOOD SYSTEM

As we transition to a brighter food system, we must not pull out the rug beneath farmers and ranchers stuck in the endless cycles of contracting and debt imposed by industrial agricultural interests. This requires a paradigm shift in our agricultural subsidy programs: intentionally moving towards crop, utility, and livestock subsidies that will feed U.S. citizens, instead of exhausting our soil and lining the pockets of corporations hungry for cheap commodities. A first step is to truly weigh the benefits and consequences of current subsidies. Shifting agricultural subsidies away from specific commodities to nutritious crops, practices, and programs will support farmers and ranchers in all sectors in a safe and just transition to a more prosperous agrifood system, economy, and environmental future.

Shift Subsidies to Food Production for Domestic Human Consumption

- Enact the FSRA.⁴³
- Order AMS to study and examine what crops, practices, and entities are subsidized in the agrifood system, how they are subsidized, how subsidies impact competition in markets, and how subsidies may be shifted to support diversified on-farm practices.
- Redirect federal support and subsidies to incentivize adoption of regenerative agricultural practices, and marketing food products to regional, independent markets.
- Prioritize Whole Farm Revenue Protection in federally supported crop insurance packages, and bolster outreach to insurance providers, so farmers and ranchers can diversify their farms with less financial risk.

Prioritize Climate Change and Agriculture

- Enact provisions outlined in the Agriculture Resilience Act.⁴⁴
- Bar agribusiness companies from implementing climate mitigation solutions if they are: 1) net polluters as defined by the Environmental Protection Agency (EPA), or 2) control over 25% of their respective market(s).

Invest in Sustainable Farming Research⁴⁵

- Increase mandatory funding to the Sustainable Agriculture Research and Education program.
- Amend the Agricultural Research, Extension, and Education Reform Act of 1998⁴⁶ to establish: 1) Long-Term Agroecological Research Network, and 2) regional hubs for risk adaptation and mitigation for climate change.
- Require all USDA administered research and outreach grants to prioritize long-term environmental and social benefits, and adverse impacts of the project.

⁴³ Farm System Reform Act

⁴⁴ 116th Congress: Agriculture Resilience Act (H.R. 5861) [hereinafter Agriculture Resilience Act]

⁴⁵ Agriculture Resilience Act

⁴⁶ U.S.C. Ch. 103

LEGISLATION AND PRIORITIES OF THE 116TH CONGRESS (2019-2020)



	SIX KEY POINTS OF INTERVENTION					
	Curbing Globalized Concentration	Anti-Racist Food and Farm Policy	Prioritize Resilience, Not Efficiency	Redefining the Status Quo	Support Local and Regional Food Systems	Transition to a Just and Resilient Agrifood System
Introduced in the 116th Congress						
Agricultural Foreign Investment Disclosure Reform Act (H.R.8522)	✓					
Farm System Reform Act (H.R.6718/S.3221)	✓		✓	✓	✓	✓
Agriculture Resilience Act (H.R.5861)			✓	✓	✓	✓
Food and Agribusiness Merger Moratorium (H.R.2933/S.1596)	✓			✓		
Justice for Black Farmers Act (S.4929)	✓	✓			✓	✓
Opportunities for Fairness in Farming Act (H.R.5563/S.935)	✓					
Safe Line Speeds in COVID Act of 2019 (H.R.7521/S.4338)		✓		✓		
Strengthening Local Processing Act (H.R.7868/S.5066)		✓			✓	
Voluntary Checkoff Program Participation Act (H.R.5699/S.934)	✓					
Passed in the 116th Congress						
COVID-19 Relief Package: Consolidated Appropriations Act, 2021		✓			✓	

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

1. Curbing Globalized Concentration



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Multinational corporations have co-opted our agrifood system, subverting their primary goal – feeding people – and rather, using it as a means to gain profit and ultimately, power. We can begin to take control of our agrifood system with the right policy that prioritizes creating fair markets for everyone along the supply chain, allowing them to truly benefit from regenerative and resilient food systems. We must ensure the power to make decisions about the agrifood system lies in the hands of those who produce and consume food directly.

SUPPORT EXISTING LEGISLATION

- ☐ Food and Agribusiness Merger Moratorium and Antitrust Review Act of 2019 - (116th: H.R. 2933/S.1596)
- ☐ Farm System Reform Act - (116th: H.R.6718/S.3221)
- ☐ Agricultural Foreign Investment Disclosure Reform Act - (116th: H.R.8522)
- ☐ Voluntary Checkoff Program Participation Act - (116th: H.R.5699/S.934)
- ☐ Opportunities for Fairness in Farming Act - (116th: H.R.5563/3.935)

URGE ADMINISTRATIVE ACTION

- ☐ Initiate rulemaking to reinstate rules where the provisions in the 2010 Farmer Fair Practice Rules serve as the minimum threshold for farmer protections. (USDA)
- ☐ Create the Independent Farmer Protection Bureau, modeled after the Consumer Financial Protection Bureau. It would serve as a watchdog for threats to competitive markets and multinational corporate capture of research and program implementation. (USDA)

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Increase funding, including for additional personnel, for full investigations and enforcement of the Packers and Stockyards Act of 1921. (Appropriations)
- ☐ Bar acquisitions or mergers that would result in a single entity's control of greater than 25% of a market, or the market's CR4 to surpass the 40% threshold.
- ☐ Ban the use of employment non-compete agreements for non-leadership employees.
- ☐ Ban the use of exclusionary contracts.
- ☐ Tie antitrust to fair labor laws by enforcing antitrust penalties to corporations that deny workers a fair wage through market collusion.
- ☐ Mandate federal government procurement of farm and food products from non-monopolistic entities and independent farmers and ranchers.

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

2. Anti-Racist Food and Farm Policy



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Historic discrimination and exploitation of BIPOC farmers, ranchers, and workers must be actively addressed and remedied. Policy must intentionally create equitable access for BIPOC folks to land and credit, market opportunities, safe working conditions, a seat at the policy development table, access to culturally relevant training and technical assistance, and just treatment by all Federal agencies.

SUPPORT EXISTING LEGISLATION

- ☐ Justice for Black Farmers Act of 2020 - (116th: S.4929)
- ☐ Safe Line Speeds in COVID-19 Act - (116th: H.R.7521/S.4338)
- ☐ Appropriate 1890 college payments, 1890 cooperative extension funds, 1994 land grant college payments, and the 1994 endowment fund to the same federal level as 1862 land grant college payments and cooperative extension funds, and require states to meet the federal match.

URGE ADMINISTRATIVE ACTION

- ☐ Suspend implementation of the New Swine Slaughter Inspection System. (USDA)
- ☐ Authorize the Consumer Financial Protection Bureau to investigate claims of discrimination by Farm Credit Service (FCS) institutions, and require FCS to meet SDFR lending goals.

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Allow all CDFIs to pay back only the interest on a loan to all federal financiers, and reinvest the principal amount into Community Development.
- ☐ Require the USDA-NASS Farm Labor Survey to report on employee work related injury, illness, and deaths.
- ☐ Create a federal fund with mandatory contribution by mega-food chain employers to place food chain workers who have left due to exploitative conditions to gain employment in an independent, non-monopolized entity in the same sector, including payments to current and former food chain workers who experienced adverse health and exploitative working conditions.
- ☐ Forgive student loan debt so farmers and aspiring farmers may pursue agriculture without the massive burden of debt.
- ☐ Change USDA lending authority to prequalify beginning farmers for FSA loans, and provide no interest loans to beginning BIPOC farmers and BIPOC-led cooperatives.
- ☐ Authorize funding to support the creation of racial equity, diversity, and inclusion priorities in 4-H and other federal agricultural discovery programs curriculum so young people are empowered to pursue a career in agriculture.

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

3. Prioritize Resilience, Not Efficiency



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The breakdown of our food supply chain during COVID-19 has shown us the need for resiliency in our food systems. Five decades of prioritizing efficiency over everything has created the inflexible agrifood supply chain of today where only a few large firms make decisions for everyone along the supply chain. Corporations profit from wiping out their market competition, and creating a few, huge processing operations that are in many instances less efficient. When one of those operations goes offline, there are no viable operations left to step in and step up. Policy to increase competition, independence, social justice, and success of many smaller entities will ensure a long-lasting, resilient agrifood system that can better stand the shocks of pandemics, climate change, and foreign relations disruptions.

SUPPORT EXISTING LEGISLATION

- ☐ Farm System Reform Act - (116th: H.R.6718/S.3221)
- ☐ Agriculture Resilience Act - (116th: H.R.5861)

URGE ADMINISTRATIVE ACTION

- ☐ Develop and implement a national broadband connection plan that considers broadband a utility, and utilizes existing structures such as Rural Electric Cooperatives. (USDA)

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Under congressional authority in the Farm Credit Act of 1971, require a 10% set aside of FCS profits to be re-lent to promote environmentally sustainable agriculture, prioritizing Black, Indigenous, and People of Color (BIPOC) and women farmers.
- ☐ Allow basic banking services (deposits, withdrawals, and bill payments) to be carried out through United State Postal Services offices to remedy financial service inaccessibility through physical bank branches or online banking in many rural communities.
- ☐ Lengthen FSA operating loan terms from 7 years to 20 years.
- ☐ Allow FSA farm ownership and conservation lines of credit to be transitioned to operating credit under the same term.
- ☐ Implement a path for transition from or combination of FSA Farm Loan Programs to other FSA loan programs such as marketing assistance and farm storage facility loans under an umbrella operating loan term.

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

4. Redefining the Status Quo



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Today's agrifood system is based on a false economic model that ignores and pushes the cost of externalities such as public health, environmental impacts, and community wellbeing onto taxpayers to subsidize them. For example, while industrial agriculture's runoff pollutes water and air, the very communities suffering from lack of economic opportunity are asked to foot the bill and clean it up. Everything from property rights, to feeding livestock, to rural development must be rethought in ways that acknowledge social and ecological consequences. Federal policy needs to go further, holding corporations accountable and actively creating the conditions that allow communities to reclaim their health, liberty, and economic opportunity.

SUPPORT EXISTING LEGISLATION

- ☐ Farm System Reform Act - (116th: H.R.6718/S.3221)
- ☐ Agriculture Resilience Act - (116th: H.R.5861)
- ☐ Food and Agribusiness Merger Moratorium and Antitrust Review Act of 2019 - (116th: H.R.2933/S.1596)
- ☐ Safe Line Speeds in COVID-19 Act - (116th:H.R. 7521/S.4338)

URGE ADMINISTRATIVE ACTION

- ☐ Require regional HHI measurements, and deploy additional contextual measures when evaluating merger requests. Depending on the application of the HHI, it does not detect financial control across sectors, nor does it account for geographic monopolies, which is of concern with so few agrifood corporations operating in the U.S. (FTC & DOJ)
- ☐ Amend merger and acquisition guidelines to reflect a review based on competition and end the use of the failed "efficiency rule" regarding consumer welfare standards. (FTC & DOJ)

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Create an independent commission to study and examine true and full costs of industrialized agriculture to include but not be limited to its externalized costs on the environment, healthcare, local economies, and property values.
- ☐ Implement the Clyburn 10/20/30 Formula throughout all federal funding and spending allocations, which would direct at least 10% of investment be made in persistent poverty communities (counties where 20% or more of the population lives below the poverty line for the last 30 years).

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

5. Support Local and Regional Food Systems



As we rein in the power held by industrial agricultural corporations, we must simultaneously build a support system for farmers, ranchers, workers, and communities creating an accessible avenue for diverse independent businesses to become a prosperous, integral part of the agrifood supply chain. Through food production and consumption arrangements that root producers and consumers in place, we can reduce society's dependence on dominant agrifood firms, and build a brighter, more resilient agrifood system.

SUPPORT EXISTING LEGISLATION

- ☐ Farm System Reform Act - (116th: H.R.6718/S.3221)
- ☐ Strengthening Local Processing Act - (116th: H.R.7868/S.5066)
- ☐ Justice for Black Farmers Act of 2020 - (116th: S.4929)
- ☐ Increase appropriations to the USDA's Local Agricultural Marketing Program (LAMP), Healthy Food Financing Initiative (HFFI), and Gus Schumacher Nutrition Incentive Program (GusNIP).

URGE ADMINISTRATIVE ACTION

- ☐ Mandate USDA to implement rules that raise animal welfare standards under the National Organic Program for meat, eggs, and dairy similar to those issued in the 2017 Organic Livestock and Poultry Practice Rule.
- ☐ Provide oversight over the implementation of the order for USDA to examine the impacts of current land tenure disputes regarding heirs' property, fracture allotments, and colonias, and fully implement the program to allow operators on heirs' property to obtain a FSA farm number as directed in the 2018 Farm Bill.

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Allow states to develop and implement cottage industry food programs with a 75% federal cost share.
- ☐ Create a local inspector program for small-scale processors.
- ☐ Allow Farmers Market and Local Food Promotion Program (FMLFPP) grants to be more accessible to local food aggregation centers and hubs.
- ☐ Establish tax incentives for individuals who invest in infrastructure for local and regional foods systems.
- ☐ Expand school, institution, and federal institution food procurement geographic preference to include local processed food products in addition to unprocessed foods.
- ☐ Order ERS to study and make recommendations on federal cooperative ownership standards, to remedy the current state patchwork policies regarding cooperative establishment, ownership, public-private collaboration, and operation.

ACTIONS TO USHER IN A BETTER FUTURE FOR FOOD AND AGRICULTURE:

6. Transition to a Just and Resilient Agrifood System



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As we transition to a brighter food system, we must not pull out the rug beneath farmers and ranchers stuck in the endless cycles of contracting and debt imposed by industrial agricultural interests. This requires a paradigm shift in our agricultural subsidy programs: intentionally moving towards crop, utility, and livestock subsidies that will feed U.S. citizens, instead of exhausting our soil and lining the pockets of corporations hungry for cheap commodities. A first step is to truly weigh the benefits and consequences of current subsidies. Shifting agricultural subsidies away from specific commodities to nutritious crops, practices, and programs will support farmers and ranchers in all sectors in a safe and just transition to a more prosperous agrifood system, economy, and environmental future.

SUPPORT EXISTING LEGISLATION

- ☐ Farm System Reform Act - (116th: H.R.6718/S.3221)
- ☐ Agriculture Resilience Act - (116th: H.R.5861)
- ☐ Justice for Black Farmers Act of 2020 - (116th: S.4929)

CHAMPION NEW LEGISLATION AND ACTION

- ☐ Order AMS to study and examine what crops, practices, and entities are subsidized in the agrifood system, how they are subsidized, how subsidies impact competition in markets, and how subsidies may be shifted to support diversified on-farm practices.
- ☐ Redirect federal support and subsidies to incentivize adoption of regenerative agricultural practices, and marketing food products to regional, independent markets.
- ☐ Prioritize Whole Farm Revenue Protection (WFRP) in federally supported crop insurance packages, and bolster outreach to insurance providers, so farmers and ranchers can diversify their farms with less financial risk.
- ☐ Bar agribusiness companies from implementing climate mitigation solutions if they are: 1) net polluters as defined by the EPA, or 2) control over 25% of their respective market(s).