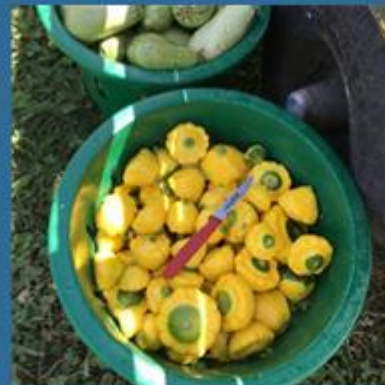


# HEALTHY FOOD ACCESS POLICY COMPENDIUM FOR METROPOLITAN WASHINGTON

A compilation of laws, policies and select publicly funded programs to improve healthy food access and food security.

June 2022, First Edition



Metropolitan Washington  
**Council of Governments**

## **HEALTHY FOOD ACCESS POLICY COMPENDIUM FOR METROPOLITAN WASHINGTON**

Prepared for the Metropolitan Washington Council of Governments for the Food and Agriculture Regional Member Policy Committee.

June 10, 2022

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### **CREDITS**

Editor: Lindsay Smith, Regional Food Systems Planner, COG

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### **ACKNOWLEDGEMENTS**

Deborah Noymer, Master of Public Health Student, George Washington University (GWU), 2022

Ariel Ardura, Legislative Counsel, District of Columbia Councilmember Mary M. Cheh

Ona Balkus, DC Food Policy Director, DC Office of Planning

Rachel Clark, Redstone Global Center for Prevention and Wellness Milken Institute School of Public Health, GWU

Sydney Daigle, Senior Program Director, Institute for Public Health Innovation

Stephanie Hopkins, Food Security Coordinator, Arlington County Department of Human Services  
Additional Forthcoming

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# EXECUTIVE SUMMARY

The *Healthy Food Access Policy Compendium for Metropolitan Washington* is a repository and record of policies promulgated statewide and locally in the last decade to support food security and healthy food access. It briefly explains numerous, critical federal nutrition programs like national school meal programs and the Supplemental Nutrition Assistance Program (SNAP) and how they are implemented in the region.

Federal nutrition policies and programs support the food security of more children and vulnerable residents in the District of Columbia, Maryland, and Virginia than any other. They also serve as a foundation that state and local governments have built upon with additional legislation to improve the reach and impact of these programs in numerous ways.

In other instances, state and local jurisdictions have created policies and programs that demonstrate new approaches to improving and broadening healthy food access. Some of these, like matching farmers market nutrition incentives, first provided to double the value of federal benefits like SNAP at Crossroads Farmers Market in Takoma Park, MD, have had far reaching impacts on federal policy and program innovations.<sup>1,2</sup>

The *Healthy Food Access Policy Compendium for Metropolitan Washington* underscores the power of committed, informed community and political leadership to improve healthy food access. This leadership has been especially valuable in times of crisis.

This assessment covers many segments of the food supply chain. Recent policy changes to support home and community gardens and urban farms are included in this assessment, too. All are important for promoting greater self-sufficiency, resiliency, and diversity within agricultural production types. On the other hand, laws and policies that apply to farmland preservation and larger-scale agricultural production were not included. If the region is to increase the amount of food it produces, promoting more broad-based understanding of the laws and policies that support or hinder farmland preservation and increased production, will also be important.

The COVID-19 pandemic has reinforced significant racial disparities in food security in metropolitan Washington and across the country,<sup>3</sup> rooted in generations of discriminatory and exclusionary policies and practices. It has also revealed food supply chain vulnerabilities, and the need and value of investments to diversify and strengthen the regional food and farm economy. In response to these crises, stakeholders across the region have strengthened connections between the region's farmers, food suppliers, and organizations supporting food insecure residents whenever possible. There were

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<sup>1</sup> "Opening Day at Crossroads Community Food Network Farmers Market," Montgomery County Food Council, <https://mocofoodcouncil.org/opening-day-at-crossroads-community-food-network-farmers-market/#:~:text=The%20Crossroads%20Farmer's%20Market%20had,benefits%20spent%20at%20the%20market>.

<sup>2</sup> Gus Schumacher, "Crossroads Farmers Market: A Decade of Innovating Healthy Diets and Food Entrepreneurs," Farmers Market Coalition, May 15, 2017. <https://farmersmarketcoalition.org/crossroads-farmers-market-decade-innovating-healthy-diets-food-entrepreneurs/>

<sup>3</sup> This has been confirmed in on-going data collection efforts such as U.S. Census Household Pulse Survey

also efforts to improve equity, opportunity, and representation in the procurement process and provision of emergency food assistance.

For as expansive as this assessment is, there are important experiences from across the region that could not be represented in this first edition. Work will be ongoing to collect these. This document provides a starting point for local jurisdictions to identify additional policies and publicly funded programs that are supportive of food security and healthy food access in their communities. It is also one tool for necessary conversations on impact.

The ongoing and avoidable human cost of food insecurity, lessons and innovations from COVID-19, and other challenges like climate change, make it a critical moment to examine what works to improve and sustain food security and healthy food access for all. It is hoped that the *Healthy Food Access Policy Compendium for Metropolitan Washington* contributes to an understanding of what is putting the region on a more resilient path, and where more work is needed to make a difference.

# INTRODUCTION

This compendium includes information on enabling legislation, resolutions, laws, and policies, with an emphasis on those created since 2011 in the District of Columbia, Maryland, and Virginia to improve food security and healthy food access. Local information is limited to jurisdictions which comprise the Metropolitan Washington Council of Governments' (COG) region.<sup>4</sup> Major federal nutrition policies are also included, many of which predate 2011.

This document is divided into two major sections. First, federal nutrition programs which are implemented in the DC, MD, and VA are briefly explained. There are also notes on state and local implementation, and related legislation, policies, and select publicly funded programs which expand the reach of federal programs. In some cases, important programmatic changes during COVID-19 are highlighted.

The second section includes state and local laws and policies which fill gaps and or represent new approaches to improving food security, healthy food access, and food system resiliency. This also includes information on urban agriculture, composting, food policy councils, and food security plans, all of which are growing in the region whether created through a formal legislative process or not. In some cases, data on programmatic impact is available.

Research methods are included as an Appendix. The methodology employed was comprehensive and uncovered a number of important policies and studies. Later in the project it became clear that local knowledge, targeted searches of state and local legislative databases and state and county codes, and follow-up questions to local experts, were also needed to uncover the full range of policies related to healthy food access, food security, and food resilience. COG staff will continue its research, particularly as it relates to policies and publicly funded programs that its municipal members have put in place. Staff anticipates a second edition in the coming months which will also include updates to information provided in the first edition.

## Acknowledgements

This first edition of the *Healthy Food Access Policy Compendium for Metropolitan Washington* is based on the research of a Master of Public Health Student at George Washington University, Ms. Deborah Noymer, to which the new COG Food and Agriculture Regional Member (FARM) Policy Committee owes its sincere thanks and appreciation. It provides a strong basis for FARM to incorporate additional policies, research, and future updates over time as Metropolitan Washington's communities continue to find solutions to address food insecurity and disparities in healthy food access.

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<sup>4</sup> The COG region is comprised of the following counties and jurisdictions – The District of Columbia; Maryland: Town of Bladensburg, City of Bowie, City of College Park, Charles County, City of Frederick, Frederick County, City of Gaithersburg, City of Greenbelt, City of Hyattsville, City of Laurel, Montgomery County, Prince George's County, City of Rockville, and City of Takoma Park; Virginia: City of Alexandria, Arlington County, City of Fairfax, Fairfax County, City of Falls Church, Loudoun County, City of Manassas, City of Manassas Park, and Prince William County.

COG also appreciates the expertise of FARM members and other stakeholders who have provided feedback on this first edition at several points in time. It invites additional feedback and comment.

Further, COG acknowledges the numerous community-based organizations, local government staff, policymakers, residents, and others who have spent time and resources to develop the legislation, policies, programs, and reports included in this document. The number of actors working to improve our region's food system has grown dramatically in the last decade. While it is beyond the scope of this document to name all of them, how and who shapes policy would be one of several valuable, subsequent inquiries that could result from a landscape assessment such as this one.

## Key Terms

These terms, from the U.S. Department of Agriculture (USDA), are useful to keep in mind when reading this document.

**Food Security** for a household means access by all members at all times to enough food for an active, healthy life.<sup>5</sup>

Food security and insecurity are household-level economic and social conditions of access to food, whereas **Hunger** “is an individual-level physiological condition that may result from food insecurity.”<sup>6</sup>

USDA acknowledges that most definitions of **Food Access** consider some of the following indicators:

- Accessibility to sources of healthy food, as measured by distance to a store or by the number of stores in an area;
- Individual-level resources that may affect accessibility, such as family income or vehicle availability; and
- Neighborhood-level indicators of resources, such as the average income of the neighborhood and the availability of public transportation.<sup>7</sup>

The USDA and other federal agencies use Food Deserts to describe “low-income census tracts with a substantial number or share of residents with low levels of access to retail outlets selling healthy and affordable foods.”<sup>8</sup>

It is used in this report given that it is part of legislation, report titles, and remains a part of the vernacular when discussing communities lacking access to healthy food options. It is important to know that use of this term is changing.

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<sup>5</sup> <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/>

<sup>6</sup> <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/>

<sup>7</sup> <https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/#:~:text=Food%20access,-Limited%20access%20to&text=Accessibility%20to%20sources%20of%20healthy,income%20or%20vehicle%20availability%3B%20and>

<sup>8</sup> <https://www.ers.usda.gov/amber-waves/2011/december/data-feature-mapping-food-deserts-in-the-us/#:~:text=Low%2Dincome%20census%20tracts%20with,are%20defined%20as%20food%20deserts.>



For example, the DC Food Policy Council, and others across the country use the terms “Food Apartheid” or “areas where structural racism and disinvestment have led to low food access.” These terms acknowledge the root causes of low food access, such as race, economics, policy, and geography, rather than language which suggests that inequitable access is a naturally occurring phenomenon.<sup>9</sup>

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<sup>9</sup> Please see page 2 of the DC Food Policy Council’s Term Guide at <https://dcfoodpolicy.org/racial-equity/>

# FEDERAL NUTRITION POLICIES AND PROGRAMS IN THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA

The following federally funded nutrition and food access programs provide the first line of defense against food insecurity for qualifying low-income residents in the region including women and children, adults, disabled individuals, and seniors. Major changes to these programs during COVID-19 are captured where possible.

Additional notes are included that describe state and local implementation of these programs. Some jurisdictions have also passed their own laws to supplement and extend the reach of federal programs to make them more accessible to residents and supportive of their nutritional needs. These related laws and policies are noted.

On occasion, data on programmatic reach or investment levels is also provided. This is a function of information that was yielded through the research methodology outlined in the Appendix, local knowledge, and staff time available to conduct additional research.

## The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), is a short-term program that assists at-risk, low-income pregnant women, new mothers, infants, and children under five to purchase healthy food.<sup>10</sup>

Established in the 1970s, it is the third largest food and nutrition assistance program in the United States, and funded through the annual, federal appropriations process.

According to the USDA, WIC served approximately 6.2 million participants per month in fiscal year 2020, including nearly half of all infants born in the US.

Eligible households have an income that is no more than 185 percent of the federal poverty line. WIC funds can be used at grocery stores, authorized farmers markets and other retailers.

### *Changes to WIC during COVID-19*

As part of the American Rescue Plan, from July through September 2021, WIC provided \$35 for fruits and vegetables each month, instead of the standard benefit of \$9 per month as part of monthly WIC packages.

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<sup>10</sup> <https://www.fns.usda.gov/wic/wic-funding-and-program-data>, <https://www.cbpp.org/research/food-assistance/special-supplemental-nutrition-program-for-women-infants-and-children>

At the end of September, President Biden signed the Extending Government Funding and Delivering Emergency Assistance Act of 2022 (PL 117-43) into law. Under this Continuing Resolution (CR), USDA was directed to temporarily increase the WIC Cash-Value Voucher/Benefit (CVV/B) for fruit and vegetable purchases participants in variable amounts from September through December 2021.<sup>11</sup>

### *Implementation Notes on WIC in Metropolitan Washington*

In the District of Columbia, WIC reaches 15,500 participants who receive benefits to purchase groceries at WIC-accepting grocery stores, corner stores, pharmacies, and farmers' markets. DC WIC changed from paper vouchers to an EBT card during the spring of 2022.<sup>12,13</sup>

In Maryland, WIC reached nearly 119,700 participants in fiscal year 2021 and provided an average monthly food benefit of about \$30.70. In Virginia, the program reached more than 120,825 participants with an average monthly benefit of \$27.65.<sup>14</sup>

### *WIC Legislation and Policies in Metropolitan Washington*

## **District of Columbia**

### **Women Infants and Children Program Expansion Act of 2018**

- Removes restrictions on square footage, number of cashiers, and organic products for WIC vendors beyond what is required by federal law.
- Provides technical assistance to small stores to assist in meeting DC's requirements for registration.
- Requires the DC Health Department to host regular community meetings seeking input on increasing WIC participation.<sup>15</sup>

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<sup>11</sup> <https://www.fns.usda.gov/wic/extending-government-funding-and-delivering-emergency-assistance>

<sup>12</sup> <https://dchealth.dc.gov/release/dc-wic-introduces-electronic-benefit-system-improving-access-food-district-families>

<sup>13</sup> District of Columbia Federal Nutrition Programs Toolkit. DC Hunger Solutions, 2021. Accessed Sept 17, 2021. [https://www.dchunger.org/wp-content/uploads/2021/08/FNP\\_Toolkit.pdf](https://www.dchunger.org/wp-content/uploads/2021/08/FNP_Toolkit.pdf)

<sup>14</sup> National and state-level program data can be found at: <https://www.fns.usda.gov/pd/wic-program>

<sup>15</sup> D.C. Official Code § 1-206.02(c)(1)), enabling legislation: <https://lms.dccouncil.us/downloads/LIMS/39613/Meeting2/Enrollment/B22-0666-Enrollment.pdf>

## School Nutrition Programs

Unless otherwise noted, the following federal programs are administered by the District of Columbia's Office of the State Superintendent (OSSE), Maryland State Department of Education (MSDE), and the Virginia Department of Education (VDOE).

### *Changes to School Meals during COVID-19*

Schools are a critical source of nutrition for many students, especially low-income students, in the best of times. When the pandemic closed schools, food and nutrition services responded very quickly to provide continuity of service.

At the start of the pandemic in 2020, the USDA granted nationwide waivers to states so that schools participating in federal meal programs could offer school meals for free. These waivers allowed all students to receive the meals at no charge, regardless of their free, reduced-priced, or full-priced status during the regular school year and summer. (Participating states and schools were still incurring costs but received a higher reimbursement rate for the cost of these free meals from the federal government.)

During virtual learning, generally prior to the start of the 2021 to 2022 school year, a number of additional waivers were in place that allowed participating states and schools to use summer food service models which allowed for the provision of free meals to any child under the age of 18 and in a range of formats, such as grab and go.<sup>16</sup>

It is beyond the scope of this report to document the countless and continual innovations that the school food and nutrition services divisions in metropolitan Washington public school districts implemented to provide meals to children in a safe and convenient way. Some districts distributed several days' worth of meals and or meal kits at neighborhood schools, or via mobile bus distribution to community locations.

Despite this, in the region and across the country, during virtual learning, meal service numbers were down significantly from what they would be in a normal school year.

All school districts in Metropolitan Washington continued to offer free breakfast and lunch to students during the 2021 to 2022 school year. Some are also able to offer snacks and supper at select sites which could be taken home to eat under continued waivers.

Advocates continue to ask the federal government to extend these waivers, set to end at the end of June 2022 in recognition of the on-going challenges created by the pandemic for students, families, and schools.<sup>17</sup> Like schools across the country, schools in metropolitan Washington are also

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<sup>16</sup> For an example of the number and types of waivers schools have been using during the pandemic, see the Virginia Department of Education School Nutrition website: <https://www.doe.virginia.gov/support/nutrition/statistics/index.shtml>

<sup>17</sup> "Food Research & Action Center Applauds USDA's Investment to Support School Meals, Calls for Waivers to be Extended," January 7, 2022. Link: <https://frac.org/news/usdas-investment-to-support-school-meals-calls-for-waivers-to-be-extended>

grappling with significant supply chain challenges and have faced staffing challenges. Significant staff time has been devoted to changing menus as items become unavailable or require substitution.

The Concentration of Poverty School Grant Program (HB 857, SB 971) introduced in the 2022 Maryland General Assembly, would have provided bridge funding for one year to cover the cost of healthy school meals for all students, in the event that federal waivers were not extended. (It appears they will not be.) Passage of this legislation would have provided time to consider a more permanent plan to maintain free meals for all students in MD. This action would follow measures taken in other states to continue to make healthy meals free to all students regardless of income. During summer 2021, California and Maine became the first states to permanently adopt free meals for all students.<sup>18</sup>

With respect to public communications, a range of online state and local maps were developed to locate available school meals in Metropolitan Washington at the beginning of the pandemic to supplement or complement school district information.<sup>19</sup>

## National School Breakfast Program

The National School Breakfast Program (SBP) is administered by the Food and Nutrition Service (FNS) at USDA and State agencies. State agencies operate the SBP through agreements with local school food authorities.

SBP is generally operated by public or non-profit private schools. Charter schools can participate as public schools, and public or non-profit residential childcare facilities can also participate.

All school breakfasts must meet Federal nutrition requirements and offer free or reduced-price breakfasts to eligible children. Participating schools are reimbursed for meals based on children's free, reduced price, or paid eligibility status, unless states have implemented policies to provide additional local funding.

SBP began as a pilot project in 1966. Congress made SBP a permanent entitlement program in 1975 and participation has grown ever since.<sup>20</sup>

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<sup>18</sup> "California and Maine Become First States to Officially Provide Universal School Meals at No Charge," School Nutrition Association, July 13, 2021. Link: <https://schoolnutrition.org/news-publications/news/2021/california-and-maine-become-first-states-to-officially-provide-universal-school-meals-at-no-charge/>

<sup>19</sup> Local, state, and regional resources were also supplemented by resources like the USDA's Summer Meal Site Finder and a texting service, sponsored by Share Our Strength to locate meals.

<sup>20</sup> SBP Fact Sheet, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/sbp/sbp-fact-sheet>

## National School Lunch Program

The National School Lunch Program (NSLP) is administered and implemented very similarly to SBP. The same institutions are eligible to offer federally reimbursable meals and children participate for free, or at a reduced-price or full price according to eligibility, unless a school is community eligible (CEP) or other state or local programs are in place.

NSLP was established under the Richard B. Russell National School Lunch Act and signed into law in 1946. In 2016, 30.4 million children participated in NSLP.<sup>21</sup>

### COMMUNITY ELIGIBILITY PROVISION

Community Eligibility Provision (CEP) allows schools and school districts serving high numbers of low-income students to serve breakfast and lunch at no cost to *all enrolled students*. Administration of school meal programs is also streamlined as participating schools do not collect household applications for free and reduced meals from students and families.

Instead, CEP schools are reimbursed using a formula based on the percentage of students eligible for free meals based on their participation in other programs, such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF).<sup>22</sup> This is sometimes referred to as direct certification.

Schools and Local Education Agencies (LEAs) with a minimum Identified Student Percentage (ISP) of greater than or equal to 40 percent in the prior school year are CEP eligible. The ISP is equivalent to the percentage of students directly certified for free meals.<sup>23</sup>

There are costs to operating CEP that may require state or local, nonfederal funds, however, the program is designed to be financially viable for schools and districts in high poverty communities. Schools are reimbursed at a free and paid rate, with the free rate being higher. Schools with an ISP of 62.5% or more have all meals served reimbursed at the federal free rate.<sup>24</sup>

### FARM TO SCHOOL

Farm to school programming at schools, and early education or childcare sites, builds connections with local food producers and communities by changing food purchasing and education practices.

According to the National Farm to School Network, implementation differs but farm to school always includes one or more of the following: procurement of local foods for school meals, snacks or taste-

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<sup>21</sup> NSLP Fact Sheet, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/nslp/nslp-fact-sheet>

<sup>22</sup> <https://www.fns.usda.gov/cn/community-eligibility-provision>

<sup>23</sup> <https://fns-prod.azureedge.net/sites/default/files/cn/CEPfactsheet.pdf>

<sup>24</sup> [https://fns-prod.azureedge.net/sites/default/files/cn/CEP\\_perceivedbarriers.pdf](https://fns-prod.azureedge.net/sites/default/files/cn/CEP_perceivedbarriers.pdf)

tests, school gardens and hands-on student learning, and education activities related to food, nutrition, health or agriculture.<sup>25</sup>

USDA provides a range of technical assistance on developing farm to school programming in schools, for summer meal programs and in preschool. It also runs an annual, competitive grant program. Awards support planning, developing, and implementing farm to school programs.<sup>26</sup>

#### *Implementation Notes on School Meals in Metropolitan Washington*

The Food Research & Action Center (FRAC) has a national benchmark of reaching 70 low-income students with school breakfast for every 100 who eat school lunch.

During the 2018 to 2019 school year, the District of Columbia, Maryland, and Virginia were among fifteen states that reached at least 60 low-income children with school breakfast for every 100 in school lunch.<sup>27</sup>

There is variation within states and localities in school meal participation.

During COVID-19, waivers allowed all participating jurisdictions to offer free meals to all during the regular school year and summer, irrespective of whether the school was CEP - certified under the Community Eligibility Provision.

For the 2020-2021 school year, 86 of approximately 117 schools in the DC Public Schools (DCPS) system were CEP.<sup>28,29</sup>

In MD, during the 2019 to 2020 school year there were 238 CEP schools that provided free breakfast and lunch to all students.<sup>30</sup> Twenty schools in nine school districts were eligible but did not participate in CEP in the same year.<sup>31</sup>

VA has been participating in the pilot to use Medicaid data to directly certify eligible students since the 2016 to 2017 school year. VDOE reports that this increases the number of students directly certified for free meals by five to 10 percent in some VA schools. According to VDOE, more than 420 schools and 200,000 students participated in CEP during the 2018 to 2019 school year.<sup>32</sup>

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<sup>25</sup> “About Farm to School. What is farm to school, and how does it contribute to vibrant communities?”  
<https://www.farmtoschool.org/about/what-is-farm-to-school>

<sup>26</sup> <https://www.fns.usda.gov/cfs/farm-school-resources>

<sup>27</sup> For context, West Virginia was the nation’s leader with 83 low-income students eating school breakfast for every 100 participating in school lunch. Data taken from the School Breakfast Scorecard: School Year 2018–2019, Food Research and Action Center, February 2020. Link: [https://frac.org/wp-content/uploads/Breakfast-Scorecard-2018-2019\\_FNL.pdf](https://frac.org/wp-content/uploads/Breakfast-Scorecard-2018-2019_FNL.pdf)

<sup>28</sup> Community Eligibility Provision (CEP) Schools, School Year 2021-2022, District of Columbia Public Schools. Link: <https://dcps.dc.gov/page/community-eligibility-provision-cep-schools>

<sup>29</sup> Total number of DCPS schools taken from “DCPS Fast Facts” for 2019-2020 at <https://dcps.dc.gov/node/1227376>

<sup>30</sup> “The community eligibility provision” No Kid Hungry, <https://state.nokidhungry.org/maryland/whatwedo/community-eligibility-provision-cep/>

<sup>31</sup> *Id.*

<sup>32</sup> <https://www.doe.virginia.gov/support/nutrition/programs/index.shtml>

A fiscal impact statement for the legislation requiring participation in CEP (HB 5113) cited VDOE data that as of June 1, 2020, 425 schools were eligible for CEP program but didn't participate and 294 schools were near eligible but also did not participate.<sup>33</sup>

Again, in regular school years, all students at CEP schools are offered free breakfast and lunch. No free and reduced-price meal applications are required of students and families.

### *School Meals Legislation and Policies in Metropolitan Washington*

## **District of Columbia**

### **Healthy Schools Act of 2010, Amended in 2012, 2017, and 2018**

- Addresses breakfast and lunch access throughout the year, school nutrition, physical activity and education, health education, food-sourcing standards, local reimbursement, requirements for vending, programs for farm to school, and the school environment.<sup>34,35, 36</sup>
- Creates a non-lapsing, annual fund to support the following improvements:
  - Makes breakfast free to all students
  - Provides annual \$2 per student subsidy to public and public charter schools, and participating private schools that implement approved, alternative breakfast service models.
  - Covers the cost of reduced-priced meals, so low-income students in non-CEP schools can eat for free.
  - Provides an additional reimbursement for breakfasts (20 cents) and lunches (10 cents) served through the Summer Food Service Program which meet federal and local nutritional requirements.
  - Establishes an Environmental Literacy Plan for K-12 curricula.
  - Encourages schools to serve food that is healthy and local by providing additional meal reimbursement during the school year.
    - 10 cents at breakfast and 20 cents at lunch for meals that go beyond national nutrition standards
    - An extra 5 cents per day for a meal that includes locally grown foods
  - Provides grants for school gardens, health education, nutrition education
  - Creates the School Garden Program (SGP) at OSSE
    - OSSE's SGP administers grants, provides technical assistance, and training to school and partner organizations to increase student participation in programs.

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<sup>33</sup> Department of Planning and Budget, 2020 Special Session I - Fiscal Impact Statement. Link: <https://lis.virginia.gov/cgi-bin/legp604.exe?202+oth+HB5113FER122+PDF>

<sup>34</sup> DC Law 18-209, <https://code.dccouncil.us/us/dc/council/code/sections/38-821.02#>

<sup>35</sup> Amended by the Healthy Schools Technical Amendment Act of 2011  
[https://lms.dccouncil.us/downloads/LIMS/25959/Signed\\_Act/B19-0203-SignedAct.pdf](https://lms.dccouncil.us/downloads/LIMS/25959/Signed_Act/B19-0203-SignedAct.pdf)

<sup>36</sup> [https://www.dchunger.org/wp-content/uploads/2018/11/healthy\\_schools\\_act\\_as\\_amended.pdf](https://www.dchunger.org/wp-content/uploads/2018/11/healthy_schools_act_as_amended.pdf)



- For the 2018 to 2019 school year, OSSE supported the establishment of 21 new school gardens and a total of 110 school campuses with active school gardens
  - OSSE awarded over \$600,000 in school garden grant funds over FY19 and FY20<sup>37</sup>
- Creates grant programs for cafeteria equipment and training, and for reducing food waste and packaging, including implementation of share tables and provision of reusable food service ware.
- Requires DCPS to establish a central facility in DC to prepare and process healthy school and other meals, support nutrition education, and provide job-training.
- Creates the DC Healthy Youth and Schools Commission to report to the Mayor and the DC Council on annual progress on improving the health, wellness and nutrition of DC youth and schools, elevate best practices from other parts of the country, and make recommendations for future improvements.<sup>38</sup>

#### Healthy Students Amendment Act (HSAA) of 2018

Strengthens and expands on the Healthy Schools Act in the following ways: <sup>39</sup>

- Boosts nutrition requirements for milk and whole grains.
  - All milk must be unflavored and all grain products will be at least 50 percent whole grains
- Requires vegetarian options and encourages plant-based options
- Encourages increased purchasing of food that meets the Good Food Purchasing Program (GFPP) standards.
- Requires DCPS to conduct a GFPP baseline assessment, increase food purchases that meet GFPP standards, and conduct follow-up annual assessments
- Commissions the Centralized Kitchen Study, first required by the Healthy Schools Act of 2010.<sup>40</sup>
- Includes additional provisions to help increase time for physical education in schools
- Moves the selection process for grants provided until the Healthy Schools Fund under the Healthy Youth and Schools Commission
- Combines all Healthy Schools Act reports from OSSE into one annual comprehensive report.<sup>41</sup>

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<sup>37</sup> “School Gardens Program” OSSE, August 5, 2021, <https://osse.dc.gov/service/school-gardens-program-sgp>

<sup>38</sup> For more on the DC Healthy Youth and Schools Commission and for a link to annual reports, see: <https://osse.dc.gov/publication/healthy-youth-and-schools-commission-report-city-council>

<sup>39</sup> D.C. Law 18-209; D.C. Official Code § 38-821.01, enabling legislation: <https://lms.dccouncil.us/downloads/LIMS/38261/Meeting2/Enrollment/B22-0313-Enrollment.pdf>

<sup>40</sup> Centralized Kitchen Study: Assessment of a Central Food Processing Facility for Washington, DC, 2021, <https://dcfoodpolicy.org/reports/centralized-kitchen-study/>

<sup>41</sup> Given the expansive and comprehensive nature of the DC Healthy Schools Act, the 2018 HSAA is listed separately to illustrate the ways that the bill was changed over time in response to new information, needs, and opportunities.

Starting in 2020, DC Public Schools began operating a pilot program with eight schools to transition to self-operated school food preparation. This pilot was supported by the DC Council in the FY19 budget.<sup>42</sup>

## Maryland

### Maryland Meals for Achievement

- Maryland Meals for Achievement (MMFA) provides universal free breakfast in the classroom in participating schools, made possible by additional state funds to supplement the federal reimbursement.
- A school is eligible when at least 40% of students qualify for free or reduced-price meals
- Breakfast is offered for free to all students in participating schools.
  - According to Maryland Hunger Solutions and MSDE, during the 2019 to 2020 school year, 519 schools participated in MMFA.<sup>43</sup>
- MMFA has a long history in the state, starting as a pilot program in 1999.<sup>44</sup>
  - Subsequent legislation has built on the program to expand access to school meals.

### Farm-to-School Program Act of 2008

- Establishes the Jane Lawton Farm-to-School Act Program in the Maryland Department of Agriculture (MDA).
- Requires MDA to promote the sale of MD grown farm products to MD schools and facilities and to work with the MSDE and the Board of Public Works to accomplish this
- Mandates the creation of a regularly updated database of farmers interested in participating in farm-to-school sales and requires outreach and assistance to them
- Requires interagency collaboration and outreach to schools, and interested organizations, to support events that promote MD agriculture and farm products in school meals and educational opportunities.<sup>45</sup>

### Hunger-Free Schools Act of 2015 and Hunger Free Schools Act of 2017

According to Harvard’s Center for Health Law and Policy Innovation (CHLPI), these bills helped to address the slow adoption of the Community Eligibility Provision (CEP) by some MD school districts. CHLPI reports that some “districts feared opting into CEP, and thereby reducing their use of individual paper applications, would decrease the amount of additional funding (compensatory education aid) that they received from the state because the formula for this funding relied (on) individual application numbers.”

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<sup>42</sup> <https://code.dccouncil.us/us/dc/council/code/sections/38-822.03a#!?path=library&q=school%20self%20operated%20pilot&from=0>

<sup>43</sup> Maryland School Breakfast Report: School Year 2018-2019, Maryland Hunger Solutions (2020). Link: <https://www.mdhungersolutions.org/wp-content/uploads/2020/10/MDHS-Full-Breakfast-Report-2020.pdf>

<sup>44</sup> Md. Code, Educ. § 7-704, Pilot Program Enabling Legislation was HB868/SB744: <https://mgaleg.maryland.gov/1999rs/bills/hb/hb0868e.pdf>

<sup>45</sup> [https://mgaleg.maryland.gov/2008rs/chapters\\_noln/ch\\_371\\_sb0158t.pdf](https://mgaleg.maryland.gov/2008rs/chapters_noln/ch_371_sb0158t.pdf)

The MD General Assembly passed the Hunger-Free Schools Act of 2015 (SB 334) to change the State's formula for compensatory aid, and Hunger Free Schools Act of 2017 (HB 287) to extend this change through 2022.<sup>46</sup>

#### Maryland Meals for Achievement for Teens Act of 2017

- Authorizes participating secondary schools to serve breakfast in any part of the school, including from "Grab and Go" carts.
- Clarifies that breakfast should be served after students arrive.<sup>47</sup>

#### Maryland Cares for Kids Act of 2018

- Requires that the State assume a greater share of the student cost of reduced priced meals in public and nonpublic schools participating in SBP and NSLP.
  - Expands eligibility for State reimbursement to include certain nonpublic schools.
- Establishes a schedule for increased state reimbursement to schools beginning in fiscal year 2020 for reduced-price breakfasts and reduced-price lunches to decrease student costs
  - Eliminates student costs for reduced-price breakfast by fiscal year 2022 and reduced-price lunches by fiscal year 2023
  - Prohibits participating schools from charging students eligible for reduced-price meals on the aforementioned timeline.<sup>48</sup>
- Requires that the State assume a greater share of the student cost of reduced priced meals in public and nonpublic schools participating in SBP and NSLP.

#### The Farm to Food Security Act (2022)

- Official title is the Maryland Farms and Families Fund, Maryland Food and Agricultural Resiliency Mechanism Grant Program, and Maryland Farm-to-School Meal Grant Pilot Program – Alterations and Establishment
- Establishes the Maryland Farm-to-School Meal Grant Pilot Program to incentivize the production, procurement, and use of local foods in school meals
- Establishes a non-lapsing, MD Farm-to-School Meal Grant Fund to be administered by MSDE, in coordination with MDA, to make grants to school districts eligible to implement the pilot program.
  - Fund will include money appropriated in the state budget and money accepted from other sources.
  - Schools must operate a reimbursable federal nutrition program.
  - Grants from the fund will be equivalent to 20 cents per meal for meals that will include a local food component.
- Authorizes school districts to determine the meals, participating schools, and time frame that the local food component will be served.

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<sup>46</sup> "A Review of Food System Policies in Maryland" CHLPI, Sept 2017, page 17. [https://www.chlpi.org/wp-content/uploads/2013/12/MD-Policy-Scan-report-cover\\_September-2017.pdf](https://www.chlpi.org/wp-content/uploads/2013/12/MD-Policy-Scan-report-cover_September-2017.pdf)

<sup>47</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0257?ys=2017RS>

<sup>48</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0315/?ys=2018rs>

- A local school district can use a grant for the purchase, processing, procurement, staffing, or infrastructure investments needed to meet the number of meals with a local food component
- Specifies a methodology for determining grant award levels, and criteria to prioritize applications.
  - Priority given to local school districts that demonstrate how meal reimbursements would support sustained commitment to local purchasing and socially disadvantaged farmers, processors, distributors, or businesses
- Requires interim reports on the pilot program to the MD General Assembly with a final report on or before July 1, 2025, which includes a recommendation on the program's future
- The Pilot Program was not funded in the state's FY2023 budget.<sup>49</sup>

## Virginia

### Farm-to-School Program Task Force (2007)

- Requests that the Secretary of Agriculture and Forestry and the Secretary of Education create a Farm-to-School Task Force to develop a plan for implementing a Farm-to-School Program.
- The Task Force shall:
  - Be jointly appointed by the Secretaries and include one nutrition specialist, one procurement specialist, VA representatives of fruit and vegetable growers and other agricultural interests, and representatives of rural and urban schools.
  - Study the best way to inform VDOE, school divisions, and institutions of higher education about the availability of VA farm products.
- States that the Secretaries shall submit a report of Task Force findings to the Governor and the General Assembly no later than the first day of the 2008 Regular Session of the General Assembly.<sup>50, 51</sup>

### Farm-to-School Website (2007)

- Requires the Commissioner of Agriculture and Consumer Services to create a website for promoting Virginia farm products to schools, universities and other educational institutions under the jurisdiction of VDOE.
  - Outlines website site content such as availability of VA farm products, contact information for farmers, farm organizations, and businesses selling the products, etc.<sup>52, 53</sup>

### School Breakfast Program and National School Lunch Program: Web-based application (2019, Amended 2022)

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<sup>49</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/SB0121?ys=2022RS>

<sup>50</sup> Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?071+sum+SJ347>

<sup>51</sup> Link to the Farm-to-School Task Force Report: <https://rga.lis.virginia.gov/Published/2007/SD18>

<sup>52</sup> Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?071+sum+SB797&071+sum+SB797>

<sup>53</sup> Current VDACS Farm-to-School website: <https://www.vdacs.virginia.gov/marketing-virginia-farm-to-school-program.shtml>

- Requires each local school board that collects applications to determine eligibility for free and reduced priced meals to create a web-based application
- Requires schools to continue to provide paper applications
- Allows any school board to adopt the USDA's Web-Based Prototype Application for free and reduced priced meals or to digitize its existing paper-based application.<sup>54</sup>
- Amends § 22.1-207.2:2 of the Code of Virginia on School Breakfast Program and National School Lunch Program meal applications to require that public schools process each application for participation in these programs within six working days after the completed application is received.
  - Schools that can't comply with the requirement must develop a plan to do so by August 1, 2023.<sup>55</sup>

#### Participation in the Community Eligibility Provision (2020)

- Requires participation in the CEP by any public schools in the Commonwealth that meet minimum federal USDA Food and Nutrition Service eligibility requirements.
  - Public schools are eligible with a minimum Identified Student Percentage of 40 percent in the prior school year
  - In VA, students are “identified” and directly certified for free meals if they participate in SNAP, Temporary Assistance for Needy Families (TANF) or qualify based on Medicaid income data.
  - Identified students also include any homeless, runaway, migrant, or Head Start student, or any foster child, approved for free meals by means other than a meal application.
- Establishes that VA’s Superintendent for Public Instruction shall issue a waiver to this requirement when it is determined that it is not financially viable for a school or group of schools, eligible to participate in CEP, to do so.
  - Charges the Virginia Department of Education to develop a process and criteria for considering waivers.<sup>56</sup>

#### School Meal Debt Policies (2020)

- Requires school districts to adopt policies that prohibit employees from requiring a student who cannot pay for a meal at school, or who has school meal debt, to throw away or discard a meal after it has been served to them.
- Prohibits a school board from using a non-governmental third-party debt collector to collect on school meal debt, however the school can attempt to collect payments for meals provided.<sup>57</sup>

#### Distribution of Excess Food (2020)

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<sup>54</sup> Code of Virginia Chapter 13, Article 1 § 22.1-207.2:2, Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+HB2400><https://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+HB2400>

<sup>55</sup> Enabling legislation link: <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+HB587>

<sup>56</sup> Code of Virginia § 22.1-207.4:1, Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5113>

<sup>57</sup> Code of Virginia § 22.1-79.7:1. School meals; availability to students.

- Defines excess food as any remaining unexpired, unopened, and unconsumed food that was unable to be served as part of a reimbursable school breakfast or lunch during a school day.
- Permits each school board to develop policies to distribute excess food from school breakfast or lunch to enrolled students the board determines to be eligible.
- Distribution of excess food must be in accordance with USDA and the U.S. Food and Drug Administration requirements and guidelines for this.
- Permits the school board to create a policy on the process for distributing excess food, saving it for later consumption, or donating it.<sup>58</sup>

#### School Meal Debt Donations (2020)<sup>59</sup>

- Permits school boards to receive any donation or other funds to help eliminate or offset school meal debt.
- Prohibits the school board from filing a lawsuit against a student or the student's parent because of school meal debt
- Communication related to school meal debt must be directed to the student's parents.

#### Availability of School Meals to Students (2020)

- Requires each school board to require each of its public elementary and secondary school to participate in the NSLP and SBP.
- Requires schools to make meals available to any student regardless of whether the student can pay or owes money for previous meals unless the school has written permission from a student's parent to withhold a meal.
- The law does not limit the school board's ability to collect meal payments, but nongovernmental third-party debt collectors cannot be used to collect school meal debt.
- Effective date was postponed to July 1, 2021.<sup>60</sup>

#### *Arlington County*

- Arlington County has been using local funds to eliminate reduced-price school meals for ten years or more.<sup>61</sup>

Additional updates to school meal legislation and policies in Maryland and Virginia are anticipated.

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<sup>58</sup> Code of Virginia Chapter 13, Article 1 § 22.1-207.3

<sup>59</sup> Code of Virginia Chapter 7 § 22.1-79.7, Link: <https://law.lis.virginia.gov/vacode/title22.1/chapter7/section22.1-79.7/>

<sup>60</sup> Code of Virginia Chapter 7 § 22.1-79.7:1, Enabling legislation link: <https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1426>

<sup>61</sup> Staff is unable to locate a written policy on this practice at this time. Personal communication with Arlington County Food Security Coordinator. May 2022.

## Child and Adult Care Food Program

The Child and Adult Care Food Program (CACFP) provides child development facilities, adult day care centers, sponsored day care homes, afterschool programs, and emergency shelters with monthly reimbursements for the meals and snacks they serve to eligible children, disabled adults, and seniors. Meals must meet federal guidelines for reimbursement.<sup>62</sup>

### *Implementation Notes on CACFP in Metropolitan Washington*

- In Maryland, At-Risk After School Meals Program under CACFP (2009) program is available where at least 50% of children are eligible for free and reduced priced meals
  - Reimbursement is provided by USDA for snacks and meals provided after school<sup>63</sup>
  - In 2016-2017 about 7.5% of low-income students participate in afterschool meals in Maryland
  - Between October 2018 and September 2019 MD CACFP agencies served about 31 million meals for over \$53 million in reimbursements statewide.<sup>64</sup>
- The Virginia CACFP Sponsors Association supports providers to participate in the program through training, application assistance, and program compliance monitoring.
  - The Association works with the Virginia Department of Health (VDH) to ensure accurate and timely funding.
  - The Association's website includes a searchable database of local sponsors in the Commonwealth.
  - It also provides promotional assistance for participating in national CACFP week.<sup>65</sup>
- The Virginia Farm to CACFP initiative connects participants to nutrition education, locally grown Virginia foods and gardening opportunities.
  - Virginia Farm to CACFP is hosted by VDH
  - Numerous online resources are available for CACFP providers in the Commonwealth to plan activities, find seasonal recipes, and locate VA grown products.
  - The initiative also provided Farm to CACFP COVID-19 Resources.<sup>66</sup>

### *CACFP Related Legislation and Policies in Metropolitan Washington*

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<sup>62</sup> Child and Adult Care Food Program, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/cacfp>

<sup>63</sup> 7 CFR§ 226.17a

<sup>64</sup> "Malkia McLeod, "Maryland's CACFP Program: Serving Healthy Meals..." Maryland Families Engage, <https://marylandfamiliesengage.org/marylands-cacfp-program-serving-healthy-meals-one-child-and-adult-at-a-time/>

<sup>65</sup> For more information, see The Virginia CACFP Sponsors Association's website: <https://vachildcarefoodprogram.org/>

<sup>66</sup> For more information, see VDH's Farm to CACFP webpage: <https://www.vdh.virginia.gov/child-and-adult-care-food-program/farm-to-cacfp/>

## District of Columbia

### Healthy Tots Act of 2014<sup>67</sup>

The Healthy Tots Act (HTA) provides funding and resources to support childcare facilities' ability to serve nutritious meals and offer high-quality wellness programming.

- HTA has three major components: The Child and Adult Food Program (CACFP) Expansion, Enhanced Meal Reimbursements, and Add10.
  - CACFP Expansion requires childcare facilities that enroll 50% or more children who are eligible for the DC childcare subsidy program for low-income families, to participate in CACFP.
  - Childcare facilities that participate in CACFP are automatically eligible to receive the Healthy Tots reimbursements
  - HTA provides an additional 5 cents per meal reimbursement for meals containing a locally grown food.
  - Add10 provides facilities participating in CACFP with automatic additional 10 cents for each infant/child breakfast, lunch, and supper served that meets the law's requirements.

### Healthy Parks Amendment Act of 2018

Requires the DC Department of Parks and Recreation (DPR) to:

- Update nutritional standards for food and drinks provided or sold, including in vending machines, at its facilities, to the standards included in the DC Healthy Schools Act of 2010.
- Offer all youth attending DPR-sponsored after school enrichment programs a reimbursable supper through the Afterschool Meals Program at eligible sites.
- Create an annual plan to increase participation in Afterschool Meals Program and the Summer Food Service Program at DPR sites.
  - Coordinate with community groups, Advisory Neighborhood Councils, and DC Council to develop and implement the plan.<sup>68</sup>

## Summer Food Service Program (SFSP)

Also known as the Summer Meals Program, SFSP is a federally funded, state administered program. It provides free, nutritious meals and snacks to youth 18 years old and younger in low-income communities when school is out.

Working with the USDA's Food and Nutrition Service (FNS), the District of Columbia's Office of the State Superintendent (OSSE), Maryland State Department of Education (MSDE), and Virginia Department of Education (VDOE) administer SFSP in DC, MD, and VA. SFSP works with sponsors like local schools, government agencies, nonprofits, and other qualifying entities.

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<sup>67</sup> DC Code §38-281 et seq

<sup>68</sup> DC Law 19-280, enabling legislation: [https://lms.dccouncil.us/downloads/LIMS/39675/Signed\\_Act/B22-0681-SignedAct.pdf](https://lms.dccouncil.us/downloads/LIMS/39675/Signed_Act/B22-0681-SignedAct.pdf)



Sponsors are reimbursed by the program and may manage multiple sites where children and youth can receive meals.<sup>69</sup>

## Seamless Summer Option (SSO)

Schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) are eligible to apply for the SSO. Participating schools can serve free meals to all children under 18 under school meal program rules and receive reimbursement at the federal free rate for breakfast, lunch, and afterschool snack. There is also reduced paperwork requirements.<sup>70</sup>

In practice, the implementation of SSO and SFSP may look similar, however, SSO is only used by schools participating in NSLP and SBP.

### *Implementation Notes on Summer Meals in Metropolitan Washington*

- In the District, OSSE administers the DC Youth Meals Program.
  - During the summer of 2021, more than 80 locations offered free meals to youth.<sup>71</sup>
  - Sites typically include schools, community centers, apartment complexes and churches.<sup>72</sup>
- In Virginia and Maryland, schools, community centers, and other sponsors also offer SFSP.
  - Fairfax County provides an example of this. Its Neighborhood and Community Services Department is a SFSP sponsor. It will be offering free meals at County community centers, in addition to meals provided at Fairfax County Public School locations.<sup>73</sup>

## Pandemic Electronic Benefits Transfer (P-EBT)

P-EBT provides benefits on an EBT card to families with eligible children who would normally receive free or reduced-price school meals, if not for virtual and hybrid learning due to the COVID-19 pandemic.

In many cases, benefits were provided on SNAP/EBT cards, making them indistinguishable from SNAP benefits at the point of sale. P-EBT can be used at retailers that accept SNAP in-person, or online, and at farmers markets that accept SNAP.<sup>74</sup>

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<sup>69</sup> [fns.usda.gov/sfsp/sfsp-fact-sheets](https://fns.usda.gov/sfsp/sfsp-fact-sheets)

<sup>70</sup> Seamless Summer and Other Options for Schools, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/sfsp/seamless-summer-and-other-options-schools>

<sup>71</sup> <https://osse.dc.gov/dcyouthmeals>

<sup>72</sup> <https://www.dchunger.org/federal-nutrition-programs/summer-meals-sfsp/>

<sup>73</sup> <https://www.fairfaxcounty.gov/office-for-children/summer-food-service-program>

<sup>74</sup> P-EBT Questions and Answers for Retailers, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/snap/pandemic-ebt-questions-and-answers-retailers>

The program was first established by the Families First Coronavirus Response Act in March 2020. Federal guidance from USDA requires the creation and approval of state agency plans to implement the program.<sup>75</sup>

- The District of Columbia, Maryland, and Virginia received USDA FNS approval to implement P-EBT for the 2019 to 2020 and 2020 to 2021 school years.
  - Virginia received approval to implement P-EBT for the 2021-2022 school year for school age children.
  - Maryland received approval to implement P-EBT for the 2021-2022 school year for school age and young children.
  
- The USDA recently published guidance for states to create and submit Summer P-EBT Plans.
  - A recent report from the Center on Budget and Policy Priorities reiterated the important opportunity Summer P-EBT provides to states to address childhood food insecurity.
  - Childhood hunger is typically higher in the summer. Taken together with rising food costs and changes to summer meal service, P-EBT will be especially important for eligible school and young children to participate.<sup>76</sup>
  - The Food Research and Action Center has published Summer 2021 estimates of the number of estimated children served by P-EBT and total amount of benefits distributed by state.<sup>77</sup>

## The Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program provides funds to qualifying low-income people through EBT cards which are used to purchase food at licensed retailers, including grocery stores and farmers markets. Individuals and families receive funds each month so long as they are participating in SNAP.

SNAP is a federal entitlement program authorized through the U.S. Farm Bill. It is the largest nutrition program in the country. It is part of the Nutrition Title which is the largest title in the Farm Bill.

In the Metropolitan Washington region, SNAP is administered by the District of Columbia's Department of Human Services, Maryland's Department of Human Services and Virginia's Department of Social Services.

SNAP provides states with certain flexibilities in how the program is administered. Participants must periodically provide documentation through the recertification process to prove continued eligibility.

### *SNAP During COVID-19*

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<sup>75</sup> <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>

<sup>76</sup> <https://www.cbpp.org/research/food-assistance/states-have-an-important-opportunity-to-address-childhood-hunger-this>

<sup>77</sup> <https://frac.org/wp-content/uploads/Summer-2021-P-EBT-Numbers-1.pdf>

There were a number of changes to SNAP during the public health crisis intended to provide greater financial support and flexibility for participants, and increased flexibility to program administrators.

For example, the USDA expanded the SNAP Online Pilot Program rapidly in 2020 to allow the online purchasing of food by SNAP households.

Working with state agencies, select retailers in the District of Columbia, Maryland, and Virginia participate. Participants can use benefits to purchase eligible food items online at approved retailers in their state of residence,<sup>78</sup> in addition to in-person at any store anywhere that accepts SNAP.

One of the most critical changes to SNAP during the public health crisis has been the provision of Emergency Allotments. Since March 2020 - and for as long as the federal public health emergency lasts - states with some kind of emergency declaration have had the authority to provide additional federal benefits to households that were not already receiving the maximum benefit for their household size. There have also been adjustments for households that were already receiving the maximum benefit.<sup>79</sup>

On aggregate, the provision of Emergency Allotments has resulted in millions of additional dollars going to SNAP participants every month in DC, MD, and VA to purchase food. Once they end, SNAP participants will see a decrease, on average of \$82 a month in benefits per person. Currently, the federal public health emergency is expected to be extended until October which provides states the ability to continue to issue these critical supplemental funds to SNAP participants.

More permanent changes to SNAP have also been made. In August 2021, the USDA revised the Thrifty Food Plan which is what monthly SNAP benefit levels are based on. This will permanently raise benefits by about \$36 per month per person once Emergency Allotments end.<sup>80</sup>

A range of other changes for SNAP participants and state and local program administrators were also made during COVID-19, including delayed timelines for recertification requirements for participants to re verify eligibility, waiving of in-person interview requirements, and more. These changes were not just important as public health and safety measures, but to reduce administrative burdens for program administrators. Significantly increased need and numbers of new enrollees have constrained the workforces of local and state agencies that implement programs like SNAP.

### *Implementation Notes on SNAP in Metropolitan Washington*

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<sup>78</sup> Retailers offering online SNAP in DC, MD, and VA can be found at: <https://www.fns.usda.gov/snap/online-purchasing-pilot>

<sup>79</sup> <https://www.fns.usda.gov/news-item/usda-006421>

<sup>80</sup> <https://www.fns.usda.gov/tfp/blog-083021>

Qualified residents with pre-tax income up to 200% of Federal Poverty Level (FPL) in DC, MD, and (as of July 1, 2021) VA, are eligible.<sup>81,82</sup>

## *SNAP Related Legislation and Policies in Metropolitan Washington*

### **District of Columbia**

#### Food Stamp Emergency Expansion Act of 2009

- Part of the Budget Support Second Emergency Act of 2009
- Expanded food stamps (now SNAP) eligibility in several ways by:
  - Establishing categorical eligibility which allows SNAP participants with incomes of 200% of the federal poverty line to qualify (rather than 130%)
  - Establishing the Low-Income Home Energy Assistance Program (LIHEAP) to provide the maximum standard utility allowance to participants when calculating net income and SNAP eligibility.<sup>83</sup>

#### Food Stamp Emergency Expansion Act of 2014<sup>84</sup>

- Included in the Budget Support Act of 2014<sup>85</sup>
- Established a locally funded minimum benefit of \$30 per month for all families enrolled in SNAP.

### **Maryland**

#### Food Stamp Program - Minimum Benefit - State Supplement of 2016, Amended 2022

- Requires the State to fund a supplement to households that include a senior (at least 62 years old) from the federal minimum of \$16 to \$30 per month.<sup>86</sup>
- Amended to increase the supplemental benefit from \$30 to \$40 for households that include a senior.<sup>87</sup>

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<sup>81</sup> Prior to July 1, 2021, a SNAP applicant in Virginia could not earn more than 130 percent of the federal poverty threshold or line. For a family of three this was less than \$28,500 per year. Now VA applicants making 200 percent of the threshold or lower are eligible. This is just under \$44,000 for a family of three. The change is expected to bring millions of federal dollars to support residents and food security in the Commonwealth. For more see, "SNAP expansion expected to bring more than \$100 million in new food aid to Virginia," March 15, 2021, <https://www.nbc12.com/2021/03/15/snap-expansion-expected-bring-more-than-million-new-food-aid-virginia/>

<sup>82</sup> The amendment to Virginia's SNAP benefits program to establish broad categorical eligibility and set the gross income eligibility standard at 200% of the Federal Poverty Line is codified in Code of Virginia Chapter 8 § 63.2-801. Link: <https://law.lis.virginia.gov/vacode/63.2-801/>

<sup>83</sup> <https://code.dccouncil.us/dc/council/code/titles/4/chapters/2B/> and [http://app.cfo.dc.gov/services/fiscal\\_impact/pdf/spring09/FY2010\\_B.pdf](http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FY2010_B.pdf)

<sup>84</sup> <https://code.dccouncil.us/dc/council/code/titles/4/chapters/2B/>,

<sup>85</sup> [https://lirms.dccouncil.us/downloads/LIMS/31515/Signed\\_Act/B20-0750-SignedAct.pdf](https://lirms.dccouncil.us/downloads/LIMS/31515/Signed_Act/B20-0750-SignedAct.pdf)

<sup>86</sup> Enabling legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0758/?ys=2016rs>

<sup>87</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0456?ys=2022RS>

#### Food Supplement Program - Restaurant Meals Program of 2019

- Renames the food stamp program to the Food Supplement Program (FSP)
- Establishes a Restaurant Meals Program (RMP) within FSP in the Department of Human Services
- Expands food access so that SNAP participants without a place to store and cook food, may not be able to prepare food, or do not have access to a grocery store, can use benefits for restaurant meals
  - Maryland began implementing RMP in 2021.<sup>88</sup>

#### Summer SNAP for Children Act of 2019

- Requires the State to provide matching funds to counties for each child in a household that receives SNAP
- Provides each eligible child a combined State and county supplement of \$30 per month in June, July, and August, and \$10 in December
- Requires a county to submit application by December 1 and that it specify State and local shares of funding.<sup>89</sup>

#### Heat and Eat Program of 2021

- Establishes the Heat and Eat Program within SNAP in the Maryland Department of Human Services (MDHS) - federal LIHEAP - to expand food access for SNAP households.
  - Requires MDHS to apply a standard utility allowance for calculating gross income which is used to determine SNAP eligibility.
- Requires MDHS to study the feasibility of establishing automatic eligibility and approval for participation in the Maryland Energy Assistance Program for households under certain circumstances.
  - Sets the deadline for submitting this report as December 31, 2021.<sup>90</sup>

## Virginia

#### Supplemental Nutrition Assistance Program; notice to students (2022)

- Requires every public institution of higher education to ensure that all students have access to accurate information about SNAP, including eligibility and how to apply.
- Each institution must also advertise the application and process for applying prominently on its website and include this information in new student orientation materials.<sup>91</sup>

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<sup>88</sup> Enabling legislation: <https://mgaleg.maryland.gov/2019RS/bills/hb/hb0838T.pdf>

<sup>89</sup> <https://mgaleg.maryland.gov/2019RS/bills/hb/hb0338T.pdf>

<sup>90</sup> <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0101T.pdf>

<sup>91</sup> Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+HB582>

# Federal Farmers Market Nutrition Programs

## WIC FARMERS' MARKET NUTRITION PROGRAM

The federal WIC Farmers' Market Nutrition Program (FMNP) was created by Congress in the early 1990s and is funded through the annual appropriations process.

The program provides eligible WIC participants with FMNP coupons in addition to their regular WIC benefits. FMNP coupons can be used to buy eligible foods from state-approved farmers, farmers' markets or roadside stands.

USDA's Food and Nutrition Service (FNS) awards grants to states, the District of Columbia, U.S. Territories, and Indian Tribal Organizations (ITOs). FMNP is administered by state agencies such as state agriculture departments, health departments or ITOs.

Federal funds underwrite 100 percent of the food cost and 70 percent of the administrative cost of the program.<sup>92</sup>

### *Implementation Notes on WIC FMNP in Metropolitan Washington*

WIC FMNP offers \$30 per participant for the season (June through October).<sup>93</sup>

- Information on the District of Columbia's program can be found at: <https://www.dcwic.org/wic-farmer-s-market-program>
- Maryland also participates each season. More information: <https://health.maryland.gov/phpa/wic/Pages/wic-farmers.aspx>
- In Virginia, the Commonwealth's 35 Local Health Districts decide if they will implement the program.
  - As of 2021, participating districts included: Central Shenandoah, Chesapeake, Cumberland Plateau, Lenowisco, Mount Rogers, Pittsylvania/Danville, Virginia Beach, West Piedmont.
  - This program is not available in Northern Virginia.

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<sup>92</sup> <https://www.fns.usda.gov/fmnp/wic-farmers-market-nutrition-program>

<sup>93</sup> "WIC DC" August 5, 2021, <https://www.dcwic.org/wic-farmer-s-market-program>

## SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)

The federal SFMNP provides grants to states, federally recognized Indian Tribal Organizations, and U.S. territories to provide low-income seniors with coupons that can be redeemed for unprepared, locally grown fruits, vegetables, herbs, and honey at farmers' markets, roadside stands, and in community supported agriculture (CSA) programs.

Low-income seniors are generally defined as individuals who are at least 60 years old and who have household incomes of not more than 185% of the Federal poverty income guidelines. Some State agencies accept proof of participation or enrollment in the Commodity Supplemental Food Program (CSFP) or SNAP for SFMNP eligibility.

The Federal SFMNP benefit level, whether for a household or individual, must be at least \$20 and cannot be more than \$50 per year. State agencies can supplement the Federal benefit with State, local, or private funds.<sup>94</sup>

### *Implementation Notes on SFMNP in Metropolitan Washington*

- In the District, Commodity Supplemental Food Program participants also receive vouchers to spend on fresh fruits and vegetables at the farmer's market through the Senior Farmers' Market Nutrition program (SFMNP).
  - In 2020, participating seniors received \$40 in benefits.<sup>95</sup>
- In Maryland, seniors receive \$30 per market season
  - The Maryland Market Money program matches federal funds to be used at farmers' markets like SFMNP.
  - SFMNP is not administered by all Maryland counties.
- In Virginia, SFMNP helps eligible seniors get fresh produce from local farmers' markets.<sup>96</sup>
  - Seniors with incomes under 185% FPL receive a total of \$45 per market season (July to November) in vouchers.

### *State and Local Legislation, Policies, and Publicly Funded Farmers Market Incentive Programs*

The District of Columbia, Maryland, and Virginia each offer farmers market incentive programs which provide qualifying, low-income residents with additional funds to increase their purchasing power of healthy, local and regional food.

During COVID-19, SNAP Emergency Allotments and Pandemic-EBT (P-EBT) have boosted spending at farmers markets accepting SNAP and access to healthy, regional food.

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<sup>94</sup> SFMNP Fact Sheet, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/sfmnp/fact-sheet-2021>

<sup>95</sup> SFMNP Profile Data, U.S. Department of Agriculture, <https://www.fns.usda.gov/sfmnp/sfmnp-profile-data>

<sup>96</sup> <https://www.vda.virginia.gov/sfmnp.htm>

## District of Columbia

### Produce Plus Program<sup>97</sup>

- Starting in 2014, Produce Plus provides funds for locally grown, fresh produce weekly to residents with limited access to healthy foods.
  - DC invests more than \$1 million annually in this city-wide incentive.
- Participants receive funds to spend on produce at farmers markets.
  - During COVID-19, the program temporarily shifted to grab-and-go pre-packaged produce via pickup or home delivery through contracts with vendors.
  - In 2022, from early June through the end of September, participating residents will receive \$40 dollars per month to spend at select DC farmers markets and farm stands on fresh produce.
  - Produce Plus funds were first distributed as vouchers, however, in 2022 distribution is moving to a digital incentive with cards for participants. These will be loaded with benefits on the first day of the month.
- DC residents who qualify for at least one public assistance program are eligible: SNAP, WIC or WIC Farmers Market Nutrition Program, Grocery Plus (Commodity Supplemental Food Program and Senior Farmers Market Nutrition Program), Medicaid, SSI Disability, or TANF.
  - Produce Plus is not a matching incentive program.
  - Participants can - but are not required - to use other benefits like SNAP or WIC when they use Produce Plus dollars.
- Originally administered by DC Greens, in 2022, FRESHFARM began administering the program through the contract with the DC Department of Health.
  - Previous year's annual reports and additional information on Produce Plus's history can be found on the DC Greens website.
  - DC Greens, working with customers, led advocacy for the inclusion of Produce Plus as a permanent item in the DC budget in 2015.<sup>98</sup>

Another matching farmers market incentive program, FRESH MATCH, is offered in the District of Columbia by a number of markets. More information on FRESH MATCH is listed under regional programs in this section.

## Maryland

### Maryland Farms and Families Act (2017)<sup>99</sup>

- Establishes the Maryland Market Money (MMM) Program in the Maryland Department of Agriculture (MDA).
  - MMM's purpose is to double the purchasing power of food-insecure residents with limited access to fresh fruits and vegetables and to increase revenue for farmers through redemption of specified benefits at MD farmers markets

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<sup>97</sup> <https://www.freshfarm.org/produceplus>

<sup>98</sup> <https://www.dcgreens.org/incubating-programs>

<sup>99</sup> <https://mgaleg.maryland.gov/2017RS/bills/hb/hb0586T.pdf>



- Creates the Maryland Farms and Families Fund
- Requires the Governor to include a \$500,000 appropriation to the Fund each fiscal year, subject to the limitations of the State budget

#### Maryland Farms and Families Fund - Purpose, Use, Funding, and Grant Qualifications – Alterations (2019)<sup>100</sup>

- Expands purpose and use of Maryland Farms and Families Fund to include grants to nonprofits that match purchases made with FMNP, SNAP and WIC at participating MD farmers markets, nonprofit farmers markets to implement the program, and nonprofit organizations that implement the program in partnership with one or more participating farmers markets.
- Authorizes MDA to consider a nonprofit’s record of providing services in food deserts when awarding grants
- Requires the Governor to include a \$100,000 appropriation to the Fund in the annual budget.
  - Funding is in addition to, and may not supplant, any funding appropriated to MDA’s Marketing and Promotion Department.

#### The Farm to Food Security Act (2022)

- Official title is the Maryland Farms and Families Fund, Maryland Food and Agricultural Resiliency Mechanism Grant Program, and Maryland Farm-to-School Meal Grant Pilot Program – Alterations and Establishment
- Alters the Maryland Farms and Families Fund
- Expands eligible entities that can receive grants to nonprofits that match purchases made with FMNP, SNAP, and WIC benefits at participating farmers markets and farm stands.
- Adjusts the percentage of money from the fund that qualifying nonprofits can use to fund local market access coordinators and matching dollars versus program development, promotion, outreach, training, technical assistance, evaluation, administration, and reporting costs.
- Mandates funding at \$100,000 through FY2023 and at \$300,000 in FY2024 and every year after.
- Updates MDA’s authority to consider a nonprofit’s record of providing services in Healthy Food Priority Areas when awarding grants.<sup>101</sup>

Maryland Market Money (MMM) was started in 2013 by the Maryland Farmers Market Association to increase access to quality nutrition for food insecure households, generate revenue for local farmers and support viability for farmer’s markets. The program is now administered by the Southern Maryland Agricultural Development Commission (SMADC) and MARBIDCO. MMM provides a dollar-for-dollar match for purchases made using federal nutrition benefits (e.g SNAP, FMNP, SR FMNP) at participating MD farmers markets.

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<sup>100</sup> <https://mgaleg.maryland.gov/2019RS/bills/hb/hb0084E.pdf>

<sup>101</sup> Enabling Legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0121?ys=2022RS>

In Metropolitan Washington, several local governments contribute the MMM program to support implementation at farmers markets in their jurisdictions.

### *Prince George's County*

SNAP to Health Bill (2014)<sup>102, 103</sup>

- Creates the “SNAP To Health” Program in the Prince George’s County Health Department to provide technical assistance to encourage and support SNAP acceptance and processing technology at farmers markets.
  - Aims to increase access to fresh produce in neighborhoods with low access.
- Includes training to market managers on reporting requirements and responsibilities
- Creates a grant program to offset the cost of establishing a SNAP acceptance and processing system, associated fees, and staff.
  - Provided available funding, a farmers market can apply for three years of assistance at specific increments.
  - Market may not receive more than \$5,000 in county grants for the program in a fiscal year
- Initial funding of \$100,000 in the FY 2015 budget for administration and implementation.
  - In FY2016 and FY2017, the Prince George’s Food Equity Council successfully advocated for \$50,000 in funding for the SNAP to Health Program.
- Requires the Health Department to collaborate with farmers markets, the Department of Social Services, and others to do advertising and targeted outreach to residents participating in SNAP.

### **Virginia**

Virginia Fresh Match doubles the value of SNAP (and P-EBT) in Virginia.

- Virginia Fresh Match (VFM) can be used at participating farmers markets and several markets and coops across the Commonwealth.
  - Access the map of VFM locations here: <https://vfm.leapforlocalfood.org/locations/>
- The Program is administered by Local Environmental Agriculture Project (LEAP) in partnership with other regional organizations, including Virginia Community Food Connections.
- Farmers markets in Virginia have been piloting matching incentive programs since 2009<sup>104</sup>
  - Many received funding through a national non-profit partner, Wholesome Wave.
  - The non-profit, several farmers markets and Virginia Farmers Market Association, created the statewide VFM network in 2015 to offer statewide incentive funding.

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<sup>102</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4035013&GUID=E5CF0F5F-EE67-4871-B737-BE4457B47C8F>

<sup>103</sup> PG County, MD Code of Ordinances Subdivision 4 Sec. 12-116, Link: [https://library.municode.com/md/prince\\_george%27s\\_county/codes/code\\_of\\_ordinances?nodeId=PTIITI17PULOLAPRGE\\_COMA\\_SUBTITLE\\_12HE\\_DIV2FOSEFA\\_SD3PEIN\\_S12-115SPFOSEFAMOUN](https://library.municode.com/md/prince_george%27s_county/codes/code_of_ordinances?nodeId=PTIITI17PULOLAPRGE_COMA_SUBTITLE_12HE_DIV2FOSEFA_SD3PEIN_S12-115SPFOSEFAMOUN)

<sup>104</sup> “Virginia Fresh Match: A Statewide Network to Help Farmers Markets Serve Low-Income Shoppers,” Virginia Fresh Match, <https://vfm.leapforlocalfood.org/about-us/>

- In 2018, LEAP and Virginia Community Food Connections partnered under VFM to apply for and receive a USDA FINI grant to provide SNAP incentive funding through 2021, and to expand the network to new markets and retail grocery stores.
  - In 2021, the partners successfully secured another federal grant from the Gus Schumacher Nutrition Incentive Program COVID Relief and Response (GusCRR) Nutrition Incentive Projects.

## Regional

### FRESH MATCH

- FRESH MATCH provides a financial match to participants using federal nutrition benefits such as SNAP and P-EBT.
- The District of Columbia, Maryland, and Virginia farmers markets offering FRESH MATCH include FRESHFARM, Arcadia Mobile markets, and several other partner markets.
  - A list of FRESH MATCH locations is available at: [www.freshfarm.org/fresh-match](http://www.freshfarm.org/fresh-match)
- The program has been supported by two federal USDA FINI (Food Insecurity Nutrition Incentive) grants.
  - FINI grants require a local funding contribution as part of the application process
  - FINI is now the Gus Schumacher Nutrition Incentive Program (GusNIP)
  - The grant currently supporting FRESHMATCH was extended to 2022

### Metropolitan Washington Regional Farmers Market Incentive Coalition

- At the end of 2021, the USDA awarded FRESHFARM and its partners a four-year GUSNIP grant.<sup>105</sup>
  - The grant will establish a Metro Washington Region Incentive Program Coalition.
  - At least 110 farmers markets and some CSAs will be part of the coalition to support participating families to purchase more fruits and vegetables.
- Local government investments in DC and MD (e.g. Produce Plus and contributions to Maryland Market Money) helped to secure more federal dollars.
- Coalition partners include:
  - LEAP and Virginia Fresh Match
  - SMADC and the Maryland Market Money incentive program
  - State SNAP offices (e.g. DC DHS, VDSS, MD DSS)
  - COG's FARM Policy Committee
  - The DC Food Policy Council
  - A group of independently run farmers markets and mobile markets accepting SNAP across the region.

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<sup>105</sup> "FRESHFARM Nabs \$1.4 Million USDA Grant to Expand Food Access In Washington, DC, Maryland, & Virginia," FRESHFARM FRESH TALK BLOG, 2021. <https://www.freshfarm.org/blog/food-access/freshfarm-nabs-1-4-million-usda-grant-to-expand-food-access-in-washington-dc-maryland-virginia>

## Commodity Supplemental Food Program

The Commodity Supplemental Food Program (CSFP) supplements the diets of low-income seniors at least 60 years of age with USDA Foods. Through CSFP, USDA provides both food and administrative funds to participating states and other eligible entities.

USDA data indicates that an average of approximately 676,000 people participated in CFSP per month.<sup>106</sup>

CFSP provides seniors that are low-income with a monthly box of groceries and nutrition education through local food banks, like the Capital Area Food Bank (CAFB).

### *Implementation Notes on CFSP in Metropolitan Washington*

- In DC, CFSP is called Grocery Plus. CAFB provides a monthly box with 30 to 40 pounds of nutritious foods to 5,400 qualifying seniors each month. Participating seniors are also eligible for SFMNP.<sup>107</sup>
- In MD, CFSP is My Groceries to Go! It's administered by CAFB and Maryland Food Bank.<sup>108,109</sup>

## The Emergency Food Assistance Program (TEFAP)

The Emergency Food Assistance Program (TEFAP) supplements the diets of low-income people, including elderly people, with free, emergency food assistance. State allocations are by formula and based on unemployment and poverty data.

The USDA purchases a variety of nutritious “USDA Foods” and makes these available to state distributing agencies. State agencies contract with local agencies, usually food banks, which distribute the food to local organizations such as food pantries, to directly provide this food to qualifying, low-income people.<sup>110</sup>

In Metropolitan Washington, Capital Area Food Bank manages TEFAP via agreements with the District of Columbia’s Office of the State Superintendent, Virginia Department of Agriculture and Consumer Services (VDACs), and Maryland Department of Human Services (DHS). Maryland Food

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<sup>106</sup> CFSP Fact Sheet, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/csfp/csfp-fact-sheet>

<sup>107</sup> “Commodity Supplemental Food Program” DC Health, August 5, 2021, <https://dchealth.dc.gov/service/commodity-supplemental-food-program-0>

<sup>108</sup> <https://www.capitalareafoodbank.org/what-we-do/direct-food-distribution-programs/commodity-supplemental-food-program/>

<sup>109</sup> <https://aging.maryland.gov/Pages/MDoAMyGroceriesToGo.aspx>

<sup>110</sup> TEFAP Fact Sheet, U.S. Department of Agriculture, December 31, 2021, <https://www.fns.usda.gov/tefap/tefap-fact-sheet>

Bank (serving distribution partners in Charles and Frederick counties) and Blue Ridge Area Food Bank (serving partners Loudoun County) work with DHS and VDACS, respectively.

# ADDITIONAL STATE AND LOCAL LEGISLATION, POLICIES AND PUBLICLY FUNDED PROGRAMS IN THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA

## Food Security and Nutrition

### Maryland

#### Higher Education – Hunger-Free Campus Grant Program (2021)<sup>111</sup>

- Defines Hunger-Free Campus and creates and defines the grant program.
- Requires the Maryland Higher Education Commission to administer the program and designate certain public two or four-year public institutions of higher education or any regional center of higher education as a Hunger-Free Campus if it:
  - Has created a Hunger Free Task Force that meets at least three times per academic year.
  - Has designated a staff member to assist eligible students to enroll in SNAP, provide students with information on where they can use SNAP on and off campus, develops and maintains a program to allow students to donate unused meal plan credits to students in need (two-year institutions are exempted), develop and facilitate access to at least one on-campus food pantry, and complete annual reporting requirements.
- Establishes an annual budget of \$150,000 for the program beginning in FY23.
  - Designates Hunger-Free Campuses as eligible entities to apply for flexible grant funds.
  - Requires matching funds from the applicant.

### Montgomery County, MD

#### Healthy Meals for Children (2022)

- Requires food service establishments that offer children’s meals to offer at least one healthy option.
  - Defines the type of items that must be among two or more items of the meal, such as unfried vegetables and fruit, certain types of whole grain products, and lean proteins.
- Establishes that the default beverage option offered with the children’s meal will be one of the following:
  - Plain or plain sparkling water
  - Eight ounces or less of unflavored nonfat or 1% milk, or a non-dairy equivalent with no added natural or artificial sweeteners

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<sup>111</sup> Maryland Constitution Article II, Section 17(c), chapter 580 and <https://legiscan.com/MD/bill/SB767/2021>

- Six ounces or less of 100% fruit or vegetable juice, a combination of 100% fruit and vegetable juice with no added natural or artificial sweeteners, or a combination of 100% fruit and vegetable juice with no added natural or artificial sweeteners and sparkling water
- Does not impact the customer’s right to choose other options
- Requires the county to conduct educational outreach in multiple languages, including Spanish
- Sections of the Act require implementation from between one year and 18 months after the bill becomes law.<sup>112</sup>

### *Prince George’s County, MD*

#### Healthy Children’s Meals and Beverages (2020)

- Requires all restaurants in the county, including fast food, to provide healthy food and beverage options for kids’ meals
- Outlines tiered implementation over five years:
  - Year 1-2: Replace soda options with water, sparkling water or flavored water without added sweeteners; nonfat or low-fat milk; 100% fruit or vegetable juice
  - Year 2-3: Offer at least one healthy side (ie. half cup of fruit/vegetable) in all kids’ meals
  - Years 3-4: Offer at least one kids meal that meets a set a of nutritional standards
  - Year 5: Enforcement<sup>113</sup>

### *COVID-19 Programs*

#### Case Study: Montgomery County Food Security Task Force

At the onset of the pandemic, the county’s Office of Emergency Management and Homeland Security (OEMHS) brought local government, nonprofit, and private stakeholders together to plan for the county’s food response. OEMHS stood up the Montgomery County Food Security Task Force (FSTF) which was led by OEMHS, the Department of Health and Human Services, and MCFC.

FSTF’s work has grown and evolved throughout the pandemic. For example, as of this publication, food security coordination call frequency is moving to a once per month schedule. At the height of the pandemic, these calls were held weekly, then biweekly. The calls, coordinated by MCFC, regularly attracted well over 100 participants including the county’s network of emergency food assistance providers.

In addition to [MCFC’s map and list of emergency food assistance providers](#), FSTF set up a [Food Access Call Center](#) which continues to operate. FSTF has coordinated bulk purchasing and

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<sup>112</sup>[https://apps.montgomerycountymd.gov/cclims/DownloadFilePage?FileName=2742\\_1\\_20082\\_Bill\\_1-22\\_Enacted\\_20220301.pdf](https://apps.montgomerycountymd.gov/cclims/DownloadFilePage?FileName=2742_1_20082_Bill_1-22_Enacted_20220301.pdf)

<sup>113</sup> “Prince George’s County Passes Comprehensive Healthy Kids’ Meal Bill” Hunter College New York City Food Policy Center, November 24, 2020, <https://www.nycfoodpolicy.org/food-policy-snapshot-prince-georges-county-healthy-kids-meal/>

distribution of Personal Protective Equipment (PPE). It has also developed systems for data gathering and reporting to track emergency food distribution and need which informs county funding requests.

The county's network of emergency food assistance providers expanded from 75 prior to the pandemic, to approximately 125 at the height of the pandemic.

Early in the pandemic, FSTF released the "COVID-19 Pandemic Food Security Response Strategy" and has subsequently worked with a diverse stakeholder group and elected officials to secure several special appropriations to fund strategy recommendations.<sup>114,115,116</sup>

An example of how FSTF partners worked to deploy innovative and systemic responses to food insecurity during COVID-19, can be found in the county's Food Equity Access Grant Program. A partnership between Montgomery Department of Health and Human Services and the Montgomery County Food Council (MCFC), and the Healthcare Initiative Foundation. The partnership deployed county funds in the summer of 2021 to food assistance providers to build their capacity to expand the number of households served and to ethnic grocers to increase access to culturally appropriate food.<sup>117</sup> Nonprofit grantees invested in cold and dry storage, technology, transportation, and other materials and equipment to improve the efficiency of food distribution operations.<sup>118</sup>

This is one of several grant rounds that the FSTF has deployed for similar purposes during the pandemic. Another program built upon Manna Food Center's Farm-to-Food Bank Program with capacity building grants to food producing farmers in the county. The county has also provided relief funding to restaurants.

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<sup>114</sup> Link to Resolution 19-506 on June 23, 2020 approving a Special Appropriation to create the Montgomery County Food Security Fund and implement and support the "COVID-19 Pandemic Food Security Response Strategy." [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9718\\_1\\_11041\\_Resolution\\_19-506\\_Adopted\\_20200623.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9718_1_11041_Resolution_19-506_Adopted_20200623.pdf)

<sup>115</sup> In November 2020, Resolution 19-653 amended Resolution 19-506 to approve FSTF's request to make expenses for diapers, wipes, and formula for households seeking food assistance eligible for Food Security Fund monies. Link: [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9865\\_1\\_11039\\_Resolution\\_19-653\\_Adopted\\_20201110.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9865_1_11039_Resolution_19-653_Adopted_20201110.pdf)

<sup>116</sup> Resolution 19-694 approved on December 8, 2020, provided funding to the FSTF to continue emergency food response efforts through June 30, 2021. Some were earmarked for eight established Consolidation Hubs throughout the County to provide comprehensive support and response to hard-to-reach residents. [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9905\\_1\\_12143\\_Resolution\\_19-694\\_Adopted\\_20201208.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=9905_1_12143_Resolution_19-694_Adopted_20201208.pdf)

<sup>117</sup> "Montgomery County Food Access Grant Program" Montgomery County Food Council, <https://mocofoodcouncil.org/montgomery-county-food-access-grant-program/>

<sup>118</sup> Montgomery County Food Council, "COVID-19 Emergency Food Assistance Provider Capacity Building Grants: Report on Key Findings and Impact," Fall 2021. [https://mocofoodcouncil.org/wp-content/uploads/2021/11/Montgomery-County-Food-Council\\_Capacity-Grants-Report\\_Fall-2021\\_final.pdf](https://mocofoodcouncil.org/wp-content/uploads/2021/11/Montgomery-County-Food-Council_Capacity-Grants-Report_Fall-2021_final.pdf)



# Food as Medicine

Policies and programs integrating healthy food access as a core component of health care.

## District of Columbia

### Produce Prescription Program (Produce Rx)<sup>119</sup>

- Allows medical professionals to prescribe fresh fruits and vegetables to patients experiencing diet-related chronic illnesses while providing additional support for patients living in poverty.
- Funded by the District of Columbia’s Department of Health Care Finance and administered by DC Greens.
- Produce Rx started in 2012 and ran at DC farmers markets.
- In 2019, the program shifted to partner with Giant Food, AmeriHealth Caritas DC and the DC DOH.
- DC provides partial funding for this program through a grant from Department of Healthcare Finance. The current grantee, DC Greens, raises the majority of the revenue for the program through fundraising and healthcare partnerships.

## Maryland

### Prince George’s County

#### Prince George’s Fresh<sup>120</sup>

- A pilot, fruit and vegetable voucher benefit program where medical professionals recommend produce vouchers and nutrition education to patients experiencing diet-related chronic illness.
- The pilot is a partnership of the Institute for Public Health Innovation, Healthy Eating Active Living (HEAL) Workgroup of the Prince George’s County Healthcare Action Coalition, Amerigroup, Anthem Foundation, and participating healthcare providers.

## Virginia

### Produce Rx Program established; report (2021)<sup>121</sup>

- Directs the Department of Social Services to work with the Department of Medical Assistance Services to convene a work group
- Work group is to develop a plan for a three-year pilot Produce Rx program

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<sup>119</sup> “Produce Prescription Program” DC Greens, August 5, 2021. <https://www.dcgreens.org/produce-rx>

<sup>120</sup> “Prince George’s Fresh,” Institute PHI, [http://www.institutephi.org/wp-content/uploads/2021/06/PG-Fresh-Fact-Sheet\\_Updated-6-9-21.pdf](http://www.institutephi.org/wp-content/uploads/2021/06/PG-Fresh-Fact-Sheet_Updated-6-9-21.pdf)

<sup>121</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2065>

- Purpose is to incentivize consumption of fruit and vegetables by eligible residents for whom increased consumption is recommended by a qualified care provider.
- Bill requires a report on the work group and the plan to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by October 1, 2021.
  - The report, “Mainstreaming a Produce Rx Plan in Virginia,” is available through Virginia’s Legislative Information System.<sup>122</sup>
  - Proposed legislation, and a budget amendment, were introduced during VA’s 2022 General Assembly session to support and fund the Department of Social Services to conduct a three-year pilot of Produce Rx. These did not pass this session.
    - Several nonprofits in VA run Produce Prescription Programs in partnership with health care providers, such as Local Food Hub in Charlottesville and Shalom Farms in Richmond.<sup>123,124</sup>

## Food Procurement

### District of Columbia

#### Healthy Food and Beverage Standards for District Government Property (2014)

- Requires the Mayor to establish healthy food and beverage nutrition and procurement standards, guided by the General Services Administration’s “Health and Sustainability Guidelines for Federal Concessions and Vending Operations,” by one year from the end of February 2015.
- Shall apply to foods and beverages purchased or served by DC agencies, including at meetings, events, in vending machines, and through onsite vendors
- Food served by the Departments of Corrections and Behavioral Health to people living in these institutions is exempted.
- Does not apply to food served to school children but can apply to adults in school if food is separate and different than what is served to students
- At least 50% of all foods and beverages shall be healthy, as guided by the General Services Administration guidelines.<sup>125</sup>

#### Good Food Purchasing Program (GFPP)<sup>126</sup>

This national program works toward creating a transparent and equitable food system built on a set of values: local economies, health valued workforce, animal welfare, and environmental sustainability.<sup>127</sup>

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<sup>122</sup> <https://rga.lis.virginia.gov/Published/2022/RD16/PDF>

<sup>123</sup> <https://www.localfoodhub.org/program/food-access/>

<sup>124</sup> <https://shalomfarms.org/what-we-do/programs/prescription-produce-plan/>

<sup>125</sup> <https://code.dccouncil.us/us/dc/council/code/sections/1-541.02#>.

<sup>126</sup> §38-823.01b

<sup>127</sup> For more information, see Center for Good Food Purchasing. <https://goodfoodpurchasing.org/>

- GFPP has been adopted as a policy by some communities across the country, and is being implemented at a greater number of institutions like school districts, other government agencies which procure and serve food, and more.
  - The Center for Good Food Purchasing manages GFPP, and works with participating institutions and other local stakeholders to establish, measure, and improve supply chain transparency toward values-based procurement.
  - For a list of places where GFPP, see the Centers Active Campaigns and Partners map and its Enrolled Institutions map.<sup>128</sup>
- DC Public Schools (DCPS) is implementing GFPP as required by the Healthy Students Amendment Act of 2018.
  - Conducted GFPP baseline assessment in 2019 with school meal providers (e.g. Sodexo Magic, DC Central Kitchen).
  - Currently developing a multi-year action plan to continue to better align their food purchasing with the GFPP values and standards.
  - The DC GFPP Coalition, housed at DC Greens, supports implementation and promotion of GFPP in the District.

#### The Green Food Purchasing Amendment Act of 2021

- Requires the DC Department of Energy and Environment (DOEE) to adopt a methodology and undertake a baseline life cycle assessment of greenhouse gas emissions (GHGs) in DC's food and beverage purchases.
- Requires DOEE to establish best practices for reducing GHG in DC's food and beverage procurements and to prepare an annual report on progress.
- Sets a schedule of progressively higher targets to reduce GHG emissions associated with the food purchases, reaching a 25% reduction by 2030.<sup>129</sup>

## Maryland

### Certified Local Farm Enterprise Program and Certified Local Farm Enterprise Food Aggregation Grant Fund (2020)

- Establishes the Certified Local Farm Enterprise Program, and the Office for the Certified Local Farm Enterprise Program, in the Maryland Department of Agriculture (MDA).
  - Purpose is to encourage each state school, including four-year universities, to achieve a food purchasing goal of 20% from certified local farm enterprises.
  - Goal is pegged to the dollar value of total food purchases.
  - Requires staffing for the Office and charges it with creating guidelines for state institutions to use when conducting the procurement process to meet the goal.
- Requires state institutions to create programs to evaluate each food contract to determine the appropriate local farm enterprise participation goals, if any, for the particular contract.
  - Establishes monitoring and data collection goals on progress toward contract goals.

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<sup>128</sup> <https://goodfoodpurchasing.org/about-the-center/#local-partners>

<sup>129</sup> DC Law 24-16, <https://code.dccouncil.us/us/dc/council/laws/24-16#>

- Sets out conditions under which institutions may obtain waivers through demonstration of good faith efforts.
  - Mandates annual state reporting on waivers.
- A certified local farm enterprise is a farm that has a nutrient management plan with MDA.
- Creates a non-budgeted Certified Local Farm Enterprise Food Aggregation Grant Fund to support the establishment and operation of food aggregation, storage, processing, and distribution sites across MD.
  - Grant fund is administered by the Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO).<sup>130, 131</sup>

### *Montgomery County*

#### Contracts and Procurement – Vending Machine Service Contracts – Healthy Vending Standards – 2017<sup>132</sup>

- Regulates what types of products are available in vending machines on County property.
- Includes requirements for packaged food and beverage serving sizes, maximum calorie counts, and percentage of calories derived from fat, saturated fat, and added sugar.
- Gradually increases the percentage of products in vending machines over a two-year period which must meet nutrition requirements.

### *Prince George’s County*

#### Healthy Vending Requirements (2017)<sup>133</sup>

- Regulates what types of products are available in vending machines on County property to address food swamps and nutrition-related chronic disease.
- Includes requirements for packaged food and beverage serving sizes, maximum calorie counts, and percentage of calories derived from fat, saturated fat, and added sugar.

## **Food Processing, Distribution and Retail**

Policies and programs impacting food processing, manufacturing, and retail, including a broad diversity of retailers from mobile markets and corner stores to grocery stores.

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<sup>130</sup> <https://mgaleg.maryland.gov/mgaweb/legislation/details/SB0985?ys=2020RS>

<sup>131</sup> More information on the Certified Local Farm Enterprise Program and Grant Fund can be found on MDA’s and MARBIDCO’s websites: [https://mda.maryland.gov/maryland\\_products/Pages/certified-local-farm.aspx](https://mda.maryland.gov/maryland_products/Pages/certified-local-farm.aspx)  
[https://www.marbidco.org/\\_pages/programs\\_grants/grant\\_programs\\_lfag.htm](https://www.marbidco.org/_pages/programs_grants/grant_programs_lfag.htm)

<sup>132</sup> [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1079\\_1\\_848\\_Bill\\_1-17\\_Signed\\_20170426.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1079_1_848_Bill_1-17_Signed_20170426.pdf)

<sup>133</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=5253362&GUID=C5DD33D6-51CD-4B79-BF89-E9DA7AC0F463>, PG County Code Division 11, Section 12-210-211

## District of Columbia

### Qualified Supermarket Tax Incentive (2000)<sup>134</sup>

- Waives certain taxes and fees to grocery stores that are in specific neighborhoods via the Supermarket Tax Exemption Act of 2000 DC.
  - Goal is to incentivize investment in areas lacking access to fresh produce and foods.
  - Supermarkets that qualify can receive real property tax exemption, business license fee exemption, personal property tax exemption, and/or sales and use tax exemption on building materials for construction.

### Food, Environmental, Economic Development in the District of Columbia Act of 2010 (FEED DC)

- Establishes the Grocery Store Development Program for the purpose of incentivizing renovations of existing stores and attracting new stores to priority areas in the DC Office of the Mayor for Planning and Economic Development (DMPED).
  - Calls for a working group of community development financial institutions, District agencies, nonprofit organizations, and other interested District individuals and organizations to seek federal funding through the Healthy Food Financing Initiative.
    - This program was not implemented under this legislation, however, Nourish DC uses a similar model.
  - Authorizes the program to provide any combination of the following to grocery stores in eligible areas of DC: grants, loans, federal tax credits, and other financial assistance, as well as technical assistance to support their development.
  - Provides a DC “grocery ambassador” to assist interested retailers with research and data collection, interagency coordination, facilitating regulatory procedures and approvals, and other activities.
  - Establishes other incentives related to Zoning and qualifies projects for the Green Building Expedited Construction Documents Review Program.
  - Requires participating retailers to accept SNAP benefits, apply to accept WIC benefits, enter into a first source agreement, and sell fresh produce and healthy foods for a period of no less than 5 years.
- Establishes the Healthy Food Retail Program in the Department of Small and Local Business Development (DSLBD) with assistance from other DC agencies at DSLBD’s request.
  - Expands access to healthy foods by providing assistance to corner stores, farmers markets, and other small food retailers.
  - Authorizes the program to provide grants, loans, federal tax credits, and other financial assistance, as well as technical assistance.
  - Authorizes DSLBD to contract with a nonprofit to implement the program.
    - DC Central Kitchen’s Healthy Corners Program received a grant through DSLBD and the Healthy Food Retail Program in 2011 to pilot its Healthy Corners Program.

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<sup>134</sup> “Supermarket Tax Incentives” DMPED, August 5, 2021 <https://dmped.dc.gov/page/supermarket-tax-incentives#:~:text=Through%20the%20Supermarket%20Tax%20Exemption,to%20groceries%20and%20fresh%20food>

- In subsequent years, it has leveraged a range of other funding sources to expand and refine the program.<sup>135,136</sup>
- Encourages corner stores, farmers markets, and other small food retailers participating in the program to apply to accept SNAP and WIC benefits, and to employ DC residents.

#### Ward 7 and Ward 8 Entrepreneur Grant Fund (2017)

- Facilitates the creation of the 2018 Ward 8 Equitable Food Incubator Grant in the Department of Small and Local Business Development (DSLBD).
  - Created by the Fiscal Year 2018 Budget Support Act of 2017.<sup>137</sup>
  - The purpose of the Equitable Food Incubator Grant was “to provide food preparation infrastructure to resident businesses of Ward 8, in Ward 8.
  - Made a pool of \$250,000 for up to five grantees available through a competitive funding process in 2018.<sup>138</sup>

#### Grocery Store Restrictive Covenant Prohibition Act of 2018

- Prohibits grocery or food retail store owners or operators from including a restrictive land covenant, or other use restriction, in a contract for the sale, lease, or other transfer of real property that prohibits the future use of the property from being a grocery or food retail store, or that prohibits the use of any property within one mile from being the same.
- The law does not apply to grocery or food retail store owners or operators that terminate operations at a site to relocate the store to a comparable or larger site located in the District of Columbia within one-half mile of the original site.
  - Relocation and opening of the new grocery or food retail store at the new site must occur within 2 years of the sale, transfer, or lease of the prior site.
  - The restrictive covenant, or other use restriction agreed upon at the prior site, must not have a term in excess of 3 years.<sup>139</sup>
- Builds upon several temporary covenant prohibition laws including the Grocery Store Restrictive Covenant Prohibition Temporary Act of 2017, Grocery Store Restrictive Covenant Prohibition Temporary Act Of 2016, and the Grocery Store Restrictive Covenant Prohibition Emergency Declaration Resolution of 2015.

#### DC Local Equity, Access and Preservation Funds (2020)

- DC Local Equity, Access and Preservation Funds or DC LEAF is a suite of investments that began in FY21 through three different programs to support DC’s economic recovery.
- DMPED made more than \$5 million dollars available in FY21 through three different programs to bring fresh food, community services, retail, affordable housing, employment, and recreational spaces to neighborhoods:
  - FY 2021 Neighborhood Prosperity Fund

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<sup>135</sup> <https://dcentralkitchen.org/healthy-corners/>

<sup>136</sup> [https://dcentralkitchen.org/wp-content/uploads/2016/09/Healthy-Corners-Manual\\_FULL-compressed.pdf](https://dcentralkitchen.org/wp-content/uploads/2016/09/Healthy-Corners-Manual_FULL-compressed.pdf)

<sup>137</sup> DC Code § 1-325.371

<sup>138</sup> <https://dslbd.dc.gov/page/ward-8-equitable-food-incubator-grant>

<sup>139</sup> DC Law 22-138, <https://code.dccouncil.us/us/dc/council/laws/22-138>

- FY 2021 Nourish DC Fund
- FY 2021 Locally Made Manufacturing Grant Program.<sup>140</sup>
- The FY21 awardees encompassed a range of enterprises, including the nonprofit, DC Central Kitchen and several restaurants and markets.<sup>141</sup>

#### The Food Access Fund and Nourish DC Collaborative (2021)

- Provides funding and additional administrative authority for food access and investment via the via the FY22 Budget Support Act of 2021.<sup>142</sup>
  - Includes more than \$58 million over three years, mostly from the American Rescue Plan Act allocation.
  - Food Access Fund: DMPED provides grant funding to small, medium, and large grocery stores and sit-down restaurants to open new locations in DC’s Wards 7 and 8.
    - Wards 7 and 8 are priority communities to increase equitable access to fresh, healthy, affordable foods.
  - Nourish DC Collaborative: Through a public private partnership with local Community Development Financial Institutions, DMPED and the DC Office of Planning provide funding for grants, loans, and technical assistance for small food businesses across the food value chain.
    - Eligible businesses include grocery stores, corner stores, and farmers markets, with a focus on building community wealth and increasing healthy food access.

## Maryland

#### Grocery Store Tax Credit (2010)

- Authorizes the Mayor and City Council of Baltimore, or the governing body of a county or municipal corporation, to grant a tax credit against the county or municipal corporation property tax imposed on specified grocery stores in “low-income areas” defined by the governing body.
  - Defines grocery stores as retailers where the primary business is selling food to the public for off-premises consumption, and at least 20% of gross sales come from fresh produce, meats, and dairy products.
- Authorizes the county or municipal corporation to define the amount and duration of the credit, eligibility criteria, specified regulations and procedures, and any other provisions necessary to carry out the tax credit.<sup>143,144</sup>

<sup>140</sup> <https://dmped.dc.gov/publication/nofa-%E2%80%93fy2021-dc-local-equity-access-and-preservation-funds-dc-leaf>

<sup>141</sup> <https://www.washingtoninformer.com/d-c-mayor-invests-5m-in-local-businesses/>

<sup>142</sup> <https://lms.dccouncil.us/Legislation/B24-0285>

<sup>143</sup> <https://mgaleg.maryland.gov/mgawebsearch/Search/Legislation?target=/2010rs/billfile/hb1135.htm>

<sup>144</sup> <https://law.justia.com/codes/maryland/2010/tax-property/title-9/subtitle-2/9-254/>

- Prince George’s County authorized a grocery store tax credit in 2014 in accordance with this statewide policy.<sup>145</sup>

#### Neighborhood Business Development Program - Financial Assistance for Food Deserts (2014)

- Alters the purposes of the Neighborhood Business Development Program in the Department of Housing and Community Development (DHCD) to assist small business and other food-related enterprises in providing healthy food in food deserts.
  - Establishes that food deserts are in Sustainable Communities and Priority Funding Areas for this program.
  - Establishes the criteria for the designation of food deserts.
- Requires the Business Development Program to provide financial assistance to projects in food deserts.
  - Assistance may be provided as grants, loans, etc.
  - Authorizes certain entities to apply for financial assistance under specified circumstances.
  - Provides DHCD with authority to disburse financial assistance to approved projects.
- Creates the Interagency Food Desert Advisory Committee to make recommendations to DHCD on creating and adopting regulations for food desert project, to advise the Secretary of DHCD on applications for food desert designation, and to make recommendations for interagency action.
  - Specifies the composition of the Advisory Committee.
- Requires DHCD to submit an annual report to state government and committees with the MD General Assembly on approved projects, award amounts, and more.<sup>146,147</sup>

#### Maryland’s Fresh Food Financing Initiative (2015)

- Provides flexible financing through the DHCD Neighborhood Business Works program for the start-up, rehabilitation or expansion of businesses and nonprofits offering healthy foods.
- Small businesses and corner markets are encouraged to apply for funding.
- FFFI will be administered by a designated community-based lending intermediary. They will also provide technical assistance to applicants.<sup>148</sup>
- According to The Network for Public Health Law, FFFI has not financed any projects yet.
  - The Neighborhood Business Development Program also provides financial incentives to small businesses, including food retailers. It offered larger loans and did not restrict funding to food deserts, undercutting FFFI.<sup>149</sup>

The Network for Public Health Law’s report, “Incentivizing Fresh Food Retail in Food Deserts: Lessons Learned from Pennsylvania and Maryland,” identifies four lessons for successfully using financing to

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<sup>145</sup> Prince George’s County, MD Code Sec. 10-311 Grocery Store Tax Credit authorized

<sup>146</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0451/?ys=2014rs>

<sup>147</sup> More information on the Interagency Food Desert Advisory Committee can be found at: <https://msa.maryland.gov/msa/mdmanual/17dhcd/html/17agen.html#desert>

<sup>148</sup> <https://dhcd.maryland.gov/Communities/Pages/freshfood/default.aspx>

<sup>149</sup> “Incentivizing Fresh Food Retail in Food Deserts: Lessons Learned from Pennsylvania and Maryland,” The Network for Public Health Law, <https://www.networkforphl.org/wp-content/uploads/2021/05/Incentivizing-Fresh-Food-Retail-in-Food-Deserts-Lessons-Learned-from-Pennsylvania-and-Maryland-FINAL.pdf>



address lack of equitable access to healthy food retail in identified communities. It examines some subsequent legislation introduced in MD – but not passed – and found that it was unlikely to attract healthy food retail to the communities that need it most.<sup>150</sup>

### *Prince George's County*

#### Food Service Facilities-Mobile Units-Food Truck Hubs (2015)

- Defines a Food Truck Hub, eligible locations, and the application administrator.
  - A Hub must contain at least two food trucks primarily selling freshly prepared foods or fresh fruits and vegetables.
  - Trucks selling mostly pre-packaged foods are prohibited from a Food Truck Hub.
- Provides certain limited exemptions to County licensing and health requirements for Food Truck Hubs to:
  - Encourage economic development
  - Increase public access to healthy food option
  - Minimize or eliminate food deserts in underserved areas of the County
  - Promote innovative entrepreneurship and revitalization
- Establishes the Food Truck Hub Oversight Committee to provide continuing oversight and support of the Food Truck Hub Program.<sup>151,152,153</sup>

#### Mobile Grocery Trucks (2021)

- Amends definition of Mobile Vendors in the county code to include Mobile Grocery Trucks
- Requires application, licensing, and inspection.
- Directs applications to include description of which of the county's Healthy Food Priority Areas and any other authorized food truck locations will be served.<sup>154</sup>
- Allows Capital Area Food Bank to expand its Mobile Groceries program to Prince George's County.

Additional information on Prince George's County grocery legislation forthcoming.

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<sup>150</sup> Ibid

<sup>151</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4101397&GUID=F3E59382-B068-4BB7-B3AB-199EEE8CC9D4>

<sup>152</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4061249&GUID=5FA74C9C-54AA-499B-8C1C-4472ED9CE38F>

<sup>153</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4037382&GUID=88726633-C371-43CF-98F3-761CEE28F77E>

<sup>154</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=9343633&GUID=5046EC76-F5AF-442F-80FD-C501284AA189>

## Virginia

### Virginia Fresh Food Loan Fund (2013)

- Facilitates healthy food enterprises through a \$10 million revolving loan fund administered by Virginia Community Capital (VCC) to address food access in VA's urban and rural communities.
  - VCC is a Community Development Financial Institution (CDFI).
  - Historically, the U.S. Department of Treasury's CDFI Fund, Bon Secours Health System, and VA Department of Health have contributed funds to the program.
  - In 2015, VCC received a \$2.6 million federal grant from Treasury's CDFI Fund, which included \$1 million in grant funds from the federal Healthy Food Financing Initiative.
- VCC works with a range of healthy food enterprises, including grocery stores, food hubs, healthy food processors, grocery stores, mobile food retailers, farmers markets, and cooperatives to attract food retailers to low-income communities to improve food access.<sup>155,156</sup>
- Today VCC works with Virginia Department of Agriculture and Consumer Services (VDACs) to assist with implementation of the Virginia Food Access Investment Program and Fund as the CDFI partner.

### Virginia Food Access Investment Program and Fund (2020)

- Creates the Virginia Food Access Investment Program and Fund (VFAIF), a non-reverting fund, administered by VDACs.
- Supports new or expanding food retailers that address food access issues in the Commonwealth by offering grants and loans to fund business development, construction, rehab, equipment upgrades and expansion of grocery stores, small food retailers and innovative food retail projects in marginalized communities.
  - Requires VDACs to create an Equitable Food Oriented Development stakeholder work group to develop recommendations for design elements for the Virginia Food Access Investment Program.
  - Directs VDACs to select and work with a CDFI meeting specific criteria to assist in administering the fund.
- Requires annual reporting Secretary of Commerce and Trade, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.<sup>157</sup>
- VFAIF offers grants and loans from \$5,000 to \$50,000.
- Projects must include a food retail component that accepts SNAP benefits and participate in the Virginia Fresh Match program. <sup>158</sup>
  - Fifteen projects across the Commonwealth received a total of over \$620,000 in the first round of VFAIF grants (announced July 2021).<sup>159</sup>

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<sup>155</sup> <https://www.healthyfoodaccess.org/virginia>

<sup>156</sup> <https://www.vacommunitycapital.org/our-impact/the-virginia-fresh-food-fund/>

<sup>157</sup> <https://law.lis.virginia.gov/vacode/title36/chapter10.2/>

<sup>158</sup> Code of Virginia Chapter 10.2 Section 36-156.4

<sup>159</sup> <https://www.governor.virginia.gov/newsroom/all-releases/2021/july/headline-902133-en.html>

- In 2022, six projects received a total of \$300,000 including FRESHFARM and the Lee District Farmers Market in Fairfax County.<sup>160</sup>

#### Local Food and Farming Infrastructure Grant Program (2021, Amended 2022)

- Creates the program and allows the Governor to award grants from the Fund for the Local Food and Farming Infrastructure Grant Program to VA jurisdictions.
- Directs The Secretary of Agriculture and Forestry to develop guidelines for the program and administer it.
- Stipulates that any funds awarded will be reimbursable grants, of no more than \$25,000 per grant, for community infrastructure development projects that support local food production and sustainable agriculture.
  - Jurisdictions must provide matching funds.
  - Guidelines may be established to permit contributions from a nonprofit organization or charitable foundation to count as part of the local match, and to accept a reduced match requirement for economically distressed localities.
- Indicates that evaluation criteria for the competitive grant applications shall preference projects that establish or maintain:
  - Farmers markets
  - Food hubs
  - Processing facilities that are primarily locally owned, such as commercial kitchens, packaging and labeling facilities, animal slaughtering facilities, or other facilities for the processing meat, dairy products, produce, etc
  - Projects which create infrastructure in near small-scale farmers and producers.<sup>161</sup>
- Amended in 2022 to increase reimbursable grants to no more than \$50,000 per grant award.<sup>162</sup>

#### Farmers market food and beverage products; sales considered essential during state of emergency (2021)

- Requires that farmers market food and beverage sales be considered essential during a declared state of emergency, provided that grocery stores and other food and beverage stores are allowed to remain open during the emergency.<sup>163</sup>

At the start of the COVID-19 pandemic, Virginia did not consider farmers markets to be essential businesses, whereas farmers markets in some other states were, including Maryland. A post from the Virginia Farmers Market Association explains the importance of the legislation and policy change.<sup>164</sup>

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<sup>160</sup> <https://www.vdacs.virginia.gov/press-releases-220531-vdacs-announces-300,000-in-vfaif-awards.shtml>

<sup>161</sup> Code of Virginia § 3.2-311

<sup>162</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?221+ful+CHAP0287>

<sup>163</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0198>

<sup>164</sup> <https://vafma.org/its-official-farmers-markets-are-essential/>

### Slaughter and Meat-Processing Facilities (2022)

- Establishes that the General Assembly's policy is to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs.
- Requires the Department of Agriculture and Consumer Services (VDACs) to develop a five-year strategic plan to increase capacity of slaughter and meat-processing facilities.
  - Sets January 1, 2023, as the deadline to complete the plan.
- Permits VDACs to develop financial incentives and technical assistance to encourage, expand, and develop slaughter and meat-processing facilities if public or private funds become available.<sup>165</sup>

## COTTAGE FOOD BUSINESSES

Policies and programs that regulate foods that can be produced at home and sold.

### District of Columbia

#### The Cottage Food Act of 2013

- Amends the Department of Health Functions Clarification Act of 2001 to permit cottage food businesses to operate without a license from the Department of Health (DOH) if the specific laws concerning them are followed.
- Authorizes DOH to define food products that can be sold, to set storage and labeling requirements for cottage food products and create regulations.
  - Annual revenues cannot exceed \$25,000.<sup>166</sup>
- Permits DOH to inspect cottage food businesses if it receives a complaint.
- Current regulations, including application, food safety certification, and permitting requirements governing cottage food businesses, can be found on DOH's Cottage Food Businesses webpage.
  - A pre-inspection may be required.<sup>167</sup>

### Maryland

#### Cottage Food Businesses

According to the University of Maryland Extension Service (UME), MD passed a modified Cottage Law, to permit the operation of a home-based bakery or home food processing company, in 2012.

- This law was updated in 2018 and can be found in the MD Code of Regulations (COMAR) 10.15.03.02, 10.15.03.27.
- The law was further amended this year.

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<sup>165</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=221&typ=bil&val=HB830>

<sup>166</sup> <https://lms.dccouncil.us/Legislation/B20-0168>

<sup>167</sup> <https://dchealth.dc.gov/publication/cottage-food-businesses>

- For more on the State's Cottage Food Law can be found of the MD Department of Health's website and UME's website.<sup>168,169</sup>

#### Cottage Food Businesses – Annual Revenues (2022)

- Alters the definition of cottage food business to increase the annual revenue cap for sales of cottage food products from \$25,000 to \$50,000.<sup>170</sup>

## Virginia

### Cottage Food Businesses

- Addressed in the Virginia Code under § 3.2-5130. Inspections required to operate food establishment.
- Exempts the several home-based enterprises from inspection including:
  - Businesses producing a specific list of value-added food products.<sup>171</sup>
  - Businesses producing less than \$3000 annually in gross sales of acidified vegetables with a pH of 4.6 or lower.
  - Businesses where a resident processes and prepares less than 250 gallons of honey produced by their own hives, with several additional restrictions.
- Requires specific information on product labels, including clear indication that food products for sale have not gone through state inspection.
  - Labels must include the name of the person who produced it, address, telephone, and the date it was processed
  - Honey must carry an additional notice that it is not for infants under one year old.
- Cottage food business products can be sold from the private home or at farmers markets.
  - Cannot be resold, sold or used in retail food establishments, or sold over the internet or across state lines.
- Except for certain low acid foods, there is no revenue cap.<sup>172</sup>

The 2018 report from Harvard Law School's Food Law and Policy Clinic, "Cottage Food Laws in the United States," provides a good example of the value of comparing policies side by side in greater detail than a landscape assessment such as this one permits. Although DC, MD, and VA all have cottage food laws, the report illuminates their differences.<sup>173</sup> In 2021, the Clinic released "Cottage Foods and Home Cooking: Fifty-State Survey of Laws" with an easy-to-read table of major provisions

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<sup>168</sup> <https://health.maryland.gov/phpa/OEHFP/OFPCHS/Pages/CottageFoods.aspx>

<sup>169</sup> <https://extension.umd.edu/resource/cottage-food-business-law>

<sup>170</sup> Enabling Legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0178>

<sup>171</sup> Includes "candies, jams, and jellies not considered to be low-acid or acidified low-acid food products, dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes, granola, and baked goods that do not require time or temperature control."

<sup>172</sup> <https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

<sup>173</sup> [https://chlpi.org/wp-content/uploads/2013/12/FLPC\\_Cottage-Foods-Report\\_August-2018.pdf](https://chlpi.org/wp-content/uploads/2013/12/FLPC_Cottage-Foods-Report_August-2018.pdf)

of each state’s requirements for establishing and operating a cottage food business.<sup>174</sup> Note that the survey does not include MD’s 2022 legislation raising the revenue cap for cottage food businesses. These are also good resources for information on how federal regulations relate to state policies.

## Food Production, Donation, and Recovery

### District of Columbia

#### Save Good Food Amendment Act of 2018

- Expands liability protections to cover more forms of food donation.
- Requires the DC Department of Health (DOH) to revisit date label regulations.
- Requires DOH and the Office of Waste Diversion to create a guide on food donation.
- Requires DOH to train health inspectors on the information contained in the guide.
- The tax incentive for healthy food donation was not funded.<sup>175</sup>

#### Food Waste Innovation Grants

- DSLBD administers a grant program for small food businesses to invest in kitchen upgrades, infrastructure, and staff training to start composting or reducing waste in purchasing.
  - DSLBD repurposed funds that were originally dedicated to a trash compactor grant program.
  - The program was designed to demonstrate that transitioning to organics diversion is good for the environment and makes business sense.<sup>176</sup>

### Maryland

#### Food recovery program authorized (2016)

- Grants county boards of education authority to develop and implement food recovery programs for schools in their jurisdiction<sup>177</sup>

#### Food donation program for qualifying farms (2017)

- Provides tax credits to farms for eligible food donations for tax years 2017 to 2019.
  - Farms can claim a credit against income tax for food donations.<sup>178</sup>

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<sup>174</sup> <https://chlpi.org/wp-content/uploads/2022/04/Cottage-Foods-Final-4.4.pdf>

<sup>175</sup> DC Code Chapter 3 §48-301

<sup>176</sup> Learn more about this program at <https://dslbd.dc.gov/page/food-waste-innovation-grants>

<sup>177</sup> MD. Code, Education § 4-132

<sup>178</sup> MD. Code, Tax-Gen. § 10-745

#### Income Tax Credit- Food donation Pilot Program- Extension (2021)

- Extends through Dec 31, 2023, qualified farms may claim a credit against MD income tax for donation of fresh farm products.<sup>179</sup>

#### The Farm to Food Security Act (2022)

- Official title is the Maryland Farms and Families Fund, Maryland Food and Agricultural Resiliency Mechanism Grant Program, and Maryland Farm-to-School Meal Grant Pilot Program – Alterations and Establishment
- Establishes the Maryland Food and Agricultural Resiliency Mechanism (MD FARM) Grant Program to leverage MD agricultural products and services to support the state’s food banks and charitable emergency food providers to address food insecurity and food system resiliency.
- Creates a MD FARM fund in MDA to provide grants to food banks and emergency food providers to
  - Procure surplus, seasonal or contractual agricultural foods
  - Process and prepare agricultural foods for distribution
  - Transport agricultural foods
  - Funds may only be used for agricultural products and services sourced from MD
- Mandates funding at \$200,000 in 24 and every year after.<sup>180</sup>

#### Montgomery County

##### Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion (2016)

- Requires the County’s Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion
- Specifies plan elements to include:
  - Legislative changes and county policies and initiatives to reduce food waste and promote composting.
  - Metrics, goals, and solutions to overcoming challenges to achieving goals.
  - Potential sites for food waste composting.
  - Environmental and public health benefits.
  - Cost estimates and potential benefits of plan implementation.
- Prescribes issues and data to be included, and county agencies and other organizations which must be consulted with.
- Requires submission of an annual report which includes updated food waste diversion metrics and an assessment of progress toward plan goals.<sup>181, 182</sup>

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<sup>179</sup> MD. Tax, Gen Sec. 10-745

<sup>180</sup> Enabling Legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0121?ys=2022RS>

<sup>181</sup>[https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1030\\_1\\_1078\\_Bill\\_28-16\\_Signed\\_20170227.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1030_1_1078_Bill_28-16_Signed_20170227.pdf)

<sup>182</sup> The 2018 “Strategic Plan to Advance Composting, Compost Use, and Food Scraps Diversion in Montgomery County, Maryland,” is available on the county’s website.

<https://www.montgomerycountymd.gov/SWS/Resources/Files/foodwaste/Strategic%20Plan%20to%20Advance%20Composting%20Compost%20Use%20and%20Food%20Scraps%20Diversion%20in%20Montgomery%20County%202016-2022.pdf>

## Virginia

### Food Crop Donation Tax Credit (2016)

- Creates an income tax credit for VA farmers who grow and donate food crops to nonprofit food banks for taxable years beginning on or after January 1, 2016, but before January 1, 2022.
- Provides a credit of 30 percent of the fair market value of donated crops during the tax year, not to exceed a total credit of \$5,000 per year.
- Requires that donations be to food banks serving those in need in VA.
- Establishes that the Tax Commissioner will not issue more than \$250,000 in tax credits in any fiscal year.
  - Requires that donors apply for the credit and that recipient food banks provide written certification of donations.<sup>183</sup>

### Virginia Agriculture Surplus System (2020)

- A partnership between VDACs and the Federation of Virginia Food Banks to use CARES Act funds to support food security and VA farmers.
- Via budget amendment, VDACs provided Virginia Agriculture Surplus System (VASS) funds to the Federation to defray costs associated with harvesting, processing, packaging, and transporting surplus agricultural products in order to donate said items to Virginia's charitable foods system.
  - Only VA growers and producers were eligible.<sup>184</sup>

### The Virginia Agriculture Food Assistance Program and Fund (2021)

- Creates and establishes the Virginia Agriculture Food Assistance Program (VAFA Program) and the Virginia Agriculture Food Assistance Fund
- Allows VA farmers and producers to donate or sell products to food assistance organizations to help increase access to fresh produce.
- Allows the Commissioner of Agriculture to contract with VA or regional food assistance organizations to implement the program.
- Creates the Virginia Agriculture Food Assistance Fund to provide grants to food assistance organizations to reimburse farmers or food producers for costs related harvesting, processing, packaging, or transporting agriculture products donated, sold, etc., to food assistance organizations.
- Establishes that the Commissioner will create guidelines and regulations to implement the program which include prohibiting food assistance organizations from expending more than 10 percent of total grant or contract awards on administration.<sup>185</sup>

### An Act to Amend the Code of Virginia Relating to Food Donations, Labeling, and Liability (2022)

- Amends and reenacts sections §§ 3.2-5144 (Exemption from civil liability in certain cases) and 35.1-14.2 (Donations of food to charitable organizations) of the Code to:

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<sup>183</sup> Code of Virginia § 58.1-439.12:12

<sup>184</sup> <https://budget.lis.virginia.gov/amendment/2020/1/HB30/Introduced/MR/95/2h/>

<sup>185</sup> Enabling legislation: <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2203>



- Exempts individuals and entities that donate food, and charitable organizations that accept food donations, from criminal and civil liability for donating or receiving food past its best-by date, or other non-safety labels, as long as all parties are informed.
- Provides that immunity from liability will not apply in cases of gross negligence or intentional misconduct.<sup>186</sup>

## Urban Agriculture, Healthy Soils, and Composting

### District of Columbia

#### Urban Farming and Food Security Act of 2014

- Creates the Urban Farming Tax Abatement Program in the District’s Department of Energy and the Environment (DOEE).
- Offers up to a 90% property tax abatement for individuals whose property is being actively used for agricultural production.
  - The maximum annual abatement for a property is \$20,000.
- Requires an applicant to a proposed annual planting plan to DOEE for approval.<sup>187,188</sup>

#### Food Waste Drop-Off Program (2016)

- Creates a program for residents to drop off food waste weekly for compost with one site in each of the DC’s eight wards, administered by the Department of Public Works.
  - Part the Budget Support Act of 2016.
- Requires creation of educational materials for the public on food waste composting.<sup>189</sup>

#### Home Composting Incentives Amendment Act of 2018

- Amends the Sustainable Solid Waste Management Amendment Act of 2014
- Establishes a Home Composting Incentive Program to provide vouchers and rebates for the purchase of home composting systems for residential property owners and lessees
- Authorizes home composting
- Amends section 47-1803.02 of DC Code to exclude the Home Composting Incentive Program voucher or rebate from computation of DC gross income.<sup>190</sup>

#### Office of Urban Agriculture Establishment (2019)

- Establishes the District’s Office of Urban Agriculture within DOEE. The Office:
  - Develops and implements District-wide policies and programs to promote urban farming and agriculture

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<sup>186</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+HB1249>

<sup>187</sup> DC Code §47-868, <https://code.dccouncil.us/us/dc/council/code/sections/47-868.html>

<sup>188</sup> According to a November 2021 communication with the DC Office of Urban Agriculture, six properties were participating in the program during the second half of FY21.

<sup>189</sup> DC Law 21-160 §8-761, <https://code.dccouncil.us/us/dc/council/code/sections/8-761>

<sup>190</sup> D.C. Law 22-146. Link: <https://code.dccouncil.us/us/dc/council/laws/22-146>

- Encourages and promotes urban, indoor, and other emerging agriculture practices
- Administers the Urban Farming Tax Abatement and Land Lease Programs
- Issues grants to urban farmers for infrastructure and operating support.<sup>191</sup>

#### Urban Farming Land Lease Amendment Act of 2020

- Under this program, DC offers select District of Columbia-owned parcels for lease to private entities to facilitate agriculture production on public land in all 8 wards.
- Allows DC to enter into a lease agreement to create and maintain an urban farm on vacant land and lease the land at no cost to urban agriculture companies or nonprofits.<sup>192</sup>

#### Zero Waste Omnibus Amendment Act of 2020

- Amends the Sustainable Solid Waste Management Amendment Act of 2014
- Requires DC agencies to:
  - Prepare plans for comprehensive organics management and recycling infrastructure in public spaces
  - Create training and outreach guides on source separation for private collection properties
  - Establish uniform labeling scheme public collection properties and District facilities and agencies
  - Make grants available to support reductions in the use of disposable food service ware
  - Undertake other programs and tasks related to other recyclables
- Requires certain private generators to source-separate back-of-house food waste.
- Requires all private generators to separate excess edible food for donation.
- Requires that food service entities provide disposable utensils only upon request or at a self-serve station.
- Amends the Healthy Schools Act of 2010 to establish grants for food waste programs and to encourage share tables at public and public charter schools.<sup>193</sup>

## Maryland

#### Urban Agriculture Property Tax Credit (2014)

- Establishes a property tax credit for land used for agricultural purposes and permits farming in residential zones by expanding the definition of urban farms.
- Defines an urban agriculture property to be any land larger than one-eighth of an acre and not greater than 5 acres, located in a priority funding area, and used for agricultural purposes.
- Gives the City of Baltimore, counties, and municipalities authority to implement urban agriculture tax credits.
  - Requires evaluation of the effectiveness of the tax credit after three years.

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<sup>191</sup> DC Code § 8-151.09a

<sup>192</sup> DC Law 23-80

<sup>193</sup> DC Law 23-211, Link: <https://code.dccouncil.us/us/dc/council/laws/23-211>

- Authorizes termination of the tax credit or extension for up to five years
- The City of Baltimore, Prince George’s County, and Montgomery County have all implemented the law and passed their own ordinances establishing Urban Agriculture Tax Credits.<sup>194</sup>

#### Maryland Healthy Soils Program (2017)

- Establishes the Maryland Healthy Soils Program to:
  - Improve the health, yield, and profitability of soils in the State.
  - Increase biological activity and carbon sequestration, improve soil structure and nutrient holding capacity, etc.
  - Promote widespread use of healthy soils practices based on emerging soil science
- Requires MDA to provide incentives, education, technical assistance, and subject to available funding, financial assistance to farmers to implement management practices that contribute to healthy soils.
- Requires MDA to determine if the program complements other agricultural programs.<sup>195</sup>

#### Solid Waste Management- Organics Recycling and Waste Diversion- Food Residuals (2021)

- Defines “food residuals” to be separated from solid waste include fruits and vegetables, grains, dairy products, and meats.
- Requires defined entities generating at least 2 tons of organic waste (OW) per week to arrange for disposal alternatives- reduction, donation, animal feed, composting by January 2023.
- Requires defined entities generating at least 1 ton of OW per week to arrange for disposal alternatives by January 2024.
- Restricts applicability only to entities that generate food residuals at a location within a 30-mile radius of an organics recycling facility that has capacity to accept the entities’ residuals and to enter into a contract to do so.
- Authorizes entities to apply to the Maryland Department of the Environment (MDE) for waivers and MDE to grant waivers.
- Directs MDE to issue warnings to entities in violation of the law and establishes fines.
- Requires MDE to report annually to the General Assembly on the impact of the law on waste diversion.<sup>196</sup>
- A 2019 report shows nearly 4,000 businesses generating one ton or more of OW per week
- Maryland Department of the Environment (MDE) reports 7 compost facilities are permitted to accept food scraps in the state<sup>197</sup>

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<sup>194</sup> Maryland Code, Tax Property Sec. 9-253

<sup>195</sup> MD. Code, Agriculture § 2-1901, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1063/?ys=2017rs>

<sup>196</sup> <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0264E.pdf>

<sup>197</sup> “Maryland governor allows organics diversion mandate to become law” Waste Dive, June 1, 2021 <https://www.wastedive.com/news/maryland-organics-recycling-compost-digestion-hogan/598316/>

MDE hosts a Food Scraps Management webpage which includes, among other resources, a listing of County Food Scraps Collection Programs in the State.<sup>198</sup>

#### Urban Agriculture Water and Power Infrastructure Grant Program and Fund (2022)

- Establishes the Urban Agriculture Water and Power Infrastructure Grant Program in MDA to increase the viability of urban farms and community gardens and improve access to urban-grown foods
- Creates the Urban Agriculture Water and Power Infrastructure Grant Fund to provide grants to urban agricultural producers and nonprofit organizations operating an urban farm or community garden in an urban area as defined by the U.S. Census Bureau
  - Urban agricultural producers must also sell, plan to sell, or normally would have sold at least \$1,000 annually of farm products produced from a farm in MD
- Grants are to be used for the purchase and installation of specified water supply, irrigation, or electrical equipment.
  - Provides a match to eligible grantees of up to 87.5%
- Provides funds for MDA to administer the grant and requires annual reporting
- Requires an annual appropriation of \$500,000 for fiscal years 2024 through 2027.<sup>199</sup>

#### University of Maryland Extension - Urban Farmer Assistance (2022)

- Requires the University of Maryland Extension (UME) to hire an extension agent dedicated to urban farm production methods and crop management, and an agent dedicated to urban farm and agribusiness management
  - The agents are to perform applied research and spend the majority of their time providing urban farmer education
- Enumerates the general types of research and support activities the agents may carry out in support of urban farm production and business development and management
- Requires an annual budget appropriation of \$300,000 beginning in fiscal year 2024 to UME to support the hired extension agents.<sup>200</sup>

#### Grant Program to Reduce and Compost School Waste (2022)

- Establishes the Grant Program for county boards of education and public schools to reduce food waste and compost pre- and post-consumer waste
- Requires the MD Association for Environmental and Outdoor Education to review applications and select recipients to be awarded grants by MSDE
- Projects from county boards of education or public schools are eligible if they:
  - Educate the school community on connections between food waste, environmental issues, and hunger.
  - Support school infrastructure to measure food waste and its reduction.
  - Train and educate students and staff on food waste reduction and composting.
  - Include at least one of the following components:

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<sup>198</sup> “Food Scraps Management” Maryland Department of the Environment  
<https://mde.maryland.gov/programs/land/recyclingandoperationsprogram/pages/foodscraps.aspx>

<sup>199</sup> Enabling legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0855?ys=2022RS>

<sup>200</sup> Enabling legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0437?ys=2022RS>

- Planning to transition the school to an “offer versus serve” model in cafeterias
  - Developing processes for surplus food to be served during after school activities, the following day, or to be taken home by student families
  - Contracting to recycle in-school organic waste;
  - Establishing on-site composting bins;
  - Replacing single-serve milk cartons with bulk milk dispensers;
  - Establishing share tables based on USDA FNS guidance
  - Packaging and distributing surplus food to local food rescue organizations
  - Creating any other program or activity to prevent and reduce food waste in a public school.
- Establishes priorities for grant awards including proposals that are student-led, in schools with high numbers of students receiving free or reduced-price meals, programs that contract with a small and minority- or veteran-owned business, programs that contract with businesses that pay employees a living wage, as defined in State code.
  - Creates reporting requirements.
  - Requires MSDE to coordinate with the MD Department of the Environment to identify and apply for federal funding to support the program.<sup>201</sup>

#### Climate Solutions Now Act of 2022

- Requires the State to, among many other measures:
  - Reduce statewide greenhouse gas emissions by altering emissions goals
  - Establish a net-zero statewide greenhouse gas emissions goal
  - Develop energy efficiency and emissions reduction requirements for buildings
  - Require electric companies to increase their annual energy savings
  - Establish zero-emission vehicle requirements for the State fleet
  - Establishing an electric school bus pilot program; and more.
- Requires an annual budget appropriation of at least \$500,000 in fiscal years 2024 through 2028 for the MD Healthy Soils Program.<sup>202</sup>

#### Montgomery County

##### Taxation – Urban Agricultural Tax Credit – Established 2017

- Establishes a tax credit for real property used for urban agriculture.
- Defines urban agricultural property, urban agricultural purposes, credit qualification and amount of the credit, and application requirements.
- Establishes the credit as five tax years unless renewed.
  - A participating taxpayer may apply to renew the credit for another 5 tax years.
- Properties must be:
  - Between one-half of an acre and 3 acres and used for agricultural purposes.
  - Located within 1000 feet of or in one of the County’s 10 Metro Station Policy Areas,

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<sup>201</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0124?ys=2022RS>

<sup>202</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0528>

- Producing \$5000 in gross income from the sale of products grown or raised on the urban agricultural property
- Requires a report on the effectiveness of the tax credit to the County Executive in 2021.<sup>203</sup>

#### Commercial Food Scraps Partners (2020)

- Operated by the County’s Department of Environmental Programs, the Commercial Food Scraps Recycling Partnership Program works with the commercial generators. commercial generators to implement commercial food scraps recycling programs.
- The program provides businesses and organizations with technical assistance, education, training, 35-gallon food scraps collection containers and compostable bags, and food scraps recycling collection services.
  - A program goal is to increase opportunities for private sector collection companies to provide food scraps recycling collection services to businesses and organizations.
  - In 2021, Montgomery County Public Schools began participating in the program.<sup>204</sup>

#### Single-Family Residential Food Scraps Recycling Collection Pilot

- Operated in portions of Silver Spring and Potomac since late 2021 by the Montgomery County Recycling and Resource Management Division
- Operates weekly and accepts food scraps and select paper items, including:
  - Scraps from produce, dairy, bread and grains, seafood, meat and bones, etc.
  - Coffee grounds, filters, and tea bags.
  - Pizza boxes, uncoated paper plates, and paper napkins.
  - Certain types of compostable service ware and compostable bags<sup>205</sup>

#### *City of Gaithersburg*

##### Food Waste Composting Program

- Gaithersburg hosts two food waste drop off locations at the City’s Public Works facility and at the Casey Community Center.
- Food waste can be dropped off at any time.
  - Fruit and vegetable scraps, bread, pasta, grains, meat and bones, dairy, eggshells, and coffee grounds, filters, and tea bags, household plants, and soiled food packaging, are accepted.<sup>206</sup>

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<sup>203</sup> [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1034\\_1\\_1051\\_Bill\\_31-16\\_Signed\\_20170317.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=1034_1_1051_Bill_31-16_Signed_20170317.pdf)

<sup>204</sup> “Montgomery County Announces Westfield Montgomery Mall and Montgomery County Public Schools as New Partners in Commercial Food Scraps Recycling Program,” [https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=39536](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=39536)

<sup>205</sup> <https://montgomerycountymd.gov/sws/foodwaste/food-scraps-pilot.html>

<sup>206</sup> <https://www.gaithersburgmd.gov/services/recycling-bulk-pick-up/compost-drop-off-site>

## *City of Takoma Park*

### Curbside Food Waste Collection Program

- The City of Takoma Park's Sanitation Division operates curbside food waste collection.
- Program is available to all the households within the City, including multifamily properties with 12 units or less.
- A broad range of items are accepted including fruit and vegetable scraps, meat, dairy, and fish, bread, pasta, rice, grains, cereal, baked goods, chopsticks and popsicle sticks, certain paper products and pizza boxes.
- Participants are eligible to receive up to five buckets of free compost per year.<sup>207</sup>

## *Prince George's County*

### Urban Agricultural Property Tax Credit (2015)

- Establishes a tax credit for real property used for urban agriculture.
- Defines urban agricultural property, urban agricultural purposes, credit qualification, application, verification and County reporting requirements.
- Properties must be:
  - Between one-eighth of an acre and not greater than 5 acres and used for agricultural purposes.
  - Located in a Priority Funding Area.
  - Producing agricultural products valued at \$2,500 or more per tax year unless a waiver is granted.<sup>208</sup>

### Urban Farms (2016)

- Zoning bill which allows urban farming by for-profit and nonprofit entities on certain residential and agriculturally zoned lands.
- Allows urban farming as permitted use in a specific overlay zone.
  - CR-017-2019 requires a plan amendment to make this change.<sup>209</sup>
- Requires a Health Department permit if fruits and vegetables are cut up or prepared foods are sold to the public.
- Requires that farm work with the Prince George's Soil Conservation District and operate under an approved Farm Management Plan.
- Permits accessory structures "ordinarily found" on urban farms
- Exempts farms from off-street parking and loading requirements and landscape regulations.

<sup>210</sup>

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<sup>207</sup> <https://takomaparkmd.gov/government/public-works/curbside-collection-services/food-waste-collection/>

<sup>208</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4138194&GUID=EC3A47C0-25E2-4ACE-A79C-DEB8BDFE6E5C>

<sup>209</sup> <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=3874811&GUID=B104843F-5270-47D5-818F-39615DF42DC0>

<sup>210</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4522220&GUID=2FAC69CB-076D-4B29-BA01-0DC89F930C32>

## Urban Farms (2019)

- Zoning bill which further defines allowable and prohibited activities in urban farming by for-profit and nonprofit entities.
  - Permits processing, composting, education, and incidental sales.
  - Prohibits keeping of roosters, fowl, or livestock.
- Expands urban farming as a permitted use in industrial, commercial, and additional residential zones.<sup>211</sup>

According to a comprehensive case study from the Healthy Food Policy Project on Prince George's County and the Prince George's Food Equity Council's policy work, 73% of all land in the county is now zoned for urban farming.<sup>212</sup>

## Prince George's Curbside Food Scraps Collection (Composting)

- The County's Western Branch Composting Facility has been accepting food scraps since 2013 at this facility that has been accepting yard waste for more than two decades.<sup>213</sup>
- The County started curbside food scraps collection pilots with EPA funding in several communities in 2017 and 2018.
- In 2021 it was expanded to include more communities, and now curbside food scraps collection is offered countywide.
- Food and food-soiled paper items, like paper towels, plates, napkins, pizza boxes and ice cream containers can be composted in the 32-gallon organics cart one day a week.
  - Yard waste is accepted in organics carts or in paper bags, but food items can only be deposited in the carts.<sup>214</sup>

## Virginia

### *City of Alexandria*

#### Food Waste Collection

- City's Department of Transportation & Environmental Services' Resource Recovery Division operates Resource Recovery Stations at the Old Town, Del Ray, West End, and Four Mile Run farmers markets.

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<sup>211</sup> <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=7724655&GUID=5FDB1CA2-294A-4D68-8915-CD70F6E8D092>

<sup>212</sup> "Prince George's County, MD", Healthy Food Policy Project, <https://healthyfoodpolicyproject.org/case-studies/prince-georges-county-md>

<sup>213</sup> <https://www.princegeorgescountymd.gov/DocumentCenter/View/3452/Food-Scrap-Composting-Pilot-Project-PDF?bidId=>

<sup>214</sup> <https://www.princegeorgescountymd.gov/2856/Curbside-Organics-Collection-Composting>



- The division sells compost tubs for \$5 to transport food waste from home to participating farmers markets.<sup>215</sup>
- Fruit and vegetable scraps, bread, pasta, rice, grains, and cereal nuts, beans, seeds, eggshells, flowers, and coffee grounds, filters, and tea bags are accepted.
- The City's Approved FY23 Budget includes an increase in the residential and commercial refuse collection fees. Increases will help to fund the food waste compost drop off program and a curbside food waste compost pilot program.<sup>216</sup>

### *Arlington County*

#### Arlington Curbside Food Scrap Compost Program

- Food scraps are defined as part of Chapter 10 of the Arlington County Code, last updated in July 2018.<sup>217</sup>
- The County started year-round curbside collection of yard waste in 2016.
- In 2021, it expanded green cart pickup of yard waste to also take food scraps, including:
  - Scraps from fruits and vegetables, dairy, meat and bones.
  - Pizza boxes and paper napkins.<sup>218</sup>

### *City of Fairfax*

#### Food Waste Drop Off Program

- The city hosts a food waste drop off adjacent to the community garden and near City Hall.
  - Compostable items can be dropped off 24 hours per day.
- A range of food items are accepted, including produce, meat and dairy, food-soiled paper, certain paper plates and bags, etc. <sup>219</sup>

### *City of Falls Church*

#### Food Waste Curbside Collection

- The City of Falls Church contracts with The Compost Crew to offer interested residents weekly curbside pick-up of food scraps and other organic materials.
- A broad range of food and other compostable items are accepted.
- The cost to residents is a one-time fee of \$10 for set-up and \$66 per year which is heavily subsidized.
- Interested participants can receive free compost from The Compost Crew.<sup>220</sup>

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<sup>215</sup> <https://www.alexandriava.gov/FarmersMarket>

<sup>216</sup> <https://alextimes.com/2022/05/fy2023-budget-tax-rate-firefighters/>

<sup>217</sup> [https://www.arlingtonva.us/files/sharedassets/public/recycling/documents/chapter-10-trash-recycling-and-care-of-premises\\_2018.pdf](https://www.arlingtonva.us/files/sharedassets/public/recycling/documents/chapter-10-trash-recycling-and-care-of-premises_2018.pdf)

<sup>218</sup> <https://www.arlingtonva.us/Government/Programs/Recycling-and-Trash/Residential/Organics-Waste/Food-Scraps-Collection>

<sup>219</sup> <https://www.fairfaxva.gov/government/public-works/operations-division/refuse-recycling/composting>

<sup>220</sup> <https://www.fallschurchva.gov/2022/Compost>

### Food Waste Drop Off Program

- The city hosts a food waste drop off program behind City Hall.
- A range of food items are accepted, including meat and dairy, compostable liners and kitchenware, and much more.<sup>221</sup>

### *Fairfax County*

#### Amendment to Chapter 112 (Zoning) - 2019<sup>222</sup>

- Expands allowances for community gardens, home gardening, and farmers markets in the County.<sup>223</sup>
- Expands when and where farmers markets can operate and what they can sell.
  - Can now be open year-round.
  - Located anywhere with adequate parking and site access.
- Defines community gardens and permits them open spaces (including rooftops) across most zones when:
  - Under two acres
  - Not the principal use on the property
  - Depending upon size and location, gardens may require a zoning permit and a Soil and Water Quality Conservation Plan
  - Permits storage structures under a total of 250 square feet
- Community gardens are not allowed on single-family home sites.
- Ends prohibition of edible gardens in homeowner front yards for lots less than 36,000 square feet. Front yard gardens:
  - Most be set back 15 feet from the front lot line.
  - Not larger than 100 square feet.
  - Compost areas are not permitted in front yards.

### Food Scraps Composting Drop Off

- Fairfax County accepts food scraps for composting at its two solid waste management facilities, the I-95 Landfill Complex and the I-66 Transfer Station.
  - Facilities are open seven days a week.
- The Mount Vernon Farmers Market, Herndon Farmers Market, Kingstowne Farmers Market Burke Farmers Market, and FRESHFARM Farmers Market Mosaic also host compost drop off sites during market operating days and hours.<sup>224</sup>

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<sup>221</sup> <https://www.fallschurchva.gov/Composting>

<sup>222</sup> <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning%20ordinance/adopted%20amendments/zo19481.pdf>

<sup>223</sup> <https://www.fairfaxcounty.gov/topics/community-gardening>

<sup>224</sup> <https://www.fairfaxcounty.gov/publicworks/recycling-trash/food-scraps-composting-drop>

## *City of Manassas*

### Composting Pilot Program (2021)

- The City of Manassas is piloting its residential curbside collection composting pilot in the Wellington Community.
  - Pick-up is provided by Compost Crew once per week
  - During the pilot, the City funds start-up costs, including the 5-gallon collection bin and the first three months of service for the first 300 participating households.
  - After this time, the monthly service cost will be \$10.00 – significantly lower than the regular monthly curbside collection cost for individual households.<sup>225</sup>

## *Prince William County*

### Amendments to the County Code, Chapter 22 – Refuse (2021)

- Amends the Prince William County Code to divert yard waste from landfill.
- Cites for this change:
  - The County’s 2004 Solid Waste Management Plan, a 2014 study completed by consultants, economic and market changes, recycling, landfill life, and the opening of the Balls Ford Road Compost Facility which accepts yard waste and food waste.
  - Consultation with a County Staff Committee and the Solid Waste Advisory Group.<sup>226</sup>
- Amendment was approved unanimously by the Board of Supervisors.<sup>227</sup>
- Freestate Farms operates the Balls Ford Road Compost Facility<sup>228</sup>

Prince William County residents can drop off food waste (e.g. fruits and vegetable scraps, dairy, meat and seafood, grains and other carbs) and food-soiled paper at Freestate Farms for free.<sup>229</sup>

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<sup>225</sup> [https://www.manassasva.gov/public\\_works/trash\\_\\_\\_recycling/composting\\_pilot\\_program.php](https://www.manassasva.gov/public_works/trash___recycling/composting_pilot_program.php)

<sup>226</sup> <https://eservice.pwcgov.org/documents/bocs/agendas/2020/1215/14-E.pdf>

<sup>227</sup> <https://eservice.pwcgov.org/documents/bocs/briefs/2020/20201215.pdf>

<sup>228</sup> <https://www.freestatefarmsva.com/>

<sup>229</sup> <https://www.freestatefarmsva.com/composting>

## Councils and Plans Endorsed or Established by Legislative Process

The creation and successful implementation of food security policy in the Metropolitan Washington region can be attributed to the work of many. Community members and leaders, advocacy organizations, researchers, nonprofits, faith-based institutions, funders, and businesses, have worked with local and state governments to elevate needs and gaps, systemic inequities, emerging innovations, and best practices to inform new programs and policies. At times, they have piloted new programs with the support of private philanthropy and other partners to demonstrate the value and need for public funding and policy change. Or they have participated in local or state government task forces to inform examination of important food system issues and recommendations.

This section acknowledges some of the many collaborative efforts, including food policy councils, which can be credited with working with local and state elected officials and staff to create and update food policy. Table (insert number) on page (insert number) captures a number of these, however, it is undoubtedly not exhaustive. It does not capture the names of many long-standing organizations which have been working to improve food security and resilience for decades in some cases.

Listed below is local and state legislation which has been used to create food-related positions, councils, coalitions, studies, and task forces.

### District of Columbia

#### Food Policy Council and Director Establishment Act of 2014<sup>230</sup>

- Establishes a Food Policy Director tasked with promoting food policy in DC and with achieving the food goals identified in the Sustainable DC plan.
- Establishes a Food Policy Council to identify regulatory burdens on the local food economy and collect data on food equity. Works in an advisory capacity for the Food Policy Director on the promotion of food access, sustainability, and implementation of best practices in food policy in DC.
  - The Food Policy Council provides an annual report to the DC Council on the state of the local food economy and food access in DC.
  - Members are appointed by the Mayor.

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<sup>230</sup> DC Law 20-0191, <https://planning.dc.gov/page/food-policy>  
<https://lms.dccouncil.us/Legislation/B20-0821?FromSearchResults=true>  
<https://code.dccouncil.us/dc/council/code/sections/48-314.html>

## Maryland

### Maryland Food System Resiliency Council (2021)

- Establishes the Maryland Food System Resiliency Council (FSRC) in the Maryland Emergency Management Agency (MEMA) with the goal of addressing food insecurity and developing recommendations to address long-term resiliency of the food system.
- Specifies members from the State legislature and agencies, nonprofits, food policy councils, research institutions, the agricultural community, etc., and establishes membership term of appointed members.
  - Provides the Director of MEMA with the authority to appoint certain members.
- Creates the FSRC's leadership structure and staffing.
  - Leadership is to be shared by the Director of MEMA or their designee, and a Food Policy Council Director who is elected as co-chair annually.
  - Staffing support is to be provided by MEMA and the University of Maryland's College of Agriculture and Natural Resources.
- Authorizes the FSRC to create subcommittees.
- Charges the FSRC with working on an expansive set of goals including:
  - Addressing the food insecurity crisis resulting from COVID-19
  - Developing policy recommendations to increase equity and sustainability as part of longer-term food system resilience
  - Expanding the impact of local food policy councils
  - Developing a plan to increase procurement of MD Certified Local Food
- Requires to the FSRC to meet annually for at least two years and to provide annual reports to the MD General Assembly on findings, work, and recommendations.
  - The second annual report (due November 2022) also requires a plan for the future structure of the FSRC or a plan for how to sunset it.<sup>231,232</sup>

### Maryland Department of Emergency Management – Office of Resilience (2022)

- Establishes the Office of Resilience in the Maryland Department of Emergency Management (MDEM)
- Requires the Director of the MDEM to appoint a Chief Resilience Officer to direct this new office
- Chief Resilience Officer will coordinate State and local efforts to build resilience to risks identified in the MD Hazard Mitigation Plan.
- Among a list of goals Chief Resilience Officer will be charged with working with state agencies and entities on are:
  - Ensuring rapid state support following emergencies.
  - Promoting climate-informed investments.
  - Building neighborhood resiliency and de-concentrating poverty.

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<sup>231</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0831/?ys=2021rs>

<sup>232</sup> The Maryland Food System Resiliency Council's website contains links to past meeting presentations and its first interim report to the MD General Assembly from 2021. <https://mdem.maryland.gov/Pages/md-fsrc.aspx>

- Adapting agricultural practices to respond to increasing precipitation, temperatures, and soil salinization.<sup>233</sup>

### Montgomery County

#### Support for the newly established Food Council (2011)

- Expresses support for the creation of a Food Council via County Council Resolution.
- Cites the history of efforts leading to the establishment of the Montgomery County Food Council (MCFC), including a task force recommendation to create a small farm incubator.
  - On October 24th, 2011 (Food Day), the County Executive and the County Council's Health and Human Services Committee Chair announced MCFC's launch.
- Indicates that the Council approved a \$25,000 grant to the Community Foundation to create MCFC.
- Endorses MCFC to “work with both traditional farmers and small scale organic farmers in a combined effort to meet the educational and nutritional needs of our residents.”<sup>234</sup>

MCFC is the oldest, local food council in Metropolitan Washington and will be celebrating its tenth anniversary in June 2022.

#### Establishment of the Food Recovery Work Group (2012)

- Establishes the County Council's intention to appoint a Food Recovery Work Group to numerous factors including:
  - The economic crisis and record enrollment in public assistance programs, including increasing numbers of students eligible for free and reduced-price meals.
  - The impact of food insecurity on children.
  - Rising consumer prices for food.
  - The amount of food wasted in the United States and the County.
  - Learning about the impact of the University of Maryland's Food Recovery Network, DC Central Kitchen, and other organizations.
- Specifies Work Group composition.
- Tasks the group with reporting on how to create and implement a food recovery effort in Montgomery County, including any needed legislative changes to assist in doing so.
  - Requires an interim report to the Council by March 31, 2013, and a final report by July 1, 2013.<sup>235,236</sup>
    - The Food Recovery Work Group's report requested \$200,000 in the FY14 budget to implement a food recovery system in its interim report.<sup>237</sup>

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<sup>233</sup> Enabling legislation: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0630?ys=2022RS>

<sup>234</sup> [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=6806\\_1\\_6759\\_Resolution\\_17-300\\_Adopted\\_20111115.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=6806_1_6759_Resolution_17-300_Adopted_20111115.pdf)

<sup>235</sup> [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=7065\\_1\\_6500\\_Resolution\\_17-564\\_Adopted\\_20121016.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=7065_1_6500_Resolution_17-564_Adopted_20121016.pdf)

<sup>236</sup> Resolution 17-604 made appointments to the Food Recovery Work Group. [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=7065\\_1\\_6500\\_Resolution\\_17-564\\_Adopted\\_20121016.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=7065_1_6500_Resolution_17-564_Adopted_20121016.pdf)

<sup>237</sup> [https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/cm/2013/130422/20130422\\_HHS2.pdf](https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/cm/2013/130422/20130422_HHS2.pdf)

These efforts led to the creation of Community Food Rescue (CFR) at Manna Food Center which is supported by Montgomery County and philanthropy. CFR worked with a software developer and adopted ChowMatch to help coordinate donors and recipient organizations. The Food Recovery Work Group would later join forces with MCFC.<sup>238</sup>

#### Strategic Plan to Achieve Food Security (2016)

- Requires the County Executive to develop a five-year Strategic Plan to Achieve Food Security in the County.
  - Calls for annual reductions in the county's food insecurity rate and recommendations for addressing children and seniors in year one.
- Indicates federal nutrition programs and data to be included in the Strategic Plan, as well as county agencies and other organizations which must be consulted with in developing it.
- Requires submission of an annual report which includes activities, accomplishments, objectives, etc. to implement the plan, including cost estimates for the following fiscal year.

<sup>239</sup>

The Montgomery County Food Security Plan, and several annual updates, are available on the MCFC's website.<sup>240</sup>

#### *Prince George's County*

##### Prince George's County Food Equity Council (2013)

- Establishes by Council Resolution, the Food Equity Council.
- Acknowledges:
  - The connection between healthy food access and chronic disease
  - The County's urban agriculture report which recommends the creation of a food council
  - The work of the Prince George's County Food Equity Council Taskforce and members.
  - Recommendations from the Taskforce for purpose of the Food Equity Council, broad issues it should work on, and categories of diverse members it should include.
- Specifies that the Food Equity Council shall present recommended actions to the County Council at least once per year.<sup>241</sup>

The Prince George's Food Equity Council is not a part of county government but housed in the Institute of Public Health Innovation.<sup>242</sup>

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<sup>238</sup> <https://www.communityfoodrescue.org/about-us/>

<sup>239</sup> [https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=1020\\_1\\_1131\\_Bill\\_19-16\\_Signed\\_20161018.pdf](https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=1020_1_1131_Bill_19-16_Signed_20161018.pdf)

<sup>240</sup> <https://mocofoodcouncil.org/food-security/food-security-montgomery-county/>

<sup>241</sup> Placeholder for legislative information

<sup>242</sup> More information on the history of the Prince George's Food Equity Council can be found at <http://pgcfec.org/who-we-are.html>

### Prince George's County Food Security Task Force (2020)

- Establishes the time-limited Food Security Task Force to “address issues related to the demand and supply of healthy food and areas with limited access to healthy food, food-health connections, school meals, and food security in Prince Georges County.”
- Recognizes previous County reports on healthy food access and increased food insecurity resulting from COVID-19.
- Specifies local government and subject matter expert members.
- Sets a deadline for report submission to the County Council.
- Created by Council Resolution CR-62-2020 and amended by CR-70-2021 to provide several additional months for the Task Force to complete its work.<sup>243,244,245</sup>

## Virginia

### Commonwealth Council on Bridging the Nutritional Divide (2014)

- Establishes the multistakeholder Council by Executive Order 34 to help eliminate childhood hunger, increase access to healthy, affordable foods through agriculture, and to facilitate local initiatives related to community nutrition.
  - Brings together a diversity of stakeholders from state and local governments, local, regional, and national nonprofits, private businesses and schools to increase research and data sharing.
- Charges the Council with:
  - Increasing participation in federal nutrition programs including school meals, WIC, and SNAP.
  - Increasing acceptance of SNAP and WIC at farmers markets, participation in farm-to-school and farm-to-institution and developing new solutions for healthy food access in identified food deserts.
  - Facilitating effective local collaboration across the Commonwealth and serving as a hub for communications.
- Specifies members, staffing support, and accountability.
- Requires the Council to create a three-year plan with objectives and metrics to report regularly to the Governor and the Children's Cabinet.
- Creates the Council for a four-year period.<sup>246</sup>

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<sup>243</sup> <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=4585396&GUID=95767DB1-EDA8-4840-A7F6-036FA979D42C&Options=ID|Text|&Search=CR-62-2020>

<sup>244</sup> <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=4983343&GUID=C6C0834A-C0D4-49B0-A80E-43780BB6AF9F&Options=ID|Text|&Search=CR-70-2021>

<sup>245</sup> Prince George's County Food Security Task Force report, Council briefing, and other supporting materials: <https://pgccouncil.us/809/Food-Security-Task-Force>

<sup>246</sup> Executive Order 34 is available on the No Kid Hungry Virginia website at: <https://bestpractices.nokidhungry.org/resource/virginia-commonwealth-council-bridging-nutritional-divide>



## NEXT STEPS AND CONCLUSION

This first edition of the *Healthy Food Access Policy Compendium for Metropolitan Washington* provides a basis to begin to understand the scope of laws, policies, and select publicly funded programs that exist to improve food security and healthy food access in DC, MD, VA, and the region.

It provides examples of how healthy food access can be improved with community and stakeholder engagement, piloting and evaluating new programs and strategies, and developing policy solutions with commitment and capacity to implement them.

Additional local research is needed to confirm that key pieces of state and local legislation have not been missed. Further research could also reveal noteworthy changes that have occurred between the time when a piece of legislation has passed and signed into law, and subsequent rulemaking, program development, and implementation. Understanding where laws and policies have not resulted in implementation and or desired outcomes, is also critical to know.

This Compendium also raises many other potential questions for research and evaluation.

## FUTURE EVALUATIVE QUESTIONS ON POLICY DESIGN AND IMPACT

Members of the FARM Policy Committee and other stakeholders will no doubt add to, or refine these, and help to determine how these questions could be prioritized.

- How do state and local governments differ in their authorities, budgets, and capacity? How do partnerships, and private, nonprofit, and philanthropic activity and funding vary? How do these issues impact the passage of food security and healthy food access legislation, the creation of programs, and implementation?
- Which state and local policies have already been evaluated or are being evaluated? How can this information help future policymaking? Have any had unintended consequences?
- What laws, policies, and publicly funded programs have an outsized positive impact on food security and healthy food access but have a broader focus and may not be thought of as food policy (i.e. federal Child Tax Credit)?
- Who was at the table when legislation and policy was made? Were perspectives are missing? How did this affect how policies achieved goals to increase food security and healthy food access?
- How are programs and policies ensuring they are serving hard to reach populations? Which ones have the greatest reach and why?
- How is, and can, Racial Equity Impact Assessment/Analysis be used in the policymaking process to achieve more equitable outcomes?
- What temporary innovations, implemented during COVID-19, should become permanent?
- If applicable, were environmental or sustainability considerations explicitly written into the legislation, policy, or program?
- What policy case studies outside of metropolitan Washington (i.e. City of Baltimore) can the region also learn from?

The *Healthy Food Access Policy Compendium for Metropolitan Washington* was researched during a time of heightened food insecurity, and a growing awareness of the disproportionate, negative impacts experienced by the region's Black and Hispanic and Latino residents and children.

Federal, state, and local policies and programs have combined to support residents during the pandemic and in other times in essential and effective ways. This assessment offers a basis for learning while reflecting upon how new efforts to improve equity, sustainability, and resilience, can continue to improve policymaking to the benefit of the region further.

# APPENDIX

## Methods

The following criteria and terms were used to guide the graduate student's policy and programs web-based scan.

The search criteria parameters were:

- Bound to information in the COG region and the District of Columbia, Maryland, and Virginia
- Laws and policies from the last 10 years (2011-2021)
- Policies shared between cities and counties in which they are located
- Policies that are currently adopted and active
- Policies deriving from partnerships between municipal government agency and local school districts

Excluded from the search were local jurisdictions outside of the COG region and neighborhood-specific initiatives. Laws and policies not promulgated in the last 10 years, as well as laws, policies, or programs that are no longer active, expired, withdrawn, or vetoed, were generally excluded.

Key search terms that were used are listed below. This exercise also included a specific key word and geography before each search term (e.g. DC, MD, VA).

- Food access policy
- Healthy food access
- Food systems
- Food policy
- Food policy priorities
- Urban agriculture
- Regional food self-reliance
- Grocery store investment funds
- Grocery tax credit
- Food deserts
- Food swamps
- Food insecurity
- Nutrition policy
- Nutrition incentives
- Retail food access
- Farm to school
- Garden education
- Home delivery food programs
- Food equity or food justice
- Culturally appropriate food
- Food recovery
- Funding for local food programs/policies
- Food literacy

There are several key search terms noted by reviewers that should be used in the future. These include:

- Food Apartheid
- Food Banks
- Food Pantries
- Healthy Food Priority Area

Initial policy information was generated by utilizing two different internet platforms – Safari and Google Chrome – and the following search engines:

- Google
- Google Scholar
- Bing
- Government website search
- Nonprofit website search

Stakeholder feedback and extensive follow-up research, including in local and state legislative databases and codes, supplemented these methods. Ultimately, all of these methods yielded the set of policies and programs presented in *The Healthy Food Access Policy Compendium for Metropolitan Washington*.





Metropolitan Washington  
**Council of Governments**

777 North Capitol Street NE, Suite 300  
Washington, DC 20002

[mwcog.org](http://mwcog.org)