

Kentucky's Food Democracy: A Comparison of Local Food Policies of Four Appalachian Tobacco-Growing States

Kristen Staley*

I. INTRODUCTION

“Eaters...must understand that eating takes place inescapably in the world, that it is inescapably an agricultural act, and that how we eat determines, to a considerable extent, how the world is used.”¹

In recent years, it has oft been said that “eating is a political act.”² But to say it is merely political is too vague and easily construed out of context. World renowned chef and author, Alice Waters, best defines eating as political as “not just to mean having to do with voting in an election, but to mean ‘of, or pertaining to, all our interactions with other people’ — from the family to the school, to the neighborhood, the nation, and the world.”³ In other words, because eating requires collaborative efforts from all members of society to thrive—consumers, businesses, and nations—eating is democratic act, not just political.

Integrating local foods into a food system is a key part of what professor Neil D.

**University of Louisville Brandeis School of Law, J.D. expected May 2011. I dedicate this to my mom, who always made me think about my food.*

¹ Wendell Berry, *The Pleasures of Eating*, in *THE ART OF THE COMMONPLACE: THE AGRARIAN ESSAYS*, 324 (Norman Wirzba, ed. 2002).

² Mark Eisen, *Michael Pollan: Eating Is a Political Act*, *THE PROGRESSIVE*, Nov. 8, 2008, available at http://www.alternet.org/environment/105667/michael_pollan:_eating_is_a_political_act/; Ezra Klein, *The Plate is Political*, *WASH. POST* (May 21, 2009), http://voices.washingtonpost.com/ezra-klein/2009/05/the_plate_is_political.html; Alice Waters, *A Delicious Revolution*, *ECOLITERACY*, <http://www.ecoliteracy.org/essays/delicious-revolution> (last visited Oct. 18, 2010).

³ Waters, *supra* note 2.

Hamilton,⁴ a leading legal scholar of sustainable agriculture and food law, has called the “food democracy” movement.⁵ A food democracy incorporates progressive agricultural acts that together form a sustainable local food system.⁶ Hamilton further explains that the

democratic values and movements reject the industrialized and degraded values of cheap food and replace them with concern for the needs of the people and the land, with human focused values that weigh satisfaction and sustainability, information and involvement as equally as efficiency and price and profits and productivity.⁷

Food and agricultural policies are being constructively influenced by this “food democracy,” as our governments and general population maintain a growing need for sustainable, healthy living.⁸

The following note reviews Kentucky’s state food system through a democratic food lens. Section two of this paper discusses the benefits of eating locally compared to consuming food produced by the large-scale food industry. Section three outlines national and regional trends in local food initiatives and policies. Section four analyzes Kentucky’s existing food system and compares it to the neighboring systems of Virginia, North Carolina, and Tennessee. Finally, recommendations and conclusions are made to assist Kentucky in its growth towards a more sustainable local food system.

II. THE BENEFITS OF EATING LOCALLY

The food industry directly impacts the environment by contributing to climate change, pollution, and adverse effects on animal and human health. Eating local can minimize this harm. First, eating local shortens the distance food must travel before it

⁴ Professor Hamilton is the Director of the Agricultural Law Center and the Dwight D. Opperman Chair of Law and Professor at Drake University Law School.

⁵ Neil D. Hamilton, *Food Democracy and the Future of American Values*, 9 DRAKE J. AGRIC. L. 9, 16 (2004).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

hits the table. On average, produce travels 1,500 miles before entering a grocery store.⁹ The United States is the largest single importer of food in the world, despite the large quantity of food it produces internally.¹⁰ For example, California, the United States' largest produce producer, has a substantial environmental impact due to its large industry of importing foods. The National Resources Defense Council conducted a study of the environmental impact of importing certain produce into California. It found that "in 2005, the import of fruits, nuts, and vegetables into California by airplane released more than 70,000 tons of carbon dioxide, which is equivalent to 12,000 cars on the road."¹¹ If the United States would focus more on using what is produced locally and encourage growing a larger variety of foods, the importing of food and its negative effects could be cut to a minimum.

Consuming local foods also encourages local, small-scale farming. Small-scale farming is paramount to ensuring a cycle of sustainable land use. With the invention of the large-scale farm came the increased use of pesticides and chemical fertilizers to induce faster production at a larger quantity. These chemical additives are the known cause of "dead zones" in large waterways, such as the Gulf of Mexico and the Chesapeake Bay.¹² After being spread on fields most chemicals are carried from the soil and washed into large watersheds, such as the Mississippi River, and drain directly into the ocean.¹³ The chemicals have an eradicating effect on the marine life. For example, instances of hypoxia, or absence of oxygen, are increasingly common, causing "dead zones" where all life has died.¹⁴ These zones (some the size of New

⁹ *Local-Food Movement: The Lure of the 100-Mile Diet*, TIME MAGAZINE (June 11, 2006), available at <http://www.time.com/time/magazine/article/0,9171,1200783,00.htm>.

¹⁰ SHARON ASTYK & AARON NEWTON, *A NATION OF FARMERS* 44 (2009).

¹¹ NAT'L RES. DEFENSE COUNCIL, *FOOD MILES: HOW FAR YOUR FOOD TRAVELS HAS SERIOUS CONSEQUENCES FOR YOUR HEALTH AND THE CLIMATE* 2 (2007), available at <http://www.nrdc.org/health/effects/camiles/foodmiles.pdf>.

¹² JILL RICHARDSON, *RECIPE FOR AMERICA: WHY OUR FOOD SYSTEM IS BROKEN AND WHAT WE CAN DO TO FIX IT* 37 (2009).

¹³ See Christine Costello, W. Michael Griffin, Amy E. Landis & H. Scott Matthews, *Impact of Biofuel Crop Production on the Formation of Hypoxia in the Gulf of Mexico*, 43 ENVIRON. SCI. TECHNOL. 20, 7985 (2009).

¹⁴ *Id.*

Jersey) are an obvious detriment to marine life as well as the fishing industry.¹⁵

Concentrated animal feeding operations (CAFO) are another characteristic of large-scale farming. The Environmental Protection Agency (EPA) describes approved CAFOs as operations “where animals are kept and raised in confined situations” and “[f]eed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.”¹⁶ A large CAFO can hold an enormous number of animals (at least 125,000 chickens, 10,000 pigs, 1,000 cattle, etc.) in a small space, increasing animal production by feeding without allowing the animal time or space to graze.¹⁷ In other words, CAFOs are an industrial model that increases food production by substantially decreasing the quality of the animal’s living conditions.

Not only is animal health a concern, but CAFOs are harming the health of the planet. Livestock operations, especially CAFOs, are the largest producer of methane gas in the world.¹⁸ Methane gas is major contributor to global warming and climate change. Many scholars have argued that a change in industrial livestock farming, which would cut methane and other noxious gas omissions drastically, could slow global warming.¹⁹ Even the EPA suggests that a more pro-grazing and sustainable farming technique is highly likely to lessen the methane omissions.²⁰

Waterways and soils are also detrimentally affected by large-scale livestock pollutants. According to the EPA, over 60 percent of rivers and 50 percent of lakes are victim to the toxic emissions from increased livestock production.²¹ It is also estimated that 55 percent of soil erosion is caused by toxic livestock emissions and lack of grazing

¹⁵ RICHARDSON, *supra* note 12, at 37.

¹⁶ *What is a CAFO?*, U.S. ENVTL. PROT. AGENCY, <http://www.epa.gov/region7/water/cafo/index.htm> (last visited Oct. 18, 2010).

¹⁷ See U.S. ENVTL. PROT. AGENCY, REGULATORY DEFINITIONS OF LARGE CAFOs, MEDIUM CAFO, AND SMALL CAFOs, available at http://www.epa.gov/npdes/pubs/sector_table.pdf (last visited Feb. 15, 2010).

¹⁸ *Ruminant Livestock*, U.S. ENVTL. PROT. AGENCY, <http://www.epa.gov/rlep/> (last updated Mar. 8, 2006).

¹⁹ See ASTYK & NEWTON, *supra* note 10, at 27-29.

²⁰ *Ruminant Livestock Frequent Questions*, U.S. ENVTL. PROT. AGENCY, <http://www.epa.gov/rlep/faq.html#3> (last updated Mar. 21, 2007).

²¹ RICHARDSON, *supra* note 12, at 40.

in the US.²²

Furthermore, due to the toxic emissions of large-scale farming, the safety of the food coming from these factory farms is compromised. Public health concerns, such as outbreaks of E. coli and other bacteria based diseases from beef and produce as well as antimicrobial resistance to antibiotics due to overuse of in CAFOs, are all directly related to industrial farming techniques.²³

III. A HISTORY OF LOCAL FOODS

A. NATIONAL AGRARIAN ROOTS

Political support for a democratic local food system is not a new concept. In the late 1700's, our founding fathers were well aware that the "[c]ultivators of the earth are the most valuable citizens."²⁴ Thomas Jefferson, a strong proponent for farmers, wrote that "as few as possible shall be without a little portion of land. The small landholders are the most precious part of a state. . . ."²⁵

Yet, in modern times, democratic farmland use is almost obsolete; there are now larger farms in the hands of fewer farmers. Although individual farms have grown from an average of 147 acres in the early 1900's to 461 acres in 2000, the number of farmers, the basic element of a stable food system, has steadily declined from 38% to 2.6% over the same span.²⁶ The growth of large-scale farms separates consumers from understanding where their food comes from. It places a veil over the endangered species called farmers and continues a cycle of distancing consumers from control over what they eat.

²² See HENNING STEINFELD ET AL., *LIVESTOCK'S LONG SHADOW: ENVIRONMENTAL ISSUES AND OPTIONS* 167 (2006).

²³ See RICHARDSON, *supra* note 12, at 4445; COMM'N ON INDUS. FARM ANIMAL PROD., *ANTIMICROBIAL RESISTANCE AND HUMAN HEALTH*, (2008), available at http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Industrial_Agriculture/PCIFAP_AntbioRprtV.pdf.

²⁴ Letter from Thomas Jefferson to John Jay, (Aug. 23, 1785), available at <http://www.monticello.org/site/jefferson/quotations-agriculture>.

²⁵ Letter from Thomas Jefferson to Rev. James Madison, (Oct. 28, 1785), in Wendell Berry, *The Agrarian Standard*, in *THE ESSENTIAL AGRARIAN READER*, 29 (Norman Wirzba, ed. 2003).

²⁶ *A History of American Agriculture: Farmers & the Land*, http://agclassroom.org/gan/timeline/farmers_land.htm (last visited Oct. 27, 2010).

Fortunately, there is some national movement towards a sustainable local food system. Culturally, eating locally has emerged as a popular trend. A 16% growth from 2009 to 2010 in farmers' markets²⁷, a wealth of mainstream books, movies and internet sites dedicated to local foods,²⁸ and of course the nomination of "locavore" as the 2007 Oxford University Press Dictionary word of the year²⁹ are various indicators of this national trend to consume local foods.

Local food initiatives are also increasingly prevalent in the political scene. For example, a shift in the policy objectives of the United States Department of Agriculture (USDA) toward agricultural sustainability is indicated by recent cabinet nominations and the creation of the "Know Your Farmer, Know Your Food" initiative.³⁰ The USDA's Sustainable Agriculture Research and Education Program (SARE) also promotes sustainable farming practices on a national scale by providing grants and education

²⁷ *Farmers Market Growth: 1994-2009*, USDA AGRIC. MKGT. SERVICE, <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateS&navID=WholesaleandFarmersMarkets&leftNav=WholesaleandFarmersMarkets&page=WFMFarmersMarketGrowth&description=Farmers%20Market%20Growth&acct=frmrdirmtk> (last date modified Aug. 4, 2010).

²⁸ See generally MICHAEL POLLAN, *OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS*, (2006); FOOD, INC. (Magnolia Home Entertainment 2009); SLOW FOOD USA, <http://slowfoodusa.org> (last visited Oct. 27, 2010).

²⁹ ASTYK & NEWTON, *supra* note 10, at 261.

³⁰ Press Release, USDA, USDA Launches 'Know Your Farmer, Know Your Food' Initiative to Connect Consumers with Local Producers to Create New Economic Opportunities for Communities (Sept. 15, 2009) available at <http://www.usda.gov/wps/portal/!ut/p/s.70A/7010B?contentidonly=true&contentid=2009/09/0440.xml>; see *Who is Kathleen Merrigan?*, GOURMET MAGAZINE, Mar. 5, 2009, available at <http://www.gourmet.com/foodpolitics/2009/03/politics-of-the-plate-kathleen-merrigan>; see also Press Release, USDA, Agriculture Secretary Vilsack Announces Funding for Research on Food Security in Northeast (Sept. 17, 2009) at, <http://www.usda.gov/wps/portal/!ut/p/s.70A/7010B?contentidonly=true&contentid=2009/09/0449.xml>.

tools to farmers, educators, consumers, and agricultural researchers.³¹ Its purpose is one that “protects the nation’s land and water . . . for a rewarding way of life for farmers and ranchers whose quality products and operations sustain their communities and society.”³² There were an impressive number of local food initiatives incorporated into the recently passed 2008 Farm Bill, including increased funding for community foods grant programs, farmers markets and community gardening programs.³³

While federal programs can accelerate the creation of a sustainable local food system, state and local governments should spearhead this movement to produce a truly local system. State and local governments are better poised to implement immediate changes into their food systems. Moreover, their understanding and connection to in-state farmers and consumers is superior. Some states have taken the opportunity to implement their own food democracies, but many are just beginning.

B. KENTUCKY’S AGRARIAN ROOTS

Kentucky’s rich history in tobacco farming has greatly influenced its current agricultural status. Until the late 1990’s, Kentucky’s farmland was mostly used to grow tobacco. According to the 1997 US Agricultural Census, Kentucky had the most tobacco farmers per county and harvested the most tobacco.³⁴ However, Kentucky was forced, both politically and economically, to drastically reduce tobacco growth. In 1998, forty-six states sued the nation’s top tobacco companies for repayment of state Medicaid

³¹ See *About Us*, SUSTAINABLE AGRIC. RES. & EDUC., <http://www.sare.org/about/index.htm> (last visited Oct. 27, 2010).

³² *Id.*

³³ *2008 Farm Bill Side-by-Side: Title IV: Nutrition*, USDA ECON. RES. SERV., available at <http://www.ers.usda.gov/FarmBill/2008/titles/titleIVNutrition.htm>; see also Press Release, USDA, USDA Launches 'Know Your Farmer, Know Your Food' Initiative to Connect Consumers with Local Producers to Create New Economic Opportunities for Communities, (Sept. 15, 2009) available at <http://www.usda.gov/wps/portal/!ut/p/s.7.0.A/7.0.10B?contentidonly=true&contentid=2009/09/0440.xml>.

³⁴ USDA NAT’L AGRIC. STATISTIC SERVICE, THE CENSUS OF AGRICULTURE – 1997 CENSUS PUBLICATIONS RANKINGS OF CONGRESSIONAL DISTRICTS Table 44 Tobacco, available at http://www.agcensus.usda.gov/Publications/1997/Rankings_of_Congressional_Districts/2tobacco.pdf.

funds due from tobacco related health injuries. The states and the tobacco companies settled the nationwide Medicaid-based lawsuits with the creation of the Tobacco Master Settlement Agreement (MSA).³⁵ The settlement required the tobacco companies to distribute \$206 billion over twenty-five years to those states involved in the lawsuit.³⁶ Due to Kentucky's large involvement in tobacco growth, its payments from the MSA totaled \$3.45 billion over a twenty-five year span.³⁷

After the MSA, tobacco farming fell out of favor and many Kentucky farmers were left without their cash crops.³⁸ Yet, through its use of the large MSA payout, Kentucky has begun focusing on developing a state food democracy. In 2000, the Kentucky state assembly created the Agricultural Development Board (KADB) to distribute 50% of the money received from the MSA.³⁹ The KADB maintains that half of Kentucky's share of the master tobacco settlement agreement will be used for the purpose of state agriculture development projects; this includes both direct payments to previous tobacco farmers and implementation of new agricultural economic development programs.⁴⁰ Since its creation, Kentucky has funded over 3,400 agricultural programs and invested more than \$280 million of funds received from the MSA payout.⁴¹

IV. ANALYSIS

³⁵ See US GEN. ACCOUNTING OFFICE, TOBACCO SETTLEMENT STATES' USE OF MASTER SETTLEMENT AGREEMENT PAYMENTS, GAO-01-851, 8-10, (2001) available at <http://www.gao.gov/new.items/d01851.pdf>; Tobacco, NAT'L ASS'N OF ATTORNEYS GEN., <http://naag.org/tobacco.php>. (last visited Oct. 27, 2010).

³⁶ See *id.*

³⁷ Tobacco Master Settlement Agreement and Kentucky Tobacco Statutes, KY. OFF. OF THE ATT'Y GEN., <http://ag.ky.gov/civil/tobacco> (last visited Oct. 27, 2010).

³⁸ See JOHN VAN WILLIGEN & SUSAN C. EASTWOOD, TOBACCO CULTURE: FARMING KENTUCKY'S BURLEY BELT (KENTUCKY REMEMBERED: AN ORAL HISTORY SERIES) 1-3 (1998).

³⁹ Agricultural Development Board, KY. GOVERNOR'S OFF. OF AGRIC. POL'Y, <http://agpolicy.ky.gov/board/index.shtml> (last visited Oct. 27, 2010); see also KY. GOVERNOR'S OFFICE OF AGRIC. POLICY, GUIDING PRINCIPLES FOR BOARD ACTION (2005), available at http://agpolicy.ky.gov/board/documents/guiding_principles.pdf.

⁴⁰ US GEN. ACCOUNTING OFFICE, *supra* note 35.

⁴¹ *Investments*, COMMONWEATH GROWS (Ky. Governor's Office of Agric. Policy, Frankfort, K.Y.), Spring 2009, at 1, 7, available at http://agpolicy.ky.gov/newsletter/09_CWG_Spring.pdf.

In general, a food system involves “the interconnected processes that connect the complex spectrum of food production to food processing, consumption, and ultimately disposal.”⁴² Both nationally and locally, food systems are “influenced by social, political, economic and natural environments” and are “dependent on human resources that provide labor, research and education.”⁴³ A local food system is created when locally grown foods are incorporated into that “complex spectrum” of production, processing, and consumption.⁴⁴ Thus, a local food system prospers when consumers and governments, as well as economic and environmental climates work together on agricultural acts to form sustainable land use and food growth.

This section analyzes Kentucky’s part in the food democracy movement. Kentucky’s agricultural actions are reviewed to see if they are indeed forming sustainable land use and food growth by generating a prosperous local food system. Kentucky’s actions are then compared to that of Virginia, North Carolina, and Tennessee. These states were chosen for their similar tobacco growing history and their Southern Appalachian farming terrain. Each state also received a substantial amount from the Tobacco MSA for agricultural development. Mirroring the stages of a food system referenced above, the analysis is separated into four parts: production, processing, marketing, and consumption of local foods, each comparing Kentucky to its neighboring states.

A. LOCAL FOOD PRODUCTION

Food production in a local food system is the interconnectedness of the agricultural land and those who work upon it. Preservation of farmlands and farmers, as

⁴² *Local Food Systems: An Overview*, NAT’L AGRIC. L. CENTER, <http://www.nationalaglawcenter.org/assets/overviews/localfood.html> (May 20, 2009); JENNIFER WILKINS & MARCIA EAMES-SHEAVLY, CORNELL DEP’T OF HORTICULTURE AND NUTRITIONAL SCIS., *DISCOVERING THE FOOD SYSTEM: AN EXPERIMENTAL LEARNING SYSTEM FOR YOUNG AND INQUIRING MINDS*, at A Primer on Community Food Systems, (2003), available at <http://www.hort.cornell.edu/department/faculty/eames/foodsys/pdfs/foodsys.pdf>.

⁴³ WILKINS & EAMES-SHEAVLY, *supra* note 42.

⁴⁴ The Nat’l Agricultural Law Center, *Local Food Systems: An Overview*, <http://www.nationalaglawcenter.org/assets/overviews/localfood.html> (May 20, 2009).

well as protection of smaller land use such as community gardens, is important to achieve a prosperous first step in local food system.

1. FARMLAND & FARMER PRESERVATION

Without farms to create food there could be no discussion of a food system. The American Farmland Trust, a national non-profit organization dedicated to farm preservation, reports that roughly one billion acres of land in America are actively used for farming.⁴⁵ Those farmlands contribute approximately one trillion dollars to the US economy.⁴⁶ Due to drastic land development and disappearing agricultural land in recent years, farmland preservation has become integral to preserving a way of life for many inhabitants in the Appalachian tobacco growing region.

By the same token, without farmers there could be no discussion of farms. In 1978, Kentucky food activist and writer, Wendell Berry wrote that “[a] great danger to democracy now in the United States is the steep decline in the number of people who own farmland—or landed property of any kind.”⁴⁷ Unfortunately, in the thirty-two years since Berry warned the nation of this danger, not much has changed.⁴⁸ The purpose of supporting new farmer programs is to ensure that there will be a future generation of farmers who want and know how to work the land.⁴⁹

(A) KENTUCKY’S FARMLAND

The 2007 USDA Agricultural Census found that Kentucky uses 13.9 million acres to produce over 4.8 billion dollars in agricultural products.⁵⁰ The Census also reported that most of Kentucky’s farms are individually or family owned, with an average size of

⁴⁵ *Farmland Protection*, AM. FARMLAND TR., <http://www.farmland.org/programs/protection/default.asp> (2009).

⁴⁶ *Id.*

⁴⁷ Wendell Berry, *Agricultural Solutions for Agricultural Problems*, in BRINGING IT TO THE TABLE: ON FARMING AND FOOD, 27 (2009).

⁴⁸ See *supra* text accompanying note 25.

⁴⁹ Neil D. Hamilton, *Preserving Farmland, Creating Farms, and Feeding Communities: Opportunities to Link Farmland Protection and Community Food Security*, 19 N. ILL. U. L. REV. 657, 659 (1999).

⁵⁰ USDA 2007 CENSUS OF AGRIC., KY. STATE AND COUNTY DATA, Vol. 1, table 1, available at http://www.agcensus.usda.gov/Publications/2007/Full_Report/Volume_1,_Chapter_1_State_Level/Kentucky/index.asp.

153 acres.⁵¹ Between the 2002 and 2007 Censuses, Kentucky lost over 1,000 farms.⁵² One reason for the decline is the increase of non-agricultural development.⁵³ Kentucky ranks within the top twenty states that are quickly losing its farmland to developers.⁵⁴

To counter this loss, the Kentucky legislature passed the Agricultural District and Conservation Act, allowing individuals with at least 250 acres of land to establish an agricultural district within the state.⁵⁵ The purpose of this legislation is “to conserve, protect and to encourage development and improvement of its agricultural lands for the production of food and other agricultural products.”⁵⁶ There are currently 509 agriculture districts in Kentucky, using over 433,000 acres of land.⁵⁷

Kentucky has preserved farmland through other legislative means. The state legislature implicitly created a right to farm law in KRS § 413.072(3), where agricultural operations are protected from nuisance claims when used for agricultural purposes.⁵⁸ The state also has an agriculture supremacy law where areas used for agricultural purposes are immune from local zoning ordinances except for four instances including set back lines, flooding plains, dwellings or other conditional uses.⁵⁹

The Purchase of Agricultural Conservation Easement (PACE) Corporation is yet another legislative answer to farmland preservation. It allows the state to purchase

⁵¹ *Id.*

⁵² *Id.*

⁵³ See *Farming on the Edge: How the Maps Were Made*, AM. FARMLAND TR., <http://www.farmland.org/resources/fote/about/maps.asp> (2009) (referring to the correlation between the increase of non-agricultural development and the loss of farmland); see also *Farming on the Edge: Kentucky State Map*, AM. FARMLAND TR., http://www.farmland.org/resources/fote/states/map_kentucky.asp (2009) (showing Kentucky’s farmland and the state’s sprawl of non-agricultural development).

⁵⁴ *Farming on the Edge: Top 20 States*, AM. FARMLAND TR., <http://www.farmland.org/resources/fote/states/top20.asp> ().

⁵⁵ KY. REV. STAT. ANN. § 262.850 (2000).

⁵⁶ KY. REV. STAT. ANN. § 262.850(2) (2000).

⁵⁷ Note that these numbers change frequently. *Agricultural District Program*, KY. DIV. OF CONSERVATION, <http://conservation.ky.gov/Pages/AgriculturalDistricts.aspx> (last visited Oct. 28, 2010).

⁵⁸ KY. REV. STAT. ANN. § 413.072 (2009).

⁵⁹ KY. REV. STAT. ANN. § 100.203(4) (2009).

agricultural conservation easements of land currently used for agricultural purposes.⁶⁰ The purchased easement is limited to use for “the production of crops, livestock and livestock products, and nursery and greenhouse products including the processing” of such agricultural products.⁶¹ There is also a trend of counties creating local ordinances, such as in Fayette County, establishing PACE programs for county purchase rather than state purchase.⁶²

Kentucky secured 2.5 million dollars from the federal government in the 2008 Farm Bill providing for state-wide farm and ranch preservation.⁶³ Kentucky’s USDA Natural Resources Conservation Service Division oversees these programs and has secured over 170 easements of farmland in Kentucky since its beginning in 1996.⁶⁴

(B) KENTUCKY’S FARMERS

The Kentucky legislature created the Kentucky Agricultural Finance Corporation (KAFC), which is dedicated to investing state funds from the unclaimed and abandoned property program for agricultural loans.⁶⁵ One of the KAFC loan programs is the Beginning Farmer Loan Program. It is “designed to assist individuals with farming experience who desire to develop, expand or buy into a farming operation.”⁶⁶ Through this program new farmers “can qualify for financing to purchase livestock, equipment, agricultural facilities, permanent working capital, and to make a down payment on real estate or invest in a partnership or LLC.”⁶⁷

The creation of this new farmer program highlights the economic opportunities for new agricultural professions in Kentucky. The demand for local foods is on the rise, especially in urban areas. Becoming a small-scale farmer can be an excellent

⁶⁰ KY. REV. STAT. ANN. § 262.900 (2009).

⁶¹ KY. REV. STAT. ANN. § 262.910(1) (2009).

⁶² FAYETTE COUNTY, KY., CODE OF ORDINANCES §§ 26-8 to 26-15 (2000).

⁶³ Press Release, USDA Nat’l Resources Conservation Serv., Farm and Ranch Lands Protection Program Signup Announced, (Nov. 24, 2009), available at <http://www.ky.nrcs.usda.gov/news/FRPPNewsReleaseNov2009.html>.

⁶⁴ *Id.*

⁶⁵ KY. REV. STAT. ANN. § 41.606(1)-(3) (2009).

⁶⁶ *Beginning Farmer Loan Program*, KY. GOVERNOR’S OFF. OF AGRIC. POL’Y, http://kafc.ky.gov/kafc_programs_beginningfarmer.shtml (last visited Feb. 15, 2009).

⁶⁷ *Id.*

economic opportunity with Kentucky's loan program. It is a win-win situation for both the individual looking to break into an agricultural career (especially during the current economic hardship) and for the state looking to satisfy the rising demand for local foods.

(C) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S FARMLAND

Like Kentucky, the agriculture departments of its neighboring tobacco-growing states dedicate offices or programs to farmland preservation. These states have varying methods of state-funded preservation techniques, most of which are similar to Kentucky's PACE programs and agricultural districts.

Virginia, unlike the other states, maintains an entire division dedicated solely to preservation issues called the Office of Farmland Preservation.⁶⁸ The state office runs a Purchase of Development Rights (PDR) program, enabling Virginians to either donate or offer their agricultural land for state purchase at a low percentage to ensure its future protection as agricultural land.⁶⁹ Twenty-one counties and city governments currently have their own PDR purchasing programs, conserving the land for city and county agricultural use.⁷⁰

In 2005, the North Carolina state legislature instituted the Agricultural Development and Farmland Preservation Enabling Act to oversee farmland preservation and "foster the growth, development, and sustainability of family farms."⁷¹ This Act creates two farmland conservation outlets for the state and individual counties: voluntary agricultural districts and voluntary purchasing of agricultural easements.⁷² It also established the Agricultural Development and Farmland Preservation Trust Fund, which holds all monies collected from the easement transactions and will be distributed only for farmland conservation uses.⁷³ Currently, two counties have their own easement purchasing programs, and sixty-eight counties have adopted voluntary agricultural

⁶⁸ *Office of Farmland Preservation*, VA. DEPT. OF AGRIC. & CONSUMER SERVS., <http://www.vdacs.virginia.gov/preservation> (last visited Oct. 28, 2010).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ N.C. GEN. STAT. § 106-735 (2009).

⁷² N.C. GEN. STAT. § 106-743 1-4 (2009); N.C. GEN. STAT. § 106-744 (2009).

⁷³ See N.C. GEN. STAT. § 106-744 (2009).

districts within their jurisdictions.⁷⁴

Tennessee is the only state of the four not using state-formed agricultural districts as a farmland preservation technique. However, it does implement the use of agricultural conservation easements using state and federal funding.⁷⁵ Under the 2002 and 2008 Farm Bills, Tennessee secured over three million dollars for over 139,000 acres of farmland preservation.⁷⁶ Additionally, major efforts to preserve Tennessee's farmland are underway with the collaborative work of a state non-profit organization called the Land Trust for Tennessee. The Land Trust for Tennessee works with the state agricultural department and individual farmland conservation donors to secure agricultural easements.⁷⁷ Currently, 51,454 acres in forty-five counties have been conserved.⁷⁸

(D) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S FARMERS

Virginia has implemented several unique programs in an attempt to preserve its farmers. The Office of Farmland Preservation maintains the Virginia Farm Link Program, connecting retiring farmers with those interested in starting a new farming

⁷⁴ See Alamance County, N.C., Farmland Preservation Ordinance (Nov. 20, 2006); ORANGE COUNTY, N.C., CODE OF ORDINANCES § 48-12 (1992); See also *North Carolina County and Municipal Land Preservation Ordinances and Programs*, N. C. ST. U. DEP'T OF AGRIC. & RESOURCE ECON., <http://www.cals.ncsu.edu/wq/lpn/ncordinances.htm> (updated as of Mar. 20, 2009) (showing a comprehensive list of the land preservation municipal ordinances in N.C.).

⁷⁵ See *Farmland Legacy: Land Protection Tools*, TENN. DEP'T OF AGRIC., <http://www.state.tn.us/agriculture/marketing/legacyprotection.html> (last visited Oct. 28, 2010); Press Release, USDA Nat'l Res. Conservation Serv., Payments for Conservation Stewardship Program to be Issued to Farmers (Nov. 15, 2010), available at http://www.tn.nrcs.usda.gov/news/News_releases/20101115_CSP.html.

⁷⁶ Press Release, USDA Nat'l Res. Conservation Serv., *supra* note 75.

⁷⁷ See *Who We Are*, LAND TR. FOR TENN., http://www.landtrusttn.org/who_we_are.html (last visited Oct. 28, 2010).

⁷⁸ *Welcome*, LAND TR. FOR TENN., http://www.landtrusttn.org/who_we_are.html (last visited Oct. 28, 2010).

career through an online database.⁷⁹ Virginia has also surveyed its farmers for suggestions on how the state offices can help with the transitioning process of retiring farmers. Due to these surveys, Farm Link is piloting workshops on teaching farmers how to plan and ensure their land stays farmland in the future.⁸⁰

The North Carolina Farm Transition Network (NCFTN), a collaborative effort of state and non-profit agencies, works to combat the problem of diminishing family farms and over-developed land.⁸¹ Similar to the Virginia Farm Link Program, the NCFTN fosters a new generation of farmers and maintains farmland within North Carolina by holding workshops and classes, updating databases of transitioning farmland, and maintaining a library of resources for those with questions.⁸² Overall, the NCFTN maintains a wealth of knowledge for those who are either looking to retire from farming or are about to begin.⁸³

Tennessee's programs to preserve its base of small farmers are not as sophisticated as Virginia or North Carolina. Tennessee does have the Tennessee Farm Bureau's Young Farmers and Ranchers program for developing skills for its new farmers.⁸⁴ However, there is nothing to be found in terms of assistance to transitioning farmers, nor does the state fund any programs for beginning or retiring farmers.

2. COMMUNITY GARDENS

Community gardens are a growing outlet, typically in urban or suburban areas, that promote and teach the importance of local food production while enhancing community pride.⁸⁵ Furthermore, community gardens are also important in areas,

⁷⁹ *Virginia Farm Link Program*, VA. DEPT. OF AGRIC. AND CONSUMER SERVS., <http://www.vdacs.virginia.gov/preservation/farmlink.shtml> (2010).

⁸⁰ *Office of Farmland Preservation*, *supra* note 68.

⁸¹ *See The North Carolina Farm Transition Network*, N. C. FARM TRANSITION NETWORK, <http://www.ncftn.org> (2009).

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Young Farmers and Ranchers*, TENN. FARM BUREAU FED'N, <http://www.tnfarmbureau.org/index.asp?view=YoungFarmers> (last visited Oct. 28, 2010).

⁸⁵ Jane E. Schukoske, *Community Development through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N. Y. U. J. LEGIS. & PUB. POL'Y 351, 359 (1999-2000).

generally urban, that have little or no access to other sources of local or nutritious foods.⁸⁶

(A) KENTUCKY'S GARDENS

On a county level, community gardens have become an emerging source of food security, especially in Kentucky's urban areas. The state's gardening programs are usually community-run or sponsored by local schools or universities, though a few are sponsored by local governments.

In Jefferson County and the Louisville metro area, there are twelve urban and suburban community gardens.⁸⁷ Each garden is managed by a collaborative effort of Brightside, a city of Louisville non-profit and metro government agency and the University of Kentucky's Jefferson County Cooperative Extension Service.⁸⁸ The Cooperative Extension Service lends an educational hand by offering gardening classes and other horticultural tools throughout the growing season.⁸⁹

The city of Lexington offers the Sustainable Communities Network, sponsoring numerous citywide community garden projects and events.⁹⁰ The Network played a large part in forming the new Bluegrass Community and School Garden Network, which offers statewide gardening workshops and educational series for schools and community groups.⁹¹ The Network also maintains an online community, cataloguing its members' gardening efforts and offering updates and news articles on community gardening to its statewide contingency.⁹²

⁸⁶ *Id.* at 359-360.

⁸⁷ *Community Gardens*, BRIGHTSIDE, <http://www.louisvilleky.gov/Brightside/Beautification/Community+Gardens> (last visited Oct. 28, 2010).

⁸⁸ *Id.*; see *About Us Overview*, BRIGHTSIDE, <http://www.louisvilleky.gov/Brightside/About+Us/> (last visited Oct. 8, 2010).

⁸⁹ BRIGHTSIDE, *supra* note 88.

⁹⁰ SUSTAINABLE COMMUNITIES ONLINE, <http://www.sustainable.org/> (last visited Oct. 28, 2010).

⁹¹ See *id.*; Miranda Hileman, *Digging In: Meet Lexington's Compton Mentor Fellow*, ACE WKLY., July 16, 2009.

⁹² See *Nurturing Our Community to Create Gardens and Sacred Earth Connections*, BLUEGRASS SCH. & COMMUNITY GARDEN NETWORK, <http://bgschoolgardennetwork.ning.com> (last visited Feb. 15, 2009).

Kentucky has no state laws or policies governing community gardening. With the implementation of such policies, Kentucky could break down barriers to using vacant urban or suburban spaces that would otherwise be considered a plight on the community. The state could give tax exemptions to those community programs for in-kind donations of gardening supplies, or it could offer up unused public spaces for gardening purposes, which would allow the state to oversee its food production while promoting local food use.

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S GARDENS

On the whole, these states focus on government and non-profit organization hybrid organizations for their gardening programs, especially in their larger urban areas. For example, Virginia's Arlington and Fairfax Counties, in the Washington D.C. metro area, offer gardening programs funded by both the municipality and the Virginia land-grant universities Cooperative Extension.⁹³ The city of Fredericksburg, outside of Washington D.C., houses Downtown Greens, a non-profit organization dedicated to community growth via garden space.⁹⁴ The Richmond metro area is home to Tricycle Gardens, a non-profit organization hosting community gardens, workshops and local food events in the city.⁹⁵ The more rural areas of Virginia are also sprouting out community gardens, such as the town of Round Hill's community garden⁹⁶ and the

⁹³ See *Arlington County, VA. COOP. EXTENSION*, <http://www.offices.ext.vt.edu/arlington/links/index.html> (last visited Oct. 28, 2010); *Parks, Recreation & Cultural Resources: Community Gardening Program, ARLINGTON, VA.*, <http://www.arlingtonva.us/Departments/ParksRecreation/scripts/facilities/ParksRecreationScriptsFacilitiesCommunityGardens.aspx> (last visited Oct. 28, 2010); *Green Spring Gardens Community Garden Plots, FAIRFAX COUNTY, VA.*, <http://www.fairfaxcounty.gov/parks/gsgp/plots.htm> (last visited Oct. 28, 2010).

⁹⁴ DOWNTOWN GREENS, <http://www.downtowngreens.org> (last visited Oct. 28, 2010).

⁹⁵ TRICYCLE GARDENS, <http://tricyclegardens.org> (last visited Oct. 28, 2010).

⁹⁶ ROUND HILL COMMUNITY GARDEN, <http://www.roundhillgarden.org> (last visited Oct. 28, 2010).

University of Virginia's garden in Charlottesville.⁹⁷

North Carolina provides its citizens with a vast wealth of community gardening opportunities, regardless of the urban or rural divide with the North Carolina Community Garden Partners (NCCGP). NCCGP recently formed as a partnership between state agencies, community-based and faith-based initiatives, and universities.⁹⁸ The NCCGP collects state-wide data on interest in community gardening and creates an ongoing database of existing gardens and resources on how to begin a new garden. As of November 2009, it has collected data on 94 gardens state-wide.⁹⁹

Tennessee takes a legislative and non-profit organization approach to community gardening. The Tennessee Community Gardening Act of 1977 allows citizens to apply to use vacant public land for gardening purposes.¹⁰⁰ The Act provides that the commissioner will list all vacant public land available for possible gardening use and gives priority to elderly persons and low-income families with young children.¹⁰¹ The Act also prohibits the food grown in the garden to be sold.¹⁰²

Since this statute's creation, thirteen gardens have grown state-wide, with a concentration in the urban areas of Nashville.¹⁰³ GROW Nashville, a community-based gardening group formed with the help of the city government, organizes the city's gardens. It also teaches proper gardening techniques and nutrition to beginning

⁹⁷ UVA COMMUNITY GARDEN, <http://uvagarden.wordpress.com> (last visited Oct. 28, 2010).

⁹⁸ N.C. ST. U., N. C. COMMUNITY GARDEN PARTNERS, <http://nccommunitygarden.ncsu.edu/cgpartners.html> (last visited Oct. 28, 2010).

⁹⁹ Letter, North Carolina Community Garden Partners, Summary of Success, (Nov. 3, 2009) available at <http://nccommunitygarden.ncsu.edu/celebration%20letter110309.pdf>

¹⁰⁰ TENN. CODE ANN. § 43-24-103(a) (2009).

¹⁰¹ TENN. CODE ANN. § 43-24-104(a), 105(a) (2009).

¹⁰² TENN. CODE ANN. § 43-24-104(b) (2009).

¹⁰³ See AM. COMMUNITY GARDENING ASS'N, <http://acga.localharvest.org/search.jsp?&st=TN&p=1> (last visited Oct. 28, 2010).

gardeners.¹⁰⁴

B. LOCAL FOOD PROCESSING

Local food processing is an important link in the chain of a local food system for “new” agriculture.¹⁰⁵ As more food is produced locally, the demand for local food processing will increase, providing another opportunity for states to increase their agricultural economy.¹⁰⁶ Local food processors are often farmers themselves or are separate small-scale meat and other food processors who work collaboratively with local livestock and dairy farms.

Food processing for local producers is challenged by large corporate producers taking over the field. Smaller farms generally lack the funds and space for their own processing facilities, forcing farmers to use outside, and mostly non-local processing facilities to ready their locally grown foods for sale. Equally troublesome are state safety laws that prohibit sale of foods not inspected or processed under certain regulations that only the larger corporations can meet.

1. KENTUCKY’S LOCAL FOOD PROCESSING

Kentucky has only a few programs and policies regarding local food processing. In 2003, Kentucky passed the Home Processing Bill, allowing both home-based food processors and micro-processors to sell their products at farmers’ markets, roadside stands, and on their own farms.¹⁰⁷ A home-based processor is “a farmer who, in the farmer’s home, produces or processes whole fruit and vegetables, mixed-greens, jams, jellies, sweet sorghum syrup, preserves, fruit butter, bread, fruit pies, cakes, or cookies.”¹⁰⁸ A home-base microprocessor is “a farmer who, in the farmer’s home or certified or permitted kitchen, produces or processes acid foods, formulated acid food products, acidified food products, or low-acid canned foods, and who has a net income of less than thirty-five thousand dollars (\$35,000) annually from the sale of the

¹⁰⁴ Community Gardens, METRO. GOV’T OF NASHVILLE & DAVIDSON COUNTY, TN., PARKS & RECREATION, http://www.nashville.gov/community_gardens/ (last visited Oct. 28, 2010).

¹⁰⁵ Neil D. Hamilton, *Greening Our Garden: Public Policies to Support the New Agriculture*, 2 DRAKE J. AGRIC. L. 357, 367 (1997).

¹⁰⁶ *Id.*

¹⁰⁷ KY. REV. STAT. ANN. § 217.137(2) (2009).

¹⁰⁸ KY. REV. STAT. ANN. § 217.015(56) (2009).

product.”¹⁰⁹ The University of Kentucky’s Cooperative Extension Service trains and regulates the processors to ensure safe and healthy home-processed foods.¹¹⁰

In 2007, the Kentucky Direct and Local Meat Marketing Project administered by the University of Kentucky created a directory of local meat processors.¹¹¹ It is an on-going project with the purpose of “increase[ing] the profitability and sustainability of Kentucky livestock producers and to improve the viability of rural communities throughout the region.”¹¹² Kentucky currently has sixty, small-scale processing facilities; forty can sell meats directly through a retail market and twenty are limited to private farm use or direct sales from the farm.¹¹³

2. VIRGINIA’S, NORTH CAROLINA’S, AND TENNESSEE’S LOCAL FOOD PROCESSING

There are sixty-eight listed food processing companies in Virginia.¹¹⁴ Most of these are branches of larger corporations, such as Tyson or Purdue, and are not considered small-scale, local food processors due to their connection to a larger, non-local corporation. However, Virginia does house numerous small, family-run processors that are glimmers of hope for those local producers who are trying to get their product on the shelves.

EcoFriendly Foods LLC is a leading example of all-in-one small farms and processing facilities. It recently purchased its own USDA certified processing plant in Moneta, Virginia after years of advocating for and raising locally grown meats and foods.¹¹⁵ Its locally processed products have reached all throughout Virginia and made

¹⁰⁹ KY. REV. STAT. ANN. § 217.015(57) (2009).

¹¹⁰ KY. REV. STAT. ANN. § 217.138(2) (2009).

¹¹¹ See LEE MEYER, JENNIFER HUNTER & GREG RENTFROW, *DEP’TS OF AGRIC. ECON. & ANIMAL SCIS., UNIV. OF KY., DIRECTORY OF KENTUCKY LIVESTOCK PROCESSING FACILITIES*, (Oct. 2007) available at http://www.uky.edu/Ag/AgEcon/pubs/ext_aec/2009-03.pdf.

¹¹² *Direct and Local Meat Marketing in Kentucky*, U. OF KY., <http://www.uky.edu/Ag/KyMeat/about.html> (last visited Oct. 28, 2010).

¹¹³ MEYER, HUNTER & RENTFROW, *supra* note 110, at 2.

¹¹⁴ See *Food Processing Companies in Virginia*, MANTA, http://www.manta.com/mb_43_C3_47/food_processing/virginia (last visited Oct. 28, 2010).

¹¹⁵ ECOFRIENDLY FOODS, <http://www.ecofriendly.com/about.html> (last visited Oct. 28, 2010).

it up the east coast to the New York and Washington D.C. areas.¹¹⁶ The Virginia Poultry Growers Cooperative is another great example. The Cooperative is group of 154 Virginia turkey farmers operating their own local processing plant.¹¹⁷ They purchase local foods for their poultry feed and are the largest employer in the Shenandoah Valley.¹¹⁸ There are also three organically certified livestock processors listed with the state's Department of Agricultural and Consumer Services that cater to the local Virginian farmer.¹¹⁹

North Carolina lists 138 food processing businesses, but like Virginia, many are owned by larger corporations.¹²⁰ The North Carolina State University Department of Food, Bioprocessing and Nutrition Sciences extension program serves the local and regional community interested in starting a food processing business and those already processing through its Entrepreneur Assistance Program.¹²¹ The program offers extensive knowledge of services and supplies around the state needed to begin processing, as well as in-house guidance from the food experts at the university.¹²²

Tennessee also boasts a large amount of food processing opportunities around the state. The Market Development Division of the Tennessee Department of Agriculture serves the Tennessee food processors by keeping a full listing of all the

¹¹⁶ *Id.*

¹¹⁷ VA. POULTRY GROWERS COOP. INC., <http://www.vapoultrygrowers.com/index.html> (last visited Oct. 28, 2010).

¹¹⁸ *Id.*

¹¹⁹ *Certified Organic Livestock Processors in Virginia*, VA. DEPT. OF AGRIC. & CONSUMER SERVS., <http://www.vdacs.virginia.gov/marketing/o-gprocessors.shtml>, (last visited Oct. 28, 2010).

¹²⁰ See *Food Processing Companies in North Carolina*, Manta, http://www.manta.com/mb_43_C3_34/food_processing/north_carolina?pg=1 (last visited Oct. 28, 2010).

¹²¹ See *FBNS Entrepreneur Assistance Program*, N.C. ST. U.. DEP'T OF FOOD, BIOPROCESSING & NUTRITION SCIS. EXTENSION PROGRAM, http://ncsu.edu/foodscience/extension_program/entrepreneurs.html (last visited Oct. 28, 2010).

¹²² See *id.*

state processors on its state-run website.¹²³ The website is a great advantage to those looking for one-stop-shopping of processors, as it lists hundreds of processors in grain, meat, dairy and other specialty foods. There is also a state-wide non-governmental organization called Tennessee Specialty Food Association that links food producers with food processors around the state through an online database.¹²⁴

C. DIRECT MARKETING OF LOCAL FOODS

Direct marketing is defined as “the process of creating opportunities for farmers to have personal contact with consumers for the purpose of selling foods and other products produced on the farm”¹²⁵ In other words, the visibility of local foods increases because of the direct marketing of those local foods. Scholars fully recognize that getting local foods into the direct food market is a difficult obstacle, yet a very important one to overcome.¹²⁶ It is a cornerstone in the economic foundation of a local foods system; without local food sales, there would be little desire to produce foods locally.

States are often more aggressive in their direct marketing programs than in other stages in a local food system, possibly because it can lead to a quick economic boost. For example, Kentucky has state legislation, policy initiatives, and community-based programs focused on promoting direct farm marketing. The Kentucky Department of Agricultural (KDA) focuses its direct marketing tactics on the promotion of statewide farmers’ markets and agritourism. Moreover, the functions of the KDA Commissioner are to “promote and encourage, as far as practicable, the organization of agricultural organizations and associations.”¹²⁷ The Commissioner is also allowed to “expend such

¹²³ *Welcome to Pick Tennessee Products*, TENN. DEP’T OF AGRIC., <http://www.picktnproducts.org/food/index.html> (last visited Oct. 28, 2010).

¹²⁴ TENN. SPECIALTY FOODS ASS’N, <http://www.tsfagourmet.com/TSFA/farmlinkhome.htm> (last visited Oct. 28, 2010).

¹²⁵ Neil D. Hamilton, *Putting a Face on Our Food: How State and Local Food Policies Can Promote the New Agriculture*, 7 *DRAKE J. AGRIC. L.* 407, 427 (2002).

¹²⁶ See RICHARDSON, *supra* note 12, at 104; ASTYK & NEWTON, *supra* note 10, at 113; Marnie Coit, *Jumping on the Next Bandwagon: An Overview of the Policy and Legal Aspects of the Local Food Movement*, 4 *J. FOOD L & POL’Y* 45, 50-51 (2008).

¹²⁷ KY. REV. STAT. ANN. § 246.070(1) (2009).

sums as are available in the payment of premiums that he offers to encourage the agricultural industry of the state” for the purpose of promoting Kentucky agriculture.¹²⁸

States attempt to integrate local foods into their food systems through various creative programs using local food branding, farmers’ markets, community supported agriculture, and agriculture businesses and tourism.

1. BRANDING LOCAL FOOD

Eco-labeling, or branding, is a way to assist consumers in identifying locally produced food items and promoting the sale of such foods at the same time.¹²⁹ Congress has recently defined the term “local” as the “locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or the State in which the product is produced.”¹³⁰ While having a national label is quite useful as a starting point, all the states reviewed maintain their own unique “local” label. In fact, locally-grown food labels are commonplace among state food marketing divisions as a quick way to focus consumer attention to local food products. Some states also provide multiple logos for different regions or various processing methods.

(A) KENTUCKY’S LOCAL FOOD BRAND

The “Kentucky-Proud” program, created in 2008, is a legislative response to Kentuckians’ desire to purchase local foods, and willingness to pay a premium for them.

¹³¹ The program is meant to “to promote the sale of agricultural products and . . . [to]

¹²⁸ KY. REV. STAT. ANN. § 246.070(2) (2009).

¹²⁹ Hamilton, *supra* note 124, at 420.

¹³⁰ H.R. Res. 2419, 110th Cong. § 6015(9)(A)(i)(I)-(II) (2008). It is also important to note that such food labels as “natural,” “organic,” and even “local” can be (and possibly are) being interpreted liberally to fit the seller. Unfortunately, this is a topic that could fill another article and is not being focused on here. For further reading regarding the use of food labels, see, e.g., Margaret Sova McCabe, *Loco Labels and Marketing Madness: Improving how Consumers Interpret Information in the American Food Economy*, 17 *J.L. & POL’Y* 493 (2009); Mark Bittman, *Using ‘Local’ as a Label*, *N.Y. TIMES* (Apr. 17, 2009), <http://dinersjournal.blogs.nytimes.com/2009/04/17/using-local-as-a-label>.

¹³¹ KY. REV. STAT. ANN. § 260.017 (2009); KENNETH H. BURDINE, LEIGH MAYNARD & LEE MEYER, *UNIVERSITY OF KENTUCKY AGRICULTURAL SITUATION AND OUTLOOK*

develop a logo or labeling statement for use in identifying Kentucky-grown agricultural products.”¹³² The program has about 1,500 members and has created over 250 million dollars in revenue since its creation.¹³³

(B) VIRGINIA’S, NORTH CAROLINA’S, AND TENNESSEE’S LOCAL FOOD BRAND

Virginia uses two labels to indicate their locally grown foods: “Virginia’s Finest” and “Virginia Grown.”¹³⁴ The Virginia Department of Agriculture and Consumer Services (VDACS) oversees both labels, each with separate websites where consumers can search for products and retail locations.¹³⁵

In 2009, Virginia started its first state-run organic labeling initiative. The state employs an Organic Specialist to assist their farmers and processors, who want to sell certified organic products, perform the USDA-run organic certification process.¹³⁶ VDACS lists online an organic resource guide for new farmers and processors as well as an updated list of retailers already organically certified.¹³⁷

“North Carolina Farm Fresh” is the label used by the North Carolina Department

CONSUMER WILLINGNESS TO PAY FOR LOCAL MEAT PRODUCTS, (Fall 2001 ESM-27, Oct. 2001) *available at* http://www.uky.edu/Ag/AgriculturalEconomics/pubs/esm/esm_27/esm_27-9.pdf.

¹³² KY. REV. STAT. ANN. § 260.017(1) (2009).

¹³³ Press Release, Governor Steve Beshear’s Communication Office Governor, First Lady Host Kentucky Proud Dinner, (July 24, 2009), *available at* <http://governor.ky.gov/pressrelease.htm?PostingGUID={891C0CC0-7797-4932-A564-1F3032A69C5E}>.

¹³⁴ See *Virginia’s Finest Trademark Program*, VA. DEPT. OF AGRIC. AND CONSUMER SERVS., <http://www.vdacs.virginia.gov/vafinest/index.shtml> (last visited in Oct. 28, 2010); *Virginia Grown*, VA. DEPT. OF AGRIC. AND CONSUMER SERVS., <http://www.vdacs.virginia.gov/vagrown/index.shtml> (last visited on Oct. 28, 2010).

¹³⁵ See *id.*

¹³⁶ *Marketing Services*, VA. DEPT. OF AGRIC. AND CONSUMER SERVS., <http://www.vdacs.virginia.gov/marketing/organic.shtml>, (last visited Oct. 28, 2010).

¹³⁷ See VA. DEPT. OF AGRIC. AND CONSUMER SERVS., VIRGINIA ORGANIC RESOURCE GUIDE (2010) *available at* <http://www.vdacs.virginia.gov/marketing/pdf/organicguide.pdf>.

of Agriculture and Consumer Services for local foods.¹³⁸ It is also accompanied by an extensive website with online listings of local products and vendors.¹³⁹ “Goodness Grows in North Carolina” is the state-run logo attached to foods that are not only grown, but processed or manufactured only in the state.¹⁴⁰ There are also other non-government organizations using labels to identify local foods. For example, the Appalachian Sustainable Agriculture Project produces its own label—“Buy Appalachian”—for Appalachian products grown in the state’s western Smokey Mountain region.¹⁴¹

The “Tennessee Farm Fresh” label was created in collaboration with the Tennessee Farm Bureau and the Department of Agriculture.¹⁴² Its website lists local producers, but not farm markets or sellers of local foods. A network of Appalachian Tennessee and Virginia farmers also share a label developed by the Appalachian Sustainable Development group entitled “Appalachian Harvest.” The food is sold in large and small grocers throughout the region all the way to Philadelphia.¹⁴³

2. FARMERS’ MARKETS

Farmers’ markets are undoubtedly the most easily accessible venue for consumers to purchase local foods. The USDA calculates 5,274 active farmers’ markets nationwide, and that number is always growing.¹⁴⁴ The rise in these markets celebrates

¹³⁸ N.C. FARM FRESH, <http://www.ncfarmfresh.com/> (last visited Oct. 28, 2010).

¹³⁹ *Id.*

¹⁴⁰ *Goodness Grows in North Carolina*, N.C. DEP’T OF AGRIC. AND CONSUMER SERVS., <http://www.ncagr.gov/markets/gginc/application.htm> (last visited Oct. 28, 2010).

¹⁴¹ *Appalachian Grown*, APPALACHIAN SUSTAINABLE AGRIC. PROJECT, <http://www.asapconnections.org/appalachiangrown.html> (last visited Oct. 28, 2010).

¹⁴² TENN. FARM FRESH, <http://www.tnfarmfresh.com/aboutus.asp> (last visited Oct. 28, 2010).

¹⁴³ See MICHAEL SHUMAN, ALISSA BARRON AND WENDY WASSERMAN, *THE WALLACE CENTER AT WINROCK INT’L AND THE BUS. ALLIANCE FOR LOCAL LIVING ECON., COMMUNITY FOOD ENTERPRISE: LOCAL SUCCESS IN A GLOBAL MARKETPLACE* 44 (2009), available at <http://www.communityfoodenterprise.org/case-studies/u.s.-based/appalachian-harvest-network>.

¹⁴⁴ *Farmers Market and Local Food Marketing*, USDA AGRIC. MARKETING SERV.,

the iconic relationship built between a consumer and the farmer in a local food system. Furthermore, the markets are a good economic venture for many farmers, as sellers' profits are increasing each year nationwide.¹⁴⁵

(A) KENTUCKY'S FARMERS' MARKETS

The Kentucky Farmers' Market Association (KFMA), a farmers' markets lobbying group, reports that Kentucky gains "more than \$7.5 million in revenue for [over] 2000 farmers" from its farmers' markets.¹⁴⁶ The KDA lists 120 markets statewide in its 2008 Annual Farmers' Market Report with a total of 1,951 vendors.¹⁴⁷ The vast majority of the markets operate from May or June to October or November, though a few are open all year.¹⁴⁸

The KDA collaborates with state advocacy groups, building a strong, statewide foundation of farmers' markets. The KDA promotes Kentucky farmers' markets under its Division of Value-Added Plant Production Farmers' Market Program. It provides an online listing of information regarding the state's markets as well as resources for those looking to start a market or those farmers wishing to market their products.¹⁴⁹ The Kentucky Farm Bureau, one of the largest farm bureaus in the nation, runs the Kentucky

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateS&navID=WholesaleandFarmersMarkets&leftNav=WholesaleandFarmersMarkets&page=WFMFarmersMarketGrowth&description=Farmers%20Market%20Growth&acct=frmrdirnkt> (last visited Oct. 28, 2010).

¹⁴⁵ EDWARD RAGLAND & DEBRA TROPP, USDA MARKETING SERVICES DIVISION, NATIONAL FARMERS MARKET MANAGING SURVEY 2006 1 (May 2009), available at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5077203&acct=wdmgeninfo>.

¹⁴⁶ KY. FARMERS' MARKET ASS'N, <http://www.kentuckyfarmersmarket.org> (last visited Oct. 28, 2010).

¹⁴⁷ This number reflects a decline of sixty vendors since 2007, contrary to the national trend. JANET EATON, KY. DEPT. OF AGRIC., 2008 ANNUAL FARMERS' MARKET REPORT 4, available at <http://www.kyagr.com/marketing/farmmarket/index.htm>.

¹⁴⁸ The Paris/Bourbon County Market and Bardstown Road Market in Jefferson County are open year-round. *Id.*

¹⁴⁹ See 2009 Farmers Market Directory, KY. DEPT. OF AGRIC., <http://www.kyagr.com/marketing/farmmarket/directory.htm> (last visited Oct. 28, 2010); Resources for Farmers' Market Vendors and Direct Marketers, Ky. Dept. of Agric., , <http://www.kyagr.com/marketing/farmmarket/fmresources.htm> (last visited Oct. 28, 2010).

Roadside Farm Markets program.¹⁵⁰ This program certifies and advertises farm markets and other agribusinesses in return for a membership fee and other contractual requirements.¹⁵¹

Lastly, the Kentucky Agricultural Development Fund (KADF) serves as one of the larger funding sources in the state for individuals looking to start a farmers' market or to contribute their own locally grown foods. The KADF manages a Farmers' Market Awards Program where applicants, either a regional or community farmers' markets, can apply for state 50% matching funds of financial support.¹⁵²

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S FARMERS' MARKETS

The Virginia legislature regulates the promotion and growth of a statewide farmers' market system.¹⁵³ Under state law, an individual locality can operate a farmers' market without requiring it to be registered with the state.¹⁵⁴ Virginia currently has 174 farmers' markets, including independent markets and state-owned farmers' markets regulated by the Virginia Department of Agriculture.¹⁵⁵ VDACS's Direct Marketing Services program promotes farmers' markets and other local food retail outlets by encouraging "entrepreneurial development and consumer outreach programs through educational workshops, seminars, consumer and trade events and providing point-of-sale materials."¹⁵⁶ VDACS also supports the collaborative efforts of independent

¹⁵⁰ KY FARM BUREAU, <https://www.kyfb.com/federation/about-us/our-organization> (last visited Oct. 28, 2010).

¹⁵¹ *Roadside Farm Markets*, KY. FARM BUREAU, <https://www.kyfb.com/federation/program-links/roadside-farm-markets> (last visited Oct. 28, 2010).

¹⁵² *2009 Farmers' Markets Awards Program*, KY. GOVERNOR'S OFF. OF AGRIC. POL'Y, http://agpolicy.ky.gov/funds/award_programs_farmersmarkets.shtml (last visited Oct. 28, 2010).

¹⁵³ VA. CODE ANN. § 3.2-3500 (2009).

¹⁵⁴ VA. CODE ANN. § 3.2-3502 (2009).

¹⁵⁵ Press Release, Va. Dept. of Agric. and Consumer Servs., Virginia's Farmers Markets Rank Among the Favorites in the Nation, (Aug. 10, 2009) available at <http://www.vdacs.virginia.gov/news/releases-b/081009top20frmsmkt.shtml>.

¹⁵⁶ *Marketing Services*, *supra* note 134.

farmers' market associations.¹⁵⁷ For example, VDACS works with state agritourism businesses and universities to create its programs.¹⁵⁸

There are 148 farmers' markets registered with North Carolina's Department of Agriculture and Consumer Services, including five that are state-owned and operated.¹⁵⁹ The Department also sponsors 126 certified roadside markets that are solely farm-owned and operated.¹⁶⁰

Tennessee has eighty-five markets operating independently from the state and is mostly publicly owned by the municipality or city of its location.¹⁶¹ Nine of these markets operate on a year-round schedule, with three of those being open seven days a week.¹⁶² There is also a state-funded grant program supporting new market startup and marketing capital.¹⁶³

3. COMMUNITY SUPPORTED AGRICULTURE (CSA)

Community Supported Agriculture (CSA) is another growing, creative way to support direct farm marketing. A CSA allows consumers to purchase a share of a local farmer's seasonal crop and receive a weekly portion of the food grown. CSAs began as an international concept, originating in Europe and Asia.¹⁶⁴ They first came to the US in

¹⁵⁷ See *id.*

¹⁵⁸ *Id.*

¹⁵⁹ See *Farmers Market Directory*, NC FARM FRESH, <http://www.ncfarmfresh.com/farmmarkets.asp> (last visited Oct. 28, 2010).

¹⁶⁰ *Search for Certified Roadside Farm Markets*, NC FARM FRESH, <http://www.ncfarmfresh.com/Directory.asp?product=&county=&Certified=1&SearchType=certified&submit=Search> (last visited Oct. 28, 2010).

¹⁶¹ *Welcome to Pick Tennessee Products*, *supra* note 122.

¹⁶² MEGAN L. BRUCH, ROB HOLLAND & ANNE DALTON, *THE UNIV. OF TN. EXTENSION, DIRECT FROM TENNESSEE FARMERS MARKETS: OBSERVATIONS, QUOTES AND DATA FROM MARKET MANAGERS, VENDORS AND CUSTOMERS*, (June 2007) available at www.utextension.utk.edu/publications/pbfiles/PB1771.pdf.

¹⁶³ *Farmers Market Promotion & Retail Grant Program*, TENN. DEP'T OF AGRIC., <http://www.tennessee.gov/agriculture/enhancement/fmpromo.html> (last visited Oct. 28, 2010).

¹⁶⁴ See ASTYK & NEWTON, *supra* note 10, 286; TIMOTHY WOODS, ET AL., *2009 SURVEY OF COMMUNITY SUPPORTED AGRICULTURE PRODUCERS*, 3 available at <http://swroc.cfans.umn.edu/organic/csasurvey.pdf>.

the mid-1980s and have grown substantially over the past two decades, currently totaling over 1,500 nationwide.¹⁶⁵ However, regardless of their recent growth many states are only beginning to harness their direct marketing potential.

(A) KENTUCKY'S CSAs

Kentucky is home to approximately twenty CSA programs.¹⁶⁶ According to a 2009 University of Kentucky study, CSAs were found to be either a primary or secondary source of direct farm marketing for farmers.¹⁶⁷ Unfortunately, the KDA has only just begun cataloging Kentucky's CSA programs. According to KDA, only twelve programs are registered with the state.¹⁶⁸

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S CSAs

Virginia lists sixty CSA programs state-wide that have registered with VDACS.¹⁶⁹ The North Carolina State University Cooperative Extension Program maintains a website dedicated to organizing the state's CSA programs and resources for new programs.¹⁷⁰ It lists over 100 programs state-wide.¹⁷¹ Tennessee's Department of Agriculture website lists only twenty-two CSA programs, but indicates that more are available that have not yet registered with the state. According to LocalHarvest, a national membership organization that catalogues CSA programs, Tennessee has sixty-

¹⁶⁵ Coit, *supra* note 126, at 45, 60.

¹⁶⁶ MATT ERNST AND TIM WOODS, UNIV. OF KY. COOP. EXTENSION SERV., COMMUNITY SUPPORTED AGRICULTURE 1 (2005, rev. Aug. 2009) available at www.uky.edu/Ag/NewCrops/marketing/csa.pdf.

¹⁶⁷ WOODS, ET AL., *supra* note 164, at 3.

¹⁶⁸ See CSA, KY. DEPT. OF AGRIC.

<http://www.kyagr.com/marketing/plantmktg/csa.htm> (last visited Oct. 28, 2010).

¹⁶⁹ *Virginia Community Supported Agriculture*, VA. DEPT. OF AGRIC. & CONSUMER SERVS., <http://www.vdacs.virginia.gov/vagrown/csa.shtml> (2009).

¹⁷⁰ *Growing Small Farms: Community Supported Agriculture Resource Guide for Farmers*, N.C. COOP. EXTENSION, <http://www.ces.ncsu.edu/chatham/ag/SustAg/csaguide.html> (last visited Oct. 28, 2010).

¹⁷¹ *Id.*

eight farms with CSA options.¹⁷²

4. AGRITOURISM

Agritourism is a newer direct marketing trend amongst states,¹⁷³ nineteen states (including Kentucky, Virginia, North Carolina, and Tennessee) have laws relating to its agritourism industry.¹⁷⁴ Agritourism uses the appeal of rural American farms to promote tourism, in the process nourishing the growth of small, family farms. It is an opportunity to “add value” to the production of food and other natural resources as well as a way to contribute to the direct marketing of local food sales.¹⁷⁵

(A) KENTUCKY’S AGRITOURISM

The Kentucky legislature created the KDA’s Division of Agritourism in 2004. The Division of Agritourism is required to “[d]evelop a unified Kentucky agritourism marketing strategy between the Department of Agriculture and the Commerce Cabinet . . . promoting Kentucky agritourism” and “[p]rovid[e] support, education, and resource materials for all interested persons . . . engaged in agribusiness within the state, and other Kentuckians with the intent of developing an agritourism business.”¹⁷⁶ Within this Division, there are also six regional agritourism organizations requiring membership fees and boasting their own respective marketing materials from KDA funding.¹⁷⁷

¹⁷² Tennessee, LOCALHARVEST, <http://www.localharvest.org/search-csa.jsp?scale=&lat=&lon=&x=&y=&ty=6&zip=&st=45&but.x=19&but.y=7&but=s> (last visited Oct. 28, 2010).

¹⁷³ KY. REV. STAT. ANN. § 247.800 (2009) (defining agritourism as “the act of visiting a working-farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.”).

¹⁷⁴ Shannon Mirus, *States’ Agritourism Statutes*, NAT’L AGRIC. LAW CENTER, <http://nationalaglawcenter.org/assets/agritourism/index.html> (last visited Oct. 28, 2010).

¹⁷⁵ KY. FARMS ARE FUN, <http://www.kentuckyfarmsarefun.com/About/index.htm> (last visited Oct. 28, 2010).

¹⁷⁶ KY. REV. STAT. ANN. § 247.802(2)-(5) (2009).

¹⁷⁷ See, *Regional Agritourism Offices*, KY. DEPT. OF AGRIC., <http://www.kyagr.com/marketing/agritourism/RegionalAgritourismOrganizations.htm> (last visited Oct. 28, 2010).

To further its goals, the Division of Agritourism runs a comprehensive website dedicated to Kentucky's farms' attractions and events.¹⁷⁸ The Division's website also includes a detailed listing of upcoming agritourism events as well as grant and loan opportunities and business advice to those in the agritourism business.¹⁷⁹ The Division's website also lists comprehensive resources, compiled by the University of Kentucky's Cooperative Extension, for business planning and legal issues, such as liability and risk management planning.¹⁸⁰ The state office directs agritourism farmers towards legal resources that can mitigate potential lawsuits; however, there is currently no state law protecting the farmers from onsite injury liability. Such legislation has been proposed, but currently politically shelved.¹⁸¹

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S AGRITOURISM

Virginia, North Carolina, and Tennessee use agritourism in similar ways as Kentucky. Each state has a separate agritourism office or department, dedicated solely to promoting agriculture businesses. They all also use web-based advertising and promotion to list events and locations of farms that offer pick-your-own or roadside markets.¹⁸² Unlike Kentucky, though, these states do have laws requiring onsite warning

¹⁷⁸ See generally KENTUCKY FARMS ARE FUN, *supra* note 175.

¹⁷⁹ Grant Opportunities, KY. DEPT. OF AGRIC., <http://www.kyagr.com/marketing/agritourism/GrantIndex.htm> (last visited Oct. 28, 2010).

¹⁸⁰ Division of Agritourism, KY. DEPT. OF AGRIC. <http://www.kyagr.com/marketing/agritourism/index.htm> (last visited Oct. 28, 2010).

¹⁸¹ See 12th Legislative Update 2006 Regular Season: Bills We're Watching, KY. RES. COUNCIL, <http://www.kyrc.org/webnewspro/114202703019225.shtml> (last visited Oct. 28, 2010) (showing that Ky. HB 192 proposing to limit the "liability of agritourism professionals and requires warning notices to be placed at the sites of agritourism activities," is recommitted to the House Judiciary Committee).

¹⁸² See Agri-tourism, VA. DEPT. OF AGRIC. & CONSUMER SERVS., <http://www.vdacs.virginia.gov/news/c-tourism.shtml> (last visited Oct. 28, 2010); Agritourism, N.C. DEP'T OF AGRIC. & CONSUMER SERVS., <http://www.agr.state.nc.us/markets/agritourism/index.htm> (last visited Oct. 28, 2010); Visit Tennessee Farms, TENN. AGRITOURISM ASS'N, <http://www.visittnfarms.com> (last visited Oct. 28, 2010).

signs and protecting farmers from onsite injury or accident liability lawsuits.¹⁸³

Virginia maintains its agritourism programs through its VDACS.¹⁸⁴ It relies heavily upon the state's historical tourism market, offering resources to farm and orchard visits and agritourism vacations.¹⁸⁵ In conjunction with VDACS, the Virginia Cooperative Extension programs of Virginia Tech provide a comprehensive resource manual for agritourism businesses, listing everything a new entrepreneur would need.¹⁸⁶

North Carolina runs a separate Office of Agritourism. The Office maintains an Agritourism Networking Association meant to "serve as a statewide proactive advocate for agritourism farmers and as a liaison between and among state-level organizations, field organizations, nonprofits and rural landowners to support and facilitate agritourism."¹⁸⁷ It also provides resource guides, marketing materials and puts on events such as a recent annual agritourism networking conference.¹⁸⁸

Tennessee's agritourism office—the Tennessee Agritourism Association (TAA)—appears to be the most collaborative. The TAA is operated through the combined efforts of Tennessee's Departments of Agriculture, Tourist Development, and Economic and Community Development, with the University of Tennessee Extension and the Tennessee Farm Bureau.¹⁸⁹ Because of the support the TAA receives, there are ample resources available for agritourist farmers. For example, the TAA supports work from the Center for Profitable Agriculture, a combination of the University of Tennessee Institute of Agriculture and the Tennessee Farm Bureau Federation.¹⁹⁰ It hosts an online databank of Tennessee agritourism resources and chronicles the first agritourism

¹⁸³ Compare Tenn. Code Ann. § 43-39-101-103, NC Code Ann. § 99E-30-32, and Va. Code Ann. § 3.2-6400-02. with KRS § 247.800-10.

¹⁸⁴ *Agri-tourism*, *supra* note 182.

¹⁸⁵ *Id.*

¹⁸⁶ See AARON BLACKA ET AL., VA. POLYTECHNIC INST. & STATE UNIV., AGRITOURISM (pub. 310-003, 2009) available at <http://pubs.ext.vt.edu/310/310-003/310-003.pdf>.

¹⁸⁷ *Mission Statement of the NC Agritourism Networking Association (ANA)*, (2010), N.C. DEP'T OF AGRIC. & CONSUMER SERVS., available at <http://www.ncagr.gov/markets/agritourism/ANAmision.htm>.

¹⁸⁸ *Agritourism*, *supra* note 182.

¹⁸⁹ VISIT TENN. FARMS, <http://www.visitttnfarms.com/about.html> (last visited Oct. 28, 2010).

¹⁹⁰ See *id.*

initiatives from 2003 until the present.¹⁹¹

D. CONSUMING LOCAL FOODS

The final link in the local food system chain is consumption of local foods. There are an array of sources from which individuals consume foods throughout the day, including grocery stores, restaurants, and through state-run facilities like schools, offices and prisons. The state, having control over the food served in schools, government offices, and correctional facilities, has an excellent opportunity to offer local foods to its citizens.

1. LOCAL FOODS IN STATE FACILITIES

Purchasing local foods for use in state-operated facilities is a creative option to nurture the development of a local food system. By purchasing local foods, states provide a stable market for local farms. There are, unfortunately, several constraints to switching to local foods. Currently many state-operated facilities use food service companies for their agricultural needs, thus erasing the need for kitchen staff or facilities. Also, the sheer quantity of food required by state-operated facilities can be daunting to small farmers, though this issue can be solved through coordination. Finally, state-operated facilities generally have tight budgets, and it may take time before a coalition of local farmers can achieve the efficiency of large, industrial farms.¹⁹² Thus, few states currently have policies regarding institutional purchases of local foods.¹⁹³

(A) KENTUCKY'S STATE FACILITIES

¹⁹¹ See *Tennessee Agri-tourism Initiative: Turning Small Farms into Big Opportunities—USDA Rural Development and TDA Market Development 2003–2005*, CENTER FOR PROFITABLE AGRIC., <http://cpa.utk.edu/level2/agri-tourism/default.htm> (last visited Oct. 28, 2010).

¹⁹² See BARBARA C. BELLOWS, ET AL., *BRINGING LOCAL FOOD TO LOCAL INSTITUTIONS: A RESOURCE GUIDE FOR FARM-TO-SCHOOL AND FARM-TO-INSTITUTION PROGRAMS 3* (2003) available at <http://attra.ncat.org/attra-pub/farmentoschool.html>.

¹⁹³ Those that do have policies vary in the form of requirement of the purchases from mandating, encouraging or discretionary levels of local purchases. See *id.* at table 6, 18–28; Hamilton, *supra* note 125, at 425–426.

Kentucky has fairly aggressively incorporated local foods into its institutional purchasing programs. It is one of a few states with state laws either mandating or encouraging local food purchases. The two main types of Kentucky facilities receiving local foods are state agencies and farm-to-school programs, including state universities.

In 2006, the Kentucky Farm Products Bill passed, mandating all state agencies that purchase agricultural products to “purchase Kentucky-grown agricultural products if the products are available and if the vendor can meet the applicable quality standards and pricing requirements of the state agency.”¹⁹⁴ The bill requires all state agencies to report to the Kentucky Legislative Council on their agricultural product purchases.¹⁹⁵ However, it is unclear how accessible those reports are to the public.¹⁹⁶ Furthermore, the bill allows agencies to excuse themselves from local food purchases if the food producer cannot “meet the applicable quality standards and pricing requirements of the state agency.”¹⁹⁷

This legislative mandate for agencies is being mirrored by city and county governments throughout the state. For example, Jefferson County, Kentucky’s most populous county, now has an ordinance which gives preference to local business in city contracts.¹⁹⁸ While this ordinance is not specific to local foods, nor does it define local business as Kentucky-based, it is, however, a good solution towards incorporating local foods through a county-wide movement. The Kentucky Community Farm Alliance, a community-based organization committed to sustainable Kentucky farming, has also

¹⁹⁴ KY. REV. STAT. ANN. § 45A.645(1)(a) (2009). Interestingly, the creation of this bill may have been inspired by the Kentucky State Parks, which in 2005 began purchasing more than \$21,000 in local food products. Press Release, Ky. Dep’t of Agric., Commissioner Applauds Gov. Fletcher, Legislature for Passing Kentucky Farm Products Bill, (Apr. 25, 2006) (on file with Westlaw News Room at 2006 WLNR 7071658).

¹⁹⁵ KY. REV. STAT. ANN. § 45A.645(1)(b) (2009).

¹⁹⁶ *Through extensive research, the author found no public records of any Kentucky agency’s use of local foods.*

¹⁹⁷ KY. REV. STAT. ANN. § 45A.645(1)(a) (2009).

¹⁹⁸ JEFFERSON COUNTY, KY., CODE OF ORDINANCES § 37.02 (1994).

proposed a Buy Local Ordinance for the 2010 legislative calendar in Jefferson County.¹⁹⁹

Outside of the mandate to all state agencies, there is no specific state mandate regarding Kentucky's public schools. There are, however, numerous state programs incorporating local foods into the school system voluntarily. The KDA unveiled its statewide program connecting local farmers to public schools in 2003.²⁰⁰ According to the National Farm to School Program, 174 school districts and 1,243 individual schools statewide participate in serving a local food option.²⁰¹

Planning of the statewide program began after the USDA held its Small Farms/School Meals Initiative Southeast Regional Workshop in Georgetown, KY in 2000. One of the goals of the workshop was to “[p]rovide a forum for local small agricultural producers and school food service buyers in Kentucky and surrounding States to network,” as well as to provide a space to share ideas from local school systems and food producers.²⁰² Following this program the U.S. Department of Defense's Fresh Program and KDA developed the program together.

Aside from primary schools, Kentucky's colleges and universities are also participating in the local food movement. In 2008 the Kentucky legislature passed House Bill 484, encouraging those public postsecondary institutions that purchase agricultural products to buy Kentucky-grown agricultural products according to KRS 45A.645.²⁰³ This legislation seemed to codify the already on-going statewide practices in Kentucky's universities and colleges.

The University of Louisville and the University of Kentucky (UK), the state's two largest public postsecondary institutions, were already implementing programs to encourage the use of locally grown foods prior to the 2008 legislation. UK's dining

¹⁹⁹ CFA 2010 Buy Local Campaign Update/Proposals!!, COMMUNITY FARM ALLIANCE, <http://communityfarmalliance.blogspot.com/2009/03/cfa-2009-campaign-updateproposals.html> (last visited Oct. 28, 2010).

²⁰⁰ FARM TO SCHOOL, <http://www.farmentoschool.org/state-home.php?id=14> (last visited Oct. 28, 2010).

²⁰¹ *Id.*

²⁰² DEBRA TROPP & SURAJUDEEN OLOWOLAYEMO, USDA AGRIC. MKTG. SERV., HOW LOCAL FARMERS AND SCHOOL FOOD SERVICE BUYERS ARE BUILDING ALLIANCES 6 (2000).

²⁰³ KY. REV. STAT. ANN. § 164A.575 (13) (b) (2009).

services began serving locally grown produce in 2006 on a seasonal basis.²⁰⁴ More recently, UK began serving locally produced dairy products and beef under the Kentucky Hamburger Alliance, where the university contracts with local beef producers to sell their low-value cuts at cost to the school.²⁰⁵ The University of Louisville is also making a commitment to local foods. It has contracted with their food service contractor, Sodexo, to serve a minimum of 15% of their foods from locally grown producers.²⁰⁶

Private colleges in Kentucky are also becoming locavores. Berea College in Berea, KY has an entire academic program dedicated to developing a campus-wide local food system entitled the Berea College Local Food Initiative.²⁰⁷ The college also contracts with Sodexo, but it supplements its foods with campus grown produce and locally grown products whenever possible.²⁰⁸ Recently, “Berea Dining created a meal of all local foods for the campus community,”²⁰⁹ and continues to hold meals with all local foods options.²¹⁰

The rhetoric in the Kentucky policy “encouraging” postsecondary institutions to purchase local foods is obviously less invasive than the mandating language in the broader state agencies policy. There is also a requirement in this legislation for the

²⁰⁴Carol L. Spence, *Sustainable 'Hamburger Alliance' Benefits Farmers, UK Students*, UNIV. OF KY. AG NEWS (Sept. 26, 2008) available at <http://www.ca.uky.edu/NEWS/?c=n&d=212>.

²⁰⁵ *Id.*

²⁰⁶ Contract for Food Services, Univ. of Louisville, 6 (July, 31, 2008) available at <http://stiritupcampaign.org/sites/default/files/UniversityofLouisville,%20Contract,%207-1-08,%206-30-18.pdf>.

²⁰⁷ *Local Food Initiative*, BERE A C., <http://www.berea.edu/localfoodinitiative> (last visited Oct. 28, 2010).

²⁰⁸ *See Dining Services*, BERE A C., <http://www.berea.edu/diningservices> (last visited Oct. 28, 2010).

²⁰⁹ *Local Foods for the Campus Community*, BERE A C., <http://www.berea.edu/diningservices/news/20091022-localfoods.asp> (last visited Nov. 21, 2010).

²¹⁰ Roberta Anderson, *Local Foods for the Campus Community*, BERE A C., <http://www.berea.edu/diningservices/news/20091022-localfoods.asp> (last visited Oct. 28, 2010).

university or college to report their use of local foods, if any.²¹¹ Again, it is unclear how transparent these records are to the public. It also seems that the farms-to-school programs gain much more support internally than from the state itself. This could be because the programs are simply easier to organize or it could be because there is greater desire to focus on food policy when it comes to children and young adults.

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S STATE FACILITIES

Like Kentucky, local food programs are widespread throughout Virginia, North Carolina, and Tennessee. These states do not provide as much legislative support, but their school programs are at least as strong as Kentucky's.

VDACS runs a Farm-to-School initiative in collaboration with the Department of Defense.²¹² The initiative has implemented an annual Farm-to-School Week event, adding locally grown foods to the lunch menu and local food education in the state-school system.²¹³ State universities are participating in local food culture as well. For example, the University of Virginia offered a new course beginning in the spring 2010 semester entitled: "Local Food for Thought," focusing on what it means to have a local food system and how it could work in Virginia.²¹⁴

North Carolina's Department of Agriculture and Consumer Services oversees the Food Distribution Division that administers nine distribution programs for the USDA.²¹⁵ Its farm-to-school program has existed since 1998 and, beginning in 2008, transitioned

²¹¹ KY. REV. STAT. ANN. § 164A.575 (13)(c) (2009).

²¹² *Farm-to-School Program*, VA. DEP'T OF AGRIC. & CONSUMER SERVS., <http://www.vdacs.virginia.gov/marketing/farm.shtml> (last visited Oct. 28, 2010).

²¹³ Press Release, Va. Dep't of Agric. & Consumer Servs., Virginia Schools Participate in Farm To School Week November 9 - 13, 2009, (Oct. 28, 2009) available at <http://www.vdacs.virginia.gov/news/releases-b/102809f2s.shtml>.

²¹⁴ Brevy Cannon, *New Course Offers 'Local Food For Thought'* UVA TODAY, (Jan. 4, 2010) at <http://www.virginia.edu/uvatoday/newsRelease.php?id=10612>.

²¹⁵ Those programs include: schools, charitable organizations, emergency feeding programs, food distribution on Native American reservations, commodity food feeding programs, summer feeding, summer camps, and disaster relief. See *USDA Programs Administered by NCDA&CS Food Distribution Division*, N.C. DEP'T OF AGRIC. & CONSUMER SERVS., <http://www.ncagr.gov/fooddist/Programs.htm> (last visited Oct. 28, 2010).

to the Food Distribution Division, which delivers locally grown produce from over twenty farms to all school districts year-round.²¹⁶

North Carolina has also adopted a local foods program in its hospitals. The program, which began in early 2009 with the help of the Appalachian Sustainable Agriculture Project, states its belief that “[h]ospitals have the potential to act not only as a resource to treat the sick, but as a community role model for proactive healthy choices.”²¹⁷ Currently ten regional hospitals receive local foods and offer local foods education.²¹⁸

Currently, Tennessee has only three counties participating in farm-to-school programs.²¹⁹ However, the state has recently passed legislation requiring local food sources to be “highly considered” when planning public school menus.²²⁰ Like Kentucky’s “encouraging” statutory language, this legislation is hopefully only the beginning of a larger shift towards more government support for local foods.

2. LOCAL FOODS IN RESTAURANTS

Americans eat more meals away from home than ever before.²²¹ In this increasingly competitive environment, restaurants are under pressure to stay current with the cultural taste of their diners. One suggestion for restaurants to stay relevant is to embrace the burgeoning movement of politically-motivated eating, thus providing an outlet for democratic food choices.²²² Several states are embracing this movement by encouraging restaurants to serve more local foods.

²¹⁶ N.C. FARM TO SCHOOL PROGRAM, <http://www.ncfarmtoschool.com/htm/about/history.htm> (last visited Oct. 28, 2010).

²¹⁷ *Farm to Hospital*, APPALACHIAN SUSTAINABLE AGRIC. PROJECT, <http://www.asapconnections.org/farmtohospital.html>, (last visited Oct. 28, 2010).

²¹⁸ *Id.*

²¹⁹ *Tennessee Farm to School Programs*, FARM TO SCHOOL, <http://www.farmtoschool.org/TN/programs.htm> (2006).

²²⁰ TENN. CODE. ANN. § 43-6-2303(6)(A)-(B) (2009).

²²¹ See Robert Ebbin, *Americans' Dining-Out Habits*, RESTAURANTS USA ONLINE (Nov. 2000), <http://www.restaurant.org/tools/magazines/rusa/magArchive/year/issue/article/?ArticleID=138>.

²²² GARY ALAN FINE, *KITCHENS: THE CULTURE OF RESTAURANT WORK* at xiv-xv (2009).

(A) KENTUCKY'S RESTAURANTS

The KDA runs the Restaurant Rewards program to promote locally grown agriculture in Kentucky's restaurants. The program reimburses a restaurant that uses Kentucky-grown products, which can include a state-run foodservice, up to 20% of the purchasing cost with an annual cap of \$12,000.²²³ This program is a great opportunity to promote locally grown foods to a larger number of consumers as well as a dependable economic outlet for local food sales. There are currently over sixty participants in the Rewards programs, including food distributors, universities, and state-run facilities.²²⁴

(B) VIRGINIA'S, NORTH CAROLINA'S, AND TENNESSEE'S RESTAURANTS

The largest cities in Virginia, North Carolina, and Tennessee already cater to higher-end, culturally adept restaurants that serve local foods. While these states offer no government programs comparable to Kentucky's Restaurants Rewards, there are numerous non-government organizations that assist restaurants serving local fare, especially in the rural regions. One such organization is Appalachian Sustainable Development, which supports local and organic farmers in the Appalachian region of Virginia and Tennessee. It publishes an annual resource guide listing restaurants and retailers in the region that sell local foods. There are currently nine restaurants in the rural areas serving local foods.²²⁵ The Appalachian Sustainable Agriculture Project also publishes an online guide to area restaurants and bakeries in North Carolina that specifically cater to local foods.²²⁶ There are currently seventy-five restaurants listed in

²²³ UNIV. OF KY. COOP. EXTENSION SERV., KENTUCKY RESTAURANT REWARDS PROGRAM 1 (Oct. 2005, rev. Apr. 2008) available at www.uky.edu/Ag/NewCrops/marketing/restrewards.pdf.

²²⁴ Jim Trammel, *Program rewards restaurants for serving Kentucky Proud foods*, KY. AGRIC. NEWS (July 30, 2009), <http://www.kyagr.com/pr/kanonline/July302009/restaurantrewards.htm>.

²²⁵ APPALACHIAN SUSTAINABLE DEV., 2008-2009 LOCAL FOOD DIRECTORY: A CONSUMERS' GUIDE TO BUYING LOCALLY IN SOUTHWESTERN VIRGINIA AND NORTHEASTERN TENNESSEE.

²²⁶ See APPALACHIAN SUSTAINABLE AGRIC. PROJECT, <http://www.asapconnections.org/localfoodguide.html>, (last visited Oct. 28, 2010).

the Western North Carolina and Eastern Tennessee border that offer local foods.²²⁷

3. LOCAL FOOD IN RETAIL STORES

Retail food markets are also catering to the increasing demand for local foods. Across the nation, retail giants like Whole Foods and Wal-Mart have begun “buy local” initiatives that have sparked a greater purchasing power in local foods.²²⁸ Whole Foods has become synonymous with “natural” and organic foods²²⁹, in the process becoming a large national grocery chain. They have taken the local food movement to a corporate market and promote “locally grown” items throughout their stores.²³⁰

(A) KENTUCKY’S FOOD STORES

In Kentucky, there are two Whole Foods markets that sell Kentucky Proud and other local products, as well as numerous other food markets which have begun to carry Kentucky Proud items.²³¹ On a smaller-scale, Good Foods in Lexington, KY is Kentucky’s only food co-op market, or member-owned grocery store, that focuses on selling local products.²³²

(B) VIRGINIA’S, NORTH CAROLINA’S, AND TENNESSEE’S FOOD STORES

Virginia’s largest cooperative is the Roanoke Natural Foods Store.²³³ Part of their mission is to buy and sell as much local food as possible.²³⁴ They currently sell foods from about twenty-five local farmers.²³⁵

²²⁷ *Id.*

²²⁸ Coit, *supra* note 126, 45, 61–63.

²²⁹ See *supra* note 130 and accompanying text.

²³⁰ WHOLE FOODS MARKET, <http://www.wholefoodsmarket.com/products/> (last visited Oct. 28, 2010).

²³¹ These stores include: Kroger Food Stores, Save-a-Lot, Rainbow Blossom, ValuMarket, Wal-Mart, Paul’s Markets, and Meijer. See *Kentucky Proud, 1,300-plus strong, now State’s Official Farm Marketer*, KY. PROUD, <http://www.kyagr.com/pr/newscenter/newsreleases.htm> (last visited Oct. 28, 2010).

²³² GOOD FOODS MARKET & CAFÉ, <http://www.goodfoods.coop> (last visited Oct. 28, 2010).

²³³ *Your Natural Foods Cooperative Grocery*, ROANOKE NATURAL FOODS CO-OP, <http://www.roanokenaturalfoods.com> (last visited Oct. 28, 2010).

²³⁴ See *id.*

²³⁵ *Local Focus*, ROANOKE NATURAL FOODS CO-OP, <http://roanokenaturalfoods.com/> (last visited Feb. 19, 2009).

North Carolina focuses on incorporating its local foods into statewide and regional large-scale grocery stores through its "Got to Be NC Program." The Program, run by the state Department of Agriculture and Consumer Services, raises consumer awareness of the existence of local food products.²³⁶ Large corporate grocers such as Food Lion, Wal-Mart, Sam's Club, Whole Foods, and Piggly Wiggly are now participating in the sales of North Carolina's locally produced foods.²³⁷ North Carolina also has numerous smaller-scale grocers and co-ops that offer local foods in the state on a year-round basis.²³⁸

The University of Tennessee Agricultural Extension Service has studied local grocers concerns with providing outlets for local foods. The study found that while most markets want to provide local food sections, the difficulty of coordinating production and distribution with farmers holds many back.²³⁹

E. STATE FOOD POLICY COUNCILS

State food policy councils are growing nationwide in the recent decades, responding to concerns about implementing local food systems. These councils include both city and state community and political leaders who examine problems with their

²³⁶ Press Release, N.C. Dep't of Agric. and Consumer Servs., "Got to Be NC" Agriculture Program Wins National Award, available at <http://www.ncagr.gov/markets/gginc/NewsGTBAward.htm>.

²³⁷ See Press Release, N.C. Dep't of Agric. and Consumer Servs., Piggly Wiggly 50th Anniversary Celebration, available at <http://www.ncagr.gov/markets/gginc/PigglyWiggly50th.htm>; Press Release, N.C. Dep't of Agric. and Consumer Servs., The Big Cart Appears at the Walmart Grand Opening in Garner, available at <http://www.ncagr.gov/markets/gginc/09WalmartGrandOpeningGarner.htm>; Press Release, N.C. Dep't of Agric. and Consumer Servs., 2009 "Got to be NC" at Food Lion available at <http://www.ncagr.gov/markets/gginc/2009FoodLion.htm>; Press Release, N.C. Dep't of Agric. and Consumer Servs., Got To Be NC & Whole Foods Summit available at <http://www.ncagr.gov/markets/gginc/WholeFoodsSummit.htm>.

²³⁸ APPALACHIAN SUSTAINABLE AGRIC. PROJECT, <http://www.buyappalachian.org/search/grocers> (last visited Oct. 28, 2010).

²³⁹ ANNE DALTON, ET AL., UNIV. OF TENN. EXTENSION, HOW TO GET YOUR VALUE-ADDED PRODUCTS INTO LOCAL GROCERY STORES, (Nov. 2002), available at <http://www.utextension.utk.edu/publications/pbfiles/PB1719.pdf>.

food systems and develop answers to fix them.²⁴⁰ A council can add more to a working local food system because it can ask the questions not normally asked by those in the agriculture industry. It is a check and balance upon the government oversight (or lack thereof) of a state's food system.²⁴¹ Councils form through a spectrum of legislative and community models. Some are created from by legislation, while others began from a grass-roots organization and worked with the local government agencies as advocates.²⁴²

The city of Knoxville, TN created the first food policy council in 1982.²⁴³ Now, over fifty other councils have formed in the US, including in the nearby states of Virginia, Illinois, Ohio, and North Carolina.²⁴⁴ Unfortunately, Kentucky has not yet formed such a council. Nonetheless, sparks are igniting, as small community groups interested in food policy councils are beginning to form in Kentucky's cities.²⁴⁵

V. RECOMMENDATIONS

Kentucky is off to a very optimistic start of incorporating local foods into its state food system. It is among the leaders in the nation in crafting policies governing the purchase of local foods by state-operated facilities. Kentucky's restaurant and retail food stores, especially in the larger urban areas, are incorporating more local foods into their menus and onto their shelves. Kentucky has substantial funding for agricultural programs due to the Master Tobacco Settlement Agreement, and has used these funds to start numerous sustainable initiatives supporting agritourism, new farmer grants, and opportunities for state-wide research and development of local food use.

²⁴⁰ N. AM. FOOD POL'Y COUNCIL, <http://www.foodsecurity.org/FPC> (last visited Oct. 28, 2010).

²⁴¹ For a great discussion of food policy councils and their importance, see Hamilton, *supra* note 125, 440-450.

²⁴² See N. AM. FOOD POL'Y COUNCIL, *supra* note 240.

²⁴³ DAVID ZODROW, SOUTHERN SUSTAINABLE AGRICULTURE WORKING GROUP, FOOD SECURITY BEGINS AT HOME: CREATING COMMUNITY FOOD COALITIONS IN THE SOUTH 49 (June 2005), available at <http://www.ssawg.org/documents/Chapter4-HowFoodPolicyCouncilsAreOrganizedandOperate.pdf>.

²⁴⁴ See List, N. AM. FOOD POL'Y COUNCIL, <http://www.foodsecurity.org/FPC/council.html> (last visited Oct. 28, 2010).

²⁴⁵ See *Bluegrass Food Security Summit*, SUSTAINABLE COMMUNITIES NETWORK, <http://www.sustainlex.org/BluegrassFSSpurpose.html> (last visited Feb. 15, 2010).

However, there is always room for improvement. Kentucky has few state policies or legislation directly affecting its local food system. Of course, some argue that government intervention may not be needed due to Kentucky's growth of farmers' markets, local foods served in restaurants, and agritourism businesses.²⁴⁶ Nonetheless, local foods can gain their proper place in the state's food market more quickly with support from the state government.²⁴⁷ While the cost of local foods may initially be higher, an increasing awareness of the environmental and economic benefits of purchasing local foods should counteract the disincentive of higher costs.

Kentucky's neighboring Appalachian tobacco-growing states are leagues ahead in certain, but not all, areas of cultivating their local food systems. The following are suggestions for future state policies or programs in the development of its local food system.

- Create a State Food Policy Council & Improve Accountability with Existing Mandates. While Kentucky has various agriculture councils and boards overseeing use of government funding of local agriculture programs, there is no food policy council. A Kentucky food policy council could take on more progressive initiatives, countering special interest and entrenched businesses that may otherwise stifle such growth.

While policies mandating the use of local foods in state-operated facilities progresses the local foods movement, there is a lack of visibility on how much local food is being bought. Better visibility could spur greater competition and show which facilities were most effectively using local foods.

- Outreach to State Government, Non-Profit & Community-Based Groups, & Neighboring State Organizations. North Carolina's overwhelming success with its NCCGP program indicates that the more collaborative the agricultural organization, the more successful they will be, and the more likely other organizations will imitate that success. Kentucky houses many existing agricultural groups with similar goals.

²⁴⁶ See Ariana R. Levinson, *Lawyers as Problem Solvers, One Meal at a Time: A Review of Barbara Kingsolver's Animal, Vegetable, Miracle*, 15 WIDENER L. REV. 289, 293-294 (2009) (discussing Barbara Kingsolver's resolution that legislative mandating of sustainable agriculture is ineffective).

²⁴⁷ *Id.* at 294, 299-300 (discussing the positive effects that legislation can have upon sustainable agriculture).

Visibility and technology can be key factors in obtaining such connections. For example, online databases linking and educating agriculturally interested groups have proven very successful, such as Virginia's Farm Link Program, NCCGP, the growing Bluegrass Community, and School Garden Network. Tennessee's online database of local food processors is also a great example of technology use to fix the difficult issue of making a local connection of growers to processors.

There are numerous regional groups, such as Appalachian Sustainable Development group and the Appalachian Sustainable Agriculture Project, that are collaborating with neighboring states to create better overall local food systems. Kentucky borders seven states and shares many agricultural characteristics with many of them. There is ample opportunity to integrate local producers and state programs with other neighboring states.

- **Diversify Institutional-Based Programs with Local Foods.** North Carolina's Farm-to-Hospital program is something to be admired. Kentucky's large medical hub in Louisville is an excellent opportunity to emulate this success, presenting a multitude of possibilities for partnerships or at least small trial programs. Since Kentucky has already has legislation encouraging state-operated facilities to purchase local foods, the state prison and jail systems should be more proactive in seeking out local food suppliers.
- **Continuing Local Foods Education.** The best way to get Kentuckians to support local food initiatives is to educate them about its importance. Kentucky is doing an impressive job with growing its farm-to-school culture. Implementing community gardening into its school systems could easily be done. Virginia's Local Foods Week, for example, is a great way to slowly but effectively educate public school children on the need for local foods. Offering something similar on a state-wide level would attract involvement from many counties.

For adults, gardening and horticulture classes would be a great improvement for all Kentucky areas. On a larger scale, farming education and workshops for both beginning and transitioning farmers, like those offered in North Carolina's Farm Transition Network, would also be useful.

- **Local Ordinances & County-Wide Initiatives Focused on Promoting Local Options.** Local food producers cannot enter non-local restaurants or markets easily.

The dominance of corporate foods throughout the state impedes local food vendors from entering the market. State and local municipalities can create land use policies focused on promoting local eateries that serve a significant portion of Kentucky Proud products. Kentucky should seriously consider initiatives for small-business growth or partnership with existing restaurants to ensure a livelihood of local food security.

The Kentucky Community Farm Alliance's proposal for a "Buy Local" Ordinance in Jefferson County is also a great starting point for county-wide initiatives. Because of Kentucky's large number of counties, county proposals could become a good way to start small and grow big.

- Overall Increase in Access to Local Foods. Like North Carolina, Kentucky should take advantage of the opportunity to sell more Kentucky Proud products in major grocery stores. There could be more state involvement, similar to the KDA's Restaurant Rewards program, giving incentives for supermarkets to carry local products.

Furthermore, Kentucky could easily follow Tennessee's footprints by implementing year-round and daily access to local foods in farmers markets. State-sponsored incentives to create more food co-ops, CSAs, or small grocers like Lexington's Good Foods would benefit both urban and rural areas of Kentucky.

Lastly, Kentucky can take steps to foster more community and school gardens. Unlike its neighbors, Kentucky has no state laws or policies governing community gardening. By implementation educational policies, Kentucky could inform its citizenry about local foods and beautify vacant urban areas. The state could also give tax exemptions to those community programs for in-kind donations of gardening supplies, or it could offer up unused public spaces for gardening purposes.

VI. CONCLUSION

Consumers, governments, and economic and environmental groups must continue working together on progressive agricultural acts to ensure a future of sustainable land use and stable food growth. A local food system cannot reach its fullest potential without the collaborative efforts of all parts of society. It must be a food democracy—a prosperous sum of all its parts.

