

KNOW YOUR FARMER, KNOW YOUR FOOD:  
GOVERNMENT PROMOTION OF LOCAL FOOD

BY: KELLI AMANDA METZGER

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## KNOW YOUR FARMER, KNOW YOUR FOOD: GOVERNMENT PROMOTION OF LOCAL FOOD

### I. INTRODUCTION

Locavore, *n.*, “a person who endeavors to eat only locally produced foods,” *alternative spellings:* localvore.<sup>1</sup>

In 2007, the New Oxford American Dictionary selected locavore as the Word of the Year.<sup>2</sup> Previously a relatively unknown term, the editor at Oxford University Press, Ben Zimmer, conceded that notwithstanding its selection as the Word of the Year, locavore was “not yet firmly established in widespread usage, despite its great potential.”<sup>3</sup> The ability of locavores to meet their endeavor has grown immensely. The number of farmers’ markets, community supported agriculture farms, and restaurants featuring local foods and local ingredients have all increased in recent years.<sup>4</sup> However, the definition of what can be considered “local food” has been debated among many.<sup>5</sup> Some define “local food” by the region of the food, whether within the state, region, county, or town.<sup>6</sup> Others define “local food” by how many miles the food traveled to get from where it was grown to the consumer’s table; however, no one seems to agree on what that distance is, with suggestions of 150 miles, 250 miles, and “a day’s leisurely

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1. See Nathan Bierma, *Breakout Words of the Year, Experts Can’t Agree on Top Word of 2007*, Chicago Tribune, Jan. 1, 2008, at C1, available at 2008 WLNR 40170.

2. *Id.*

3. *Id.*

4. See Marne 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, 45 (2008).

5. See *id.*

6. *Id.*

drive of [a consumer's] home.”<sup>7</sup> No matter how it is defined, the locavore movement is sweeping the nation, not only consumers but federal and state governments as well. On both the federal and state levels, programs have been created to advance the local food movement.

## II. BACKGROUND

### A. *The Appeals of Local Foods*

Every locavore has his or her own reasons for buying and consuming locally grown food. Marne Coit, of the National Agricultural Law Center,<sup>8</sup> delineated four reasons why people decide to buy local food: 1) creates a connection between farmer and consumer, 2) higher quality, 3) has less of an impact on the environment, 4) creates political and social support for local farmers.<sup>9</sup> Each of these four reasons will be briefly expanded upon below.

#### 1. Creating a Connection Between Farmer and Consumer

The first benefit of buying local is that it creates a connection between the farmer and the consumer.<sup>10</sup> Very rarely can a consumer speak with the person who grew or produced the food the consumer purchases from a grocery store.<sup>11</sup> As a result, many consumers fail to truly understand and comprehend where their food actually comes

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7. *Id.* (citing John Cloud, *My Search for the Perfect Apple*, TIME MAG., Mar. 12 2007, at 43; quoting JOAN DYE GUSSOW, *This Organic Life* 82-83 (2001).

8. *Id.* at 45 n.a1.

9. *See id.* at 48.

10. *Id.*

11. *Id.*

from.<sup>12</sup> By buying local, consumers have an exclusive chance to speak with and interact with the person who produced or grew the food they will be consuming.<sup>13</sup> Consumers can learn great new recipes that highlight the flavors of that particular type of cheese or beef cut, find the best temperature to store and serve that wine produced locally with homegrown grapes, or discover that their favorite apple was picked off a tree just hours earlier. All of this adds a human dimension and forges relationships within a community.<sup>14</sup>

## 2. Higher Quality

A second buying local benefit is the idea of higher product quality.<sup>15</sup> An estimate from 1980 stated that the average produce item at the supermarket traveled 1500 miles.<sup>16</sup> However, with the rise of globalization and industrialization in the past thirty years, it is likely that food travels even further than that estimate.<sup>17</sup> With all that traveling, the produce loses freshness and often requires more preservatives to maintain its freshness.<sup>18</sup> However, by purchasing local food, a consumer can often get produce that has traveled just a few miles.<sup>19</sup> This is often a fresher option, given that the produce would have

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12. *Id.* at 49.

13. *Id.* at 50.

14. *Id.* at 49-50.

15. *Id.* at 50.

16. *Id.* at 50, 50 n.19 (citing RICH PIROG ET AL., LEOPOLD CTR. FOR SUSTAINABLE AGRIC., CHECKING THE FOOD ODOMETER: COMPARING FOOD MILES FOR LOCAL VERSUS CONVENTIONAL PRODUCE SALES TO IOWA INSTITUTIONS 1 (2003), available at [http://www.leopold.iastate.edu/pubs/staff/files/food\\_travel\\_072103.pdf](http://www.leopold.iastate.edu/pubs/staff/files/food_travel_072103.pdf)).

17. *Id.* at 50 n.19.

18. *See id.* at 51.

19. *See id.* at 50-51.

traveled a shorter distance and thus would not need preservatives to sustain its freshness.<sup>20</sup>

### 3. Reduced Environmental Impact

Many also consider buying local food due to ecological concerns.<sup>21</sup> The environmental impact of non-local food can be seen in many stages.<sup>22</sup> The first step is the preparing of food for sale.<sup>23</sup> This expends a significant amount of elevated energy.<sup>24</sup> Coit gives an example of bagged lettuce: leaves must be harvested and cut, fan-blown to remove particles, loaded into a refrigerated truck, taken to a refrigerated building to be sorted or mixed, washed three times, dried, and packaged for consumption.<sup>25</sup> Each step of this process consumes energy and arguably wastes energy when it is considered that a consumer could walk to the local farmers' market and purchase a head of romaine or iceberg lettuce and achieve the same product without the ten-step process.

The second step, as discussed above, is the miles of travel the food must take to arrive in the supermarket to be sold.<sup>26</sup> Every mile traveled consumes precious fossil fuels. On the other hand, food grown and produced locally does not have to travel the distance that other foods do and thus use less energy.<sup>27</sup>

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20. *See id.* at 51.

21. *Id.*

22. *Id.* at 51-54.

23. *Id.* at 52-53.

24. *Id.*

25. *Id.* at 53 (citing MICHAEL POLLAN, *THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS* 11 (2006)).

26. *See id.* at 54.

27. *Id.*

The third step is the packaging of food. It is estimated that 33% of processed food costs come from the boxes used to transport the food.<sup>28</sup> Produce at a supermarket is often boxed and sealed in plastic wrap; time and again, this excess packaging is placed in the trash once the consumer gets home and ends up in a landfill.<sup>29</sup> When purchased at a farmers' market, the produce is placed on foldable tables, regularly in a small green box.<sup>30</sup> However, the produce is typically emptied out of the box—allowing the box to be reused—and into a bag upon purchase. While most vendors bring plastic bags for this purpose, since the reusable bag craze began, many consumers bring their own bags, avoiding the need for any packaging to be thrown out upon returning home. By purchasing local food and avoiding the three steps that food travels, consumers conserve energy and help the environment.<sup>31</sup>

#### 4. Political and Social Support of Local Farmers

The fourth benefit of buying local is the support that buying local provides to local farmers.<sup>32</sup> With more than 99% of all farms belonging to family corporations, family partnerships, or individuals, small, local farmers need all the help they can get.<sup>33</sup>

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28. *Id.* (citing MARTIN C. HELLER & GREGORY A. KEOLEIAN, CTR. FOR SUSTAINABLE SYS. (UNIV. OF MICH.), LIFE CYCLE-BASED SUSTAINABILITY INDICATORS FOR ASSESSMENT OF THE U.S. FOOD SYSTEM 26 (2000)).

29. *See id.*

30. *See id.*

31. *See id.* at 51-54.

32. *Id.* at 55.

33. Press Release, United Soybean Board, Sustainable Agriculture Methods Highlighted by New USDA Know Your Farmer, Know Your Food Site (Apr. 11, 2010) available at <http://www.247pressrelease.com/press-release/sustainable-agriculture-methods-highlighted-by-new-usda-know-your-farmer-know-your-food-site-145861.php>.

While small farms used to be the norm, today, 70% of milk in the United States is processed by just two companies.<sup>34</sup> Additionally, 90% of beef in the United States is processed by just four companies.<sup>35</sup> By eliminating the intermediary, farmers receive a higher profit from their goods.<sup>36</sup> In turn, farmers are able to spend money at other local venues, helping to fortify the local economy.<sup>37</sup> With the decreasing number of farmers in the U.S. and the increasing need for the financial support of farmers, supporting local farmers has become an increasingly important reason to buy local food.<sup>38</sup>

### III. ANALYSIS

Since 1970, the number of farmers and ranchers in the United States has decreased by more than one million.<sup>39</sup> Only 11% of a typical farm's income actually comes from farming.<sup>40</sup> Small and mid-size farmers in rural areas have seen a loss of jobs and income.<sup>41</sup> Supporting a family from farm proceeds has become an increasingly difficult task.<sup>42</sup> This leaves farmers with little to no money to provide the promotional materials necessary to increase revenue and sales to local consumers.

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34. Tom Philpott, *Community Gardens*, NEWSWEEK, Nov. 11, 2009.

35. *Id.*

36. Coit, *supra* note 4.

37. *Id.*

38. *Id.*

39. Press Release, U.S. Department of Agriculture, Agriculture Secretary Vilsack Makes Case for Stronger Rural America (Apr. 22, 2010) (*available at* 2010 WLNR 8293546).

40. *Id.*

41. *Id.*

42. *See id.*

Recognizing the need of small and mid-size farmers to promote products to local consumers and appreciating the proliferation of locavores, federal and state governments have created programs that assist small farmers in marketing efforts.<sup>43</sup> Additionally, nonprofits and other private local food promotion programs have been created to increase consumer awareness of the benefit of buying local food.<sup>44</sup>

Government support of local farmers is not a new idea. In 1976, Congress passed the Farmer-to-Consumer Direct Marketing Act.<sup>45</sup> Since 1976, Congress has also amended the Farmer-to-Consumer Direct Marketing Act to provide additional funding for the promotion of local foods.<sup>46</sup> Many states also have a local food promotion program, such as Pennsylvania, whose PA Preferred program has been marketing Pennsylvania foods since 2004.<sup>47</sup> However, PA Preferred is a newbie to the local food promotion programs compared to Jersey Fresh, A Taste of Iowa, Pride of New York, and many other state affiliated programs.<sup>48</sup>

The newest addition to the government support of local food is the United States Department of Agriculture's Know Your Farmer, Know Your Food.<sup>49</sup> Know Your Farmer, Know Your Food was created in 2009 and has not only been implemented for

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43. See 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, 424 (2002).

44. See "Non-Governmental Programs," *infra*.

45. Farmer-to-Consumer Direct Marketing Act, 7 U.S.C. §§ 3001-07 (2010).

46. *See id.*

47. PA Preferred: Home, <http://www.papreferred.com> (last visited Mar. 21, 2010).

48. *See* Hamilton, *supra* note 43.

49. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (last visited Apr. 25, 2010).

promoting local food, but also acts as a focal point for information on existing programs that help small to mid-size farmers, rural communities, and consumers.<sup>50</sup>

A. *Federal Government Promotion Before Know Your Farmer, Know Your Food: the Farmer-to-Consumer Direct Marketing Act*

Congress originally passed the Farmer-to-Consumer Direct Marketing Act (“Direct Marketing Act”) in 1976 to “promote . . . the development and expansion of direct marketing of agricultural commodities from farmers to consumers.”<sup>51</sup> When initially passed, the Direct Marketing Act provided appropriations of \$1.5 million for the years 1977 and 1978 for a total of \$3 million to support the goal of establishing direct marketing from farmers to consumers.<sup>52</sup> The Direct Marketing Act provided that the funds would be divided among the State departments of agriculture based upon the needs of each state.<sup>53</sup> Specifically, the money could then be used for conferences to assist farm producers, consumers, and other interested parties in creating direct marketing; for creating regulations and laws pertaining to direct marketing; for disseminating information about direct marketing to farmers and consumers; and for providing technology for the promotion of direct marketing.<sup>54</sup>

By 2008, funding provided by the Direct Marketing Act for the promotion of farmers’ markets had increased to \$3 million, with escalations to \$5 million each year for

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50. *Id.*

51. 7 U.S.C. § 3001 (2010).

52. 7 U.S.C. § 3006 (2010).

53. 7 U.S.C. § 3004 (2010).

54. *Id.*

2009 and 2010, and an expected \$10 million for 2011 and 2012.<sup>55</sup> This program was termed Farmers' Market Promotion Program.<sup>56</sup> However, some of the funds were specifically geared towards a restricted purpose.<sup>57</sup> For example, at least 10% of the funds would be used for electronic benefit transfers at farmers' markets for federal nutrition programs.<sup>58</sup> The funds would then be distributed based upon proposed projects submitted by regional farmers' market authorities, economic development corporations, public benefit corporations, nonprofit corporations, local governments, agricultural cooperatives or a producer network or association, or other entities as the Secretary of Agriculture designates.<sup>59</sup> These entities could receive grants to promote, establish, and expand farmers' markets as well as promote direct to consumer marketing.<sup>60</sup> The hope of the program would be to develop new community-supported agriculture programs, roadside stands, and farmers' markets as well as increasing the marketing of products directly to consumers.<sup>61</sup>

In addition to the Farmers' Market Promotion Program, the Direct Marketing Act provided for the funding of the Seniors Farmers' Market Nutrition Program.<sup>62</sup> The Secretary of Agriculture was given the directive to use \$20,600,000 each year from 2008

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55. 7 U.S.C. § 3005 (2010).

56. *Id.*

57. *See id.*

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

62. 7 U.S.C. § 3007 (2010).

through 2012—totaling \$103,000,000—to be garnered from the funds of the Commodity Credit Corporation.<sup>63</sup> The purpose of this additional funding was to provide fresh, local, nutritious, and unprepared fruits, vegetables, herbs, and honey from roadside stands, community supported agriculture programs, and farmers’ markets to low-income seniors.<sup>64</sup> Additionally, the Seniors Farmers’ Market Nutrition Program was established to initiate new and additional community supported agriculture programs, roadside stands, and farmers’ markets as well as increase the local consumption of agricultural commodities through the addition of farmers’ markets, roadside stands, and community supported agriculture programs.<sup>65</sup>

*B. Every Family Needs a Farmer. Do You Know Yours?: Know your Farmer, Know Your Food*

In 2009, the United States Department of Agriculture (USDA)—through Secretary of Agriculture Tom Vilsack—introduced a new program to promote local food called Know Your Farmer, Know Your Food (“KYF initiative”).<sup>66</sup> According to the USDA, new opportunities are created for small and mid-size farmers when they are supported by local consumers.<sup>67</sup> In turn, consumers benefit by having access to fresher food.<sup>68</sup> Additionally, when farmers prosper, vibrant communities are created, the countryside has the opportunity to connect with the city, and support is provided for the

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63. *Id.*

64. *Id.*

65. *Id.*

66. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (last visited Apr. 25, 2010).

67. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Support Local Farmers” hyperlink) (last visited Apr. 25, 2010).

68. *Id.*

next generation of ranchers and farmers.<sup>69</sup> The USDA feels that by supporting local farmers, small and mid-size ranches and farms will become more practical and will grow, helping both the farmer and the consumer.<sup>70</sup>

The mission of the KYF initiative is to enhance the economy by matching producers with local consumers.<sup>71</sup> In a society where one farmer provides enough food for 144 people, it has become increasingly difficult for consumers to connect with farmers.<sup>72</sup> This is further demonstrated by the fact that in 1940, each farmer produced only enough food for nineteen people, often selling this food locally due to the lack of current-day technology.<sup>73</sup>

USDA also hopes that the KYF initiative will generate conversation among consumers and farmers.<sup>74</sup> For consumers, conversation will stress the importance of selecting local food and knowing the source of your food.<sup>75</sup> However, for farmers, the conversation is much more important.<sup>76</sup> Current USDA programs were underutilized due to the lack of knowledge of their existence.<sup>77</sup> Through the KYF initiative, the USDA is

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69. *Id.*

70. *See id.*

71. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Our Mission” hyperlink) (last visited Apr. 25, 2010).

72. *See* Press Release, United Soybean Board, *supra* note 33.

73. *See id.*

74. *See* Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Our Mission” hyperlink) (last visited Apr. 25, 2010).

75. *See id.*

76. *See* Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “F.A.Q.” hyperlink) (last visited Apr. 25, 2010).

77. *See id.*

ensuring that current programs will be reinvigorated and used to their fullest capacity.<sup>78</sup> Additionally, new policies that support local and regional food systems have been developed under the KYF initiative.<sup>79</sup> The KYF initiative has established four categories for advancing the promotion of local food: supporting local farmers, strengthening rural communities, promoting healthy eating, and protecting natural resources.<sup>80</sup>

1. Supporting Local Farmers – Financial Benefits of the KYF Initiative for Farmers

The KYF initiative does not only focus on the promotion of local food, however.<sup>81</sup> In addition, the KYF initiative, via its website, serves as an outlet to provide information to farmers about financial assistance in the form of loans, grants, and services.<sup>82</sup>

- a. *Rural Corporative Development*

Rural Corporative Development is a grant program established by the USDA to stimulate and encourage cooperatives in rural United States.<sup>83</sup> The grant program was created to further the Rural Development efforts of the USDA.<sup>84</sup> Grants are provided to

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78. *Id.*

79. *Id.*

80. *See* Know your Farmer, Know Your Food, <http://www.usda.gov/> (last visited Apr. 25, 2010).

81. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Support Local Farmers” hyperlink) (last visited Apr. 25, 2010).

82. *Id.*

83. Rural Development, Business and Cooperative Programs: Rural Cooperative Development Grant Program, <http://www.rurdev.usda.gov/rbs/coops/rcdg/rcdg.htm> (last visited Apr. 25, 2010).

84. *Id.*

organizations looking to establish and improve cooperatives to advance rural communities.<sup>85</sup>

*b. Marketing and Services Division Technical Assistance*

Marketing and Services is a division of Agricultural Marketing Services Wholesale Markets and provides the necessary technical assistance to help expand distribution, establish farmers' markets, and assist settled farmers' markets in moving to permanent locations.<sup>86</sup> Additionally, the program provides design services and marketing specialists and is currently researching conservation technology such as solar power for storage facilities such as food banks and permanent food markets.<sup>87</sup>

*c. Beginning Farmer and Rancher Development Program*

Farming has changed over the years.<sup>88</sup> New farmers need some background in finance, tax, business, environmental, physical sciences, and food safety regulations and marketing in order to be successful in farming.<sup>89</sup> The Beginning Farmer and Rancher Development Program creates curriculums to educate beginning farmers so that they can “establish, build and manage successful farm and ranch enterprises.”<sup>90</sup> Additionally, 25% of the funding for the program is specifically delineated to assist immigrants, women, minorities, and farm workers who wish to pursue farming.<sup>91</sup>

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85. *Id.*

86. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Support Local Farmers” hyperlink) (last visited Apr. 25, 2010).

87. *Id.*

88. *See id.*

89. *Id.*

90. *Id.*

91. *Id.*

*d. Value-Added Producer Grants*

Value-Added Producer Grants are available for working capital<sup>92</sup> and planning activities<sup>93</sup> and are to be used for farm-based renewable energy and marketing value-added agricultural products.<sup>94</sup> Farmer and ranch cooperatives, majority-controlled producer-based business ventures, agricultural producer groups, and independent producers are eligible to apply for grants.<sup>95</sup> However, 10% of the grants are reserved for socially disadvantaged farmers, beginning farmers, and small or mid-sized farms.<sup>96</sup> Another 10% is reserved for regional and local supply network projects.<sup>97</sup>

*e. Farm Storage Facility Loans Program*

Farmers need cold storage facilities in order to provide the freshest fruits and vegetables at markets.<sup>98</sup> The Farm Storage Facility Loans Program provides low-interest loans to farmers to construct or refurbish storage and handling facilities.<sup>99</sup> Loans can

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92. Such as advertising, inventory, and labor. *Id.*

93. Such as developing business plans. *Id.*

94. Rural Business and Cooperative Programs: Value-Added Producer Grants, <http://www.rurdev.usda.gov/rbs/coops/vadg.htm> (last visited Apr. 25, 2010).

95. *Id.*

96. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Support Local Farmers” hyperlink) (last visited Apr. 25, 2010).

97. *Id.*

98. *Id.*

99. Farm Storage Facility Loan Program, <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=prsu&topic=flp-fp> (last visited Apr. 25, 2010).

also be applied to site preparation and the necessary electrical and cooling equipment including the installation and labor.<sup>100</sup>

*f. Farm Loan Programs: Direct and Guaranteed Farm Ownership Loans, and Direct and Guaranteed Operating Loans, with Targeting Funding for Beginning and Socially Disadvantaged Farmers and Ranchers*

Lastly, the Farm Loan Programs were developed to assist farmers who could not obtain funding from Face Credit System institution, a bank, or other lenders.<sup>101</sup> The Farm Loan Program provides operating loans and direct and guaranteed farm ownership loans to family-sized farms.<sup>102</sup> Loans can then be used for the construction of buildings and improvements to farms, as well as for purchasing supplies, feed, seed, livestock, land, and equipment.<sup>103</sup>

## 2. Strengthen Rural Communities

By providing funding to rural farmers, the USDA hopes to “take steps to build and preserve critical infrastructure in communities across America and implement new resource conservation measures.”<sup>104</sup> Similar to goals of the KYF initiative in regards to the support of local farmers, the ambition of strengthening rural communities involves providing rural farmers and rural communities with access to information about grants, loans, and farming assistance.<sup>105</sup>

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100. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Support Local Farmers” hyperlink) (last visited Apr. 25, 2010).

101. FSA – Farm Loan Program, <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=fmlp&topic=landing> (last visited Apr. 25, 2010).

102. *Id.*

103. *Id.*

104. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink) (last visited Apr. 25, 2010).

105. *Id.*

*a. Appropriate Technology Transfer for Rural Areas*

The Appropriate Technology Transfer for Rural Areas Program provides information and technical assistance to farmers on sustainable agricultural practices for crops and livestock.<sup>106</sup> The program services are available to market gardeners, ranchers, farmers, extension agents, researchers, farm organizations, educators, and others in commercial agriculture, and specifically target underserved communities and the economically disadvantaged.<sup>107</sup> By encouraging sustainable agricultural practices, the program focuses on producing high quality food, maintaining or improving profits, and limiting the environmental impacts.<sup>108</sup>

*b. Business and Industry Guaranteed Loan Program*

The Business and Industry Guaranteed Loan Program was created to help exiting and new rural business in obtaining affordable capital through use of a guarantee system.<sup>109</sup> Essentially, the USDA co-signs a loan with a rural business owner, guaranteeing repayment to the private lender in the event the business owner cannot complete repayment.<sup>110</sup> Thus, private lenders are more willing to lend to businesses in

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106. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Appropriate Technology Transfer for Rural Areas) (last visited Apr. 25, 2010).

107. *Id.*

108. *Id.*

109. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Business and Industry (B&I) Guaranteed Loan Program) (last visited Apr. 25, 2010).

110. *Id.*

rural areas and provide better loan terms and interest rates because there is a decreased risk as a result of the USDA guarantee on the loan.<sup>111</sup>

*c. Community Facilities Program*

The Community Facilities Program provides guaranteed loans, direct loans and grants to finance essential community facilities.<sup>112</sup> This financial support is provided for renovation, acquisition, or construction of community facilities in rural communities.<sup>113</sup> The funds can also be used to purchase equipment for rural community projects.<sup>114</sup> The loans and grants are available to non-profit organizations, local governments, and Indian tribes.<sup>115</sup>

*d. Community Outreach and Assistance Partnerships & Risk Management Education Programs*

The Community Outreach and Assistance Partnership and Risk Management Education Programs provide awards ranging from \$10,000 to \$300,000 to work with community organizations and educational institutions in providing risk management information to farmers.<sup>116</sup> The program teaches risk management of marketing,

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111. *Id.*

112. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Community Facilities Program) (last visited Apr. 25, 2010).

113. *Id.*

114. *Id.*

115. *Id.*

116. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Community Outreach and Assistance Partnerships) (last visited Apr. 25, 2010); Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Risk Management Education Programs) (last visited Apr. 25, 2010).

production, legal and financial crop insurance.<sup>117</sup> It is geared towards underserved producers and minorities.<sup>118</sup>

*e. Rural Business Opportunity Grants*

The Rural Business Opportunity Grants are provided to public bodies, Indian tribes, nonprofit corporations, and cooperatives that are rurally location.<sup>119</sup> The purpose of the grant is to provide technical and training assistance for entrepreneurs, business developers, and economic development officials.<sup>120</sup> The training is intended to assist economic development planning and promote sustainable economic development in exceptionally rural communities.<sup>121</sup> Additionally, the grants will assist economic development planning.<sup>122</sup>

3. Promote Healthy Eating

The KYF initiative also has a goal of encouraging consumers to eat smart and instill the significance of diet and exercise.<sup>123</sup> As part of this goal, the USDA feels that it is important that consumers understand where their food comes from, linking farmers that grow and produce food with the consumers that place the food on their plate.<sup>124</sup> The

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117. *Id.*

118. *Id.*

119. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Strengthen Rural Communities” hyperlink, then follow “More” under Rural Business Opportunity Grants) (last visited Apr. 25, 2010).

120. *Id.*

121. *Id.*

122. *Id.*

123. Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Promote Healthy Eating” hyperlink) (last visited Apr. 25, 2010).

124. *Id.*

KYF initiative has also taken on the objective of promoting the Seniors Farmers' Market Nutrition Program and the Farmers' Market Promotion Program funded under the Farmer-to Consumer Direct Marketing Act.<sup>125</sup> Using these and other programs and the expansion of access to local, fresh, and nutritious food, consumers are better able to eat healthy: supporting local farmers and creating a healthier country.<sup>126</sup> The USDA has reached out to several disadvantaged groups, such as seniors and children, in their quest to promote healthy eating.<sup>127</sup>

*a. Healthy Eating for Children: Farm to School Tactical Teams*

As part of the KYF Initiative and the desire to promote healthy eating among children, the USDA's Agricultural Marketing Service and Food Nutrition Service are joining together to form Farm to School Tactical Teams.<sup>128</sup> The goal of the Farm to School Tactical Teams is to assist administrators in purchasing fresh, local produce for the National School Lunch Program.<sup>129</sup> The teams will facilitate local authorities, state authorities, school districts, community partners, and local farmers.<sup>130</sup>

The 2008 Farm Bill amended the Richard B. Russell National School Lunch Act to provide that "The Secretary shall 1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed

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125. *Id.*

126. *Id.*

127. *Id.*

128. Press Release, U.S. Department of Agriculture, Agriculture Deputy Secretary Merrigan Announces Initiative to Connect Children to Where Their Food Comes From, Provide More Local Foods in School Lunches (Sept. 16, 2009) (*available at* 2009 WLNR 18158935).

129. *See id.*

130. *Id.*

agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate; . . . and 3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 . . . to use geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.<sup>131</sup> The 2008 Farm Bill also provided that beginning in July of 2008, “the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools.”<sup>132</sup> For fresh fruit and other locally grown school lunch enhancements, USDA will make \$50 million available to schools.<sup>133</sup> The hope is that schools will be able to buy local, fresh produce through state agencies.<sup>134</sup>

*b. Furthering the Promotion of Farmers’ Markets*

On September 17, 2009, Secretary of Agriculture Tom Vilsack announced the awarding of eighty-six grants equaling more than \$4.5 million to “encourage and support the viability of farmers’ markets and direct marketing projects nationwide.”<sup>135</sup> Additionally, a national directory of farmers’ markets—which allows consumers to search by farmers’ market name, state, city, county, or zip code, and permits searchers to select forms of payment accepted such as WIC (Women, Infants, and Children) and Seniors Farmers’ Market Nutrition Program—has been made available through

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131. 42 U.S.C. § 1758 (j) (2010).

132. 42 U.S.C. § 1769(a) (2010)

133. Press Release, U.S. Department of Agriculture, Agriculture Deputy Secretary Merrigan Announces Initiative to Connect Children, *supra* note 128.

134. *Id.*

135. Press Release, U.S. Department of Agriculture, Agriculture Secretary Vilsack Announces 86 Grants Under the Farmers Market Promotion Program (Sept. 17, 2009) (*available at* 2009 WLNR 18293916).

[www.ams.usda.gov/farmersmarkets](http://www.ams.usda.gov/farmersmarkets).<sup>136</sup> Secretary Vilsack hopes the grants and website publicity will increase revenue for local farmers while providing healthy, nutritious, locally grown food to consumers.<sup>137</sup> The \$4.5 million will be distributed among thirty-seven states with the hopes of “establish[ing], expand[ing] and promot[ing] farmers['] markets and other direct producer-to-consumer marketing opportunities”.<sup>138</sup> Additionally, low-income consumers will see an even greater benefit from the grants.<sup>139</sup> Thirty of the eighty-six grants have been provided to promote the Supplemental Nutrition Assistance Program (SNAP) by funding new electronic benefit transfer projects and providing fresh food for those with low incomes.<sup>140</sup>

#### 4. Protect Natural Resources

The KYF initiative also promotes the protection of natural resources as part of a healthy farm and healthy community.<sup>141</sup> By learning about sustainable agriculture, farmers can conserve soil, air, and water for future farmers and generations.<sup>142</sup> The USDA works with farmers to reduce energy consumption, enhance resource

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136. *See id.*; Agricultural Marketing Services Farmers Market Search, <http://www.ams.usda.gov/farmersmarkets> (last visited Apr. 25, 2010).

137. *See* Press Release, U.S. Department of Agriculture, Agriculture Secretary Vilsack Announces 86 Grants, *supra* note 135.

138. *Id.*

139. *See id.*

140. *See id.*

141. *See* Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Protect Natural Resources” hyperlink) (last visited Apr. 25, 2010).

142. *Id.*

management, promote smart growth, and preserve farmlands to sustain farming in America for generations to come.<sup>143</sup>

*a. Sustainable Agriculture Research and Education*

The Sustainable Agriculture Research and Education program was created to advance innovations that help sustain agriculture.<sup>144</sup> The program helps farmers gain knowledge about and start to use “practices that are profitable, environmentally sound, and good to communities.”<sup>145</sup> There are four regional offices that administer grants to fund educational opportunities, scientists, and innovative farmers, among other things.<sup>146</sup> Projects worthy of funding typically deal with economics, soil and other natural resources, crop and livestock production, marketing, and quality of life.<sup>147</sup>

*b. Farm and Ranch Lands Protection Program*

Determined to protect farm and ranch lands from becoming residential real estate, USDA uses the Farm and Ranch Land Protection Program to provide funds to purchase the development rights of farmland to maintain the lands agricultural use.<sup>148</sup> The USDA will work with State, local, or tribal governments to provide up to half of the fair market value of a conservation easement to protect the land from developers.<sup>149</sup> To be eligible,

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143. *Id.*

144. *See* NIFA Grant Sustainable Agriculture Research and Education, <http://www.csrees.usda.gov/fo/sustainableagricultureresearchandeducation.cfm?pg=5> (last visited Apr. 25, 2010).

145. *Id.*

146. *Id.*

147. *Id.*

148. *See* Farm and Ranch Lands Protection Program, <http://www.nrcs.usda.gov/programs/frpp/> (last visited Apr. 25, 2010).

149. *Id.*

the land must “be part of a pending offer from a State, tribe, or local farmland protection program; be privately owned; have a conservation plan for highly erodible land; be large enough to sustain agricultural production; be accessible to markets for what the land produces; have adequate infrastructure and agricultural support services; and have surrounding parcels of land that can support long-term agricultural production.”<sup>150</sup> This program is voluntary on the part of farmers and ranchers.<sup>151</sup>

*c. Environmental Quality Incentives Program*

The Environmental Quality Incentives Program is a voluntary program that advances environmental quality and agricultural production as harmonizing national goals.<sup>152</sup> The program provides funds up to 75% of the cost of implementation and lost income to farmers who implement conservation practices.<sup>153</sup> Minority, beginning, and socially disadvantaged farmers, producers, and ranchers are eligible for up to 90% funding.<sup>154</sup>

5. Promotion of the KYF Initiative

The USDA has taken advantage of the popular upturn in social media in its attempt to expand Know Your Farmer, Know Your Food.<sup>155</sup> On September 24, 2009, the

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150. *Id.*

151. *See* Know your Farmer, Know Your Food, <http://www.usda.gov/knowyourfarmer> (follow “Protect Natural Resources” hyperlink) (last visited Apr. 25, 2010).

152. Environmental Quality Incentives Program, <http://www.nrcs.usda.gov/programs/eqip/> (last visited Apr. 25, 2010).

153. *Id.*

154. *Id.*

155. *See* Press Release, U.S. Department of Agriculture, Agriculture Deputy Secretary Merrigan Launches Website For 'Know Your Farmer, Know Your Food;' Plans Facebook Chat to Expand Conversation On Local Food Systems (Sept. 24, 2009) (*available at* 2009 WLNR 18873806).

USDA announced its new website dedicated to the KYF initiative.<sup>156</sup> The website uses social media tools, such as Facebook, blogs, Twitter, and YouTube to expand conversation about local food and support of small and mid-sized farms.<sup>157</sup> Additionally, the website allows viewers to submit their own videos, ideas, and stories.<sup>158</sup> Agriculture Deputy Secretary Kathleen Merrigan also hosted a chat on Facebook on October 1, 2009.<sup>159</sup> The chat was designed to allow consumers and farmers to discuss ways to link farmers and consumers, ideas to maintain agricultural sustainability, and the outlook of farming economies.<sup>160</sup> Throughout the thirty-minute chat, over 115 comments and questions were submitted to Merrigan.<sup>161</sup> Due to the success of the first chat, Deputy Secretary Merrigan hosted a second Facebook chat focusing on local and regional produce in schools on November 5, 2009.<sup>162</sup>

*C. State Example of Government Promotion: PA Preferred*

Pennsylvania is home to 7.7 million acres of farmland comprising 58105 farms, 92% of which are family owned.<sup>163</sup> It leads the county in Christmas tree farms—with 2164, hardwood lumber—with 1.1 billion feet of boards, and mushrooms—with 465

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156. *Id.*

157. *Id.*

158. *Id.*

159. *See id.*

160. *Id.*

161. Press Release, U.S. Department of Agriculture, Agriculture Deputy Secretary Merrigan to Host 2<sup>nd</sup> ‘Know Your Farmer, Know Your Food’ Facebook Chat on Nov. 5 (Nov. 3, 2009) (*available at* 2009 WLNR 21952805).

162. *See id.*

163. PA Preferred: Fun Facts, <http://www.papreferred.com/page/funfacts.aspx> (last visited Mar. 21 2010).

million pounds.<sup>164</sup> Pennsylvania also ranks in the top five for direct farm sales, egg production, pumpkins, apples, milk production, peaches, grapes, pears, and trout.<sup>165</sup> Additionally, one in seven Commonwealth jobs is related to agriculture.<sup>166</sup> Thus, the importance of creating a program that promotes the local products of Pennsylvania farms and producers to Pennsylvania consumers. Pennsylvania is just one of many states with a local marketing and promotion program predating but similar to the KYF initiative.<sup>167</sup>

#### 1. Program and Authority

In January of 2004, the Pennsylvania Department of Agriculture (PDA) introduced Pennsylvania Preferred—commonly referred to as PA Preferred. By combining a blue keystone, the trademark sign of Pennsylvania, with a yellow check, PDA created a visually appealing and recognizable label, allowing Pennsylvania consumers to distinguish local produce and products as well as restaurants, farmers' markets, and retailers who offer Pennsylvania products, while assisting farmers and producers with marketing.<sup>168</sup> According to the PA Preferred website, 93% of Pennsylvanians prefer foods that are produced, grown, or raised locally; the PA preferred program allows the discerning consumer the opportunity to determine which products

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164. *Id.*

165. *Id.*

166. *Id.*

167. *See* Hamilton, *supra* note 43.

168. PA Preferred: Home, <http://www.papreferred.com> (last visited Mar. 21, 2010).

meet those criteria while lowering the marketing costs of struggling Pennsylvania farmers and producers.<sup>169</sup>

## 2. Requirements for Producers and Farmers to Participate in PA Preferred

However, not all Pennsylvania-based products qualify for the PA Preferred program and logo. All products and sales entities must meet specific criteria to be eligible for PA Preferred.<sup>170</sup> In addition to the requirements listed below, all products, foods, and entities must also meet respective safety, sanitation, and inspection requirements.<sup>171</sup>

Nursery products; fresh, unprocessed foods; and other agricultural commodities must either be harvested 100% in Pennsylvania or must have been grown in Pennsylvania for at least 75% of that products production cycle.<sup>172</sup> Egg and beef producers have additional requirements and certifications based upon their respective industries' requirements and must submit additional paperwork to become registered in the PA Preferred program.<sup>173</sup>

Processed products must be headquartered in Pennsylvania, must undergo the final portion of the processing in Pennsylvania, and must be packed in Pennsylvania.<sup>174</sup>

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169. PA Preferred: The Program, <http://www.papreferred.com/page/theprogram.aspx> (last visited Mar. 21 2010).

170. *Id.* at 4-5.

171. *Id.*

172. JOANNA GRESHAM, PENNSYLVANIA DEPARTMENT OF AGRICULTURE, BUREAU OF MARKET DEVELOPMENT, PA PREFERRED PROGRAM TRADEMARK LICENSING AGREEMENT 4, (2009), [http://www.papreferred.com/files/3-11-09\\_Revised\\_PA\\_PREFERRED\\_Agreement\\_Package.pdf](http://www.papreferred.com/files/3-11-09_Revised_PA_PREFERRED_Agreement_Package.pdf).

173. *Id.*

174. *Id.*

Additionally, the processor must agree to purchase as much as is feasible of the main ingredients of the processed product from Pennsylvania farms.<sup>175</sup>

Processors and manufactures must be headquartered in Pennsylvania and have at least one processing facility in Pennsylvania.<sup>176</sup> In addition, processors and manufacturers must produce as many PA Preferred processed products as is practical, and its Pennsylvania facilities must comply with safety and sanitary requirements.<sup>177</sup> Lastly, they cannot have had a major violation in the past calendar year.<sup>178</sup>

Nurseries, grocery stores, and retailers must have a physical location in the Commonwealth, must endeavor to provide as many PA preferred products as is practical, and must maintain inventory of at least 50 products that meet the requirements of “fresh, unprocessed products” or “processed products.”<sup>179</sup> Also, nurseries, grocery stores, and retailers must meet all Federal and State health and safety standards.<sup>180</sup>

Similar to grocery stores, in order to register, restaurants also must have a physical location in Pennsylvania, must offer as many entrees as practical with featured ingredients that are local, and must meet US and PA health and safety standards.<sup>181</sup>

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175. *Id.*

176. *Id.*

177. *Id.*

178. *Id.*

179. *Id.* at 5.

180. *Id.*

181. *Id.*

Restaurants may also place the PA preferred logo next to menu items that feature ingredients meeting the requirements for fresh or processed food products.<sup>182</sup>

Lastly, distributors, wholesalers, relevant trade associations, and the like may become a Supporting Member of PA Preferred if they strive to promote the program.<sup>183</sup>

### 3. Promoting PA Preferred

PA Preferred advertises through print, video, and audio.<sup>184</sup> There are currently three print ads all containing PA Preferred's goal of "[c]onnecting consumers and chefs to the very best farm fresh products"; and featuring a scrumptious looking dish highlighting both meats and produce.<sup>185</sup> Additionally, the PA Preferred logo and website are prominently displayed.<sup>186</sup>

In an additional step to promote local foods, PA Preferred's website provides the consumer with a spreadsheet of fruits and vegetables with the months they are in season.<sup>187</sup> Another link leads consumers to recipes that can be made with PA Preferred foods, complete with nutritional information.<sup>188</sup> Lastly, a calendar of upcoming events provides consumers with lists of activities such as food & wine festivals, garden shows, and culinary events.<sup>189</sup>

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182. *Id.*

183. *Id.*

184. PA Preferred: Media, <http://www.papreferred.com/page/media.aspx> (last visited Mar. 21, 2010).

185. *Id.*

186. *Id.*

187. PA Preferred: Seasonal, <http://www.papreferred.com/page/seasonal.aspx> (last visited Mar. 21, 2010).

188. PA Preferred: Recipes, <http://www.papreferred.com/page/recipes.aspx> (last visited Mar. 21, 2010).

189. PA Preferred: Calendar, <http://www.papreferred.com/page/calendar.aspx> (last visited Mar. 21, 2010).

#### 4. Recent Additions to the PA Preferred Program

PA Preferred also is associated with the Pennsylvania Turnpike Plaza Farmers' Market Program.<sup>190</sup> The purpose of this program is to allow those traveling on the turnpike to purchase local products at competitive prices while promoting Pennsylvania produce and supporting farmers.<sup>191</sup> Farmers must obtain vendor approval for each season (running from April 1 to November 30).<sup>192</sup> In exchange for the Turnpike Plaza Farmers' Market opportunity, farmers must submit a monthly report of gross sales, differentiating between sales of unprocessed products and other products, to PDA.<sup>193</sup> Failure to timely submit this form in the manner PDA sets forth, can result in the revocation of the farmer's approval.<sup>194</sup> These stands are available at the New Stanton, Sideling Hill, and Allentown plazas.<sup>195</sup>

#### *D. Examples of Programs That Are Not Government Sponsored*

##### 1. Bountiful Berks

Counties within Pennsylvania are starting to follow the PA Preferred lead. Berks Agriculture Resource Network recently created Bountiful Berks, a private program with the goal of pushing local Berks County produce into their local supermarket

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190. See JOANNA GRESHAM, PENNSYLVANIA DEPARTMENT OF AGRICULTURE, PENNSYLVANIA TURNPIKE PLAZA FARMER'S MARKET PROGRAM 1, (2009), <http://www.papreferred.com/files/2010%20PTC%20Farm%20Market%20Agreement%20&%20Application.pdf>.

191. *Id.*

192. *Id.* at 2.

193. *Id.*

194. *Id.*

195. *Id.* at 7.

counterparts.<sup>196</sup> Bountiful Berks helps local farmers learn what fruits and vegetables local Markets such as Redner’s Warehouse Markets, Giant Food Stores, Weis, and Boyer’s Food Markets are interested in selling to consumers.<sup>197</sup> They are modeling the program after Pennsylvania Preferred, including the use of a recognizable logo that customers can identify on their produce purchase.<sup>198</sup>

## 2. Pennsylvania Association for Sustainable Agriculture

The Pennsylvania Association for Sustainable Agriculture (PASA) began in 1992 to “promote profitable farms that produce health food for all people while respecting the natural environment.”<sup>199</sup> PASA is a nonprofit that hopes to improve land, make farmers more viable, and restore health to the citizens of Pennsylvania.<sup>200</sup> PASA has created a Buy Fresh Buy Local campaign, bringing local foods to local consumers.<sup>201</sup> Through a website link, consumers can find local restaurants, farms, farmers’ markets, wineries, and retail stores that market local food.<sup>202</sup> Additionally, consumers can use the site to learn about reasons to buy local foods, pull a recipe from the community cookbook, or find the

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196. Darrin Youker, *Selling More Locally Grown Fruits, Vegetables Goal of Initiative: 'Bountiful Berks' Reaches out to Redner's, Boyer's Markets; Small Farms Encouraged*, READING EAGLE, Feb. 17, 2010, available at 2010 WLNR 3391466.

197. *Id.*

198. *Id.*

199. Pennsylvania Association for Sustainable Agriculture, <http://pasafarming.org> (last visited Mar. 21, 2010).

200. *Id.*

201. Pennsylvania Association for Sustainable Agriculture – Education and Business Support, <http://pasafarming.org/our-work> (last visited Mar. 21, 2010).

202. Buy Fresh Buy Local, <http://www.buylocalpa.org> (enter zip code to view choices) (last visited Mar. 21, 2010).

definition of food terms such as “CSA,” “Grass Finished,” and “Sustainable Agriculture.”<sup>203</sup>

A new addition to Buy Fresh Buy Local is the Good Food Neighborhood, which links local people with farms and food.<sup>204</sup> For an annual \$30 membership fee, members receive product updates from local farms; monthly newsletters; access to local food events, farm tours, and tastings; online discounts; and access to community discussion and activity groups.<sup>205</sup>

#### IV. CONCLUSION

Both consumers and government are becoming increasingly aware of the mounting advantages of local food: local food creates a connection between agricultural producers and consumers, provides fresher and higher quality of food, reduces environmental impacts, and supports local farmers politically and socially. While government promotion of local foods is not new to this county, Know Your Farmer, Know Your Food has managed to market local food while providing a single channel for consumers, farmers, and rural communities to gain knowledge about existing beneficial programs.

The past several years have also resulted in an influx of states creating statewide promotion programs. Additionally, we have seen non-profits creating statewide, countywide, and local programs. Farmers’ markets, community supported agriculture farms, and restaurants featuring local foods and local ingredients have also increased immensely. In fact, in the past 15 years, the number of farmers’ markets has grown from

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203. Glossary – Buy Fresh Buy Local, <http://www.buylocalpa.org/glossary> (last visited Mar. 21, 2010).

204. Join the Good Food Neighborhood, <http://www.buylocalpa.org/gfn> (last visited Mar. 21, 2010).

205. *Id.*

1755 to 5274.<sup>206</sup> It is through these types of programs that awareness about the benefits of local food consumption has increased, and because of these types of programs that “locavore” was named the 2007 Word of the Year.

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206. Press Release, U.S. Department of Agriculture, USDA to Update National Farmers Market Directory in 2010 to Track, Highlight Local Food Production, Consumption (Apr. 20, 2010) (*available at* 2010 WLNR 8129201).