

**Council of the District of Columbia  
Committee on Transportation and the Environment**

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OFFICE OF THE  
SECRETARY

**Committee Report**

1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

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To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson  
Committee on Transportation and the Environment

Date: September 17, 2014

Subject: Bill 20-821, the "Food Policy Council and Director Establishment Act of 2014"

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The Committee on Transportation and the Environment, to which Bill 20-821, the "Food Policy Council and Director Establishment Act of 2014" was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

**CONTENTS**

Statement of Purpose and Effect _____	Page 2
Background and Committee Reasoning _____	Page 2
Chronology of Action _____	Page 8
Position of the Executive _____	Page 8
Recommendations by Advisory Neighborhood Commissions _____	Page 8
List of Witnesses and Hearing Record _____	Page 9
Analysis of Impact on Existing Law _____	Page 9
Summary of Fiscal Impact _____	Page 9
Section-by-Section Analysis _____	Page 9
Committee Action _____	Page 10
Attachments _____	Page 11

## **STATEMENT OF PURPOSE AND EFFECT**

Bill 20-821, the “Food Policy Council and Director Establishment Act of 2014” was introduced on June 3, 2014 by Councilmembers Mary Cheh and David Grosso. The legislation would establish a Food Policy Council with 13 voting members to promote positive food policies to advance food access and to build a local food economy in the District. It would also establish a Food Policy Director in the Office of Planning to oversee policies promoting positive food policy, to collaborate with other jurisdictions on food policy, and to advocate for new food ventures in the District.

## **BACKGROUND AND COMMITTEE REASONING**

### **I. Background**

In the past four years, the District has avidly engaged in improving access to affordable, nutritious food for residents and in building a sustainable local food economy. During that time, the Council of the District of Columbia (“the Council”) has enacted ambitious, progressive legislation to achieve these goals.<sup>1</sup> To continue promoting effective policy, however, the District needs a central authority to guide its approaches to food access and the local food economy. Other jurisdictions such as Los Angeles, Oakland, Baltimore, and New York City have built on their food policy successes by incorporating food policy councils and directors into their local government structures. A food policy council is a structure for bringing together public policymakers and private stakeholders to identify gaps in policy and more succinctly bring positive and uniform change to a local food system. A food policy director is a position within the government who advocates for and implements positive food policy.

The District faces two challenges that can best be addressed by adopting this structure. First, too many District residents cannot reliably obtain affordable, nutritious food near their residences. Improving food access will improve the health outcomes for many District residents, particularly District children. Second, the District must aggressively cultivate an environment in which a local food economy can grow. A local food economy touches all aspects of food production, distribution, and disposal. Building a local food economy will both increase the availability of affordable, nutritious food and provide sustainable jobs to District residents,

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<sup>1</sup> In 2010, the Council passed the Healthy Schools Act, which made District school meals the healthiest in the nation, dramatically increased breakfast participation, and led to nearly 100 school gardens. In 2010, the Council also passed the SNAP Expansion Act, which expanded the amount of food stamp benefits provided to residents. In 2011, the Council passed the FEED-DC Act, which created DC Central Kitchen’s “Healthy Corners” program that helps corner stores in low-income food deserts to sell fresh fruits and vegetables. In 2012, the Council passed the Healthy Parks Act, which extended the rigorous nutritional standards of the Healthy Schools Act to parks and recreation facilities, which serve over one million meals each summer. In 2012, the Council also passed the Sustainable DC Act, which authorized bee keeping in the District. In 2013, the Council enacted the Cottage Food Act, which allows small, home-based food businesses to sell baked goods without obtaining the expensive and time-consuming food production license. In the budget for Fiscal Year 2014, the Council directed \$200,000 to create a “bonus bucks” program that encourages low-income residents to buy fresh fruits and vegetables by doubling the value of SNAP benefits spent at farmer’s markets. In the budget for Fiscal Year 2015, the Council passed the Healthy Tots Act, which extends the Healthy Schools Act’s standards to early childcare centers.

increasing their ability to afford more nutritious food. Clearly, solving these two challenges go hand in hand.

#### A. Barriers to Food Access and Food Economy Development

Numerous barriers exist to improving food access and building a local food economy. Currently, there is a struggle to clearly identify food deserts, to provide residents with nutritional education, to generate a profit from food ventures, to find residents with proper skill sets, and to create awareness of the District as a food region. Although a plethora of non-profit organizations and government agencies exist to tackle these obstacles individually, there is no body examining these problems as a whole. Moreover, with so many various groups working on these problems, overlap and misinformation occurs.

To best improve food access, the District must first know which residents live in food deserts and struggle to obtain nutritious food. Although the precise definition of a food desert is debated, the United States Department of Agriculture (USDA) defines it as an area with a population of at least 500 people and where at least 33 percent of that population resides more than one mile from a supermarket or large grocery store.<sup>2</sup> Food insecurity, which the USDA defines as “a household-level economic and social condition of limited or uncertain access to adequate food,”<sup>3</sup> adopts a broader perspective to questions of access. It encompasses, among other characteristics, the inability to afford a balanced meal, the fear purchased food will run out, and skipping meals or cutting portion sizes.<sup>4</sup> Although there are benefits to having clear geographic boundaries for areas with prevalent hunger, determining food insecurity better captures unique variables affecting an individual’s access to nutritious food that would otherwise be lost in food desert’s strict definition. For instance, senior citizens may live within one mile of a supermarket but be unable to reach it due to mobility issues. Even though a supermarket or grocery store may appear on a map to be geographically close to a residential area, transportation means may not be readily available. Additionally, these stores may have prices that are cost-prohibitive for families in the area. Better understanding the state of food access, knowing the supply and demand curves for food, will enable policy makers to more carefully target new initiatives. Better reporting on food deserts and food insecurity and more frequent measurements of food deserts will help with this.

Even when District residents live near affordable and nutritious food, other obstacles may prevent them from following a healthy lifestyle. Aside from the cost of nutritious food, parents of District school children cite their low culinary skills, the needed preparation of such food, and limited time as major constraints.<sup>5</sup> Parents with limited time must be able to properly prepare food in a way that is attractive to their children for so that children reap the benefits of being served healthy meals. Some farmer’s markets offer cooking demonstrations and several non-

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<sup>2</sup> See USDA Defines Food Deserts, American Nutrition Association, <http://americannutritionassociation.org/newsletter/usda-defines-food-deserts> (last visited Aug. 13, 2014).

<sup>3</sup> Economic Research Service, Definitions of Food Security, United States Department of Agriculture, <http://www.crs.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx#.U-uCsmO8aBk> (last updated Apr. 30, 2014).

<sup>4</sup> Id.

<sup>5</sup> Testimony of Patty Stonesifer.

profits offering cooking classes, but there should be efforts to streamline this practice and find best practices for overcoming the hurdles of cooking healthy meals.

Just as individuals in the District face obstacles in consuming healthy food, food ventures may be wary of operating in the District due to an uncertain climate. Indeed, the District is missing out on potential opportunities and possibly losing viable ventures to neighboring jurisdictions. Baltimore encourages urban agriculture ventures to locate in its city, offering city-owned vacant lots and updating city codes and policies to provide for this activity.<sup>6</sup> Similarly, local Baltimore agencies collaborated with business partners and nonprofit organizations to create the Baltimore Food Hub, a “planned campus of facilities, services, and programs focused on enhancing Baltimore’s local food economy.”<sup>7</sup> Such a receptive attitude to food ventures contrasts starkly with the District, where regulations of various food ventures often show little understanding of how they actually operate.<sup>8</sup> Onerous regulations of food services and urban agriculture start-ups will discourage entrepreneurs from attempting to undertake these operations in the District. The government’s ignorance of how food start-ups operate will further alienate them from the District.

The District must encourage the development of food start-ups because of the tremendous job creation potential and the ability to increase food access. Encouraging socially conscious ventures would benefit communities, help the District meet its sustainability goals, and provide additional jobs to sectors of the population that often struggle to find reliable employment. For instance, returning citizens have a notoriously difficult time finding employment, even if they attain a GED during or after their incarceration.<sup>9</sup> The culinary field, however, appears to be a sector where employment can be found as restaurants struggle to find qualified staff. These positions require lower levels of formal education, and there is considerable potential for growth. DC Central Kitchen, an organization that operates a Culinary Job Training program for individuals who struggle to find employment, found jobs for 90 percent of the graduates of its 2013 class.<sup>10</sup> Urban agriculture and cottage food industries could similarly employ District residents who struggle to find work for which they are qualified. To enable these placements, the District must welcome and support a growing food industry.

## B. What Is Needed to Overcome These Barriers

To overcome these existing barriers, the District should create a food policy council and a food policy director to develop and support food policies in a comprehensive manner. Other

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<sup>6</sup> Planning/Baltimore Food Policy Initiative/Urban Agriculture, City of Baltimore, <http://archive.baltimorecity.gov/Government/AgenciesDepartments/Planning/BaltimoreFoodPolicyInitiative/UrbanAgriculture.aspx> (last visited Sept. 10, 2014).

<sup>7</sup> Creating Baltimore’s First Food Hub, Baltimore Food Hub, <http://www.baltimorefoodhub.com/> (last visited Sept. 10, 2014).

<sup>8</sup> Jessica Sidman, D.C.’s Farmers’ Markets Face More Scrutiny Under New Regulations, Washington City Paper (Apr. 23, 2014), <http://www.washingtoncitypaper.com/blogs/youngandhungry/2014/04/23/d-c-s-farmers-markets-face-more-scrutiny-under-new-regulations/> (noting how new regulations of farmer’s markets prevent markets from selling food until a health inspection has taken place but the temporary nature of markets makes such an inspection almost impossible to schedule).

<sup>9</sup> E-mail with Alex Moore.

<sup>10</sup> Culinary Job Training Program Information, DC Central Kitchen, <http://www.dccentralkitchen.org/cjtinfo/> (last visited Sept. 10, 2014).

jurisdictions have successfully utilized food policy councils to bring together diverse stakeholders in an advisory capacity for the government. Rather than having an assortment of bureaucrats tackle various aspects of the local food system in a piecemeal fashion, a food policy council can address them broadly.<sup>11</sup> Similarly, a food policy director can advocate for government agencies to coordinate their policies in ways beneficial for increasing food access and building a local food economy. A food policy director is a recognized and respected voice for food policy within the government. Having both a food policy council and director demonstrates a government's commitment to strengthening the local food system.

Food policy councils typically consist of community members with policy expertise or experience in food issues. Usually, they are already active stakeholders in a community's local food system, such as non-profits, academic institutions, and private and public sector actors. They sit as an overseeing body of the community's food system. As mentioned, there are already numerous non-profit organizations, government agencies, and socially-conscious corporations tackling food issues; food policy councils can bring these groups together to coordinate approaches and more efficiently meet goals of improving food access and developing a local food economy.<sup>12</sup> They vary in size. Some food policy councils also have support staff to help oversee general operations. For instance, the Los Angeles Food Policy Council has 40 councilmembers, 150 active stakeholders, and a support staff including a managing director, director of policy and innovation, communications coordinator, and policy analyst.<sup>13</sup> Oakland Food Policy Council has 21 councilmembers, a council director on staff, and a bevy of interns to provide research and administrative support. Part of Baltimore's Food Policy Initiative is the Food Policy Advisory Committee (Food PAC) that consists of over 45 members. Effective food policy councils draw members from each sector of the food system, including production, processing, distribution, consumption, and disposal.<sup>14</sup>

Having working groups or subcommittees within a food policy council sharpens a council's focus on various policy realms and provides an opportunity for additional community buy-in. Although a food policy council should look broadly at the food system, working groups allow councilmembers to focus on a single issue or group of issue and then look for bridges to other issues.<sup>15</sup> Working groups can facilitate greater communication between diverse stakeholders, community partners, and elected officials. They can examine how these various aspects of the food system can be improved to build on a common goal for the food system as a whole. Allow for a coordinated approach. For instance, the Los Angeles Food Policy Council has

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<sup>11</sup> See Food Policy Councils: Helping Local, Regional, and State Governments Address Food System Challenges, American Planning Association, <https://www.planning.org/nationalcenters/health/briefingpapers/foodcouncils.htm> (last visited Sept. 9, 2014) [hereinafter Food System Challenges].

<sup>12</sup> See Alex Ashbrook testimony (calling on the Food Policy Council to coordinate efforts of players already trying to improve access to healthy, affordable food).

<sup>13</sup> See About: LAFPC Organizational Structure, <http://goodfoodla.org/about/lafpc-organizational-structure/> (last visited Sept. 8, 2014); About: LAFPC Staff, Los Angeles Food Policy Council, <http://goodfoodla.org/about/lafpc-staff/> (last visited Sept. 8, 2014).

<sup>14</sup> Food Policy Councils: Helping Local, Regional, and State Governments Address Food System Challenges, American Planning Association, <https://www.planning.org/nationalcenters/health/briefingpapers/foodcouncils.htm> (last visited Sept. 9, 2014).

<sup>15</sup> Food System Challenges.

seven working groups, and each group examines how its policy area can promote the Council's goal of "Good Food for All Agenda."<sup>16</sup>

A food policy council's work culminates with policy recommendations, and a food policy director then advances those recommendations in the government and puts them in action. A food policy director is an advocate for reducing hunger, encouraging new food ventures, and improving the wellbeing of communities from inside the government. Nationwide, there is growing demand for all levels of government to take food policy seriously, and a food policy director can harness that energy to keep the pressure on government to improve.<sup>17</sup> More than sixteen cities already have a food policy director position.<sup>18</sup> By being a member in the government, a food policy director can bring together parts of the government whose work affects food policy but who have not successfully collaborated in the past. A food policy director can also encourage various agencies to examine how their policies and regulations may unknowingly hinder the development of a local food economy or how they may be easily tweaked to increase food access. A director's ability to play these roles successfully will make him or her an invaluable advocate in the government for healthy local food systems.

## **II. Effects of Legislation**

Bill 20-821 creates both the Food Policy Council ("the FPC") and the Food Policy Director ("the Director") to promote a strong food system for the District. Their joint aims will be to help grow the local food economy and expand the availability of affordable, nutritious food. Together, they will work to reduce regulatory burdens, collect and analyze relevant data, engage with other jurisdictions, and assist participants in food ventures. Food Policy Councilmembers and the Director would be respected community members and business leaders with expertise in issues of food policy and development. They will help the District build more effectively on the progressive and ambitious food policy already established. They will work equally on increasing food access and building a local food economy.

The FPC will consist of 13 voting members, one of whom will be the Director. The FPC will also include 10 ex-officio non-voting members who come from the following government agencies: (1) Department of Human Services, (2) Department of Health, (3) Department of Consumer and Regulatory Affairs, (4) Department of Parks and Recreation, (5) Office of the State Superintendent of Education, (6) Office of Planning, (7) District Department of Transportation, (8) District Department of the Environment, (9) Department of General Services, and (10) Office of the Deputy Mayor for Planning and Economic Development. Voting Food Policy Councilmembers will be appointed by the Mayor with the advice and consent of the Council. In choosing individuals to appoint to the FPC, the Mayor must equally balance representatives from public, nonprofit, and for-profit sectors. This will achieve a diverse range of experiences and perspectives on the FPC, and it will help the FPC represent as many areas of the

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<sup>16</sup> Programs and Policy: Working Groups, Los Angeles Food Policy Council, <http://goodfoodla.org/policymaking/working-groups-2/> (last visited Sept. 9, 2014) (The seven working groups are Academic Partnerships, Farmers Markets for All, Good Food Economy, Healthy Food Retail, School Food & Gardens, Street Food, Sustainable Seafood, and Urban Agriculture.).

<sup>17</sup> See Anne Palmer Testimony.

<sup>18</sup> See Anne Palmer Testimony.

food system as possible. Food Policy Councilmembers will serve without compensation for terms of three years. Voting members will elect their own chairperson.

Each Food Policy Councilmember will serve on one of four working groups, and the chairperson will name the councilmembers to the working groups. The working groups are local food business and labor development; food equity, access, and health and nutrition education; sustainable food procurement of locally grown food; and urban agriculture and food system education. The policy areas of these working groups reflect the twin aims of the FPC to both increase food access and grow a local food economy. The output of each working group must serve to advance both of these goals. To ensure diverse perspectives on each working group, the chairperson shall balance each working group with equal representation of Food Policy Councilmembers from the public, nonprofit, and for-profit entities. Additionally, to foster community support and buy-in for the FPC's work, four to eight members of the public with recognized expertise in the working group's policy area can be named to each working group.

The work of the FPC as a whole and through its working groups will culminate with the production of an annual report to the Council. The report will assess food access and the local food economy. It will identify national best practices in food policy and whether these could be implemented in the District. It will recommend policy shifts and revisions to regulations. It will also identify funding priorities for strengthening the food system. In addition to issuing this report, the FPC will monitor regulatory barriers to developing a vibrant local food economy and collect and analyze data on the local food economy and food access. Results of this work can be included in the report and communicated directly to the Council. The FPC should also work with the Director in accomplishing their shared goals.

As with the FPC, the Director will be appointed by the Mayor with the advice and consent of the Council. The Director will serve in the Office of Planning, an appropriate placement due to the department's role in implementing Sustainable DC. This sustainability plan put forward by the Mayor in 2013 includes a number of goals for increasing the District's access to a sustainable food supply for all residents. These goals, such as increasing agricultural land uses, ensuring universal access to affordable, healthy food, and developing a viable food industry, align with the goals of the Director and FPC. Moreover, the Office of Planning already has proven adept at working with various agencies, which should enhance the Director's ability to collaborate with other agencies.

The Director will be an active advocate in the government for increasing food access and improving the local food economy. The Director will assist enterprises already participating in the local food economy with the regulatory process, and he or she will encourage new ventures to locate in the District. The Director will identify regulatory burdens for other agencies and encourage them to lift them. The Director will also strategize ways for the District to meet all food goals in Sustainable DC. Additionally, an important aspect of the Director's job will be representing the District's food policy work outside the District and cooperating with other jurisdictions. Given its geographic size, the District will never be wholly self-sufficient in its food supply; by establishing positive relationships with the agriculture departments of nearby jurisdictions the Director will greatly improve the District's ability to sustainably secure food.

Through these initiatives, the Director will be a valuable member of government for strengthening the local food system.

### **CHRONOLOGY OF ACTION**

June 3, 2014	Introduction of Bill 20-821 by Councilmembers Mary Cheh and David Grosso and co-sponsored by Councilmember Tommy Wells.
June 3, 2014	Referral of Bill 20-821 to the Committee on Transportation and the Environment
June 13, 2014	Notice of Intent to Act on Bill 20-821 is published in the <i>District of Columbia Register</i>
June 13, 2014	Notice of Public Hearing on Bill 20-821 is published in the <i>District of Columbia Register</i>
July 1, 2014	Public hearing on Bill 20-821 held by the Committee on Transportation and the Environment
July 15, 2014	Hearing Record on Bill 20-821 closed
July 28, 2014	The Committee on Transportation and the Environment filed the Hearing Record on Bill 20-821 with the Secretary to the Council
September 17, 2014	Consideration and vote on Bill 20-821 by Committee on Transportation and the Environment

### **POSITION OF THE EXECUTIVE**

On July 1, 2014, District Department of the Environment (DDOE) Director Keith Anderson testified on behalf of the Executive in support of Bill 20-821. Director Anderson described the objectives of Sustainable DC, how DDOE is implementing them, and how Bill 20-821 can further support implementation. Director Anderson suggested locating the Food Policy Council and Director in the Office of Planning as other cities have found success with this structure and organization.

### **RECOMMENDATIONS BY ADVISORY NEIGHBORHOOD COMMISSIONS**

No Advisory Neighborhood Commission adopted a resolution concerning Bill 20-821 prior to the close of the hearing record.



## **LIST OF WITNESSES AND HEARING RECORD**

On July 1, 2014, the Committee on Transportation and the Environment held a public hearing on Bill 20-821, the “Food Policy Council and Director Establishment Act of 2014.” A video recording of the hearing can be viewed online at [oct.dc.gov](http://oct.dc.gov). The hearing record was open until July 15, 2014. The following witnesses testified at the hearing or submitted statements outside of the hearing:

- Alexandra Ashbrook, DC Hunger Solutions
- Alexander Moore, DC Central Kitchen
- Lauren Biel, DC Greens
- Paula Reichel, Capital Area Food Bank
- Jerome Peloquin, Family Fish Farm Network
- Jeff Stottlemeyer, Columbia Heights Community Marketplace
- Claire Newbegin, Millennial Farming
- Kim Bauer, Millennial Farming
- Patty Stonesifer, Martha’s Table
- Jeremiah Lowery, Restaurant Opportunities Center DC
- Josephine Chu, Zenful Bites
- Keith Anderson, District Department of the Environment

The Hearing Record for this public hearing is on file with the Office of the Secretary.

## **IMPACT ON EXISTING LAW**

Bill 20-821 would require the Mayor to appoint 12 members to a new Food Policy Council and to appoint a new Food Policy Director in the Office of Planning. The Food Policy Council would produce an annual report to the Council recommending shifts in policy to improve food access and the local food economy. The Food Policy Director would advocate for positive food policy in the government.

## **FISCAL IMPACT**

A fiscal impact statement issued by the Chief Financial Officer on September 17, 2014 is attached to this report. The Chief Financial Officer concluded that Bill 20-821 would cost \$109,000 in FY 2015 and \$462,000 over the four-year financial plan period..

## **SECTION-BY-SECTION ANALYSIS**

Section 1 provides the long and short titles of the legislation.

Section 2 provides definitions to clarify terms used throughout the legislation.

Section 3 establishes a Food Policy Council and describes its responsibilities for improving food access and the local food economy. It requires the Food Policy Council to work with the Food Policy Director and to produce an annual report to the Council on the state of food policy in the District.

Section 4 outlines the composition of the Food Policy Council, the appointment process, the length of the terms, and the working group assignments.

Section 5 establishes a Food Policy Director, outlines the appointment process, and describes the position's responsibilities.

Section 6 contains the fiscal impact statement.

Section 7 contains the effective date.

### **COMMITTEE ACTION**

On September 17, 2014, the Committee on Transportation and the Environment held a Regular Meeting to consider Bill 20-821, the "Food Policy Council and Director Establishment Act of 2014." Present and voting were Chairperson Mary M. Cheh and Councilmembers David Grosso and Tommy Wells. Chairperson Cheh gave a brief opening statement that explained the bill, and Councilmember Grosso expressed hope that the Mayor will fill these positions with qualified individuals who are enthusiastic about food policy. Councilmember Grosso hoped the Food Policy Director will determine whether household chickens can be allowed in the District. Councilmember Wells also hoped this body will look into chickens, noting every other major city allows for chickens.

Chairperson Cheh then moved for approval of the Committee print of Bill 20-821. The Committee voted 3-0 to approve the Committee print with the members voting as follows

YES: Councilmembers Mary M. Cheh, David Grosso, and Tommy Wells

NO:

PRESENT:

Chairperson Cheh then moved for approval of the Committee report on Bill 20-821. The Committee voted 3-0 to approve the Committee report with members voting as follows:

YES: Councilmembers Mary M. Cheh, David Grosso, and Tommy Wells

NO:

PRESENT:

The meeting was adjourned.

**LIST OF ATTACHMENTS**

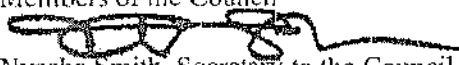
- (A) Bill 20-821, as introduced, with the Mayor's Transmittal Letter and Referral Memo
- (B) Fiscal Impact Statement
- (C) Legal Sufficiency Determination
- (D) Committee Print of Bill 20-821

## ATTACHMENT A

COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington D.C. 20004

Memorandum

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To : Members of the Council  
  
From : Nyasha Smith, Secretary to the Council  
Date : June 06, 2014  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, June 3, 2014. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Food Policy Council and Director Establishment Act of 2014", B20-0821

INTRODUCED BY: Councilmembers Choh and Grosso

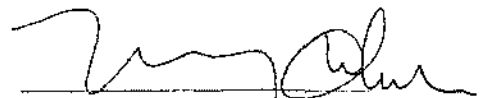
CO-SPONSORED BY: Councilmember Wells

The Chairman is referring this legislation to the Committee on Transportation and the Environment with comments from the Committee on Business, Consumer, and Regulatory Affairs and the Committee on Health.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

1   
2 Councilmember David Grosso

  
Councilmember Mary M. Cheh

3  
4 A BILL

5 \_\_\_\_\_  
6 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
7 \_\_\_\_\_

8 Councilmembers Mary M. Cheh and David Grosso introduced the following bill, which was  
9 referred to the Committee on \_\_\_\_\_.

10  
11 To establish a Food Policy Director in the District Department of the Environment to promote  
12 food policy in the District, attract new participants to the local food economy, assist  
13 individuals already participating in the local food economy, and achieve the food goals  
14 identified in the Sustainable DC plan, and to establish a Food Policy Council to identify  
15 regulatory burdens on the local food economy, collect and analyze data on the food  
16 economy and food equity, promote positive food policies, and guide organizations and  
17 individuals involved in the food economy.  
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
20 act may be cited as the "Food Policy Council and Director Establishment Act of 2014".

21 Sec. 2. Definitions

22 (a) "Food access" means the ability of an individual or a family to obtain nutritious food  
23 within one-half mile of their residence.

24 (b) "Food desert" means an area where an individual cannot obtain a wide selection of  
25 fresh produce and other nutritious foods within a one-half mile of the individual's residence.

26 (c) "Local food economy" means an individual, organization, or business involved in the  
27 growth, production, distribution, or disposal of food within the District of Columbia. To be a  
28 local food economy, an individual, organization, or business must maintain a presence in the  
29 District but does not need to operate exclusively within the District.

1           Sec. 3. Establishment of the Food Policy Council.

2           (a) The Mayor shall establish a Food Policy Council, whose purpose shall be to:

3                   (1) Identify for the Council of the District of Columbia and relevant agencies  
4 regulatory barriers to the development of a local food economy, including barriers to the  
5 operations of farmers markets;

6                   (2) Collect and analyze data on the local food economy and food access in the  
7 District of Columbia, including an assessment of food deserts; and

8                   (3) Identify national best practices in food policy and determine how they could  
9 be implemented in the District.

10           (b) The Food Policy Council shall provide an annual report to the Council of the District  
11 of Columbia on the state of the local food economy and food access across the District. The first  
12 report shall be due within 240 days of the effective date of this act. Thereafter, the Food Policy  
13 Council shall submit a report on December 31 of each year. The report shall identify national  
14 best practices in food policy, assess District food deserts, and recommend revisions to  
15 regulations that affect the local food economy and food access.

16           (c) The Food Policy Council may apply for any federal, public, or private grant or  
17 funding that would enhance its ability to improve food policy and equity in the District.

18           Sec. 4. Composition; term; qualifications; removal.

19           (a) The Food Policy Council shall consist of 13 voting members appointed by the Mayor  
20 with the advice and consent of the Council of the District of Columbia, one of whom shall be the  
21 Food Policy Director appointed pursuant to section 5(a). The members shall be equally  
22 representative of established public, non-profit, and for-profit entities and organizations involved  
23 in the local food economy or food access in the District.

1 (b) Voting members shall serve terms of 3 years; provided, that of the initial members  
2 appointed, 4 shall serve for a term of 3 years, 4 shall serve for a term of 2 years, and 4 shall serve  
3 for a term of one year. The Food Policy Director shall serve as long as he or she remains in the  
4 position. Members may be reappointed but may serve no more than 2 consecutive full terms.

5 (c) When a vacancy develops on the Food Policy Council, the Mayor shall appoint, with  
6 the advice and consent of the Council of the District of Columbia, a successor to fill the  
7 unexpired portion of the term.

8 (d) Excluding the Food Policy Director, voting members shall be evenly divided into 4  
9 working groups to address prominent food policy issues. Each working group shall include a  
10 balance among members of public, non-profit, and for-profit entities and organizations involved  
11 in the local food economy or food access. The working groups shall make recommendations for  
12 food policy to the Food Policy Council to be included in the annual report. The working groups  
13 shall focus on the following policy groups:

- 14 (1) Local food business development;
- 15 (2) Food equity, access, and hunger;
- 16 (3) Local and sustainable food procurement; and
- 17 (4) Urban agriculture and health and nutrition.

18 (e) There shall be 8 ex-officio nonvoting members, including Directors of the following  
19 departments or their designees:

- 20 (1) Department of Human Services;
- 21 (2) Department of Health;
- 22 (3) Department of Consumer and Regulatory Affairs;
- 23 (4) Department of Parks and Recreation;



1 (5) Office of the State Superintendent of Education;

2 (6) Office of Planning; and

3 (7) District Department of Transportation.

4 (f) Ex-officio members shall develop and implement policies and programs in their  
5 agencies to uphold the Food Policy Council's purposes. They shall meet with the Food Policy  
6 Director and the Food Policy Council at least quarterly each year to assist the Food Policy  
7 Director and Food Policy Council in coordinating plans and policies that are beneficial to the  
8 local food economy and improving food access in the District. They shall work with the Food  
9 Policy Director and Council to examine existing regulations and policies that may be overly  
10 burdensome as applied to the local food economy.

11 (g) The voting members shall elect a chairperson of the Food Policy Council. The  
12 chairperson shall name voting members to working groups. All members shall serve without  
13 compensation.

14 (h) The Food Policy Council shall develop its own rules of procedure.

15 (i) The Food Policy Council shall meet at least every other month. The meetings shall be  
16 held in the District and be open to the public. Members of the public shall be allowed to bring  
17 questions or concerns about food policy to the Food Policy Council. A quorum to transact  
18 business shall consist of a majority of the voting members.

19 Sec. 5. Appointment of Director; compensation; staff

20 (a) The Mayor shall appoint a Food Policy Director within the District Department of the  
21 Environment.

22 (b) The Director shall:

1 (1) Collaborate with other jurisdictions and seek outside grants, recognition, and  
2 partnerships;

3 (2) Provide assistance to participants in the local food economy in securing  
4 necessary permits and approvals and in navigating the regulatory process;

5 (3) Advocate for new local food economy ventures to locate in the District;

6 (4) Plan ways for the District to meet the food goals identified in the Sustainable  
7 DC Plan issued by the Mayor in 2013; and

8 (5) Work with relevant agencies to reduce regulatory burdens on the local food  
9 economy.

10 Sec. 6. Fiscal impact statement.

11 The Council adopts the fiscal impact statement in the committee report as the fiscal  
12 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
13 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

14 Sec. 7. Effective date.

15 This act shall take effect following approval by the Mayor (or in the event of veto by the  
16 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
17 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
18 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
19 Columbia Register.

**ATTACHMENT B**


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeff DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeff DeWitt  
Chief Financial Officer 

**DATE:** September 17, 2014

**SUBJECT:** Fiscal Impact Statement ~ Food Policy Council and Director  
Establishment Act of 2014

**REFERENCE:** Bill 20-821, Draft Committee Print as shared with the Office of Revenue  
Analysis on September 3, 2014

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**Conclusion**

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. Implementation of the bill will cost \$109,000 in FY 2015 and \$462,000 over the four-year financial plan period.

**Background**

The bill establishes a Food Policy Council ("Council"), with thirteen voting members,<sup>1</sup> including a Food Policy Director, all of whom are representatives of the local food economy.<sup>2</sup> The Council has seven main responsibilities:

1. Promote food access, food sustainability, and the local food economy;
2. Monitor regulatory barriers that inhibit the local food economy;
3. Collect and analyze data on the local food economy;
4. Monitor and research national best practices in food policy;
5. Provide advice to the Director on the first four responsibilities;
6. Annually report to the Council of the District of Columbia on the state of the local food economy; and

---

<sup>1</sup> Voting members are unpaid and serve three year terms. However, at its inception, four members will serve three year terms, four will serve two year terms, and four will serve one year terms.

<sup>2</sup> The bill defines the local food economy as the collection of individuals, organizations, or businesses who grow, produce, process, distribute, dispose of, or repurpose food in the District.

The Honorable Phil Mendelson

FIS: Bill 20-821, "Food Policy Council and Director Establishment Act of 2014," Draft Committee Print shared with the Office of Revenue Analysis on September 3, 2014

7. At the Council's discretion, apply for grants or other funding to improve food policy in the District.

The voting members, appointed by the Mayor will organize around four working groups: Local food business and labor development; Food equity, access, and health and nutrition education; Sustainable food procurement of locally grown food;<sup>3</sup> and Urban agriculture and food system education.

There will also be ten non-voting members representing District agencies,<sup>4</sup> who should meet with the Council on a quarterly basis. These members should work to develop policies and programs within their agencies that are consistent with the goals and recommendations of the Council.

The Director's Office will be within the District's Office of Planning. The Mayor would appoint the Director, with the advice and consent of the Council of District of Columbia. The Director has six main responsibilities:

1. Collaborate with outside jurisdictions to promote locally-grown and sustainable food practices;
2. Seek grants and partnerships to promote positive food policy in the District;
3. Assist participants in the local food economy to obtain permits and navigate the regulatory process;
4. Advocate for new local food economy ventures;
5. Devise strategies to implement the food policy goals from the Sustainable DC Plan;<sup>5</sup> and
6. Work with District agencies to reduce regulatory burdens on the local food economy.

### Financial Plan Impact

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. The Office of Planning would need to hire the food policy directors at a cost of \$109,000 in FY 2015 and \$462,000 over the four-year financial plan period. Any administrative costs associated with the operations of the food policy council can be absorbed within the agency's existing resources.

Cost of the Food Policy Council and Director Establishment Act of 2014					
Bill 20-281					
FY 2015-2018					
	FY 2015	FY 2016	FY 2017	FY 2018	Total
Food Policy Director	\$109,000	\$113,000	\$118,000	\$122,000	\$462,000

<sup>3</sup> Locally grown food is food produced in Delaware, the District, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia.

<sup>4</sup> Agencies include the Human Services, Health, Consumer and Regulatory Affairs, Parks and Recreation, State Superintendent of Education Planning, Transportation, Environment, General Services, and Deputy Mayor for Planning and Economic Development.

<sup>5</sup> <http://sustainable.dc.gov/finalplan>

## ATTACHMENT C



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO:** Councilmember Mary Cheh

**FROM:** V. David Zvenyach, General Counsel

**DATE:** September 15, 2014

**RE:** Legal sufficiency determination for Bill 20-726, the  
Student Nutrition on Winter Weather Days Act of 2014



Certified by V. David Zvenyach  
General Counsel  
Council of the District of Columbia

This measure is legally and technically sufficient for Council consideration.

Bill 20-726 would require the Office of the State Superintendent of Education (“OSSE”) to submit a plan to the Mayor and the Council by October 1, 2015, for providing meals to DC Public Schools students in high-poverty areas who qualify for free or reduced-price meals on days when school is closed due to inclement weather.

In its plan, the OSSE would need to determine whether to distribute meals to eligible students the day before school is expected to be cancelled due to inclement weather, or on the day that school is actually cancelled due to weather. The plan would also include a list of schools that will receive the meals based on meeting certain criteria (e.g., at least 50% of the enrolled students have family incomes that are less than 185% of the federal poverty level) and a method of distributing as many meals and snacks as feasible and as allowed through the Summer Food Service Program, established by the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1761).

In addition, Bill 20-726 proposes that in providing meals to eligible students on days when school is closed due to inclement weather, the OSSE shall strive to comply with the nutritional requirements of section 202 of the Health Schools Act of 2010, effective July 27, 2010 (D.C. Official Code § 38-822.02).

I am available if you have any questions.

VDZ

## ATTACHMENT D



7 **A BILL**

8  
9 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**  
10

11 To establish a Food Policy Council to identify regulatory burdens on the local food economy,  
12 collect and analyze data on the food economy and food equity, promote positive food  
13 policies, and guide organizations and individuals involved in the food economy and to  
14 establish a Food Policy Director in the Office of Planning who would promote food  
15 policy in the District, attract new participants to the local food economy, assist an  
16 individual already participating in the local food economy, and achieve the food goals  
17 identified in the Sustainable DC plan  
18

19 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**  
20 **act may be cited as the “Food Policy Council and Director Establishment Act of 2014”.**

21 **Sec. 2. Definitions**

22 For the purpose of this act, the term:

23 (a) “Food access” means the ability of an individual or a family to consistently obtain  
24 affordable, nutritious food equitably across geography and income level.

25 (b) “Food assets” means any resource or capacity, whether physical or skill-based, in the  
26 growth, production, processing, distribution, disposal, or repurposing of food.

27 (c) “Food desert” means an area where more than 50% of the population is at or below  
28 185% of the average median income level and where an individual cannot obtain a wide  
29 selection of fresh produce and other nutritious foods within a 1/2 mile of the individual’s  
30 residence.

31 (d) “Food procurement” means the purchasing of or contracting for large volumes of  
32 locally grown food either directly from farms or from vendors by large entities either public or  
33 private, including schools, hospitals, and prisons.

34 (e) “Local food economy” means an individual, organization, or business that maintains a  
35 presence in the District and is involved in the growth, production, processing, distribution,  
36 disposal, or repurposing of food within the District.

37 (f) “Locally grown” means from a grower in Delaware, the District, Maryland, New  
38 Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.

39 (g) “Urban agriculture” means the practice of growing, cultivating, processing, and  
40 distributing vegetables, fruits, grains, mushrooms, honey, herbs, nuts, seeds, and rootstock within  
41 the District.

### 42 Sec. 3. Establishment and duties of the Food Policy Council.

43 (a) The Mayor shall establish a Food Policy Council, whose purpose shall be to:

44 (1) Promote food access, food sustainability, and a local food economy, including  
45 non-mainstream producers, in the District;

46 (2) Monitor regulatory barriers to the development of a local food economy,  
47 including barriers to the operations of farmers markets, existing food assets in the local food  
48 economy, and job creation potential in the local food economy, which shall be included in the  
49 annual report submitted to the Council of the District of Columbia in accordance with subsection  
50 (c) of this section and may be reported to the Council and relevant agencies more frequently if  
51 needed;

52 (3) Collect and analyze data on the local food economy and food access in the  
53 District, including an assessment of food deserts; and

54 (4) Monitor and research national best practices in food policy, including public  
55 health policy for dietary-related illness, and determine how they could be implemented in the  
56 District.

57 (b) The Food Policy Council shall advise the Food Policy Director appointed pursuant to  
58 section 5(a) on how to promote food access, food sustainability, and a local food economy in the  
59 District, how to reduce regulatory barriers to the development of a local food economy, and how  
60 to implement national best practices in food policy in the District.

61 (c) The Food Policy Council shall provide an annual report to the Council of the District  
62 of Columbia on the state of the local food economy and food access across the District. The first  
63 report shall be due within 240 days of the effective date of this act. Thereafter, the Food Policy  
64 Council shall submit a report on December 31 of each year. The report shall identify national  
65 best practices in food policy, assess District food access, including an identification of food  
66 deserts, assess District food assets, recommend revisions to regulations and policies that affect  
67 the local food economy and food access, and identify funding priorities.

68 (d) The Food Policy Council may apply for any federal, public, or private grant or  
69 funding that would enhance its ability to improve food policy and equity in the District.

70 Sec. 4. Composition and term of the Food Policy Council.

71 (a) The Food Policy Council shall consist of 13 voting members appointed by the Mayor  
72 with the advice and consent of the Council of the District of Columbia, one of whom shall be the  
73 Food Policy Director appointed pursuant to section 5(a). The members shall be equally  
74 representative of established public, nonprofit, and for-profit entities and organizations involved  
75 in the local food economy or food access in the District.

76 (b) Voting members shall serve terms of 3 years; provided that of the initial members  
77 appointed, 4 shall serve for a term of 3 years, 4 shall serve for a term of 2 years, and 4 shall serve  
78 for a term of one year. The Food Policy Director shall serve as long as he or she remains in the  
79 position. Members may be reappointed but may serve no more than 2 consecutive full terms.

80 (c) When a vacancy develops on the Food Policy Council, the Mayor shall, with the  
81 advice and consent of the Council of the District of Columbia, appoint a successor to fill the  
82 unexpired portion of the term within 90 days of the vacancy.

83 (d) Excluding the Food Policy Director, voting members shall be evenly divided into 4  
84 working groups to address prominent food policy issues. Each working group shall include a  
85 balance among members of public, nonprofit, and for-profit entities and organizations involved  
86 in the local food economy or food access. Each working group may include between 4 to 8  
87 additional members of the public named by the voting members with recognized expertise in the  
88 working group's policy area. The working groups shall make recommendations for food policy  
89 to the Food Policy Council to be included in the annual report. The working groups shall focus  
90 on the following policy groups:

- 91 (1) Local food business and labor development;
- 92 (2) Food equity, access, and health and nutrition education;
- 93 (3) Sustainable food procurement of locally grown food; and
- 94 (4) Urban agriculture and food system education.

95 (e) The voting members shall elect a chairperson of the Food Policy Council. The  
96 chairperson shall name voting members to working groups. All voting members shall serve  
97 without compensation.

98 (f) The Food Policy Council shall develop its own rules of procedure.

99 (g) The Food Policy Council shall meet at least every other month. The meetings shall be  
100 held in the District and be open to the public, and members of the public shall be allowed to  
101 voice questions or concerns about food policy at the meetings. A quorum to transact business  
102 shall consist of a majority of the voting members.

103 (h) There shall be 10 ex officio nonvoting members, including Directors of the following  
104 departments or their designees:

105 (1) Department of Human Services;

106 (2) Department of Health;

107 (3) Department of Consumer and Regulatory Affairs;

108 (4) Department of Parks and Recreation;

109 (5) Office of the State Superintendent of Education;

110 (6) Office of Planning;

111 (7) District Department of Transportation;

112 (8) District Department of the Environment;

113 (9) Department of General Services; and

114 (10) Office of the Deputy Mayor for Planning and Economic Development.

115 (i) Ex officio members shall develop and implement policies and programs in their  
116 agencies that are consistent with the Food Policy Council's purposes. They shall meet with the  
117 Food Policy Director and the Food Policy Council at least quarterly each year to assist in  
118 coordinating plans and policies that are beneficial to the local food economy and improving food  
119 access in the District. In addition, ex officio members shall work with the Food Policy Director  
120 and the Food Policy Council to examine existing regulations and policies that may be overly  
121 burdensome as applied to the local food economy.

122 Sec. 5. Appointment and duties of Food Policy Director.

123 (a) The Mayor shall appoint a Food Policy Director (“Director”) within the Office of  
124 Planning with the advice and consent of the Council of the District of Columbia to promote  
125 equitable and sustainable food policies across the District that increase food access and build a  
126 local food economy.

127 (b) The Director shall:

128 (1) Collaborate with other jurisdictions to promote locally-grown and sustainable  
129 food production practices;

130 (2) Seek outside grants, recognition, and partnerships to facilitate positive food  
131 policy in the District;

132 (2) Provide assistance to participants in the local food economy in securing  
133 necessary permits and approvals and in navigating the regulatory process;

134 (3) Advocate for new local food economy ventures to locate in the District;

135 (4) Devise strategies for the District to meet the food goals identified in the  
136 Sustainable DC Plan issued by the Mayor in 2013; and

137 (5) Work with relevant agencies to reduce regulatory burdens on the local food  
138 economy.

139 Sec. 6. Fiscal impact statement.

140 The Council adopts the fiscal impact statement in the committee report as the fiscal  
141 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
142 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

143 Sec. 7. Effective date.

144           This act shall take effect following approval by the Mayor (or in the event of veto by the  
145 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
146 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
147 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
148 Columbia Register.