
GOVERNMENT-FUNDED NUTRITIONAL ASSISTANCE PROGRAMS AND FARMERS' MARKETS

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I. INTRODUCTION

“Hunger is a problem that the American sense of fairness should not tolerate and American ingenuity can overcome.” – Tom Vilsack, USDA Secretary¹

Food insecurity and poverty are serious problems in America. The statistics are startling. In 2011, 46.2 million people, or fifteen percent of the U.S. population, were classified as living in poverty and “50.1 million Americans lived in food insecure households.”² With statistics like these, it is clear that government assistance programs are of vital importance. In July of 2010, 41.8 million Americans received Supplemental Nutrition Assistance Program (SNAP) benefits.³ Nearly half of all children born in America are recipients of the Women, Infants, and Children (WIC) program, with more than nine million women, infants, and children receiving these WIC benefits.⁴ Almost 900,000 Americans receive Senior Farmers’ Market Nutrition Program benefits.⁵

The acceptance of government food aid benefits at farmers’ markets and local roadside vendors is an example of the ingenuity Secretary Vilsack was referring to in his quote above. Farmers’ markets have the potential to help increase access to healthy, nutritious food for the millions of Americans eligible for or currently receiving governmental assistance.

Government food aid benefits make a significant impact not only on the lives of participants, but also on the community as a whole. A USDA estimate of the “multiplier effect” of SNAP dollars found that “each dollar of SNAP/Food Stamp benefits generates \$1.79 in economic activity.”⁶ Cities with low participa-

1. *Fighting Hunger and Improving Nutrition*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/cga/Publications/leading.pdf> (last visited April 9, 2014).

2. *Hunger and Poverty Statistics*, FEEDING AM., <http://feedingamerica.org/hunger-in-america/hunger-facts/hunger-and-poverty-statistics.aspx> (last visited April 9, 2014). Food insecurity, as defined by one author, is “[l]imited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.” LIFE SCIENCES RESEARCH OFFICE, FED’N OF AM. SOC’YS FOR EXPERIMENTAL BIOLOGY, CORE INDICATORS OF NUTRITIONAL STATE FOR DIFFICULT-TO-SAMPLE POPULATIONS 1598 (Sue Ann Anderson ed. 1990), available at http://jn.nutrition.org/content/120/11_Suppl/1555.full.pdf.

3. *2010 SNAP Data*, FOOD RESEARCH & ACTION CTR. (2010), <http://frac.org/reports-and-resources/snapfood-stamp-monthly-participation-data/2010-snap-data/>.

4. *Fighting Hunger and Improving Nutrition*, *supra* note 1.

5. *Senior Farmers’ Market Nutrition Program*, FOOD & NUTRITION SERV., USDA (July 2013), <http://www.fns.usda.gov/wic/SFMNP-Fact-Sheet.pdf> [hereinafter *Senior Farmers’ Market Nutrition Program*].

6. SNAP ACCESS IN URBAN AMERICA: A CITY-BY-CITY SNAPSHOT, FOOD RES. & ACTION CTR. 8 (Jan. 2011), available at <http://frac.org/wp->

tion rates for eligible citizens are missing significant federally funded stimulus dollars.⁷ For example, the Food Research and Action Center found that, due to unclaimed benefits from eligible citizens, “more than \$1.1 billion in potential federally-funded benefits were left unclaimed by the [twenty-two] big cities and urban counties in 2008.”⁸ These cities and counties included Los Angeles, California, which left \$353 million unclaimed, and Houston, Texas, which lost a possible \$142 million.⁹ Now consider that SNAP benefits are not the only government benefits eligible for use at a farmers’ market. The Senior Farmers’ Market Nutrition Program alone was appropriated almost twenty million dollars annually through fiscal year 2013.¹⁰ WIC Farmers’ Market Nutrition Program recipients received another fifteen million dollars in 2013.¹¹ Programs like the Senior Farmers’ Market Nutrition Program and the Women, Infants, and Children Farmers’ Market Nutrition Program, which allow government food aid dollars to be spent at farmers’ markets, provide direct access for local farmers to an increased customer base while providing healthy alternatives to program recipients and strengthening local communities by keeping the economic stimulus effect of government aid in the local community.

This Note provides an overview of current government funded nutritional assistance programs and their allowance of the expenditure of government aid at farmers’ markets. What is the purpose of these programs? Are they effective? What benefits do they have for participants, farmers, and the community? What is the downside to allowing government food aid dollars to be spent at farmers’ markets?

This Note is divided into four primary sections. Part I will examine the three main government funded nutritional assistance programs that allow government aid dollars to be spent at local farmers’ markets. Part I will also address the effectiveness of the current nutritional assistance programs with regard to farmers’ markets. Next, Part II will examine the benefits and shortcomings of allowing government nutritional assistance dollars to be used at farmers’ markets. Part III suggests several recommendations to improve current nutritional

content/uploads/2011/01/urbansnapreport_jan2011.pdf [hereinafter SNAP ACCESS IN URBAN AMERICA]; see also KENNETH HANSON, USDA, THE FOOD ASSISTANCE NATIONAL INPUT-OUTPUT MULTIPLIER (FANIOM) MODEL AND STIMULUS EFFECTS OF SNAP, at iv (2010), available at <http://www.ers.usda.gov/publications/err-economic-research-report/err103.aspx#UmcpJSg8m0w>.

7. SNAP ACCESS IN URBAN AMERICA, *supra* note 6, at 8.

8. *Id.*

9. *Id.*

10. *Senior Farmers’ Market Nutrition Program*, *supra* note 5.

11. *WIC Farmers’ Market Nutrition Program*, FOOD & NUTRITION SERV., USDA (July 2013), <http://www.fns.usda.gov/wic/WIC-FMNP-Fact-Sheet.pdf> [hereinafter *WIC Farmers’ Market Nutrition Program*].

assistance programs. Finally, Part IV concludes with a discussion of whether government funded nutritional assistance benefits should continue to be used at local farmers' markets.

II. FARMERS' MARKETS NUTRITIONAL ASSISTANCE PROGRAMS

Three primary programs allow for the use of government assistance benefits at farmers' markets.¹² These three programs are the Supplemental Nutrition Assistance Program, the Seniors Farmers' Market Nutrition Program (SFMNP), and the Women, Infants, and Children Farmers' Market Nutrition Program (WIC FMNP).¹³ Another statute vital to an understanding of the acceptance of government food aid at farmers' markets is the Farmers' Market Promotion Program.¹⁴ While each program providing for the acceptance of government food aid dollars at farmers' markets is separate from other programs, many participants in the various programs overlap and the policy goals of each program are similar.¹⁵

Before one can examine the benefits and misgivings of government food aid acceptance at farmers' markets, one must first understand the underlying programs allowing such purchases.

A. Supplemental Nutrition Assistance Program

SNAP is the Supplemental Nutrition Assistance Program, formerly referred to as "food stamps."¹⁶ SNAP benefits provide monthly government assistance for low-income individuals to purchase food items.¹⁷ SNAP, then known as food stamps, originally began in 1939 as a program aimed at reallocating food surplus to those in need—in particular, the unemployed.¹⁸ The program worked by allowing qualified participants to use a combination of orange and blue stamps to make grocery purchases, hence the name food stamps.¹⁹ For every

12. See 7 U.S.C. § 2013 (2012); 7 U.S.C. § 3005 (2012); 7 U.S.C. § 3007 (2012); 42 U.S.C. § 1786 (2012).

13. 7 U.S.C. § 2013(a); 7 U.S.C. § 3005; 7 U.S.C. § 3007; 42 U.S.C. § 1786(m).

14. 7 U.S.C. § 3005. This statute was amended to fund the program through fiscal year 2013.

15. See 7 U.S.C. § 3005(b); 7 U.S.C. § 3007(b); *WIC Farmers' Market Nutrition Program*, *supra* note 11.

16. *Supplemental Nutrition Assistance Program: A Short History of SNAP*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/snap/rules/Legislation/about.htm> (last modified July 25, 2013) [hereinafter *A Short History of SNAP*].

17. *Id.*

18. *Id.*

19. *Id.*

dollar a participant purchased of orange stamps, the government would provide a blue stamp worth fifty cents.²⁰ Orange stamps could be used to purchase any item, while blue stamp purchases were restricted to those items deemed “surplus.”²¹ The initial program ran from May of 1939 through the Spring of 1943.²²

After the first food stamp program ended in 1943, there was a large gap of time before food stamps were reintroduced in a pilot program in the early 1960s.²³ The gap was a result of the conception that “the conditions that brought the program [food stamps] into being—unmarketable food surpluses and widespread unemployment—no longer existed.”²⁴ Not long after the pilot program, food stamps were enacted into permanent legislation through the Food Stamp Act of 1964.²⁵ The SNAP program has undergone many iterations since the passage of the Food Stamp Act of 1964; these various bills provided for items such as restrictions on eligibility, and electronic benefit transfer cards, or “EBT” cards, among other changes.²⁶ In 2008, the Food Stamp Act of 1977 was renamed the “Food and Nutrition Act of 2008,” and in an effort to reduce stigma, food stamps were renamed Supplemental Nutrition Assistance Program benefits, or SNAP.²⁷

In order to qualify for SNAP benefits, one must meet several eligibility requirements. First, in order to receive SNAP benefits, one must be either a United States citizen, or have another qualifying legal status, which includes those who are Lawful Permanent Residents and the children of legal immigrants.²⁸ The second type of criteria applicants must meet for SNAP eligibility are income and resource requirements.²⁹ Applicants for SNAP must meet both the gross and net income tests, although some exceptions apply for the elderly or disabled.³⁰ The gross income and net income eligibility requirements vary based on household size.³¹ For example, in order to qualify, a family of four would have to have a gross monthly income equal to or less than \$2552 (130% of the poverty line), and a net monthly income equal to or less than \$1963 (100% of the

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. SOC. SEC. ADMIN., NUTRITION ASSISTANCE PROGRAMS 2–3 (2011), available at <http://ssa.gov/pubs/EN-05-10100.pdf>.

29. *Supplemental Nutrition Assistance Program: Eligibility*, FOOD & NUTRITION SERV., USDA, http://www.fns.usda.gov/snap/applicant_recipients/eligibility.htm (last modified Sept. 30, 2013).

30. *Id.*

31. *Id.*

poverty line).³² This income cap does not include income from Temporary Assistance for Needy Families or Supplemental Security Income.³³ Individuals are also allowed certain deductions from their monthly income to meet the qualifying income requirements.³⁴ These deductions include medical expenses, earned income, and dependent care deductions subject to certain requirements.³⁵

In addition to the income requirements, individual participants must also meet certain resource requirements.³⁶ Participants are allowed to have “\$2000 in countable resources, such as a bank account.”³⁷ The rules for valuation of assets such as vehicles vary depending on individual state policies.³⁸ Some states exclude the entire value of a vehicle, while others exclude only up to a certain value.³⁹ If the participant is an individual between the ages of eighteen and fifty, the participant must next meet SNAP work requirements. Individuals who do not meet SNAP employment requirements are allowed to receive SNAP benefits for three months in a thirty-six month period.⁴⁰ SNAP work requirements vary depending on the state.⁴¹ SNAP applicants may use the USDA pre-screening tool to help determine whether they are eligible to receive SNAP benefits.⁴²

Assuming an individual meets all the eligibility requirements for SNAP, what benefits may an individual receive? For purposes of benefits, each qualifying household is given an allotment.⁴³ Allotments, the amount of benefits a household receives, are determined by multiplying the monthly net income of the household by .3 (representing the thirty percent of the monthly income households are expected to allot to food).⁴⁴ This number is then subtracted from the “maximum allotment for the household size to find the household’s allotment.”⁴⁵ For example, to determine the benefits of a family of four with a net monthly

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.* See also Michael Correll, *Getting Fat on Government Cheese: The Connection Between Social Welfare Participation, Gender, and Obesity in America*, 18 DUKE J. GENDER L. & POL’Y 45, 58 (2010).

41. See *Supplemental Nutrition Assistance Program: Eligibility*, *supra* note 29.

42. *Supplemental Nutrition Assistance Program (SNAP) Pre-Screening Eligibility Tool*, FOOD & NUTRITION SERV., USDA, <http://www.snap-step1.usda.gov/fns/> (last visited April 9, 2014) [hereinafter *Pre-Screening Eligibility Tool*].

43. See *Supplemental Nutrition Assistance Program: Eligibility*, *supra* note 29.

44. *Id.*

45. *Id.*

income of \$1963, the maximum net monthly income allowed, one would multiply the net monthly income by .3 to get \$588.90.⁴⁶ This is subtracted from the maximum allotment for a family of four, which is \$668.⁴⁷ Because \$668 minus \$588.90 is \$79.10, the allotment would be \$79.10 per month.⁴⁸ The average household SNAP allotment was \$214 in 2007.⁴⁹

How do participants receive their benefits? Current SNAP benefits are credited by each state agency to a card similar to a debit card through a system called Electronic Benefits Transfer (EBT).⁵⁰ Once credit is loaded onto a participant's EBT card, the participant may use this card at any SNAP participating entity.⁵¹

1. Current Budget and Participation

According to USDA figures, \$4.33 million of SNAP benefits were redeemed at local farmers' markets in fiscal year 2009.⁵² In this time period, more than 900 farmers' markets accepted SNAP benefits.⁵³ In its "how-to handbook" for farmers' markets, the USDA points out the staggering growth in the number of benefits redeemed at farmers' markets from 2008–2009—a two million dollar increase, nearly doubling the amount of benefits redeemed at farmers' markets.⁵⁴ In 2010, there were 1156 participating farmers' markets accepting SNAP benefits.⁵⁵ All indications suggest that the trend of increased redemption of SNAP benefits at farmers' markets will continue.⁵⁶

46. *See id.*

47. *Id.*

48. *See id.*

49. *SNAP Pre-Screening Tool and General Frequently Asked Questions*, FOOD & NUTRITION SERV., USDA, <http://www.snap-step1.usda.gov/fns/tool/tutorial/toolfaq.html> (last visited April 9, 2014).

50. *A Short History of SNAP*, *supra* note 16.

51. *Id.*

52. WENDY WASSERMAN, AGRIC. MKTG. SERV., USDA ET AL., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AT FARMERS MARKETS: A HOW-TO HANDBOOK 3 (2010), available at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5085298&acct=wdmgeninfo>.

53. *Id.*

54. *Id.*

55. Michelle Greenhalgh, *USDA Releases Farmers Market Guide to SNAP*, FOOD SAFETY NEWS (June 28, 2010), <http://www.foodsafetynews.com/2010/06/usda-releases-farmers-market-guide-to-snap/#.UmhICSg8m0w>.

56. *See* Rachel Cernansky, *Thousands More Farmers Markets Will Soon Take Food Stamps*, GRIST (May 9, 2012), <http://grist.org/locavore/thousands-more-farmers-markets-soon-to-be-open-to-food-stamp-users/9/> (showing a 400% increase in SNAP acceptance at farmers' markets since 2008).

B. Seniors Farmers' Market Nutrition Program

The Seniors Farmers' Market Nutrition Program (SFMNP) began as a pilot program of the USDA in 2001, and was enacted in 2002 as a part of the Farm Security and Rural Investment Act.⁵⁷ The purpose of the SFMNP is to provide low-income, elderly individuals with increased access to fresh and nutritious fruits and vegetables.⁵⁸ The program hopes to increase consumption of these goods by aiding in the growth of farmers' markets across the country.⁵⁹ SFMNP functions by providing grants to various states, Native American tribal governments and reservations, and U.S. territories.⁶⁰ The states or territories then provide coupons to qualifying low-income seniors to purchase qualifying items at local farmers' markets and food stands.⁶¹

In order to be eligible for SFMNP, an applicant must be at least sixty years of age and must not have an income exceeding 185% of the federal poverty line.⁶² The federal benefit for a qualified SFMNP recipient is generally between twenty and fifty dollars, but this amount may be augmented with state, local, and even private funds.⁶³

1. SFMNP Current Budget and Participation

In fiscal year 2011, SFMNP benefits were accepted by fifty-one state and Native American governments.⁶⁴ In 2011, over twenty-two million dollars was granted to these fifty-one governmental entities to run the SFMNP in their respective areas.⁶⁵ In this same period, the SFMNP provided an average benefit of thirty-one dollars to 863,097 senior participants with 19,069 farmers, 4598 markets, 3445 stands, and 141 community-supported agriculture programs (CSAs) participating.⁶⁶ Grant funding has increased by over five million dollars com-

57. 7 U.S.C. § 3007 (2012); see S. 10, 113th Cong. § 4202 (2013) (proposing to reauthorize the Senior Farmers' Market Nutrition Program through the year 2018).

58. 7 U.S.C. § 3007(b)(1).

59. 7 U.S.C. § 3007(b)(2).

60. *Senior Farmers' Market Nutrition Program*, *supra* note 5.

61. *Id.*

62. *Id.* The federal poverty line for a family of two in 2012 was an annual income of \$15,130.00 or \$1,260.83 monthly. Notice, 77 Fed. Reg. 4034, 4035 (Jan. 26, 2012).

63. *Senior Farmers' Market Nutrition Program*, *supra* note 5.

64. *SFMNP Profile For Participating State Agencies – FY2011 (June 2012)*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/wic/SeniorFMNP/SFMNPFY2011Profile.htm> (last modified July 16, 2012) [hereinafter *SFMNP Profile FY2011*].

65. *Id.*

66. *Id.*

pared to numbers for the same statistics in 2004.⁶⁷ The number of participating seniors also increased, along with a drastic increase in every type of participating retailer, with the exception of CSA programs, which decreased.⁶⁸ It is notable however, that while the number of participants and the amount of funding increased, the average benefit decreased by \$4.31.⁶⁹

C. Women, Infants, and Children Farmers' Market Nutrition Program

The Women, Infants, and Children Farmers' Market Nutrition Program was created by Congress in 1992 through the WIC Farmers' Market Nutrition Act of 1992⁷⁰ "to provide fresh . . . unprepared, locally grown fruits and vegetables . . . to WIC participants, and to expand awareness and use of, and sales at, farmers' markets."⁷¹ The program originally grew out of a program which began at the state level in 1986.⁷² The state effort led Congress to establish a three-year test project in ten states.⁷³ After the success of the test project, Congress was prompted "to enact the WIC Farmers' Market Nutrition Act of 1992" referred to above.⁷⁴

The WIC FMNP is administered by the USDA's provision of grants to qualifying state applicants.⁷⁵ Each state must provide at least thirty percent of the

67. Compare *id.*, with *SFMNP Profile for Participating State Agencies – FY2004*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/wic/SeniorFMNP/SFMNPFY2004Profile.htm> (last visited Oct. 23, 2013) [hereinafter *SFMNP Profile FY2004*].

68. Compare *SFMNP Profile FY2011*, *supra* note 64, with *SFMNP Profile FY2004*, *supra* note 67.

69. See *SFMNP Profile FY2011*, *supra* note 64; see also *SFMNP Profile FY2004*, *supra* note 67.

70. WIC Farmers' Market Nutrition Act of 1992, Pub. L. No. 102-314, 106 Stat. 280 (1992). The program was later reauthorized through a series of acts including the Child Nutrition and WIC Reauthorization Act of 2004, which had three primary mandatory provisions: (1) the act required that WIC benefits be authorized to be used at authorized roadside stands; (2) required a reduction in the requirement of state matching funds; and (3) increased the federal "maximum benefit level." 42 U.S.C. § 1786(m)(1), (3), (5)(C) (2012); see also 7 C.F.R. part 248 (2013). Most recently, the program was reauthorized through fiscal year 2015 through the Healthy, Hunger-Free Kids Act of 2010. 42 U.S.C. § 1786(g)(1)(A).

71. *WIC Farmers' Market Nutrition Program*, *supra* note 11.

72. Mich. Dep't of Cmty. Health, *Project FRESH – Farmer's Market Nutrition Program*, MICHIGAN.GOV, http://www.michigan.gov/mdch/1,1607,7-132-2942_4910_4921---,00.html (last visited April 9, 2014); *Project FRESH: History*, MICH. STATE UNIV., <http://www.projectfresh.msu.edu/projectfresh/history> (last updated May 18, 2010).

73. Mich. Dep't of Cmty. Health, *supra* note 72; *Project FRESH History*, *supra* note 72.

74. Mich. Dep't of Cmty. Health, *supra* note 72.

75. 42 U.S.C. § 1786(m)(1).

administrative cost of the program.⁷⁶ In addition, the state or Native American governmental entities must annually submit a plan to the Secretary of Agriculture outlining specified information, including: the estimated number of people who would use the program, the estimated cost of the program, the state's plan for complying with all USDA program requirements, and the state's criteria for authorizing producers to participate as entities where participants can redeem benefits.⁷⁷ Benefits are then distributed through the state or Native American governmental agency or nonprofit that the state agency has partnered with.⁷⁸ There are currently forty-six states and tribal government entities involved in this project.⁷⁹

In order to qualify for WIC FMNP benefits from a participant level, the applicant must be a woman who is eligible to receive WIC benefits or who is on a "waiting list for WIC certification."⁸⁰ Eligible participants for WIC are those "[women who are] pregnant, postpartum, and breastfeeding women, [or] infants, and children from low-income families who are determined by a competent professional authority to be at nutritional risk."⁸¹ A woman may be deemed "at nutritional risk" if she meets the income eligibility standards and: if she receives SNAP benefits, if her family is eligible to receive free or reduced school lunches, if she is a member of a family that receives Title XIX benefits, or if she meets other listed criteria.⁸²

Assuming a woman is eligible to receive WIC, or is on a waiting list for WIC certification, the woman may receive ten to thirty dollars in federal government funding in farmers' market nutrition benefits.⁸³ This benefit can then be supplemented by state or local funds.⁸⁴ After receiving the benefit, each participant may redeem the coupons or EBT benefits—depending on the state method of distribution—at a local authorized farmers' market or roadside vendor for fresh, unprepared food.⁸⁵

76. 42 U.S.C. § 1786(m)(3) (note that qualifying Native American agencies may negotiate with the Secretary of Agriculture for an administrative contribution rate as low as ten percent provided they can prove "financial hardship").

77. 42 U.S.C. § 1786(m)(6)(D)(i–ii).

78. 42 U.S.C. § 1786(m)(2).

79. *WIC Farmers' Market Nutrition Program: 2012 Profile (July 2013)*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/wic/fmnp/FMNP2012.htm> (last modified July 19, 2013) [hereinafter *WIC 2012 Profile*].

80. *WIC Farmers' Market Nutrition Program*, *supra* note 11.

81. 42 U.S.C. § 1786(d)(1).

82. 42 U.S.C. § 1786(d)(2)(A).

83. 42 U.S.C. § 1786(m)(5)(C).

84. *WIC Farmers' Market Nutrition Program*, *supra* note 11.

85. *See* 42 U.S.C. § 1786(m)(1).

1. Current Budget and Participation

In 2012, the WIC FMNP gave a total of more than twenty million dollars to forty-six states and tribal government entities.⁸⁶ In this time period, almost 1.8 million women and children received an average WIC FMNP benefit of twenty-one dollars.⁸⁷ The program had 18,246 participating farmers, 3392 participating markets, and 2969 participating stand vendors.⁸⁸ When compared with the same data from fiscal year 2004, there seems to have been an overall drop in participation in the program.⁸⁹ For example, in 2004 there were almost twenty-eight million dollars given to 2.5 million participants.⁹⁰ The 2012 figures represent a significant decrease in participation and dollars spent from 2004.⁹¹ However, the same data shows an increase of 4196 farmers, 844 markets, and 1386 stands from 2004 to 2012.⁹² One positive indicator for participation is that, between 2004 and 2012, two additional states joined the program and the average benefit increased from \$19.12 in 2004 to \$21.00 in 2012.⁹³

If increased dollars spent and participants served is as an indicator of success, the program seems to be becoming less effective. As is often the case, there may be more to the story than the numbers suggest; it appears that decreased dollars spent on the program is a result of decreasing amounts of federal funding allocated to the project.⁹⁴ For example, fifteen million dollars were appropriated for fiscal year 2013.⁹⁵ While it should not be overlooked that this is still a very significant funding amount, it represents approximately a 5.2 million dollar decrease in funding from that spent in fiscal year 2012.⁹⁶ In addition to seeking increased funding, the program should evaluate why its redemption rates have gone down. The reduced redemption rate seems particularly alarming when compared to increasing redemption of SNAP and SFMNP benefits. Additional research needs to be done to determine why WIC FMNP redemption rates are

86. *WIC 2012 Profile*, *supra* note 79.

87. *Id.*

88. *Id.*

89. *See id.*; *see also WIC Farmers' Market Nutrition Program: FMNP Profile – FY 2004*, FOOD & NUTRITION SERV., USDA, <http://www.fns.usda.gov/wic/fmnp/FMNP2004.htm> (last modified Sept. 18, 2012) [*hereinafter WIC 2004 Profile*].

90. *WIC 2004 Profile*, *supra* note 89.

91. *Compare id.*, with *WIC 2012 Profile*, *supra* note 79.

92. *Compare WIC 2012 Profile*, *supra* note 79, with *WIC 2004 Profile*, *supra* note 89.

93. *See WIC 2012 Profile*, *supra* note 79; *see also WIC 2004 Profile*, *supra* note 89.

94. *See WIC 2012 Profile*, *supra* note 79; *see also WIC 2004 Profile*, *supra* note 89.

95. *WIC Farmers' Market Nutrition Program*, *supra* note 11.

96. *WIC 2012 Profile*, *supra* note 79.

falling while the other programs' redemption rates are increasing.⁹⁷ Regardless of what these barriers are, program administrators need to work with recipients to increase redemption rates in this program.

As discussed in each individual program area above, an examination of each of the three programs in question (SNAP, WIC FMNP, and SFMNP) presents conflicting results regarding the success of these programs. Both the SNAP and SFMNP programs seem to be growing, while WIC FMNP appears to be shrinking based on the number of participants per year and number of dollars allocated to each program for the 2012 fiscal year.⁹⁸ The general increase in participation from past years in these programs suggests they are doing well. A better indicator of whether the programs are succeeding would be a measure of whether they are accomplishing their goals of increasing access to healthy food for participants. Unfortunately, this is difficult to measure. Regrettably, the author was unable to find a study directly measuring this indicator. Despite this, it is the author's conclusion that the overall year-over-year increased participation paired with the benefits to recipients, farmers, and local communities discussed throughout this Note will demonstrate that these programs, while certainly not perfect, are indeed effective in promoting access to healthy food and providing economic stimulus.

III. BENEFITS AND DETRIMENTS OF GOVERNMENT FOOD AID BENEFITS ACCEPTED AT FARMERS' MARKETS

A. *Policy Reasons For Encouraging Farmers' Markets to Accept Government Assistance Funds*

1. *Food Deserts and Obesity*

Food deserts are large geographic areas where access to healthy food, typically provided by a grocery store, is severely limited by "physical and eco-

97. One possible explanation is that WIC recipients face different barriers to redeeming their benefits, such as sick children or the perception that the aid benefits, which are often small, are simply not worth the effort. A joint study conducted by the USDA and a Pennsylvania organization found a number of differences in the barriers faced by WIC and Senior FMNP recipients. JOANNE NADOVICH & JOHN METRICK, AGRIC. MKTG. SERV., USDA, CONNECTING LOCAL FARMERS WITH USDA FARMERS MARKET NUTRITION PROGRAM PARTICIPANTS 10 (2010), available at <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5083319>.

98. See *SFMNP Profile FY2011*, supra note 64; *SFMNP Profile FY2004*, supra note 67; WASSERMAN, supra note 52, at 3; *WIC Farmers' Market Nutrition Program*, supra note 11; *WIC 2012 Profile*, supra note 79.

conomic barriers.”⁹⁹ Food deserts are a serious problem in America.¹⁰⁰ As Tess Feldman noted in her article *Re-Stocking the Shelves: Policies and Programs Growing in Food Deserts*, the USDA found that “about 23.5 million people in the U.S. live in communities that are more than one mile from a supermarket or large grocery store.”¹⁰¹ It is also necessary at this point to dispense with the common misconception that food deserts are exclusively an urban problem. Although food deserts are most commonly studied in the urban context, they are alive and well in rural areas.¹⁰²

Not only do food deserts fail to offer many basic fruits and vegetables, studies have shown that the prices of the limited items which are available in food deserts are “markedly higher than at major retail chains outside the selected area.”¹⁰³ Educational programs encouraging healthy eating have no effect when participants do not have access to healthy foods.¹⁰⁴ Acceptance of food aid benefits at farmers’ markets can offer a limited solution to the food desert problem by providing access to fresh fruits and vegetables in areas with limited access to traditional grocery stores.

Farmers’ markets may help address the food desert phenomenon in several ways. First, farmers’ markets can provide fresh produce to these underserved areas, at least on a seasonal basis. Second, once present in these neighborhoods, farmers’ markets can prove to investors that there is a demand for fresh produce in these areas. This, paired with increasing pressure to reduce food

99. Tess Feldman, *Re-Stocking the Shelves: Policies and Programs Growing in Food Deserts*, 16 PUB. INT. L. REP. 38, 39 (2010).

100. See *Food Access Research Atlas*, ECON. RESEARCH SERV., USDA, <http://www.ers.usda.gov/data-products/food-access-research-atlas.aspx#UmhVfig8m0w> (last updated May 8, 2013). The USDA has an innovative “Food Access Research Atlas” to illustrate the location of food deserts near your location.

101. Feldman, *supra* note 99, at 39 (quoting Michael Garry, *The Underserved Consumer*, SUPERMARKET NEWS (May 10, 2010), <http://supermarketnews.com/retail-amp-financial/underserved-consumer>); see *Food Deserts*, AGRIC. MKTG. SERV., USDA, <http://apps.ams.usda.gov/fooddeserts/foodDeserts.aspx> (last visited April 9, 2014).

102. *Food Deserts*, *supra* note 101. According to the USDA, more than 2.3 million people live in rural food deserts.

103. Correll, *supra* note 40, at 60 (citing Deja Hendrickson et al., *Fruit and Vegetable Access in Four Low-Income Food Deserts Communities in Minnesota*, 23 AGRIC. & HUM. VALUES 371, 375 (2006)); see also ANDY FISHER, CMTY. FOOD SEC. COAL., *HOT PEPPERS AND PARKING LOT PEACHES: EVALUATING FARMERS’ MARKETS IN LOW INCOME COMMUNITIES* (1999), available at <http://www.eatbettermovemore.org/SA/enact/neighborhood/documents/community.farmersmarkets.tools.hotpepperspeaches.pdf>.

104. See Correll, *supra* note 40, at 61 (citing Kimberly Morland et al., *Supermarkets, Other Food Stores, and Obesity: The Atherosclerosis Risk in Communities Study*, 30 AM. J. PREVENTIVE MED. 333, 334 (2006)).

deserts,¹⁰⁵ may prompt more stable, consistent provision of produce in these areas through more traditional venues. Third, farmers' markets can reduce obesity by providing alternative food options to the high calorie, low cost items traditionally found in food desert areas.¹⁰⁶

Critics might suggest that farmers' markets will not aid in providing produce to food deserts because they are not generally present in these areas but rather typically exist only in affluent areas.¹⁰⁷ While it is true that farmers' markets are not as prevalent in low-income neighborhoods, they do exist in these neighborhoods, and through the food aid programs discussed in this Note can make a meaningful difference in their communities.¹⁰⁸

Farmers' markets are in many ways ideally situated to be part of the solution to addressing food desert problems. Farmers' markets can avoid some of the issues that grocery stores typically cite for not being located in food deserts.¹⁰⁹ As an inherently mobile unit, farmers' markets have limited overhead costs and the set schedules of farmers' markets can be adjusted to meet the demand of the community. As demand goes up, a farmers' market can add an hour to its typical schedule, or perhaps add another day. This is not possible in brick and mortar stores where a retailer must provide consistent hours for the entire month. Most food aid benefits are spent in the first portion of the month, which makes it difficult for traditional grocery stores to survive in areas where food aid dollars are the primary source of grocery budgets.¹¹⁰ This remains an issue for farmers' markets, but to a somewhat lesser extent as vendors can more readily adjust the quantities of food they bring to the market.

This is not to suggest that farmers' markets in food deserts do not have problems; they most certainly do. These types of markets are often far from

105. See, e.g., David Bornstein, *Time to Revisit Food Deserts*, N.Y. TIMES OPINIONATOR (Apr. 25, 2012, 7:00 AM), http://opinionator.blogs.nytimes.com/2012/04/25/time-to-revisit-food-deserts/?_r=1.

106. See generally Feldman, *supra* note 99, at 40.

107. See Diane Cardwell, *Obstacles Seen in Poor Areas for New Farmers' Markets*, N.Y. TIMES, Apr. 11, 2011, <http://www.nytimes.com/2011/04/12/nyregion/12farmers.html>; *Mobile Farmers Markets to Enrich Low-Income Neighborhoods*, INT'L MAKING CITIES LIVABLE LLC, <http://www.livablecities.org/blog/mobile-farmers-markets-enrich-low-income-neighborhoods> (last visited April 9, 2014).

108. See, e.g., AGRIC. MKTG. SERV., USDA, IMPROVING AND FACILITATING A FARMERS MARKET IN A LOW-INCOME URBAN NEIGHBORHOOD: A WASHINGTON, DC, CASE STUDY (2001), available at <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3101257> [hereinafter WASHINGTON, DC, CASE STUDY]; see generally FISHER, *supra* note 103.

109. See Feldman, *supra* note 99, at 41–42.

110. *Id.*

farms and require extensive traveling by farmers.¹¹¹ In addition, vendors often struggle to make a minimum amount of sales.¹¹² However, this can be addressed by partnering with local groups to provide farmers with incentives to consistently participate in these markets. One such incentive could be minimum sales guarantees until a market becomes established with higher participation rates.¹¹³

While placing farmers' markets who accept food aid dollars in food desert areas will not alone solve the problems of food deserts, they offer a unique opportunity to begin providing produce to these areas while offering benefits to farmers and an opportunity for communities to come together.

2. Economic Stimulus to Communities

In addition to increasing access to healthy foods, the expenditure of government aid dollars at farmers' markets can provide significant benefits to local communities. The aid dollars spent at farmers' markets provide economic stimulus to communities through the "multiplier effect."¹¹⁴ As noted in a Congressional Agricultural Subcommittee hearing, for every five dollars in new benefits expended in a community, over nine dollars is generated in economic activity.¹¹⁵ Especially in difficult economic times, it is important for cities and states to work to increase participation rates, as this aids both citizens in need and the community as a whole.¹¹⁶ As discussed at the beginning of this Note, many cities and states are foregoing millions of dollars of economic stimulus by not helping their citizens get the aid dollars they desperately need and for which they qualify.¹¹⁷ Indeed, more than one billion dollars in federal aid money was unclaimed by citizens who qualified for federal programs in 2008.¹¹⁸ Cities cannot afford to let

111. See, e.g., Madeleine Baran, *Mini Farmers Markets Thrive in Low-Income Minneapolis Neighborhoods*, MINN. PUB. RADIO (July 20, 2010), <http://minnesota.publicradio.org/display/web/2010/07/20/mini-farmers-markets-thrive-in-minneapolis>.

112. See, e.g., WASHINGTON, DC, CASE STUDY, *supra* note 108, at 6–7.

113. *Id.*

114. *Hearing to Review Federal Nutrition Programs: Hearing Before the Subcomm. on Dep't Operations, Oversight, Nutrition, & Forestry of the H. Comm. on Agric.*, 111th Cong. (2010) (statement of Lisa J. Pino, Deputy Administrator, Supplemental Nutrition Assistance Program, Food and Nutrition Service, USDA); SNAP ACCESS IN URBAN AMERICA, *supra* note 6, at 8.

115. *Hearing to Review Federal Nutrition Programs*, *supra* note 114.

116. *See id.*

117. See SNAP ACCESS IN URBAN AMERICA, *supra* note 6, at 8, 11 (for a list of cities and counties, and estimated unclaimed benefits for each).

118. *Id.*

these benefits go unclaimed, and should not abide allowing their citizens to go hungry when food aid is available.¹¹⁹

It is important to note that when citizens claim the benefits for which they qualify, the multiplier economic stimulus effect, at least in part, would occur regardless of whether such dollars were spent at a local farmers' market or a national chain grocer.¹²⁰ Despite this, cities and counties have reason to prefer that citizens spend food aid dollars at local farmers' markets rather than national retailers.¹²¹ When citizens spend their food aid dollars at local farmers' markets, the economic stimulus is more likely to stay within the community rather than be exported to retailers' national headquarters.¹²² This captured economic stimulus can then be reinvested in the local community. An example of the powerful effect this type of economic stimulus can have is found in Iowa, where one study found that "each dollar spent at farmers' markets in Iowa generated fifty-eight cents in induced and indirect income in the surrounding community, and that each full-time equivalent job created by a farmers' market supported almost half of an additional full-time equivalent job in other sectors of the economy."¹²³ Thus, it is clear that one benefit of farmers' markets accepting food aid dollars can be increased economic stimulus.

3. *Beneficial Impacts on Local Farmers*

Farmers' markets in general, and the increased customer base that accepting various food aid programs at farmers' markets creates, are beneficial to farmers.¹²⁴ These programs provide an increased opportunity for direct marketing and reduce costs to both the consumer and farmer by eliminating the majority of intermediary costs.¹²⁵ It is important to note that the additional marketing oppor-

119. See *Hearing to Review Federal Nutrition Programs*, *supra* note 114 (prepared statement of Claudia Page, Co-Director, The Center to Promote HealthCare Access) (noting that the new One-e-App program, simplifying the application process for food stamps, has resulted in a fifty million dollar increase in economic activity in local communities in the state of Arizona).

120. See SNAP ACCESS IN URBAN AMERICA, *supra* note 6, at 8 (explaining "multiplier effect" of benefits).

121. See, e.g., Megan Galey & A. Bryan Endres, *Food Fight! The Legal Debate Over the Obesity Epidemic, Food Labeling, and the Government's Involvement in What You Eat*, 17 NEXUS: CHAPMAN'S J. L. & POL'Y 3, 9–10 (2012).

122. See *id.*

123. *Id.*

124. See NADOVICH & METRICK, *supra* note 97, at 1.

125. NEIL D. HAMILTON, THE LEGAL GUIDE FOR DIRECT FARM MARKETING 13, 22, 25 (1999). Direct marketing is the marketing of agricultural commodities at any marketplace (including, but not limited to, roadside stands, city markets, and vehicles used for house-to-house marketing of agricultural commodities) established and maintained for the purpose of enabling farmers to

tunities provided by farmers' markets are significant. Professor Neil Hamilton highlighted just how significant direct marketing sales from farmers' markets can be, noting that an Iowa Department of Agriculture and Land Stewardship survey found that "Iowa's 223 farmers' markets contributed close to [sixty] million [dollars] in direct sales and an additional [twelve] million [dollars] in personal income to Iowa's economy."¹²⁶ Hamilton also notes that farmers benefit from farmers' market sales, including those from government food aid dollars, by providing an influx of "urban" money for reinvestment in rural areas as well as providing opportunities for beginning farmers.¹²⁷

4. *Unanticipated Benefits*

A number of organizations offer incentive programs to government food aid recipients if they redeem benefits at farmers' markets.¹²⁸ The access to fresh produce that farmers' markets provide is a benefit in itself, but these incentive programs provide an even more significant benefit. By providing incentives, such as doubling a food aid recipient's dollars for farmers' market purchases,¹²⁹ the community shows its support for healthy eating, and those in need are able to afford healthier food. One study found a statistically significant difference in sales among farmers' markets that offered incentives as compared to those farmers' markets that simply accepted SNAP benefits.¹³⁰ From a public policy standpoint, such incentives are very desirable because they further the goal of provid-

sell (either individually or through a farmers' organization directly representing the farmers who produced the commodities being sold) their agricultural commodities directly to individual consumers, or organizations representing consumers, in a manner calculated to lower the cost and increase the quality of food to such consumers while providing increased financial returns to the farmers. *Id.*

126. Neil D. Hamilton, *Farms, Food, and the Future: Legal Issues and Fifteen Years of the "New Agriculture,"* 26 J. ENVTL. L. & LITIG. 1, 8 (2011).

127. *Id.* at 9.

128. See SUZANNE MCNUTT ET AL., FOOD & NUTRITION SERV., USDA, NUTRITION ASSISTANCE IN FARMERS MARKETS: UNDERSTANDING CURRENT OPERATIONS—FORMATIVE RESEARCH FINDINGS 10 (2012), available at <http://www.fns.usda.gov/sites/default/files/FarmersMarkets.pdf>; see also, e.g., *Double Value Coupon Program (DVCP)*, WHOLESOME WAVE, <http://wholesomewave.org/dvcp/> (last visited April 9, 2014); *Fresh Exchange: A Market Money Matching Program For SNAP Recipients*, PORTLAND FARMERS MARKET, <http://www.portlandfarmersmarket.org/index.php/programs-and-services/snap-participants/> (last visited April 9, 2014).

129. See MCNUTT, *supra* note 128, at 10; see also, e.g., *Double Value Coupon Program (DVCP)*, *supra* note 128; *Fresh Exchange: A Market Money Matching Program For SNAP Recipients*, *supra* note 128.

130. MASS. DEP'T. OF AGRIC. RES., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS AT MASSACHUSETTS FARMERS' MARKETS: PROGRAM EVALUATION 10 (2011), available at <http://www.mass.gov/eea/docs/agr/markets/farmersmarkets/snap-program-evaluation.pdf>.

ing access to healthy, nutritious foods while stretching government funds in difficult economic times. Examples of the various types of incentives offered throughout the country include the Double Value Coupon Program, offered by Wholesome Wave, and Fresh Exchange, offered by the Portland Farmers' Market, which both provide additional or matching funds for each SNAP dollar spent at local farmers' markets.¹³¹

A. Shortcomings of and Obstacles to the Programs

Even if we accept that the programs discussed provide a benefit to farmers, the community, and government aid recipients, there are still significant barriers to the redemption of aid dollars at farmers' markets. A few of these barriers will be discussed below.

1. Seasonal Duration

While farmers' markets offer increased access to fruits and vegetables for some low-income individuals, the acceptance of food stamps at farmers' markets is not a complete solution. One significant flaw in the program is that it has a limited duration each year.¹³² Most farmers' markets operate on a seasonal basis from sometime in the spring, often around May or June, into the fall, typically October.¹³³ Assuming a market operates from May 1st to October 31st, the total farmers' market season would only last six months. For the typical government food aid recipient, a farmers' market is not a viable option to provide fresh produce for the majority of the year. It should be recognized that some farmers' markets, however, are doing an excellent job expanding at least partial services through a larger portion of the year.¹³⁴ Despite the exceptional efforts of these farmers' markets, it is largely impossible in most regions for farmers' markets to be a consistent, year-round provider of fresh fruits and vegetables. Even those farmers' markets that have an extended season have limited options during Win-

131. See McNUTT, *supra* note 128; see also *Double Value Coupon Program (DVCP)*, *supra* note 128; *Fresh Exchange: A Market Money Matching Program For SNAP Recipients*, *supra* note 128.

132. Feldman, *supra* note 99, at 43.

133. See, e.g., Erin Chan Ding, *Chicago Farmers' Markets Open For Season*, HUFFINGTON POST (May 10, 2011), http://www.huffingtonpost.com/2011/05/10/chicago-farmers-markets-o_n_860189.html#s279281&title=Green_City_Market,Logan_Farmers'_Market_in_Chicago_ran_from_June_5th_to_October_30th_in_the_2011_farmers'_market_season. *Id.*

134. See, e.g., *General Info*, DES MOINES FARMERS' MARKET, <http://desmoinesfarmersmarket.com/general-info/> (last visited April 9, 2014). The Des Moines Farmers' Market is open from May to October, with a winter market in November and December. *Id.*

ter months. This is a serious problem if the aim of government aid programs is to consistently increase access to healthy foods for those receiving government aid. The seasonal nature of farmers' markets necessitates that farmers' markets be only a small part of the solution to the access problems of lower income recipients of government food aid dollars.

2. *Access Problems in Bigger Cities Without Farmers' Markets*

As discussed earlier, despite the fact that many farmers' markets accept food aid dollars, many citizens still do not have access to them. Farmers' markets are often located on the fringe of town or in other areas which may not be geographically convenient for food aid recipients. This can result in a lower redemption rate than would exist if farmers' markets were more accessible. This particular problem is intimately connected to the transportation difficulties discussed below.

3. *Transportation*

A substantial barrier to redemption of food aid benefits at farmers' markets is a lack of adequate transportation. Several organizations have cited a lack of transportation as a contributing factor to low participation and or redemption rates.¹³⁵ If recipients cannot make their way to a farmers' market that accepts their benefits, then the fact that the farmers' market accepts aid dollars is irrelevant. Thus, the success of the farmers' market food aid programs is largely dependent on the outside factor of available transportation. One study conducted by the USDA collaborating with a local Pennsylvania institution found that redemption rates for seniors who were provided with free transportation did increase, but low WIC recipient redemption rates seemed driven by other factors.¹³⁶ If programs such as the WIC FMNP or SFMNP are going to succeed, additional money may be required to fund transportation for aid recipients.

4. *Cost of Items at Farmers' Markets*

Another possible problem associated with food aid recipients purchasing their food at farmers' markets is that they may be a more expensive source of fruits and vegetables than a local grocery store.¹³⁷ Several recent studies, howev-

135. NADOVICH & METRICK, *supra* note 97, at 1; FISHER, *supra* note 103, at 6.

136. NADOVICH & METRICK, *supra* note 97, at 10.

137. Feldman, *supra* note 99, at 43.

er, have found that this commonly held belief is not necessarily true.¹³⁸ Depending on what consumers are purchasing, farmers' markets often offer prices similar to or only slightly higher than those found in grocery stores and beat grocery store prices on many items, particularly organic items.¹³⁹ For example, one study found that the local farmers' markets offered better prices for non-organic cantaloupe, cucumbers, lettuce, and peas, while offering comparatively more expensive prices for eggs and potatoes.¹⁴⁰ Farmers' markets are also more likely to have higher quality produce, which, when considered with the many other benefits of shopping at a farmers' market rather than a brick and mortar grocery store, may be worth a small price increase. In the end, the price comparison between farmers' markets and grocery stores is heavily dependent on the items purchased, the purchaser's preference for organic vs. non-organic items, and the individual market's location.

5. *Difficulties with the EBT System*

In a conversation about farmers' markets' acceptance of food aid dollars, one would be remiss in failing to discuss the use of EBT machines as the vehicle to accept these benefits. In theory, EBT machines can make the redemption of food aid benefits at farmers' market easier for recipients since their benefits are typically pre-loaded onto their EBT cards.¹⁴¹ In practice, however, the transition to EBT has been a rather rocky one, with many farmers' markets lacking the resources to purchase adequate numbers of the machines.¹⁴² The USDA is working to correct this issue and has recently expended significant sums to aid farmers' markets in the purchase of machines, and also provided free machines to some farmers' markets.¹⁴³ This Note will not attempt to provide comprehensive cover-

138. See, e.g., JAKE CLARO, NE. ORGANIC FARMING ASS'N OF VT., VERMONT FARMERS' MARKETS AND GROCERY STORES: A PRICE COMPARISON 27 (2011), available at <http://nofavt.org/sites/default/files/NOFA%20Price%20Study.pdf>.

139. See *id.* at 10, 27.

140. *Id.* at 8.

141. EMILY BROAD ET AL., HARVARD LAW SCH. MISS. DELTA PROJECT, FOOD ASSISTANCE PROGRAMS AND MISSISSIPPI FARMERS MARKETS 4 (2010), available at <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/Mississippi-Farmers-Markets-Food-Assistance-Benefits-FORMATTED.pdf>.

142. See *id.* at 2, 11 (listing some of the innovative solutions states have taken to provide access to EBT terminals in order ensure government aid benefits can be accepted in their respective farmers' markets).

143. Memorandum from Andrea Gold, Dir., Benefit Redemption Div., Food & Nutrition Serv., USDA, to Regional SNAP & Field Operations Dirs. (May 2, 2012), available at http://www.fns.usda.gov/snap/rules/Memo/2012/FM_051112.pdf. In 2012, the USDA announced

age of the EBT system, as it is a complicated issue too broad in scope to include. However, it is important that readers understand that EBT terminals and the problems inherent in using them in an environment such as a farmers' market present a serious barrier to the redemption of food aid benefits at farmers' markets.¹⁴⁴ The benefits of EBT machines, assuming a market is able to procure one, is that there may be less stigma associated with EBT card purchases, as it appears to be a traditional credit transaction.¹⁴⁵

IV. CONTINUED USE OF GOVERNMENT FUNDED BENEFITS AT LOCAL FARMERS' MARKETS; RECOMMENDATIONS

It appears that the various programs discussed in this Note are performing well, but as with anything, there is always room for improvement. This section offers recommendations on how to improve these programs. One difficulty inherent in these particular government programs is that they are very dependent on the local farmers' markets for their success. This dependency requires that the agencies administering these programs collaborate with local farmers' markets. When providing grant money to various farmers' markets to carry out the programs, the USDA should make information regarding the successes and failures of the program in other farmers' markets available. In addition, the program needs to continue to expand to additional counties and states. There are many states that have chosen not to participate in the program. Perhaps these groups are unwilling to provide the small amount of local funds necessary to participate, or they may not be aware of the program. Additional studies need to be done to pinpoint why these states and local communities, often with farmers' markets already in place, have chosen not to participate. Finally, the single most significant thing that can be done to improve the programs discussed is to continue to increase access to wireless EBT machines. The cost of the machines continues to prevent farmers' markets from participating in accepting food aid dollars. Increased access in this area will encourage increased participation by both farmers' markets and food aid recipients.

Many of the changes which would be the most beneficial to these programs are largely dependent on the communities in which farmers' markets are

an additional four million dollars to be spent on providing more EBT terminals to U.S. farmers' markets currently not accepting food aid benefits. *See id.*

144. See Alfonso Morales & Gregg Kettles, *Healthy Food Outside: Farmers' Markets, Taco Trucks, and Sidewalk Fruit Vendors*, 26 J. CONTEMP. HEALTH L. & POL'Y 20, 40 (2009) (noting the infrastructure attendant with food aid programs is more suited to indoor retailers).

145. FISHER, *supra* note 103, at 43.

located. These communities can help make the government food aid programs a success while improving their communities. Efforts to increase advertising about the programs and to provide free or affordable transportation to farmers' market locations can increase redemption rates.¹⁴⁶ Additional community efforts such as incentive programs discussed earlier in this Note can also increase redemption rates. Finally, farmers' markets in wealthier areas can reach out to those in lower-income areas and aid them in administration, organization, and, if possible, subsidization.¹⁴⁷

From an academic perspective, additional research should be done on how to best reach recipients of government food aid benefits and the best practices for low-income markets in particular.

V. CONCLUSION

One would be naïve to think that farmers' markets' acceptance of food aid dollars could possibly remove all the barriers government food aid recipients face in accessing healthy food. Farmers' markets' acceptance of food aid dollars does not guarantee that recipients will have the transportation to redeem their benefits, access to a farmers' market, or even the knowledge to cook the healthy food procured if one made it to such a market.¹⁴⁸ Additionally, farmers' markets can be expensive and only provide seasonal access. Despite these problems, it is this author's conclusion that the acceptance of government food aid at farmers' markets is absolutely a beneficial policy. These programs are certainly not a complete solution, no solitary program is; the truth is that no single program can address obesity, food deserts, and the generally unhealthy lifestyles of Americans of all income levels. If such a perfect solution existed, this nation would not be facing an obesity epidemic.¹⁴⁹ No, these programs are not a complete solution, but they are still a solution.

These programs provide lower income people the opportunity to access fresh fruits and vegetables, oftentimes multiplying food aid benefits through incentive programs making stretched budgets a little more bearable. These pro-

146. See HEATHER HARTLINE-GRAFTON ET AL., FOOD RESEARCH & ACTION CTR., A REVIEW OF STRATEGIES TO BOLSTER SNAP'S ROLE IN IMPROVING NUTRITION AS WELL AS FOOD SECURITY 10 (2011), available at <http://frac.org/wp-content/uploads/2011/06/SNAPstrategies.pdf> (for suggestions on how communities can aid in increasing success of programs like WIC FMNP, SFMNP, and the SNAP program).

147. See FISHER, *supra* note 103, at 41–42.

148. See *id.* at 4–6 (describing issues of food preparation knowledge and shopping habits being hurdles to maximization of healthy food program benefits).

149. See Paul A. Diller, *Combating Obesity with a Right to Nutrition*, 101 GEO. L.J. 969 (2013).

grams offer the promise of putting healthier food within reach for government food aid recipients when for far too long it has been out of reach for either geographic reasons, economic reasons, or both. They also offer communities the promise of economic stimulus, and farmers the opportunity to sell their food directly to people in their community.

SNAP, SFMNP, and WIC FMNP are innovative programs which serve to benefit all parties involved; however, as chronicled above, these programs face significant challenges and will need the support of outside organizations to help them function as effectively as possible. This means organizations such as Wholesome Wave, whose Double Value Coupon Program doubles the purchasing power of aid recipients,¹⁵⁰ will need to continue their laudable efforts, while others will need to step up to the plate to help their fellow neighbor, their local farmer, and their community. The SNAP, SFMNP, and WIC FMNP programs are making significant progress in providing increased access to healthy, nutritious food, as well as providing direct access for local farmers to an increased customer base, while strengthening local communities by keeping the economic stimulus in the local community. With the aid of local communities, non-profits, and caring citizens, these innovative programs promise increased effectiveness as a tool in the fight against hunger and food insecurity in America.

150. *Double Value Coupon Program (DVCP)*, *supra* note 128.