

FAMILY FARMS: A DIME A DOZEN? THE IMPORTANCE OF NARROWING THE FAMILY FARM DEFINITION

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I. INTRODUCTION

For many United States consumers and agriculture producers, family farms are considered the cornerstone of the agriculture industry.¹ What began as settlers traveling west to develop uninhabited land into pasture for cattle to graze upon or fields for corn to grow has now developed into a \$1.055 trillion industry.² Across the country, generation after generation of agriculturists chose to continue pursuing the livelihood that their ancestors practiced centuries ago.³ However, over the past century the American agriculture sector has seen a shift in production practices, which have impacted the size and number of farms across the nation.⁴

Since the early 20th century, the number of total United States farms has declined by 63%.⁵ As expected, the labor force employed within the agriculture industry has dramatically decreased as well.⁶ Today, fewer than 2% of the total employed labor force within the country works within the agriculture sector, as compared to 41% in 1900.⁷ Because fewer farms and farm laborers must yield enough agricultural products to sustain the food supply chain in the United States and other countries, farm sizes have increased significantly.⁸ In many cases, the small parcel or farmette owned by a family for centuries is now, on average, 67% larger than it was at the beginning of the 20th century.⁹ Nonetheless, family-centered farms of all sizes remain active participants in the American agriculture industry.¹⁰

1. Grant Lingel, *Family Farms and the Rise of Industrial Agriculture*, SENTIENT MEDIA (Mar. 17, 2020), <https://sentientmedia.org/family-farms-and-the-rise-of-industrial-agriculture/> [<https://perma.cc/X525-2M8D>]; see also Sara Spaventa, *The History – and Future – of American Family Farms*, FARMTOGETHER (July 9, 2020), <https://farmtogether.com/learn/blog/the-history-and-future-of-american-family-farms> [<https://perma.cc/6JJ5-6CNC>]; see also Carl C. Taylor, *The Family Farm in the New Society*, 19 RURAL SOCIO. 271, 273 (1954).

2. *Ag and Food Sectors and the Economy*, U.S. DEP'T OF AGRIC. (Feb. 24, 2022), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/> [<https://perma.cc/X8ZE-YSPA>].

3. Lingel, *supra* note 1.

4. CAROLYN DMITIRI ET AL., U.S. DEP'T OF AGRIC., ECON. INFO. BULL. NO. 3, THE 20TH CENTURY TRANSFORMATION OF U.S. AGRICULTURE AND FARM POLICY 2 (June 2005), https://www.ers.usda.gov/webdocs/publications/44197/13566_eib3_1_.pdf [<https://perma.cc/2S4J-QWLK>].

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

Family-run businesses are prevalent across the world, especially in the United States.¹¹ The American agriculture industry is heavily dominated by such businesses – as illustrated by the number of family farms scattered across the country.¹² The perception of such businesses generates ideas of small, locally-based companies that focus on succession of the business (or farm in this case).¹³ The United States Department of Agriculture (USDA) Economic Research Service (ERS) proudly boasts that almost 96% of the 2,204,792 farms across the country fall under the family farm definition.¹⁴ This USDA ERS definition describes a family farm as “any farm organized as a sole proprietorship, partnership, or family corporation. Family farms exclude farms organized as nonfamily corporations or cooperatives, as well as farms with hired managers.”¹⁵

Other studies and some organizations—such as American Farm Bureau Federation—claim that up to 98% of farms are operated by farm families.¹⁶ So how many United States farms are actually “family” farms? This question has generated confusion for decades because the definition of a family farm remains widely interpreted across federal, state, and public forums.¹⁷

Unfortunately, for some producers, the confusion and inaccuracies surrounding the definition negatively translate into numerous aspects of their businesses.¹⁸ The implications of an inaccurate definition are far-reaching. Those inaccuracies affect numerous facets of the industry, including government funding, marketing,

11. James M. MacDonald, *Family Farming in the United States*, U.S. DEP’T OF AGRIC. (Mar. 4, 2014), <https://www.ers.usda.gov/amber-waves/2014/march/family-farming-in-the-united-states/> [<https://perma.cc/ZH8Z-VQN7>].

12. *Id.*

13. Nicholas Kachaner et al., *What You Can Learn from Family Business*, HARV. BUS. REV. (Nov. 2012), <https://hbr.org/2012/11/what-you-can-learn-from-family-business> [<https://perma.cc/P8LB-JGLK>].

14. *Family Farms*, U.S. DEP’T OF AGRIC. (Apr. 17, 2022, 5:44 PM), <https://nifa.usda.gov/family-farms> [<https://perma.cc/NEU9-DEEF>].

15. *Id.*

16. Christine White, *A Look at America’s Family Farms*, U.S. DEP’T OF AGRIC. (July 29, 2021), <https://www.usda.gov/media/blog/2020/01/23/look-americas-family-farms> [<https://perma.cc/75Y5-UYHF>]; see also *Fast Facts About Agriculture & Food*, FARM BUREAU (Apr. 17, 2022, 4:25 PM), <https://www.fb.org/newsroom/fast-facts> [<https://perma.cc/L9FA-5A92>].

17. See Kent Thiesse, *The Definition of a Family Farm*, THEFARMER (Mar. 26, 2021), <https://www.farmprogress.com/farm-business/definition-family-farm> [<https://perma.cc/H8DS-9E9C>].

18. Molly Hunter, *When Being a Family Farm Doesn’t Mean Squat in the Government’s Eyes*, IOWAWATCH (Sep. 16, 2018), <https://www.iowawatch.org/2018/09/16/family-farms/> [<https://perma.cc/737D-AD4N>].

and overall farm sustenance.¹⁹ Farm subsidy procurement, networking that leads to business growth, consumer perception, business patronage, and opportunities for small farms are diminished when a broad, inaccurate definition is applied to all farms.²⁰

Narrowing the USDA ERS's definition would allow smaller farms to receive the support of the general public, policymakers, and state legislatures. A narrowed definition may clarify confusion in the industry surrounding the family farm characterization, as well as provide context to consumers about where their food actually comes from. Furthermore, such a definition would provide opportunities to farms allowing them to remain operational for generations.

II. HISTORY OF FAMILY FARM DEFINITIONS

The term "family farm" originated in post-World War II America.²¹ One of the earliest definitions of family farm was published in 1944 by O.R. Johnson, a columnist for the *Journal of Farm Economics*.²² He defined the family farm as "provid[ing] for the family a satisfactory living and . . . unlike the highly commercialized farm, the farm depends largely on the labor and management of the farm with some exchange help from neighbors . . ." ²³ The expression was rarely used prior to the early 20th century; however, it quickly became a part of everyday language, earning special attention throughout the United States political scene.²⁴

This ever-changing perception has been influenced by current events – including cultural, economic, and political influences. Over the past century, family farm policy has played a central role in the political arena.²⁵ For better or worse, the attention politicians and government officials have given the phrase as they navigated the political waters surrounding the structure of American agriculture and farming production has inherently shaped the definition of the terminology.²⁶ Perhaps most illustrative of a fluctuating definition in response to current events is the use of the term by prominent political figures.

19. *Id.*

20. *Id.*

21. Shane Hamilton, *Agribusiness, the Family Farm, and the Politics of Technological Determinism in the Post-World War II United States*, 55 *TECH. & CULTURE* 560, 561 (2014).

22. Elizabeth Garner & Ana Paula de la O Campos, *Identifying the "Family Farm": An Informal Discussion of the Concepts and Definitions* (FAO OF THE UN, Working Paper No. 14-10, 2014), <https://www.fao.org/3/i4306e/i4306e.pdf> [<https://perma.cc/TMA2-86FN>].

23. *Id.*

24. Hamilton, *supra* note 21, at 561.

25. Anne Effland, *Small Farms/Family Farms: Tracing a History of Definitions and Meaning*, 95 *AGRIC. HIST.* 313, 324 (2021).

26. *Id.*

For example, during the Carter administration, a report produced by then-Secretary of Agriculture Bob Bergland emphasized that “small and medium-sized farms best represented the family farm of American values.”²⁷ The controversy surrounding the size of family farms continued to play a role in the 1980s following the national farm crisis.²⁸ Public debates revealed support for limiting the family farm terminology to describe only small and medium-sized farms.²⁹ During the 1990s, however, the passage of the North American Free Trade Agreement (NAFTA) diverted political support for small and mid-sized farms.³⁰

Recently, United States Senator Chuck Grassley, a Republican from Iowa, used the term family farm on his political platform.³¹ As evidenced by his opinion pieces, speeches, press releases, and announcements, the Senator’s use of the specific term was further confirmed by his then-communications director Michael Zona to be that of the USDA ERS definition.³² A 2017 opinion piece published on Senator Grassley’s website discussing the implications of the federal Tax Cut and Jobs Act on family farms uses the term frequently throughout the opinion piece.³³ However, Zona clarified that Senator Grassley “wouldn’t call general partnerships or joint ventures family farms.”³⁴ Even with qualification, throwing the phrase family farm around loosely contributes to the confusion surrounding the term.

As the goals and values of presidential administrations and politicians on both sides of the aisle shift over the years, the family farm definition has too. The definition has evolved immensely from its inception to today. As evidenced by the following interpretations of the term family farm, a large shift in the perception of the family farm has occurred across the country in the 21st century.³⁵ Currently, the USDA ERS definition appears to reflect the industry’s movement towards

27. *Id.*

28. *Id.*

29. *Id.* at 325.

30. Ben Lilliston, *NAFTA Renegotiation: What’s at Stake for Food, Farmers and the Land?*, INST. FOR AGRIC. & TRADE POL’Y (Aug. 15, 2017), <https://www.iatp.org/nafta-renegotiation> [<https://perma.cc/4WS7-XEKN>].

31. Hunter, *supra* note 18.

32. *Id.*

33. U.S. Senator Chuck Grassley of Iowa, *Grassley Op-Ed: Tax Reform for American Farmers and Agriculture*, QUAD-CITY TIMES (Dec. 17, 2017), <https://www.grassley.senate.gov/news/commentary/grassley-op-ed-tax-reform-american-farmers-and-agriculture> [<https://perma.cc/59HP-ZSBH>].

34. Hunter, *supra* note 18.

35. Garner & de la O Campos, *supra* note 22.

large-scale operations.³⁶ As the agriculture sector continues to become more polarized in support of either small or large farms, focusing on the following characteristics and interpretations may shed some light on how the USDA ERS definition is problematic to some family farmers across the country.

III. NARROWED DEFINITION CONSIDERATIONS & EXAMPLES

Unsurprisingly, there is not a single definition of family farm that anyone would point to when they think of what a family farm means to them.³⁷ To most, the definition has little effect on their daily lives, thus begging the question of why it matters. However, in the agricultural industry, the impact of the definition holds the potential to affect the ultimate success or failure of producers across the country. Unfortunately, selecting a single methodology for crafting a definition is not an easy task as “there is no hard-and-fast definition of a family farm.”³⁸ The USDA’s ERS explains:

[a] preferred definition of a family farm would allow for organizational changes in the way in which operators structure their farm businesses as they respond to changes in technology, the marketplace, and policies, but . . . still capture the general concept of a family farm in which a family unit maintains majority control and ownership.³⁹

A definition with the flexibility to accomplish the ERS’s ideal definition description has not yet been crafted. Presently, the USDA ERS defines a family farm as “any farm organized as sole proprietorship, partnership, or family corporation. Family farms exclude farms organized as nonfamily corporations or cooperatives, as well as farms with hired managers.”⁴⁰ This definition has a traceable impact on producers.⁴¹ Numerous consumers, media organizations, and pro-agriculture groups consistently cite the National Agricultural Statistics Service’s Census of Agriculture statistic regarding the prevalence of family farms in the United States agriculture industry, which reflects the USDA ERS’s current definition of a family

36. Gloria Dawson, *The Modern Farm Family*, MODERN FARMER (Aug. 14, 2013), <https://modernfarmer.com/2013/08/the-modern-family-farm/> [<https://perma.cc/2B58-XUZ8>].

37. See generally Efland, *supra* note 25, at 314-15; See also Thiesse, *supra* note 17.

38. *Glossary*, U.S. DEP’T OF AGRIC. (Apr. 17, 2022, 5:48 PM), <https://www.ers.usda.gov/topics/farm-economy/farm-household-well-being/glossary.aspx#familyfarm> [<https://perma.cc/L3B3-NNJS>].

39. *Id.*

40. *Family Farms*, *supra* note 14.

41. See generally Jaclyn Krymowski, *Perspective: Why Defining the Family Farm Matters*, AGDAILY (April 3, 2019), <https://www.agdaily.com/insights/defining-the-family-farm-matters/> [<https://perma.cc/5RKL-DCN7>].

farm.⁴² The statistic claims almost 96% of total American farms constitute family farms.⁴³ So few farms fall outside the definition because the USDA does not take into account farm business structure, finances, size, production mechanisms, familial relationships, and labor.⁴⁴

A. Farm Business Structure & Financial Considerations

Many organizations have narrowed their definitions to demonstrate their disapproval of large, corporate-like farms by excluding those entities from their adopted definitions.⁴⁵ Farm Aid, a nonprofit organization that is dedicated to keeping family farmers on their land, acknowledged the difficulties in creating an all-encompassing definition for family farms.⁴⁶ Ultimately, the nonprofit settled on the following: “a family farm [is] one where the farmer makes the management decisions, the family provides most of the farm labor and the farmer seeks to provide the bulk of his/her income through the farm operation. Non-family held corporations are excluded.”⁴⁷

Further, Congress has defined a family farmer in bankruptcy relief statute 11 U.S.C. § 101.⁴⁸ This definition varies depending upon whether the family farmer is an individual, a member of a corporation, or a partnership.⁴⁹ Nonetheless, the general definition provided for a family farmer within the statute consists of an “individual or individual and spouse engaged in a farming operation whose aggregate debts do not exceed \$10,000,000 and are not less than 50 percent of whose aggregate noncontingent, liquidated debts . . . arise out of a farming operation owned or operated by such individual or such individual and spouse . . . ”⁵⁰

42. See *Family Farms*, *supra* note 14; see generally Krymowski, *supra* note 41.

43. *Family Farms*, *supra* note 14.

44. Dan Nosowitz, *Under the USDA's Definition, 90 Percent of Iowa's Farms are "Family Farms,"* MODERN FARMER (Sep. 17, 2018), <https://modernfarmer.com/2018/09/under-the-usdas-definition-90-percent-of-iowas-farms-are-family-farms/> [<https://perma.cc/JT9Z-CUYS>]; see also *Family Farms*, *supra* note 14.

45. See Stephen Carpenter, *Family Farm Advocacy and Rebellious Lawyering*, 24 CLINICAL L. REV. 79, 83-84 (2017); *Who is a Family Farmer?*, FARM AID (May 6, 2008), <https://www.farmaid.org/blog/askfarmaid/who-is-a-family-farmer/> [<https://perma.cc/Q4NU-DVFK>] [hereinafter FARM AID].

46. FARM AID, *supra* note 45.

47. *Id.* (emphasis added).

48. 11 U.S.C. § 101 (2021).

49. *Id.*

50. *Id.*

Here, Congress has placed emphasis upon the business structure and has placed a monetary cap on its family farmer label.⁵¹ When comparing the definition included in 11 U.S.C. § 101 to the USDA definition, the agency's position of omitting annual gross income as a consideration to be applied to the term family farm seems contradictory.⁵² While it makes sense for Congress to include a financial designation for bankruptcy cases, the definition also affects farm finances because a family farm definition is included in the eligibility portion for farm loan applications overseen by the USDA.⁵³ As discussed below, the implications of financial programs administered by the USDA significantly affect the economics of producers just as the Congressional definition affects family farmers in bankruptcy cases.

Moreover, a handful of state legislatures have elected to define the term in their own way.⁵⁴ States vary in the approaches they have taken in regards to adopting broad versus narrow definitions of family farms.⁵⁵ For example, in Iowa, the definition of family farm varies depending upon the structure of the operation, yet all definitions have one characteristic in common: narrowness.⁵⁶ When defining "family farm corporation," the Iowa legislature included the purpose of the corporation, owner relationships, stockholder status, and a specific gross revenue percentage derivative from farming activities.⁵⁷ Iowa Code subsection 9H.1(9) defines a family farm corporation as a corporation:

founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by the majority of the stockholders are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal decedents of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related . . . 58

Some states have gone so far as to adopt anti-corporate farming legislation that creates barriers for nonfamily farming operations to obtain land or even

51. *Id.*

52. *See generally id.*; *Glossary, supra* note 38.

53. *See Farm Ownership Loans*, U.S. DEP'T OF AGRIC. (Apr. 17, 2022, 5:47 PM), <https://www.fsa.usda.gov/programs-and-services/farm-loan-programs/farm-ownership-loans/index> [<https://perma.cc/KMD8-KHA8>].

54. A. Bryan Endres et al., *The Legal Needs of Farmers: An Analysis of the Family Farm Legal Needs Survey*, 71 MONT. L. REV. 135, 138 (2010).

55. *Id.*

56. IOWA CODE § 9H.1(9) (2020); *See also id.*

57. § 9H.1(9).

58. *Id.*

engage in agricultural practices within their state.⁵⁹ By enacting such statutes, these states are putting protective measures in place to serve as a safeguard for “the economic viability of family farms in light of the threats from competition with corporate-owned or corporate-managed farms.”⁶⁰ Currently, nine states have enacted anti-corporate farming laws within their borders.⁶¹ These states include Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin.⁶²

In Minnesota, a corporate farming law prohibits specific legal entities, such as corporations or limited liability companies, from owning agricultural lands or farming practices with the purpose of “encourag[ing] and protect[ing] the family farm.”⁶³ Minnesota Statute § 500.24(3)(b) defines a family farm as “an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.”⁶⁴ These statutory restrictions limiting the ability of certain legal entities to farm or control agricultural lands within a state were specifically designed and enacted to protect family farms of small or medium size.⁶⁵ As currently written and applied, the Minnesota statute would specifically exclude a large portion of the agricultural entities that would be classified as family farms under the USDA definition.⁶⁶

Two states—Nebraska and Oklahoma—have even gone so far as to codify the anti-corporate farming provisions in their state constitutions.⁶⁷ Before being repealed, Article XII of the Constitution of the State of Nebraska provided that “[n]o corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming

59. See generally PHILLIP K. KUNKEL & JEFFREY A. PETERSON, RESTRICTIONS ON FARM ENTITIES, UNIV. OF MINN. EXTENSION (Apr. 2020), https://conservancy.umn.edu/bitstream/handle/11299/213026/Restrictions_on_Farm_Entities%20v1_FINAL.pdf?sequence=3 [<https://perma.cc/2DDG-AGTK>].

60. *Corporate Farming Laws – An Overview*, NAT’L AGRIC. L. CTR. (Apr. 17, 2022, 4:59 PM), <https://nationalaglawcenter.org/overview/corporatefarminglaws/> [<https://perma.cc/7QCJ-8JLF>].

61. *Id.*; see also IOWA CODE § 9H.4; KAN. STAT. ANN. § 17-5904 (2022); MINN. STAT. ANN. § 500.24(3)(b) (2017); MO. REV. STAT. § 350.15 (2021); NEB. CONST. art. XII, § 8(1); N.D. CENT. CODE § 10-06.1-02 (2021); OKLA. CONST. art. XXII, § 2; S.D. CODIFIED LAWS § 47-9A-3 (2021); WIS. STAT. § 182.001 (2021).

62. *Corporate Farming Laws – An Overview*, *supra* note 60.

63. KUNKEL & PETERSON, *supra* note 59.

64. MINN. STAT. § 500.24(2)(b); See generally *id.*

65. See generally KUNKEL & PETERSON, *supra* note 59.

66. See MINN. STAT. § 500.24; see also *Family Farms*, *supra* note 14.

67. See NEB. CONST. art. XII, § 8(1); OKLA. CONST. art. XXII, § 2.

or ranching in this state, or engage in farming or ranching.”⁶⁸ This anti-corporate farming law is considered to be the most stringent in the nation.⁶⁹ The law, known as Initiative 300, was adopted through a public referendum that resulted from animosity surrounding corporate feedlots.⁷⁰ Rationale for such a provision has been argued to “level the playing field” amongst small and large farms located within the state.⁷¹ While it is difficult to quantify whether the constitutional amendment has achieved the desired effect, studies have shown that small-scale feedlots are more prevalent in Nebraska than in neighboring states, indicating that the anti-corporate model may be working in this specific instance.⁷²

While the USDA ERS definition includes a consideration of farm structure, some argue that consideration is much too broad. As currently written, the definition includes three organizational structures: sole proprietorships, partnerships, and family corporations.⁷³ A family corporation is defined under the 11 U.S.C. § 101 bankruptcy statute as a corporation with “more than 50 percent of the outstanding stock or equity . . . held by one family, or by one family and the relatives of the members of such family . . .”⁷⁴ Furthermore, the statute places limitations on the corporation’s stock as it may not be publicly traded to qualify as a family corporation.⁷⁵ As evidenced by the definitions above, the inclusion of the family corporation business structure in the USDA ERS definition may be a contributing factor to the distorted perception of family farms. By clearly defining the term or removing this phrasing from the definition, the confusion surrounding the term could potentially be resolved.

B. Farm Size & Production Mechanisms

In the modern era, some terms, including “small” or “family,” have become interchangeable in the public’s general understanding of family farms.⁷⁶ Advocacy groups urge operation size is one of the most imperative considerations to be acknowledged in the definition.⁷⁷ Assumptions regarding the general characteristics of small and mid-sized farms are often made both in and out of the agriculture

68. NEB. CONST. art. XII, § 8(1).

69. John R. Schroeter et al., *Anti-Corporate Farming Laws and Industry Structure: The Case of Cattle Feeding*, 88 AM. J. AGRIC. ECON. 1000, 1001 (2006).

70. *Id.*

71. *Id.*

72. *Id.*

73. *Family Farms*, *supra* note 14.

74. 11 U.S.C. § 101(18)(B) (2018).

75. *Id.*

76. Effland, *supra* note 25, at 313.

77. *See* Hunter, *supra* note 18.

industry.⁷⁸ For example, in a study produced by the Iowa Center for Public Affairs Journalism, the organization places emphasis on farm size when narrowing the definition for their study.⁷⁹ In their narrowed definition, the news organization assumes the general characteristics of a small or mid-sized farm to include independent, family-owned operations as small as 250 acres or as large as 1,400 acres.⁸⁰ The study also assumes that such operations generally refrain from hiring farm laborers.⁸¹ The author of the article explaining the study even admits applying a narrowed definition is not perfect, but that the definition reflects the perception Iowans embrace of family farms operating within their state.⁸²

Large farms have quickly become the major players of the agricultural industry, with small and mid-sized farms being forced to take the backseat. As revealed by the National Agricultural Statistics Service's Census of Agriculture, "[m]ost of the U.S. domestic production of food and fiber comes from relatively few large operations."⁸³ Large and very large farms turned out "over 63 percent of the value of all products sold."⁸⁴ A 2021 study released by the USDA revealed the majority of cotton, dairy, and high-value crops are produced on large-scale family farms.⁸⁵ Thus, advocates for a narrowed definition argue size and production quantity should be taken into account when considering whether a farm remains a family farm.⁸⁶

C. Familial Relationships

While there are many considerations as to whether an operation falls under the family farm definition, to some the family portion of the definition should be the deciding factor.⁸⁷ Despite the family portion of the definition appearing straightforward, questions arise as to who constitutes a member of the family.⁸⁸

78. *See id.*

79. *See id.*

80. *Id.*

81. *Id.*

82. *See id.*

83. *Family Farms*, *supra* note 14.

84. *Id.*

85. CHRISTINE WHITT ET AL., U.S. DEP'T OF AGRIC., ECON. INFO. BULL. NO. 231, AMERICA'S DIVERSE FAMILY FARMS 6 (Dec. 2021), <https://www.ers.usda.gov/webdocs/publications/102808/eib-231.pdf?v=3433.2> [<https://perma.cc/GS79-F5SF>].

86. STEPHEN CARPENTER, FARMER'S LEGAL ACTION GRP., THE RELEVANCE OF FAMILY FARMS TODAY 2 (2013), http://www.flaginc.org/wp-content/uploads/2013/03/CLE_SC.pdf [<https://perma.cc/T4ZJ-4ASY>].

87. *See id.* at 3.

88. Garner & de la O Campos, *supra* note 22.

Should in-laws, step-relatives, and distant lineal decedents be considered family too? What about an ownership partner who is not related by blood but is considered to be a member of the primary producer's family? Clarification questions plague supporters of a narrowed definition focusing solely on familial relationships.

Family ties and a generational link amongst the individuals owning and operating the farm have previously been cited in family farm definitions used across many platforms.⁸⁹ These definitions “conceiv[e] the farm as a unit of succession or as a source of inheritance within the family.”⁹⁰ Wikipedia defines a family farm as “a farm owned and/or operated by a family; it is sometimes considered to be an estate passed down by inheritance.”⁹¹ Unfortunately, this definition perpetuates stigmas and barriers for new and beginning farmers who are not fortunate enough to inherit land from their relatives, potentially narrowing the definition too much.

Other definitions require marriage or blood among farm owners or managers to qualify as family farms.⁹² The USDA ERS requires a family consist of “individuals related by blood, marriage, or adoption.”⁹³ Former Associate Director for the Farm Foundation, Joseph Ackerman, emphasized the importance of including close familial relationships in a family farm definition.⁹⁴ He argued:

[t]he farm home is an integral part of the farm business . . . There is a feeling of security and family stability on the family farm. Members of the family have a better chance to plan and work together under than under any other kind of experience. Family farms offer a favorable environment for rearing children . . .⁹⁵

This sentiment reflects the traditional view of farming operations. Emphasizing the relationships between family members brings the definition back to its roots and encompasses American ideologies.

D. Farm Labor

The USDA ERS admits that a historical and well-known characteristic of family farms is the common practice of family members to “provide all of the labor

89. *See id.*

90. *Id.*

91. *Family Farm*, WIKIPEDIA (Apr. 17, 2022, 5:53 PM), https://en.wikipedia.org/wiki/Family_farm [<https://perma.cc/HD3T-TNLJ>].

92. Garner & de la O Campos, *supra* note 22.

93. *Glossary*, *supra* note 38.

94. JOSEPH ACKERMAN & MARSHALL HARRIS, *FAMILY FARM POLICY* 208 (Univ. of Chi. Press 1947).

95. *Id.*

for the farm and to own all of the land and capital of the farm.”⁹⁶ The current Merriam-Webster Dictionary defines a family farm as “a farm on which the farmer and members of his family do a substantial part of the work.”⁹⁷ Similarly, the Farmers’ Legal Action Group, Inc. (FLAG), a nonprofit law firm that advocates on behalf of family farmers, considers an operation to constitute a family farm if “a large proportion of the labor on the farm is performed by people within the family—no matter how [their] clients define their own families.”⁹⁸ These definitions specifically focus on the individuals or parties completing the necessary tasks that keep the farm functioning, rather than the characteristics of the operation.

Comparably, in the Consolidated Farm and Rural Development Act, Congress adopted the family farm definition set forth in § 761.2, title 7 of the Code of Federal Regulations.⁹⁹ Enacted in 1961 as the Consolidated Farmers Home Administration Act for the purpose of expanding the breadth of rural lending and grant programs overseen by the USDA, the Act has since been renamed and amended numerous times, with the most recent amendments occurring in 2018.¹⁰⁰ As set forth in the Code, the definition of a family farm includes considerations of the production of agricultural commodities and their quantities, the relationship between the borrowers and operators of the day-to-day tasks, but places a considerable amount of emphasis upon the individuals laboring on the farm, including temporary and seasonal hires, and evaluates the quantity of work being provided on the operation by the laboring individuals.¹⁰¹ Many proponents of focusing on this version of a narrowed definition argue a focus on farm labor addresses the root of the family farm definition confusion, while allowing some flexibility as to farm composition.¹⁰²

IV. IMPLICATIONS

The USDA’s definition, on its face, appears to be all-inclusive. As previously alluded to, a broader definition of family farms has the potential to exert severe

96. *Glossary*, *supra* note 38.

97. *Family farm*, MERRIAM-WEBSTER DICTIONARY (11th ed. 2020).

98. Carpenter, *supra* note 45, at 84-85.

99. Consolidated Farm and Rural Development Act, 7 U.S.C. § 1926 (2022); *see also* 7 C.F.R. § 761.2 (2022).

100. TADLOCK COWAN, CONG. RSCH. SERV., AN OVERVIEW OF USDA RURAL DEVELOPMENT PROGRAMS 3 (2016), <https://sgp.fas.org/crs/misc/RL31837.pdf> [<https://perma.cc/T9M9-88D3>].

101. *See* 7 C.F.R. § 761.2.

102. *See* CARPENTER, *supra* note 86.

negative implications upon small and mid-sized farms.¹⁰³ Public perception, access to resources, rural development, and barriers to minority farmers are just a handful of the effects a broad definition has and will continue to cast upon the industry.¹⁰⁴ Despite the prevalent usage of the USDA ERS definition in social and public circles, many agriculturists believe this definition purposefully distorts the perception of the modern agriculture industry.¹⁰⁵ They believe the definition paints a rosy picture of an industry that is continuing to move towards a corporate model.¹⁰⁶ The USDA ERS family farm definition hides the realities of the industry, as illustrated by the implications below.

A. Public Perception

It is clear from public perception, Congressional intent, and several state legislative movements that the USDA's all-encompassing umbrella definition does not reflect the true nature of what most Americans consider a family farm.¹⁰⁷ Further, various organizations and companies have attempted to define family farms. While some of these entities may have ulterior motives to define the term in a way that allows them to capitalize off of consumer perceptions, others focus on encompassing the true values and characteristics they believe are represented by family farms.¹⁰⁸ As one journalist for the New York Magazine wrote, "[m]ost Americans, even the ones who have never been on a farm, have strong feelings about the idea of family farms. . . ."¹⁰⁹ This sentiment is reflected throughout numerous survey and study results.

Studies have discovered that the public's perception of family farms is overall very positive.¹¹⁰ A 2004 Roper Poll revealed that approximately 85% of American consumers trusted smaller-scale family farms, rather than large industrial farms, to produce safe, nutritious foods for their families.¹¹¹ Furthermore, another survey indicated that over 70% of consumers reported that knowing their food was

103. See *Family Farms*, *supra* note 14.

104. See generally Krymowski, *supra* note 41.

105. *Id.*

106. *Id.*

107. *Id.*

108. Sarah Tober, *America Loves the Idea of Family Farms. That's Unfortunate.*, INTELLIGENCER – N.Y. MAG. (June 16, 2019), <https://nymag.com/intelligencer/2019/06/america-loves-the-idea-of-family-farms-thats-unfortunate.html> [<https://perma.cc/N254-TSHQ>].

109. *Id.*

110. *Roper Poll Shows Consumers Trust Family Farms*, INST. FOR AGRIC. & TRADE POL'Y (May 4, 2004), <https://www.iatp.org/news/roper-poll-shows-consumers-trust-family-farms> [<https://perma.cc/U995-JNPK>] [hereinafter *Roper Poll*].

111. *Id.*

grown locally was important to them.¹¹² These survey results reveal the general positive attitudes that the public has toward family farms. Members of the general public seem to take into account the size and locality of the farms when considering and defining family farms for themselves, so a definition supporting statistics that drastically inflate the number of family farms in the country is misleading.¹¹³

B. Access to Resources

Because a broad definition like the USDA's current characterization allows a substantially larger number of farms to qualify as a family farm, all farms, regardless of an entity's unique characteristics, compete for the same resources.¹¹⁴ Thus, a farm in a more vulnerable economic position may have no opportunity to be awarded monetary assistance that would allow it to remain profitable because larger farms with higher incomes and more resources are eligible to apply for the same loans and grants.¹¹⁵ For example, under the USDA's definition of a family farm, a farm that grosses over \$1,000,000 in annual sales may compete against a farm that only grosses \$25,000 in annual sales for resources that are available through federal programs.¹¹⁶

Qualifying and receiving loans and grants are especially important for small and mid-sized family farms. Recent studies released from the USDA ERS reveal smaller farms are more likely to rely upon off-farm income than larger farms.¹¹⁷ Trends show that small farms "derived more than half of their total household income from off-farm" income in 2019.¹¹⁸ Small and family-owned farms are relying upon the spouse or family member whose job is in town to make ends meet.¹¹⁹ The consequences of such reliance place additional financial strain upon the farming operation. Such stress can be alleviated through the receipt of federally-awarded loans and grants.

112. *Id.*

113. *See id.*

114. Nosowitz, *supra* note 44; *see also Family Farms*, *supra* note 14.

115. Krymowski, *supra* note 41.

116. *See Family Farms*, *supra* note 14.

117. Anil K. Giri et al., *Off-Farm Income a Major Component of Total Income for Most Farm Households in 2019*, U.S. DEP'T OF AGRIC. (Sept. 7, 2021), <https://www.ers.usda.gov/amber-waves/2021/september/off-farm-income-a-major-component-of-total-income-for-most-farm-households-in-2019/> [<https://perma.cc/LBV9-2P6Z>].

118. *Id.*

119. *See* Jonathan Ahl, *Small Farms are Producing Less and Facing Money Problems*, ILL. NEWSROOM (Dec. 13, 2021), <https://illinoisnewsroom.org/small-farms-are-producing-less-and-facing-money-problems/> [<https://perma.cc/RK2L-MX3E>].

Meanwhile, large farms received only 7% of their total income from off-farm sources.¹²⁰ Small family farms have continued to experience an increased financial risk over the past 10 years, while large and corporate-owned farms' risks have decreased.¹²¹ With a large margin separating the allocation of off-farm income between small and large farms, distributing the same resources equally across all family farms creates a gap in farm prosperity amongst family farms of varying sizes.¹²² Failing to consider farm characteristics such as size or off-farm income dependency furthers this gap.¹²³

Moreover, many of the USDA-backed lending programs and grants created under the Consolidated Farm and Rural Development Act affect the viability of United States farms.¹²⁴ For instance, the Act codifies authorization for some farm ownership and operating loans.¹²⁵ Under the Act, individual borrowers of a farm ownership loan "must be or will become owner-operators of not larger than family farms."¹²⁶ Such loans are distributed to applicants for the purpose of "purchas[ing], enlarge[ing], or mak[ing] capital improvements to family farms."¹²⁷ This definition focuses on who is operating the farm, yet the USDA definition fails to consider such characteristics of the farms.

As part of the USDA's mission statement, the agency's "vision [is] to provide economic opportunity through innovation, helping rural America to thrive; to promote agriculture production that better nourishes America while also helping feed others throughout the world . . ." ¹²⁸ To accomplish their goals, the agency oversees numerous agricultural loan and grant programs.¹²⁹ In its most recent farm typology report, the USDA released information regarding the distribution of government payments and federal crop insurance.¹³⁰ The report used the USDA definition of family farm mentioned above.¹³¹

120. Giri et al., *supra* note 117.

121. Ahl, *supra* note 119.

122. *See id.*

123. *See id.*

124. *See* COWAN, *supra* note 100.

125. NEIL E. HARL & ROBERT P. ACHENBACH, JR., *AGRICULTURAL LAW* 3 (Matthew Bender & Co. et al. eds., 2021).

126. *Id.*

127. 7 C.F.R. § 761.2.

128. *About the U.S. Department of Agriculture*, U.S. DEP'T OF AGRIC. (Apr. 17, 2022, 4:15 PM, <https://www.usda.gov/our-agency/about-usda#:~:text=We%20have%20a%20vision%20to,through%20conservation%2C%20restored%20forests%2C%20improved> [<https://perma.cc/V8N6-MF89>]).

129. *See Farm Ownership Loans*, *supra* note 53.

130. *See* WHITT ET AL., *supra* note 85, at 5.

131. *Id.* at 2.

Under the USDA's definition of family farm, mid-sized and large family farms, as well as nonfamily farms, are reported to have received "78 percent of commodity-linked, agricultural disaster programs, and other Federal, State, and local program payments."¹³² These payments appear to align with the distribution of production.¹³³ While this economic distribution appears to make sense, statistics show that small family farms experience more financial difficulties than large family farms.¹³⁴ For example, large family farms are most likely to purchase crop insurance, accounting for 71 percent of total federal crop insurance participation rates in 2020.¹³⁵ Small farms are least likely to participate, at only 10 percent.¹³⁶ Large family farms have more access to capital, thus providing those farmers with an increased opportunity to afford crop insurance.

Some producers argue that the USDA's definition does little to reflect the Congressional intent behind the creation of some farm subsidy programs that were created to specifically support family farms.¹³⁷ Congress has attempted to define the term family farm on numerous occasions. For instance, Congress has codified its support for family farms in 7 U.S.C. § 2266, which is entitled "Congressional reaffirmation of policy to foster and encourage family farms."¹³⁸ Within the statute, Congress expressly notes that "it is the policy and the express intent of Congress that no such program will be administered in a manner that will place a family farm operation at an unfair economic disadvantage."¹³⁹

A now-omitted portion of the statute provided that the Secretary of Agriculture, in addition to evaluating information on family farms, would also assess Federal laws that encourage nonfamily farm growth.¹⁴⁰ This clear distinction between family and nonfamily farms indicates that Congress was willing to provide support to nonfamily entities.¹⁴¹ Nevertheless, one can deduce from this clear separation that Congress intended to evaluate each group on their own to provide different programs to accommodate the varying needs of family and nonfamily farms within the country. These programs were tailored with the intent to facilitate the growth

132. *Id.* at 23.

133. *Id.*

134. Ahl, *supra* note 119.

135. WHITT ET AL., *supra* note 85, at 27.

136. *Id.*

137. Hunter, *supra* note 18.

138. 7 U.S.C. § 2266 (2018).

139. *Id.*

140. *Id.*

141. *See id.*

of farms that fell under either classification.¹⁴² Therefore, narrowing the definition will not deprive non-family farms of access to financial resources while allowing entities in need of such resources to have readily available access.

C. Rural Development

Consequences of an inaccurate family farm definition are wide-spread. Not only does the USDA's definition affect the sustainability of over 2 million farms across the nation,¹⁴³ but "maintaining and supporting family farming as an agricultural production system is important for rural development."¹⁴⁴ Rural communities are affected socio-economically by the success of family farms.¹⁴⁵ Family farms provide jobs for community members.¹⁴⁶ They maintain rural populations and preserve cultural values.¹⁴⁷ As a result, these farms invest money back into their local economies and add value back into their communities by serving on local boards, joining local organizations, and volunteering.¹⁴⁸

Additionally, a positive relationship between environmental sustainability and rural development has also been attributed to such farms.¹⁴⁹ The National Institute of Food and Agriculture (NIFA) cites family and small farms as "protect[ing] and enhanc[ing] natural resources and the environment."¹⁵⁰ Family farmers are well-known for their tendency to focus on their production practices because they have a personal duty to preserve the land that has been in their family for generations. The Association of Science and Technology Centers (ASTC) supports such a proposition as the organization credits these farmers as promoters of "the us[age] of agroecological and traditional techniques, thus supporting the

142. *See id.*

143. U.S. DEP'T OF AGRIC., FARMS AND LAND IN FARMS 2019 SUMMARY 4 (Feb. 2020), https://www.nass.usda.gov/Publications/Todays_Reports/reports/fnlo0220.pdf [<https://perma.cc/A3ER-U2NP>].

144. Garner & de la O Campos, *supra* note 22.

145. *Id.*

146. *See Small and Family Farms*, NAT. INST. OF FOOD & AGRIC. (Apr. 17, 2022, 4:58 PM), <https://nifa.usda.gov/topics/small-and-family-farms> [<https://perma.cc/M3YY-ZM86>].

147. *Id.*; *see also* Conchi Quintana, *Family Farming: Feeding the World, Caring for the Earth*, DIMENSIONS (Mar./Apr. 2014), <https://www.astc.org/astc-dimensions/family-farming-feeding-the-world-caring-for-the-earth/#:~:text=Family%20farming%20protects%20biodiversity%20and,the%20healthy%20functioning%20of%20ecosystems> [<https://perma.cc/448H-UR53>].

148. *See* John Ikerd, *Family Farms of North America 20* (FAO OF THE UN, Working Paper No. 152, 2016), <https://www.fao.org/3/i6354e/i6354e.pdf> [<https://perma.cc/57UV-NBNX>].

149. Garner & de la O Campos, *supra* note 22.

150. *Small and Family Farms*, *supra* note 146.

healthy functioning of ecosystems.”¹⁵¹ Family farmers are able to adapt and deal with environmental challenges, including climate change, “due to a wealth of knowledge on coping with natural disasters, amassed over many centuries.”¹⁵² These farmers can be leaders through their adoption of environmentally-conscious practices, which preserve the land and ecosystems within their rural communities.¹⁵³

NIFA reports family and small farms are “vital to [the United States] economy and well-being as a nation.”¹⁵⁴ By accurately characterizing farming entities, more economic opportunities are likely to be presented to such farms. In turn, these opportunities bolster the viability and success of the operation, allowing the producer to continue contributing to their community.

D. Barriers to Minority Farmers

The current definition has created unnecessary barriers for many minority agricultural groups, including Black farmers and new or beginning farmers. The Union of Concerned Scientists (UCS), a national nonprofit organization founded by students at the Massachusetts Institute of Technology,¹⁵⁵ analyzed the USDA ERS’s newly released America’s Diverse Family Farms report.¹⁵⁶ The UCS wrote, “Consolidation [of farms] has reduced opportunities for new farmers, who have become increasingly rare—and that has hit Black farmers, already fighting an uphill battle against multiple barriers imposed by structural racism, especially hard . . . In short, when farms grow bigger and farmers grow fewer, bad things happen.”¹⁵⁷

Black farmers own less than two percent of all United States operations.¹⁵⁸ Thomas W. Mitchell, Texas A&M University professor of law, found economic harm resulting from rural landholdings has resulted in \$350 billion in economic

151. Quintana, *supra* note 147.

152. *Id.*

153. See Ikerd, *supra* note 148, at 15-16.

154. *Small and Family Farms*, *supra* note 146.

155. *About*, UNION OF CONCERNED SCIENTISTS (Apr. 16, 2022, 6:51 PM), <https://www.ucsusa.org/about> [<https://perma.cc/EE8A-LKBS>].

156. WHITT ET AL., *supra* note 85, at 2.

157. Ahl, *supra* note 119.

158. Hiroko Tabuchi & Nadja Popovich, *Two Biden Priorities, Climate and Inequality, Meet on Black-Owned Farms*, N.Y. TIMES (Feb. 18, 2021), <https://www.nytimes.com/2021/01/31/climate/black-farmers-discrimination-agriculture.html#:~:text=They%20accounted%20for%20just%20over,percent%20of%20the%20nation's%20farms> [<https://perma.cc/SHK9-MMPQ>].

damages directly affecting the lives of Black farmers.¹⁵⁹ In 2015, only \$11 million worth of microloans designated specifically for small farmers were awarded to Black farmers.¹⁶⁰ Yet, in 2015, USDA disbursed approximately \$5.7 billion in loans to farmers across the nation.¹⁶¹ Disparities amongst minority groups in the farming sector can be lessened by applying a definition that provides more opportunities for minority farmers to access loans and grants to the same extent of large family farmers, which are predominantly white males.¹⁶² Implications from the USDA ERS's broad definition are felt far and wide in the American agriculture industry.

Whether the definition affects public perception, resource availability, rural development, or minority agricultural producers, narrowing the definition could prevent disparity amongst farms and farmers, while promoting public perception and rural development.

V. APPLICATION

A narrowed USDA definition reflecting the public's perception of a family operation applied to Iowa operations would significantly restrict the number of farms that could be considered family farms.¹⁶³ The definition used by a 2018 study published by the Iowa Center for Public Affairs Journalism, an independent, non-profit, and nonpartisan news source,¹⁶⁴ classified a "small, independent family farm as those [operations] with full-owner status between 260 and 999 acres."¹⁶⁵ This definition varies from the definition used by the USDA ERS in that it focuses primarily on the size of the operation and the owner status.¹⁶⁶ By making such adjustments, the definition applied in the study catches more non-conventional farms, including organic and non-genetically modified organism (GMO) operations.¹⁶⁷

While implications from this definition are felt far and wide on farms across

159. *Id.*

160. *Id.*

161. *Id.*

162. See Jess Gilbert et al., *Who Owns the Land? Agricultural Land Ownership by Race/Ethnicity*, 17 RURAL AM. 55, 56 (2002); see also *2017 Census of Agriculture Highlights*, U.S. DEP'T OF AGRIC. (Apr. 2019), https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Farm_Producers.pdf [<https://perma.cc/7S4S-4TR9>].

163. See Hunter, *supra* note 18.

164. *About Us*, IOWA WATCH, (Apr. 17, 2022, 4:30 PM), <https://www.iowa-watch.org/about/about-us/> [<https://perma.cc/VU2H-MCZ9>].

165. Hunter, *supra* note 18.

166. *Id.*

167. *Id.*

the United States, farmers close to home are experiencing some of the most profound effects. To illustrate the effects their study would have across the state of Iowa, the Iowa Center for Public Affairs Journalism article included startling statistics.¹⁶⁸ These statistics illustrate the ratio of small, medium, and large farming operations throughout the state.

In Iowa, a state known for its strong agricultural roots, less than 7 percent of operations—or approximately 5,636 farms—are classified as small or mid-sized.¹⁶⁹ Yet, according to the same study, under the USDA definition, 89.7 percent of all Iowan farms fall under the definition of a family farm.¹⁷⁰ This equates to 79,550 operations.¹⁷¹

Interestingly, the number of large operations has continued to grow throughout Iowa, while small and mid-sized farm numbers have consistently decreased.¹⁷² While the 2017 USDA census revealed that the overall number of farms decreased, the area of land used for farming only dropped 0.2 percent.¹⁷³ This minimal change in agricultural land-use is reflected by the ten-acre increase in the average acreage of Iowa farms.¹⁷⁴ These numbers suggest that small or mid-sized operations were absorbed by larger operations within the state.¹⁷⁵

Because the distribution of farm size in the state of Iowa is similar to many surrounding states, the application of a narrowed definition would likely have widespread impacts, especially in the Midwest.¹⁷⁶ To illustrate, in Missouri, the number of independent livestock producers is dwindling.¹⁷⁷ In 1985, Missouri was home to approximately 23,000 independent pig farmers.¹⁷⁸ That number has fallen to only 2,000 farms today.¹⁷⁹ Likewise, Missouri cattle farms are facing similar

168. *Id.*

169. *Id.*

170. *Id.*

171. *Id.*

172. William Edwards, *New Census of Agriculture Reveals Much About Iowa Farms*, IOWA STATE UNIV. EXTENSION & OUTREACH (Sept. 2019), <https://www.extension.iastate.edu/agdm/articles/edwards/EdwSept19.html> [<https://perma.cc/ETT2-VJYZ>].

173. *Id.*

174. *Id.*

175. *Id.*

176. Hunter, *supra* note 18.

177. See Chris McGreal, *How America's Food Giants Swallowed the Family Farms*, THE GUARDIAN (Mar. 9, 2019, 11:30 AM), <https://www.theguardian.com/environment/2019/mar/09/american-food-giants-swallow-the-family-farms-iowa> [<https://perma.cc/F3UK-V8RR>].

178. *Id.*

179. *Id.*

decreases in independent farm numbers with a 40 percent decline from 1985 to 2019.¹⁸⁰ Small and mid-sized farms are facing a decline in states across the nation.

The above examples of the application of a narrowed definition illustrates this solution has the potential to have positive impacts in some states, and especially states located in the Midwest. While not perfect, applying and trying various definitions could lead to the discovery of the most appropriate definition that accomplishes the goals intended by federal and state legislatures, while accurately reflecting the public's perception and upholding the ideals of the agriculture industry.

VI. CHALLENGES

Unfortunately, a narrowed definition is not without its flaws. Similar to the criticism facing the current USDA definition, a narrowed definition does not encompass a one-size-fits-all approach.¹⁸¹ The inexhaustive list of unique characteristics of farm operations throughout the United States may prevent a single definition from adequately representing family farms.¹⁸² Imperfections in family farm analysis have been specifically attributed to an over-emphasis on the size and production quantity of family farms.¹⁸³ Certain characteristics, such as family composition and household dynamics, are heavily tied to numerous other factors that have large impacts upon the success of farming operations.¹⁸⁴ Moreover, operation labor and management decisions may be influenced by “number, age and gender composition of the household.”¹⁸⁵ Yet, number, age, and gender composition of the household have little to nothing to do with whether the farming operation qualifies as a family farm.

Another challenge facing proponents of narrowing the USDA definition includes opponents readily pointing out numerous financial avenues currently available for small and mid-sized farmer owners, as well as minorities and beginning farmers and ranchers.¹⁸⁶ The USDA reports small family farms received 16 percent of farm-level pandemic assistance and 22 percent of all other government payments.¹⁸⁷ In 2021, the agency announced \$16.6 million in funding opportunities

180. *Id.*

181. *See generally* Garner & de la O Campos, *supra* note 22.

182. *See generally id.*

183. *Id.*

184. *Id.*

185. *Id.* (citing RUTH GASSON & A.J. ERRINGTON, *THE FARM FAMILY BUSINESS* (CAB INT'L 1993)).

186. *Farm Ownership Loans*, *supra* note 53.

187. WHITT ET AL., *supra* note 85, at 23.

for socially disadvantaged and veteran farmers and ranchers.¹⁸⁸ Microloan programs were introduced in 2014 with the intentions of providing “small and mid-sized farmers [] access up to \$35,000 in loans using a simplified application process.”¹⁸⁹

Even though the USDA is exerting efforts to expand economic opportunities for under-served farm owners, more can be done. Preserving the family farm aligns with the goals of the USDA, so any efforts to provide more economic opportunities for minorities and small and mid-sized operation owners should be capitalized.¹⁹⁰

VII. CONCLUSION

Continuing to allow an inaccurate definition to determine the fate of farms, most of which are small or mid-sized, contradicts the USDA’s mission statement.¹⁹¹ By adopting a narrower definition of a family farm, the USDA would be more likely to accurately characterize the distribution of governmental financial support, including grants and loans, to farming operations. In turn, economic development in rural communities and the lives of Black farmers would be promoted.¹⁹² These are just two examples of the positive benefits that a narrower definition focusing on specific operation characteristics, such as the size and status of the farm operator, can have upon the United States agricultural industry.

Additionally, the current definition does not reflect the public’s perception or the historical roots of the family farm in the United States.¹⁹³ When selecting the food items to purchase for their families, consumers hold a specific vision in their heads of where food comes from when they go to the grocery store.¹⁹⁴ The USDA definition does not reflect the majority of consumers’ visions, thus promoting a false sense of security or, some may argue, advertising.

Farms across the United States are affected. While the rose-colored glasses

188. *USDA Announces \$16.6 Million in Funding Opportunities to Support Socially Disadvantaged and Veteran Farmers and Ranchers*, U.S. DEP’T OF AGRIC. (July 26, 2021), <https://www.usda.gov/media/press-releases/2021/07/26/usda-announces-166-million-funding-opportunities-support-socially> [<https://perma.cc/HQ4B-VW9H>].

189. *Small and Mid-Sized Farmer Resources*, U.S. DEP’T OF AGRIC. (Apr. 17, 2022, 5:42 PM), <https://www.usda.gov/topics/farming/resources-small-and-mid-sized-farmers#:~:text=USDA%20launched%20the%20Microloan%20Program,using%20a%20simplified%20application%20process> [<https://perma.cc/2EJM-N7PS>].

190. *See generally About the U.S. Department of Agriculture*, *supra* note 128.

191. *See generally id.*

192. *See Garner & de la O Campos, supra* note 22; *Tabuchi & Popovich, supra* note 158.

193. *See Roper Poll, supra* note 110; *see also Effland, supra* note 25, at 324.

194. *See Roper Poll, supra* note 110.

that have cast a shadow over United States family farms for decades may shatter, farmers and their operations in need of financial assistance and public support will rise from the shards. These farms will continue promoting the American dream that generations of agriculturists have strived to build since the humble beginnings of this country.