

GUARANTEEING THE RIGHT TO FOOD – ADDRESSING FOOD AND NUTRITION INSECURITY IN THE UNITED STATES THROUGH LOCAL FOOD PROGRAMS WITHOUT IMPLICATING THE COMMERCE CLAUSE

Madalyn E. Grask[†]

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ABSTRACT

Food insecurity is a frequently ignored problem in the United States. Instead of implementing programs to increase food access across the country, legislatures are moving in the opposite direction and enacting laws that tighten eligibility requirements for government benefit programs such as Supplemental Nutrition Assistance Program (SNAP).

There are many ways governments can promote food access. One of them is to encourage the start and support the continuance of food access programs that partner with local food producers to provide nutrition to food insecure community members. However, courts use the Commerce Clause in Article I of the United States Constitution to strike down these kinds of programs.

This note makes two main arguments. First, the most effective way to increase food access and nutrition security is to prioritize community efforts and

[†] For Gaga. You always believe in me, even when I do not believe in myself. XO

local food producer involvement. Second, instead of relying on the Commerce Clause to strike down local food access programs, courts should recognize state legislatures' power to enact laws that protect and promote the health and safety of their citizens.

I. PREFACE

The right to food is a legal doctrine that requires a government to provide access to food when their citizens cannot access it on their own.¹ The doctrine has been internationally recognized since its first adoption by a governing body in the Universal Declaration of Human Rights.² States may also recognize and protect this right through a variety of means such as constitutional recognition, legislative framework, policy adoption, and judicial announcement.³

The right to food has been insufficiently addressed in the United States for centuries. With rising inflation rates, that do not appear to be decreasing anytime soon, extreme food insecurity will continue to become more prevalent across the nation.⁴ This problem is best addressed by encouraging the local production and sale of food within a community.⁵ However, state governments, like Iowa, are moving in the opposite direction by passing laws that restrict, or even completely cut, food access programs.⁶

The Republican-led Iowa legislature has drafted a bill that will drastically cut one of Iowa's only programs that supports food access.⁷ The Iowa House of Representatives passed Senate File 494 on April 13, 2023 which will tighten SNAP

1. Nadia Lambek & Priscilla Claeys, *Institutionalizing a Fully Realized Right to Food: Progress, Limitations, and Lessons Learned from Emerging Policy Models*, 40 VER. L. REV. 743, 747 (2016).

2. *Id.*

3. *Id.* at 751.

4. Alice Reznickova, *Inflation is a Triple Threat to Food and Nutrition Security. Here's Why.*, UNION OF CONCERNED SCIENTISTS (Nov. 8, 2022, 8:00 AM), <https://blog.ucsus.org/alice-reznickova/inflation-is-a-triple-threat-to-food-and-nutrition-security-heres-why/> [<https://perma.cc/D6UT-ZWBV>].

5. Nat'l Ctr. for Appropriate Tech., *Local Food Systems*, ATTRA SUSTAINABLE AGRIC. (May 21, 2023, 8:51 PM), <https://attra.ncat.org/local-food-systems/> [<https://perma.cc/X6RK-87XT>].

6. Anisha Kohli, *Iowa's GOP Wants to Limit SNAP's Food List. Here's How It Could Impact the Most Vulnerable Communities*, TIME (Jan. 21, 2023, 12:32 PM), <https://time.com/6249096/iowa-bill-threatens-snap/> [<https://perma.cc/9YZW-Y6LV>].

7. *Id.*

eligibility requirements for Iowans and consequently decrease food access.⁸ On June 1, 2023, Iowa governor Kim Reynolds signed Senate File 494 into law, and the new restrictions took effect on July 1, 2023.⁹ Prior to the passing of this bill, SNAP enrollment in the state was at an all-time low, but food banks and food pantries were seeing record-breaking numbers of families and individuals coming to them for food.¹⁰ This trend indicates that food insecure Iowans were already struggling to meet the state's requirements for SNAP benefits; now that the state is imposing additional eligibility requirements for SNAP beneficiaries—more and more Iowans will have to turn to their communities for food support.¹¹ Some of these new eligibility requirements include a liquid asset limit, additional eligibility verification checks, and stricter compliance protocols before recipients are cut from the program.¹² Iowa Republicans argue the driving force of this bill was to save the state and federal government money, but in 2022, the state spent \$2.2 million on SNAP administrative costs and is predicted to spend \$7.5 million in costs to implement the new administrative system over the first two years.¹³ These restrictions will only encourage Iowans who rely on public assistance programs for their health and well-being to stay in their current economic situation out of fear of losing this support and place more reliance on already over-burdened food banks and other forms of community-provided food aid.¹⁴ Republican Iowa Legislators have tried three of the last four years to pass a bill similar to this one, but this is the first time a bill like this has made it past committee, let alone to the governor's desk.¹⁵

8. *Anti-Hunger Leaders Call on Gov. Reynolds to Veto SF 494*, IOWA HUNGER COAL. (Apr. 17, 2023), <https://www.iowahungercoalition.org/2023/04/17/anti-hunger-leaders-call-on-gov-reynolds-to-veto-sf-494/> [<https://perma.cc/S27X-Z8PE>].

9. Erika Barrett, *SF 494 Heads to Gov. Reynolds's Desk*, DAILY GATE CITY (Apr. 19, 2023), https://www.mississippivalleypublishing.com/daily_gate/sf-494-heads-to-gov-reynoldss-desk/article_3cf86fb2-dd59-11ed-b36f-171767e390d0.html [<https://perma.cc/VF8W-D6DS>].

10. *Statement from the Iowa Hunger Coalition on the Signing of SF 494*, IOWA HUNGER COAL. (June 2, 2023), <https://www.iowahungercoalition.org/2023/06/02/statement-from-the-iowa-hunger-coalition-on-the-signing-of-sf-494/> [<https://perma.cc/GZW5-6J6N>].

11. *Id.*

12. Barrett, *supra* note 9.

13. *Id.*

14. *Id.*

15. Laura Belin, *Where Things Stand with Bills Targeting Iowans on Public Assistance*, BLEEDING HEARTLAND (Mar. 5, 2023), <https://www.bleedingheartland.com/2023/03/05/where-things-stand-with-bills-targeting-iowans-on-public-assistance/> [<https://perma.cc/B9XM-NR3J>].

Not only will this law impact Iowans physically, but it will have detrimental consequences to the mental health of Iowa SNAP recipients.¹⁶ Misguided restrictions on food assistance programs like this one contribute to the stigmatization of individuals with low incomes and perpetuates poverty and chronic food insecurity.¹⁷ Individuals who qualify for SNAP and other monetary assistance programs live with enough stigma surrounding their reliance on government assistance. Experts predict that these unreasonable restrictions will only worsen the damage this stigma has on the mental health of SNAP recipients and decrease program participation.¹⁸

Even when state and local governments attempt to adopt programs that encourage the production and consumption of locally produced food, their efforts are often struck down by courts under the Dormant Commerce Clause.¹⁹ This is because the Dormant Commerce Clause has a prohibition on discouraging interstate commerce through policies that support local food production and sales.²⁰

The nation needs to make two substantial and crucial changes, as a whole, to the way food insecurity is addressed. First, instead of analyzing government programs that promote the interests of local food producers under the Dormant Commerce Clause, courts should examine these programs under the Tenth Amendment's protection of state police powers to enact laws that protect the health and safety of their citizens.²¹ Second, the programs need to focus on providing locally grown and produced food to food insecure individuals because these products tend to be healthier and can be quickly distributed to those in need.²²

II. THE NATION'S CURRENT STATE OF FOOD INSECURITY

Food insecurity is a problem in the United States. More than 38 million Americans, including 12 million children, do not have consistent access to enough

16. *Id.*

17. Luis Guardia & Allison Lacko, *To End Hunger We Must End Stigma*, FOOD RSCH. & ACCESS CTR. (Dec. 1, 2021), <https://frac.org/blog/endhungerendstigma> [<https://perma.cc/HA2L-4LU3>].

18. *Id.*; Kohli, *supra* note 6.

19. *Nutrition Incentives Growing Better Access to Better Food*, FAIR FOOD NETWORK (May 21, 2023, 8:57 PM), <https://fairfoodnetwork.org/projects/double-up-food-bucks/> [<https://perma.cc/5AY6-5W9B>]; Chris Erchull, *The Dormant Commerce Clause – A Constitutional Barrier to Sustainable Agriculture and the Local Food Movement*, 36 W. NEW ENG. L. REV. 371, 372 (2014).

20. Erchull, *supra* note 19.

21. *See generally* U.S. CONST. amend. X.

22. Erchull, *supra* note 19, at 382.

food for a healthy and active lifestyle.²³ The most recent data on the prevalence of food insecurity in the United States shows that for the first time in seven years, food insecurity did not decrease from year to year in 2020 to 2021.²⁴ This occurred despite the United States Department of Agriculture's (USDA) spending on food and nutrition programs reaching an all-time high in 2021, a 49% increase from 2020.²⁵

Across the country, food insecurity does not impact people equally due to demographic differences and policies enacted at the state-level which effect nutrition and food access.²⁶ The USDA's Economic Research Service (ERS) conducted a study to learn more about which populations are more susceptible to food insecurity.²⁷ The study considered race, household composition, and location.²⁸ This study showed southern states have the highest rates of food insecurity, while the Midwest, East Coast, and West Coast states have the lowest rates of food insecurity.²⁹ The USDA ERS compared rates of food insecurity for White, Black, and Hispanic households and found that White households were less likely to struggle with food insecurity than Black and Hispanic households.³⁰ Food insecurity prevalence is also higher amongst single income households.³¹

When discussing food insecurity, it is important to note that food insecurity is not the same thing as hunger.³² The phrase "food insecurity" refers to the inability to access the food one needs in order to maintain an active and healthy lifestyle.³³ Food insecurity is an economic condition and is what the USDA measures when it studies food access in the United States.³⁴ Food insecurity can

23. *What is Food Insecurity?*, FEEDING AM. (May 21, 2023, 8:59 PM), <https://hungerandhealth.feedingamerica.org/understand-food-insecurity/> [https://perma.cc/Q4CS-JNPS].

24. *The Prevalence of Food Insecurity in 2021 is Unchanged from 2020*, U.S. DEP'T. OF AGRIC. ECON. RSCH. SERV. (Oct. 18, 2022), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-security-and-nutrition-assistance/> [https://perma.cc/DN88-BH37].

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *What is Food Insecurity?*, *supra* note 23.

33. *Id.*

34. Simran Sethi, *Hunger and Food Insecurity are Not the Same. Here's Why That Matters – and What They Mean*, THE COUNTER (Dec. 21, 2020, 4:15 PM),

be, and frequently is, measured through questionnaires administered by the Census Bureau.³⁵ The phrase “hunger” is more personal; it refers to the feeling of discomfort one experiences when they have not had enough to eat.³⁶ Hunger is a broad term used to describe not only the physical sensation of needing something to eat, but sometimes it is a way of living too.³⁷ Hunger is individual and has a wide variety of meanings and implications depending upon personal experience.³⁸ It can be easily remedied, utterly all-consuming, or something in between.³⁹

The federal government is recognizing how detrimental the lack of nutritious food is to Americans and is paying more attention to it.⁴⁰ On September 28, 2022, President Biden hosted the nation’s first conference on hunger, nutrition, and health since 1969.⁴¹ This conference was a call-to-action for the nation to start addressing the millions of Americans struggling with food insecurity and diet-related diseases by closing the gap between communities and ending hunger in addition to reducing diet-related disease in this country by 2030.⁴² The White House acknowledged this goal cannot be reached using only federal resources and, prior to the conference, President Biden asked the nation for help and received \$8 billion worth of commitments from the private-and public-sector entities to promote the goals and philosophies set forth at the Conference.⁴³ These monies will be used in one of two ways: investing in start-up companies dedicated to developing new solutions to end hunger and food insecurity or funding projects

<https://thecounter.org/hunger-food-insecurity-covid-19-feeding-america/>
[<https://perma.cc/TGF5-57M9>].

35. *Id.*

36. *What is Food Insecurity?*, *supra* note 23.

37. Sethi, *supra* note 34.

38. *Id.*

39. *Id.*

40. See Ximena Bustillo, *Biden’s Goal to End Hunger by 2030 and His New Food Conference, Explained*, NAT’L PUB. RADIO (Sept. 27, 2022, 10:00 AM), <https://www.npr.org/2022/08/29/1116750591/hunger-conference-white-house-biden> [https://perma.cc/5UDL-F24T].

41. *Id.*

42. *FACT SHEET: The Biden-Harris Administration Announces More Than \$8 Billion in New Commitments as Part of Call to Action for White House Conference on Hunger, Nutrition, and Health*, THE WHITE HOUSE (Sept. 28, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/09/28/fact-sheet-the-biden-harris-administration-announces-more-than-8-billion-in-new-commitments-as-part-of-call-to-action-for-white-house-conference-on-hunger-nutrition-and-health/> [https://perma.cc/LM9P-DM9Z].

43. *Id.*

which focus on improving access to nutritious food and education on making healthy choices in diet and physical activity.⁴⁴

While most of these initiatives focus on a specific community or group of Americans, they are being led by large, inter-state organizations which are out-of-touch with the needs of the communities they are attempting to serve.⁴⁵ Additionally, the majority of these initiatives focus on urban communities; yet, food insecurity is a problem across the entire country.⁴⁶ Rural communities have unique needs and struggles when it comes to food insecurity and nutritional needs.⁴⁷

A. Rural Food Insecurity

Regardless of how geographically close a rural community may be to a metropolitan one, the culture the community develops, in addition to the challenges they face, can look vastly different. The same can be said for how food insecurity impacts these communities. Even though most of the United States' food is grown in rural parts of the country, rural communities face food insecurity at higher rates than urban communities.⁴⁸ As of January 2020, the prevalence of rural poverty was 3% higher than that of urban poverty.⁴⁹ Rural areas have experienced higher rates of poverty compared to urban areas since poverty rates were first recorded in the 1960s.⁵⁰ The disparity between rural poverty and urban poverty narrowed from the 1980s to the 2000s, but the disparity is beginning to rise again due to a decrease in urban poverty.⁵¹ Researchers at the University of Wisconsin-Madison have noted that “[p]ersistently high child poverty is disproportionately concentrated in rural counties that have low labor force participation, low rates of educational attainment, high shares of single-mother families, and high shares of service industry (low-wage) employment.”⁵²

44. *Id.*

45. *See id.*

46. *See id.*

47. *Rural Hunger*, FOOD RSCH. & ACTION CTR. (May 21, 2023, 9:08 PM), <https://frac.org/hunger-poverty-america/rural-hunger> [<https://perma.cc/4BLM-TPSK>].

48. *Id.*

49. *Many Rural Americans Are Still “Left Behind”*, UW-MADISON INST. FOR RSCH. ON POVERTY (Jan. 2020), <https://www.irp.wisc.edu/resource/many-rural-americans-are-still-left-behind/> [<https://perma.cc/7SGQ-Y6NX>].

50. *Rural Poverty & Well-Being*, U. S. DEP’T. OF AGRIC. ECON. RSCH. SERV. (Nov. 29, 2022), <https://www.ers.usda.gov/topics/rural-economy-population/rural-poverty-well-being/#demographics> [<https://perma.cc/SYJ3-6LAP>].

51. *Id.*

52. *Many Rural Americans Are Still “Left Behind”*, *supra* note 49.

However, the poverty line can be misleading—households can still be food insecure without being impoverished.⁵³ In fact, there are 10 million individuals living in the United States who meet the definition of food insecure but do not qualify for federal food assistance programs such as SNAP and WIC.

Eligible rural households are less likely to participate in federal food assistance programs such as SNAP and WIC due to the lack of information surrounding the programs and difficulty accessing them.⁵⁴ These programs are helpful and could provide many households with the food they need to live healthy and active lives.⁵⁵ Instead, due to issues with education and accessibility, many Americans who could benefit from these programs are unable to participate in them.⁵⁶ One of the largest barriers to accessing food in rural households is traveling long distances to get to a grocery store.⁵⁷ In order to participate in SNAP and WIC, participants must make multiple visits to clinic offices and only state-approved vendors can accept these benefits.⁵⁸ This can be difficult for individuals who live long distances from the offices and have limited transportation options.⁵⁹

B. Food Deserts

Many rural communities are located in what are called “food deserts.”⁶⁰ Food deserts are defined using census tracts and thresholds or rates of poverty and distance from a large grocery store or supermarket.⁶¹ Any rural census tract which has a poverty rate greater than or equal to 20% and at least 33% of the population lives more than ten miles away from the nearest supermarket or large grocery store

53. *Food Insecurity and Poverty in the United States: Findings from the USDA and U.S. Census Bureau*, FEEDING AM. (May 21, 2023, 9:11 PM), https://hungerandhealth.feedingamerica.org/wp-content/uploads/2018/10/Food-Insecurity-Poverty-Brief_2018.pdf [https://perma.cc/638K-UPRP].

54. *Rural Hunger*, *supra* note 48.

55. *Id.*

56. *Rural Hunger in America: Special Supplemental Nutrition Program for Women, Infants, and Children*, FOOD RSCH. & ACTION CTR. (July 2018), <https://frac.org/wp-content/uploads/wic-in-rural-communities.pdf> [https://perma.cc/WU5D-UUCK].

57. *Id.*

58. *Id.*

59. *Id.*

60. *Rural Hunger and Access to Healthy Food*, RURAL HEALTH INFO. HUB (Jan. 18, 2022), <https://www.ruralhealthinfo.org/topics/food-and-hunger> [https://perma.cc/P9TA-4FN9].

61. Paula Detko et al., *Characteristics and Influential Factors of Food Deserts*, U.S. DEP'T. OF AGRIC. ECON. RSCH. SERV., Aug. 2012, https://www.ers.usda.gov/webdocs/publications/45014/30940_err140.pdf [https://perma.cc/J8ZP-W3WJ].

is considered to be located within a food desert.⁶² Economic disparities between food desert tracts and tracts that are not in food deserts are prevalent.⁶³ Differences in median family income, unemployment rates, poverty rates, and the proportion of households receiving public assistance have all been observed.⁶⁴

When determining what food to buy for themselves and their household, rural shoppers often have to choose between driving long distances into a town with a supermarket or relying on the limited selection of food that can be found at businesses closer to their residence, such as gas station convenience stores.⁶⁵ Supermarkets and large grocery stores provide rural shoppers with products such as fresh produce, milk, eggs, and other foods which are necessary for a healthy diet.⁶⁶ Gas station convenience stores allow rural shoppers to save time and money on transportation but often offer more expensive and less nutritious options.⁶⁷ Shoppers in food deserts are often faced with a double-edged sword; no matter whether they chose to save money on transportation by shopping locally or save money on the food itself by travelling, they are still taking on an extra financial burden.⁶⁸

Food deserts do not only occur in rural parts of the country—food deserts exist in urban areas too.⁶⁹ Similar to rural census tracts, urban areas with higher poverty rates and higher percentages of racial minority population are more likely to be located within a food desert.⁷⁰ The exception is very dense urban areas where racial composition and unemployment are not predictors of whether an area is likely to be located in a food desert because these areas tend to have similar population makeup across all tracts.⁷¹ Food insecure urban households face similar accessibility challenges as their rural counterparts, namely having to travel long distances to shop at a large grocery store or supermarket.⁷² Modern population trends have been dominated by suburban population growth with large chain

62. *Id.*

63. *Id.*

64. *Id.*

65. *Rural Hunger and Access to Healthy Food*, *supra* note 60.

66. *Id.*

67. *Id.*

68. *Id.*

69. Detko et al., *supra* note 61.

70. *Id.*

71. *Id.*

72. Vindushri Mehrotra, *A Comprehensive Understanding of Food Deserts*, FRONTIERS, WASH. UNIV. REV. OF HEALTH (Dec. 21, 2018), <http://frontiersmag.wustl.edu/2018/12/21/a-comprehensive-understanding-of-food-deserts/> [<https://perma.cc/6VYN-NP82>].

grocery stores and supermarkets following.⁷³ Consumers want to pay as low of a price for their groceries as possible, which drives competition amongst competing retailers to sell products as low as they can.⁷⁴ In order to do this without sacrificing the bottom-line, food suppliers buy in bulk.⁷⁵ Adequate storage and displays are needed for large amounts of product, so moving storefronts out to suburban areas where there is plenty of space for development and opportunities to get locals in the door is in supermarket chains' best interests.⁷⁶ While this suburban flight benefits the corporation, it is hurting urban consumers who rely on public transportation and cannot afford the premium products the chain grocery stores promote to wealthier customers.⁷⁷

C. Nutrition Insecurity

Food insecurity is also a nutrition issue since it is strongly associated with chronic disease and overall poor health.⁷⁸ Individuals who are food insecure frequently alter their dietary practices in order to make the most of limited resources; unfortunately, oftentimes these changes are not for the better.⁷⁹ Changing frequency of shopping, eating expired foods, or engaging in illegal shopping practices are all decisions food insecure households may be forced to make in order to maximize their limited resources.⁸⁰ The evidence is clear and convincing; food insecurity leads to negative health outcomes.⁸¹ Food insecure individuals are more likely to have increased negative views of their physical and mental health compared to food secure individuals.⁸² They are also more likely to experience diet-related diseases such as obesity and diabetes, disordered eating, decreased psychosocial functioning, and general poor health.⁸³ Food insecure children are at higher risk for mental health problems, behavioral problems, and

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. Jamie A. Farrell, *The Impact of Nutrition Education on Food Security Status and Food-Related Behaviors* (May 2013) (Master's thesis, University of Massachusetts Amherst) (on file with the University of Massachusetts Amherst Library system).

79. *Id.*

80. *Id.*

81. Craig Gundersen & James P. Ziliak, *Food Insecurity and Health Outcomes*, 34 *HEALTH AFFAIRS* 1830, 1836 (2015), <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2015.0645> [<https://perma.cc/RA38-H46T>].

82. Farrell, *supra* note 78.

83. *Id.*

poor oral health.⁸⁴ Nutrition insecurity does not just impact an individual's physical health; it can also have negative impacts on an individual's connections with their community and mental capacity.⁸⁵

Nutrition security is defined as the consistent and equitable access to healthy, safe, and affordable foods that promote optimal health and well-being.⁸⁶ Poor nutrition is an epidemic in the United States; it is associated with more than half a million deaths per year, linked with higher health care costs, and decreased productivity.⁸⁷ The average American diet does not align with federal dietary recommendations.⁸⁸ While this epidemic impacts all demographics of people living within the United States, the burden is not carried equally.⁸⁹ Certain populations are at a greater risk for developing diet-related diseases, including the food insecure.⁹⁰

Researchers are studying the impact that chain dollar stores have on food deserts and the resulting nutrition insecurity in these areas.⁹¹ Across the country, but more specifically in rural America and urban neighborhoods built by people of color, dollar store chains are popping up at "breakneck pace."⁹² Dollar General is one of the nation's three major dollar store chains and this corporation alone opens approximately three stores a day.⁹³

At first glance, a dollar store would be a good thing for a community located in a food desert; these areas are resource-strapped and dollar stores sell necessities at low, accessible prices.⁹⁴ However, many communities targeted by this growth are fighting against it in order to protect local business and prevent upheavals in

84. Gundersen & Ziliak, *supra* note 81, at 1832.

85. *Food and Nutrition Security*, U. S. DEP'T. OF AGRIC. (May 21, 2023, 9:17 PM), <https://www.usda.gov/nutrition-security> [<https://perma.cc/P3CF-J9UW>].

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.*

91. Stacy Mitchell et al., *New Report: The Dollar Store Invasion*, INSTITUTE FOR LOCAL SELF-RELIANCE (Feb. 28, 2023), <https://ilsr.org/report-dollar-store-invasion/> [<https://perma.cc/2KJU-RYHD>].

92. *Id.*

93. Stephan Bisaha, *Advocates Warn of a 'Dollar Store Invasion.'* *Researchers are Still Figuring Out the Consequences*, NPR: WBHM (Apr. 10, 2023), <https://wbhm.org/2023/advocates-warn-of-a-dollar-store-invasion-researchers-are-still-figuring-out-the-consequences/> [<https://perma.cc/TRR3-XFXU>].

94. *Id.*

their lifestyle.⁹⁵ Dollar stores have some food products on their shelves, but they do not compare to the selection offered at a full service grocery store.⁹⁶ Rural grocery store owners see dollar stores as their biggest competitors and when a dollar store moves in to a community, they drive out other competition and prevent the community from having a full service grocery store.⁹⁷ The research is not quite conclusive, but trends are showing this movement of reliance on dollar stores to combat food accessibility issues has negative impacts on public health and the economy.⁹⁸ Advocates are worried that if we wait for more concrete evidence, due to the rapid construction of dollar stores and their contribution to food and nutrition insecurity, the problem could be too great to fix.⁹⁹

Food insecure individuals face many barriers in not only accessing enough food to meet their caloric needs, but also in accessing foods with enough nutritional value to live an active lifestyle and prevent disease.¹⁰⁰ Affordability of healthy food is a big barrier to achieving nutrition security, but nutrition security goes beyond just being able to afford food.¹⁰¹ Some other barriers to nutrition security include being unable to afford the necessary equipment to properly prepare food, limited knowledge of nutritional guidelines, insufficient cooking skills, lack of food storage, and not having ample time to prepare healthy meals and snacks.¹⁰²

III. INFLUENCE OF FEDERAL GOVERNMENT

Through their Constitutionally granted powers, the Federal legislature has the ability to improve or dismantle a community's food environment.¹⁰³ Currently, Congress' attitude toward enacting or refusing to enact policies significantly dismantles food environments across the country.¹⁰⁴ A food environment includes all potential determinants of what individuals eat and describes food stores,

95. *Id.*

96. *Id.*

97. *Id.*; *supra* Mitchell at note 91.

98. *Id.*

99. *Id.*

100. Maeve Gearing et al., *Barriers that Constrain the Adequacy of Supplemental Nutrition Assistance Program (SNAP) Allotments (Summary)*, U. S. DEP'T. OF AGRIC. FOOD AND NUTRITION SERV. (June 2021), <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-Barriers-Summary.pdf> [<https://perma.cc/7NEH-KQEG>].

101. *Id.*

102. *Id.*

103. See Sheila Fleischhacker & Joel Gittelsohn, *Carrots or Candy in Corner Stores?: Federal Facilitators and Barriers to Stocking Healthier Options*, 7 *IND. HEALTH L. REV.* 23, 24 (2010).

104. *Id.*

restaurants, schools, worksites, and other places where a person may get food.¹⁰⁵ The makeup of a food environment has been linked to diet quality and can be traced down to the shelf level.¹⁰⁶ The federal government has played a role in the development of our nation's food environments from the beginning of our nation's history through present day.¹⁰⁷

This influence has specifically been seen through powers granted to Congress by the Constitution, including the Commerce Clause.¹⁰⁸ The courts have used the Commerce Clause's broad granting of economic regulating powers to justify Congress' interference in many agricultural, public health, and food safety activities.¹⁰⁹ Even with the United States Supreme Court's narrowing of the Commerce Clause in *United States v. Lopez*, the Commerce Clause is still "the Federal government's most powerful tool to improve access to healthy foods."

Congress could use its interstate commerce regulation powers to expand or introduce new food access programs and recommend programs to improve nutrition and food security in states and cities just as it has with SNAP and WIC.¹¹⁰ Federal government agencies, such as the Center for Disease Prevention and Control (CDC), do not have lawmaking powers like Congress, but they do have the ability to recommend policies individual states could put in place to improve food and nutrition security in their communities.¹¹¹

A. Federal Government's Refusal to Act

Locally produced and distributed food provides increased food security for a community and contributes to a stronger local economy.¹¹² The federal government can play a large role in supporting local food production by enacting programs that promote the local food economy, such as subsidies and price regulation.¹¹³ However, Congress is easily persuaded by large food corporations that can afford to spend millions of dollars a year on lobbying to promote their

105. *Id.* at 24–25.

106. *Id.* at 25–26.

107. *Id.* at 30.

108. *Id.* at 31.

109. *Id.* at 31–32.

110. Fleischhacker & Gittelsohn, *supra* note 103, at 36.

111. *Id.* at 35–36.

112. JEFF CONANT & PAM FADEM, A COMMUNITY GUIDE TO ENVIRONMENTAL HEALTH 226 (2012); *Local Food Systems*, *supra* note 5.

113. CONANT & FADEM, *supra* note 112, at 225.

interests.¹¹⁴ These lobbying practices and weak regulations have created a market dominated by three to four corporations, which in turn opens the door to an era of food policy characterized by its prioritization of profits and ignorance of the needs of the food insecure.¹¹⁵ For example, 70% of the pork processing industry and 80% of the beef processing industry is controlled by a small handful of producers.¹¹⁶ This monopoly allows these companies and their subsidiaries to control the meat market, charge high prices, and make their products difficult for low-income individuals to access.¹¹⁷

The federal government's inability to push forward programs designed to promote local food producers' presence in the market means it is up to the local governments to provide for their people.¹¹⁸ Food is a community and cultural issue, but most importantly, it is a personal issue.¹¹⁹ The connection between the food one eats and their identity makes it even more important that grassroots input is considered when developing policy committed to improving food access.¹²⁰ Local governments are closer to the people they serve and have a unique ability to receive input from their constituents when making decisions that contribute to the redesign of their food system.¹²¹ They are able to implement tailored reforms of their community's food systems—which is the best method to address the problem of insufficient food access—better than the larger, out-of-touch federal government.¹²²

B. How the Courts Block State Action

However, when states attempt to enact policies that support sustainable agriculture and local food movements within their jurisdiction, federal courts strike down these efforts under the Dormant Commerce Clause.¹²³ The Dormant Commerce Clause prohibits state legislatures from adopting laws and regulations

114. *Id.*; Nina Lakhani et al., *Investigation Shows Scale of Big Food Corporations' Market Dominance and Political Power*, THE GUARDIAN (July 14, 2021, 6:00 AM), <https://www.theguardian.com/environment/ng-interactive/2021/jul/14/food-monopoly-meals-profits-data-investigation> [<https://perma.cc/3BX8-Q7K4>].

115. Lakhani et al., *supra* note 114.

116. *Id.*

117. *Id.*

118. Emily M. Broad Leib, *All (Food) Politics is Local: Increasing Food Access Through Local Government Action*, 7 HARV. L. & POL'Y REV. 321, 323 (2013).

119. *Id.* at 341.

120. *Id.*

121. *Id.*

122. *Id.* at 323, 341.

123. Erchull, *supra* note 19, at 372.

that interfere with interstate commerce through discrimination against out-of-state interests.¹²⁴ This means most, if not all, attempts by states to promote the manufacture and sale of locally grown and produced food products will be struck down by courts as a violation of the Dormant Commerce Clause.¹²⁵

A detrimental example of these rulings is seen in the landmark case *West Lynn Creamery, Inc. v. Healy*.¹²⁶ The Supreme Court held Massachusetts could not collect an assessment on all fluid milk sales and could only distribute the funds generated to in-state distributors because it unfairly discriminated against dairy farmers outside of Massachusetts.¹²⁷ Milk produced in Massachusetts was more expensive to produce than milk in other states, and the assessment acted as a tax to make milk produced out-of-state more expensive or equal in price to Massachusetts milk.¹²⁸ The state's goal in enacting this benefit was to promote equal competition between Massachusetts dairy farmers and out-of-state dairy farmers.¹²⁹ Massachusetts argued this assessment is placed on every dairy farmer and taxing is well-within a state's power, therefore it should be up to the state to decide how the funds are distributed.¹³⁰ The Court did not find this argument persuasive, noting that all funds are distributed back to Massachusetts farmers only, so the assessment acted as a tariff on out-of-state producers and directly interfered with interstate commerce.¹³¹

This ruling by the United States Supreme Court overruled the Supreme Court of Massachusetts' ruling on the same issue.¹³² The Massachusetts Supreme Court acknowledged the Commerce Clause grants Congress the power to regulate interstate commerce, but it also restricts the states from interfering with interstate commerce.¹³³ The Massachusetts Court held the initiative at issue did not violate the Commerce Clause because it did not discriminate against out-of-state milk producers on its face.¹³⁴ The burden placed on interstate commerce was merely incidental, and the benefits to the state's local economy outweighed the slight

124. *Id.* at 372–73.

125. *Id.* at 385.

126. *See* *West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 188 (1994).

127. *Id.* at 194.

128. *Id.* at 194–95.

129. *Id.* at 194.

130. *Id.* at 198.

131. *Id.* at 194.

132. *Id.* at 192.

133. *West Lynn Creamery, Inc. v. Comm'r of Dep't of Food and Agric.*, 611 N.E.2d 239, 243 (Mass. 1993) (citing *Washington v. Oklahoma*, 502 U.S. 437, 451 (1992)).

134. *Id.* at 245.

burden placed on out-of-state milk producers.¹³⁵ There was a legitimate benefit to the Massachusetts local economy by encouraging the production of local milk, and the price of milk was independent from the assessment allowing all milk producers to sell their product at a price they see fit.¹³⁶

Six years before the United States Supreme Court heard *West Lynn Creamery*, they heard *Maine v. Taylor* which also dealt with the Commerce Clause.¹³⁷ The Court ruled pricing orders that only have indirect or incidental effects on interstate commerce will only be found to violate the Commerce Clause if “the burdens they impose on interstate trade are ‘clearly excessive in relation to the putative local benefits.’”¹³⁸

C. Tenth Amendment, Not the Dormant Commerce Clause

Locally produced foods often come from small farms.¹³⁹ These farms have smaller carbon footprints, offer immediate access to fresh foods, and stay accountable to their communities.¹⁴⁰ All of these actions contribute to a stable local food environment and provide communities with reliable access to fresh, nutritious food.¹⁴¹ Many food products have to travel a great distance to reach consumers.¹⁴² As a result, it can be difficult to provide food to a community in emergencies and natural disasters when there is no local food system in place.¹⁴³

It has been long recognized that the ability to write laws regulating health and safety is included in the states’ police powers granted by the Tenth Amendment of the United States Constitution.¹⁴⁴ It is important that state governments use these powers to address public health needs and recognize the importance of sustaining their citizens’ abilities to live safely.¹⁴⁵ The Tenth Amendment has also been interpreted to allow states to delegate their powers to

135. *Id.*

136. *Id.* at 244–45.

137. *Id.* at 243; *Maine v. Taylor*, 477 U.S. 131, 138 (1986).

138. *Taylor*, 477 U.S. at 138.

139. Erchull, *supra* note 19, at 378.

140. *Id.* at 378–79.

141. *Id.* at 378.

142. CONANT & FADEM, *supra* note 105, at 223.

143. Erchull, *supra* note 19, at 382.

144. Ilya Shapiro, *State Police Powers and the Constitution*, CATO INST. (Sept. 15, 2020), <https://www.cato.org/pandemics-policy/state-police-powers-constitution> [<https://perma.cc/7V3X-78A7>]; see generally U.S. CONST. amend. X.

145. Shapiro, *supra* note 144.

local governments and municipalities.¹⁴⁶ Local governments can draft more tailored responses to crises, such as food insecurity, and step back from statewide strategies that do not work locally.¹⁴⁷

Instead of applying Commerce Clause principles to issues of state efforts to promote the sale and production of locally made food products, courts should refer to the Tenth Amendment's police powers which guarantee and recognize that states have the ability and duty to pass laws that support the health and safety of their people.¹⁴⁸ "State and local governments have a great interest in ensuring access to food . . ."¹⁴⁹ Local governments across the nation are working to improve their food systems in order to promote the health and safety of their citizens because "[s]uccess in this realm can have a positive impact on other local government goals, including improved public health and enhanced economic opportunity."¹⁵⁰

The Supreme Court has ruled states' police powers include the ability to set state-specific market guidelines.¹⁵¹ In *Florida Lime & Avocado Growers, Inc. v. Paul*, the Supreme Court held a California statute requiring avocados sold in California markets to have a higher oil content than the federal government mandate was constitutional.¹⁵² The Court believed it was well within California's police powers to prevent consumer deception because there is no difference between a regulation designed to keep a product off a shelf in order to protect the buyers from unhealthy or unsafe products and a regulation designed to keep a product off a shelf in order to prevent confusion amongst buyers.¹⁵³

Justice Brennan wrote the opinion on behalf of the Court, declaring "the supervision of the readying of foodstuffs for market has always been deemed a matter of peculiarly local concern."¹⁵⁴ Therefore, if states can set their own standards for market-readiness in order to promote food quality, surely, they should be able to enact programs that support local farmers and food producers in order to ensure more people are consuming nutritious food—all without implicating the Commerce Clause.

146. *Id.*

147. *Id.*

148. *See* U.S. CONST. amend. X.

149. Erchull, *supra* note 19, at 382.

150. Broad Leib, *supra* note 118, at 341.

151. *See* Fla. Lime and Avocado Growers, Inc. v. Paul, 373 U.S. 132, 144 (1963).

152. *Id.* at 141.

153. *Id.* at 146.

154. *Id.* at 144.

When it comes to establishing a healthy diet it is about quality as much as quantity.¹⁵⁵ Foods with high nutritional quality include vegetables, fruits, whole grains, and protein.¹⁵⁶ Foods with lower nutritional quality include refined grain and sugars as well as fried foods, sugar-sweetened beverages, and processed snack foods.¹⁵⁷ The nutritional quality of food is inherently related to food access because the nutrition quality of food is linked to the buyer's income.¹⁵⁸

IV. PROPOSED SOLUTIONS AND SUGGESTED CHANGES

The dysfunction and easy persuasion of the federal government means communities cannot trust their representatives to fight for their right to consistently access safe and healthy food. Additionally, federal budget cuts were enacted in the latter half of 2022 that will reduce the amount of food assistance the government supplies.¹⁵⁹ These cuts will include cutting school lunch programs, making fewer donations to food pantries, and reducing the SNAP budget back to pre-COVID-19 levels.¹⁶⁰ A budget reduction puts the burden onto the states and localities to adopt policies that promote food access and nutrition security.

Iowa has lots of room to grow when it comes to addressing food security amongst its citizens and making fresh, nutritious food more accessible to them.¹⁶¹ The state is known for its prominent role in feeding the nation. Iowa producers alone grow 9% of the food that feeds the entire nation; Iowa leads the nation in the production of corn, pork, and eggs and comes in second in soybean production.¹⁶²

155. *The Best Diet: Quality Counts*, THE NUTRITION SOURCE, HARVARD T.H. CHAN SCH. OF PUB. HEALTH (May 21, 2023, 9:36 PM), <https://www.hsph.harvard.edu/nutritionsource/healthy-weight/best-diet-quality-counts/> [https://perma.cc/3J8D-7KFX].

156. *Id.*

157. Simone A. French et al., *Nutrition Quality of Food Purchases Varies by Household Income: The SHoPPER Study*, BMC PUB. HEALTH (Feb. 26, 2019), <https://bmcpubhealth.biomedcentral.com/articles/10.1186/s12889-019-6546-2> [https://perma.cc/3CRP-CH7L].

158. *Id.*

159. Christopher Walljasper, *Inflation, Spending Cuts Undermine Biden's Hunger Policy*, REUTERS (Sept. 24, 2022, 6:03 AM), <https://www.reuters.com/world/us/inflation-spending-cuts-undermine-bidens-hunger-policy-2022-09-24/> [https://perma.cc/5QXB-ARXP].

160. *Id.*; *Changes to SNAP Benefit Amounts - 2023*, U. S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (Mar. 2, 2023), <https://www.fns.usda.gov/snap/changes-2023-benefit-amounts> [https://perma.cc/Q966-PDPY].

161. See Kohli, *supra* note 6.

162. *Value-Added Agriculture – Food Ingredients*, IOWA AREA DEV. GRP. (May 21, 2023, 9:27 PM), https://www.iadg.com/iowa-advantages/value-added-agriculture-food_ingredients/ [https://perma.cc/3SXC-VEFN].

Iowa is filled with fresh, farm-grown food, yet, one in eight Iowans are food insecure, including one in five children.¹⁶³ This food is easy to access physically but difficult to access monetarily because fresh produce is labor-intensive and is therefore expensive.¹⁶⁴

Across the country, programs have been created and implemented to bridge this gap. One such program is Double Up Food Bucks. This program was started in Detroit, Michigan in 2009 by the Fair Food Network and has since spread to 30 states across the nation.¹⁶⁵ This program matches the amount of money someone gets in SNAP benefits when they spend it on locally grown produce.¹⁶⁶ In turn, this program addresses both food and nutrition insecurity issues in a community while supporting local farmers.¹⁶⁷ Individuals who participate in SNAP are only allotted a certain amount of funds a month to spend on food.¹⁶⁸ The federal government allows SNAP benefits to be used for a whole array of food, but foods categorized as solid fats and added sugars are bought more commonly than fruits, grains, dairy, and vegetables.¹⁶⁹ Non-SNAP households spend a combined 42% on fruits, grains, dairy, and vegetables when they go shopping, compared to SNAP households which are only able to spend 35% of their food budget on these items.¹⁷⁰ SNAP recipients would rather use the minimal funds they have to spend on food in a way that allows them to obtain as much food as possible. Less nutritious food products often are cheaper, which makes them more attractive as more of these products can be purchased as compared to fresh produce.¹⁷¹ Double Up Food Bucks makes fresh produce more accessible because the program allows SNAP participants to access

163. Sally Worley, *Fostering Access to Local Food*, PRAC. FARMERS OF IOWA, (Oct. 26, 2018), <https://practicalfarmers.org/2018/10/5584/> [<https://perma.cc/6EQL-T5JX>].

164. *See generally id.*

165. *Nutrition Incentives Growing Better Access to Better Food.*, *supra* note 19.

166. *Id.*

167. *Id.*

168. *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*, CTR. ON BUDGET & POL'Y PRIORITIES (June 9, 2022), <https://www.cbpp.org/research/food-assistance/the-supplemental-nutrition-assistance-program-snap> [<https://perma.cc/2HSX-EFD2>].

169. Steven Garasky et al., *Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., OFF. OF POL'Y SUPPORT (Nov. 2016), https://www.foodpolitics.com/wp-content/uploads/SNAPFoodsTypicallyPurchased_16.pdf [<https://perma.cc/78Q6-B6AZ>].

170. *Id.*

171. Marge Dwyer, *Eating Healthy vs. Unhealthy Diet Costs About \$1.50 More Per Day*, HARVARD SCH. OF PUB. HEALTH (Dec. 5, 2013), <https://www.hsph.harvard.edu/news/press-releases/healthy-vs-unhealthy-diet-costs-1-50-more/> [<https://perma.cc/DD2U-2ANB>].

double the amount of fresh produce and purchase the same amount of fresh produce as households who are not receiving SNAP benefits.¹⁷²

Many SNAP recipients need more food than their SNAP benefits will buy.¹⁷³ With high inflation rates increasing food prices, many of these individuals have to rely on food pantries to get the rest of the foods they need.¹⁷⁴ Not all food insecure individuals qualify for assistance programs like SNAP, so they also rely on food pantries to feed themselves.¹⁷⁵ These are two reasons why Americans cannot rely solely on the government to solve food access. As a result, local efforts can have a big impact in running food banks that fill the holes the government cannot.

With inflation causing costs to rise, more and more Americans are relying on food pantries and less Americans are able to donate—both of which create stress on the organizations.¹⁷⁶ It can be difficult for food pantries to meet demand, but relying on the local community in new ways may help.¹⁷⁷ One such way is food rescue, which has been on the rise. Not only does food rescue make a dent in increasing food access, but it also has positive impacts on the environment as it keeps more food out of landfills.¹⁷⁸ The organization Food Rescue US has been leading the way in introducing food rescue to communities through its easy-to-navigate app.¹⁷⁹ Food Rescue US pairs volunteers with local food businesses to pick up their food surplus and deliver it to local organizations that assist food insecure individuals with accessing food that otherwise would have wasted away in a landfill.¹⁸⁰

Food Rescue US and other organizations provide numerous benefits to local communities because the volunteers and donors are all members of the community who want to see the area they call home thrive.¹⁸¹ Food Rescue US also helps supply fresh, expensive, perishable items that require refrigeration and are crucial

172. *Nutrition Incentives Growing Better Access to Better Food*, *supra* note 19.

173. Walljasper, *supra* note 159.

174. *Id.*

175. *Id.*

176. Jennifer Ludden, *Demand at Food Banks is Way Up Again. But Inflation Makes it Harder to Meet the Need*, NAT'L PUB. RADIO (June 2, 2022, 5:24 AM), <https://www.npr.org/2022/06/02/1101473558/demand-food-banks-inflation-supply-chain> [<https://perma.cc/FAU3-PKBG>].

177. *Id.*

178. *Be the Rescue. Fight Hunger. Help the Planet.*, FOOD RESCUE US (May 21, 2023, 9:33 PM), <https://foodrescue.us/> [<https://perma.cc/8J44-MAUY>].

179. *Id.*

180. *Id.*

181. *Id.*

to a healthy diet including meat, dairy, and produce to those who need it.¹⁸² It can be difficult for food banks to provide perishable items to the people they serve because refrigeration equipment can take up a lot of space and individuals looking to donate to food banks are often told not to donate perishable items like meat, dairy, and produce.¹⁸³ Furthermore, it can be difficult for people who rely on food banks to get enough to make a well-balanced diet when their options are limited to non-perishable items. These items commonly offered by food banks include peanut butter, macaroni, and tomato sauce.¹⁸⁴ By encouraging the implementation of food rescue systems, such as Food Rescue US, in more cities across the nation, more communities will be able to provide support to their food insecure neighbors and help reduce food waste along the way.

Local food policy councils are another promising development in addressing food insecurity and promoting local food access.¹⁸⁵ These councils typically work at the municipal level and engage community members affected by food insecurity in drafting solutions.¹⁸⁶ As the Iowa government is preparing to restrict food access in the state, a couple counties are taking matters into their own hands to protect their citizens' right to food through food policy councils.¹⁸⁷ Cass County is a rural county in western Iowa that has implemented a county-wide food policy council.¹⁸⁸ The council was designed to promote the health and well-being of the county's residences through expansion of the local food system.¹⁸⁹ Johnson County on the eastern side of the state has also developed a food policy council with the goal of promoting communication between agriculturalists and their elected officials in order to address the county's food system issues and make locally grown food easier to buy and sell.¹⁹⁰ Promoting locally grown food supports the local economy

182. *Id.*

183. Paul Morello, *What to Donate to a Food Bank and What to Avoid*, FEEDING AM. (Jan. 14, 2020), <https://www.feedingamerica.org/hunger-blog/what-donate-food-bank-and-what-avoid> [<https://perma.cc/VA6Q-HWBW>].

184. *Id.*

185. Lambek & Claeys, *supra* note 1, at 781.

186. *Id.*

187. Kohli, *supra* note 6; *Food Policy Council*, CASS CNTY. IOWA (Nov. 10, 2020), <https://www.casscountyiowa.gov/county-departments/food-council-policy/> [<https://perma.cc/Z37M-U3QM>]; *About the FPC*, JOHNSON CNTY. IOWA (May 21, 2023, 9:39 PM), <https://www.johnsoncountyiowa.gov/local-foods/food-policy-council> [<https://perma.cc/5BK9-ZPKC>].

188. *Food Policy Council*, *supra* note 187.

189. *Id.*

190. *About the FPC*, *supra* note 187.

which leads to more money being invested in businesses and services in the community.¹⁹¹

Finally, another way communities can supply food already within their community to those who need it is to encourage states to adopt programs similar to Iowa's Farm to Food Donation Tax Credit.¹⁹² This program grants Iowa farmers a tax credit of the lesser of \$5,000 or 15% of the value of the food they donated throughout the tax year.¹⁹³ This not only helps the recipients of these donations access fresh, healthy produce, but it incentivizes farmers who may have been struggling to make ends meet.¹⁹⁴

V. CONCLUSION

Food insecurity rates are on the rise thanks to the high inflation rates our country is experiencing.¹⁹⁵ This makes it more crucial than ever for governments to support public and private programs that help provide access to nutritious food and protect the right to food. Supporting local farmers and food producers has many benefits to communities. However, some programs have been struck down as violations of the Commerce Clause even though providing for the health and safety of citizens is a power reserved for the states under the Tenth Amendment.¹⁹⁶ Due to federal and state government budget cuts, food and nutrition insecurity prevalence in the United States is going to get worse before it gets better.¹⁹⁷ There are many programs already in place designed to increase food access and nutrition security in American communities, but more work needs to be done to encourage cities and states across the nation to adopt and expand them.

191. Julia Darnton & Rita Klavinski, *Seven Benefits of Local Food*, MICH. STATE UNI. MSU EXTENSION CMTY. FOOD SYS. (Jan. 17, 2019), <https://www.canr.msu.edu/news/seven-benefits-of-local-food> [<https://perma.cc/ZD4Q-FNRU>].

192. *Farm to Food Donation Tax Credit*, IOWA DEP'T OF REVENUE (May 21, 2023, 9:35 PM), <https://tax.iowa.gov/node/175/printable/print> [<https://perma.cc/CB8E-TEDM>].

193. *Id.*

194. Worley, *supra* note 163.

195. Kohli, *supra* note 6.

196. *West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 194–95 (1994); Shapiro, *supra* note 144; *see generally* U.S. CONST. amend. X.

197. *See generally* *Changes to SNAP Benefit Amounts*, *supra* note 160.