ROOTS OF JUSTICE: REIMAGINING AGRICULTURAL LAND OWNERSHIP FOR SUSTAINABILITY AND ECONOMIC EQUITY

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ABSTRACT

Consolidation of rural agricultural land ownership and the subsequent rise of tenant farms in the United States disincentivizes sustainable growing practices by undermining farm operators' confidence in implementing sustainable practices and limiting their access to grants, loans, and technical assistance. Further, it exacerbates economic injustice by concentrating agricultural opportunities. Agriculture's grounding in community connection with the land, combined with the lack of other avenues of redress through traditional labor and environmental

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laws, makes it the ideal area in which to explore mutual aid and community building as avenues to achieve environmental and economic justice.

A combination of worker-owned producer cooperatives, community land trusts, and community-supported market and purchasing programs can facilitate a shift to a more sustainable and more economically-just rural landscape. This Article explores a community-based approach to agricultural land ownership in the United States, what support systems are necessary to facilitate this type of community land ownership, and what international, indigenous, and historic models we could draw from to build an agricultural system that is more economically and environmentally just in the United States.

I. INTRODUCTION

> *Private and divided, our culture and the private lands upon which we live can reflect us as a privately broken and divided people. Community land is the place where the fabric begins to mend, and the land and the people can heal together.*
>
> — Cassandra Ferrera, *Land Speaking Through the People: The Great Work of Our Times*[1]

Who owns the land, who farms the land, and how it is farmed are essential to the economic security and environmental future of not only farmers but our whole society.[2] Land tenure connects all these questions and is critical to the future of sustainable agriculture.

Land ownership globally and in the United States has become more and more consolidated, leading to concentration of rural wealth among a shrinking, white population of landowners.[3] This consolidation of ownership, in turn, has resulted in increased leasing of the land and a widening gap between landowners and farm operators.[4] Without the security of land ownership, it is difficult to develop and sustain a culture of land stewardship. "Private and divided" farm operators lack connection to the land and financial and legal avenues to invest in sustainable

1. Cassandra Ferrera, *Land Speaking Through the People: The Great Work of Our Times*, FOUND. FOR INTENTIONAL CMTY. (Mar. 9, 2019), https://www.ic.org/land-speaking-through-the-people-the-great-work-of-our-times/ [https://perma.cc/B9GA-PHXM].

2. *See id.*

3. *See* RAFTER FERGUSON, LOSING GROUND: FARMLAND CONSOLIDATION AND THREATS TO NEW AND BLACK FARMERS AND THE FUTURE OF FARMING 2 (2021), https://www.ucsusa.org/sites/default/files/2021-04/losing-ground-final-4-15-21.pdf [https://perma.cc/9LKT-CEHA].

4. *See id.* at 4–5.

growing practices and are instead pushed towards unsustainable practices to maximize immediate profits.[5] To create a future where "the land and the people can heal together,"[6] I propose the formation of agricultural cooperatives in partnership with community land trusts to facilitate sustainable, small farms, supported by the community through food hubs, addressing both the economic inequality and environmental harms of our current agricultural dystopia.

II. BACKGROUND: ORIGINS OF CONSOLIDATION AND ITS IMPACTS

A. Current State of Consolidation

Over the past 40 years, farmland ownership in the United States has become increasingly concentrated, moving from 57% of cropland operated by midsize farms in the 1980s to only 36% today, in addition to growth in large farms from 15% in the 1980s to 36% today.[7] This concentration has been seen across the country, with the wealthiest 10% of households in the United States owning 85% of the land,[8] and 8% of farms containing 70% of all farmland.[9] This has also created a shift towards farmer tenancy rather than ownership, with more than half

5. Ferrera, *supra* note 1; *see* Omanjana Goswami, *Farmland Consolidation, Not Chinese Ownership, Is the Real National Security Threat*, UNION OF CONCERNED SCIENTISTS: THE EQUATION (Mar. 2, 2023, at 15:59 CT), https://blog.ucsusa.org/omanjana-goswami/farmland-consolidation-not-chinese-ownership-is-the-real-national-security-threat/ [https://perma.cc/M969-FLWV].

6. Ferrera, *supra* note 1.

7. James M. MacDonald & Robert A. Hoppe, *Examining Consolidation in U.S. Agriculture*, ECON. RSCH. SERV., U.S. DEPT. OF AGRIC.: AMBER WAVES (Mar. 14, 2018), https://www.ers.usda.gov/amber-waves/2018/march/examining-consolidation-in-us-agriculture/ [https://perma.cc/6N3H-PKE8]. USDA defines midsize farms as farms with between 100 and 999 acres of cropland. *Id.*

8. Levi Van Sant, *Land Reform and the Green New Deal*, DISSENT, Fall 2019, https://www.dissentmagazine.org/article/land-reform-and-the-green-new-deal/ [https://perma.cc/XQ7T-E367].

9. *See* Jessica A. Shoemaker, *Fee Simple Failures: Rural Landscapes and Race*, 119 MICH. L. REV. 1695, 1705 (2021).

of cropland[10] and 38% of all farmland[11] in the United States being rented rather than owned.[12]

These trends also have a racial dynamic: the five largest landowners, all white, own more rural land than all Black Americans.[13] Farmers of color generally are more likely to be tenants than their white counterparts.[14] Black farm ownership peaked in 1910[15] and has since had an 80% reduction.[16] In 1920, 14% of farmers were Black;[17] today, that figure is only 1.6%.[18] Black farmers have borne the brunt

10. Scott Callahan, *Land Use, Land Value & Tenure - Farmland Ownership and Tenure*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (May 8, 2025), https://www.ers.usda.gov/topics/farm-economy/land-use-land-value-tenure/farmland-ownership-and-tenure/ [https://perma.cc/5N9B-EMSQ].

11. Jesse J. Richardson Jr., *Land Tenure and Sustainable Agriculture*, 3 TEX. A&M L. REV. 799, 804 (2016).

12. It is worth noting that owner-operator vs. tenant-operator distinction relies on the landowner being the one to make decisions in farm operations, sometimes also termed "producer." NAT'L AGRIC. STATISTICS SERV., U.S. DEP'T OF AGRIC., 2017 CENSUS OF AGRICULTURE HIGHLIGHTS: FARM PRODUCERS (2019), https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Farm_Producers.pdf [https://perma.cc/6VCE-QTUQ]. These owner-operators or producers are not doing the vast majority of labor on farms. *See* NAT'L AGRIC. STAT. SERV., U.S. DEP'T OF AGRIC., FARM LABOR 21 (2021) [hereinafter FARM LABOR], https://www.nass.usda.gov/Publications/Todays_Reports/reports/fmla0521.pdf [https://perma.cc/4TCM-LZY6]. Around 10% of farms have only one worker, while around 54% have greater than 10 workers. *Id.*

13. Antonio Moore, *Who Owns Almost All America's Land*, INEQUALITY (Feb. 15, 2016), https://inequality.org/research/owns-land/ [https://perma.cc/F7DK-U8KC].

14. Megan Horst & Amy Marion, *Racial, Ethnic and Gender Inequities in Farmland Ownership and Farming in the U.S.*, 36 AGRIC. & HUM. VALUES 1, 8, 11 (2018).

15. Moore, *supra* note 13.

16. Summer Sewell, *There Were Nearly a Million Black Farmers in 1920. Why Have They Disappeared?*, GUARDIAN (Apr. 29, 2019, at 04:00 ET), https://www.theguardian.com/environment/2019/apr/29/why-have-americas-black-farmers-disappeared [https://perma.cc/LH5C-MVW6]. Black farmland ownership accounted for 16–19 million acres in 1910, and was down to 1.5 million acres by the end of the twentieth century. Shoemaker, *supra* note 9, at 1718.

17. SOPHIE ACKOFF, ANDREW BAHRENBURG & LINDSEY LUSHER SHUTE, NAT'L YOUNG FARMERS COAL., BUILDING A FUTURE WITH FARMERS II: RESULTS AND RECOMMENDATIONS FROM THE NATIONAL YOUNG FARMER SURVEY 19 (2017), https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/NYFC-Report-2017_0.pdf [https://perma.cc/HK3A-44P9].

18. Natasha Bowens, *The Color of Food: America's Invisible Farmers*, CIV. EATS (Apr. 14, 2015), https://civileats.com/2015/04/14/the-color-of-food-an-introduction/ [https://perma.cc/4MAX-RZCW].

of consolidation and are more likely to own smaller farms.[19] Consolidation also makes it more difficult for new farmers to purchase land, and drives out socially disadvantaged farmers—like farmers of color—with Black farmers especially bearing disproportionate impact.[20]

B. Social Justice Harms of Consolidation

This consolidation is the continuation of a long history of racism in land ownership and indigenous land dispossession.[21] Current property structures support consolidation among white, older men.[22] Centuries of land dispossession reshaped ownership, ultimately resulting in tribal nations losing 98.9% of their lands to colonization and tribes being forced to lands with less precipitation and more severe heat.[23] Indigenous peoples in the United States were pushed to smaller and smaller formal reservations and ownership was shifted to individual land allotments, framed as an effort to promote productive agriculture through individualistic incentives of private ownership.[24] The lack of recognition of indigenous land stewardship and cultivation was a systematic colonization strategy in order to deprive indigenous peoples of their sovereignty.[25] This includes a deprivation of food sovereignty, eliminating access to native foods, forcing reliance on less healthy and culturally-relevant Western foods, and disruption of generational knowledge transfer of indigenous cultivation practices.[26] This loss of cultural knowledge partly inspires the education and technical assistance resources proposed by this Article. Today, the majority of agricultural lands on reservations are rented to non-Indian producers, if used at all.[27] This dispossession has ecological impacts. Land Back movements support a joining of "culture, place, and identity through the sacred responsibility to care for the land and environment for

19. NAT'L AGRIC. STAT. SERV., U.S. DEP'T OF AGRIC., 2017 CENSUS OF AGRICULTURE HIGHLIGHTS: BLACK PRODUCERS (2019), https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Black_Producers.pdf [https://perma.cc/JR4F-VUYB]. Black-operated farms are an average size of 132 acres; U.S. farms generally are 180 acres on average. *Id.*

20. Goswami, *supra* note 5; FERGUSON, *supra* note 3, at 5–6.

21. *See* FERGUSON, *supra* note 3, at 5.

22. *See* Shoemaker, *supra* note 9, at 1699.

23. Justin Farrell et al., *Effects of Land Dispossession and Forced Migration on Indigenous Peoples in North America*, 374 SCI. 57, 60 (2021).

24. Shoemaker, *supra* note 9, at 1714.

25. *Id.* at 1698.

26. Sam Grey & Raj Patel, *Food Sovereignty as Decolonization: Some Contributions from Indigenous Movements to Food System and Development Politics*, 32 AGRIC. & HUM. VALUES 431, 438 (2014).

27. Shoemaker, *supra* note 9, at 1714.

future generations to come."[28] Indigenous land management practices have been shown to result in higher biodiversity,[29] less deforestation[30] and land degradation,[31] though there is no guarantee that tribal nations will always prioritize environmental preservation over economic development.[32] Further, indigenous agricultural land management practices facilitate sustainable agriculture through tailoring practices to local growing conditions.[33]

Other groups were similarly stripped of land access historically and continually denied access to this day. Black farmers were excluded from New Deal farm programs and USDA loan-granting programs, in addition to losing land due to racist inheritance laws.[34] The USDA has faced recent lawsuits from Black, Hispanic/Latino, Native American, and female farmers about discrimination in lending practices and services.[35] People of color are locked out of farmland ownership by the cost of farmland, lack of generational wealth, and systematic

28. Vanessa Racehorse & Anna Hohag, *Achieving Climate Justice Through Land Back: An Overview of Tribal Dispossession, Land Return Efforts, and Practical Mechanisms for #LandBack*, 34 COLO. ENV'T L.J. 175, 183 (2023).

29. Richard Schuster et al., *Vertebrate Biodiversity on Indigenous-Managed Lands in Australia, Brazil, and Canada Equals That in Protected Areas*, 101 ENV'T SCI. & POL'Y 1, 5 (2019).

30. M. Graziano Ceddia, Ulrich Gunter & Alexandre Corriveau-Bourque, *Land Tenure and Agricultural Expansion in Latin America: The Role of Indigenous Peoples' and Local Communities' Forest Rights*, 35 GLOB. ENV'T CHANGE 316, 321 (2015).

31. Donald M. Waller & Nicholas J. Reo, *First Stewards: Ecological Outcomes of Forest and Wildlife Stewardship by Indigenous Peoples of Wisconsin, USA*, ECOLOGY & SOC'Y, Mar. 2018, https://www.ecologyandsociety.org/vol23/iss1/art45 [https://perma.cc/YDJ5-6DEG].

32. Racehorse & Hohag, *supra* note 28, at 188 (citing Navajo Nation's allowance of uranium mining on the Nation's land as an example of tribes placing economic gains over the health of Navajo peoples and their environment).

33. *See* Anwesha Borthakur & Pardeep Singh, *Indigenous Agricultural Knowledge Towards Achieving Sustainable Agriculture*, *in* 50 SUSTAINABLE AGRICULTURE REVIEWS 401, 411 (Vipin Kumar Singh, Rishikesh Singh & Eric Lichtfouse eds., 2021). After the Mexican-American War, many Mexican land claims were denied for lack of the documentation required for recognition of land claims by the United States government. Shoemaker, *supra* note 9, at 1716. Slavery cemented a race-based hierarchy in land ownership for Black Americans, and even the reconstruction Southern Homestead Act resulted in more land distribution to pardoned and non-Confederacy supporting white farmers than freed slaves. *Id.* at 1717.

34. ACKOFF, BAHRENBURG & LUSHER SHUTE, *supra* note 17, at 19; Horst & Marion, *supra* note 14, at 5.

35. Horst & Marion, *supra* note 14, at 5.

exclusion from loan and land ownership government programs.[36] Due to these factors, the growing trend of consolidation impacts farmers of color more than white farmers, and has resulted in greater loss of farmland ownership among farmers of color.[37] There has been a decline in farmland ownership among farmers of color in the United States over time,[38] but people of color represent a growing percentage of farm operators.[39] People of color generally make up 62% of farm laborers, and Hispanic farm laborers make up 80% of all farm laborers of color.[40] Because laborers lack opportunities for career pathways to move into farm ownership, this system of land consolidation among white landowners with people of color as laborers exacerbates racial economic disparities.[41] As proposed in this Article, creating worker-owned cooperatives will attempt to address this aspect of the problem of consolidation.

Beyond the United States context, there has been recent global consolidation through a land rush of agricultural land in the Global South by countries and corporations from the Global North, with national governments and government-backed entities from food insecure states seeking to enhance food security and private equity groups seeing agricultural land as promising investments.[42] These ownership models essentially create colonial relationships where crops for use in foreign countries are grown and exported by foreign businesses, depriving local operators of sovereignty over their growing practices, similar to the examples cited in the United States.

Consolidation also exacerbates rural poverty, through consolidation of wealth and access to income.[43] The presence of midsize farms, in comparison, is associated with more equitable income distribution and a more civically engaged

36. ACKOFF, BAHRENBURG & LUSHER SHUTE, *supra* note 17, at 19; *see also* Sewell, *supra* note 16 (discussing *Pigford v. Glickman*, where over 400 Black farmers sued USDA alleging that they were denied loans and other support due to rampant discrimination, settling the case for $1 billion). Banks also often see loans to undocumented people as too high-risk, locking out another disadvantaged group from access to funds to buy land or start a farm. Sara Murphy, *From Fieldworkers to Farm Owners*, OFFRANGE (Sep. 1, 2023), https://ambrook.com/research/land/latino-farmworkers-farm-ownership [https://perma.cc/65NK-2K9D].

37. FERGUSON, *supra* note 3, at 2.

38. *See* Shoemaker, *supra* note 9, at 1705, 1718.

39. *See id.* at 1706.

40. Horst & Marion, *supra* note 14, at 7.

41. *Id.* at 12.

42. WILLIAM BOYD, *Food Law's Agrarian Question: Capital, Global Farmland, and Food Security in an Age of Climate Disruption*, *in* RESEARCH HANDBOOK ON INTERNATIONAL FOOD LAW 29, 44 (Michael T. Roberts ed., 2023).

43. FERGUSON, *supra* note 3, at 5.

middle class.[44] The consolidation of rural land leading to rural poverty in developing countries is well established, as is land ownership increasing food security.[45] In the United States, similar effects have been seen among Native communities stripped of their land.[46] In less agricultural economies, like the United States, boosting community participation in land management can result in a more diverse, local food system that expands food access through additional food sources like community-supported agriculture (CSA) and food hubs, reducing food deserts, as discussed in Part III, and building wealth through access to better paying agricultural jobs.[47]

C. Ecological Impacts of Consolidation

While some may argue it is the use of the land rather than the ownership that influences sustainable growing practices, it is difficult to deny that who owns the land informs how the land is used.[48] Larger farm size is associated with monoculture and increased fertilizer and pesticide use, both of which have negative environmental impacts on biodiversity, public health, and climate change.[49] These practices contribute to greenhouse gas emissions including nitrous oxide emissions from soils, application of fertilizers, and indirect greenhouse gas emissions from land clearing and deforestation.[50]

In addition, as discussed in Section I.A above, consolidation of farmland leads to increased tenancy, which in turn leads to uncertain land tenure.[51] Uncertain land tenure leads to environmental harm through a breakdown of the ideals of land stewardship, as discussed in Part III: that a lasting relationship with the land through ownership or secure tenancy inspires better environmental practices.[52]

44. Thomas A. Lyson, Robert J. Torres & Rick Welsh, *Scale of Agricultural Production, Civic Engagement, and Community Welfare*, 80 SOC. FORCES 311, 322–23 (2001).

45. Robert Barbour, *Achieving Food Security Through Land Reform*, SUSTAINABLE FOOD TR. (July 9, 2022), https://sustainablefoodtrust.org/news-views/achieving-food-security-through-land-reform/ [https://perma.cc/3LWM-SYSJ].

46. SARA USHA MAILLACHERUVU, CTR. ON BUDGET & POL'Y PRIORITIES, THE HISTORICAL DETERMINANTS OF FOOD INSECURITY IN NATIVE COMMUNITIES 3 (2022), https://www.cbpp.org/sites/default/files/10-4-22fa.pdf [https://perma.cc/SB8M-Q2U6].

47. *See infra* Part III.

48. Malcolm M. Combe, *The Environmental Implications of Redistributive Land Reform*, 18 ENV'T L. REV. 104, 113 (2016) [hereinafter *Environmental Implications*].

49. FERGUSON, *supra* note 3, at 4.

50. Massimiliano Agovino et al., *Agriculture, Climate Change and Sustainability: The Case of EU-28*, 105 ECOLOGICAL INDICATORS 525, 526 (2019).

51. *See* discussion *supra* Section I.A.; Richardson, *supra* note 11, at 799.

52. *See* discussion *infra* Part III; *Environmental Implications*, *supra* note 48, at 116.

Globally, insecure land tenure links to poor land use and, in turn, environmental degradation.[53] In the United States, the same pressures due to insecure land tenure lead to the same outcomes. 45% of farmland leases in the United States are unwritten, causing a default year-to-year tenancy, and a majority of farmland leases overall are renegotiated annually.[54] The uncertainty and shorter timespan associated with tenant farming disrupts the adoption of sustainable practices which require many repeated seasons of use to cultivate—like soil-building conservation practices that improve carbon and water storage—contributing to less environmentally friendly agricultural practices.[55] Soil conservation methods allow soil to act as a carbon sink and lower nitrous oxide emissions from soil, thereby reducing atmospheric greenhouse gasses and slowing climate change, providing benefits both the short-term by improving the soil quality and the long-term by improving global climate outcomes.[56] As length of tenancy grows, the likelihood of implementing these capital-intensive changes grows as well.[57] In addition, tenancy limits farmers' production choices and gives less incentive to make long-term investments in property, such as soil protective measures and improvements to pastures, by limiting access to credit and government programs which support sustainability.[58] Banks are less likely to grant credit, as lenders are more skeptical of loaning money when continued tenure is uncertain.[59] Also, it is harder to access government programs designed to encourage sustainable practices, as clear title is often required for accessing many federal farm programs including loan and conservation programs.[60] This can pose a special challenge for Black farmers who are more likely to lack clear title due to historically discriminatory heirs' property laws, and are more likely to be discriminated against in applications for loans. [61]

53. FOOD & AGRIC. ORG. OF THE UNITED NATIONS, FAO LAND TENURE STUDIES 3: LAND TENURE AND RURAL DEVELOPMENT 24 (2002), https://www.fao.org/4/y4307e/y4307e00.pdf [https://perma.cc/5CPB-HC8H].

54. J. WESLEY BURNETT, DANIEL SZMURLO & SCOTT CALLAHAN, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC., FARMLAND RENTAL AND CONSERVATION PRACTICE ADOPTION 31 (2024) https://ers.usda.gov/sites/default/files/_laserfiche/publications/108848/EIB-270.pdf [https://perma.cc/EGQ7-2FV7].

55. *See* FERGUSON, *supra* note 3, at 5.

56. Mareli Sanchez-Julia, *Soil and Its Promise as a Climate Solution: A Primer*, MONGABAY (Aug. 10, 2021) https://news.mongabay.com/2021/08/soil-and-its-promise-as-a-climate-solution-a-primer/ [https://perma.cc/YBK8-5U6Y].

57. *See* Adewale Henry Adenuga, Claire Jack & Ronan McCarry, *The Case for Long-Term Land Leasing: A Review of the Empirical Literature*, LAND, Mar. 1, 2021, at 8, https://www.mdpi.com/2073-445X/10/3/238 [https://perma.cc/UZ4U-RURD].

58. *Id.* at 8.

59. *Environmental Implications*, *supra* note 48, at 116 n.76.

60. FERGUSON, *supra* note 3, at 5.

61. *Id.*; *see* discussion *supra* Section I.B.

All these factors make it much more difficult for tenant farmers to implement sustainable growing practices.[62]

Accompanying the rise in tenancy is a rise in absentee landlords, who are less involved in farming operations and the community.[63] While the vast majority of farms rely on hired farmworkers regardless of their status as owner or renter-operated, operators' ability to confidently make sustainable growing decisions relies on their relationship and communication with the landowner. [64] Unlike commercial leases for a factory or office building, which often grant great flexibility to tenants,[65] agricultural leases often impose restrictions granting tenants less control over agricultural practices.[66] For example, standard leases for agricultural land often include provisions creating a duty of the tenant to "farm the rented property consistent with a general standard of good husbandry[,]" which is measured in comparison to common community farming practices, likely conventional agricultural practices rather than sustainable practices.[67] Distant landlord-tenant relationships make discussing sustainable growing practices that deviate from lease terms more difficult for tenants.[68] Building community trust in a common understanding of sustainable practices qualifying as "good husbandry" practices can also be more difficult.[69] Landlord-tenant communication frequency, including regarding conservation practices, decreases as distance from the property grows.[70] In one study, landlords communicated about conservation practices only three times a year on average, with 29% indicating only one discussion and 28%

62. FERGUSON, *supra* note 3, at 19–20.

63. Edward Cox, *A Lease-Based Approach to Sustainable Farming, Part I: Farm Tenancy Trends and the Outlook for Sustainability on Rented Land,* 15 DRAKE J. AGRIC. L. 369, 381–82 (2010) [hereinafter Cox, *Part I*].

64. FARM LABOR, *supra* note 12, at 21. Over 90% of farms have more than one hired worker. *Id.*

65. *See* S. Michael Brooks, *Green Leases and Green Buildings*, PROB. & PROP., Nov./Dec. 2008, at 22, 23. Commercial leases are usually for longer periods. *Id.* at 23. These spaces do face the same issues of lack of incentive for tenants to take sustainability measures, like implementing smart metering for gas and water, due to the general lack of incentive to make capital-intensive improvements to rental properties. *Id.*

66. *See* Edward Cox, *A Lease-Based Approach to Sustainable Farming, Part II: Farm Tenancy Trends and the Outlook for Sustainability on Rented Land,* 16 DRAKE J. AGRIC. L. 1, 20 (2011) [hereinafter Cox, *Part II*].

67. *Id.*

68. Cox, *Part I*, *supra* note 63, at 380–81.

69. Cox, *Part II*, *supra* note 66, at 24–26.

70. Cox, *Part I*, *supra* note 63, at 380.

reporting not discussing conservation at all.[71] Communication is important to tenant confidence in making sustainable growing decisions, particularly in cases where leases include provisions requiring good husbandry practices or limiting tenants' control over agricultural practices.[72]

III. PROPOSAL

This Article proposes how we might redesign our food system to better address environmental realities and economic inequalities from land consolidation. First, to address consolidation and insecure land tenure, I propose establishing producer-cooperatives.[73] These protect small landholders from risk and enable access to resources like technical assistance, loans, and grants to implement sustainable growing practices. Partnering these cooperatives with community land trusts, community purchasing, and conservation easements will shift agricultural land ownership to a larger, more diverse group, supporting greater rural economic justice. In addition, these small farmers will have more secure land tenure, which will foster land stewardship and empower them to institute sustainable growing practices. Second, by creating a circular food economy through food hubs, these smaller producers can have greater access to a secure market for their crops, empowering them to make more sustainable growing decisions.

A. Fostering Land Stewardship

These proposed changes, through cooperative formation and ensuring secure land tenure, will facilitate a culture of land stewardship rather than sole ownership. As posed by Cassandra Ferrara, "How do we create council-based stewardship of land that will last and renew itself many lifetimes beyond ours? How can our community land trust boards and our intentional community governance agreements become indigenously-informed stewardship circles?"[74] The answer proposed in this Article is agricultural cooperatives partnering with community land trusts. Restructuring land ownership through community-based cooperatives and land trusts will change the relationship with the land to create a stewardship mentality, reframing ownership as a lasting relationship with the land, and,

71. J. GORDON ARBUCKLE, JR., IOWA STATE UNIV. EXTENSION, RENTED LAND IN IOWA: SOCIAL AND ENVIRONMENTAL DIMENSIONS 13 (2010), https://isuaamncus122stg.blob.core.windows.net/shop/PMR1006.pdf [https://perma.cc/9HBG-4XHJ].

72. *See* Cox, *Part I*, *supra* note 63, at 384; Cox, *Part II*, *supra* note 66, at 24.

73. I use the term "producer" or "operator" to refer to a person making day-to-day management decisions on a farm. Where survey results or data use a specific term, I have aligned my usage with the available data. I use "farmworker" or "farm laborer" to refer to hired workers on a farm, including H-2A workers unless otherwise specified.

74. Ferrera, *supra* note 1.

therefore, secure land tenure and sustainable practices. This stewardship mentality facilitates more sustainable growing practices through a long-term reliance on the health of the soil and environment, including an awareness of the impacts of growing conditions on the community, like pesticide drift.[75] Because communities have vested interest in sustainable land management of the land on which they depend,[76] community-initiated cooperative ownership, as opposed to government-mandated cooperative ownership, is critical to ensuring these new farms meet their potential for implementing sustainable growing practices.[77]

Some, particularly those participating in the international land grabbing discussed in Part II, have used sustainability goals to justify land consolidation, proposing that consolidation will make it easier to implement climate-smart agriculture policy.[78] This justification for consolidation is termed "green grabbing."[79] The argument is based on a colonial conviction that small-landholder agriculture, particularly traditional, indigenous practices, is too inefficient and backward to meet climate goals.[80] However, this is just a reframing of the neoliberal "technology plus markets" approach to agricultural development used for over 50 years, merely using climate change as an excuse to expedite consolidation for profit at the cost of the wellbeing of rural communities.[81] It focuses on technical fixes to production problems that minimize questions of power and inequality,[82] without considering that it may be possible to address both climate change and inequality. This Article proposes that it is possible to do both, not through consolidation, but the opposite—empowering small farmers to make sustainable land management decisions through methods like agricultural cooperatives and community land trusts.

75. *See* discussion *supra* Section I.C.

76. Morgan Erickson-Davis, *Local Approaches to Conservation May Be the Most Effective, Study Finds*, MONGABAY (Sep. 15, 2017), https://news.mongabay.com/2017/09/local-approaches-to-conservation-may-be-the-most-effective-study-finds/ [https://perma.cc/GN3H-X3QT].

77. *See* Morgan Erickson-Davis, *True Stewards: New Report Says Local Communities Key to Saving Forests, Curbing Global Warming*, MONGABAY (July 24, 2024), https://news.mongabay.com/2014/07/true-stewards-new-report-says-local-communities-key-to-saving-forests-curbing-global-warming/ [https://perma.cc/R3M3-33YL].

78. *See* Erickson-Davis, *supra* note 76; BOYD, *supra* note 42, at 6.

79. Josephine Drydale, The Work of La Via Campesina Regarding the Intersection of Land Occupation and Food Sovereignty 3 (2022) (Honors thesis, University of Arkansas, Fayetteville) (on file with ScholarWorks@UARK).

80. BOYD, *supra* note 42, at 4–5.

81. Jennifer Clapp, Peter Newell & Zoe W. Brent, *The Global Political Economy of Climate Change, Agriculture and Food Systems*, 45 J. PEASANT STUD. 80, 83 (2018).

82. *Id.* at 84.

A prime example of this type of stewardship relationship is the Sogorea Te' Land Trust, which "is an urban Indigenous women-led land trust based in the San Francisco Bay Area that facilitates the return of Indigenous land to Indigenous people."[83] Their mission is "to restore native land stewardship to the original inhabitants of the land," and "to restore native foodways and traditional ecological knowledge . . . ."[84] Among other programs, Segorea Te' uses cultural easements to preserve access to property for sustainable land management as indigenous cultural sites.[85] They have also addressed the loss of traditional growing practices by establishing training programs in native land stewardship techniques.[86] While Sogorea Te' focuses primarily on urban agriculture, similar techniques of community land trust purchasing and community-supported educational initiatives could be used in rural areas to facilitate a revival of land stewardship.

This theory also has roots in La Via Campesina movement, which created the idea of food sovereignty and promotes the view that "small farmers understand the importance of land preservation practices, and utilize them, for the benefit of the climate and farming . . . ."[87] For La Via Campesina, small-scale sustainable agriculture promotes social justice and dignity of farmers.[88] The movement demonstrates that small-scale farmers coming together as advocates can empower farmers to make sustainable choices and improve economic viability. The movement has successfully put pressure on organizations like the World Bank, World Trade Organization, and Food and Agriculture Organization of the United Nations (FAO) to address the interests of small farmers in policymaking.[89]

Based on these examples, fostering a culture of land stewardship among small farmers in the United States can bolster a more sustainable and more equitable food system.

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83. *Purpose and Vision*, SOGOREA TE' LAND TR. (Sep. 28, 2025, at 08:55 CT), https://sogoreate-landtrust.org/purpose-and-vision/ [https://perma.cc/Y4RC-PRU5].

84. K. Nicole Wires & Johnella LaRose, *Sogorea Te' Land Trust Empowers Indigenous Food Sovereignty in the San Francisco Bay Area*, J. AGRIC., FOOD SYS., & CMTY. DEV., Nov. 22, 2019, at 31, 33, https://www.foodsystemsjournal.org/index.php/fsj/article/view/758/745 [https://perma.cc/X4E3-2B96].

85. *Id.*

86. *Id.* at 33–34.

87. Drydale, *supra* note 79, at 4.

88. *FAO Will Cooperate with La Via Campesina, the Largest Movement of Small-Scale Food Producers in the World*, FOOD & AGRIC. ORG. OF THE UNITED NATIONS (Oct. 4, 2013), https://www.fao.org/newsroom/detail/FAO-will-cooperate-with-La-Via-Campesina-the-largest-movement-of-small-scale-food-producers-in-the-world/en [https://perma.cc/SZV3-DJ4Z].

89. Phillip McMichael, *The Land Question in the Food Sovereignty Project*, 12 GLOBALIZATIONS 434, 435 (2015).

B. Cooperative Formation

The initial step of this proposal is to form cooperatives to empower small landowners and, in particular, worker-owned farms, by increasing their bargaining power, thereby increasing their capacity for purchasing land and improving their ability to withstand market variability.[90]

The inclusion of workers within this cooperative structure is critical. Sustainable farms lacking worker ownership still exploit workers and trend toward ownership consolidation due to market pressures.[91] Community-driven ownership by worker cooperatives can counteract these pressures. Worker cooperatives better open access to farm ownership to historically excluded groups by ensuring marginalized voices are given equal footing in operations.[92] In addition, workers have stronger incentives to implement sustainable practices like reduced pesticide

90. *See* Jessica Beckett & Ryan E. Galt, *Land Trusts and Beginning Farmers' Access to Land: Exploring the Relationship in Coastal California*, J. AGRIC., FOOD SYS. & CMTY. DEV., Mar. 13, 2014, at 20-21, https://foodsystemsjournal.org/index.php/fsj/article/view/245/233 [https://perma.cc/Z6YJ-MFXK].

91. *See* Christy Getz, Sandy Brown & Aimee Shreck, *Class Politics and Agricultural Exceptionalism in California's Organic Agriculture Movement*, 36 POL. & SOC'Y 478, 489 (2008). Sustainable farming practices are often argued to be unviable due to market competitions, placing greater pressure on farm operators to cut corners in other areas, like labor. *Id.* In addition, workers lack power to control farm operations, which leads to conditions ripe for their exploitation. *Id.*

92. Annelise Jolley, *The Co-op Farming Model Might Help Save America's Small Farms*, CIV. EATS (Oct. 3, 2018), https://civileats.com/2018/10/03/co-op-farming-models-might-help-save-americas-small-farms/ [https://perma.cc/PVN7-C95X]. It is important to note that worker cooperatives do not eliminate opportunities for worker exploitation. Immigrant and migrant farmworkers face continued threat of exploitation due to fear of deportation and immigration enforcement, which is not addressed. Carrie Hempel & Gowri J. Krishna, *Within the Law, Beyond Exploitation: The Evolution of Immigrant Worker Cooperatives*, 52 FORDHAM URB. L.J. 931, 990 (2025) ("The precarious legal status of undocumented workers means that even cooperative ownership does not insulate them from immigration enforcement, nor does it provide access to many of the labor protections available to traditional employees."). Similarly, incarcerated workers in many states work on penal plantations for little to no pay with limited access to water, breaks, and toilets, with workers placed in solitary confinement for being unwilling or unable to work or meet performance demands. JENNIFER TURNER ET AL, AM. C.L. UNION & UNIV. OF CHI. L. SCH. GLOB. HUM. RTS. CLINIC, CAPTIVE LABOR: EXPLOITATION OF INCARCERATED WORKERS 36 (2022) (describing the ways incarcerated agricultural workers are treated and how penal plantations run). Generally, the agricultural workforce has been set up in such a way as to "preclud[e] claims for good wages, political rights, and economic justice[,]" and a transition to sustainable agricultural practices alone will not address deeply entrenched legal systems upholding them. *See* Getz, Brown & Shreck, *supra* note 91, at 485–86.

use.[93] However, worker-owned farms, while resulting in greater equity and sustainable practices, have struggled in the past to gain an adequate share of the agricultural market.[94] They can also have difficulty accessing financing, as banks often require a personal guarantee for small business loans, making one or more cooperative members financially liable for the loan if the business fails.[95] These issues can be somewhat addressed through joining producer cooperatives in order to access a more secure market share, as well as financing opportunities and other technical assistance.[96]

At their core, producer cooperatives are producer-owned and democratically-controlled businesses that operate for the benefit of members rather than outside investors.[97] Cooperatives are usually incorporated under state law, then organizers create bylaws, and members elect a board of directors, which sets policy and hires a manager to run day-to-day operations.[98] Each member only has one vote in selecting directors, regardless of size or ownership percentage,[99] making cooperatives a model of economic democracy[100] and enabling

93. Guadalupe T. Luna, *The Dominion of Agricultural Sustainability: Invisible Farm Laborers*, 2014 WIS. L. REV. 265, 267 (2014).

94. Jolley, *supra* note 92; Julian D. Miller & LeBroderick A. Woods, *Black Co-op Farms: Building a Worker Strategy in Mississippi*, NONPROFIT Q. (Dec. 15, 2022), https://nonprofitquarterly.org/black-co-op-farms-building-a-worker-strategy-in-mississippi/ [https://perma.cc/E4AX-E3L6].

95. Oscar Perry Abello, *Worker-Owned Cooperatives Are Creating Their Own Funding Networks*, YES! (Feb. 22, 2021), https://www.yesmagazine.org/economy/2021/02/22/worker-owned-cooperatives-investment-network [https://perma.cc/ADR7-HRU9].

96. Different agricultural sectors with divisions in growing seasons and labor requirements may also require considerations beyond the scope of this Article. While the vast majority of farms that hire workers do so for more than half the year, the seasonality of demand for farm labor may be an additional challenge to establishing an economically viable relationship of stewardship. FARM LABOR, *supra* note 12, at 4; *see* PHILIP MARTIN, MICHAEL FIX & J. EDWARD TAYLOR, THE NEW RURAL POVERTY: AGRICULTURE & IMMIGRATION IN CALIFORNIA 12, 20–22 (2006).

97. *Co-ops: A Key Part of Rural America*, U.S. DEP'T OF AGRIC., (Sept. 24, 2025, at 11:27 CT), https://www.usda.gov/topics/rural/co-ops-key-part-fabric-rural-america [https://perma.cc/T8BW-BADR].

98. JAMES J. WADSWORTH & E. ELDON EVERSULL, RURAL DEV., U.S. DEP'T OF AGRIC., COOP. INFO. REP. 55, CO-OPS 101: AN INTRODUCTION TO COOPERATIVES 1 (2012), https://www.rd.usda.gov/files/cir55.pdf [https://perma.cc/VQ6H-P2B9].

99. *Id.* at 36.

100. *See* Patrick H. Mooney, *Democratizing Rural Economy: Institutional Friction, Sustainable Struggle and the Cooperative Movement*, 69 RURAL SOCIO. 76, 79, 83 (2004) (analyzing how cooperatives represent a deviation from typical business models and the history of agricultural cooperative formation in the United States reflected political as well as economic action).

representation of small farms.[101] Earnings are distributed based on the use of the cooperative over the year.[102] Agricultural products marketed through cooperatives are granted an exemption from antitrust laws under the Capper-Volstead Act.[103] Some cooperatives have seen backsliding into more corporate structures, with some going so far as to adopt investor-oriented firm proportional voting models.[104] However, to avoid the backsliding from goals of sustainability and equality currently seen in areas with a strong cooperative presence, like Europe,[105] it is critical to remain rooted in the community of small farmers and farm workers. Cooperatives are known to change farmers' practices through providing services like educational tools and stronger market positions that reduce perceived risk and make investment in sustainable techniques more feasible.[106]

Within these basic frameworks, cooperatives can be organized in many ways around the community and offer various resources to support small, sustainable farms. The proposed cooperative structure is informed by several case studies of agricultural cooperatives successful at implementing sustainable growing techniques while supporting small farmers, including adoption of greener pest control and soil conservation methods.[107]

In the Netherlands, an emergence of environmental cooperative formation[108] demonstrates cooperative membership can help farms implement sustainable

101. *Id.* at 91, 95.

102. WADSWORTH & EVERSULL, *supra* note 98, at 37.

103. *Id.* at 27. Under the Capper-Volstead Act, farmers are allowed to organize, set policy, and to fix prices to sell their products without violating antitrust laws; however, they are still prohibited from achieving monopolies. Md. & Va. Milk Producers Ass'n v. United States, 362 U.S. 458, 466–67 (1960). The Act was originally passed in the hopes of allowing producers to capture greater market share, and was further expanded by passage of the Cooperative Marketing Act of 1926. LYNN PITMAN, UNIV. OF WIS. CTR. FOR COOPS., HISTORY OF COOPERATIVES IN THE UNITED STATES: AN OVERVIEW 5 (2018), https://resources.uwcc.wisc.edu/History_of_Cooperatives.pdf [https://perma.cc/D8ET-5JLC].

104. Mooney, *supra* note 100, at 84.

105. *See* RAQUEL AJATES GONZALEZ, FARMERS' COOPERATIVES AND SUSTAINABLE FOOD SYSTEMS IN EUROPE 3 (2018). Cooperatives represent over 50% of the whole agricultural sector in Austria, Denmark, Finland, France, Ireland, the Netherlands, and Sweden, and between 40 and 50% in Spain, Belgium, and Germany. Jos Bijman & Constantine Iliopoulos, *Farmers' Cooperatives in the EU: Policies, Strategies, and Organization*, 85 ANNALS PUB. & COOP. ECONS. 497, 500 (2014).

106. Ahmet Candemir, Sabine Duvaleix & Laure Latruffe, *Agricultural Cooperatives and Farm Sustainability – A Literature Review*, 35 J. ECON. SURVS. 1118, 1119 (2021).

107. *Id.* at 1125.

108. Henk Renting & Jan Douwe Van Der Ploeg, *Reconnecting Nature, Farming and Society: Environmental Cooperatives in the Netherlands as Institutional Arrangements for Creating Coherence*, 3 J. ENV'T POL'Y & PLAN. 85, 87 (2001).

growing practices. For example, technical assistance offered by cooperatives increases farmers' likelihood of reducing pesticide use.[109] These cooperatives have successfully linked farming, local ecology, and the wider social environment.[110] They represent an alternative to the top-down institution of sustainability goals, reflecting the importance of land stewardship and community engagement with sustainability. [111] Cooperatives create a bargaining unit to engage with local government and environmental organizations.[112] They then form binding sustainability agreements through negotiated covenants.[113] The creation of environmental cooperatives as new networks allows them to get around existing distrust between coalitions.[114] The local nature of these cooperatives also enables them to better understand the needs of the community, economically and environmentally.[115]

Agricultural cooperatives in Almería, Spain showcase another aspect of the success of cooperative formation to support sustainability and economic justice via supporting small landholders.[116] The average landholding in the region is only two hectares.[117] Almería cooperatives formed under Franco's dictatorship, growing as a grassroots movement filling a void in a region largely excluded from prior state

109. Diego Naziri et al., *Estimating the Impact of Small-Scale Farmers' Collective Action on Food Safety: The Case of Vegetables in Vietnam*, 50 J. DEV. STUDS. 715, 717–18 (2014).

110. Renting & Douwe Van Der Ploeg, *supra* note 108, at 88.

111. *Id.* at 87–88.

112. *Id.* at 89. Similarly, in the United States, early agricultural cooperatives of the Progressive Era engaged in advocacy pushing for policies supporting more equitable economic policy. PITMAN, *supra* note 103, at 4.

113. Renting & Douwe Van Der Ploeg, *supra* note 108, at 88.

114. *Id.* at 89.

115. Support from cooperatives like technical assistance and financial security were found to enhance farmers' intention to participate in conservation practices. *See* William van Dijk et al., *Collective Agri-Environment Schemes: How Can Regional Environmental Cooperatives Enhance Farmers' Intentions for Agri-Environment Schemes?*, 42 LAND USE POL'Y 759, 760, 765 (2015); *see* J.S.C. Wiskerke et al., *Environmental Co-Operatives as a New Mode of Rural Governance*, 51 NJAS: WAGENINGEN J. LIFE SCI. 9, 9 (2003).

116. CYNTHIA GIAGNOCAVO, THE ALMERÍA AGRICULTURAL COOPERATIVE MODEL: CREATING SUCCESSFUL ECONOMIC AND SOCIAL COMMUNITIES i (2012) [hereinafter ALMERÍA AGRICULTURAL COOPERATIVE MODEL], https://social.un.org/coopsyear/documents/AlmeriaPaperGiagnocavo.pdf [https://perma.cc/JHZ8-9CR5].

117. *See* Cynthia Giagnocavo, *The Development of the Cooperative Movement and Civil Society in Almería, Spain: Something from Nothing?*, SUSTAINABILITY, Nov. 2020, at 1, 15 [hereinafter *Something from Nothing?*], https://www.mdpi.com/2071-1050/12/23/9820 [https://perma.cc/WN69-JCVX]. This may be partly due to a reliance on small-scale greenhouse-centered growing methods, and the region focusing on fruit and vegetable agriculture. ALMERÍA AGRICULTURAL COOPERATIVE MODEL, *supra* note 116, at i, iii–iv.

efforts at cooperative formation.[118] They survived the transition to democracy, and continue to flourish due to the support and investment of the community, and their continued relevance due to harsher growing conditions due to climate change.[119] These cooperatives provide education and training in sustainable agricultural practices, including improved sustainable water use practices, decreased pesticide use, and improved composting and material reuse through collaboration between cooperatives and communities.[120] They also shift individual economic risk to community risk, creating shared successes and failures, such as: providing management and financial training to facilitate agricultural entrepreneurship; acting as intermediating advocates for policy change to support community members; and building member relationships through dissemination of technical, economic, and social knowledge.[121] Almería cooperatives are particularly unique due to their growth in specialized crops which require greater investment in technology while maintaining membership of small growers and a cooperative business form.[122] Along with all these positives, the entrenched nature of older cooperatives has led to the exclusion of some groups, like immigrants and women.[123] Similar trends of discrimination in membership were seen in early cooperative formation in the United States.[124] In the United States, some organizations like the Federation of Southern Cooperatives (FSC) attempted to reverse this trend by supporting operating independence and land retention among Black farmers.[125] FSC still provides food assistance, financial aid, technical assistance, networking opportunities, and federal grant application assistance today.[126] In Almería, these historically excluded groups are organizing initiatives to gain greater representation on cooperative boards,[127] indicating that even

118. *Something from Nothing?*, *supra* note 117, at 2–3.

119. *See id.* at 6–7.

120. *See* Cynthia Giagnocavo, Emilio Galdeano-Gomez & Juan Corlos Perez-Mesa, *Cooperative Longevity and Sustainable Development in a Family Farming System*, SUSTAINABILITY, June 2018, at 1, 7, 9, 11, https://www.mdpi.com/2071-1050/10/7/2198 [https://perma.cc/Q5P5-FZ3Z].

121. ALMERÍA AGRICULTURAL COOPERATIVE MODEL, *supra* note 116, at ix.

122. Cynthia Giagnocavo, Silvia Gerez & Vanessa Campos, *Paths to Cooperative Survival: Structure, Strategy and Regeneration of Fruit and Vegetables Cooperatives in Almería and Valencia, Spain*, 85 ANNALS PUB. & COOP. ECON. 617, 625 (2014).

123. *Something from Nothing?*, *supra* note 117, at 4.

124. PITMAN, *supra* note 103, at 3–4.

125. *Id.* at 6.

126. Becca Blanke, *History of Farming Cooperatives in America*, ARCGIS STORYMAPS (Dec. 9, 2021), https://storymaps.arcgis.com/stories/6ec0ba2fd49b4b1c82b0996116424f35 [https://perma.cc/EY5X-SKZU].

127. *Something from Nothing?*, *supra* note 117, at 18.

originally excluded groups can eventually be included through the democratic nature of cooperatives.[128] This does exemplify, however, how heterogeneity in cooperatives can result in less democratic cooperatives, leading to the exclusion of certain groups from decision making.[129] This can also undermine cooperative benefits, leading to issues with economic performance due to inefficiency if the members are so diverse as to have different interests.[130] Heterogeneity can come from farm characteristics like size and cost structures or member characteristics like age, which impacts risk aversion.[131]

Another example of cooperative formation are ejidos, Mexican cooperative farms.[132] Ejidos were created by law in response to demands from poor, rural Mexicans who lost land to the expansion of large agricultural estates.[133] They were initially seen as a way to train non-landholders in land management until they could become free-holding owners, essentially developing a small peasant economy to provide economic security "as an escape valve for political unrest . . . ."[134] Land ownership for individuals is limited to a certain acreage.[135] Land larger than that acreage is owned as social property governed by ejido communities overseen by an Ejido Assembly, in which all ejido members have voting rights.[136] However, ejidos declined due to market demand for enhanced food production forcing ejidatarios (ejido members) into signing private agreements with the land-owning class, essentially leasing land to larger corporate farms.[137] They have also

128. *Id.* at 3.

129. *See generally* Patrick Rey & Jean Tirole, *Financing and Access in Cooperatives*, 25 INT'L J. INDUS. ORG. 1061, 1074, 1077, 1084 (2007) (demonstrating how access policies and heterogeneity may marginalize people with lower incomes).

130. *Id.* at 1078.

131. Matthew Elliot, Lisa Elliott & Evert Van der Sluis, *A Predictive Analytics Understanding of Cooperative Membership Heterogeneity and Sustainability*, SUSTAINABILITY, June 2018, at 1, 1–2, https://www.mdpi.com/2071-1050/10/6/2048 [https://perma.cc/989D-WNU4].

132. Rodolfo Stavenhagen, *Collective Agriculture and Capitalism in Mexico: A Way Out or A Dead End?*, 2 LATIN AM. PERSPS. 146, 146 (1975).

133. *Id.*

134. *Id.* at 147.

135. *Mexico - Communal Agrarian Tenure (Ejido System)*, SCOTTISH LAND COMM'N (Sep. 25, 2025, at 14:57 CT), https://www.landcommission.gov.scot/our-work/governance-ownership/international-experience/mexico-communal-agrarian-tenure-ejido-system [https://perma.cc/2MGY-JGN3].

136. *Id.*

137. Peter L. Reich, *The Food-Water Nexus in the Post-Revolutionary Mexican Supreme Court*, *in* RESEARCH HANDBOOK ON INTERNATIONAL FOOD LAW 152–53 (Michael T. Roberts ed., 2023).

fallen victim to increasing urbanization.[138] However, despite its decline, half of Mexico's territory is still held by ejidos.[139] Overall, this represents the tenuousness of state-initiated community land ownership. As the state has withdrawn support and economic pressures to sell mounted, ejidos have struggled to be maintained by communities.[140] The cooperatives in the Netherlands and Almería, Spain, along with those proposed in this article distinguish themselves from this case by being based on community-initiated movements that strengthen the economic prospects of stakeholders.[141]

Based on these case studies, community-initiated cooperatives should provide technical assistance, education, and training to members and engage in advocacy with local governments. Strong community support and trust is necessary to sustain cooperatives and enable them to be effective in supporting the needs of small farms. Producer cooperatives should focus on specific crop varieties to avoid creation of minority stakeholders among membership.

C. Cooperative Land Acquisition via Community Land Trusts

Cooperatives can also support sustainable and economically just practices through property law tools like partnering with community land trusts and advocating for favorable tenancy agreements. Turnover in agricultural landownership is increasing,[142] creating greater opportunity for these property law tools to support sustainable and economically just agriculture.

Placing restrictions on property rights does not fit naturally into the ethos of the United States. The idea of property rights is "hard-wired into the fabric of American political and economic democracy."[143] However, this prong of the proposal is a reaction to current property law incentivizing unsustainable practices. For example, standard leases for agricultural land often include provisions "creating a duty of the tenant to farm the rented property consistent with a general standard of good husbandry[,]" which is measured in comparison to common

138. Melissa Schumacher et al., *Evolution and Collapse of Ejidos in Mexico—To What Extent Is Communal Land Used for Urban Development?*, LAND, Oct. 7, 2019, at 1, 2, https://www.mdpi.com/2073-445X/8/10/146 [https://perma.cc/5WK7-BPHU].

139. *Id.*

140. Gabriela Vargas-Cetina, *Anthropology and Cooperatives: From the Community Paradigm to the Ephemeral Association in Chiapas, Mexico*, 25 CRITIQUE ANTHROPOLOGY 229, 230 (2005).

141. *See* Giagnocavo, Galdeano-Gomez, & Perez-Mesa, *supra* note 120, at 3.

142. Neil D. Hamilton, *Feeding Our Green Future: Legal Responsibilities and Sustainable Agricultural Land Tenure*, 13 DRAKE J. AGRIC. L. 377, 384 (2008).

143. *Id.* at 387.

community farming practices, likely conventional agricultural practices rather than sustainable practices.[144] Language used often also emphasizes efficiency and productivity, prioritizing maximum productivity over sustainability.[145] As another example, the Monsanto Roundup Ready seed contract binds both the farmer using the seeds on new property purchased by the farmer and future tenants and purchasers of the property.[146] Placing restrictions on land requiring use of sustainable growing practices is hardly more of an affront to private property rights than these provisions, particularly when the restrictions are being put in place by democratically-elected governments or democratically-run cooperatives rather than individual companies or landowners.

First, the cooperatives may partner with cooperatively-run community land trusts.[147] While the cooperatives functioning as community land trusts would better ensure that small farmer interests are represented in trust actions, a separation between the two allows cooperatives to foster member participation while community land trusts provide needed legal and financial assistance to ensure financial sustainability.[148] The separation also allows for specialization of producer cooperatives, enabling greater homogeneity in business needs, while enabling broader participation of stakeholders when addressing land acquisition and sustainability. This partnership gives decisions on sustainable growing practices and property restrictions over to a democratically governed group of farmers and laborers.[149] This also limits fears of consolidation by incorporating democratic control into restrictions and land transfers. This model of collaboration between cooperatives and land trusts has functioned well in the housing space, preserving affordable housing from speculation in San Francisco and New York City.[150] In the housing context, community land trusts provide a stable legal base to protect from degradation of the sustainability-encouraging model of the cooperative over

144. Cox, *Part II*, *supra* note 66, at 24–25.

145. Cox, *Part I*, *supra* note 63, at 383.

146. Hamilton, *supra* note 142, at 383. The contract states that it binds parties "[t]o accept and continue the obligations of this Monsanto Technology Stewardship Agreement on any new land purchased or leased by [the] Grower that has Seed planted on it by a previous owner or possessor of the land." *Id.* at 383 n.13.

147. Meagan M. Ehlenz, *Community Land Trusts and Limited Equity Cooperatives: A Marriage of Affordable Homeownership Models?* 1, 16 (Lincoln Inst. of Land Pol'y, Working Paper No. WP13ME1, 2014).

148. *See* Jake Blumgart, *Cooperatives and Community Land Trusts: Natural Partners?*, SHELTERFORCE (Aug. 3, 2021), https://shelterforce.org/2021/08/03/cooperatives-and-community-land-trusts-natural-partners/ [https://perma.cc/87KG-JWCV].

149. Ehlenz, *supra* note 147, at 1.

150. *Id.*; *see* Blumgart, *supra* note 148.

time.[151] Trusts provide stability and assurance of sustainable practices on the land going forward, compared to cooperative membership alone, from which cooperative members are free to withdraw at any time. However, trusts face the same challenge in access to capital, often relying on government grants, private investment, and donations for funding.[152] Landowners donating land to trusts, either via an easement or fee simple, gain income and estate tax benefits,[153] which eases acquisition by trusts. This precarious funding makes community support imperative to cooperatives success.[154]

Trusts impact land use through two mechanisms: fee simple acquisition and easements.[155] Though owning in fee simple is the most expensive acquisition method, owning the land in fee simple best enables trusts to control land use. Trusts then lease land to small farmers via long-term ground leases, which are typically for a term of 99 years.[156] This method risks mimicking corporate consolidation of agricultural lands. For example, a traditional, large land trust, Nature Conservancy, has few funding sources and represents efforts to donors as dollars and acres covered.[157] The proposed method has two safeguards against this potential problem. First, long-term ground leases better ensure secure land tenure than the current majority of farmland leases that are renegotiated annually.[158] Second, the

151. Blumgart, *supra* note 148.

152. Claire Fahy, *Community Land Trusts Are Working to Create New Homeowners*, N.Y. TIMES (July 21, 2023), https://www.nytimes.com/2023/07/08/realestate/community-land-trusts-gentrification.html; *see* Julia Duranti-Martínez, *"Real Power is in the Land": Community Land Trusts—Past, Present and Future*, LISC (Aug. 11, 2021), https://www.lisc.org/our-stories/story/real-power-is-in-the-land-community-land-trustspast-present-and-future/ [https://perma.cc/2KQ6-D3DG].

153. *Conservation Easements*, CAL. COUNCIL OF LAND TRS. (Sep. 18, 2025, at 13:58 CT), https://calandtrusts.org/conservation-basics/conservation-tools/conservation-easement/ [https://perma.cc/T9J4-U9C7].

154. Beckett & Galt, *supra* note 90, at 31.

155. Dominic P. Parker, *Land Trusts and the Choice to Conserve Land with Full Ownership or Conservation Easement*, 44 NAT. RES. J. 483, 484 (2004).

156. Blumgart, *supra* note 148.

157. Peter Talbot, Improving the Land Trust Model's Impact on Environmental Conservation in Northern California 7–8 (June 22, 2025) (M.N.A. capstone, University of San Francisco) (on file with the Master's Projects and Capstones, University of San Francisco).

158. DANIEL BIGELOW, ALLISON BORCHERS & TODD HUBBS, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC., U.S. FARMLAND OWNERSHIP, TENURE, AND TRANSFER 25–26, https://ers.usda.gov/sites/default/files/_laserfiche/publications/74672/EIB-161.pdf?v=73035 [https://perma.cc/523L-2BXS].

land trust is rooted in community.[159] By connecting land to people with longstanding relationships with it,[160] creating a culture of land stewardship, trust-cooperative partnerships will avoid the same type of harmful tenant-owner relationships discussed in Part II.[161] In addition, community engagement supports economic and environmental justice, avoiding the harms of corporate land consolidation.

Trusts also use cultural or conservation easements. Unlike fee simple ownership, through easements, the property remains in continued private ownership while the trust acquires an easement that limits certain activities on the land.[162] Conservation easements are formed between the land trust and property owner, and attached to the property's deed.[163] In contrast to fee simple ownership, this reliance on the current property owner's willingness to participate makes conservation easements more useful as a tool for ensuring compliance with sustainability goals rather than implementing sustainability goals anew. The use of conservation easements can be a trickier approach because easements traditionally use restrictive language barring a landowner from performing certain activities or treatments.[164] Affirmative language can more easily express sustainability goals but may be too restrictive or become outdated.[165] Easements may also require more time and money to specify, monitor, and enforce terms.[166] However, tying the conditions of the easement to participation in the cooperative may enforce sustainability goals while reducing easement management costs. Easements may not work in every state, as they rely on enabling statutes for enforcement, which some states lack.[167] Easements also rely on existing property owners being

159. *See* Adam Calo, *Should We Ask Philanthropy to Buy Land for Agroecology?*, LAND FOOD NEXUS (May 25, 2023), https://adamcalo.substack.com/p/should-we-ask-philanthropy-to-buy [https://perma.cc/LCV2-WETA] ("If the farmers who have the ability to produce high quality, abundant, food in a socially just, an [sic] ecologically sensitive way don't have control over land, the technical dimensions of agroecology are a moot point.").

160. Talbot, *supra* note 157, at 10.

161. *See* discussion *supra* Part II.

162. A. M. Merelender et al., *Land Trusts and Conservation Easements: Who Is Conserving What for Whom?*, 18 CONSERVATION BIOLOGY 65, 66 (2004).

163. *Conservation Easements*, *supra* note 153.

164. Victoria Kulwicki, Land in Trust: Preserving Farmland Through Easement and Fee Simple Ownership in Rural, Suburban, and Urban Contexts 3 (May 2016) (M.A. thesis, Tufts University) (on file with the Drake Journal of Agricultural Law).

165. *Id.*

166. Parker, *supra* note 155, at 484.

167. *Id.* at 491. Despite lacking enabling statutes, land trusts in Pennsylvania and Wyoming still held almost 100,000 acres of conservation easements. *Id.* at 491 n.50.

amenable to sustainability, rather than enabling a shift in property ownership to more sustainable, small landholdings.

Through both of these methods, community land trusts can prioritize supporting sustainable growing practices through methods like agroecological zoning, aligning the restrictions on the use of the land with environmental needs by looking at factors like water availability, soil conditions, and pesticide use.[168] Typical land trust structures can struggle to balance agricultural preservation, environmental conservation, and supporting small farmers.[169] However, a land trust structure that prioritizes agroecological conservation can strengthen the sustainable practices and ease land access for new, smaller, sustainable farmers by granting greater bargaining power.[170] It will also ensure that the land remains under sustainable growing practices, which can be important for certain benefits of sustainable practices to be reaped.[171]

The acquisition of land by these cooperatives could be eased by a state-supported community right of acquisition, modeled after Scotland's community purchasing policy. In Scotland, community bodies have a right of first refusal in purchasing land put up for sale within their community, with a provision requiring a commitment to sustainable development.[172] The bodies must register as representing a specific geographic area and an interest in the land, including a community need.[173] The need to prevent land use that undermines sustainable development is given an absolute right to buy.[174] A similar provision implemented in the United States would enable community land trusts, as representatives of the community, to acquire farmland more easily. This approach strengthens the community's involvement in land use policy by prioritizing the community's authority.[175] However, critics argue the sustainability requirement is too lax and vague, essentially creating state-sanctioned land grabs by claimed community

168. FOOD & AGRIC. ORG. OF THE UNITED NATIONS, *supra* note 53, at 25.

169. Beckett & Galt, *supra* note 90, at 31.

170. *See id.* at 19–20.

171. Cox, *Part I*, *supra* note 63 at 375–76 ("Although there are sustainable practices that may show short-term gains due to fewer input expenses, such as conservation tillage, most sustainable practices require years to fully appreciate.").

172. *Environmental Implications*, *supra* note 48, at 116, 119.

173. *Community Right to Buy ("the Part 2 Right to Buy")*, SCOTTISH GOV'T: CMTY. RTS. TO BUY: OVERVIEW (June 30, 2025), https://www.gov.scot/policies/land-reform/community-right-to-buy/ [https://perma.cc/QU98-AYL7].

174. Calo, *supra* note 159.

175. *See* John Bryden & Charles Geisler, *Community-Based Land Reform: Lessons from Scotland*, 24 LAND USE POL'Y 24, 26 (2007).

organizations.[176] Nevertheless, well-intentioned communities have used it to promote sustainable agriculture and impose a duty of sustainable land management.[177]

Beyond a direct right-to-buy, governments can also use market regulations to encourage sustainable use of agricultural lands through property acquisition. For example, in France, each region has a rural land market oversight society that can intervene in sales for environmental protection, local development, and increased market transparency.[178] This creates greater opportunity for smaller buyers by limiting land consolidation and adding consideration of public good in rural land transfer.[179] The additional consideration of environmental protection encourages agroecological ownership. Market regulation can also provide some protection against cooperative members withdrawing from the cooperative in order to sell land to large owners, preventing degradation of cooperatives, as discussed with Mexican ejidos in Section III.B.[180]

D. Secure Land Tenure Through Community Support

Beyond the cooperative structure, other legal protections like a right to tenure security and a right to tenant acquisition of land would strengthen farmer land tenure. The FAO defines security of land tenure as "the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges."[181] Scotland exemplifies these protections. Scotland guarantees a tenant right of acquisition for agricultural land, modeled on a tenant right of acquisition in social housing, arguing ownership fosters a sense of care among

176. McMichael, *supra* note 89, at 438; Aylwin Pillai, *Sustainable Rural Communities? A Legal Perspective on the Community Right to Buy*, 27 LAND USE POL'Y 898, 899 (2010); John A. Lovett, *Towards Sustainable Community Ownership: A Comparative Assessment of Scotland's New Compulsory Community Right to Buy*, *in* LAND REFORM IN SCOTLAND: HISTORICAL, LEGAL AND POLICY 177, 210–11 (Malcolm M. Combe, Jayne Glass & Annie Tindlay eds., 2020).

177. Calo, *supra* note 159. Forest land was purchased by Colintraive and Glendaruel Development Trust for use as a community garden and hiking trails. *Community Ownership: Case Studies*, SCOTTISH GOV'T (Apr. 8, 2019), https://www.gov.scot/publications/community-ownership-case-studies/pages/4/ [https://perma.cc/459A-ZT5C].

178. WARD ANSEEUW & GIULIA MARIA BALDINELLI, UNEVEN GROUND: LAND INEQUALITY AT THE HEART OF UNEQUAL SOCIETIES 52 (2020), https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2020-11/uneven-ground-land-inequality-unequal-societies.pdf [https://perma.cc/3CWH-PWMJ].

179. *Id.*

180. *See* discussion *supra* Section III.B.

181. FOOD & AGRIC. ORG. OF THE UNITED NATIONS, *supra* note 53, at 18.

small landowners.[182] In theory, tenants that transition to ownership will then have greater security in the land and be better able to implement restorative agricultural techniques.[183]

Other policy changes can grant greater land tenure for tenants. For example, granting tax incentives for longer rental periods or setting minimum agricultural lease lengths would encourage longer leases and greater tenure security without risking loss of economies of scale under a tenant right of acquisition model.[184] Scotland also guarantees a legal right to "security of tenure" for agricultural leases.[185] This provision allows tenants to extend the lease of the rented agricultural land even after the original contractual term has finished, provided the lessee has paid rent on time and generally maintained property properly.[186] These changes could counteract the current system of year-to-year leases as the gap-filling term for indefinite leases.[187]

E. Community Support from Consumers: Food Hubs and Circular Economy

Critics may argue that shifting to smaller, more sustainable farms will harm profitability, thereby worsening rural economic inequality.[188] However, because the vast majority of farms are already small farms, a majority of farms are not

182. *Environmental Implications*, *supra* note 48, at 116–17.

183. *See id.* at 116.

184. Cox, *Part* I, *supra* note 63, at 387.

185. *Environmental Implications*, *supra* note 48, at 116–17.

186. Malcolm Combe, *Scottish Land Reform - Cool for Cats?*, UNIV. OF ABERDEEN: SCH. OF L. BLOG (May 18, 2016), https://www.abdn.ac.uk/law/blog/scottish-land-reform—cool-for-cats/ [https://perma.cc/B39U-2845].

187. Cox, *Part I*, *supra* note 63, at 373–74. In Iowa, 75% of tenant farms have leases that do not specify the term length and therefore default to year-to-year leases. *Id.* at 374.

188. *See, e.g.*, Hiroki Uematsu & Ashok K. Mishra, *Organic Farmers or Conventional Farmers: Where's the Money?*, 78 ECOLOGICAL ECON. 55, 6 (2012) (concluding that organic farmers have significantly higher production costs compared to conventional farmers); Katherine Lacy, Christine Whitt & Katherine Lim, *Most Small Family Farms are at High Financial Risk Based on Operating Profit Margin*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC.: CHARTS OF NOTE (Jan. 23, 2024), https://www.ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=108317 [https://perma.cc/GB79-HW2U].

profitable currently.[189] Many farm operators[190] primarily rely on off-farm income.[191] The median income from farm earnings in 2023 was actually a loss of $900.[192] Net farm income has continually dropped sharply over the past decade, despite rising productivity.[193] Reflecting off-farm work, the median household income of farm operator households was $95,418 in 2022, in comparison to a United States median household income of $74,580[194] and a median income of agricultural workers of $34,790.[195] This emphasizes the stark divide between farm operators and laborers, underscoring the importance of farmworker participation in the cooperative structure outlined above.

While farms are generally not very profitable, operators of smaller farms fare worse.[196] In a survey of 48 CSA-participating farm operators, with farms averaging around 150 acres in size, 48% of operators were unsatisfied with financial compensation.[197] 68% were unsatisfied with financial security.[198] 83% work off-

189. From 2019 to 2023, median farm income of U.S. farm households never exceeded $296. *Farm Household Well-Being - Farm Household Income Estimates*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (Jan. 27, 2025), https://www.ers.usda.gov/topics/farm-economy/farm-household-well-being/farm-household-income-estimates [https://perma.cc/PB2R-ZWA6].

190. I use this term in alignment with how it is defined by USDA Economic Research Service: "A farm operator is a person . . . making day-to-day management decisions[,]" including "an owner, hired manager, cash tenant, share tenant, and/or a partner." *Farm Household Well-Being - Glossary*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (Sep. 3, 2025), https://www.ers.usda.gov/topics/farm-economy/farm-household-well-being/glossary/#farmoperator [https://perma.cc/L5XR-VDCE].

191. *Farm Sector Income & Finances - Highlights from the Farm Income Forecast*, ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (Sep. 3, 2025), https://www.ers.usda.gov/topics/farm-economy/farm-sector-income-finances/highlights-from-the-farm-income-forecast/ [https://perma.cc/S37G-PV2G].

192. Daniel Munch, *The Other Paycheck: How Off-Farm Income Keeps Farmers Farming*, FARM BUREAU: MKT. INTEL (April 23, 2025), https://www.fb.org/market-intel/the-other-paycheck-how-off-farm-income-keeps-farmers-farming [https://perma.cc/CA3V-XKF9].

193. Beckett & Galt, *supra* note 90, at 21.

194. CHRISTINE WHITT, KATHERINE LACY & KATHERINE LIM, AMERICA'S FARMS AND RANCHES AT A GLANCE 13 (2023), https://ers.usda.gov/sites/default/files/_laserfiche/publications/108074/EIB-263.pdf?v=58112 [https://perma.cc/6MYX-JRTS].

195. Jason G. Gauthier, *History and the Census: American Agriculture and Farm Data*, U.S. CENSUS BUREAU (Oct. 31, 2024), https://www.census.gov/about/history/stories/monthly/2024/november-2024.html [https://perma.cc/8ZWZ-QXP3].

196. Lacy, Whitt & Lim, *supra* note 188.

197. Ryan E. Galt, *The Moral Economy is a Double-Edged Sword: Explaining Farmers' Earnings and Self-Exploitation in Community-Supported Agriculture*, 89 ECON. GEOGRAPHY 341, 348 (2013).

198. *Id.* at 349.

farm more than 100 days a year,[199] again reflecting a lack of ability to make a living by farming alone. Guaranteeing a market to limit risk and uncertainty can address this issue. Knowing market size in advance improves efficiency and increases income.[200] While the cooperatives address these market structures from the producer side, community-supported circular economy techniques like food hubs bolster a strong market for sustainable agriculture from the consumer and distributor side.

Some argue implementing sustainable, small-scale agriculture will drive up food costs.[201] These critiques echo fears that increasing wages for farm workers will drive up food costs, which has been debunked.[202] Not switching to sustainable agricultural practices will cause prices to increase more in the long-run with climate change causing increases in the frequency and severity of extreme weather events, as well as increasing temperature, causing interruptions in supply chains, changes to growing seasons, and even spurring pathogen growth.[203] One can also argue that we are currently undervaluing our food, incentivizing farmers to produce unsustainably in order to survive.[204] In addition, in some crops, like almonds, using regenerative agricultural practices increases profits for farmers without driving up costs for consumers, as it decreases input costs like water and

199. *Id.* at 348.

200. *Id.* at 356.

201. *Environmental Implications*, *supra* note 48, at 110.

202. Shannon M. Monnat, Raeven Faye Chandler & J. Celeste Lay, *Immigration Trends and Immigrant Poverty in Rural America*, *in* RURAL POVERTY IN THE UNITED STATES 168, 192 (Ann R. Tickamyer, Jennifer Sherman & Jennifer Warlick eds., 2017); MARTIN, FIX & TAYLOR, *supra* note 96, at 89. It is estimated that a 40% increase in farmworker pay would cost households an additional $25 a year, not including any measures taken by farmers to compensate for this increased cost. Daniel Costa & Philip Martin, *How Much Would It Cost Consumers to Give Farmworkers a Significant Raise?*, ECON. POL'Y INST.: WORKING ECON. BLOG (Oct. 15, 2020, at 12:30 CT), https://www.epi.org/blog/how-much-would-it-cost-consumers-to-give-farmworkers-a-significant-raise-a-40-increase-in-pay-would-cost-just-25-per-household/ [https://perma.cc/5TKC-36C5].

203. PA. ENVIROTHON, AGRICULTURE AND THE ENVIRONMENT: KNOWLEDGE AND TECHNOLOGY TO FEED THE WORLD 20 (2019), https://charlesscd.com/wp-content/uploads/2019/03/agriculture-and-the-environment-2019-Pennsylvania-Envirothon.pdf [https://perma.cc/64ZJ-Z63Q]; *see also* Laura Lengnick, *The Vulnerability of the US Food System to Climate Change*, 5 J. ENV'T STUD. & SCIS. 348, 348 (2015) (describing the ways in which climate change will transform the United States food system, particularly due to extreme weather, interruptions in feed, water, and power supply associated with climate change's effects).

204. *See* Tony Allan & David Dent, *The Cost of Food: Consequences of Not Valuing Soil and Water and the People Who Manage Them*, *in* REGENERATIVE AGRICULTURE: WHAT'S MISSING? WHAT DO WE STILL NEED TO KNOW? 3, 3 (David Dent & Boris Boincean eds., 2021).

pesticides.[205] Ultimately, transitioning to sustainable growing practices is necessary in order to avoid a climate catastrophe. As such, food hubs and government purchasing programs could support farmers using sustainable, regenerative techniques while supplying these sustainably grown foods to food-insecure community members.

In order to empower small farmers using sustainable growing practices, communities beyond farmers and farm workers must support such practices. First, as discussed above, cooperatives can play a powerful role in securing a market for sustainably grown crops by strengthening small farmers' contracting power.[206] Cooperatives can create economies of scale for marketing, processing, and purchasing equipment and technology.[207] Beyond this greater contracting power, the formation of food hubs and circular economy programs like food recovery networks can supply both a market and resources for sustainable farms, while reducing downstream environmental harms and potential economic harms like increased food prices.

Next, local governments and consumer cooperatives should partner to form food hubs. The term food hub can include many different organizations, from supply chain coordination to permanent facilities for processing, packaging, storing, freezing, and other activities, though they are generally regional food aggregators and distributors with an emphasis on aggregating products from local small producers.[208] This emphasis on aggregating products from local producers provides the perfect connection to partner with producer cooperatives in order to facilitate access to markets for small producers. Food hubs facilitate "[']direct links between the producer and the consumer[,]'" and they do so through a variety of

205. Tommy L. D. Fenster, Patricia Y. Oikawa & Jonathan G. Lundgren, *Regenerative Almond Production Systems Improve Soil Health, Biodiversity, and Profit*, FRONTIERS SUSTAINABLE FOOD SYS., Aug. 10, 2021, at 1, 15, 18, https://www.frontiersin.org/journals/sustainable-food-systems/articles/10.3389/fsufs.2021.664359/full [https://perma.cc/WZJ9-FT7P] (explaining that almond growers switching to regenerative almond production saw their profits double over conventional almond production while yields stayed consistent).

206. Amy J. Cohen, Mark Vicol, & Ganesh Pol, *Living Under Value Chains: The New Distributive Contract and Arguments About Unequal Bargaining Power*, 22 J. AGRARIAN CHANGE 179, 181 (2022).

207. *See Agricultural Co-ops*, CAL. CTR. FOR COOP. DEV. (Sep. 18, 2025, at 13:40 CT), https://cccd.coop/co-op-info/co-op-types/agricultural-co-ops [https://perma.cc/86DA-2VVX].

208. Micaela Fischer, Rich Pirog & Michael W. Hamm, *Food Hubs: Definitions, Expectations, and Realities*, J. HUNGER & ENV'T NUTRITION 92, 93 (2015); Jim Barham, U.S. Dep't of Agric. Economist, Regional Food Hubs: Understanding the Scope and Scale of Food Hub Operations at slide 7 (Apr. 19, 2011), https://www.ams.usda.gov/sites/default/files/media/Regional%20Food%20Hubs%20Understanding%20the%20Scope%20and%20Scale%20of%20Food%20Hub%20Operations.pdf [https://perma.cc/3YAD-Q9E4].

methods[209] Food hubs can function as community-owned food markets, like grocery stores.[210] Some food hubs also serve as community gathering spaces, providing services like community kitchens; Supplemental Nutrition Assistance Program and Special Supplemental Nutrition Program for Women, Infants, and Children benefit sign-ups; agricultural skills training; cooking classes; and community gardens where access for low-income community members is prioritized.[211] These food hubs facilitate connections between farmers and consumers, providing technical assistance, market analysis, and business planning to farmers as well as boosting community engagement in the food system through establishing farm-to-school programs and connecting with retailers, restaurants, and food processors.[212] Food hubs also encourage farmers to pursue sustainable production methods through technical assistance and training and providing a space to share best practices.[213] In addition, due to their regional nature, food hubs cut down on greenhouse gas emissions and waste from transportation and storage while increasing consumer connection to their local food system.[214] In summary, food hubs represent a combination of these models into a consumer-cooperative that expands food access to the broader community while at the same time providing a market for sustainable food production via partnership with producer-cooperatives.

A market for sustainable, locally grown products can also be secured through government purchasing. In São Paulo, the city buys produce from local farmers that use regenerative practices at 30% more than market value and connects

209. Megan Horst et al., *Toward a More Expansive Understanding of Food Hubs*, J. AGRIC., FOOD SYS., & CMTY. DEV., Dec. 21, 2011, at 209, 210, https://www.foodsystemsjournal.org/index.php/fsj/article/view/144/138 [https://perma.cc/CCD7-RL2U] (quoting ADRIAN MORLEY, SELYF MORGAN & KEVIN MORGAN, FOOD HUBS: THE 'MISSING MIDDLE' OF THE LOCAL FOOD INFRASTRUCTURE? 3 (2008), https://scispace.com/pdf/food-hubs-the-missing-middle-of-the-local-food-4m945gzo93.pdf [https://perma.cc/64X7-U7EE]).

210. *Id.* at 211.

211. *Id.* at 215.

212. Jaqueline R. LeBlanc et al., *Building Resilience in Nonprofit Food Hubs*, J. AGRIC., FOOD SYS. & CMTY. DEV., May 17, 2014, at 121, 132–33, https://www.foodsystemsjournal.org/index.php/fsj/article/view/269/pdf [https://perma.cc/XHA4-AZ8R].

213. Haniyeh Shariatmadary et al., *Are Food Hubs Sustainable? An Analysis of Social and Environmental Objectives of U.S. Food Hubs*, SUSTAINABILITY, Jan. 2023, at 1, 12, https://www.mdpi.com/2071-1050/15/3/2308 [https://perma.cc/MG4D-MWFP].

214. *Id.* at 6.

producers to a network of street markets and food retailers, creating a market.[215] South Korea adopted a public food procurement plan as a result of a grassroots coalition of parents, small-scale farmers, and an existing peasant movement.[216] The plan involves purchasing sustainably grown food directly from small farms by matching urban localities to rural districts with food hubs serving as distribution centers for the program.[217] Through this program, municipalities provide healthy, free food in child care centers and schools.[218] This program has successfully spurred the adoption of agroecological techniques through forming a protected niche in the market for small, sustainable farms.[219]

IV. CONCLUSION

Greater tenure security through cooperative-land ownership and stronger tenant rights, combined with a community-supported protected market will empower farmers to implement sustainable, more economically-just growing practices. The policies proposed in this Article support a future through which "the land and the people can heal together."[220]

215. *Regenerative Agriculture Around São Paulo: Connect the Dots*, ELLEN MACARTHUR FOUND. (Feb. 23, 2021), https://www.ellenmacarthurfoundation.org/circular-examples/connect-the-dots [https://perma.cc/7RMR-T9SX].

216. Seulgi Son, *Transitions in South Korean Public Food Procurement Policy: Landscape Context, Institutionalization, and Local Agents*, ENV'T INNOVATION & SOCIETAL TRANSITIONS, Sept. 2023, at 1, 8.

217. *Id.*

218. *Id.* at 6–7.

219. Jennifer E. Gaddis & June Jeon, *Sustainability Transitions in Agri-Food Systems: Insights from South Korea's Universal Free, Eco-Friendly School Lunch Program*, AGRIC. & HUM. VALUES, Dec. 2020, at 1055, 1058.

220. Ferrera, *supra* note 1.