

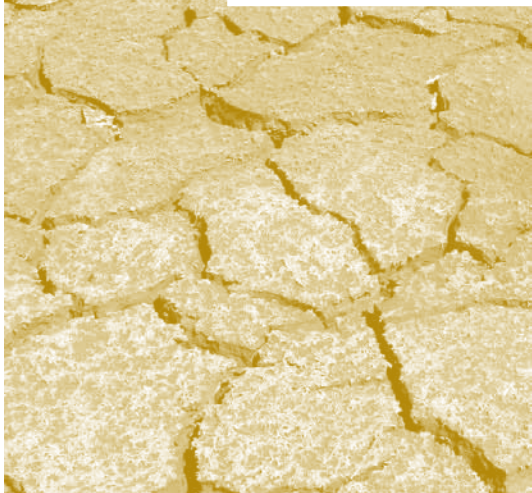
Clearinghouse REVIEW

September–October 2012
Volume 46, Numbers 5–6

Journal of
Poverty Law
and Policy



**HUNGER
IN THE LAND
OF PLENTY**



Hunger in America 2012

A Human Rights–Based
Approach

SNAP Application Delay
Litigation Project

The Farm Bill as a Resource

Antihunger and Food Justice
Movements in Arkansas
and Mississippi

SNAP Basics

No Kid Hungry Campaign

Preventing SNAP Terminations

Immigrants' Access to Food
from Private Charities

Private Food Banks and Public
Programs

Staggered SNAP Issuance

Toward a Healthy, Sustainable
Food System

Food Insecurity Among Elders

Climate Change, Food,
and Poverty

Solutions to the Failure of
Institutional Food

*Advocacy Story: Justice for
SNAP Recipients Accused
of Fraud in Georgia*



**SHRIVER
CENTER**

Sargent Shriver National Center on Poverty Law



DOUBLE UP FOOD BUCKS

HOW ADVOCATES CAN HELP GROW A HEALTHY, SUSTAINABLE FOOD SYSTEM

DOUBLE UP FOOD BUCKS?

By Oran B. Hesterman

Thank you so much for [the Double Up Food Bucks] program. I am a newly single mom.... I am working hard, have gone to school and am still looking for a job. I have had so much fun taking my girls to the [farmers'] market with me this summer to let them pick out fruits and veggies. I have been teaching them how to steam and sauté. I taught them how to freeze fruits and veggies so that we can enjoy them in the winter. Because of the Double Up program I am able to give my girls some food now and put some in the freezer for this winter. That is something I would not have been able to do without this program....¹

Oran B. Hesterman, Ph.D.
President and Chief Executive Officer

Fair Food Network
205 E. Washington St. Suite B
Ann Arbor, MI 48104
734.213.3999 ext. 201
ohesterman@fairfoodnetwork.org

This note is from Wendy K. Essenberg, a typical recipient of Supplemental Nutrition Assistance Program benefits (SNAP, formerly the Food Stamp Program); she is fortunate to live in Grand Rapids, Michigan, where the Plainfield Township farmers' market participates in Double Up Food Bucks. Under this innovative program, when Wendy spends her SNAP benefits at the farmers' market, she receives up to \$20 per market visit in matching tokens she can use to buy Michigan-grown fruits and vegetables. In this way she increases the amount of healthy food she purchases for her family, improves her girls' nutritional status, and decreases the chance that they will develop the chronic diseases that accompany the poor diet so common to areas where healthy food is expensive and hard to find in comparison to nutritionally inadequate choices.

As Americans' participation in SNAP continues to climb and budgets—federal, state, and personal—become increasingly tight, advocates must be aware of programs that can extend federal benefits, improve low-income people's nutritional status, and ultimately reduce the burden that diet-related illness places on the health care system. One such program is Double Up Food Bucks.

Forty-five million low-income Americans received over \$70 billion in SNAP benefits in 2011. Because in many areas only a small percentage of the stores where these

¹E-mail from Wendy K. Essenberg (Aug. 7 & 16, 2011) (in Fair Food Network's files); see also my *Alleviating Hunger One Apple at a Time*, FAIR FOOD NETWORK (May 10, 2012), <http://bit.ly/SU20oX>.

benefits can be redeemed are considered grocery stores or supermarkets, many of these funds are spent at “fringe” retailers—such as gas stations, liquor stores, party stores, dollar stores, bakeries, pharmacies, and convenience stores—that are not known for stocking fresh, affordable produce.²

Mari Gallagher, a leading researcher in the field, defines “food deserts” as “areas with no or distant grocery stores and limited access to nutritious food options.”³ A study in Detroit, for example, found that the average distance to a full-service grocery store or supermarket was greater (sometimes by as much as a factor of three) than the average distance to a “fringe” location such as a gas station, liquor store, pharmacy, convenience store, or fast-food restaurant.⁴ The study found that “diet-related health outcomes ... are worse in areas of food imbalance, even after accounting for differences in income, education, and race.”⁵

In Detroit more than 500,000 residents live in areas where healthy food options are so limited that the residents “are statistically more likely to suffer or die prematurely from diet-related disease.”⁶ In Chicago communities where food availability is particularly imbalanced Gallagher found a diabetes death rate greater than twice that of more in-balance communities. On average, obesity rates were 24 percent higher, and hypertension rates 27 percent higher, in out-of-balance communities.⁷

We should use with caution the term “food desert” in its usual definition: if

the lack of full-service grocery stores is a “problem,” what naturally follows is that the “solution” is to attract new grocery stores or expand those already present. But are grocery stores the only solution for our underserved, low-income neighbors? Or do grocery stores serve as places for residents to purchase primarily highly processed, nutritionally inadequate foods, frequently at higher prices than in the suburbs?

The lack of access to healthy, fresh foods now has the attention of the federal government. The Food, Conservation, and Energy Act of 2008—which many still call the Farm Bill—called for the U.S. Department of Agriculture to study the incidence of food deserts, areas “with limited access to affordable and nutritious food, particularly [those] composed of predominantly lower-income neighborhoods and communities.”⁸ The study was also intended to identify strategies to reduce the incidence of these food deserts: community and economic development initiatives, incentives for retail food market development, and, most important for our project, improvements to federal food assistance and nutrition education programs.

According to the Department of Agriculture study, of the 166,000 outlets authorized to accept SNAP benefits, only 34,000 are considered supermarkets or large grocery stores.⁹ At the aforementioned corner stores, convenience stores, drugstores, and liquor stores, fresh fruits and vegetables are in short supply at best, and calorie-rich or nutrition-poor food is offered in abundance.

²MICHELE VER PLOEG, ECONOMIC RESEARCH SERVICE ET AL., U.S. DEPARTMENT OF AGRICULTURE, ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD: MEASURING AND UNDERSTANDING FOOD DESERTS AND THEIR CONSEQUENCES: REPORT TO CONGRESS (June 2009), <http://1.usa.gov/LV5p7R>.

³Mari Gallagher Research and Consulting Group, Examining the Impact of Food Deserts on Public Health in Detroit 2 (2007), <http://bit.ly/McZqJD>.

⁴*Id.* at 9.

⁵*Id.* at 4.

⁶*Id.* at 5.

⁷Mari Gallagher Research and Consulting Group, Examining the Impact of Food Deserts on Public Health in Chicago 30 (2006), <http://bit.ly/OBuqPI>.

⁸Food, Conservation, and Energy Act of 2008, H.R. 2419, 110th Cong. § 7527 (2d sess. 2008), <http://1.usa.gov/MrrVRX>.

⁹VER PLOEG, *supra* note 2, at 15.

Diet-Related Illness

Lack of access to healthy food and an abundance of relatively inexpensive heavily processed and packaged food have fostered increasing rates of obesity, diabetes, and other diet-related illnesses, particularly in low-income communities, where SNAP eligibility is high. The resulting burden on the health care system is particularly overwhelming for the sectors that deal with the low-income, uninsured members of our society.

Obesity, a serious health concern for both children and adults, is directly related to the types and quantity of food that is available and that people eat. The fewer fruits and vegetables one consumes, the more likely for obesity and diet-related illness to arise. From 1980 to 2006 the prevalence of obesity increased among children and teens, and 32 percent of all children in the United States are now overweight or obese.¹⁰ Among adolescents, the greatest increase for both boys and girls has been among non-Hispanic blacks and Mexican Americans.¹¹ A 2011 Centers for Disease Control and Prevention study found that more than one-third (34.4 percent) of U.S. adults 20 and older were obese.¹²

The other serious health concern is diabetes, which is closely associated with obesity. Type 2 diabetes, though historically termed “adult onset” diabetes, is being diagnosed more frequently in children and adolescents, especially in conjunction with the increasing rates of obesity. It is now one of the most common chronic diseases among U.S. children.¹³

Common sense tells us that both obesity and diabetes are strongly connected to being unable to access or afford a healthy diet, and Centers for Disease Control and Prevention research has confirmed that children who have type 2 diabetes tend to have poor nutritional intake.¹⁴ Diabetes is not the only disease that has been associated with poor diet: certain types of cancers, hypertension, and heart disease, so prevalent among lower-income populations, also correlate with diet and place a huge burden on our health care system. If the food system were redesigned so that more people—especially those most prone to these diet-related diseases—had access to food that promoted greater health and decreased the incidence of these ailments, the cost savings to individuals, health care plans, and the government would be immense. Individuals should make good food choices, but to do so they must have the option.

The United States now spends an additional \$190 billion a year in medical costs as a result of obesity—20.6 percent of total health care expenditures.¹⁵ According to a top insurance executive, “[o]ur projections show that by 2018, the health care costs related to obesity will be \$344 billion per year.”¹⁶

Our food choices should not depend on our zip codes. Guaranteeing equal access to healthy food will accomplish more than any changes in our health care system. We must ensure that historically excluded communities have access to the same kinds of foods as their suburban neighbors and that public health is not compromised due to inadequate choice, access, or affordability.

¹⁰Tara Parker-Pope, *After Steady Climb, Childhood Obesity Rates Stall*, *NEW YORK TIMES* (May 28, 2008), <http://nyti.ms/Q0iHQG>.

¹¹Centers for Disease Control and Prevention, *Health Data Interactive* (Feb. 24, 2010), <http://1.usa.gov/MN1vbX>.

¹²Margot Shields et al., *Adult Obesity Prevalence in Canada and the United States*, NATIONAL CENTER FOR HEALTH STATISTICS DATA BRIEF No. 56 (March 2011), <http://1.usa.gov/N2yIil>.

¹³Centers for Disease Control and Prevention, *Diabetes Public Health Resource: Children and Diabetes—More Information* (n.d.), <http://1.usa.gov/MN1iFM>.

¹⁴Centers for Disease Control and Prevention, *Diabetes Public Health Resource: Children and Diabetes: Search for Diabetes in Youth* (May 20, 2011), <http://1.usa.gov/NP7ro1>.

¹⁵John Cawley & Chad Meyerhoefer, *The Medical Care Costs of Obesity: An Instrumental Variables Approach*, 31 *JOURNAL OF HEALTH ECONOMICS* 219 (2012), <http://bit.ly/LtvrxC>.

¹⁶Reed Tuckson, Executive Vice President, United Health Group, *Address at the Sustainable Agriculture and Food Systems Funders Forum*, Philadelphia, Pa.: Refocusing the National Food System (June 17, 2010).

Double Up Food Bucks: From Detroit Pilot to Statewide Success

One way to increase healthy food choice and access is through farmers' markets, especially those that are in or near underserved, low-income communities and accept SNAP benefits via EBT (electronic benefits transfer) cards. Of Michigan's 320 farmers' markets, 103 accept SNAP benefits, placing Michigan among the top five states in farmers' markets' acceptance of SNAP.¹⁷

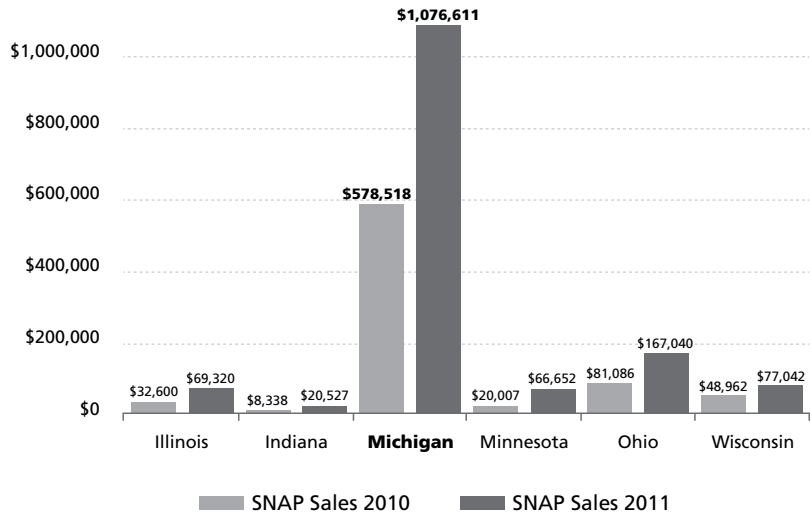
SNAP sales at Michigan farmers' markets have greatly increased year to year; in 2011 Michigan led the Midwest in SNAP redemption at farmers' markets by a factor of almost ten.¹⁸ Even so, in 2010 farmers' markets accounted for less than \$200,000 of the approximately \$361 million of SNAP benefits spent in Detroit—a mere 0.06 percent of the total.

Nationwide the proportion is even smaller; 0.012 percent of SNAP benefits, or \$7.5 million, was redeemed at authorized farmers' markets nationwide in 2010.¹⁹ If SNAP beneficiaries purchased food at farmers' market at the same rate as the general American population (estimated to be 0.2 percent), an additional \$132 million in SNAP benefits could be spent at farmers' markets.²⁰

One way to improve nutritional status and create a healthier food environment in Detroit and other urban areas is to increase the amount of fresh produce purchased with SNAP dollars at farmers' markets. Based on successful experiments in Takoma Park, Maryland, and several subsequent versions in New York, Boston, Holyoke (Massachusetts), and San Diego, the Michigan-based Fair Food Network began a demonstration project to encourage Detroit SNAP recipients to spend their food assistance dollars on healthy, locally grown produce at farmers' markets.

Michigan—the Sales Leader

Michigan continues to lead the Midwest in SNAP sales at farmers' markets



Source: USDA

The program works as follows: customers who use their SNAP benefits at a participating farmers' market receive an equal amount of tokens, up to \$20 per market day, to use at the market to purchase any Michigan-grown fruit or vegetable. Thus \$20 of SNAP benefits buys \$40 worth of healthy, fresh, regionally grown produce.

Fair Food Network established the small pilot project, Double Up Food Bucks, in 2009 with private and community foundation funding. The project began at five farmers' markets in the city, including one mobile market (a delivery truck retrofitted to deliver fruits and vegetables door-to-door throughout Detroit's neighborhoods). The project soon got the attention of the Special Fund for Poverty Alleviation of the Open Society Foundations. Double Up Food Bucks was chosen as one of three projects funded in Michigan, with two provisions: the program was to expand statewide over three years, and local foundations had to

¹⁷According to Amanda Segar, coordinator, Food Assistance Partnership, Michigan Farmers Market Association, in an in-person conversation with Rachel Chadderdon Bair, project manager, Fair Food Network Double Up Food Bucks (July 19, 2012); Farmers Market Coalition, FMC Highlights Fulton Street Farmers Market (Aug. 4, 2011), <http://bit.ly/NDbxig>.

¹⁸USDA Food and Nutrition Service, *SNAP Farmers Markets Enjoy Record Growth in Midwest*, AT THE TABLE, Fall 2011, at 9, <http://1.usa.gov/OCCIfu>.

¹⁹Drew Love, Farmers Market Coalition, *Farmers Market SNAP Sales Soar in 2010* (April 19, 2011), <http://bit.ly/Mrujbr>.

²⁰Suzanne Briggs et al., *Real Food, Real Choice: Connecting SNAP Recipients with Farmers Markets iv* (June 2010), <http://bit.ly/PaFKH9>.

match the funds from the Open Society Foundations. Fair Food Network secured the matching funds and now runs a \$6 million project in Michigan that doubles the value of SNAP purchases at farmers' markets throughout the state.

In 2010 Double Up Food Bucks expanded to fifteen markets, predominantly in southeast Michigan; during the 2011 farmers' market season the program was implemented in fifty-four farmers' markets in the state, with more than \$1.3 million in combined SNAP and Double Up Food Bucks funds spent at these markets. More than 40,000 SNAP recipients received food bucks tokens, and more than 25 percent of them were first-time shoppers at a farmers' market.²¹ Undoubtedly the program is one reason why farmers' market sales in Michigan outstripped those in any other Midwest state by a large factor.²² In 2012 Double Up Food Bucks is available at more than 100 sites statewide.

Taking It to the National Level: What's Next for Healthy Food Incentive Programs?

A 2012 poll reports that 93 percent of respondents believe that it's "very important" or "somewhat important" to "make sure all Americans have equal access to fresh fruits and vegetables."²³ Three-quarters of respondents expressed support for a national program to double the value of SNAP benefits that are used at farmers' markets.²⁴

Double Up Food Bucks was conceived as a catalyst for public policy change, and Fair Food Network communicates the program's success and educates thought leaders and policymakers about the importance of supporting similar programs with federal funds. Such support will make wiser use of federal benefit dollars and increase the nutritional and health status of our most impoverished citizens.

Fair Food Network is leading a collaborative cluster evaluation of healthy food incentive programs similar to Double Up Food Bucks in several regions of the country, and with these data in hand we intend to shift food assistance policy so that federal funds will be allocated to healthy food incentive programs nationwide.

Connecting policymakers in Washington, D.C., with the local Double Up Food Bucks experience will be key to this effort. Through a new Fair Food Network project, evaluation-based data about the success of Double Up Food Bucks, coupled with the authentic voices and experiences of low-income consumers, will educate policymakers at the federal level about the effectiveness and potential health benefits of scaling up healthy food incentive programs. Community leaders and organizations in Detroit are gaining education and advocacy experience that will enable them to inform policymakers, elected officials, Department of Agriculture officials, think tanks, business representatives, and members of the media about the concerns of underserved communities.

The timing is auspicious—authorization and funding for SNAP benefits are renewed every five years as a mandatory program in the legislation commonly known as the Farm Bill, which is due for reauthorization in 2012. With strong evaluation data from the statewide Double Up Food Bucks project and the Healthy Food Incentives Cluster Evaluation, we are informing the policy debate with compelling evidence that food assistance policy can be changed to be markedly more effective at providing good nutrition and ultimately reducing health care costs.

Double Up Food Bucks' success in improving access to healthy foods is attracting notice at the local, regional, and national levels:

²¹Fair Food Network, Double Up Food Bucks 2011 Evaluation Report (2012), <http://bit.ly/NXGIpb>.

²²USDA Food and Nutrition Service, *supra* note 18.

²³W.K. Kellogg Foundation, Poll: Americans Overwhelmingly Support Doubling Food Stamp Value at Farmers Markets (May 22, 2012), <http://bit.ly/Q8eOZS>.

²⁴*Id.*

- More farmers' markets are applying to participate; SNAP recipients are visiting markets in growing numbers, increasing their purchase and consumption of healthier foods.²⁵
- Michigan's Gov. Rick Snyder uses SNAP sales at farmers' markets as a metric for health and wellness in the state and supports expansion of Double Up Food Bucks statewide.²⁶
- The Senate Agriculture Committee passed the Agriculture Reform, Food and Jobs Act on April 26 by a 16-to-5 vote.²⁷ From our perspective, the most advantageous piece is the establishment of a new grant program with \$100 million in funding that would allow for the expansion of programs such as Double Up Food Bucks to more communities around the country.²⁸
- In April 2012 the Department of Agriculture's Food and Nutrition Service awarded Fair Food Network a certificate of appreciation for supporting farmers' markets and ensuring access to fresh, healthy, and local food for SNAP recipients and all Americans.
- The Food and Nutrition Service approved a waiver allowing Fair Food Network to pilot Double Up Food Bucks in three grocery stores beginning in the summer of 2012—the first such waiver in the country.

Partnerships Moving Forward

Fair Food Network serves at the intersection of food systems, sustainability, and social equity to guarantee access to healthy, fresh, and sustainably grown food, especially in underserved communities, through model programs that

bring people together to generate ideas, share resources, and promote policy changes. We engage with stakeholders from many walks of life: low-income consumers who receive SNAP benefits, health care providers who serve low-income communities; community organizers, national thought leaders, and policymakers. Sustainable agriculture organizations, the antihunger community, the produce lobby, the consumer lobby, religious communities, and public health and health care organizations are critical new allies in Farm Bill policy and politics.

Each stakeholder can play a role in advocating healthy food incentives to become part of nutrition policy in the Farm Bill. Legal aid lawyers, charged with ensuring that their low-income clients gain access to the benefits to which they are entitled, can participate in our communications, education, and advocacy work.

At this writing what looks promising is that if the Farm Bill is reauthorized in 2012, it will include a provision, modeled after Double Up Food Bucks, to expand healthy food incentive programs. Federal funds through the Department of Agriculture would support up to half the cost of a local or statewide "double up" program, with state and local public and private sources funding the other half. Advocates can notify foundations, nonprofit organizations, and state agencies about this program and work to ensure that their communities adopt it. Fair Food Network stands ready to assist in efforts to scale up this program. For further information, contact Fair Food Network, info@fairfoodnetwork.org or 734.213.3999 ext. 200.

²⁵Fair Food Network, *supra* note 21.

²⁶A Special Message from Governor Rick Snyder: Health and Wellness (Sept. 14, 2011), <http://1.usa.gov/SU8PXC>; see also Open Michigan, Food Stamp Sales at Michigan's Farmers Markets (n.d.), <http://1.usa.gov/OnhhvL>.

²⁷See U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Business Meeting: Farm Bill Markup (April 26, 2012), <http://bit.ly/MzD32Y>; Agriculture Reform, Food and Jobs Act, S. 3240, 112th Cong. (2d sess. 2012).

²⁸Agriculture Reform, Food and Jobs Act § 4205(3). The U.S. Senate Committee on Agriculture's summary of the bill explains that "[t]he bill provides grants to incentivize the purchase of fruits and vegetables by SNAP participants. Eligible entities conducting programs like 'Double Up Food Bucks' will be able to access federal matching funds to expand efforts into additional communities" (U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Agriculture Reform, Food and Jobs Act of 2012, Title IV: Nutrition, at 8, <http://bit.ly/SUjPUN>).



CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY is the advocate's premier resource for analysis of legal developments, innovative strategies, and best practices in representing low-income clients. Each issue of the REVIEW features in-depth, analytical articles, written by experts in their fields, on topics of interest to lawyers who represent low-income people. The REVIEW covers such substantive areas as civil rights, family law, disability, domestic violence, housing, elder law, health, and welfare reform.

Get Your Online Subscription Today!

- CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY is published online six times per year.
- Your subscription includes online access to the current issue and the archive of articles published since 1967. With this online access—your “site license”—your organization’s entire staff will enjoy fully searchable access to a wealth of poverty law resources, accessible from any computer or mobile device.
- Newly subscribing nonprofit programs are entitled to special discounts on our Training Programs.

Please fill out the following form to receive more information about subscribing to CLEARINGHOUSE REVIEW.

Name _____

Organization _____

Street address _____ Floor, suite, or unit _____

City _____ State _____ Zip _____

E-mail _____

Subscription pricing varies with the type of program:

- | | Price |
|--|---|
| <input type="checkbox"/> Nonprofit..... | \$300–\$1,800 (depending on size of operating budget) |
| <input type="checkbox"/> Law School Library..... | \$500 |
| <input type="checkbox"/> Individual..... | \$400 |

Please e-mail this form to subscriptions@povertylaw.org.
Or fax this form to Ilze Hirsh at 312.263.3846.

Sargent Shriver National Center on Poverty Law
50 E. Washington St. Suite 500
Chicago, IL 60602

CUT HERE