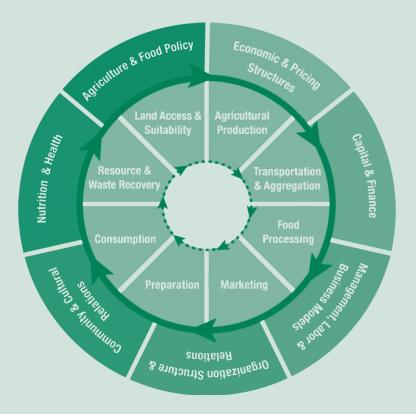
# CALIFORNIA FOOD POLICY COUNCIL 2014 REPORT ON LEGISLATION RELATED TO FOOD AND FARMING

### WHAT IS A FOOD SYSTEM?

Food systems are a necessary component of our society, influencing our economic, environmental and social health.<sup>1</sup> This system includes the "processing, production and distribution of food [that] affect a range of local issues including job creation, water and air quality, diet-related diseases and worker well-being."2

Below is a diagram of the primary components of a food system, with the supply chain represented in the inner circle.<sup>3</sup> As the arrows indicate, these variables are not static. They interact with each other, representing the complexity of using a food systems lens when assessing California's food and farming. The food system is dynamic over time and like many other sectors, is significantly informed by public policy.



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### **ABOUT THE CALIFORNIA FOOD POLICY COUNCIL 2014 REPORT ON LEGISLATION RELATED TO FOOD AND FARMING**

The California Food Policy Council (CAFPC) believes that sound food and farm policies are key to promoting vital communities and a healthy future. This 2014 report is our second consecutive effort to track and analyze bills critical to food production and food access in the state legislature. Inside you will find our guiding principles, concise analysis, as well as the voting record of all legislators on these bills. You will also learn about the California Food Policy Council, a statewide network of urban and rural advocates working for a healthy, resilient and profitable food and agriculture sector. This is an exciting time for our state. New policies and programs can both mitigate and help us adapt to climate change, restore the resources upon which our ecosystems depend, and improve the health of eaters and the prosperity of food chain workers and the businesses they serve.

The California Food Policy Council (CAFPC) developed this report to:

- 1. Highlight legislation that aligns with the CAFPC's founding principles and vision for a healthy and sustainable food system.
- 2. Inform Californians about food system-related bills and how their Assembly Members and Senators voted on these priorities.
- 3. Build upon the previous report to create a historical record of food system legislation and votes by our state legislators.

This report was prepared by

Roots of Change a program of the

*SPUBLIC* 

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1. Ensure access to nutritious, culturally appropriate food as a basic **human right**. The CAFPC supports policies and practices that contribute to the establishment of food production and distribution systems that ensure easy access to healthy, sustainable, and affordable food and potable water in all communities.



2. Reduce health and income disparities and the concentration of resources, while upholding the dignity, security, and self-determination of all the communities it serves. The CAFPC supports **equity** enhancing policies and practices that strengthen opportunities and benefits for disadvantaged farmers, workers, businesses and communities that experience disproportionate environmental, economic and health hardships.



- Make the healthiest choice the easiest choice. The CAFPC supports policies and practices that promote **health** and result in food environments that provide access to an abundance of affordable, fresh food choices, incentives to consume healthy, humane, local and California grown foods.
- - Protect and restore our **environment** and vital natural resources, such as air, water, soil, biodiversity, climate, and wildlife and eliminate waste wherever possible. The CAFPC supports policies and practices that prevent resource degradation, encourage waste reduction and composting, promote conservation farming and reduce chemical inputs and energy use, while taking into consideration the need to ensure abundant production and economically viable farm and food businesses.



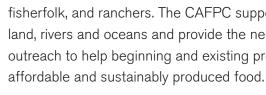
5. Support a vibrant and diverse food and agriculture **economy** comprised of businesses of multiple scales that sell into local, regional, state, national and international markets, while creating strong linkages and benefits for our local and regional economies. The CAFPC prioritizes policies and practices that strengthen local and regional food and agriculture businesses as an effective way to deliver widespread economic benefits to small- and midscale producers, while achieving greater equity, health, access, consumer awareness and long term connections between farmers and consumers.





- production, nutrition, cooking and food economics.







equitable, vibrant and sustainable California food system.



Recognize that a fair food system requires **functional immigration and labor policies** that uphold the dignity, safety, and quality of life for all who work to feed us. The CAFPC supports policies and practices that ensure living wages for all food system workers, including opportunities for advancement and ownership and that expand employment in the food sector.

Recognize the vital role of **education** in preparing our youth to become the next generation of informed eaters, producers, and food chain workers. The CAFPC supports policies and practices that build school food environments that are based on healthy, sustainably produced, California grown food. We support curriculum that incorporates food literacy and garden-based education, promotes the links between producers and consumers, health, food, and the environment and gives children, families and community leaders the resources they need to learn about food

8. Value our farmland and fisheries and the hard work and commitment of our farmers, fisherfolk, and ranchers. The CAFPC supports policies and practices that will protect agricultural land, rivers and oceans and provide the necessary incentives, resources, technical support and outreach to help beginning and existing producers to thrive economically while delivering healthy,

Operate within a **global** food system that generates economic, political, and market realities that impact the choices of California producers, food businesses, policymakers and consumers. The CAFPC recognizes the need to reform global policies in order to remove barriers to a healthy,

10. Require that all food system stakeholders are engaged in the political process and in vigorous dialogue with each other at the local, regional, state and national level. The CAFPC encourages and actively engages in this dialogue with members of government, community organizations, academia, public health organizations, food producers, labor, food industry representatives, business, policy advocates and the public to create meaningful and effective collaboration.

The policy work group analyzed twenty-two bills from this legislative session that could positively influence food system reform. From these, we were able to track fifteen that made it to at least one floor vote, and are featured below. However, seven bills identified as high priority for the CAFPC did not survive, including: AB 69 (Perea), SB 1005 (Lara), SB 1029 (Hancock), AB 1437 (Mullin), AB 1961 (Eggman), AB 2019 (Fong), and AB 2385 (Ting).<sup>4</sup>

**SB 835 (Hill, San Mateo)** requires the registration of all livestock antibiotics with the Secretary of Food and Agriculture, based on 2013 guidance from the U.S. Food and Drug Administration, to limit unnecessary antibiotic use. Also, a person cannot administer a medically important antibiotic through feed or drinking water unless that drug is registered with the Secretary, and prescribed under an existing veterinarian-client-patient relationship.

Passed by the Legislature and vetoed by the Governor.

SB 935 (Leno, San Francisco) would have improved economic equity by incrementally increasing the minimum wage to \$13 by 2017, and automatically adjust the state minimum for inflation in years after. The cost of living adjustment would also have been protected from decreases by the Industrial Welfare Commission, if there was negative inflation in a given year. Failed to pass the Assembly Labor and Employment Committee by one Aye vote.



**SB 1000 (Monning, Carmel)** would have required businesses that distribute, sell or offer sugary drinks to display a warning label on containers or vending machines, supporting healthier beverage consumption. The Department of Public Health would have enforced this rule through an additional fine, unless the beverage was exempted, like milk or infant formula. The label would have read: "STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay." **Failed to pass the Assembly Health Committee by three Aye votes.** 



**SB 1002 (De León, Los Angeles)** would have clarified that counties may, under certain circumstances, streamline enrollment and renewal certification processes for CalFresh and Medi-Cal. The Department of Social Services and the Department of Health Care Services would have sought any federal waivers necessary to maximize participation in these federal programs by limiting paperwork burdens for beneficiaries, and reducing duplicate administrative burdens for counties.

# Passed by the Legislature and vetoed by the Governor.

**SB 1087 (Monning, Carmel)** protects laborers from farm labor contractors convicted of sexual harassment by revoking their contractor's license and prohibiting employers from hiring them as licensed contractors during a three year period. This bill also strengthens protections for California's agricultural workforce against wage theft. Farm labor license applicants will complete additional sexual harassment related training and exams, and the Labor Commissioner will enforce these protections through an increased license application fee and fines for noncompliance. **Passed by the Legislature and signed by the Governor.** 

**SB 1138 (Padilla, Pacoima)** supports a consumer's right to know where their fish and shellfish come from by creating stricter labeling requirements for retail food facilities, except for restaurants. Seafood labels must clearly identify the species of fish or shellfish by its common name, its country of origin, and whether the seafood was wild caught or farm raised, either verbally or in writing.

# Passed by the Legislature and vetoed by the Governor.

**AB 1249 (Salas, Bakersfield)** integrates equity issues in the development of regional water management plans, which is funded through Proposition 84 (2006). The Department of Water Resources will consider, as part of its grant making, whether a regional water management group has addressed the impacts of water contamination in its respective drinking water supplies, especially in small disadvantaged communities.

Passed by the Legislature and signed by the Governor.



SB 1381 (Evans, Santa Rosa) would have supported a consumer's right to know if their food is entirely or partially genetically engineered by creating new labeling requirements on manufacturers and retailers of commodities and foods. The label would have read: "Genetically Engineered," "Produced with Genetic Engineering" or "Partially Produced with Genetic Engineering." Failed to pass the Senate floor by two Aye votes, but Senator Evans did reintroduce this policy as SB 1040, which did not move out of the Senate Agriculture Committee.

AB 1614 (Stone, Scotts Valley) allows an authorized representative or a head of household to access their Electronic Benefit Transfer (EBT) transaction history details through their county human services agency. This bill also protects low-income Californians from predatory practices by limiting cash withdrawal fees for CalWORKs beneficiaries, and requires notice of where EBT cards can be used without incurring a fee, charge, or surcharge. Passed by the Legislature and signed by the Governor.

**AB 1789 (Williams, Santa Barbara)** protects pollinators (e.g. bees) by requiring the Department of Pesticide Regulation to make a determination on neonicotinoids by 2018, and adopt control measures by 2020, if not sooner. If the Department of Pesticide Regulation does not meet this generous timeline, they are required to submit a report to the state Legislature explaining why no action was taken.

Passed by the Legislature and signed by the Governor.  $s_{dist} = c_{dist} \Phi$ 

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**AB 1871 (Dickinson, Sacramento)** increases vendor fees to fund enforcement of existing farmers' market regulations, and also revise the purpose and composition of the Certified Farmers' Market Advisory Committee. The Secretary of Food and Agriculture or a county agriculture commissioner can now levy a significant civil penalty for the improper use of the "California Grown" label on goods for sale.

Passed by the Legislature and signed by the Governor.

4. From this short list of seven bills, there were two anomalies in AB 69 and SB 1029. In April, when the policy work group analyzed AB 69 (Perea), it was still a bill that would have established a fund to mitigate nitrate contamination of local water supplies; it was later amended to seek an exemption for transportation fuels from cap-and-trade regulations. SB 1029 (Hancock) was another bill of high priority to the CAFPC, and as noted later in the report, the language in the legislative bill was successfully enacted in a trailer bill for the FY 2014-15 state budget.

**AB 1930 (Skinner, Berkeley)** reduces barriers to academic success by updating CalFresh work exemptions for college students in educational programs that qualify as employment training programs. The Department of Social Services will seek federal eligibility waivers that will ensure low-income college students have more secure access to food, promoting higher graduation rates and academic achievement.

Passed by the Legislature and signed by the Governor.

**AB 2185 (Eggman, Stockton)** allows the Department of Fish and Wildlife to let beekeeping on wildlife areas under its jurisdiction. The department can develop or amend land management plans that open up public lands to apiaries, with proper permits, improving the welfare of bees in California.

Passed by the Legislature and signed by the Governor.

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**AB 2413 (Pérez, Los Angeles)** officially establishes the Office of Farm to Fork within the Department of Food and Agriculture and secures funding for the Farm to Fork Account, which leverages funding from public and private sources. This office will focus its efforts on increasing healthy food access for low-income Californians and other underserved communities and schools across the state.

#### Passed by the Legislature and signed by the Governor.



**AB 2561 (Bradford, Gardena)** requires that landlords allow tenants in single family homes and duplexes to grow their own food in portable containers, and allows homeowners in developments with homeowners associations to grow food in their backyards regardless of homeowners' association rules regarding landscaping. Landlords and homeowners' associations can place some reasonable restrictions on gardens, such as requiring that dead plant matter be removed regularly.

# Passed by the Legislature and signed by the Governor.

#### Nine of the twenty-two bills tracked by the CAFPC made it through both houses of the state Legislature and were also signed by Governor Brown.

Some legislative highlights include those that seek to protect our state's pollinators and support for urban agriculture, the latter of which carries over the policy making momentum from the 2013 session. AB 2413, which formally establishes the Office of Farm to Fork, can be a statewide office of significant opportunity for food and farming stakeholders depending on how well it is funded to carry out its mission. In the 2014-15 state budget, the Department of Social Services and advocates reinstated CalFresh and CalWORKs eligibility for individuals convicted of a controlled substance felony, and who complete or are meeting conditions of their parole or probation. This equity-focused policy was also introduced in SB 1029, legislation long championed by Senator Hancock that was later negated due to successful negotiations enacted through AB 1468, a public safety budget trailer bill. We applaud the Governor's and Legislature's support of 17 years of advocacy that presents a more cost-effective and humane approach to addressing high recidivism rates and prison overcrowding in our state.

#### Support for food system reform is building towards a critical mass, and a diverse range of constituents are forging a strong coalition increasingly able to engage state policymakers.

In 2014, we analyzed bills focusing on a wide range of food system issues, including food and beverage labeling, agriculture, environment, labor, nutrition and food insecurity, and urban agriculture. The variety of legislation, whether successful or not, is representative of a food movement beginning to articulate its priorities in the Legislature. For instance, in the 2012 midterm election, approximately 12.5 million Californians took a position on Proposition 37, a voter initiative concerning genetically engineered (GE) food labeling.<sup>5</sup> Proposition 2, which will soon go into effect in January 2015, had almost 13 million voters casting their vote in 2008 on whether inhumane farm animal confinement practices should be prohibited.<sup>6</sup> While Proposition 37 narrowly failed and Proposition 2 succeeded, it is clear from public opinion polling that food system issues are emerging as policymaking priorities for Californians in the 21st century, and that this movement represents a significant constituent base in search of progressive food policy.

#### Corporations and trade groups continue to be the primary influencers in the Legislature's debate around food and farming.

The 2014 legislative session highlighted opposing interest groups' sphere of influence in policymaking related to food systems. Large beverage corporations like PepsiCo, along with the Chamber of Commerce and its local members, led lobbying efforts to kill legislation in the Assembly Health Committee that would have added warning labels to most sugar sweetened beverages (SB 1000).<sup>7,8</sup> Food industry interests also helped stop another CAFPC priority bill, in the Assembly Labor and Employment Committee, that would have added a cost of living adjustment to the statewide minimum wage (SB 935).9 This bill was intended to lift many workers in the food chain out of a growing class defined as the "working poor"; we estimate that the food system represented almost one-fifth of California's workforce in 2013, using Quarterly Census of Employment and Wages data.

GE labeling (SB 1381), land use protections for California's agricultural lands (AB 1961), and strict antibiotics standards in food animals (AB 1437) were led to the butcher's block by a variety of industry interests. Senator Noreen Evans, the author of SB 1381, said: "The food industry is very powerful. We saw an enormous number of lobbyists come out very strongly against my GMO labeling bill this year."<sup>10</sup> The influence of money in politics also affected AB 2561 (Bradford) and SB 1087 (Monning), which made it through the Legislature, but whose protection or enforcement mechanisms were ultimately limited through amendments driven by industry interests. We will continue working to speak to the issues and concerns regarding food and farming policymaking to bring balance to the debate.

Industry interests are dampening efforts to reform the food system, as evidenced by the fifty-nine percent of high priority bills that did not become law. Even though many of these controversial bills are evidence-based or simply upgrading our state laws to mirror what has already been enacted in other states or countries, the outcomes of these bills demonstrate that broader food system reform will be incremental without an organized social movement that can effectively support champions in the Legislature. Policies that preserve agricultural land, improve population health outcomes, and promote equity-driven growth are some of the key policies that would strengthen California's economic vitality. For instance, the California Roundtable on Agriculture and the Environment (CRAE) released a whitepaper from a diverse group of agriculture and conservation stakeholders, "A Call to Action to Preserve California Agricultural Land," recommending policy makers support smart growth policies by limiting urban and suburban sprawl. Despite growing concerns about California's diminishing agricultural land base, building and real estate industry interests were able to kill AB 1961, which would have required improved county-level planning to support agricultural land conservation.<sup>11</sup>

#### Despite California's recovering finances, the agreement between the Governor and Legislature to constrain the budget by favoring revenue-neutral bills remained a barrier to passing innovative food systems-related policy.

For instance, AB 2385, which would have positioned California to take advantage of federal matching grants through the 2014 Farm Bill's Food Insecurity Nutrition Incentive grant, was held in Assembly Appropriations.<sup>12</sup> This bill would have scaled up a program that increases the purchasing power of nutrition assistance beneficiaries at farmers' markets, directly supporting our small- and mid-sized local farmers, who are another financially insecure group. Despite over 60 letters of support from a diverse group of stakeholders including farmers, food security advocates, local governments, community based organizations, the faithbased community, farmers' market associations, and no registered opposition, AB 2385 struggled along with other bills that tried to demonstrate low- or no-cost to the state.<sup>13</sup>

- Retrieved from http://www.sacbee.com/2014/08/17/6633523/big-business-wins-capitol-food.html
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- 11. California Legislative Information. (2014). Bill Analysis. Assembly Agriculture. Sacramento, CA.
- 12.
- Ibid
  Ibid
  White JB. (2014). Water bond headed to voters. Capitol Alert; The Sacramento Bee. Sacramento, CA. Retrieved from http://www.sacbee.com/2014/08/13/6626961/california-lawmakers-reach-deal.html

#### California's state policies, with a few exceptions, are not keeping pace with food system innovations happening in communities throughout the state.

California is the home of innovation in sustainable and urban agriculture, food system research and advocacy, food manufacturing, restaurant and retail trade, and community-based food projects. Statewide policy development is not yet keeping pace with this emerging movement in food systems reform. This could mean it will be harder for California's food and agriculture economy to remain on the leading edge.

Fortunately, there have been recent examples that showcase the potential for state action. The Department of Food and Agriculture released AgVision 2030 in 2010 to formulate a new paradigm for statewide food and agriculture policy, and Assembly Member Phil Ting authored legislation last year that incentivizes local governments to create urban agriculture zones (AB 551). We also witnessed the Legislature and the Governor's Office come together because of the drought and climate change. Voters will consider a revised water bond on this November's ballot,<sup>14</sup> and the Governor and lawmakers have passed groundwater regulations through SB 1168 and SB 1319 (Pavley), and AB 1739 (Dickinson), with California being the last state to do so. A coalition of sustainable agriculture groups and farmers led by the California Climate & Agriculture Network (CalCAN) also advocated successfully to allocate some of the cap-and-trade funds to support on-farm projects that will help the state reduce greenhouse gas emissions. We encourage the Legislature to develop a proactive interest in a food systems vision emerging in communities up and down the state, and the CAFPC offers itself as a conduit to that vision and those communities.

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California Secretary of State Debra Bowen. (2012). Statement of Vote: November 6, 2012, General Election. Retrieved from http://www.sos.ca.gov/elections/sov/2012-general/sov-complete.pdf

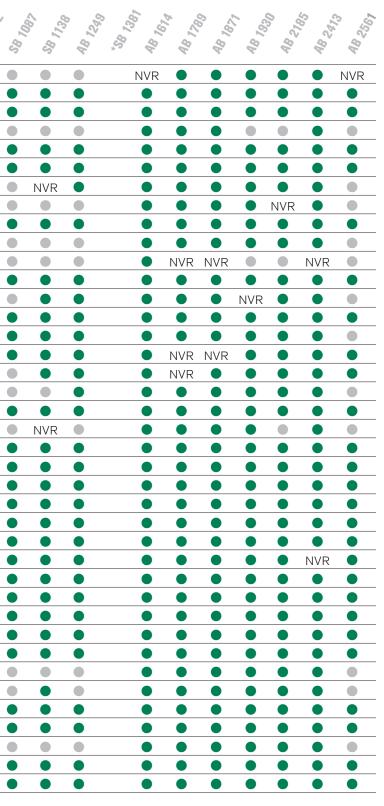
<sup>6.</sup> California Secretary of State Debra Bowen, (2008), Statement of Vote: November 4, 2008, General Election, Retrieved from http://www.sos.ca.gov/elections/sov/2008/general/sov\_complete.pdf Rosenhall L. (2014). Big business wins Capitol food fights. The Sacramento Bee. Sacramento, CA.

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\* Bill was not voted on Assembly floor because it did not make it that far through the legislative process.



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## WHAT IS THE CALIFORNIA FOOD POLICY COUNCIL?

The California Food Policy Council (CAFPC) is comprised of twenty-five local food policy councils from across the state. The CAFPC represents diverse food system stakeholders that develop and promote statewide policies and practices that produce healthy, safe, humane and abundant food in ways that protect our environment and ensure the prosperity of our workers, farms, and food businesses.

As the CAFPC, we provide broadly supported guidance and assistance to decision makers as they develop new policies, regulations, programs, funding, technical support and research priorities affecting food and agriculture in our state. Roots of Change, a program of the Public Health Institute, provides strategic advice, financial and staff support for the CAFPC.

The CAFPC formed a policy work group in April 2014 to create this report. It included CAFPC members and other food system policy experts. Of the 52 bills introduced or carried over in 2014 that related to CAFPC food system priorities, the work group identified 22 of critical significance and in need of analysis. The policy working group tracked 15 of these because they had potential to create systemic change aligned with CAFPC principles, would aid in unifying California's food movement, and reached the floor vote of its house of origin.<sup>15</sup>



15 This document does not endorse or critique the positions taken by legislators. Nor does it imply unanimous support of particular bills by member councils of CAFPC, particularly AB 1871. Rather, we seek to provide a tool to policy makers seeking to understand food movement priorities and to assist local food policy councils in making informed decisions related to their food policy advocacy efforts.

Ashland Cherryland Food Policy Council: Affirmed

Central Coast Healthy Food Access Committee: Affirmed

Community Food Council for Del Norte and Adjacent Tribal Lands: Affirmed

Berkeley Food Policy Council: Affirmed

Humboldt Food Policy Council: Affirmed

Los Angeles Food Policy Council: Abstained

North County Food Policy Council: Affirmed

Napa County Local Food Council: Abstained

Mendocino County Food Policy Council: Affirmed

Orange County Food Access Coalition: Affirmed

Plumas-Sierra Community Food Council: Affirmed

Sacramento Region Food System Collaborative: Affirmed

San Francisco Food Security Task Force: Abstained

Growing Local (Shasta): Affirmed

Kern Food Policy Council: Affirmed

Marin Food Policy Council: Abstained

Oakland Food Policy Council: Affirmed

Richmond Food Policy Council: Affirmed

San Francisco Urban Ag Alliance: Affirmed

San Mateo Food System Alliance: Affirmed

Santa Barbara Food Alliance: Affirmed

Yolo Ag and Food Alliance: Abstained

San Diego Food Systems Alliance: Abstained

San Luis Obispo Food System Coalition: Affirmed

Long Beach Fresh: Affirmed

**EXECUTIVE COMMITTEE** 

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Interfaith Sustainable Food Collaborative



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