

# Right to Food Law Is First to Guarantee Food Sovereignty

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## STORY AT-A-GLANCE

- › In a historic first for the U.S., Maine voters approved an amendment to the state's constitution ensuring their right to food
- › The Maine amendment, which was approved by 60% of voters, officially declares that individuals have a right to save and exchange seeds and "grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being"
- › In 2017, Maine's Food Sovereignty Act became a law, affording municipalities the right to regulate local food systems, from production to processing and consumption, and allowing farmers to sell their goods directly to consumers, with the exception of meat and poultry
- › A number of other states have various versions of food freedom legislation already on the books; Wyoming expanded their Food Freedom Act in 2020 to allow shelf-stable homemade foods to be sold in retail shops and grocery stores — a law already in place in 17 other states
- › At least 41 bills in 24 states have been introduced in the 2021 to 2022 legislative session that relate to exempting certain foods from state food safety oversight in order to expand food freedom

**In a historic first for the U.S., Maine voters approved an amendment to the state's constitution ensuring their right to food. Being a human being who needs food to**

survive, you may already assume that this right exists, but increasing corporate control over the food supply shows that this right isn't inalienable.

In Maine, a state that imports 90% of its food from out of state, the Farm Bureau opposed the measure,<sup>1</sup> which protects residents' ability to produce and consume food as they see fit.

It's one of the most fundamental and crucial protections that humans should be afforded, but one that may not receive the attention and support it deserves – until it's gone. The Maine amendment, which was approved by 60% of voters, officially declares:<sup>2</sup>

*“[A]ll individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.”*

## **Maine Residents' Right to Food Protected**

In 2017, Maine's Food Sovereignty Act became a law, affording municipalities the right to regulate local food systems, from production to processing and consumption, and allowing farmers to sell their goods directly to consumers, with the exception of meat and poultry. One year after the Food Sovereignty Act was passed, more than 40 Maine towns had adopted the sovereignty-based ordinances.<sup>3</sup>

At the time, food sovereignty advocate and livestock farmer Heather Retberg told Bangor Daily News, “We are so much farther along than where I could have imagined we would be. Once the threat of state preemption was removed, so many towns were just ready to put this commonsense food policy into place. I just couldn't have possibly known how many people there were across the state just waiting.” She explained:<sup>4</sup>

*“Wherever people are willing to engage with their local governments and their neighbors, wherever people care about regenerative agriculture and economies based on ecological stewardship principles, wherever people want access to*

*good food from farms in their own community, there is potential for engagement and the spread of this articulation of food sovereignty.”*

By June 2021, more than 90 cities and towns in Maine had opted in to the food sovereignty law, exempting certain direct-to-consumer food sales from state licensing and inspection requirements.<sup>5</sup>

## **Food Sovereignty Movement Grows**

Small farmers and raw milk advocates are only a sampling of those who supported Maine’s “right to food” law, which is part of a growing movement toward food sovereignty. “It’s always a good idea to secure and protect an individual right in the world we live in. Food is life,” said Sen. Craig Hickman, D-Kennebec, in a news release. “I don’t understand why anyone would be afraid of saying so out loud in the constitution.”<sup>6</sup>

The constitutional amendment secures the right to food “as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.”<sup>7</sup> According to the Press Herald:<sup>8</sup>

*“Supporters used the campaign to make the case the amendment would ensure the right to grow vegetables and raise livestock in an era when corporatization threatens local ownership of the food supply. They positioned the amendment as a chance for Mainers to take control of the food supply back from large landowners and giant retailers with little connection to the community.”*

Maine state Rep. Billy Bob Faulkingham referred to the legislation as the “Second Amendment of food,”<sup>9</sup> while Retberg highlighted the need to decentralize food production in order to protect self-sufficiency:<sup>10</sup>

*“Power over our food supply is concentrated in a few individuals and corporations. Global companies dominate our food system and policy at the expense of our food self-sufficiency. This concentration of power threatens*

*Mainers' individual rights to grow, raise, harvest, produce, and consume the food of our choosing now and in the future."*

## **Do State and Federal Inspections Really Make Food Safer?**

The Maine Farm Bureau was one of the greatest opponents to Maine's right to food amendment, writing on social media October 22, 2021:<sup>11</sup>

*"The Maine Farm Bureau has spent a lot of time figuring out Question 3, the so-called 'Right to Food' amendment.*

*The vague and broad wording of the proposed amendment provides fertile ground for unintended consequences, like eliminating the safeguards that we have in place to help us produce healthy, affordable food for Maine families ... While the intention behind Question 3 seems positive, the real danger it presents to our health and our food system is not."*

The implication is that food would not be as safe if it doesn't go through mandated inspection processes, but in the four years since Maine enacted its food sovereignty law, no foodborne illnesses have been reported in connection with foods sold under it.<sup>12</sup>

In another example, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) is tasked with conducting inspections on U.S. meat supplies. This requires inspectors to travel to slaughterhouses, processing plants and other facilities across the U.S., but this doesn't mean that inspection standards are being met and enforced – or that they're making your food safer than it would be if it came from a high-quality local source.

A June 2018 FSIS report found that the extent of salmonella contamination in U.S. chicken parts is largely unknown because 35% of large chicken-slaughter facilities in the U.S. are not meeting FSIS inspection standards.<sup>13</sup>

Perhaps in response, in November 2018 FSIS for the first time publicly published chicken producers and their rankings on salmonella safety standards, which are updated

each week as new samples are tested. The rankings range from category 1 to 3. Category 1 describes facilities that had less than 50% of the maximum allowable salmonella during the testing window.

Category 2 describes facilities that had more than 50% (but still within the maximum allowed), while Category 3 is the worst – facilities that exceeded the maximum level of salmonella.<sup>14</sup>

If you look at the FSIS rankings,<sup>15</sup> what you'll notice is the frequency of Category 2 and 3 on the list. A Category 3 ranking isn't grounds for immediate suspension, either. Instead, FSIS notifies facilities if they don't meet standards and at that point decide whether further action is needed.

## **Food Freedom Laws on the Rise**

While Maine's right to food law is a first for the U.S., a number of other states have various versions of food freedom legislation already on the books. Wyoming expanded their Food Freedom Act in 2020 to allow shelf-stable homemade foods to be sold in retail shops and grocery stores – a law already in place in 17 other states.<sup>16</sup>

Nearly all (48) states also allow shelf-stable homemade foods, such as baked goods and jams, to be sold directly to consumers, while a handful – Wyoming included – also allow for the sale of homemade perishable items, such as beverages and full meals, as long as they don't contain meat.<sup>17</sup>

According to Wyoming state Rep. Shelly Duncan, the changes “create more income for farmers, stay-at-home parents, retirees and anyone else who has talent in the kitchen. The bill will also allow consumers to buy more fresh, healthy and local food at affordable prices.”<sup>18</sup>

As in Maine, no outbreaks of foodborne illness have been reported from foods sold under Wyoming's Food Freedom Act since it was first enacted in 2015.<sup>19</sup> According to the National Environmental Health Association (NEHA), at least 41 bills in 24 states

have been introduced in the 2021 to 2022 legislative session that relate to exempting certain foods from state food safety oversight.<sup>20</sup> They explain:

*“State legislatures use several terms for these bills: cottage foods, food freedom, microenterprise kitchens, homemade foods, or home-baked foods. They all have the same goal, however, to limit a government’s authority to regulate food safety. These bills seek to expand the range of food producers and retail establishments that could sell food free from any governmental oversight.”*

## **What’s at Risk if Your Right to Food Isn’t Protected?**

Laws like the one established in Maine may seem superfluous, but it’s important not to be complacent when it comes to something as fundamental as food. If you control the food supply, you control the world, which is why it raises more than a few red flags that tech billionaire Bill Gates is now the largest owner of farmland in the U.S.,<sup>21</sup> much of it considered some of the richest soil in the U.S.<sup>22</sup>

Gates isn’t interested in regenerative agriculture, supporting small farmers or ensuring locally sourced food and food sovereignty but, instead, is furthering an agricultural agenda that supports agrochemicals, patented seeds, fake meat and corporate control – interests that undermine regenerative, sustainable, small-scale farming. One of the key players in this agenda is the widespread adoption of ultraprocessed synthetic meat.

Protecting everyone’s right to food is one step in countering the tech giants’ attempts to remove humans’ sacred relationship to food. Indian scholar and food sovereignty advocate Vandana Shiva also states we can fight back by remembering and focusing on a few essential principles:<sup>23</sup>

- Food is the currency of life
- The highest duty is to grow and give food in abundance
- The worst sin is to let someone go hungry in your neighborhood, not grow food and, worse, sell bad food

“We’ve got to bring to the center of our everyday life the rituals that make life sacred,” Shiva said. “Our breath ... breath is what connects us to the world ... water connects us to the world. Food connects us to the world.”<sup>24</sup>

## Sources and References

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- <sup>6, 8</sup> Press Herald November 2, 2021
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