

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 108 (Hurtado) – As Amended May 20, 2021

SENATE VOTE: 35-1

SUBJECT: State Healthy Food Access Policy

SUMMARY: Declares that it is the established policy of the state that every human being has the right to access sufficient and healthy food, and requires, no later than January 1, 2023, the California Department of Social Services (CDSS), in consultation with the California Department of Food and Agriculture (CDFA) and the Department of Conservation (DOC) to submit a report to the Legislature that addresses key issues related to food security in California, as specified. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations related to food insecurity, hunger, and how climate change threatens food production.
- 2) Declares the established policy of the state that every human being has the right to access sufficient and healthy food.
- 3) Requires all relevant state agencies, including, but not limited to, CDSS, CDFA, and the State Department of Public Health (CDPH), to consider the state policy related to access to sufficient affordable and healthy food as established by the provisions of this bill when revising, adopting, or establishing policies, regulations, and grant criteria when they are pertinent to the distribution of food and nutrition assistance.
- 4) Declares that the provisions of this bill related to the establishment of state policy related to food access does not expand any obligation of the state to provide food or nutrition assistance or to require the expenditure of additional resources to develop food infrastructure.
- 5) Requires, no later than January 1, 2023, CDSS, in consultation with CDFA and DOC, to submit a report to the Legislature that addresses a number of factors, including, but not limited to: the barriers to accessing food assistance currently faced by low-income Californians; the steps the State can take to decrease the cost of food now and in the future; the anticipated impact changing water needs, changing weather, and changing climate patterns will have on the State's ability to ensure people have sufficient food; and, CDSS's recommendations on these issues, as specified.
- 6) Provides that, as of January 1, 2027, the requirement that CDSS, CDFA, and DOC submit a report to the Legislature expire.

EXISTING LAW:

- 1) Establishes various food assistance programs, including the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition benefits allocated to the state by the federal government are distributed to eligible

individuals by each county. (7 United States Code Section 2011 *et seq.*, Welfare and Institutions Code Section [WIC] 18900 *et seq.*)

- 2) Establishes the “Emergency Food Assistance Program” within the Emergency Food Assistance Act to supplement the diets of low-income Americans by providing them with emergency food assistance at no cost. (7 Code of Federal Regulations Sections 250 and 231)
- 3) Establishes that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and requires all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and CDPH, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water. (Water Code Section 106.3)
- 4) Establishes CDSS to have authority to administer CalFresh and other state-operated social services programs. (WIC 10550 *et seq.*)
- 5) Establishes CDFA to promote and protect the agricultural industry of the state, enhance, protect, and perpetuate the ability of the private sector to produce food in a way that benefits the general welfare and the economy of the state, and seek to maintain the economic well-being of agriculturally dependent rural communities in the state. (Food and Agriculture Code Section 100 *et seq.*)
- 6) Establishes CDPH and vests the department with all the duties, powers, purposes, functions, responsibilities as they relate to public health, licensing and certification of health facilities, among other duties. (Health and Safety Code Section 131050 *et seq.*)
- 7) Establishes DOC and requires the work of the department to be divided into at least the California Geological Survey, the Geologic Energy Management Division, the Division of Land Resource Protection, and the Division of Mine Reclamation. (Public Resources Code Section 600 *et seq.*)

FISCAL EFFECT: According to the Senate Appropriations Committee on May 20, 2021, this bill does not specify which agency – CDFA, DSS, or DOC – will take the lead on the report:

- 1) CDFA notes that the requirements of this bill are not absorbable and there will be costs associated with participating and/or leading the writing of the report (e.g. staff and maybe a facilitator). If it were the lead for development of the result, CDFA estimates one-time General Fund costs of approximately \$270,000 for 1.5 limited term staff (1 AGPA and .5 SSA -- \$120,000 GF plus operating expenses) and a meeting facilitator (approximately \$150,000 GF).
- 2) CDSS reports staffing resources needed to participate would be absorbable.
- 3) DOC’s Division of Land Resource Protection estimates costs would be absorbable as they expect their role will be as a minor contributor.
- 4) CDPH reports no impact.

COMMENTS:

The right to food: In many countries, it is a legally binding human rights obligation to combat hunger and malnutrition. The right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living. According to a 2010 United Nations publication entitled “The Right to Adequate Food,” the right to food is an “inclusive right... it is a right to all nutritional elements that a person needs to live a healthy and active life, and to the means to access them.” According to the report, the three elements of the right to food include:

Availability: which requires that food should be available from natural resources either through the production of food, and should be available for sale in markets and shops.

Accessibility: which requires economic and physical access to food to be guaranteed. Economic accessibility means that food must be affordable, and individuals should be able to afford food for an adequate diet without compromising on any other basic needs. Physical accessibility means that food should be accessible to all, including the physically vulnerable, such as children, the sick, persons with disabilities or the elderly, for whom it may be difficult to get food. Access to food must also be guaranteed to people in remote areas and to victims of armed conflicts or natural disasters, as well as to prisoners.

Adequacy: which means that the food must satisfy dietary needs, taking into account the individual’s age, living conditions, health, occupation, sex, etc. Food that is energy-dense and low-nutrient, which can contribute to obesity and other illnesses, could be another example of inadequate food. Food should be safe for human consumption and free from adverse substances, such as contaminants from industrial or agricultural processes, including residues from pesticides, hormones, or veterinary drugs.

Food insecurity and hunger: Food insecurity means having limited, uncertain, or inconsistent access to the quality and quantity of food that is necessary to live a healthy life. Prior to the COVID-19 pandemic, approximately 1 in 4 Californians (roughly 10 million) struggled with food insecurity, according to data gathered by the California Association of Food Banks.

The COVID-19 pandemic began as a health crisis and quickly became a hunger crisis as well. According to a report from the California Association of Food Banks, food insecurity in California spiked to unprecedented levels with more than 25% of California households experiencing food insecurity—2.5 times higher than the rate of food insecurity before the COVID-19 pandemic. Racial and ethnic health disparities became even more apparent, with Latinx, Black, and other households from communities of color facing higher rates of food insecurity than white Californians. For children, not having enough nutritious foods can have serious implications for a child’s physical and mental health, and academic achievement. According to the Feeding America website, people facing hunger in California are estimated to report needing over two billion dollars more per year to meet their food needs.

Climate change: In addition to the COVID-19 pandemic and the resulting economic impacts on the ability of some California residents to access adequate food, climate change is expected to have drastic effects on the world’s food supply. The world’s population is expected to grow significantly in the coming years, and there is a growing concern that global crop yields, due to the effects of climate change, are not increasing at the rate required to support that population growth.

According to a drought status update from the National Integrated Drought Information System website, 95% of California- in which 30.4 million people in the State reside- is experiencing moderate to exceptional drought. Recent storms from December 2020 to February 2021 have brought some relief to Southern California, which may alleviate some drought conditions, but is likely not enough to remove long-term drought conditions and impacts. Low snowpack and decreasing reservoir levels in the Sierra Nevada are leading to below-normal total water storage, and soil moisture continues to remain low. In turn, crop yields are predicted to decline because of the combined effects of changes in rainfall, severe weather patterns, increasing competition from weeds, and pest infections. Livestock and fish production are also projected to decline. Food prices are expected to rise in response to declining food production and increase the price of petroleum, which is used in pesticides, fertilizers, and for transporting food.

According to reports from the California Natural Resources Agency on California's Climate Adaptation Strategy, the state is expected to experience:

Sea level rise: As sea levels rise, saltwater contamination of the state's delta and levee systems will increase. Saltwater contamination of the Sacramento/San Joaquin Delta will threaten wildlife and the source of drinking water for 20 million Californians. Farmland in low areas may also be harmed by salt-contaminated water.

Losses to the Sierra snowpack and water supply: The Sierra Nevada snowpack functions as the most important natural reservoir of water in California. Under current conditions, the snowpack is created in fall and winter and slowly releases about 15 million acre-feet of water in the spring and summer, when California needs it most. California's dams and water storage facilities are built to handle the snowmelt as it has in the past. Higher temperatures are now causing the snowpack to melt earlier and all at once. Earlier and larger releases of water could overwhelm California's water storage facilities, creating risk of floods and water shortages.

Higher risk of fires: Currently, the fire season in the western United States starts earlier, lasts longer, and is more intense than in the last several decades. Wildfire occurrence statewide could increase several fold by the end of the century, increasing fire suppression, emergency response costs, and damage to property.

Damage to agriculture: Global warming can cause drought, higher temperatures, saltwater contamination through rising sea levels, flooding, and increased risk of pests. These changes pose a serious threat to California's agricultural industry, which generated \$39 billion in revenue in 2007, and which is responsible for more than half of all domestic fruits and vegetables. Because California feeds not only its own residents, but the entire U.S. and other countries as well, production declines could lead to food shortages and higher prices.

Habitat destruction and loss of ecosystems: California is one of the most biologically diverse regions of the world, with the highest number of unique plant and animal species. Climate change will adversely affect plant and wildlife habitats and the ability of the state's varied ecosystems to support clean water, wildlife, fish, timber, and other goods and services important for our wellbeing.

Addressing food insecurity in California: To address the high rates of food insecurity in California, which are exacerbated by the ongoing COVID-19 pandemic, as well as climate change, California provides the following supports:

CalFresh: CalFresh, known federally as SNAP, provides temporary help for people struggling with food security by offering food benefits to eligible individuals and households. CalFresh benefits stretch food budgets, allowing individuals and families to afford nutritious food, including more fruits and vegetables. The amount of benefits a household receives is dependent on a household's size, eligible income, and monthly expenses. The program issues monthly benefits on an Electronic Benefit Transfer (EBT) card, and food may be purchased at any grocery store or farmers market that accepts EBT cards. According to a report from Feeding America, 49.2% of households in California receiving CalFresh benefits have children, and over \$5 billion distributed through SNAP helped generate over \$10 billion in economic activity in the state.

The Emergency Food Assistance Program (TEFAP): TEFAP is a United States Department of Agriculture (USDA)-funded supplemental food program administered by CDSS. TEFAP provides administrative funds and USDA commodities to a network of food banks throughout California. Food banks use the administrative funds to provide commodities to income-eligible individuals and families. CDSS contracts with 48 food banks who operate approximately 2,300 distribution and congregate feeding sites, ensuring TEFAP availability in 58 counties.

Disaster CalFresh (D-CalFresh): D-CalFresh was established to provide support to local food banks across the state as they respond to the increased demand for food assistance as a result of disasters. The program has a two-pronged approach where CDSS will make available nearly 20,000 emergency food boxes for distribution to providers as needed. The program will alternatively allow food banks who prefer to purchase and distribute food locally to do so using their existing food supply or purchased food and seek reimbursement from the state. California has appropriated \$1 million per year to support this program.

California Office of Farm to Fork: The California Office of Farm to Fork is a project of CDFA that is committed to reducing food insecurity and helping all Californians access healthy and nutritious, California-grown food. The office connects individual consumers, school districts, and others directly with California's farmers and ranchers, and provides information and other resources.

Food banks and pantries: Food pantries and closets across the state help distribute food and other resources to many local communities. The food banks collect and provide food to hunger-relief organizations spread throughout their counties, distributing bags or boxes of food directly to needy families or individuals without requiring verification of eligibility.

Due to the COVID-19 pandemic, there has been a tremendous increase in the amount of people visiting food banks. According to a Feeding America report on food bank response to the pandemic, food banks nationwide distributed 6 billion meals to communities facing hunger in 2020, and many people across the country, specifically 4 in 10, visited food distribution sites for the first time. Additionally, from the same report from Feeding America, food banks across the nation are serving 55% more people now than before the pandemic and are on pace to distribute 6.5 billion meals in 2021.

Need for the bill: The provisions of this bill seek to address the issue of food insecurity, which has been drastically affected by the COVID-19 pandemic and the increasing effects of climate change. Specifically, this bill would declare the established policy of the state that every human being has the right to access sufficient and healthy food, requiring all relevant state agencies to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when they are pertinent to the distribution of food and nutrition assistance. Additionally, this bill would

require CDSS, in consultation with CDFA and DOC, no later than January 1, 2023, to submit a report to the Legislature relating to food access and recommendations to increase the availability of sufficient affordable and healthy food.

According to the author, “California feeds the State, the Nation and the World, but not all of its residents know where their or their children’s next meal will come from. This is likely to only continue getting worse as climate change, drought and population growth threaten our ability to produce and distribute the food we need.

“With all this in mind, [this bill] looks to the future. The bill declares the Human Right to Food state policy; but it also requires reporting on the future of food in California, including what the impacts climate change and population growth will have on our ability to produce and feed our population, what we can and should do in terms of shifting land use to support our future food needs, and what we can do now and in the future to decrease the cost of food.”

PRIOR AND RELATED LEGISLATION:

AB 534 (Mayes) of 2019, would have established the “Envision a Hunger-Free California Act of 2019”, and would have required CDSS, DPH, the California Department of Education (CDE), and CDFA to develop a plan to end hunger, which would have included the identification of barriers to food access. AB 534 was held on the Assembly Appropriations Committee suspense file.

AB 1952 (Mayes) of 2018, would have established the “Envision a Hunger-Free California Act of 2018” by requiring CDSS, DPH, CDE, and CDFA to develop a plan to end hunger. AB 1952 was held on the Senate Appropriations Committee suspense file.

AB 1811 (Assembly Committee on Budget), Chapter 35, Statutes of 2018, created the “California Fruit and Vegetable EBT Pilot Project” to increase the purchase and consumption of California-grown fruits and vegetables that are financially out-of-reach for low-income residents.

SB 918 (Wiener) of 2018, would have established the “California Fruit and Vegetable EBT Pilot Project” to include within the EBT system a mechanism that would have enabled an authorized retailer to deliver and redeem supplemental CalFresh benefits. SB 918 was held in the Assembly Human Services Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference
 California Medical Association
 Community Clinic Association of Los Angeles County (CCALAC)
 County Welfare Directors Association of California (CWDA)
 National Association of Social Workers, California Chapter

Opposition

None on file

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