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October 2023

Acknowledgements

We would like to thank all the CSPI staff and interns who contributed to this report: Peter Lurie, Anupama Joshi, Colin Schwartz, Samantha Heller, Jorge Bach, Jessi Silverman, Meghan Maroney, Will Lowthert, Stephanie Rogus, Ashley Hickson, Sara John, Catherine Cochran, Jensen Jose, Sara Ribakove, Alla Hill, Aviva Musicus, Toby Beckelman, and Joelle Johnson.

Center for Science in the Public Interest

The Center for Science in the Public Interest (CSPI) is your food and health watchdog. We are a rigorous driver of food system change to support healthy eating, safe food, and the public's health. We transform the food environment through leading-edge policy innovations grounded in meticulous research and powerful advocacy at the national, state, and local level. We galvanize allies to drive system-wide changes and healthier norms, leveraging the greatest benefits for people facing the greatest risk. CSPI is fiercely independent; we accept no government or corporate grants. Our work is supported by the hundreds of thousands of subscribers to our award-winning Nutrition Action and from foundations and individual donors.

Terminology

CSPI is an inclusive organization and seeks to foster an environment where all staff, collaborators, and populations that we work with feel a sense of belonging and are affirmed. In this report, we use the gender-inclusive terminology "Latino/a/e." However, throughout the report, we may also use the terms "Hispanic" and "Mexican American" when describing data from previous studies in order to accurately describe the population as it was referenced by the author(s) of each study.

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| Executive Summary

One year ago, the Biden-Harris Administration convened the White House Conference on Hunger, Nutrition, and Health (Conference) and released its National Strategy on Hunger, Nutrition, and Health (National Strategy) that put forward 196 federal government commitments to reduce hunger and diet-related disease. The White House also announced 63 stakeholder pledges (containing 89 total commitments) from food manufacturers, nonprofit organizations, and retailers representing over \$8 billion in investments in support for the National Strategy. The Center for Science in the Public Interest (CSPI) advocated for, submitted policy recommendations to, and conducted listening sessions leading up to the Conference. We were pleased to see that many of our recommendations were included in the National Strategy, and one year after the Conference, we are keen to determine the extent of progress made. CSPI thus reviewed the federal government's progress on a subset of 106 Top Federal Commitments. CSPI also assessed the extent to which stakeholder commitments aligned with the issues laid out in the federal commitments. We did not assess progress made on the stakeholder commitments due to the difficulty of determining their status as well as the often long-term and sometimes non-specific nature of many of these commitments.

KEY FINDINGS

- Of the 106 commitments studied, the administration could carry out 82 (77%) without an act of Congress, while 24 (23%) require Congressional action.
- Of these 82 commitments not requiring an act of Congress, the federal government has completed 21 (26%), 42 (51%) are in progress, and we were not able to identify progress on 19 (23%) of commitments from publicly-available data sources.
- While work has begun on many commitments, many are not yet completed. For example:
 - O In Progress:
 - The Food and Drug Administration (FDA) still needs to propose regulations on key nutrition commitments such as front of package nutrition labeling (FOPNL).
 - The U.S. Department of Agriculture (USDA) needs to continue its progress in updating the nutrition criteria in USDA Foods procurement specifications to align with FDA's voluntary sodium targets.
 - Not Started/ Information Not Found:
 - FDA has yet to take any public action to propose and finalize regulations on longer-term voluntary sodium reduction targets for industry.
 - The White House has not taken public action to implement the Food Service Guidelines for Federal Facilities.
- Of USDA's 31 commitments studied, we assessed 9 (29%) as Completed, 21 (68%) as In Progress, and 1 (3%) as Not Started / Information Not Found. Of FDA's 12 commitments, we assessed 6 (50%) as Completed, 5 (42%) as In Progress, and 1 (8%) as Not Started / Information Not Found.
- Progress on commitments requiring an act of Congress (24 in total) is further behind, with the federal government only completing 2 (8%) of these commitments. Congress has only taken action to expand Summer-Electronic Benefit Transfer (S-EBT) and increase funding for FDA's Center for Food Safety and Applied Nutrition (CFSAN).
- CSPI identified a further subset of 20 of the Top 106 Federal commitments not requiring
 Congressional action that are both most relevant to CSPI's work and are expected to have the highest

- public health impact. Of these top 20 commitments, 8 (40%) were considered Completed, 10 (50%) as In Progress, and 2 (10%) as Not Started / Information Not Found.
- The 89 stakeholder commitments focus primarily on the following issue areas: Nutrition Education (27, 30% of commitments), Healthcare (20, 22%), Healthy Food Access (16, 18%), the Charitable Food System (15, 17%), and Benefit Enrollment (10, 11%).
- Some categories were barely represented or entirely absent among stakeholder commitments. Only 1 (1%) addresses procurement practices; 2 (2%) address product reformulation to reduce sodium or added sugars; 1 (1%) addresses labeling, and only 2 (2%) address health equity. No stakeholder commitments primarily address food and supplement marketing practices targeted at children, improving food safety, or increasing healthy food access for imprisoned populations.

CSPI'S RECOMMENDATIONS ON PRIORITY ACTIONS:

- Federal agencies should:
 - Continue work towards completing additional commitments to improve food and nutrition security and health.
 - Move beyond their "Completed" commitments to implement regulations achieving their intended public health impacts. For example, USDA should finalize and implement its proposed updates to the National School Breakfast and Lunch Program (school meal) nutrition standards and finalize the update to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) food package to better align each with the Dietary Guidelines for Americans (DGA). In the same vein, FDA (with USDA's support) should determine actionable reduction targets for industry as follow up to its November 2023 meeting on added sugars reduction.
 - Continue work on key "In Progress" commitments, such as FDA creating a FOPNL system or USDA updating its USDA Foods procurement specifications.
 - Start or make public their progress on "Not Started/ Information Not Found" commitments.
 For example, FDA should demonstrate its commitment to issuing revised voluntary sodium reduction targets for industry beyond the short-term 2021 targets.
- The White House should follow up on its commitment to implement the Food Service Guidelines for Federal Facilities. As <u>CSPI and 160 partners</u> have requested, the Biden-Harris Administration could do so by issuing an Executive Order. Such an Executive Order should also establish a timeline and process for developing and implementing values-aligned food procurement standards for federal agencies.
- Congress has a critical role to play in improving nutrition, fighting hunger, and improving health,
 but has been unwilling to advance common-sense legislative changes that would achieve these goals.
 Congress needs to play its part and work with Federal Agencies to:
 - Advance some of these federal commitments by moving forward both a 2023 Farm Bill and a Fiscal Year 2024 Appropriations package that improves our food system and US residents' food and nutrition security and health.
 - In its Fiscal Year 2024 Appropriations package, fully fund key federal agencies and programs such as CFSAN and CDC's State Physical Activity and Nutrition Program (SPAN). Congress should also take steps beyond those indicated in the National Strategy by not including policy riders that put corporate interests before public health and by fully funding WIC.

- O In the expected 2023 Farm Bill, seize the opportunity to enact meaningful expansions to Supplemental Nutrition Assistance Program (SNAP) access for college students, remove the SNAP ban for formerly incarcerated individuals, and expand the Gus Schumacher Nutrition Incentive Program (GusNIP), among other changes outside the purview of the National Strategy.
- Provide core economic supports by taking actions highlighted in the National Strategy such
 as expanding the Child Tax Credit and the Earned Income Tax Credit, since these expansions
 have expired.
- Stakeholders, especially members of the food industry, should:
 - Consider making additional commitments.
 - Take actions to reformulate to reduce sodium and added sugars.
 - O Take actions to limit junk food marketing to kids.

CSPI was pleased to see the administration continue its recent engagement with the private and public sectors to secure additional commitments that complement the National Strategy in its <u>recently-closed</u> solicitation for a second round of stakeholder commitments.

Methods

The centerpiece of the White House Conference on September 28, 2022, is the Biden-Harris administration's <u>National Strategy on Hunger, Nutrition, and Health</u>. The 44-page National Strategy includes commitments from many federal government agencies and stakeholders on ways they intend to address food and nutrition insecurity, improve health, and promote physical activity.

We sorted the federal and stakeholder commitments in the National Strategy according to the <u>five pillars</u> under which they appeared in the Strategy. We then assigned each commitment to 33 issue area categories, all of which were present in the National Strategy, except for 1 additional category committed to by stakeholders ("Law Journal"). If a commitment specified activity related to more than one category, we coded these separately as a "mention" of that category. No commitment had more than one mention of any particular category.

1. FEDERAL COMMITMENTS

We first parsed the text of the National Strategy into individual "federal commitments." For some USDA commitments, additional detail was drawn from the Food and Nutrition Service (FNS) companion document. We excluded the "Call to Action for a Whole-of-Society Response" text featured in blue boxes, as most suggest important but smaller-scale, non-federal (local, state, and stakeholder) actions. Most federal commitments were a single bullet or sub-bullet in the National Strategy. In some cases, sub-bullets containing several discrete agency actions were subdivided into multiple individual commitments. A full table of all National Strategy commitments is included as Appendix A.

We then narrowed the overall set of 196 federal commitments down to a subset of 106 "Top Federal Government" commitments most relevant to improving access to healthy food or improving the overall healthfulness of the US food supply, their likely impact, those susceptible to clear evaluation of progress, and those most aligned with CSPI's expertise. We excluded any Pillar IV (physical activity) commitments from this analysis except for one—the commitment to work with Congress to expand the Centers for

Disease Control and Prevention's (CDC) State Physical Activity and Nutrition Programs (SPAN), which is also related to nutrition. We excluded commitments with less direct impact on food access or improving the healthfulness of the food supply; those confined to categories of business development, nutrition education, healthcare, workforce development, local food, labor, and transportation. While CSPI excluded these categories from this analysis, we recognize the critical roles they can play in the prevention and management of diet-related disease. These "106 Top Federal Government" commitments are indicated in Appendix A.

Data to determine progress on the 106 Top Federal Government commitments were gathered from publicly-available sources, including federal agency websites, agency budgets, the Federal Register, enacted laws, press releases, and other relevant sources. Commitments requiring only administrative action were placed into three categories (Completed, In Progress, and Not Started/Information Not Found) while those requiring an act of Congress were placed in two categories (Completed – if law was enacted, and Not Started / Information Not Found). When comparing progress by agency, there were two shared commitments between the USDA and the FDA - these were counted towards both agencies' totals.

2. STAKEHOLDER COMMITMENTS

All 63 stakeholder pledges (including topics excluded from the assessment of Top 106 Federal commitments) released alongside the National Strategy were similarly assessed. We separated the 63 pledges into 89 individual commitments and assessed issue area category mentions using the National Strategy categories. A full table of these "stakeholder commitments" is included as Appendix B.

We did not attempt to assess progress on stakeholder commitments, due to the difficulty of determining status as well as the often long-term and sometimes non-specific nature of these commitments.

Results

The National Strategy contains considerably more commitments in Pillars 1 (Improve Food Access and Affordability, 29%) and 3 (Empower Consumers to Make and Have Access to Healthy Choices, 32%) than in other Pillars. Table 1 also compares the distribution by Pillar of all Federal National Strategy commitments and the stakeholder commitments and shows generally similar distributions except for Pillar 5 (Enhance Nutrition and Food Security Research), which has comparatively fewer stakeholder commitments. This table further compares the distribution by Pillar of all Federal National Strategy commitments and CSPI's Top 106 Federal commitments. CSPI's Top 106 Federal commitments contain comparatively more commitments in Pillars 1,3, and 5, and comparatively fewer commitments in Pillars 2 (Integrate Nutrition and Health) and 4 (Support Physical Activity for All).

Table 1: Federal, Top 106 Federal, and Stakeholder Commitments by Pillar

Pillar	No. of Federal Commitments (%)	No. of Top 106 Federal Commitments (%)	No. of Stakeholder Commitments (%)
1: Improve Food Access and Affordability	57 (29%)	40 (38%)	30 (34%)
2: Integrate Nutrition and Health	35 (18%)	4 (4%)	17 (19%)
3: Empower Consumers to Make and Have Access to Healthy Choices	63 (32%)	39 (37%)	25 (28%)
4: Support Physical Activity for All	7 (4%)	1 (1%)	8 (9%)
5: Enhance Nutrition and 34 (17%) Food Security Research		22 (21%)	9 (10%)
Total Commitments	196	106	89

FEDERAL COMMITMENTS

Most of the Top 106 Federal commitments (82/106; 77%) did not require an act of Congress to be completed (Table 2).

No. of Federal Commitments not No. of Federal Commitments Status Requiring an Act of Congress (%) Requiring an Act of Congress (%) Completed 21 (26%) 2 (8%) In Progress 42 (51%) N/A Not Started / Information Not Found 19 (23%) 22 (92 %) **Total** 82 24

Table 2: Status of the Top 106 Federal Commitments.

Of the 82 commitments the Biden-Harris administration could undertake without an act of Congress, 21 (26%) were categorized as Completed, 42 (51%) were categorized as In Progress, and 19 (23%) were categorized as Not Started / Information Not Found. Thus the Administration has made progress on 77% of its key commitments that do not require an act of Congress.

Of USDA's 31 commitments evaluated, we assessed 9 (29%) as Completed, 21 (68%) as In Progress, and 1 (3%) as Not Started/ Information Not Found. Of FDA's 12 commitments, we assessed 6 (50%) as Completed, 5 (42%) as In Progress, and 1 (8%) as Not Started/ Information Not Found. Thus, both agencies have started or completed over 90% of their assessed commitments, although a higher percentage of FDA's have been completed.

In contrast to its progress on commitments not requiring an act of Congress, the federal government has acted on few commitments requiring an act of Congress. Of these 24 commitments, no action has been taken on 22 (92%), Congress has only taken action to expand S-EBT and increase funding for FDA's CFSAN.

CSPI identified a further subset of 20 of the Top 106 Federal commitments not requiring Congressional action that are both most relevant to CSPI's work and are expected to have the highest public health impact (Table 3). Of these top 20 commitments, 8 (40%) were considered Completed, 10 (50%) as In Progress, and 2 (10%) as Not Started/ Information Not Found. Of these, the most notable completions are USDA updating the nutrition standards for school meals and for the WIC food package, while the most notable commitments that do not appear to have been initiated are FDA issuing revised voluntary sodium reduction targets for industry and the federal government updating and implementing the Food Service Guidelines in Federal Facilities.

Table 3: CSPI's Top 20 Federal Commitments by Status

Text from National Strategy	Status			
USDA will continue to expand the Food Distribution Program on Indian Reservations (FDPIR) Self-Determination projects, partner with Tribes on enhancements to the food package	Completed			
From FNS Companion Document: "Last November, USDA announced a \$3.5 million investment to fund FDPIR Self Determination Demonstration Projects, giving eight Tribal nations the ability to enter into their own contracts for some of the foods offered in the program.44 Earlier this year, FNS awarded an additional \$2.2 million to fund modifications or extensions to the existing contracts, and will soon announce the availability of an additional \$3 million to support new projects."				
[USDA will] provide enhanced technical assistance and best practices to support schools in meeting the standards.	Completed			
Building on the success of the ARP's temporary increase, through appropriations, USDA will also continue providing the cash value benefit in WIC at a level that supports fruit and vegetable access and recommended consumption.	Completed			
HHS and USDA will select a 2025 Dietary Guidelines Advisory Committee (Committee) that has a diverse membership with respect to points of view, expertise, experience, education, and institutional affiliation to reflect the racial, ethnic, gender, and geographic diversity of the U.S.				
HHS FDA will propose updating the nutrition standards for when companies use the "healthy" claim on their products	Completed			
HHS FDA will propose to update regulations to enable manufacturers to use salt substitutes in standardized foods to support sodium reduction.	Completed			
USDA will propose updating the package of foods offered by WIC to better align with the most recent Dietary Guidelines for Americans	Completed			
[USDA will] propose updating the nutrition standards in school meals to better align with the most recent Dietary Guidelines for Americans	Completed			
USDA Economic Research Service will develop and implement a second National Household Food Acquisition and Purchase Survey as part of building and maintaining its Consumer Food Data Base.	In Progress			
USDA will update nutrition criteria in USDA Foods procurement specifications to align with HHS FDA's voluntary sodium targets and consider the inclusion of added sugars limits.	In Progress			
USDA will advance the WIC Modernization strategy to invest in community-based outreach, streamline the participant experience, improve the in-store experience, expand access to farmer's markets, and increase diversity and cultural competency in the WIC workforce. From FNS Companion Document: "FNS will be working with USDA's National Institute of Food and Agriculture and its network of Minority Serving Institutions to create a national workforce strategy for WIC to better support WIC staff and ensure skilled and culturally relevant care for WIC families."	In Progress			
The FTC has indicated that it will pursue targeted law enforcement actions to prevent the deceptive advertising of foods and dietary supplements, including deceptive advertising that might be targeted to youth.	In Progress			
HHS-FDA develop a symbol companies may use to depict the "healthy" claim on food packages	In Progress: Regulation Proposed			
USDA will continue work to reduce sodium in school meals consistent with the goals of the <i>Dietary Guidelines for Americans</i> and HHS FDA's voluntary sodium targets.	In Progress: Regulation Proposed			
HHS FDA will issue revised, voluntary sodium reduction targets to facilitate continually lowering the amount of sodium in the food supply beyond the 2021 targets.	Not Started/ Information Not Found			
Implementing and updating the Federal Food Service Guidelines in federal facilities will promote fruits, vegetables, whole grains, low-fat dairy, and low sodium options; increase the availability of healthy beverage choices as well as plant-based options; and encourage healthy choices through behavioral design. Millions of federal employees and other people who access government facilities—from National Parks to VA hospitals—will benefit.	Not Started/ Information Not Found			

STAKEHOLDER COMMITMENTS

Table 4 depicts the distribution, by number of category mentions (some commitments were relevant to more than one category), of commitments. The 196 federal commitments were associated with 255 mentions of issue area categories, while the 89 stakeholder commitments were associated with 129 mentions.

Table 4: All Federal and Stakeholder Commitments by Issue Area Category

Issue Area Category	# of Federal Commitment	% of Federal Commitment	# of Stakeholder Commitment Mentions	% of Stakeholder Commitment Mentions
	Mentions	Mentions		
Benefit Enrollment	14	7%	10	11%
Business Development	6	3%	3	3%
Charitable Food System	6	3%	15	17%
Child Nutrition	15	8%	4	4%
Climate Change	3	2%	1	1%
College Hunger	5	3%	0	0%
Economic Security	9	5%	1	1%
Food Marketing	1	1%	0	0%
Food Safety	1	1%	0	0%
Food Security	13	7%	2	2%
Food Security Research	8	4%	2	2%
Food Waste	1	1%	1	1%
Health Equity	8	4%	2	2%
Healthcare	26	13%	20	22%
Healthy Food Access	14	7%	16	18%
Labeling	7	4%	1	1%
Labor	2	1%	0	0%
Law Journal*	0	0%	1	1%
Local Food	6	3%	2	2%
Nutrition Education	16	8%	27	30%
Nutrition Research	28	14%	6	7%
Older Adults	6	3%	0	0%
Physical Activity	7	4%	5	6%
Prisons	7	4%	0	0%
Procurement	7	4%	1	1%
Reformulation	5	3%	2	2%
Restaurant Meals	1	1%	2	2%
Supplements	1	1%	0	0%
Supply Chain Disruptions	1	1%	0	0%
Transportation	5	3%	0	0%
Tribal/ Native	11	6%	0	0%
WIC	8	4%	1	1%

Workforce development	7	4%	4	4%
Total Mentions:	255		129	
Total Commitments	196		89	

^{*}All categories were drawn from the National Strategy, except for "Law Journal," which appeared only in a stakeholder commitment.

Nutrition Research and Healthcare represented the two most common categories in the federal commitments (14% and 13%, respectively, of commitments mentioned these categories). All other categories were mentioned by 8% or fewer commitments.

In contrast, the stakeholder commitments were heavily dominated by mentions of these categories—Nutrition Education (30%), Healthcare (22%), Healthy Food Access (18%), and the Charitable Food System (17%).

Some categories were barely represented or entirely absent among the stakeholder commitments. There were no stakeholder commitments primarily related to College Hunger, Food Marketing, Food Safety, Labor, Older Adults, Prisons, Supplements, Supply Chain Disruptions, Transportation, and Tribal/Native. Notably, there were also very few related to labeling or reformulation of products.

| Discussion

To a large extent, the Biden-Harris administration has lived up to its federal commitments, starting or completing 77% of commitments that require no Congressional action. Even further, it has started or completed 90% of CSPI's top 20 commitments. For example, the USDA has proposed evidence-based updates to the nutrition standards for key food programs like WIC and the National School Breakfast and Lunch Programs. FDA has also completed several initiatives, such as proposing to update regulations to enable manufacturers to use salt substitutes in standardized foods. It is worth noting that commitments vary with regards to their nature, level of ambition, ease of implementation, and whether actions had already started at the time of the Conference.

While FDA has started or completed most of its commitments, the agency still has much work ahead of it before many of its commitments are completed or achieve their ultimate intended public health impacts. For example, FDA has started early-stage research on flagship efforts like a FOPNL system, but this is far from a proposed rulemaking or a fully implemented food labeling system update as requested in CSPI's petition and legislation such as the Food Labeling Modernization Act of 2023 (H.R.2901/ S.1289). While FDA (working with USDA) has technically made progress on its commitment to hold a public meeting on potential industry added sugar reduction targets (scheduled for November 2023), this is a far cry from actually impacting the food supply by issuing the voluntary reduction targets (similar to its voluntary sodium reduction targets for industry) that CSPI and the New York City Department of Health and Mental Hygiene have requested. USDA also has work ahead on several of its In Progress or Completed commitments. For example, USDA has aligned some, but not all, of its USDA Foods procurement specifications with FDA's voluntary sodium reduction targets; meanwhile, added sugars limits do not appear to have been implemented.

There remain several critical commitments on which the administration has taken no public action (19, or 23%). For example, FDA has not yet developed the next tranche of voluntary sodium-reduction targets for industry after the current 2.5-year targets go into effect next Spring. The Administration has also failed to make public progress on its commitment to update and implement government-wide Food Service Guidelines for Federal Facilities. As CSPI and 160 partners have requested, an Executive Order requiring implementation of the Food Service Guidelines for Federal Facilities would ensure healthier and more

sustainable procurement practices in the federal facilities which reach millions of people, from National Park visitors to Veteran's Affairs (VA) hospital patients.

The federal commitments requiring Congressional action tell a very different story. Congress has advanced very few (only 2/24, or 8%) of the commitments requiring legislative action. Even the two Congress has advanced have been qualified successes. Making S-EBT permanent was done at the cost of ending additional pandemic-era SNAP benefits earlier than anticipated. And while Congress increased CFSAN's funding by \$30 million in Fiscal Year 2023, Congress could still more fully fund the agency to keep our food supply safe. Congress has not played its part to strengthen safety net programs or reduce economic barriers for millions of families, including by extending and fully funding the Child Tax Credit and Earned Income Tax Credit, raising the federal minimum wage to \$15 an hour, or investing in childcare. Further, Congress did not make permanent the pandemic-era flexibility for schools to provide free, healthy school meals to all children, nor did it fully fund key programs like SPAN. Moreover, Congress recently decreased SNAP access for older adults without dependents by raising from 50 to 55 the age at which certain work-reporting requirements apply.

While some of the stakeholder commitments will have meaningful impact, there remain gaps where corporations, in particular, have not made commitments that will promote public health. There are pitifully few stakeholder commitments addressing those nutritional elements of the food system over which members of the food industry have control. Few commitments (2, 2%) address product reformulation to reduce sodium and added sugars, no commitments exist on limiting the sale and misleading marketing of dietary supplements, and no commitments exist on food marketing or marketing aimed at children. While there is 1 stakeholder commitment related to labeling (for some food sold online), there are none related to FDA's ongoing FOPNL efforts, few addressing procurement practices or health equity, and none to specifically improve access to healthier food for specific populations, such as imprisoned individuals or members of indigenous communities. Finally, we believe that several priorities recommended by CSPI that were not included in the National Strategy have great potential to improve food and nutrition security and positively impact public health – for example, improving the retail food environment through placement strategies or getting harmful food additives out of the food supply. Future stakeholder commitments in these categories could be impactful.

| Conclusion

Overall, the federal government has made significant progress on its commitments, particularly those not requiring an act of Congress, but it must continue to drive these commitments forward to achieve key impacts in improving food and nutrition security and health for all US residents. Stakeholders should expand their commitments to include critical areas under their control like product reformulation and labeling and marketing to children. All involved bodies—the White House, Federal Agencies, Congress, and stakeholders (especially the private sector)—can and should take steps to continue to improve our food system.

Please do not hesitate to reach out to policy@cspinet.org with any questions.