REGIONAL TRENDS in NEW ENGLAND FARM TO INSTITUTION PROCUREMENT POLICY

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New England institutions are playing an increasingly significant role in the movement for healthy, sustainable, and regionally produced food.¹ From early childhood centers to college campuses, local food is a crucial part of students’ educational and dining experiences. Local food is also found on the menu in dining facilities at some hospitals, correctional facilities, and other institutional settings throughout the region. State policy has the potential to play an important role in encouraging or requiring public institutions to begin purchasing food from local sources, or to increase existing procurement efforts.

Institutions and governments define “local” in a variety of ways. Common definitions include geographic radiuses (e.g., 250 miles), political boundaries (e.g., within a state’s border), and regional groupings (e.g., the New England states).² Local food procurement in New England institutions has the potential to improve the health of citizens, support the New England agricultural economy and other area businesses, and reduce the environmental impact of transporting food to New England from elsewhere in the country or world.

¹ The institutions considered in this report and the broader farm to institution procurement policy project include public schools, colleges, hospitals, correctional facilities, and other government programs such as cafeterias affiliated with government offices.
² The USDA defines local food as “the direct or intermediated marketing of food to consumers that is produced and distributed in a limited geographic area. There is no pre-determined distance to define what consumers consider “local,” but a set number of miles from a center point or state/local boundaries is often used.”
³ In addition to the categories pictured, there are other public institutions in New England that procure food including cafeterias affiliated with government offices, elderly care programs (e.g., Meals on Wheels), and early care programs (e.g. Head Start). New England is also home to 15 federal hospitals including 11 Veterans Affairs Medical Centers, 2 military hospitals, and 2 Indian Health Service units. The number of correctional institutions only includes state prisons, and does not include county jails, half-way houses or other transitional facilities. There are 3.8 million people who engage daily with both public and private New England schools, hospitals, and colleges. Ongoing research will reflect additional details on this number and how it would increase with the addition of correctional facilities and other institutions. For more information, see FINE’s Metrics Dashboard.
This report, *Regional Trends in New England Farm to Institution Procurement Policy*, accompanies six state policy snapshots and a policy scan. These documents primarily focus on enacted state legislation, though relevant administrative policies and nongovernmental initiatives are also discussed. The snapshots and scan provide an overview of institutional procurement policies in each of the New England states, information about how the policies currently function, and recommendations for policy modifications and future policy work. This report compiles and distills the findings of each of the individual snapshots and makes recommendations on how the states can work together to increase the amount of local food purchased by institutions throughout the region.

While some trends and best practices are useful when considering any local food procurement policy, it is important to note that there is no “one-size-fits-all” policy approach for increasing local food purchases. The needs and practices of institutions throughout New England vary, and the cultures and attributes of each of the six states are distinct. Accordingly, advancing local food procurement goals across the region will require a range of procurement strategies and policies. There are also many non-governmental and business efforts throughout the New England states that encourage and assist institutions to purchase food from local producers. This work is equally important, and in fact necessary, to compliment and ensure the long term effectiveness of policy endeavors.

**THIS REPORT CONTAINS SIX MAIN SECTIONS:**

**SECTION 1: COMMON STATE INSTITUTIONAL PROCUREMENT POLICIES IN NEW ENGLAND**

**SECTION 2: NONGOVERNMENTAL LOCAL FOOD PROCUREMENT INITIATIVES**

**SECTION 3: CHALLENGES AND OPPORTUNITIES IN LOCAL FOOD CONTRACTING**

**SECTION 4: SUPPLY-SIDE INITIATIVES**

**SECTION 5: REGIONAL RECOMMENDATIONS**

**SECTION 6: FUTURE RESEARCH QUESTIONS**

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4 In addition to state policy, municipal policy can also play an important role in increasing institutional procurement of local food. For example, on March 15, 2019, the Boston City Council passed Docket #0139, An Ordinance Regarding Good Food Purchasing Standards in the City of Boston, which will “help the City of Boston leverage its purchasing and procurement power to support local economies, nutrition, a valued workforce, environmental sustainability, and animal welfare.” The ordinance is modeled after the Center for Good Food Purchasing’s Good Food Purchasing Program (GFPP). See the Healthy Food Policy Project for additional information on municipal laws and ordinances related to healthy food access and production.
COMMON STATE INSTITUTIONAL PROCUREMENT POLICIES IN NEW ENGLAND

There are several types of policies currently operating across the New England states that impact institutional local food purchasing. The most common policies include purchasing preferences, small purchase thresholds, farm to school programs, and state food policy councils. Each of these policies has different opportunities and challenges, and state legislatures can take specific steps to increase the effectiveness and utility of these policies in practice. Some states enact these policies into law, while others enable them through nonbinding administrative initiatives such as programs or projects implemented by state agencies and administrations. In the absence of state policy, some of these initiatives operate at the local level, or as nongovernmental programs. The following is a discussion of each of the most common policies and a summary of recommendations for how they might be implemented or modified to create the maximum impact on local food purchases.

PURCHASING PREFERENCES:

All six New England states have enacted some form of a purchasing preference policy. Whether creating a price preference for the purchase of local products over products grown out of state or creating a general preference for local businesses, these policies require procurement officers to in some way prefer locally produced food over products grown outside the state.

- **Connecticut’s preference policy** requires that state agencies prefer Connecticut dairy products, poultry, eggs, beef, pork, lamb, farm-raised fish, fruits, and vegetables in bids where products grown or produced in Connecticut are “comparable in cost” to those produced outside the state.

- **Massachusetts’ preference policy** requires that state agencies, colleges, and universities use “reasonable efforts” to purchase food grown and produced in Massachusetts. The policy further requires state agencies to purchase a Massachusetts-grown product if that product is within 10 percent of the price of a product grown outside the state.

- Maine has two purchasing preference policies. The **first policy** directs schools and state agencies to prefer a good produced in Maine when it is “available in adequate quantity and meets acceptable quality standards, and is priced competitively.” The **second policy** requires that the state purchase, “to the extent practicable,” food grown, harvested, and processed in Maine for emergency and supplemental food programs for elderly and low-income people.

- **New Hampshire’s preference policy** is not food-specific, but instead establishes a general preference for New Hampshire businesses in the state bidding process.

- **Rhode Island’s preference policy** requires state purchasing agents to purchase Rhode Island-produced food options when available at the “prevailing market price.” Additionally, for milk specifically, a **0.25 percent price preference** advantages Rhode Island milk producers and distributors over those outside the state.

- **Vermont’s preference policy** requires that state-funded institutions select Vermont food products when available and when “other considerations [are] equal” between in-state and out-of-state products.
Analysis: Purchasing preferences are intended to give procurement officers an incentive to purchase local products. However, these policies can be challenging for institutions to implement because the statutory language is often nonspecific and largely open to the interpretation of individual purchasing officers. Moreover, purchasing departments are at times unaware of purchasing preference policies, or do not observe them in a manner that impacts their procurement decisions.

To be most effective, purchasing preference policies should include clear and specific language that procurement officials can uniformly interpret. Terms such as *prevailing market price* or *when comparable* are ambiguous and may result in inconsistent analyses and decision making among individual purchasers. This variability may undermine the intent of the law.

To create a greater incentive for the purchase of local goods, a purchasing preference policy could require that institutions purchase a certain percentage of products locally each year, even if those products are more costly than out-of-state options. Alternatively, purchasing preference policies could be fashioned using a tiered system, giving the highest preference to products grown in state, a lower preference for products grown within New England or another specified geographic radius around the state, and no preference for products grown outside of New England or the chosen geographic radius. All policies should specify a means for tracking and evaluation to better enable an assessment of their effectiveness.
SMALL PURCHASE THRESHOLDS:

Because taxpayers fund public institutions, there are specific purchasing requirements these organizations must abide by to ensure the bidding process is fair and competitive and that taxpayer dollars are being utilized in the most responsible manner possible. A small purchase threshold creates an opportunity for institutional purchasers to modify or forgo standard procurement regulations for purchases under a specified dollar amount. This simplifies the bidding process by removing some of the requirements for smaller purchases, such as soliciting multiple quotes before making a purchase or publicizing requests for bids in newspapers and other media sources before receiving proposals. These simplified bidding processes can make it easier both for purchasers to buy locally grown foods from smaller producers, and for smaller producers to participate in institutional bids. The reduced time and effort required for these smaller purchases may also incentivize procurement officials to make more small purchases, which could result in an overall increase in spending on local food. Over half of the New England states have enacted a small purchase threshold.

- **Connecticut’s small purchase threshold** for state agencies simplifies the competitive bidding process for purchases of $50,000 or less and waives the competitive bidding process for purchases of $10,000 or less.

- **Massachusetts’ small purchase threshold** allows local government bodies, including school districts, to purchase up to $35,000 of agricultural products grown in the state without soliciting multiple price quotes.

- **Rhode Island’s small purchase threshold** allows purchases of up to $5,000 to be made according to state small purchase regulations.

- **Vermont’s small purchase threshold** for school purchases of up to $25,000 was amended in 2019 to align food purchases with the federal small purchase threshold, which is currently $250,000.

New Hampshire and Maine do not have any state-specific procurement thresholds; federal thresholds ($10,000 for micro-purchases and $250,000 for small purchases) apply to purchases made by schools that operate federal Child Nutrition Programs.
Analysis: While procurement regulations may create a more equitable process for participating bidders by reducing nepotism and favoritism and creating opportunities for purchasers to access goods at lower costs, they can also be more time- and resource-intensive. To support greater local food purchases, small purchase thresholds should be set at the highest dollar amount feasible, without disrupting other objectives of the purchasing policy. Otherwise, institutions that purchase hundreds of thousands of dollars of food each year may not utilize small purchase thresholds (such as Rhode Island’s $5,000 threshold) because they find it too inefficient to purchase in these small quantities.

Of the policies studied for this report, the small purchase threshold has the greatest limitations with regard to K-12 schools because they receive federal funding to operate Child Nutrition Programs and therefore are subject to federal procurement law in the absence of a lower or more restrictive state threshold. Effective June 2018, the federal micro-purchase threshold increased from $3,500 to $10,000 and the federal small purchase threshold (also called the “Simplified Acquisition Threshold”) increased from $150,000 to $250,000. States may wish to consider increasing their micro- and small-purchase thresholds for food purchases to align with or come closer to the updated federal thresholds, like Vermont did.
FARM TO SCHOOL PROGRAMS:

All of the New England states are engaged in farm to school efforts⁵ and have active farm to school programs, whether directly tied to the state government or operated by nongovernmental organizations (NGOs). Vermont and Connecticut both have laws in place that create farm to school programs. In the other four states, the programs are largely organized by NGOs, with varying degrees of state engagement. Informal groups of community members, parents, and school staff also play an important role in farm to school efforts throughout the New England states. The structure and degree of state government involvement in each program is described below.

Connecticut’s state farm to school program was established by statute in 2006 and is housed within the Connecticut Department of Agriculture. However, the most active farm to school program in the state, Put Local on Your Tray, is coordinated by UConn Extension.

In Vermont, the state farm to school program provides support for a staff position at the Vermont Agency of Agriculture, Food and Markets, funding for a grant program, training and technical assistance, and other resources. Much of the work of farm to school implementation in Vermont is carried out by a network of nonprofit partners.

Massachusetts NGO Massachusetts Farm to School works to coordinate the state’s farm to school activities. There is no legislative mandate or formalized state program in Massachusetts, but since 2014, Massachusetts Farm to School has received $120,000 annually through the state appropriations process via the Massachusetts Department of Agricultural Resources’ budget.

Maine, New Hampshire, and Rhode Island have historically received limited support from the state for farm to school activities. The Maine Farm to School Network, a project of Healthy Communities of the Capital Area coordinates farm to school efforts in Maine, and New Hampshire’s farm to school program is also run by a nonprofit organization, New Hampshire Farm to School. Rhode Island’s farm to school efforts are coordinated by Farm Fresh Rhode Island, a food hub with a focus on nutrition education.

⁵ According to the National Farm to School Network, farm to school enriches the connection communities have with fresh, healthy food and local food producers by changing food purchasing and education practices at schools and early care and education sites. The State Farm to School Policy Handbook summarizes proposed state policy specific to farm to school programs.
Analysis: State governments can assist in schools’ local procurement efforts by offering additional funding opportunities to support local food purchasing and preparation. One effective funding mechanism is a grant program, like Vermont’s farm to school grant program, which provides funds for schools and childcare centers to offset the cost of training, technical assistance, and other programmatic resources that support local procurement. Maine’s local produce fund authorizes a match of one dollar for every three spent on local produce purchases, up to $1,000 (subject to funding availability). Some states outside of New England (including Michigan, Oregon, and New York) have passed legislation creating an additional reimbursement for local food purchases, another tactic to increase meal program budgets and help food service directors access more money for local food.

Programs that celebrate and recognize farm to school efforts and local producers can build awareness of and excitement for local procurement. Massachusetts’ Farm-to-School Month creates an opportunity each October for local farmers, growers, and producers to be recognized and celebrated in school classrooms and cafeterias throughout the state. Connecticut’s Connecticut-Grown for Connecticut Kids Week, which occurs in late September or early October each year, provides a similar opportunity for producer recognition and farm to school program awareness. These celebratory measures are a way for state governments to indirectly support local procurement.

One of the most significant challenges in instituting and institutionalizing effective local food purchasing programs in K-12 schools is the cost of these initiatives and the limited food program budgets public schools have to operate within. Further, school funds that could be used for additional meal program investments—such as new equipment, additional staffing, or to purchase more local food items—are at times spent in other program areas.
State food policy councils are intended to unify the relevant state agencies (public health, education, agriculture, transportation, etc.) and NGOs involved in local food procurement efforts throughout their respective states. Most food policy councils look at local food beyond the lens of institutional procurement alone; however, increasing institutional purchasing falls well within their goals and objectives. Councils may recommend new local food policies or give comments on policies proposed by state legislatures, develop and engage in efforts to implement state food plans, and offer events and opportunities for local food system stakeholders to come together to share information and resources. Connecticut and Massachusetts have the only legislatively established food policy councils in New England. Municipal and NGO-led food policy councils are active across the region.

Connecticut’s state food policy council was authorized by the legislature in 1997, and was the first in New England. The council meets monthly, and is tasked with developing a state food policy and commenting on any proposed legislation or regulations in the state relating to food policy.

Massachusetts’ food policy council was authorized by the legislature in 2010 and meets several times each year. The council was responsible for the creation of the Massachusetts Food System Plan, and works to increase the production, sale, and consumption of Massachusetts-grown food.

Rhode Island’s food policy council, arguably the most active of the New England states, has no legislative mandate but works in partnership with Rhode Island’s governor-appointed Director of Food Strategy. The council has 22 members from different food system sectors throughout the state, as well as a paid full-time staff person to coordinate the council’s efforts. The council recommends and advocates for state food policy, and works on other projects that create the necessary infrastructure to advance the state’s food system. Additionally, Rhode Island’s Inter-Agency Food and Nutrition Policy Advisory Council is made up of state administrative agency appointees and is tasked with examining the legal barriers and potential solutions to create a healthy and sustainable food economy in the state.

Maine, New Hampshire, and Vermont do not have state food policy councils, but have other related programs. The Vermont Farm to Plate Network works to implement the 25 goals of Vermont’s Farm to Plate Strategic Plan, and Maine and New Hampshire both have a number of community food policy councils. Maine’s local food councils are affiliated through the Maine Network of Community Food Councils.

Analysis: Food policy councils, particularly those created by state legislatures, are most impactful when they have clear and specific mandates (the mandate may come from the legislature or another body), concrete timelines by which specific actions must occur, and a regular, public reporting process on their efforts.

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According to Johns Hopkins University’s Center for a Livable Future, food policy councils are “networks that represent multiple stakeholders and that are either sanctioned by a government body or exist independently of government, and address food-related issues and needs within a city, county, state, tribal, multi-county, or other designated region.”
In addition to these common policies, the New England states have employed other creative policy strategies to increase institutional local food procurement. While not an exhaustive list, some of these policies and programs include:

**CONNECTICUT**

Connecticut's [Connecticut-Grown Certification](#) program, which helps consumers, including institutions, identify locally grown and produced products.

**MASSACHUSETTS**

Massachusetts’ [Commonwealth Quality Program](#), which serves to identify products grown, sourced, and harvested in Massachusetts using practices that are safe, sustainable, and environmentally conscious.

**MAINE**

Maine’s [Food Service Recognition](#) program, which encourages and rewards creative uses of local food products in schools to attract students to healthier meals and snacks.

**NEW HAMPSHIRE**

New Hampshire’s [Granite State Farm to Plate Program](#), which acknowledges the importance of the local agricultural economy in the state and encourages local food procurement.

**RHODE ISLAND**

Rhode Island’s [Food Strategy](#), a nonbinding five-year plan, that includes targets to facilitate local food procurement and meet regional preference goals. The state’s [Director of Food Strategy](#) oversees implementation of the plan.

**VERMONT**

Vermont’s [Farm-to-Plate Investment Program](#), which was established to create jobs in the food and farm economy, improve access to healthy local food, and increase economic development in Vermont’s food and farm sectors.
Nongovernmental Local Food Procurement Initiatives

As an accompaniment to or in the absence of state policy, efforts by local, regional, and national NGOs have a significant impact on institutional procurement in New England. On college campuses, the Real Food Challenge has provided a framework for many institutions to work toward a goal of 20 percent annual local food purchases by 2020. Further, A New England Food Vision from New Hampshire-based Food Solutions New England has engaged both institutions and state governments in building New England’s capacity to produce at least 50% of the food eaten in the region by 2060.

NGO efforts can create the framework for and enhance existing policy efforts, and both state policy and NGO work can be most successful when functioning simultaneously. States may consider codifying NGO procurement goals, which have often already been tested and refined by a variety of New England institutions. For example, in Vermont, amendments to the Rozo McLaughlin Farm to School Program have codified procurement goals established by Vermont FEED, a NGO partnership in the state. Similarly, Maine’s local foods procurement program codified a standard that the University of Maine was using for local purchasing within the institution. This standard was based on Real Food Challenge’s procurement goal and advanced by a number of food system stakeholders within the state and region, including FINE.7

Challenges and Opportunities in Local Food Contracting

Institutional contracting processes have a considerable impact on local purchasing. Institutions are broadly categorized as either self-operated or contracted, meaning the institution either runs their own internal food service program or they enter into a contract with a food service management company (FSMC) to manage their meal service program for them.8 Whether an institution’s food program is self-operated or managed by a FSMC, most institutional purchasing is governed by contracts.

Prime vendor contracts are used for purchases of produce, dairy, and other food in order to leverage economies of scale, simplify paperwork and partnerships, and reduce the number and variety of daily food deliveries occurring at the institution. Prime vendor contracts often stipulate that institutions must purchase a certain percentage of food in the related categories of the contract directly through the prime vendor, reducing the amount of food that can be purchased from other sources. To increase purchasing flexibility, institutions can work with their prime vendor (or their food service management company who holds the contract with the prime vendor) before and during the contract negotiation process to permit a percentage of purchases outside of the prime vendor contract or require the prime vendor to source a specified number or variety of products locally.

7 Read more about UMaine’s procurement efforts in FINE’s Case Study: Maine Food for the UMaine System.
8 For more information on how institutions can use their contracts with food service management companies to integrate food values, visit FINE’s Food Service Program page.
This report, the companion policy scan, and the six state policy snapshots focus on demand-side initiatives that require action from or are targeted at food purchasers. Supply-side initiatives, those focused on producers, processors, and others in the food production chain, are also an important aspect of a successful local food procurement system and are initiated and carried out by a variety of governmental and nongovernmental actors. A number of state-sponsored initiatives currently exist that seek to support individual producers and the local food economy throughout New England. Some examples of these initiatives include the Massachusetts Food Venture Program and Vermont’s Working Lands Enterprise Initiative.

Through stakeholder interviews conducted for this project, it is apparent that the institutional procurement process presents unique challenges and expenses for producers, whether the producer is selling directly to an institution or working with a distributor or FSMC. One common message articulated in interviews is that when these complexities are clearly communicated between producers, distributors, and end-user institutions, there are opportunities to modify internal institutional purchasing policies to simplify the process, put pressure on distributors and FSMCs to advantage small producers, and help producers plan for some of the added requirements and costs associated with selling to institutions.
Regional Recommendations

The preceding sections provide analysis and recommendations for each of the identified common policy levers for increasing institutional local food purchasing. We also offer the following regional recommendations. While any policy action must account for the nuances and uniqueness of each state, we believe the following suggestions could help advance institutional purchasing throughout New England. For additional recommendations based on specific existing state policies, we encourage you to look to the relevant state policy snapshot.

• **Reporting and Evaluation**: In considering any future local food procurement legislation, state legislatures should prioritize the importance of data-tracking mechanisms, concrete program goals, and clear timelines to ensure the effectiveness of policy in practice. Funded staff support to oversee these duties can help to ensure that the mandates of the legislation are carried out in the manner and to the extent desired by the legislature.

• **Public-Private Partnerships**: Public-private partnerships and initiatives may assist states in tracking local food purchases and other metrics. Groups like FINE, the National Farm to School Network, and other regional and national nonprofit organizations already track and report on the purchasing activities of some institutions. Further, programs like the Real Food Challenge and the Center for Good Food Purchasing have created tracking systems for the institutional partners involved in their efforts. These resources could be utilized by the New England states to track and report on their local food purchasing efforts.

• **Definitions**: The New England states may wish to collectively consider how they define local and regional food. For maximum tracking and reporting impact, consistent definitions of local food, both within the individual states and throughout the region, may be beneficial. In 2018, FINE launched a working group to discuss setting a numerical target for the institutional sector in New England, with a focus on understanding and assessing existing definitions of “local,” and the value of a regional definition. Findings of this work and a FINE definition of “local” are forthcoming in Fall 2019.

• **Training and Technical Assistance**: Additional training and educational materials on the procurement process in each of the individual states, and best practices for purchasing local food in institutional settings, would be extremely helpful. These resources could assist purchasers in navigating existing procurement law, with a focus on increasing local food purchases as permitted by state and federal regulatory systems. The USDA, state departments of education and agriculture, and NGOs that support farm to school efforts have already created many local procurement resources for K-12 schools. UMass Dining has produced a report for other self-operated college food programs to utilize. FINE has also created a number of resources, and collected others from partner organizations, directed toward purchasers at various types of New England institutions. These resources could be built upon, for example, by creating a guide explaining how to best apply a price preference policy.
• **Regional Collaboration:** Creation of a New England Local Food Procurement Council, or other similar entity, with representatives from each of the New England states could accelerate regional local food procurement progress. This organization could serve as a support system for those involved in local procurement throughout the six states, act as a clearinghouse for best practices on procurement, and provide the infrastructure for discussion and decision making on regional purchasing goals and strategies for unified local procurement efforts throughout New England.

• **Education:** Education campaigns for future procurement policy are essential to ensure procurement policies are known by all who participate in the procurement process. For any procurement policy a state legislature chooses to pursue, there should be a planned education effort to go along with it to ensure those who interact with the policy are clear on what the policy requires and how to implement it.
This report and the research that underpins it represents a snapshot in time, and the information obtained is limited to data currently available. Additional research and data collection will enable the inquiry to expand into other sectors, and allow for additional policy recommendations to emerge.

This research focused primarily on public educational institutions, specifically K-12 schools and colleges. Additional inquiry into specific policy tactics for hospitals, correctional institutions, and government cafeterias is necessary to further understand procurement opportunities and challenges in those sectors, and the ways that state policy may be able to encourage additional local food procurement efforts.

Further research and analysis is needed on existing procurement law in each of the New England states, with a focus on how current policy frameworks are encouraging or realizing local food purchasing. Data collection, monitoring, and reporting is an essential step in evaluating the efficacy of any policy or program, particularly as stakeholders work to identify the most influential next steps they can take to advance local food procurement within their state or region.

Finally, additional study of existing enforcement efforts and the possibility and effectiveness of regional and interagency cooperation would also be valuable in understanding how the New England states may best work together to create effective regional procurement policy in the coming years.
The content of this report is based on information gathered from a series of more than 25 interviews and relevant secondary research. The analysis and recommendations contained within this document do not necessarily reflect the entirety of any one contributor’s opinion; rather, they are a synthesis of all information gathered. The authors have done their best to create an accurate representation of this information and welcome feedback or suggestions on the final product.

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FURTHER READING

This regional report is accompanied by detailed state policy snapshots for each of the six New England states and a policy scan and database that provide a summary of all current policies throughout the states studied for this report. See below for links to each of the state policy snapshots.

- Connecticut
- Massachusetts
- Maine
- New Hampshire
- Rhode Island
- Vermont

To learn more about FINE’s policy work and opportunities to comment or participate, visit: www.farmtoinstitution.org/projects#food-policy

To learn more about the Center for Agriculture and Food Systems at Vermont Law School, visit: www.vermontlaw.edu/CAFS