Public Interest Law Reporter

Volume 16 Issue 1 Fall 2010

Article 7

2010

Re-Stocking the Shelves: Policies and Programs Growing in Food Deserts

Tess Feldman

Follow this and additional works at: http://lawecommons.luc.edu/pilr



🏕 Part of the Food and Drug Law Commons, and the Human Rights Law Commons

Recommended Citation

Tess Feldman, Re-Stocking the Shelves: Policies and Programs Growing in Food Deserts, 16 Pub. Interest L. Rptr. 38 (2010). Available at: http://lawecommons.luc.edu/pilr/vol16/iss1/7

This Feature is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

FEATURE ARTICLE

RE-STOCKING THE SHELVES: POLICIES AND PROGRAMS GROWING IN FOOD DESERTS

by Tess Feldman

The value of a community is often placed in the availability of certain resources: schools, parks, and public transit. Yet across the country in neighborhoods where these resources exist, access to a full-service grocery store does not. These people reside in "food deserts," areas where fresh food is only available at the cost of a long or expensive trip.

LACKING ACCESS

Mari Gallagher Research & Consulting Group, an independent research organization focusing nationally on food and community data, defines a food desert as "a large geographic area that has no or only distant mainstream grocery stores." An alternate definition from Hillary Shaw of FoodDeserts.org places a food desert in context, describing "an area of relative exclusion where people experience physical and economic barriers to accessing healthy food."

The term "food deserts" originated in London in 1996 as public housing neighborhoods changed and private development failed to follow, leaving large areas without grocery stores.³ Though first identified abroad, the problem of access to adequate nutrition and fresh food is also an American problem –one identified by everyone from grassroots organizers in Baltimore to Michelle Obama as part of her "Let's Move" campaign.⁴

This nationwide concern affects a large population. Data from the U.S. Department of Agriculture concludes that "about 23.5 million people in the U.S. live in communities that are more than one mile from a supermarket or large grocery store." And the problem spans from coast to coast. In Birmingham City, Ala., 25,000 people reside in food deserts. The issue has been widely studied in urban areas, as well, where more people seem to be affected. In Chicago, for example, there are three food deserts comprising over half a million residents and 203,369 households. In Detroit, researchers have identified almost 550,000 residents with food access issues – almost half the population of the entire city.

Food deserts are not defined by geography alone.¹⁰ Often these areas are simply underserved by food stores close to home - local convenience stores and gas stations exist in place of grocery stores.¹¹ This is the case in South Los Angeles, where only 6 percent of food retail outlets are classified as full service grocery stores, while 76 percent are small grocery or convenience stores lacking a supply of fresh food for local residents.¹² And in Baltimore, food deserts afflict nearly 14 percent of low-income families.¹³ While processed packaged snack foods sold at convenience stores are certainly local food sources, they do not sufficiently provide affordable nutrition to the people of the surrounding community.

Public Health Consequences

Lack of access to nutritious and quality food has significant consequences, including poorer health overall and higher rates of hospitalization. ¹⁴ Gallagher Research reports that "there are still over 600,000 Chicagoans who live in food deserts who are more likely to die or suffer prematurely from diet-related diseases after accounting for income, race and education." ¹⁵

Comparing obesity statistics of populations in food deserts to comparably settled areas with better food access demonstrates the extent of the disparity. For example, grocery stores in West Los Angeles service about half as many people as those in South Los Angeles. Yet the obesity rate of the adult population is ten percent in West L.A. while in neighboring South L.A., an area ridden with food deserts, the obesity rates are more than triple that of their neighbors: 35.4 percent of adults are obese¹⁸.

Where food deserts exist, packaged junk food and high calorie processed food are often easily accessible and affordable.¹⁹ The lack of fresh food combined with the presence of snack and fast foods contribute to populations with high rates of diabetes, heart disease and obesity.²⁰ Consequently, it is often the case that maps of food deserts overlap maps depicting these very public health concerns.²¹

Failing to Deliver: When Food Aid Does Not Help

Unfortunately, food stamps have done nothing to alleviate the problem. A food stamp in a food desert is like a ticket to nowhere: the money provided by the government to afford nutrition fails, because access to such nutrition is not accessible.

The Supplemental Nutrition Assistance Program (SNAP) is the Federal food stamp program intended to "help low-income households buy the food they need for a nutritionally adequate diet." This program aims to "put healthy food on the table for 40 million Americans" but it cannot succeed when people in food deserts lack the opportunity to access the healthy food they have been, in a way, guaranteed.²³

A record-breaking 41.8 million people received SNAP benefits in July, 2010.²⁴ While it remains unknown how many people on food stamps live in food deserts, there is certainly an overlap in urban areas among large populations that both rely on food stamps and simultaneously lack access to grocery stores.²⁵ Although SNAP is designed to provide the means to buy food for an adequately nutritious diet, such a diet cannot be purchased in food deserts.

Furthermore, food stamps are commonly used to buy unhealthy, expensive junk food at the only places available in some neighborhoods: gas stations, corner stores, and even liquor stores, which are not legally allowed to accept food stamps.²⁶ While recent legislation has been proposed to prohibit food stamps from being used to purchase carbonated sodas, snacks and junk food, the real issue is how to provide alternatives for residents in food deserts, when junk foods are the only items available at the local corner store.²⁷

Food stamp participants live an average of 1.8 miles from the nearest supermarket, yet they traveled an average of 4.9 miles to get to the store they most often used to buy groceries.²⁸ Because "close to 90 percent of all food stamp benefits were redeemed at supermarkets or large grocery stores,"²⁹ this discrepancy indicates that local stores do not satisfy nutrition needs within the community and people have to travel far to redeem food stamps at a large supermarket. The distance consumers are willing to travel for food indicates the quality of what is available locally.³⁰

Critics of programs addressing these problems suggest that the people in a community should work to fulfill their own needs and allow the market to dictate where supermarkets are built.³¹ Others argue that the communities without supermarkets are unable to sustain such a business, and therefore such businesses do not exist.

Indeed, though demand for fresh food exists in food deserts, private grocers are reluctant to build stores in areas deemed unprofitable. Ms. Laura Fox is the Program Coordinator for Baltimarket, a Virtual Supermarket Program addressing the need for grocery services in food deserts in Baltimore.³² Ms. Fox spoke of the difficulty encountered by those who attempt to run grocery stores in neighborhoods where many rely on food stamps.³³

She highlighted the difficulties faced by grocers in the inner city. As businesses owners, they face a rush of customers when food stamps are issued each

month. "Grocers say that as the month goes on, the shopping goes down. Almost everyone uses [food stamps] in the first two weeks. Think about how hard it is to have enough food in stock - and then your sales plummet the second half. It is difficult for them as businessmen. . . stocking is easier in good neighborhoods. It is hard to be a grocer because of this." Such conditions may outweigh local demand for a grocery store, and the need continues to go unmet.

Addressing the Gap in the System

The rise of food deserts in America has become a national concern. First Lady Michelle Obama's "Let's Move" campaign to end childhood obesity includes a focus on ending food deserts. She set a goal of seven years to end the problem.³⁵ Her commitment of \$400 million dollars will be added to efforts in cites including Chicago, South Los Angeles, and Baltimore.³⁶ Food deserts are not new, but social programming addressing the problem has only just begun.³⁷

The Baltimore City Health Department, for example, has partnered with a local supermarket to run the Virtual Supermarket Project.³⁸ The partner grocery store will not deliver groceries to food deserts in Baltimore, but it has begun delivering food to local libraries where customers can pick up groceries after placing orders online.³⁹ Ms. Fox hopes this is just the beginning for Baltimore. The goal is to "show other grocers and more national companies that doing this will increase access to healthy affordable foods and that grocers can still make a profit."⁴⁰

In fact, research has shown that communities without adequate nutrition access are in fact more likely to support a new grocery store. ⁴¹ Concerns about food stamp use and viability may be soon put to rest. Baltimore's response is not only bringing food to a food desert but also showcasing consumer buying-power and demand in areas previously overlooked. ⁴²

South Los Angeles is similarly creating a new way to bring quality fresh food into food deserts.⁴³ The focus is over a longer time horizon than the program in Baltimore.⁴⁴ Mr. Elliott Perry, the Director of the Healthy Grocery Stores Project in Los Angeles, states that his project is "currently working on the viability of establishing a conditional use permit process for any new grocery

store or renovation of an existing grocery store to deal with the issue of quality. Our coalition does not believe it is okay to provide public subsidies to low road grocers that only offer minimum-wage jobs and second-rate stores with little selection of healthy food options."⁴⁵

The Healthy Grocery Stores Project focuses on shaping a system to cultivate incentives for quality grocers to put down roots in food deserts. Mr. Perry notes that the development of grocery stores is currently unregulated, and that policy changes monitoring new construction and zoning may steer grocery stores into food deserts. 46

He highlighted mitigation funds and permits as tools to ensure that new grocery stores are not built in areas with existing access to quality grocery stores, but rather in food deserts. ⁴⁷ "A conditional use permit may be the only way to have that conversation." ⁴⁸ The Healthy Grocery Stores Project also promotes a fee system to incentivize new stores for places that need them. ⁴⁹

"Additionally we are reviewing a mitigation fund model in which any grocery chain seeking to open a new store or renovate an existing store will have to show that they are investing in Food Desert communities." Mr. Perry explained that if a new store or renovation occurred in an area that was not a food desert, new business would have to pay an in-lieu fee into a mitigation fund. Grocers opening stores in food deserts could utilize such a fund. This plan fosters development in food deserts and encourages grocers to build in underserved areas. ⁵²

Though food deserts are, by definition, underserved by grocery stores, other businesses are beginning to bring fresh food into food deserts. Walgreens Pharmacies in Chicago have created new areas in their stores selling fresh fruit and vegetables in neighborhoods lacking food access.⁵³

Additionally, across the country, farmers markets accept food stamp dollars, though as Ms. Fox of Baltimore noted, "Farmers markets are good in some respects, but people aren't used to going to them. It's different that farmers markets come into the neighborhood, that they are temporary." Although providing fresh food in such alternative ways, pharmacies and farmers markets are often expensive, seasonal and temporary solutions. 55

IF YOU BUILD IT. . .

People need local full-service grocery stores stocked with quality produce and affordable, healthy options for purchase. In neighborhoods lacking such stores, food stamps fail to fulfill their mission to bring nutrition.⁵⁶ Meanwhile, mitigation funds, farmers markets and delivery points at local libraries fail to solve this growing problem despite great effort. And public health continues to hang in the balance.⁵⁷

Temporary solutions and expensive alternatives fail to bring fresh food access to the thousands – if not millions – living in food deserts around the country. Stathough new programs are noble and creative, the real solution may be found in what Ms. Fox has learned in Baltimore. "If you talk to people," she states, "what they really want is a grocery store."

Notes

- 1 Mari Gallagher Research & Consulting Group, Food Desert & Food Balance Community Fact Sheet, available at Fooddesert.net.
- 2 Hillary Shaw, What is a Food Desert, available at http://www.fooddeserts.org/images/whatis fd.htm. (last visited Oct. 20, 2010).
- 3 Food Deserts in London? The LondonFoodPortal.co.uk, http://londonfoodportal.co.uk/Consumption/ConsumerAffairs/FoodDesert/tabid/86/Default.aspx. (last visited Oct. 28, 2010).
- 4 Speech by First Lady Michelle Obama, *Taking on Food Deserts* (Feb. 24, 2010), *available at* www.whitehouse.gov/blog/2010/02/24/taking-food-deserts.
- 5 Michael Garry, *The Underserved Consumer*, May 10, 2010, *available at* http://supermarket news.com/retail_financial/underserved-consumer-0510/index.html.
- 6 Hannah Wolfson, *More than 88,000 in Birmingham Live Too Far from Grocery Stores*, Birmingham News, Aug.11, 2010, *available at* http://blog.al.com/spotnews/2010/08/many_in_birmingham_live_too_fa.html.
- 7 Mari Gallagher Research & Consulting Group, New Food Desert Release, Apr. 2, 2007. available at http://marigallagher.com/projects/.
- 8 *Id.*
- 9 Mari Gallagher Research & Consulting Group, Examining the Impact of Food Deserts on Public Health in Detroit, June 19, 2007. available at marigallagher.com.
- 10 Cmty. Health Councils, Inc., Food Desert to Food Oasis Promoting Grocery Store Development in South Los Angeles, July 2010, available at http://www.chc-inc.org.
- 11 *Id.*; Baltimore City Health Dep't, *Baltimarket: The Virtual Supermarket Project*, Mar. 2010, *available at* http://www.baltimorehealth.org.
- 12 Cmty. Health Councils, Inc., supra note 10.
- 13 Press Release, Dr. Maureen Black, et al. *Food Security: Ensuring the Health of Baltimore's Babies* (Jul. 15, 2008). *available at* http://www.baltimorehealth.org/hungryinbaltimore.html.

- 14 James Weill, *Eliminating Hunger in the U.S.* A HUNGER FREE AMERICA. Sept. 2, 2010. available at http://www.hungersolutions.org/newsroom/hunger-free-america.
- 15 Mari Gallagher Research & Consulting Group, From Food Desert to Oasis: Blueprint for Change in Chicago, June 2010, available at http://marigallagher.com/projects/.
- 16 Cmty. Health Councils, supra note 10.
- 17 *Id*.
- 18 *Id.*
- 19 M.White, *Food Access and Obesity*, OBESITY REVIEWS. Nov. 30, 2006. *available at* http://on linelibrary.wiley.com/doi/10.1111/j.1467-789X.2007.00327.x/pdf.
- 20 United States Dep't of Agric., Access to Affordable and Nutritious Food: Measuring and Understanding Food Deserts and Their Consequences, June 2009, available at http://www.ers.usda.gov/Publications/AP/AP036/.
- 21 Mari Gallagher Research & Consulting Group, Good Food: Examining the Impact of Food Deserts on Public Health in Chicago, July 18, 2006, available at http://marigallagher.com/projects/4/.
- 22 Ill. Dep't of Human Servs., Supplemental Nutrition Assistance Program, http://www.dhs.state.il.us/ (last visited Oct. 28, 2010).
- 23 U.S. Dep't of Agriculture, *Supplemental Nutrition Assistance Program*, http://www.fns.usda.gov/snap/ (last visited Oct. 28, 2010).
- 24 Food Research & Action Ctr., SNAP/Food Stamp Monthly Participation Data, Oct. 6, 2010 available at http://frac.org/reports-and-resources/snapfood-stamp-program-participation-data-2009/.
- 25 Gallagher, supra note 21.
- 26 White, supra note 19.
- 27 Margot Adler, *N.Y. Seeks to Ban Sugary Drinks*, NPR, Oct. 7, 2010, *available at* http://www.npr.org/templates/story/story.php?storyId=130407221.
- 28 Michele Ver Ploeg, *Access to Affordable, Nutritious Food Is Limited in "Food Deserts"*, Mar. 2010, *available at* http://www.ers.usda.gov/AmberWaves/March10/Features/FoodDeserts.htm.
- 29 Id.
- 30 Id.
- 31 Email Interview with Elliott Perry, Director of the Healthy Grocery Stores Project, Los Angeles, Calif. (Oct. 15, 2010).
- 32 Baltimarket, supra note 11.
- 33 Id.
- 34 Telephone interview with Laura Fox, Program Coordinator, Virtual Supermarket Program in Baltimore, Md. (Oct. 12, 2010).
- 35 Obama, supra note 6.
- 36 Id.
- 37 The London Food Portal, supra note 3.
- 38 Baltimarket, supra note 11.
- 39 Id.
- 40 Fox, supra note 34.
- 41 Cmty. Health Councils, supra note 10.
- 42 Fox, supra note 34.
- 43 Cmty. Health Councils, supra note 10.
- 44 Id..
- 45 Perry, supra note 31.
- 46 Id.
- 47 Id.

- 48 Id.
- 49 Id.
- 50 *Id.*
- 51 *Id*.
- 52 *Id*.
- Natalie Moore, *In Chicago, a Plan to Quench Food Deserts*. NPR News, Aug. 12, 2010, *available at* http://www.npr.org/templates/story/story.php?storyId=129160851.
- 54 Fox, supra note 34.
- 55 *Id*.
- 56 SNAP, supra note 23.
- 57 Blueprint for Change, supra note 15.
- 58 *Id*.
- 59 Fox, supra note 34.