

# Kentucky's Hunger Crisis: A Preventable & Overlooked Tragedy

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## INTRODUCTION

Imagine a society where lack of food or lack of proper nutrition causes young students to fail classes, repeat an entire school year, subsequently depriving students from the opportunity to attend college or pursue a higher education. Contemplate a community where seniors use tap water to dilute their milk and regularly choose between paying for heat, utilities, medicine, or groceries. Envision a place where middle-class parents are too embarrassed to ask for assistance to put food on their tables—due to the negative social stigma—which is unfairly attached to those seeking help due to the loss of a job during a global pandemic. These concepts are not fabricated dreams but rather, the present reality for hundreds of thousands living among us, oftentimes shielding themselves incognito next door across the Commonwealth of Kentucky.

Hunger in Kentucky exists in every city, community, and county.<sup>1</sup> Food insecurity—as defined by most anti-hunger authorities—refers to, “a lack of consistent access to enough food for an active, healthy life.”<sup>2</sup> In other words, everyday Americans often go days without food or adequate nutrition. You may not have experienced hunger, but chances are you unknowingly know someone who is currently food insecure. Some startling publications highlight the prevalence of hunger in the

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<sup>1</sup> *Hunger in Kentucky*, FEEDING AM., <https://www.feedingamerica.org/hunger-in-america/kentucky> (last viewed Apr. 2022) [<https://perma.cc/U57U-TZE4>].

<sup>2</sup> *Definitions of Food Security*, U.S. DEPT. OF AGRIC., ECON. RSCH. SERV. (Apr. 22, 2022), <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security/> [<https://perma.cc/ATH6-2293>].

Commonwealth, an entirely preventable calamity lingering among us and stymying our potential.<sup>3</sup>

### I. HUNGER IN KENTUCKY

Recent studies by Feeding Kentucky, the organization which oversees our state's seven regional food banks, sadly quantify what many public policy and elected officials still refuse to acknowledge: food insecurity is well above national levels and it exists in every street corner, dusty field, downtown, and holler of the Commonwealth.<sup>4</sup> Today, one in seven adult Kentuckians face hunger and one in five children live in food insecure households.<sup>5</sup> In aggregate, this equates to over 600 thousand Kentuckians suffering from food insecurity.<sup>6</sup> According to the United States Department of Agriculture, this places Kentucky well above the national average of around 10.5 percent of the population facing hunger.<sup>7</sup> Worse yet, Kentuckians age fifty – fifty-nine face the highest food insecurity rate in America at 17.3 percent compared to the national rate of 10.6 percent.<sup>8</sup> During the COVID-19 pandemic, food insecurity rates inevitably rose, but to this day it is impossible to accurately ascertain the exact approximation of the number of American's who suffered from hunger during the Covid pandemic.<sup>9</sup> Bottom line—Kentucky ranks high on a list we should be striving to rank low on.

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<sup>3</sup> See *Hunger in Kentucky*, FEEDING AM., <https://www.feedingamerica.org/hunger-in-america/kentucky> (last viewed Apr. 2022) <https://perma.cc/U57U-TZE4>; Brandon Roberts, *Food Insecurity Increases Along With COVID-19 Cases*, SPECTRUM NEWS (Nov. 16, 2020) <https://spectrumnews1.com/ky/louisville/news/2020/11/16/food-insecurity-increasing-during-pandemic> [<https://perma.cc/XQF7-2YWS>]; Buddy Forbes, *Lunch is still served: Summer meals programs target student food insecurity*, WYMT NEWS (June 2, 2022) <https://www.wyml.com/2022/06/03/lunch-is-still-served-summer-meals-programs-target-student-food-insecurity/> [<https://perma.cc/A6GL-ERLA>].

<sup>4</sup> *Hunger is closer than you think*, FEEDING KY. <https://feedingky.org/hunger-data-reports/> (last viewed June 15, 2022) [<https://perma.cc/6MD4-7E2F>].

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Food Security and Nutrition Assistance*, U.S. DEP'T OF AGRIC. (June 3, 2022), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-security-and-nutrition-assistance/> [<https://perma.cc/JD8W-9MLB>].

<sup>8</sup> DR. JAMES P. ZILIAK & DR. CRAIG GUNDERSEN, HUNGER AMONG ADULTS AGE 50-59 IN 2018 3 (2020) <https://www.feedingamerica.org/sites/default/files/2020-05/2020-Hunger%20Among%20Adults%2050-59%20in%202018.pdf> [<https://perma.cc/4K7R-BAKP>].

<sup>9</sup> Brandon Roberts, *Food Insecurity Increases Along With COVID-19 Cases*, SPECTRUM NEWS (Nov. 16, 2020),

Food insecurity has never been a result of inadequate domestic food production.<sup>10</sup> On the contrary, from Kentucky's earliest days of exploration, our Commonwealth has been well known and publicized for its agricultural prosperity.<sup>11</sup> From the earliest assessments of frontiersmen like Daniel Boone and prospectors who urged for migration west across the Appalachian Mountains, Kentucky quickly established itself as an Edenic land of fertile soils and prosperity.<sup>12</sup> Historian Thomas D. Clark opined, "Soils in the Bluegrass, the river valleys, in the Pennyroyal, the Purchase delta, and on the Ohio Flood Plain were conducive to the development of a profitable field crop and livestock economy."<sup>13</sup> Today, Kentucky agriculture produces more than what our population can consume.<sup>14</sup> The Commonwealth consistently ranks top fifteen in corn, soybean, wheat, poultry, and beef production.<sup>15</sup> The state boasts 75 thousand farms<sup>16</sup> and on average one U.S. farmer can produce enough food for 166 people.<sup>17</sup> Our farmers create \$46 billion in economic activity<sup>18</sup> and export over \$1 billion

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<https://spectrumnews1.com/ky/louisville/news/2020/11/16/food-insecurity-increasing-during-pandemic> [<https://perma.cc/XQF7-2YWS>].

<sup>10</sup> See *Food Insecurity*, OFF. OF DISEASE PREVENTION & HEALTH PROMOTION, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/food-insecurity> (last viewed June 15, 2022) [<https://perma.cc/34F4-ZU9L>].

<sup>11</sup> See Dave Knopf, *Kentucky Agriculture Helps Keep Economy Strong*, U.S. DEP'T OF AGRIC. (July 29, 2021), <https://www.usda.gov/media/blog/2019/04/29/kentucky-agriculture-helps-keep-economy-strong> [<https://perma.cc/X9AC-489Z>].

<sup>12</sup> Hill Parker, *Something In The Soil: Kentucky's Fertile Land*, TURFTOWN PROP. (Apr. 24, 2020), <https://www.lexhorsefarms.com/blog/something-in-the-soil-kentuckys-fertile-land.html> [<https://perma.cc/PZ6G-HQ7J>].

<sup>13</sup> THOMAS D. CLARK, *A HISTORY OF KENTUCKY* 3 (Jesse Stuart Found. 1988) (1937).

<sup>14</sup> See *Kentucky Fact Sheet*, U.S. DEP'T OF AGRIC. (June 3, 2022), <https://data.ers.usda.gov/reports.aspx?StateFIPS=21&StateName=Kentucky&ID=17854> [<https://perma.cc/2LDB-GS3Q>].

<sup>15</sup> *Id.*

<sup>16</sup> *2021 State Agriculture Overview*, U.S. DEP'T OF AGRIC. (June 11, 2022), [https://www.nass.usda.gov/Quick\\_Stats/Ag\\_Overview/stateOverview.php?state=KENTUCKY](https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=KENTUCKY) [<https://perma.cc/LVA5-FEWM>].

<sup>17</sup> *Fast Facts About Agriculture & Food*, AM. FARM BUREAU FED'N, <https://www.fb.org/newsroom/fast-facts> (last viewed June 15, 2022) [<https://perma.cc/6VAC-4JG4>].

<sup>18</sup> Laura Skillman, *Agriculture's Impact on Kentucky is Worth Billions*, UNIV. OF KY. COLL. OF AGRIC., FOOD, & ENV'T (June 2013), <http://equine.ca.uky.edu/news-story/agricultures-impact-kentucky-worth-billions> [<https://perma.cc/XH9U-DXQX>].

of raw agriculture goods annually.<sup>19</sup> Kentucky agriculture is robust, diverse, and punches above its weight class in productivity.

Then why does food insecurity exist in a state full of food abundance? Such a complex question is hard to answer, but most hunger relief organizations focus on the now instead of the why. It has been my observation that many advocates across our 120 counties do not focus on how people end up hungry, but rather devote their attention to immediate needs. Before the Kentucky Department of Agriculture attempted to survey the anti-hunger community, there had been no statewide, comprehensive effort to fully study the scope of food insecurity resources across the state.<sup>20</sup> For example, Kentucky offers a plethora of food assistance programs ranging from state, local, and more well-known federal programs such as SNAP and WIC,<sup>21</sup> yet there was no attempt to identify overlapping efforts or duplication of services in communities. Another important question to consider is: are people actually using the programs offered, or do they even know about them? Only 32 percent of eligible Kentucky seniors utilize the SNAP program, despite being the most visible food assistance program in America.<sup>22</sup> Additionally, it is well known that a substantial number of students eligible for Free or Reduce School Lunch do not utilize Summer Feeding or school breakfast programs at the same rate.<sup>23</sup>

The lack of effectiveness among food assistance programs is poorly understood, but where does the disconnect lie? Is there a lack of understanding, unawareness of the assistance programs offered, or is something else preventing those who are food-

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<sup>19</sup> *2021 State Agriculture Overview*, U.S. DEPT OF AGRIC. (June 11, 2022), [https://www.nass.usda.gov/Quick\\_Stats/Ag\\_Overview/stateOverview.php?state=KENTUCKY](https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=KENTUCKY) [<https://perma.cc/LVA5-FEWM>].

<sup>20</sup> See Press Release, Ky Dep't of Agric., Task force begins discussion on combating hunger in Kentucky (June 2, 2016), <https://www.kyagr.com/Kentucky-AGNEWS/press-releases/Task-force-begins-discussion-on-combating-hunger-in-Kentucky.html> [<https://perma.cc/P8SQ-LP5N>].

<sup>21</sup> See *Supplemental Nutrition Assistance Program*, KY. CABINET FOR HEALTH & FAM. SERV., <https://chfs.ky.gov/agencies/dchs/dfs/nab/pages/snap.aspx> (last viewed June 11, 2022) [<https://perma.cc/QNT7-PDQV>]; *WIC*, KY. CABINET FOR HEALTH & FAM. SERV. <https://chfs.ky.gov/agencies/dph/dmch/nsb/Pages/wic.aspx> (last viewed June 11, 2022) [<https://perma.cc/MQ5N-KMQD>].

<sup>22</sup> *SNAP Matters for Seniors*, FOOD RSCH. & ACTION CTR. 2 (Feb. 2019), [https://frac.org/wp-content/uploads/senior\\_facts\\_KY.pdf](https://frac.org/wp-content/uploads/senior_facts_KY.pdf) [<https://perma.cc/9M78-YCCV>].

<sup>23</sup> See *A Guide to Increasing School Breakfast Participation*, NEA HEALTH INFO. NETWORK 14 <https://www.cde.state.co.us/nutrition/osnsbpguidetoincreasingschoolbreakfastparticipation> (last viewed June 11, 2022) [<https://perma.cc/YR2T-84G4>].

insecure from using the programs that were designed to help them? On a state level nobody really knew, but that would soon change in the summer of 2016.<sup>24</sup>

## II. KENTUCKY HUNGER INITIATIVE LAUNCHES

During my time as a legislator and during the first few months as Commissioner of Agriculture, we recognized the need to unite and collaborate with the hundreds of different programs, resources, and individuals who had common food insecurity goals yet had no common direction. Despite no legal requirement to do so, we decided to act in unprecedented ways to work efficiently and determine a clear direction for our state's anti-hunger policy. When the Kentucky Hunger Initiative launched during the summer of 2016, our office focused on pragmatic, practical results instead of deep inquiries about the causes of hunger.<sup>25</sup> The purpose of this group was simple: (1) to build collaborative partnerships between the public & private sectors, (2) strengthen the food distribution system from the farm gate to the client's dinner plate, and (3) create effective public policy for all Kentuckians to eradicate food insecurity.<sup>26</sup>

For the first time, a food systems approach was implemented to address hunger—instead of the fragmented, patchwork quilt-environment that oftentimes led to confusion and occasional turf wars between participating organizations. Members of the Hunger Initiative represented all those involved in agriculture: farmers, grocery stores, chefs, school nutrition specialists, charities, churches, higher education, food banks, and even those who once depended on government assistance. After a dozen regional listening meetings, three objectives were quickly identified: (1) Increased communication between hunger relief organizations, (2) more robust refrigeration at both the food pantry and food bank levels, and (3) modify Kentucky's food donation law. All of these were practical and attainable objectives.

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<sup>24</sup> See Bruce Schreiner, *Task force hopes to combat hunger issues*, RICHMOND REGISTER (June 2, 2016), [https://www.richmondregister.com/news/task-force-hopes-to-combat-hunger-issues/article\\_fd9529a4-2901-11e6-9d54-abadb75a91d7.html](https://www.richmondregister.com/news/task-force-hopes-to-combat-hunger-issues/article_fd9529a4-2901-11e6-9d54-abadb75a91d7.html) [<https://perma.cc/MN67-H8PN>].

<sup>25</sup> *Id.*

<sup>26</sup> *Kentucky Hunger Initiative*, KY. DEP'T OF AGRIC., <https://www.kyagr.com/hunger/#Goals> (last viewed June 12, 2022) [<https://perma.cc/237G-Y4AH>].

Within months of identifying these needs, Kentucky agriculture stepped up to tackle our goals. Heightened public awareness led to an increase in refrigerator donations, bulk food donations, and monetary donations. To date, we have secured institutional donors like Kentucky Farm Bureau, Farm Credit of Mid-America, Kroger, and Humana.<sup>27</sup> Changing the culture of giving can be difficult, but the public awareness campaign created by the Kentucky Hunger Initiative led to private donations and the sustained (eventually increased) funding by the Kentucky General Assembly for innovative hunger programs such as the Farms to Foodbanks Trust Fund<sup>28</sup> and Hunters for the Hungry.<sup>29</sup> Other programs which flourished or were direct descendants of the Initiative's efforts since 2016 include:

- (1) Kentucky Farmers' Markets senior citizen voucher program;<sup>30</sup>
- (2) A "Double Dollars" voucher for those utilizing government assistance to use at Farmers' Markets;<sup>31</sup>
- (3) Glean Kentucky, a program of volunteers who harvest donated crops;<sup>32</sup>
- (4) Promotion of U.S. Department of Agriculture's ("USDA") Summer Feeding & school breakfast programs;<sup>33</sup>

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<sup>27</sup> Will Puckett, *Kentucky Agriculture Commissioner gives refrigerators to Kentucky food pantries*, WYMT MOUNTAIN NEWS (Aug. 14, 2017, 7:15 PM), <https://www.wyvt.com/content/news/Kentucky-Agriculture-Commissioner-gives-refrigerators-to-Kentucky-food-pantries-440408173.html> [<https://perma.cc/QW6L-LAPM>].

<sup>28</sup> *Farms to Food Banks*, FEEDING KY., <https://feedingky.org/farms-to-food-banks/> (last viewed June 12, 2022) [<https://perma.cc/748Q-4QBV>].

<sup>29</sup> *Help Us feed the hungry*, KY. HUNTERS FOR THE HUNGRY, <https://kyhuntersforthehungry.info/> (last viewed June 12, 2022) [<https://perma.cc/YX9P-CRSG>].

<sup>30</sup> *Senior Farmers' Market Nutrition Program*, KY. DEP'T OF AGRIC., <https://www.kyagr.com/consumer/senior-farmer-market.html> (last viewed June 13, 2022) [<https://perma.cc/3NUC-9324>].

<sup>31</sup> *Kentucky Double Dollars provides financial incentives to participants in SNAP, WIC Farmers Market Nutrition, and Senior Farmers Market Nutrition Programs*, KY. DOUBLE DOLLARS, <https://kentuckydoubledollars.org/> (last viewed June 13, 2022) [<https://perma.cc/XB5H-QAGG>].

<sup>32</sup> *More About & Food Waste*, GLEAN KY., <https://gleanky.org/hunger-food-waste/> (last viewed June 13, 2022) [<https://perma.cc/K3LJ-FQBC>].

<sup>33</sup> *Summer Food Service Program (SFSP)*, KY. DEP'T OF EDUC. (June 2, 2022, 8:46 AM), [https://education.ky.gov/federal/scn/pages/summer-food-service-program-\(sfsp\).aspx](https://education.ky.gov/federal/scn/pages/summer-food-service-program-(sfsp).aspx) [<https://perma.cc/3W9R-AA85>].

- (5) Conversion of school buses into food delivery vehicles;<sup>34</sup>
  - (6) K-VIP, a voucher for fruits & vegetables in school systems;<sup>35</sup>
  - (7) Backpack programs for eligible K-12 students;<sup>36</sup>
- and
- (8) Meal packing mega-events conducted with local officials.<sup>37</sup>

Despite the welcomed generosity of donors that contributed food and money, the Kentucky Revised Statutes created legal obstacles that hampered efforts to reduce food insecurity.

### III. PUBLIC POLICY CHANGES

One of the most surprising findings of the initial Kentucky Hunger Initiative's regional meetings was—what was once considered anecdotal—the throwing away of food at grocery stores. First dismissed as a rare occurrence, we soon learned that at least one major retail grocery store chain in Kentucky dumped otherwise perfectly healthy and safe food into dumpsters instead of donating it. After inquiring confidentially why such a food waste would occur instead of a donation, we soon learned there was an unfortunate reason justifying such action: fear of lawsuits. The grocery shed light that Kentucky's donation laws were not clear about the level of negligence and subsequent liability they would face if a food bank or food pantry client were to potentially get sick from donated food. From this point on, the Kentucky Hunger Initiative chose to start changing policies and laws to support campaigns to end hunger.

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<sup>34</sup> Emily Patrick, *Mobile, multi-purpose bus introduced to Berea community*, RICHMOND REGISTER (July 6, 2020), [https://www.richmondregister.com/news/mobile-multi-purpose-bus-introduced-to-berea-community/article\\_54844b2d-f437-5b12-ac9c-8506d43f7883.html](https://www.richmondregister.com/news/mobile-multi-purpose-bus-introduced-to-berea-community/article_54844b2d-f437-5b12-ac9c-8506d43f7883.html) [https://perma.cc/827S-MMKE].

<sup>35</sup> *Kentucky-Grown Vegetable Incentive Program*, KY. KIDS EAT, <https://kykidseat.org/kvip/> (last viewed June 13, 2022) [https://perma.cc/UJN4-W475].

<sup>36</sup> *See FEED BACKPACK PROGRAM*, <https://www.feedbackpackprogram.com/> (last viewed June 13, 2022) [https://perma.cc/4AE3-YW3F].

<sup>37</sup> *Commissioner joins Miss Kentucky candidates at food-packing event*, KY. DEP'T OF AGRIC. (May 2, 2022), <https://www.kyagr.com/ky-agnews/press-releases/2022/Commissioner-joins-Miss-Kentucky-candidates-at-food-packing-event.html> [https://perma.cc/43ZB-RY3C].

After reviewing Kentucky's lack of reference to food donation liability, we soon learned the omission in Kentucky Revised Statutes caused a chilling effect on donations from grocery stores. In fact, our legal analysis supported their findings and we concluded that on behalf of all entities that donate food, a legislative fix was needed to protect not only grocery stores, but others who donate. The good news was, we found no active or past lawsuits where a client sued a Kentucky food bank for getting sick. Regardless, we drafted what would soon become the strongest food donation law in America: the Kentucky Food Donation Immunity Law. As an extension of the Commonwealth's "Good Samaritan" laws, House Bill 237 sailed through the 2017 Regular Session of the Kentucky General Assembly with unanimous support and signature of the Governor.<sup>38</sup> Sponsored by Representative Phil Pratt, the law stated any entity donating food items to food banks and food pantries would be immune from civil liability up to the point of intentionality. As a result, the grocery store, which first identified the legal omission, began gladly donating food items and the rest of the donor community welcomed the shielded liability that squashed any chilling effect.

Once House Bill 237 passed, other laws, resolutions, and public policies were soon in the works to improve and streamline efforts to reduce food insecurity in Kentucky. Of those, here are a few which have passed the General Assembly, promulgated by regulation, or were adopted by government agencies:

- (1) Farms to Food Banks Trust Fund: A fund administered by the Kentucky Department of Agriculture which provides funding to buy secondary produce from Kentucky farmers to be distributed by Food Banks.<sup>39</sup>
- (2) House Bill 209: A law passed in 2021 which allows the Cooperative Extension Service and Kentucky Fish & Wildlife to receive donated game

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<sup>38</sup> H.B. 237, 2022 Reg. Sess. (Ky. 2022); *New Kentucky law aims to reduce food waste, feed children this summer*, WYMT MOUNTAIN NEWS (May 21, 2017, 5:42 PM), <https://www.wyml.com/content/news/New-Kentucky-law-aims-to-reduce-food-waste-feed-children-this-summer-423504184.html> [<https://perma.cc/K699-BBU2>].

<sup>39</sup> *Quarles: Farms to Food Banks Reduces Hunger, Helps Farmers*, KY. DEP'T OF AGRIC., <https://www.kyagr.com/KY-AgNews/press-releases/2019/Quarles-Farms-To-Food-Banks-Reduces-Hunger-Helps-Farmers.html> (last viewed July 6, 2022) [<https://perma.cc/66V8-CXL9>].



meat for the purpose of food distribution and cooking demonstrations.<sup>40</sup>

(3) SB 151: A law passed the Kentucky General Assembly in 2022 which allows school districts to allocate fifteen minutes for students to eat school breakfast at the beginning of their first class.<sup>41</sup>

(4) House Resolution 47: A Resolution adopted in 2022 which encourages Kentucky's school systems to buy local agricultural products and place them on the menus in school cafeterias.<sup>42</sup>

(5) U.S. Environmental Protection Agency's "Zero Hunger Zero Waste" program with Kroger.<sup>43</sup>

(6) Serving Up Solutions: An annual legislative awareness and fundraising dinner held at the Capitol each winter involving members of the General Assembly and Constitutional Officers.<sup>44</sup>

As seen, public policy engagement and success started to become the normal outcome for the Kentucky Hunger Initiative, which garnered national attention.<sup>45</sup> In fact, the first ever national conference on Rural Childhood Hunger chose Kentucky to host their inaugural meeting due to our state's reputation of bold action

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<sup>40</sup> *House Bill 209*, KY. GEN. ASSEMBLY, <https://apps.legislature.ky.gov/record/21rs/hb209.html> (last viewed June 16, 2022) [<https://perma.cc/BFA9-Y75Z>].

<sup>41</sup> Kaitlyn Shive, *Bill to Remove 'Barriers to Breakfast' Passes in KY General Assembly*, WTVQ (Mar. 24, 2022), <https://www.wtvq.com/bill-to-remove-barriers-to-breakfast-passes-in-ky-general-assembly/> [<https://perma.cc/AC8R-VRLF>].

<sup>42</sup> H.C.R. 47, 2022 Leg. Reg. Sess. (Ky. 2022).

<sup>43</sup> See Press Release, Env't Prot. Agency, EPA: Administrator Wheeler Visits Kentucky, Announces Approval of Kentucky's Regional Haze Plan; Awards Kentucky \$1.7 Million Grant to Cleanup Leaking Underground Storage Tanks (Apr. 12, 2022), <https://archive.epa.gov/epa/newsreleases/administrator-wheeler-visits-kentucky-announces-approval-kentuckys-regional-haze-plan.html> [<https://perma.cc/CS4W-6FHB>].

<sup>44</sup> *'Serving up Solutions' Dinner Raises \$39,000 for Kentucky Hunger Organizations*, KY. DEP'T OF AGRIC. (Mar. 7, 2018), <https://www.kyagr.com/ky-agnews/press-releases/2018/Serving-Up-Solutions-Raises-39000-for-Kentucky-Hunger-Organizations.html> [<https://perma.cc/LDP9-B798>].

<sup>45</sup> Bailey Loosemore, *Kentucky's Hunger Initiative Earns National Attention. But Thousands Still Need Food*, COURIER J. (May 13, 2019), <https://www.courier-journal.com/story/news/local/2019/05/13/kentucky-hunger-initiative-helps-improve-food-insecurity/3245166002/> [<https://perma.cc/RTX8-BBAM>].

against food insecurity.<sup>46</sup> Fortunately, all of these legislative maneuvers and partnerships prepared us for the abrupt global disruption caused by a novel coronavirus a couple of years later.

#### IV. COVID-19 RESPONSE

In March of 2020, the world paused as an endless stream of executive orders shut down Kentucky's restaurants, businesses, churches, and schools.<sup>47</sup> With so much uncertainty, general panic, and virtual unknowns associated with a novel, highly contagious disease, we did not have the luxury of time to make quick policy decisions to prepare for a once-in-a-century pandemic. I immediately advised my team to focus on two distinct tasks: (1) remove regulatory red tape to keep people fed, and (2) activate our food banks to prepare for a predictable and substantial rise in clients. Not knowing what was ahead, the Kentucky Hunger Initiative was about to spring into action in unforeseen ways.

The first concern was what to do with Kentucky schools as the Governor recommended all school superintendents consider ceasing in-person classes on March 12, 2020.<sup>48</sup> With no definitive timeline indicating reopening—the initial shutdown was for two weeks—I knew countless Kentucky K-12 food insecure students (who depended on the USDA school lunch and breakfast programs) were about to face a serious hunger crisis if they did not have access to meals. Within hours, the Kentucky Department of Agriculture teamed up with the Kentucky Department of Education to request a critical waiver from USDA to allow meals prepared at school to legally be handed out to students, parents, and guardians. On March 14th, just two days later, Kentucky was the first state in the nation to be granted the waiver by USDA Secretary, Sonny Perdue, paving the way for others across America to allow school cafeterias to stay open and pass out meals

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<sup>46</sup> See Press Release, Ryan Quarles, Ky. Dep't of Agric., Kentucky Hosts National Summit on Rural Child Hunger, (Mar. 25, 2019), <https://www.kyagr.com/KY-AgNews/press-releases/2019/Kentucky-Hosts-National-Summit-on-Rural-Child-Hunger.html> [<https://perma.cc/82BX-J8L3>].

<sup>47</sup> See Press Release, Gov. Andy Beshear, Gov. Beshear Takes Aggressive Steps to Contain Spread of COVID-19, (Mar. 16, 2020), <https://kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prId=93> [<https://perma.cc/N4YG-FNWC>].

<sup>48</sup> See Press Release, Gov. Andy Beshear, Gov. Beshear Recommends Public, Private Schools Ceasing In-Person Classes in Response to COVID-19, (Mar. 12, 2020), <https://kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prId=87> [<https://perma.cc/P242-LAAM>].

curbside.<sup>49</sup> More specifically, this waiver also exempted the congregate feeding rule, something we later would recommend becoming permanent policy.

To raise awareness of the critical policy change, I traveled across Kentucky to raise public awareness, pass out meals in person, and remind Kentuckians that nutritious food was still available at a child's school despite the transition to at-home learning. Though no surveys were conducted during this period, it is widely accepted that the food insecurity rate for K-12 students spiked from one in five to one in four. Many students who were dependent on school lunch programs did not have the ability to pick up meals at school due to lack of transportation or no at home parents or guardians who could pick up their meals. Despite our timely response, the food insecurity gap inevitably increased.

Next, we focused on our food banks and the tremendous stress they would undertake as an influx of Kentuckians relied upon them as businesses were shut down and Kentuckians lost their jobs, in part due to Executive Orders. Within weeks, food banks across the country experienced a significant increase in the demand, with some distribution centers experiencing a 40 to 50 percent increases in demand.<sup>50</sup> Subsequent symptoms of an already stressed national food bank system highlight the jarring impact COVID lockdowns had on Kentuckians experiencing food insecurity, including initial food shortages, insufficient volunteers, supply chain disruptions (later to be magnified), and higher operating costs for 200 plus food banks across America.<sup>51</sup>

Despite the flood of new clients, we moved quickly to accomplish three goals for our food banks and pantries: (1) relax burdensome rules, (2) increase monetary donations, and (3) increase Kentucky Proud—Kentucky grown food items to those in need. Like the K-12 exemptions, my office relaxed and streamlined two federal food programs that we administer internally. We

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<sup>49</sup> *USDA Grants Waiver to Allow Kentucky Schools to Serve Students Off-Site Meals*, KY. TEACHER (Mar. 14, 2020), <https://www.kentuckyteacher.org/news/2020/03/usda-grants-waiver-to-allow-schools-to-serve-students-off-site-meals/> [https://perma.cc/86WS-CQF5].

<sup>50</sup> Kenzi Abou-Sabe, *COVID-19 Crisis Heaps Pressure on Nation's Food Banks*, NBC NEWS (Apr. 8, 2020), <https://www.nbcnews.com/news/us-news/covid-19-crisis-heaps-pressure-nation-s-food-banks-n1178731> [https://perma.cc/WG8N-TAYZ].

<sup>51</sup> See Press Release, Feeding Am., *Feeding America Network Faces Soaring Demand, Plummeting Supply Due to COVID-19 Crisis*, (Apr. 8, 2020), <https://www.feedingamerica.org/about-us/press-room/soaring-demand-plummeting-supply> [https://perma.cc/K5JU-H2YY].

adjusted both The Emergency Food Assistance Program (“TEFAP”) and the Commodity Supplemental Food Program (“CSFP”)<sup>52</sup> to aid our food banks, minimize human contact, and allow a drive through model for clients.

Secondly, we made a public relations push through the media for a call of monetary donations so our food banks could gather the food and critical resources needed to feed a growing segment of our population. Many donations rolled in from individuals, financial institutions, other charities, and even farm groups. Notably, the Kentucky Farm Bureau generously donated \$500 thousand to the Food Banks, Glean Kentucky, and Hunters for the Hungry, the single largest donation to the Kentucky Hunger Initiative<sup>53</sup>.

Those funds were used to immediately purchase Kentucky sourced food to prevent the dumping and waste of food items seen in other states where vegetables were plowed under, or milk was poured down the drain.<sup>54</sup> As a response, 96 thousand beef patties, 5,000 pounds of cheese, 11,500 pounds of sausage, thousands of gallons of milk, 23 thousand pounds of Kentucky made candy, 564 thousand eggs, and vegetables from across the state entered the Kentucky food bank system and eventually were given to Kentuckians. Food and money weren’t the only resources donated during this crisis. My office helped coordinate untold number of volunteer hours, the use of our equipment, and even school buses were retrofitted to drop off food instead of students in rural Kentucky. The 2016 origins of the Kentucky Hunger Initiative proved vital as it created a trusted infrastructure to scale up during Covid not only for our food banks, but also our pantries, farmers markets, school systems, and the donor community. However, greater weaknesses in the system emerged which would cause even the food secure to worry in the coming weeks.

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<sup>52</sup> Press Release, Ky. Dept. of Agric., KDA streamlines federal food assistance programs to allow “drive-through” model (Mar. 17, 2020) <https://www.kyagr.com/ky-agnews/press-releases/2020/KDA-streamlines-federal-food-assistance-programs-to-allow-drive-through-model.html> [<https://perma.cc/7AEQ-QB49>].

<sup>53</sup> *Kentucky Farm Bureau Mutual Insurance Company to Donate \$500,000 as Part of Kentucky Hunger Initiative*, KY. FARM BUREAU (Apr. 15, 2020), <https://www.kyfb.com/insurance/cfac2020donation/> [<https://perma.cc/4KTG-8Z72>].

<sup>54</sup> David Yaffe-Bellany & Michael Corkery, *Dumped Milk, Smashed Eggs, Plowed Vegetable: Food Waste of the Pandemic*, N.Y. TIMES (Mar. 6, 2022), <https://www.nytimes.com/2020/04/11/business/coronavirus-destroying-food.html> [<https://perma.cc/6CHJ-KCCF>].

## V. MEAT SHORTAGE &amp; FOOD SUPPLY CHAIN

With restaurants shut down and more Americans going to grocery stores, certain shortages were inevitable. With runs on toilet paper, paper towels, sanitizer, and personal protective equipment wreaking havoc on retail stores, an influx of early complaints to my office of meat shortages at grocery stores soon took center stage. By mid-April 2020—just weeks into the first pandemic lockdowns—shoppers experienced seemingly unbelievable supply shortages of beef, chicken, and other proteins.<sup>55</sup> Many of these disruptions were attributed to meat processing plants shutting down due to employee Covid outbreaks.<sup>56</sup> Additionally, the fact that meat once destined to the restaurant industry could not be repackaged overnight for grocery sales caused additional supply shortages.<sup>57</sup> A short-term—yet severely acute food supply chain weakness—emerged as Americans, for the first time in their lives, saw bare shelves or limitations on the purchase of beef.

Since the Great Depression and World War II, the United States had not experienced widespread food supply disruptions or empty shelves.<sup>58</sup> During the 2020 shortages, panic buying morphed into hoarding behavior by consumers, and based on U.S. history, it was clear the Kentucky Department of Agriculture needed to act fast to strengthen our food system. As Chairman of the Kentucky Agricultural Development Board, farm leaders from across the state pledged tobacco settlement funds to expand Kentucky based, local meat processing.<sup>59</sup> This popular policy resonated across the state as it supported the Kentucky Proud program, increased meat processing capacity for Kentucky

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<sup>55</sup> Kyle Bagenstose, Nathan Bomey, & Sky Chadde, *Meat shortages expected as coronavirus disrupts production, despite executive order*, USA TODAY (Apr. 30, 2020 7:03 am) <https://www.usatoday.com/story/news/2020/04/30/coronavirus-meat-shortages-expected-production-plunges/3052398001/> [<https://perma.cc/V3KJ-8F9Z>].

<sup>56</sup> *Id.*

<sup>57</sup> Neil Johnson, *The Coronavirus and the US Food Supply Chain*, PROVENDER PARTNERS (Mar. 21, 2020), <https://provenderpartners.com/the-coronavirus-and-the-us-food-supply-chain/> [<https://perma.cc/N95V-YRC4>].

<sup>58</sup> Jeff Nilsson, *Shortages, Panics, and Hoarding: An American Tradition*, SATURDAY EVENING POST (Mar. 30, 2020), <https://www.saturdayeveningpost.com/2020/03/shortages-panics-and-hoarding-an-american-tradition/> [<https://perma.cc/E4WK-R6Q8>].

<sup>59</sup> *See generally* ANNUAL REPORT JULY 2019–JUNE 2020, GOVERNOR'S OFF. OF AGRIC. POL'Y [https://www.kyagr.com/agpolicy/documents/Pub\\_Annual-Report\\_FY2020.pdf](https://www.kyagr.com/agpolicy/documents/Pub_Annual-Report_FY2020.pdf) (last viewed June 12, 2022) [<https://perma.cc/7QE9-B659>].

farmers, and fit a growing demand by consumers for local meat.<sup>60</sup> To date, \$7 million has been invested into thirty Kentucky domiciled meat processing facilities, many of which are relatively small and locally owned.<sup>61</sup> With COVID-19 highlighting a fracture in an otherwise resilient food system, there will likely be more emphasis on local food systems for years to come as reflected by a plethora of USDA grants aimed at local agriculture.<sup>62</sup>

### CONCLUSION

As the world emerges from the chaos of COVID-19 and its disruptions on food security across the Commonwealth, I am proud of the relentless efforts of countless Kentuckians to keep students fed, food supply chains moving, and our food banks supplied and operational. Upon reflection, some policy changes were fortuitous and deserve to be made permanent policy—such as the roll back of the congregate feeding rule, which prevents Kentucky school children from accessing summer meals. If such exemptions could be made during a global pandemic, why not evaluate them now? Other long-term takeaways are an improved donation pipeline, an increase in local foods going into food banks, and the obvious realization that quality food at food pantries can prevent costly healthcare outcomes. The Kentucky Hunger Initiative shined during COVID-19 but imagine what the Commonwealth could do to stamp out food insecurity if the state applied the same herculean efforts necessary during unprecedented times to a problem which is oftentimes overlooked and drastically misunderstood across Kentucky.

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<sup>60</sup> *See generally Id.*

<sup>61</sup> Press Release, Ky. Dep't of Agric., Kentucky Agricultural Development Board approves more than \$4.9 for projects across the commonwealth (May 21, 2021) <https://www.kyagr.com/ky-agnews/press-releases/2021/Kentucky-Agricultural-Development-Board-approves-more-than-4.9-million-for-projects.html> [<https://perma.cc/R34P-XZWQ>].

<sup>62</sup> Press Release, U.S. Dep't of Agric., USDA Commits \$215 Million to Enhance the American Food Supply Chain (Feb. 24, 2022) <https://www.usda.gov/media/press-releases/2022/02/24/usda-commits-215-million-enhance-american-food-supply-chain> [<https://perma.cc/G2Q6-ETQQ>].