

Just like Mama used to make:

Urban Farming, the Federal Import Regulatory
Scheme, and Immigrant Foodways

Wendy S. Tien

wendytien@earthlink.net

Immigrant foodways

- The emotional impact of the foods that tie immigrants, and to varying extents their descendants, to their countries of origin, is so considerable that culinary patrimony must be considered an important contributor to cultural diversity

What is cultural patrimony?

- An object, art, or practice with cultural, historic, or traditional importance to a certain group or nation
- The United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 2008 began to recognize certain cuisines and culinary practices as important parts of the world's intangible cultural heritage

UNESCO

- *Kimjang*, making and sharing *kimchi* in the Republic of Korea
- Mediterranean diet
- Turkish coffee culture and tradition
- Gastronomic meal of the French
- Traditional Mexican cuisine - ancestral, ongoing community culture, the *Michoacán* paradigm

Cultural shifts

- As immigration from non-European countries increased, so did the native demand for the foods of those countries
- Produce, especially produce that might have been considered “exotic,” generally had to be imported or delivered on an infrequent basis
- Such produce could be of low quality if it was available at all

Cultural shifts

- Visits to homeland sometimes included smuggling of culturally specific foods
- As a consequence of the dramatic increase in immigration, and improvements in logistics, access to culturally specific foods has improved throughout the United States
- But much of this food is still imported

Imported food

- U.S. food imports grew from \$41 billion in 1998 to \$78 billion in 2007.
- Much of that growth has occurred in fruit and vegetables, seafood and processed food products.

Imported food

- As much as 85 percent of the seafood eaten in the United States is imported,
- Depending on the time of the year, up to 60 percent of fresh produce is imported.
- About 16 percent of all food eaten in the United States is imported.

Immigration to the United States, 1960-2014

	1960	1970	1980	1990	2000	2010	2014
Europe	7,256,311	5,740,891	5,149,872	4,350,403	4,915,557	4,817,337	4,764,822
Asia (whole)	490,996	824,887	2,539,777	4,797,037	8,226,254	11,283,574	12,750,422
East Asia	220,081 ¹	331,078 ²	956,491	1,784,702	2,739,510	3,599,931	3,950,658
Southeast Asia	104,843 ³	184,842 ⁴	919,646	1,968,210	3,044,288	3,872,963	4,153,190
South Central Asia (including Indian subcontinent)	14,004 ⁵	57,182 ⁶	373,535	819,378	1,745,201	2,863,344	3,531,127
Western Asia (including “Middle East”)	132,697	174,053	281,426	40,313	658,603	904,171	1,061,647
Africa	35,355	80,143	199,723	363,819	881,300	1,606,914	1,931,203
Americas (whole)	1,860,809	2,616,391	5,225,914	9,161,754	16,916,416	22,040,123	22,703,058
Central America	624,851	873,624	2,553,113	5,431,992	11,203,637	14,673,612	15,034,607
South America	89,536	255,238	561,011	1,037,497	1,930,271	2,729,831	2,855,695

Consumption patterns

- 2009, White American households on average consumed \$439 of fresh produce per year compared with \$695 for Asian-Americans, \$496 for Latino-Americans and \$287 for African-Americans.
- As the share of these groups in the United States population has grown, demand for fresh produce, and culturally specific produce, likely has grown and will continue to grow.
- This poses challenges from the standpoint of compliance with federal import and food safety law.

Conflicts

- “[N]ew immigrants desiring foods from their native lands often contribute to increases in non-compliant imports and smuggling of prohibited native foods into the United States.”
 - APHIS, “[Road Map to 2015: A Strategic Plan for Plant Protection and Quarantine.](#)”

Types of conflicts

- Restrictions on importing food
 - Generally based on protecting the US food supply from pests and disease that affect domestic agricultural interests
- Food safety laws
 - Generally based on protecting consumers from illness or harm
- Food safety laws may be federal, state, or local

Agencies enforcing import restrictions

- USDA – Animal and Plant Health Inspection Service (APHIS): prevention of interstate and import/export transportation of agricultural diseases
- DHS – Customs and Border Protection (CBP): enforcing on behalf of APHIS at the border
- Interior – Fish & Wildlife Service: less commonly encountered restrictions on importing game and certain items like caviar (based on environmental impact)
- CDC – less commonly encountered restrictions on importing game and bushmeat (based on safety)

APHIS

- APHIS seeks to ensure all imported agricultural products shipped to the United States from abroad meet its entry requirements to exclude pests and diseases of agriculture
- Consults Animal Product Manual, Fresh Fruits & Vegetables Manual or [FAVIR](#), and Miscellaneous and Processed Products Import Manual for treatment of all imported products

Multi-jurisdictional food safety enforcement

- USDA – safety of meat, eggs, dairy products, and produce
- FDA –protecting consumers against impure, unsafe, and fraudulently labeled food and certain products not covered by the USDA’s Poultry Products Inspection Act (PPIA) and Federal Meat Inspection Act (FMIA)
- FWS – protection of domestic animal and plant species and restriction on trade in international threatened and endangered species
- FSIS – safety of the food supply
- CDC – disease control
- All of these may be enforced at the border in conjunction with CBP

Plant Protection Act

- 7 U.S.C. 7701 *et seq.*
- “To prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.”
- APHIS has jurisdiction to enforce PPA
- CBP enforces at border

Animal Health Protection Act

- 7 U.S.C. 8301 *et seq.*
- Provides for the protection and welfare of animals; prohibits the importation or entry of any animal that is “deemed to disseminate any pest or disease of livestock within the U.S.”
- APHIS has jurisdiction to enforce AHPA
- CBP enforces at border

Pests

- Pests have caused billions of dollars to United States agricultural interests over the years.
- APHIS enforces the Plant Protection Act and the Animal Health Protection Act
- Notorious pests include the Mediterranean fruit fly (Medfly), khapra beetle, emerald ash borer, snakehead fish, glassy-winged sharp shooter

Khapra beetle



Diseases

- Plant and animal diseases also pose threat to domestic agricultural interests and human health
- Highly pathogenic avian influenza (HPAI)
- Exotic Newcastle disease (END)
- Bovine spongiform encephalopathy (BSE)
- Foot and mouth disease (FMD)
- Classic swine flu (CSF)
- Citrus canker
- Pierce's disease

Federal Food, Drug & Cosmetic Act

- 21 U.S.C. 301 *et seq.*
- Regulates the sanitary production of food, and prohibits adulteration or misbranding of food
- In import context, inspects foreign food production facilities and administers foreign supplier verification program and voluntarily qualified importer program
- FDA has jurisdiction to enforce FDCA
- CBP enforces at border

Food Safety Modernization Act

- 21 U.S.C. 301 *et seq.*
- Establishes standards for improving food safety and preventing foodborne illness
- “Ensure[s] that imported products meet U.S. standards and are safe for U.S. consumers” by applying specific protocols for assessing safety of imported foods
- FDA has jurisdiction to enforce FSMA
- CBP enforces at border

Imports and food safety

- The types of food causing foodborne illness outbreaks align closely with the types of food that were most commonly imported.
- In 2015, imported produce was implicated in several major outbreaks, including a multistate *Salmonella* outbreak linked to cucumbers from Mexico that sickened over 900 known people across 40 states, and an *Cyclospora* outbreak across 31 states and over 500 people that likely involved cilantro from Mexico.
- In the five preceding years, between 2010 and 2014, eighteen foodborne illness outbreaks were traced to imported food
- Between 2005 and 2010 and determined during that five-year period, 39 outbreaks and 2,348 illnesses were linked to imported food from 15 countries

Imports and food safety

- The three main sources of imported food to the United States – Mexico, India, and China – also were the three main sources of food refused entry to the United States for violations of food safety law during 2005 through 2013.

Mexico

- Over 30 percent (30.3 percent) of vegetable products and 15.2 percent of fruit products imported from Mexico were refused entry, usually due to pesticide or other chemical residue.

India

- Nearly 30 percent of spices, flavors and salts and 12 percent of grains were refused entry due to pesticide or other chemical residue, in the case of grains, or pathogens in the case of spices.
- The problem with pesticide residue in Indian grain imports was an emergent problem in 2012 and 2013, and had not been notable before then

China

- Over 20 percent of vegetable and over 10 percent of fruit products were refused entry, also for pesticide or chemical residue.
- A further third of seafood product imports were refused entry because of pathogen contamination, most frequently with *Salmonella*.

Travelers versus commercial trade

- Restrictions usually apply both to individuals and commercial entities
- The overwhelming majority of illegally imported foods are imported by commercial entities by mis-manifesting or trans-shipping.

Even so...

- Travelers smuggling goods for personal purposes may not readily recognize the extent of the trade prohibitions or the potential fines.
- Criminal violations under the Endangered Species Act, the Plant Protection Act, and the Animal Health Protection Act may be punishable by fines ranging from \$1,000 to \$50,000 per occurrence, a year in prison, and the loss of the cargo.

Where do they go?

- “Based on the types of goods interdicted, it appears that illegally traded foods are most commonly discovered in ethnic food markets. The expansion of U.S. immigration in the 1990s, as well as the rise in food imports from China over the last 20 years, may have encouraged the growth of Asian ethnic food markets that support this trade.”
 - Ferrior, Peyton. The Economics of Agricultural and Wildlife Smuggling, ERR-81, U.S. Dept. of Agri., Econ. Res. Serv. September 2009.

How do we address these problems?

- Preserve public health and safety, animal welfare, and environmental concerns
- Simultaneously accommodate, to extent consistent, stakeholder interests
- Pursue creative solutions

Stakeholder participation

- “Engage the full range of stakeholders in contributing to, suggesting improvements in and participating in programs aimed at preventing the introduction and spread of animal and plant pests and invasive plants.”
 - APHIS, [“Road Map to 2015: A Strategic Plan for Plant Protection and Quarantine.”](#)

Inadvertent discrimination against protected groups

- Lack of perception the food is important to the immigrant group's cultural patrimony,
- Failure to recognize maintenance of cultural traditions in the adoptive land is important in the face of assimilative pressure
- Impact is stronger and more severe on recent immigrants and immigrants living outside major population centers

Integrating immigrant foodways

- One avenue for addressing integration is through encouraging domestic production of culturally specific produce, ideally for local distribution
- If a particular ethnicity makes up ten percent or more of the population around a store, it may be worth considering a marketing plan for those customers

Benefits to local production

- Twenty-two percent of the vegetables and fifty-two percent of the fruit consumed in the United States are imported
- Local production is mutually beneficial to both retail entrepreneurs and growers, as it allows local growers to exploit a previously untapped market for produce, while providing a ready local source of such produce to retail market

Role of local government

- Local governments can promote networking and contacts between local growers and supply chains, incorporating retailers, distributors, and wholesalers, to encourage the local growth and distribution of in-demand local crops

Niche opportunities

- Culturally specific produce might provide a niche for small and medium sized farms to compete with larger produce growers, who are otherwise unable to compete with those growers in the regular (conventional) produce market

Small growers

- The U.S. ethnic foods market, including fresh produce, was projected to reach \$2.7 billion in 2015
- This presents “immediate opportunities to tap into local consumer demand for Asian vegetables” for small growers and market gardeners.
- “Growers should investigate adding traditionally Asian vegetables to their farmers market offering, community supported agriculture (CSA) shares, or roadside stand mix,” as well as marketing such vegetables to restaurants near metropolitan areas

Example: Growing vegetables to serve immigrant populations

- Immigrants from Central America and Asia demand produce that was not available in supermarkets (such as Safeway, Giant, Acme), particularly outside large urban centers
- Restaurants serving primarily immigrant populations also require these products
- Smuggling vegetables and seeds was common practice among immigrants when returning from trips abroad

Example: Growing vegetables to serve immigrant populations

- Domestic production provides a legal alternative that also yields a superior product
- Supermarkets and not merely specialty stores increasingly carry some of these products, especially in large urban centers
- Supermarkets target ethnic customers, differentiate themselves from competitors, and increase profits
- Farmer's markets and CSAs are increasingly popular

Local market research

- First, evaluate the local market for products that are normally imported or shipped from a distance.

Other consumer desires

- Second, it may be useful to determine whether local production responds to specific consumer needs, other than availability, that are not being met, such as:
 - Price
 - Freshness
 - Availability
 - Quality
 - Desire for local production
 - Desire for country of origin labeling

Feasibility

- Third, determine whether local production of those products is feasible.
 - Hoop houses
 - Green houses
 - Conventional farming methods

Marketing strategy

- Fourth, evaluate the likely target markets and pricing strategy for these products
 - Willingness to pay premium
 - Where to sell
 - Use mapping tools or Census data, or common knowledge of demographics