

USDA Report Out on Tribal Consultation and Listening Session on Barriers to Access: Food, Food Safety, and Trade

2024 BARRIERS TO ACCESS TRIBAL CONSULTATION AND LISTENING SESSION
REPORT OUT

U.S. Department of Agriculture (USDA)
Food, Food Safety, and Trade: Barriers to Access
April 26, 2024
Virtual Meeting

Mission Areas: Food, Nutrition, and Consumer Services (FNCS); Food Safety (FS); Marketing and Regulatory Programs (MRP); Trade and Foreign Agricultural Affairs (TFAA)

Agencies: Food and Nutrition Service (FNS), Food Safety Inspection Service (FSIS), Agricultural Marketing Service (AMS); Foreign Agricultural Service (FAS)

Consulting Officials:

- Kumar Chandran, Under Secretary, FNCS
- Sandra Eskin, Deputy Under Secretary, FS
- Paul Kiecker, Administrator, FSIS
- Bruce Summers, Administrator, AMS
- Daniel Whitley, Administrator, FAS

I. Opening Prayer, Welcome, and Opening Remarks

- OTR Director Heather Dawn Thompson began the consultation and served as the facilitator.
- FNCS provided an overview of the April 24, 2024, announcement regarding [new school meal regulations to strengthen child nutrition standards](#). FNCS also provided an overview of its multiple and varied efforts to [incorporate traditional foods into feeding programs](#).
- FS highlighted that in fiscal year 2024, Congress appropriated \$700,000 to “cover the voluntary meat inspection fees for the slaughtering or processing of bison/buffalo at Native American owned establishments or establishments operating on tribal lands.” USDA requested input on implementing this provision and is obligating funds by September 30, 2024.
- Also, FS is promoting USDA inspection job opportunities with the Office of Tribal Relations (OTR), American Meat Sciences Association cooperative agreement, and its related Tribal Agricultural Fellowship. There is also a training series for cultural competencies for tribal youth to better consider employment as inspectors.
- AMS shared that it is working to increase the amount of culturally relevant food, such as wild caught salmon, walleye, and ground bison, and reduce barriers for producers to supply food to USDA programs. The Local Food Purchase Assistance Cooperative Agreement Program (LFPA) is providing up to \$134 million to purchase food, targeting socially disadvantaged farmers, producers, and fishers for distribution in underserved communities. 55 of the 100 Tribal government proposals are up and running.
- FAS highlighted their partnership with the Intertribal Agriculture Council to promote products around the word as well as the upcoming Tribal trade mission trip to Canada planned mid-June 2024.

II. Nation to Nation Consultation (Tribal government officials)

A. Federal Fee Coverage for Voluntary USDA Inspection of Bison Processing

- A Tribal organization highlighted the cultural component of buffalo processing and that a pilot program does open some avenues for Tribes to process buffalo and keep price point lower to make it more affordable. They also discussed the importance of 638 authority and establishing a Tribal meat inspection program to allow local processing because it can be difficult to access processing facilities and inspectors. USDA is perceived by tribal communities as understaffed and underfunded, so Tribes could help to meet staffing needs and be strong advocates when it comes to the appropriations process. They also discussed the importance of an expanded definition that includes herds owned by Federally-recognized tribes and managed on tribal land as well as incorporating the unique needs of Tribal land structures in places like Alaska and Oklahoma. They advocated at least having parity with states in how there are state-inspected facilities.
 - USDA asked if people processing herds that are owned by Federally-recognized Tribes should be included?
 1. The Tribal organization answered that herds sometimes not technically under Tribal management and not owned by the tribe itself. Many times, they are sourcing buffalo from their own tribes which would mean that it should include federally-recognized tribes, arms and instrumentalities, and individual Native American-owned herds.
 - USDA asked about capacity at the Tribal level for investigating foodborne illness outbreaks or having enforcement mechanisms. USDA also asked if each Tribe would have their own program or if they would have just one location serving multiple Tribes.
 1. The Tribal organization responded that for inspection, it is likely proximity. In terms of certification, it would be what works best for the Tribe. They also agreed about the importance of public health and said that what it is going to take, whether from USDA or another agency, is training to be inspectors.
- A Tribal leader said that Tribes should have the opportunity to have their own inspectors or contract with a tribe that does.
- A Tribal organization said these programs should be up to every tribe and that there should be flexibility in design and implementation. For example, it is unlikely every tribe will adopt its own meat inspection code. The Food Distribution Program on Indian Reservations (FDPIR) Self-Determination Demonstration Project pilot is an example of how some operated independent programs, where others collaborated.
- A Tribal organization wondered if there could be a pilot project for nonamenable species like reindeer. They expressed frustration that Alaska is considered the most food insecure state, since Alaskans have been feeding themselves for millennia, but traditional species are not USDA or Food and Drug Administration (FDA) approved. The Tribal organization commented that reindeer are an example of the incredible potential to increase food security in the state. Some Tribes may ask to establish their own meat processing codes, where others may adopt USDA's meat processing codes in a 638-like model. Very few USDA inspection sites are on or near Tribal lands, which is a very real barrier to access for Tribal producers. They also discussed managing herds under Tribes or Tribal arms or instrumentalities versus individual Tribal members' privately owned herds. They suggested partnerships through consortia to create joint standards adapted for food safety and epidemiological

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capacity and requested flexibility in program design to allow different methods for achieving the same goals, as happens in Tribal-run healthcare programs.

- USDA indicated that it was meeting with a reindeer herding society after the consultation. They also share a vision of how to get more nonamenable species into the food system and looking at what role USDA has, citing the parallels to buffalo and how the buffalo pilot can help develop solutions for nonamenable species. They also need capacity to investigate epidemiology concerns within the broader food system, not just contained to meat processing within a particular facility or Tribal area.

B. *Emergency Feeding in Tribal Communities*

- This topic was listed on the agenda, but it received no comments.

C. *Promoting Traditional Indigenous Foods in Child Nutrition Programs*

- FNS provided an overview of the [Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans](#) and work done with the [Food Buying Guide](#).
- A Tribal organization advocated for having more indigenous foods in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) food package. Many times, it is the only maternal infant health presence in an Alaskan community. They also supported having regional experts make recommendations and having regional food sovereignty experts who are subsistence gatherers. One example recommendation cited was nettle as a calcium replacement to items like nut milk. The Tribal organization also noted that the Washington State Office of Nutrition Services, in consultation with the American Indian Health Commission, has submitted a Tribal General Welfare Exemption waiver request, something many Tribes have expressed interest in.
 - USDA agreed on the importance of WIC, noting recent updates to the WIC food package to increase the cash value benefit. FNS also mentioned the greater flexibility in the grains offered and in seafood varieties. A purpose of the new Dietary Guidelines rule was to provide more accommodations and flexibility for cultural food and food preferences to allow for more foods and non-dairy options.
- A Tribal program mentioned the barriers in school lunches and a lack of education or fear from schools in crediting these traditional foods, noting that providing education would help these schools as well as providing outreach to remote areas. There are also difficulties in getting USDA certification in food processing despite being two years into their program. They further encouraged increased awareness on the negative effects of trawling.
 - USDA said, regarding crediting, that it sounds like there needs to be some training and support provided to schools.
- A Tribal leader stressed the importance of getting locally and regionally-sourced food and talked about their participation in Summer EBT. They urged better incorporation of indigenous and traditional foods in the WIC food package and to have regional food sovereignty experts make those recommendations. They additionally stressed that procuring local and regional foods is critical.

D. *Native Fish Initiatives*

- A Tribal leader brought up an issue involving transboundary restoration work, stating that the Animal and Plant Health Inspection Service (APHIS) and Canadian Food Inspection Agency need to be involved in this work. The Tribe encouraged USDA, because of the understaffing and underfunding, to utilize 638 to the extent it can, or to

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- use alternative mechanisms to fund Tribal staffing for this work. Where it cannot, there are different mechanisms to get something similar.
- USDA said that the Secretary has authorized a consultation on self-determination.
 - A Tribal corporation talked about having to shut down fishing for the next seven years and the community impacts. They welcomed partnerships with USDA funding to get resources as well as getting Federal government support in respecting rules that enhance food for their people. They also discussed how they do not need filets of salmon, but rather want whole salmon because of how their Tribe uses them for cultural activities.
 - USDA indicated that it has been asked to assist in different capacities. It had previously tried to bring in salmon through an emergency system, but did not have the salmon that community normally utilized. USDA was also going to check about the purchasing of fillet versus whole salmon purchasing.
 - An inter-Tribal organization said fish should be a priority for USDA. While it is getting better through ways such as LFPA, there are always ways to improve. For example, there were issues regarding the transparency of funds in LFPA, but the USDA staff was good in hearing the concerns. They also advocated for a regional model and recognized the cultural relevance of fish and practices. They also argued for tribes doing their own inspections, welcomed assistance from USDA on train the trainers, and asked how they can be sovereign if they do not control their own food.
 - USDA acknowledged that, since LFPA was there first program of its kind, there would be kinks, so they welcomed any additional details.
 - A Tribal leader Tribe the ability of small and mid-sized operators to meet solicitation requirements versus larger ones. They said fish should be a priority for the USDA, as well as providing culturally relevant foods for Tribal citizens. There are a wide range of fishing operations that are Alaska Native-owned, and some meet USDA commodity solicitations while some do not. Additionally, there are no solicitations for different species of fish that Native-owned companies are selling. They suggested a clearinghouse of Tribal and Alaska Native-owned fishery operations that may be able to meet different-sized solicitation requirements. They asked for fish solicitations to specify Federally-recognized Tribes or other ownership, and for the agency to specify fishing method as there are different harvest types that may be worth considering. They had concerns about commercial trawling for pollock, and how it is taking food off of the tables of Tribal citizens. They brought up the prospect of Federal support for programs that support the nutritional needs of communities that depend on salmon in the Yukon region as these fish populations suffer historic lows. The region has the inability to harvest underutilized species despite abundant seafood resources, such as Pacific Herring. Readily available, health foods could serve multiple purposes: economic development and feeding healthy food to people. They also cited infrastructure challenges and other barriers remain, including lack of roads, cold storage, and low-cost energy. They also discussed the three proposed Tribal subsistence board seats for the Federal Subsistence Board and how they are very important to a lot of residents in the state of Alaska and follows other advances made in Native representation on National Oceanic and Atmospheric Administration (NOAA)'s North Pacific Fisheries Management Council and the State of Alaska's Board of Fish. Policy decisions are being made about Native Alaskan foods, and they need to make sure their voices are heard in a responsible manner working with all stakeholder groups to benefit everyone. They also broke down the different types of

- fishing taking place and brought up the award and delivery dates of Federal contracts being too close in time so that small and mid-sized operators have trouble meeting the dates.
- USDA it is exploring how to diversify the salmon species available through USDA food assistance programs to meet the diverse needs of Indigenous communities. USDA also asked that if the law allows USDA to specify catch methods, would that be feasible for processors?
 1. The Tribal leader said yes, different sectors would be able to respond.
 - USDA asked if the processors would be able to distinguish between catch methods used?
 1. The Tribal leader said how only a small sector would be able to respond to that.
 - USDA also mentioned how it has a whole team helping to get new vendors and taking steps to reduce the barriers, such as cumbersome financial requirements. If USDA can find small vendors to bid on contracts, that is their preferred method. They also clarified that USDA only makes purchases if they have been requested, such as by schools, FNS, or food banks. This means programs are demand-driven by the recipients. AMS offered to host a webinar with a group of small-scale producers to help get businesses familiarized with USDA programs, systems, and requirements.
 - A Tribal organization emphasized education and local food advocacy, like working with high schools to implement fish to school programs. They indicated how they were looking for ways to tie in how USDA is supporting the watersheds that produce these salmon in the Tongass, and discussed the cultural relevance of these foods to Alaskans. They also discussed working with USDA on increasing the knowledge of the federal subsistence board process to making sure the next generation of natural resource managers and stewards is educated on those avenues that to help care for the future of the resources on which we all depend.
 - A Tribal corporation talked about a letter sent to the NOAA regarding the salmon bycatch concerns and fishing practices of the trawl industry. They also discussed the importance of herring for Native communities as well as highlighted the difference between the more monetary Western economy versus the native economy, which is more culturally based and has a relationship with the food and what is around us. They also raised concerns about USDA purchases of pollock, increasing pollock quota and the resulting impacts on communities. Tribes on the Yukon River have been shut out of subsistence fisheries, and historically. They asserted that Native Americans harvested less than 1% of the total of these fish resources. Subsistence is not seeking to make a profit. They also called for greater inclusion of traditional foods, like harvest moose and reindeer, and expressed concern of seafood being exported out of the community and leaving the community behind. There is an opportunity to keep this highly nutritious food within communities rather than the current state where seafood is exported out of the communities where it originates. USDA has a trust obligation to consider and to provide for Tribal citizens' food and nutrition needs.

E. Unmet Budget Needs

- This topic was on the agenda, but not discussed.

III. Closing Remarks

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- The caucus partner for the consultation and listening session talked about how definitions are important as well as getting the funds out as soon as possible. They also mentioned the importance of expansive definitions, like the one for Native American Enterprise . Tribal leaders have heard the sentiment that capacity is not there, but the caucus partner thinks that capacity can be build. They also emphasized the importance of regionalization since there is not a pan-Indian definition of what food is, and that should be incorporated in USDA food packages. They also touched on the issue of The Emergency Food Assistance Program (TEFAP) having to come through States as well as the upcoming consultation on unmet budget needs based on the new executive order 14112.
- FNCS delivered closing remarks for USDA by expressing gratitude for the perspectives from people on the other end of the programs that USDA leads.