Local Incentives to Improve Access to Healthy Foods

I. Date of Protocol: November 12, 2018

II. Scope: Compile local-level laws aimed at improving the food access landscape through incentives for small food retailers. The cross-sectional dataset includes relevant laws in seven jurisdictions (Baltimore, MD; Kansas City, MO; Miami, FL; Prince George’s County, MD; San Francisco, CA; Seattle, WA; and Washington, DC) effective from September 24, 2009 through August 1, 2018.

III. Primary Data Collection

a. Project Timeline: January 24, 2018 – November 16, 2018

b. Dates covered in the dataset: September 24, 2009 – July 20, 2018

c. Data Collection Methods: The research team (“Team”) building this dataset consisted of four public health researchers (“Researchers”) and one project manager (“Project Manager”). The Louisville Metro Department of Public Health and Wellness had three internal staff and were supported by one community partner.

d. Databases Used: Research was conducted using Healthy Food Policy Project Policy Database, city/county-specific legislature websites, and Google searches using keywords included below.
   i. Full text versions of the laws collected were collected from each respective local legislature website.

e. Search Terms: The following searches were used:
   - Food deserts
   - Food access policy
   - Food access incentive
   - Food desert incentive
   - Food retailer incentives
   - Food access AND retailers
   - Local food access grant

Researchers began by writing a background memorandum to understand the issues around food insecurity and the policies designed to address food deserts. Next, each Researcher wrote a five-state policy memorandum, summarizing laws related to the key components identified in the background memorandum. Secondary sources, such as the Healthy Food Policy Project Policy Database were consulted.
Once relevant ordinances were identified, the Researchers created a Master Sheet for each jurisdiction. A Master Sheet is an internal document that includes citations, effective dates, and statutory histories for all relevant laws.

All seven jurisdictions assigned were 100% redundantly researched to confirm that the Researchers were collecting all relevant laws.

Divergences, or differences between the original research and redundant research, were reviewed by the Project Manager and resolved by the Team.

f. Information about initial returns and additional inclusion or exclusion criteria:

Included areas of laws include:
- Laws that provide incentives for increasing food related retail
- Local jurisdictions
- Laws related to small food retail

Excluded areas of laws include:
- Laws related to large food retail
- State jurisdictions
- Laws that are not ratified
- Laws passed before 2008
- Projects or programs that are not supported by an overarching policy

IV. Coding

a. Development of Coding Scheme: Researchers conceptualized coding questions and circulated them for review by the Project Manager. When the questions were finalized, the Researchers entered the questions into the MonQcle, a software-coding program.

Throughout the coding of jurisdictions’ records (a “record” refers to a set of coded responses for each jurisdiction, for each point in time included in the dataset), the Team met as a group to narrow the scope of the dataset. As necessary, the coding scheme was altered to accommodate newly identified features of the law, and completed jurisdictions were recoded. The dataset includes coding questions on: types of incentives; whether the incentive distributes funding; types of retailer eligible for the incentive; whether incentives are provided to retailers that accept government subsidized food assistance; types of projects that are eligible; whether the policy has an underserved component; geographic areas the policy targets; whether preference is given to retailers using local food suppliers; categories of food retailers may offer; how long funded retailers must operate; and evaluation requirements.

b. Coding methods: Below are specific rules used when coding certain questions and responses in the dataset:
Question: “Does the jurisdiction have a policy promoting access to healthy foods?”
- Jurisdictions were coded as “Yes” if there was an ordinance.
- “Healthy foods” as defined by Health People 2020 is a diet that:
  - Consumes a variety of nutrient-dense foods within and across the food groups, especially whole grains, fruits, vegetables, low-fat or fat-free milk or milk products, and lean meats and other protein sources;
  - Limits the intake of saturated and trans fats, cholesterol, added sugars, sodium (salt), and alcohol; and
  - Limits caloric intake to meet caloric needs.

Question: “What types of incentives are included in the policy?”
- “Financial incentive” was coded to include a monetary benefit offered to organizations to encourage actions that otherwise may not take place.
- “Tax incentive” was coded to include a government measure that is intended to encourage businesses to spend money by reducing the amount of tax that they have to pay.
  - Examples include property tax exemptions or tax abatements.
- “Grants” was coded to include a sum of money given by an organization, especially a government, for a particular purpose.
- “Loans” was coded to include money given to another party in exchange for future repayment of the principal amount, along with interest or other finance charges.
- “Technical assistance” was coded to include means non-financial assistance provided by local or international specialists.
  - Examples include sharing information and expertise, instruction, skills training, transmission of working knowledge, consulting services, and may also involve the transfer of technical data.

Question: “Does the incentive distribute funding?”
- “Yes” was coded wherever a law explicitly distributes money like a grant or a loan.
- “Incentive” is defined as a payment or concession to stimulate greater output or investment. For purposes of this dataset, incentives include zoning, financial, tax, transportation, grants, loans, and technical assistance.

Question: “How are the funds distributed?”
- “Proactive payment” was coded to include payments made before project initiation, like a grant or a loan.
- “Retroactive payment” was coded to include payments made after project initiation, like a tax incentive.

Question: “Who makes funding decisions?”
- This question is specific to grants and loans.
- “Development authorities” was coded to include a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.
“Organization not specified” was coded where the law does not explicitly specify the organization making funding decisions.

**Question:** “Does the funding organization also implement the incentive?”
- “Yes” was coded whenever a law or regulation explicitly specified that the funding organization identified in the question above also implements the incentive.

**Question:** “What type of retail is eligible for the incentive?”
- “Grocery store” was coded to include retail establishments that sell such products as staple foods, accessory food items, and household goods.
  - Staple foods - Those food items intended for home preparation and consumption, including meat, poultry, fish, bread, and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products.
  - “Grocery,” “supermarket,” “market” or “retail” is specified in bill text.
- “Small food retailer” was coded to include small business that is not a grocery store and whose primary business is the retail sale of grocery items. Small food retailer also includes corner stores, individual farmers, convenience store, and gas stations.
  - “Small grocery,” “small,” “corner,” or “convenience” store is specified in bill text.
- “Farmers market” was coded to include a public market at which farmers and other producers sell fresh and local produce.
  - “Farmers Markets” is specified in bill text.

**Question:** “Does the law provide any incentive to retailers that accept government subsidized food assistance?”
- “Yes” was coded if the law specified any of the U.S. Department of Agriculture programs.
  - Examples include USDA Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC) Program, Senior Farmers Market Nutrition Assistance (SFMNP), or other nutrition assistance programs.
- “Retailers” was defined as businesses primarily comprised of sales of food and non-food grocery products intended for preparation, use or consumption off the retailer's premises. For the purposes of this dataset, retailers included grocery stores, small food retailers, and farmers markets.

**Question:** “What types of projects are eligible under the policy?”
- “Store construction” was coded to include building or construction of new stores or expansion of existing stores.
- “Store renovation” was coded to include improving the infrastructure of stores.
- “Equipment” was coded to include purchasing or upgrading equipment or furnishings.
- “General capital” was coded when capital or development costs or projects were listed in text without further specification of allowable costs or projects.
- “Types of projects not specified” was coded when the law does not explicitly specify the type of project.

**Question:** “Does the policy have an underserved component?”
- “Yes” was coded when the text mentions a focus on or interest in low-income or underserved populations or economically depressed areas/communities.
Question: “What geographic areas does the policy target?”
- “Other” was initially the only coded response, but subsequent amendments added responses to the question.
- “Geographic areas not specified” was coded when the law did not explicitly specify the geographic area.

Question: “Does the policy give first preference to retailers using local food suppliers?”
- “Yes” was coded when the jurisdiction specified locally-grown products.

Question: “Does the policy specific categories of food that the funded retailers may offer?”
- “Yes” was coded when the jurisdiction specified categories of food to qualify for the incentive.

Question: “What categories of food are specified?”
- “Vegetables” was coded to include any vegetable or 100% vegetable juice. Vegetables may be raw or cooked; fresh, frozen, canned, or dried/dehydrated; and may be whole, cut-up, or mashed. Beans and peas are considered vegetables.
- “Fruits” was coded to include any fruit or 100% fruit juice. Fruits may be fresh, canned, frozen, or dried, and may be whole, cut-up, or puréed.
- “Dairy products” was coded to include all fluid milk products and foods made from milk that retain their calcium content. Foods made from milk that have little to no calcium, such as cream cheese, cream, and butter, are not. Calcium-fortified soymilk (soy beverage) is considered a dairy product.
- “Proteins” was coded to include all foods made from meat, poultry, seafood, beans and peas, eggs, processed soy products, nuts, and seeds.
- “Grains” was coded to include any food made from wheat, rice, oats, cornmeal, barley or another cereal grain product.
  - Examples include bread, pasta, oatmeal, breakfast cereals, tortillas, and grits.

Question: “How long must the funded retailer operate?”
- “Other” was initially the only coded response, but a subsequent amendment added responses to the question.
- “Length of time not specified” was coded when the law does not explicitly specify the length of time.

Question: “Does the policy require evaluation?”
- “Yes” was coded when the bill specifies that a report or evaluation is required of the administering agency or the grantee(s).

V. Quality Control

a. Quality Control – Background Research: All seven jurisdictions were 100% redundantly researched to confirm that all relevant laws were collected by the Researchers.
   - The research showed that all seven jurisdictions have some form of policy incentivizing small food retailers to increase the quality of food options available in targeted areas.

b. Quality Control – Coding
i. **Original coding:** Quality control of the original coding consisted of the Project Manager exporting the data into a Microsoft Excel document at the completion of the Researchers coding to examine the data for any missing entries, citations, or unnecessary caution notes. All needed citations and other entries were added and unnecessary caution notes were deleted.

ii. **Redundant coding:** The redundant coding process is 100% independent, redundant coding by two Researchers of each jurisdiction. Redundant coding means that each jurisdiction (a record) is assigned and coded independently by the two Researchers. Divergences, or differences between the original coding and redundant coding, are resolved through consultation and discussion with subject matter experts (Centers for Disease Control and Prevention Public Health Law Program and Temple University Center for Public Health Law Research) and the Team.

Quality control of the redundant coding consisted of the Project Manager exporting the data into a Microsoft Excel document when the Researchers completed redundant coding to calculate divergence rates. 100% of the records were redundantly coded throughout the life of the project.

After coding the first three jurisdictions (Batch 1), the rate of divergence was 39.0% on August 14, 2018. A coding review meeting was held and all divergences were resolved. Questions that were causing confusion were edited for clarity and then checked across the dataset to make sure coding was consistent. The Project Manager assigned the next four jurisdictions (Batch 2) for redundant coding and the rate of divergence dropped to 33.1% on September 20, 2018. Again, a coding review meeting was held and all divergences were resolved. Divergences were again resolved through consultation and discussion with the Team. The divergence rate remained high from the first batch of jurisdictions to the second due to the small number of variables in the dataset and the lack of familiarity Researchers had with the process.

iii. **Final data check:** Prior to publication, the Project Manager downloaded all coding data into Microsoft Excel to do a final review of coding answers, statutory and regulatory citations, and caution notes. All unnecessary caution notes were deleted and all necessary caution notes were edited for publication.