Othering & Belonging Institute

The Need for Transformative Federal Action

Care, Food, and Energy Systems of the Future

Wendy Ake and Emnet Almedom

RESEARCH BRIEF

A supplement to the survey report "Aligning Federal Policy to Local Needs"

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The Othering & Belonging Institute at UC Berkeley, formerly the Haas Institute for a Fair and Inclusive Society, is a vibrant hub of researchers, community leaders, policy-makers, artists, and communicators that advances research, policy, and work related to marginalized communities. It engages in innovative narrative, communications, and cultural strategies that attempt to reframe the public discourse around marginality and inclusion and respond to issues that require immediate and long-term action.

This is a research brief to accompany the 2022 survey report published by the Othering & Belonging Institute entitled *Aligning Federal Policy to Local Needs.*

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The Need for Transformative Federal Action

AT THIS MOMENT IN TIME, we are facing multiple crises[1]—housing precarity, police violence, rising ethnonationalism—and a climate crisis, which is a symptom of a larger crisis of inequality and othering.[2] Historically, crises create greater burdens and deeper longer-term harms on poor people and people of color—and affect the places they live. The COVID-19 crisis exemplified this pattern of inequality and the related trend of opportunity arising from a crisis.[3]

As we emerge from the peak of the global pandemic, there is a great need to ensure that any opportunity associated with the crises of our time is directed to transforming the structures that make people and places vulnerable. This opening is one to expand systems of care for people and the places they live—including most impacted communities and our shared planet.

This report focuses on the transformative power of federal policy, even amid political impasses and constraints.[4] However, its orientation is to connect the potential of federal policy to enable the work of groups, coalitions, and movements that have been achieving and promoting place-based innovation for years. The opportunity of the crisis is to align federal policy to meet, expand, and jump scale. Visions for good care jobs, clean air and water, worker mobility, or land redistribution all have their intersections.

This report complements our **2022 survey report** by sharing research and work on the ground upon which the survey was constructed. Here and in the survey, we focus on US federal policy in three domains—care, food, and energy—exploring each of those domains in four areas in need of transformation—corporate power, debt and finance, international trade, and worker power. These domains were selected to assess the potential of US federal policy to meet the needs of those it governs and the places they live. These domains also allow us to examine "glocal" (global and local)5 dynamics that contain the reach of US federal policy or demand responses that exceed the impact that could be achieved by any one federal policy.

In this report, we build on the survey report's collection of individual policy proposals but focus primarily on the structural foundations of the policies. How can the symptoms of excessive corporate influence and declining worker power be addressed through domestic policy? From our analysis of the care, food, and energy sectors, we emphasize that worker protections can be expanded, and existing worker protections can be more rigorously enforced. However, by focusing on the structural foundations of our economic and social arrangements, we can acknowledge the power of extra state solutions to outmaneuver today's political constraints—as we see in case studies in Missouri, North Carolina, Florida, and Louisiana—and the importance of factoring in the global dynamics of US policy choices.

This report is situated in the aftermath of the peak COVID-19 crisis, during which the political environment for public spending substantially increased, despite sustained resistance from a minority with growing political influence.[6] Unprecedented federal spending programs have demonstrated—and convinced some—that government spending is warranted and is a tool with great potential to create positive change in the material conditions of its beneficiaries. The efficacy of government spending bills, though, is not only dependent on the dollar amount target or even the dedicated use of those funds detailed in the legislation. Rather it is the complex system into which those funds flow—the associated legislation, judicial systems, and regulatory state agencies that are tasked with distributing the dollars and enforcing preexisting standards. This large increase in public spending presents challenges as it takes place in a landscape of frayed democratic institutions.

Grounding Policy in Experience and Expertise

The work of this report embraces the fact this is more than a US federal policy project or a simple search for technically correct solutions. A federal policy agenda of our time is one that addresses the crises of the moment and potential for transformation of political and economic systems.

The choice to focus on federal policy in the care, energy, and food sectors had two motivating factors. Firstly, those sectors play a central role in the climate crisis playing out in the US and the gap between exploitive or restorative adaptation. Secondly, recognizing those sectors' central role is clear from the view of organizations led by groups deeply exploited by and within these industries. In this report, research and survey results are contextualized with the experience of people carrying the greater burdens of outstanding policy challenges. With this in mind, the report shares selected examples of strategies and design solutions that these organizations advocate for and implement—some dependent upon changing US policy, designing better access to existing policy, and building strategies that outmaneuver its historic failures.

The climate crisis is a clear motivator for centralizing "glocal" policy—attempting to meet the demands of the time is to organize and design systems around this crisis as the center. "The distribution of the burdens of substantial adaptation—which is now inevitable, whatever the extent of future carbon mitigation—and the political-economic means by which the distribution is implemented" are the profound challenges of the time.[7] Policy change is just one component of meeting the challenge, and it is not a calculation that unfolds distinctly from social and economic systems.

For years, climate justice groups and coalitions have outlined crosscutting policy packages, such as the Green New Deal, to fulfill global decarbonization priorities, with an emphasis on shifting resources to communities most impacted by past and current fossil fuel dependency: a just transition.[8] Further spin-offs have been created to shape a just transition at different scales. Global Green New Deal proposals challenge those working under the Green New Deal framework to think beyond national borders by analyzing trade agreements and investor rights frameworks that allow corporations, particularly in the Global North, to pollute and extract with impunity.[9]

In addition to organizing cross-sectoral policy around a just transition, attention has been drawn to "care infrastructure." This is only partially connected to the failures of the US health-care system—failures that were well known to many for decades before—that came into clearer view of national and international consciousness during COVID-19.[10] The idea of a "care infrastructure" affirms care's role in society similar to transportation or educational infrastructure and so affirms the urgency of investing in care infrastructure.[11] There is a growing understanding that building an adequate care infrastructure is going to rely on economic and political transformations—changes that mirror those required for meeting the climate crisis.

Report and Recommendations

This report opens with three sections that in turn describe aspects of the care, food, and energy sectors and the expressions of corporate power, worker power, finance, and trade within the sector. The first section details the prospect and status of US care policy and the presence of corporate control and the impact of the finance industry. Within this section, the case of expanding health care in Missouri is discussed to bring attention to worker power in the care sector.

The second section focuses on the food system and considers the role of the finance system, corporate influence, and US food subsidy policy. Worker power in the food industry is discussed by describing the Fair Food Program and the Worker-driven Social Responsibility model of worker protection. The balance of power between farming communities and corporations is learned through exploration of the multiyear, multigenerational struggle of Black farmers in America.

In the third section, US and global policy standing in the way of a transformed energy sector is described in the context of disproportionate corporate influence. The potential to use public finance as a tool to facilitate fair energy transition is explored. This is framed by examples of community-led organizing campaigns to influence investments in energy in Louisiana and another example of energy-sector workers realizing democratic goals encoded within the aspirations of fair energy transition policy.

The report concludes with recommendations that are shaped for different audiences to identify their role in addressing gaps between the needs of communities and current US policy and providing necessary direct response by advancing US policy and other structural remedies.

There are four consistent themes that characterize gaps between community need and US policy across energy, care, and food sectors. Firstly, policy may be in place, but wholesale failures at enforcement communicate the limits of US federal policy due to underlying forces that undercut the success of passing any particular policy. This situation holds twofold implications: one, enforcement of existing policy is a priority, and two, it may be that enforcement is struggle inhibited and beyond the control of any US policy. This raises the profile of strategies that can, in effect, realize the gains of enforcement.

Secondly, policies that stand to hold universal benefit need to be coordinated with strategies of reparative investment for those who have been left behind by past policy. In this study, those groups include farmworkers and food system workers, care workers, Black farmers, environmental justice communities, exploited debtors, and exploited industrial workers. Next, federal policy and philanthropic investment can be a tool to help build countervailing power[12] held by membership- and worker-based organizations, like formal labor unions, worker collectives, and community power-building organizations.

Finally, voluntary corporate-led initiatives have failed to consistently realize the effort to make corporations behave in ways that would otherwise be enforced by the government. Such initiatives can expand corporate power in the absence of any change in labor practices and further alienate workers throughout the supply chain from influencing labor conditions. Legally binding agreements, led by workers throughout a corporation's supply chain, with enforcement mechanisms offer greater impact to fill the gaps left open by lacking enforcement or absent policy.

Exploring the landscape of US policy does not suggest there is an exclusive role for policy-makers. Rather, the urgency of the challenge suggests similar urgency for multiple institutions to participate in filling the gap left by US policy and the communities in need. The report concludes with recommendations for government, advocates and organizers, and philanthropy.

Dajana Oroz

Dignifying Care Work and Expanding Access to Quality Care Services

THERE IS UNIVERSAL INTEREST in having a healthy environment—clean air, clean water, and good food—and a robust care sector. There are broader and narrower definitions of what constitutes the care sector, but regardless, the care sector is vital and only growing in significance.[13] The care sector is one of the fastest-growing industries in America. Employment in health-care occupations is projected to grow 16 percent from 2020 to 2030, much faster than the average for all occupations, adding about 2.6 million new jobs.[14]

Care sectors can provide physical health for families, kin networks, and communities; support healthy children full of opportunity and wellness; help elders receive respectful care and agency over their living conditions; and promote vibrant relationships and empathy among people and between people and their planet. The climate crisis further emphasizes the critical importance of strengthening the US care infrastructure. Care work is low-carbon work and essential for disaster response and strengthening our social safety net to justly transition and decarbonize the economy.[15]

In its current formation, the United States' care infrastructure, from health care to paid leave policies, is insufficient for both the care needs of American workers and the working conditions of a vulnerable labor force consisting primarily of people of color, women, and the poor.[16] The impact of local, state, and national care policies in the US care economy[17] reverberates across the globe and throughout the US. Capitalist markets are left to distribute care services, and, as in other sectors, US policy has created conditions for a global supply chain to provide care services. The inadequate public investment in care in the US creates a demand for individuals to find services at the lowest costs. The global application of austerity produces a vulnerable source of exploited workers who migrate to find employment.

Despite high support from the general public, corporate lobbyists block legislative advancement of proposals to transform the US care infrastructure, such as Medicare for All.[18] Leadership in a concentration of states, particularly majority Black Southern states, use work requirements to stymie Medicaid expansion efforts.[19] This modern-day policy choice to tie health-care access to work reflects the long racialized nature of health-care provision,[20] such as the policy choices to promote a system of employer-based insurance difficult for Black Americans to access[21] and to exclude domestic and farmworkers from expanding worker protections.[22]

Work requirements especially harm rural residents, as the most persistently high-poverty counties are disproportionately rural, dealing with underemployment and increasingly diversifying.[23] Corporate power in the growing, climate-critical health-care industry and political obstruction of popular proposals converge to fuel the world's most expensive health-care system. In rural Missouri, local organizing focuses on expanding existing federal health-care infrastructure, like Medicaid and Medicare, to provide higher quality health services, improve care worker conditions, and financially stabilize rural hospitals without corporate takeovers.

Domestic and Global Corporate Power in Care: High Profits, Poor Health Outcomes

Health care is expensive and overly driven by profit seeking in the US. The US spends more per person on health care than countries with comparable income levels.[24] US health-care spending increased 4.6 percent to reach $3.8 trillion in 2019.[25] Hospital care, physician and clinical services, and retail purchases of prescription drugs together accounted for 61 percent of total national health spending in 2019, demonstrating the substantial financial and political power of physician and hospital networks, pharmaceutical manufacturers, and insurance providers. But despite spending nearly twice as much as ten high-income countries on medical care in 2016, the US performed less well on many population health outcomes, such as life expectancy and infant mortality.[26]

This dilemma of high health-care costs juxtaposed with poor health outcomes points us to untangle the ample—uniquely so, in comparison to other high-income countries—opportunities for profit seeking in the US health-care system. At 30 percent in 2018, the largest component of US medical spending is health-care administration by private insurers and their vast network of implementing partners, many of whose functions do not even exist outside of the US health-care system.[27] As the largest player in the ecosystem, the federal government could step up to regulate this disorganized network of insurers and administrators, but to date, the public sector is more of a spender than a regulator. Public dollars are often funneled directly into profits for the private health-care sector: public funds compensate hospitals for their reported costs of uncompensated care,[28] and the federal government pays for research and development that fuels massive profits for increasingly financialized pharmaceutical firms and their shareholders.[29]

Debt and Finance in Care: Private Equity Following the Gaps and Shaping Indebtedness

The profit-seeking behaviors of corporations converge with gaps in federal government services to create the most expensive health-care system in the world with alarming rates of medical debt and bankruptcy. Medical debt is associated with two trends: failure to expand Medicaid and the risks of surprise billing.[30] Harkening back to the racial impact of the federal government's choice to leave domestic workers out of labor protections and allow employer-sponsored health care to reign, the formation and distribution of this medical debt is also racialized. Race contributes to whether households have medical debt, with 27.9 percent of Black households carrying medical debt compared to 17.2 percent of white non-Hispanic households.[31] National credit bureau data reveals that US counties with high shares of uninsured, low-income, or Black populations have higher rates of medical debt in collections.[32] These same counties are within states that have not expanded Medicaid, demonstrating how gaps in federal protection create local vulnerability.

Financialization of the health-care industry has left the industry vulnerable to private equity consolidation and acquisition, a trend that is only expected to grow as future crises hit. The negative impacts of private equity's investment in health care are already apparent. Private equity firms have been buying and growing the specialties that generate a disproportionate share of surprise bills: emergency room physicians, hospitalists, anesthesiologists, and radiologists.[33] Early evidence indicates that private equity ownership increased the short-term mortality of Medicare patients by 10 percent, implying 20,150 lives lost due to private equity ownership over the study's twelve-year sample period.[34]

The explosive trend of private equity investment in the housing rental markets and in health-care services are telltale signs of the impact of failing to tax and regulate wealth globally. Private equity investment in health care has grown dramatically over the last decade. Estimated annual deal values have gone from $41.5 billion in 2010 to $119.9 billion in 2019, for a total of approximately $750 billion over the last decade.[35] Private equity firms benefit from lax regulations and preferential tax treatment that cut across industries, such as the lack of a global corporate tax scheme and inadequate attention to tax loopholes. Money in politics—in the form of corporate lobbying, campaign contributions, and the revolving door between government and private equity firms[36]—is part of creating these favorable conditions for private equity. Together, these preferential political conditions and the market conditions of the COVID-19 pandemic leave private equity firms flush with cash reserves to swoop in, in times of crisis.[37]

Worker Power in Care: Work Requirements and Structural Unemployment

The US care infrastructure, from health-care systems to paid leave policies, is insufficient for both care workers and those reliant on their labor. Workers, extended families, and communities are rendered vulnerable by decades of austerity solutions, including a massive underinvestment in care infrastructure. Within the current health-care system, particularly after the implementation of the Affordable Care Act, leadership in many states—primarily states with conservative Republican leadership and the geographic footprint this leaves in the Southern US—either rejected Medicaid expansion funds or used other strategies to stymie Medicaid expansion.[38] Twelve remaining states are foregoing $423.6 billion in federal Medicaid funds between 2013 and 2022; eight of those twelve states are in the South.[39] For example, where conservative states are not simply rejecting Medicare expansion funds, some are attaching Clinton-era welfare-reform eligibility restrictions to Medicaid-expansion eligibility requirements including work requirements.[40]

Anti-immigrant and anti-Black narratives translate into policy and other barriers to equal access to care, such as work requirements and uneven Medicaid expansion. The overuse of work requirements for means-tested programs in rural areas and areas home to many Black communities raises the importance of universal care programs. Understanding that high rates of nonworking populations are due to structural conditions, unequal conditions of un- and underemployment also point to a federal jobs guarantee as a solution.

Linking the trends of deindustrialization, health-care coverage gaps, and poor working conditions for health-care workers, labor historian Gabriel Winant argues that Medicare and Medicaid services and other federal policy related to care are underacknowledged as powerful infrastructure and industrial policy.[41] Putting this analysis into practice, a jobs guarantee for the economically marginalized as a tool for economic stimulation has been supported by Black civil rights advocates, organizers and legislators for decades. Most recently, Congresswoman Ayanna Pressley has introduced a targeted jobs guarantee to the House,[42] and the Poor People's Campaign has articulated a Jubilee Jobs Program targeted to areas of urgent scaling, such as community-based health care and green housing production.[43] In total, 83 percent of survey respondents with expertise in care believe a jobs guarantee in critical care industries is a future strategic priority that is being underprioritized today.

VIEW FROM THE FIELD

Expanding Public Health Care in Missouri

In rural Missouri, local organizing focuses on expanding existing federal health-care infrastructure, like Medicaid and Medicare, to provide higher quality health services, improve care worker conditions, and financially stabilize rural hospitals without corporate takeovers. Local organizations like the Missouri Rural Crisis Center (MRCC) led education and advocacy efforts toward the vote to expand Medicaid in 2021. Rural Missourians pay disproportionately high health-care premiums. Spotlighting Missouri farmers, some 2017 research indicates financial problems were most severe for those who rely on individual insurance; 20 percent of families with individual insurance reported financial problems because of health-care costs.[44] Local organizers like MRCC point to the strength of Medicaid expansion to both provide higher quality health insurance and financially stabilize rural hospitals. Rural hospitals struggle to stay open due to the high rate of un- and underinsured populations. Rural hospital closures are a challenge for many states that have not expanded Medicaid eligibility. In fact, being in a Medicaid expansion state decreases by 62 percent the likelihood of a rural hospital closing.[45]

Though 77,000 newly eligible Missouri residents have already applied for Medicaid, attempts are being made to shrink access to this right by "imposing work requirements on expansion enrollees and also subject[ing] Medicaid expansion to legislative appropriations each fiscal year."[46] This is a tactic used across Southern states and across social safety net programs, such as the Supplemental Nutrition

“Rally to Support Medicaid Expansion” by NatalieMaynor is licensed under CC BY 2.0.

Assistance Program.[47] Missouri’s path to Medicaid expansion is a case study in the challenges that remain for expanded access to high-quality health care under the auspices of existing federal government systems. A mix of policy advocacy and labor organizations point to the importance of expanded high-quality health care to address worker rights, consumer debt problems, and the financial stability of hospitals, particularly rural hospitals.[48]

The case in Missouri exemplifies a national problem: the health-care system of today hurts receivers of care, many of whom become debtors, and hurts caregivers, who are leaving the industry due to unsafe, even deadly, conditions. The solutions that improve working conditions for workers and that rein in corporate power in the health-care ecosystem will lead to a higher standard of care for all. As the US moves toward universal care,[49] the federal government must step up as both a spender and a regulator so that universal care is equitable for patients and workers.

Creating the Conditions for Food Justice

Silvana P. Duncan for ArtistsForClimate.org

IN REPORTS ON FOOD SECURITY and nutrition, global experts note that considerable inertia in the form of "public policies, corporate structures, education systems, consumer habits and investment in research" favors the currently dominant model of agriculture and food systems.[50] As reflected in our past work, a broad-based food sovereignty movement is required to push for transformative change of the food system.[51] The US government and mainstream media have not appreciated the power of agroecological innovations, but many farms are leading the way in both the Global North and the Global South.[52]

The US agricultural industrialization of past decades is driven heavily by the partnership between agribusiness and government. This collusion has created massive health, environmental, and social impacts at a global scale. For instance, industry and government partnership to develop international trade agreements, such as the United States-Mexico-Canada Agreement, determines agricultural production, encourages commodity dumping, and shapes migration patterns and possibilities.

The federal government's obligation to multinational companies is crystallized in trade agreements and in the allocation of federal resources, such as subsidies, to corporate projects, thus driving grassroots organizations to intervene at the local level. The $30-billion worth Commodity Credit Corporation (CCC) is one such subsidy program that has been used to prefer large, white-owned farms: roughly 10 percent of farms receive 70 percent of farm program subsidies.[53] Relatedly, the Climate-Smart Commodities Program has allocated $2.8 billion to corporate food giants—including $60 million to Tyson Foods and $90 million to ADM—under unclear criteria.[54] This consistent prioritization of corporate and large-scale agricultural businesses comes at the clear expense of small farms and Black, Indigenous, Latinx, and Asian American and Pacific Islander farmers and farmworkers. Federal action can create the necessary conditions for food justice and agroecological flourishing by centering local actors most impacted: Black legacy farmers' multidecade fight for reparative justice and farmworkers and small landholders impacted by corporate consolidation across the global food supply chain.

Domestic and Global Corporate Power in Food: Blocking Strategies for Equitable and Agroecological Land Use

The current supply chain facilitates overproduction and expanded corporate control over the global food system. The US federal government has encouraged a culture of overproduction and a focus on commodity crops that has allowed the consolidation of agricultural operations domestically, but also the level of vertical integration in global agricultural commodity trading that we see today. The four biggest agricultural commodity traders—ADM, Bunge, Cargill, and Louis Dreyfus—have historically dominated international commodity markets.[55] Through vertical integration and strategic mergers and acquisitions, these firms—three of which are US owned—control anywhere from 75 to 90 percent of the grain trade globally.[56]

To produce the levels of surplus crop year after year that make up the dumping stock, commodity producers either have to continuously expand their farmland or produce higher yields on the same land each year, pushing US producers into a vicious cycle of overproduction that is not sustainable economically or ecologically. Dumping harms farmers in both the US and in importing countries. Farmers producing the same crops in lower-income countries that import a high percentage of their food crops and have little protection for local markets, cannot compete with the slash in prices that US dumping brings to local markets. Nearly 50 percent of respondents with self-identified expertise in agribusiness believe that harm to planetary health should be the top priority for addressing the consolidated power of the agribusiness industry.

Big business and money in politics are blocking the necessary shift away from dominant forms of agriculture toward agroecology. Mirroring federal and global dynamics, interviewees note the challenge of corporate influence at the state and local level, where large corporations like Tyson and Walmart dominate the regulatory landscape with their lobbying. In 2021, companies in the agricultural services and products industry spent $36.7 million lobbying the US government.[57] Almost every presidential candidate focuses heavily on winning swing states like Iowa, Ohio, and Minnesota—all of which are home to powerful industrial agricultural operations.[58] Much of this political capital is spent on limiting the regulatory authority of the federal government, which builds on the pressure for organizers and advocates to mobilize at the state and local level.

The power of implementing policy at the state government level has its potential and successes, but fundamentally, advocates indicate that having a federal policy strategy is crucial given the massive resources available. One advocate indicates, "There's more trade-offs and horse trading when you're working in the federal government…but the vision of what you could potentially do at the federal government has less trade-offs because there are more resources than at the state level." In another example, the federal government's full regulatory power in support of workers was blocked by the collusion between administration officials and the meatpacking industry.[59]

Debt and Finance in Food: Subsidizing Inequities in Agricultural Land Use and Ownership

Corporate livestock facilities, known as concentrated animal feeding operations (or CAFOs), threaten the health of communities and pollute our air and water. It can be argued that CAFOs would not exist without the public funds that they receive from the federal government in the form of direct and indirect subsidies.[60] CAFOs are theoretically regulated by the Environmental Protection Agency (EPA) under the Clean Water Act, but decades of Natural Resources Defense Council research reveals that the EPA has left these health threats largely unmonitored.[61] The political incentive to push CAFOs under the rug and accept lobbying dollars from agribusiness is strong. In fact, the EPA lacks basic information about most CAFOs, including their location, how many animals they confine, how much waste they produce, and how they dispose of that waste. Despite calls to end this practice and its direct support in the form of subsidies,[62] which aids in market destabilization and environmental harm, it continues. The challenge of CAFOs encapsulates a dynamic where regulatory capacity of the federal government is stilted, but public funds are plentiful and targeted by business interests.

The juxtaposition of investment for some and extraction or austerity for others is emphasized in the experiences of Black farmers who are laden with debt. Large investment pools, such as the $30 billion CCC fund,[63] "have been used to undergird and support white farmers mostly at the exclusion of Black farmers and other farmers of color."[64] This has resulted in a steady erosion of the Black agricultural land base and an inability to participate in US Department of Agriculture (USDA) subsidy programs due to "the unconscionable debt that has been an albatross on their neck since the disastrous implementation of the Pigford v. Glickman class action racial discrimination lawsuit in 1999."[65]

However, the federal government can play a role by creating land stewardship programs for Black and Indigenous farmers and canceling historic debt. Despite commitments from the Biden administration, the federal government's role in this reparative process has been obstructed by legal attacks.[66] Place-based community power-building brought reparations to the table, as well as the cascading and intersectional effects of strengthening support

VIEW FROM THE FIELD

Black Legacy Farmers' Journey to Reparative Justice and Agroecological Futures

The racialized nature of debt and finance in our food system can be well learned through the multiyear, multigenerational struggle of Black farmers in America. Recent research into the historic land theft of Black farmers across the US reveals that the land lost between 1920 and 1997, along with the lost income from that land, would be worth an estimated $326 billion today.[74] The Black Belt Justice Center, particularly through the archival and investigative work of Black legacy farmers,[75] has been navigating the federal policy channels needed to win reparative investment for this massive loss.

The roots of Black land theft are deep,[76] and the case of the Pigford lawsuit is a starting point to understand how anti-Blackness is embedded in the policy structures of debt and finance. In 1999, the Clinton administration admitted that the USDA loan practices were discriminatory via the Pigford settlement named for Timothy Pigford of North Carolina, a Black farmer and the lead plaintiff in the class-action lawsuit. The settlement was for a little over $1 billion—roughly 0.3 percent of the value of land and income loss estimated in 2022 research.[77] Even after a second installment of $1.2 billion in payouts was passed by the Obama administration in 2010, the delivery of the settlement money—on average only $50,000 per farm[78]—was marred by confusing processes and deadlines, leaving indebted Black farmers even further behind on payments and legal fees and harming their credit and business operations for decades to follow.[79]

USDA photo by Anson Eaglin

Alongside the long-term impacts of unfair lending practices, the discriminatory practices actively continue in the contemporary era.[80] As federal actions, past and present, are key to creating historic land loss, federal action is key to unlocking local-level repair and reimagining.

Through place-based, community-centered organizing and research, the Black Belt Justice Center continues the fight for Black legacy farmers' debt cancellation, as well as new investments for Black farmer justice. In the Pigford era, many Black farmers had already lost their farms in foreclosures by the time payouts were passed in 1999 and again in 2010. Similarly today, reparative investment will have to provide capital and new land grants for Black farmers to rebuild what was lost. In line with this, Black farmers have advocated for steady, new funding, such as a permanent allocation in the little-publicized but powerful $30 billion CCC fund.

As advisor to presidential campaigns and transition teams, the Black Belt Justice Center has planted the seeds that are slowly bearing fruit across multiple proposed bills. The latest iteration of the Justice for Black Farmers Act[81] calls for $2.1 billion from the CCC's annual budget to be allocated—alongside other appropriations—to carry out the act's civil rights reforms, land granting, and climate stewardship programs.

By centering the federal government's responsibility to repair damage done to generations of Black farmers specifically, there are cascading positive effects to planetary health and belonging. The Black Belt Justice Center and Black farmers envision the permanent allocation in the CCC as a chance to "prioritize ecological farming and stewardship over the monocultural, industrial agriculture paradigm." And these cascading positive effects extend to the new and old generations of Hmong farmers, Central American farmworkers, and Indigenous land stewards.[82]

for communities made vulnerable in our current food system.[67] By pairing a reparations and targeted universalist frame to navigate legal challenges, the generative potential of public finance to create conditions for food justice can be more fully unlocked.

Worker Power in Food: Enforcement Gaps in Farmworker Protections

Federal labor law enforcement to protect low-wage workers, like farmworkers, has historically been underfunded and deprioritized. The Department of Labor's Wage and Hour Division (WHD) monitors wages and hours and enforces thirteen labor laws, including the Fair Labor Standards Act and the Family Medical Leave Act. They also enforce two laws that are specific to agricultural work: the Migrant and Seasonal Agricultural Worker Protection Act and the H-2A temporary agricultural workers program. The department investigates violations of weekly minimum wage and overtime pay laws, inadequate housing, meal break and off-the-clock standards, retaliatory employer action, and worker safety violations that result in injury. Despite the wide breadth of investigation categories, most investigations and the majority of found violations pertain to wage theft and hour violations.

The WHD is a chronically underfunded and understaffed department, meaning they do not have the opportunity to investigate many farming operations. In fact, the probability that a farming operation will be investigated in any given year is only 1.1 percent.[68] Even still, the vast majority, around 70 percent, of WHD investigations of farming operations detect violations, with 30 percent detecting more than five violations. While enforcement of labor standards in any low-wage sector is challenging, it is particularly difficult for this underfunded department operating against the structural and corporate might of the agriculture industry and a political space inundated with its money. A workers' rights organizer in Arkansas notes that these detailed regulations, down to

VIEW FROM THE FIELD

Building Worker Power and Protections in Florida and across Borders

Consistently exempting domestic workers, pieceworkers, and farmworkers has created a class of extremely exploited workers. The global food supply chain is structured around policy that has protected or excluded people based on categories including race and gender. Although being central to producing food, food system work is only recently described as "essential" labor in need and deserving of dignity and protection. Labor migration and systems of global migration have created extreme systems of exploitation for migrant workers who provide a "cheapened labor without altering the racial social order through permanent immigration."[83] The federal government's labor law enforcement agencies have failed to provide an adequate level of protection—either through enforcement of or the presence of standards. Attempting to preempt expanded corporate regulation, corporations have launched voluntary efforts to realize similar ends, including multistakeholder initiatives (MSIs), fair trade, and other corporate social responsibility initiatives.

The Worker-Driven Social Responsibility (WSR) model was developed by the Coalition of Immokalee Workers (CIW), a civil society organization that emerged in the early 1990s to address and contest the harsh working conditions of farmworkers in the tomato industry in Florida.[84] The CIW's own Fair Food Program (FFP) has been successful at creating countervailing power amid harsh working

“Coalition of Immokalee Workers with Kate Caldwell - Jan 1, 1980” by NESRI is licensed under CC BY 2.0.

conditions of farmworkers.[85] That program’s success became the basis for generalizing the WSR model for applications in other industries. It has been cited as the “best workplace monitoring program”[86] in the US. The FFP uses the power of the purchase order to enforce human rights standards by having food retailers sign a binding legal agreement in which they commit to only purchase particular foods from growers that adhere to the Fair Food Standards Council’s Fair Food Code of Conduct.[87] The code of conduct lays out guidelines that are far past the current legal requirements for growers and farm operators on fair and humane labor practices. The code works to address the myriad of labor violations[88] that farmworkers in the US have faced for decades, including unlivable wages, lack of housing and medical care, sexual assault and harassment, retaliatory practices, and unsafe working conditions.

Since its inception in 2011, the FFP has recovered $496,939 in wages through its complaint resolution process and grower audits and has distributed more than $30 million in FFP Premium Funds to workers in the form of bonuses.[89] According to a ten-year longitudinal study of MSIs, the greatest weakness to ensuring human rights in supply chains is the lack of a legally binding market-enforcement mechanism.[90] CIW states that there needs to be a “credible, enforceable threat of losing market share as a result of unfair treatment of farm workers.”[91] While advocacy and support for the FFP does not hinge on a particular federal policy, the government is a major purchaser and can participate by joining the program, making the commitment to purchase only from suppliers that commit to FFP labor standards.

Notably, the FFP and other examples of WSR models do not depend upon the presence or enforcement of any particular US federal policy, or any other nation state policy that relates to a particular part of an industry’s supply chain. A primary feature of the WSR model is that it is adapted to industries flourishing under international trade agreements with supply chains that exceed the governance of any particular nation state. The WSR framework has applications across industries, such as in the garment industry, and across labor vulnerabilities, such as the threat of piecework and gig work across industries.

"line speeds, chemical use, and bathroom breaks for workers," are critical, and, if truly defined and enforced, these regulations create a structural base that supports worker-led organizing to cocreate safety and operations programs with farm operators.

The use of labor exemptions for farm labor contractors and small farms[69] further empowers the abuse of farmworkers. Workers employed under farm labor contracts have been shown to be more likely to encounter an employment law violation. Farm labor contracts (FLCs)—a system where nonfarm employers act as staffing firms for farm operators—account for 24 percent of detected violations in agriculture, but only account for 14 percent of average employment.[70] Three-quarters of investigations into FLCs detect employment law violations. Of the farms that list contract labor as a production expense in the last agricultural census, almost 40 percent of them had more than 260 acres of land, and 10 percent had more than 2,000 acres of land.[71]

Farm sales and land ownership are not evenly distributed throughout the industry, and the share of violations is no exception. In total, 14 percent of all agricultural violations are attributed to the top ten agricultural employers with the most violations.[72] The same is true for farm labor contractors. Agricultural employers and farm operators are not adequately incentivized to comply with employment laws; this is clear when looking at the lack of compliance of repeat violators. In fact, random inspections of US farms result in identifying violations in 70 percent of farms,[73] indicating that "violation of farmworkers' rights in this country is not the exception; it is the norm." Oftentimes, operations have to be reported and investigated multiple times before a violation is detected and back wages are assessed. Understanding the outsized impacts that the agribusiness industry has on workers, survey respondents with self-identified expertise in agribusiness answered 21 percent that harm to workers should be the top priority for addressing the consolidated power of the agribusiness industry.

Financing Renewable, Public-Owned Energy


Burcu Köleli for ArtistsForClimate.org

THE COVID-19 PANDEMIC has created a window of opportunity to understand our interdependence[92] and to fund a green recovery. The International Institute for Sustainable Development identified five global priorities needed to shift resources toward a green recovery: do not provide public money to fossil fuel production, raise money from fossil fuel subsidy reform and taxes, swap support from fossil fuels to clean energy, incentivize investments in clean electricity and climate technology research and development, and ensure the transition is a just one.[93]

For years, climate justice groups and coalitions have outlined crosscutting policy packages, such as the Green New Deal,[94] to fulfill these global priorities, with an emphasis on shifting resources to communities most impacted by past and current fossil fuel industry decisions. Further spin-offs have been created to shape a just transition at different scales. Global Green New Deal proposals[95] challenge "those working under the Green New Deal framework to think beyond national borders" by analyzing trade agreements and investor rights frameworks that allow corporations, particularly in the Global North, to pollute and extract with impunity.[96] The proposed Green New Deal for Cities[97] calls for federal funds to go directly to municipal governments, acknowledging that state governments have been captured due to entrenched imbalances in democratic power and money in politics. Feminist Green New Deal proposals[98] make the case to invest in low-carbon sectors like the care economy and rectify generational gender inequalities through universal paid leave[99] and a global living or social wage.

As consensus on the need for decarbonization grows, there is great possibility for reorienting finance toward green investment, particularly underutilized public finance that can be better targeted to meet universal goals and to fund reparations for past destruction. But the remaining challenge is to answer the call fully. Ecologically destructive extraction projects, which continue to be concentrated on land inhabited by communities of color and Indigenous communities globally, are fueled by subsidies and other public finance mechanisms. The recent Investment Reduction Act (IRA) proposal is an example of strong increases in green investment mechanisms, paired with actions and investments that entrench fossil fuel dependency.[100] Communities in Louisiana and other parts of the Gulf South know this pattern all too well as they navigate hostile political conditions at the local level and target larger, structural conditions of federal power and global capital in their local organizing.

Domestic and Global Corporate Power: Global Rules and Incentives Blocking a Just Transition

Turning our attention to the global financial system, a legacy of systemic corruption within the international legal system of foreign direct investment gives outsized power to private industry, especially fossil fuel companies. Started in the 1960s era of decolonization, the investor-state dispute settlement (ISDS) system is a mechanism included in many trade and investment agreements to settle disputes via private arbitration rather than public courts.[101] Currently, only a foreign investor can initiate ISDS disputes, not a state or citizen. The development of the ISDS can be traced back to the global lobbying of a group of wealthy bankers, managers, and influential stakeholders. In the 1960s, these lobbyists included "executives of the most important fossil fuel companies, such as Royal Dutch Shell, Total, Rio Tinto, and Standard Oil of New Jersey."[102]

Reflective of how this colonial history shows up today, 67 percent of investor disputes in 2020 were against a country in Eastern Europe, South America, sub-Saharan Africa, or Central America and the Caribbean.[103] Though countries being sued are situated in the Global South, 57 percent of cases were overseen by a Western European or North American representative.[104] At 71 arbitrations, the US is the top home state for investors that initiate known arbitrations,[105] and the fossil fuel industry accounts for 20 percent of the total known ISDS cases across all sectors.

Despite scientific consensus that to limit global warming the majority of all estimated reserves of coal, oil, and gas must not be extracted, the majority (92 percent) of these fossil fuel arbitrations are related to the oil and gas industry, and almost half of fossil fuel cases are related to "upstream investments, which comprise all operations from the exploration of *new* fossil fuel reserves to their extraction."[106] In addition to enriching Global North investors, this legal structure is costly to host states in terms of legal fees and award amounts. In its current form that gives primacy to the rights of Global North investors, the ISDS system is a financial deterrent to Global South countries adopting climate measures that are vital to the global public good.[107]

The ISDS system is a microcosm of a structural problem in the global economy. Global South countries continue to reject the predatory and corrupt schematic that entrenches indebtedness and dependency on fossil fuel reserves.[108] Addressing the reality of the financial industry's system of corruption against Global South countries is critical to meet global climate commitments. Without fair investment toward a collective fossil-free future and reparations for the damage already done, the risk of continued fossil fuel exploration remains as Global South countries are forced to put short-term crisis needs against long-term global sustainability.[109]

These historic trends of harmful public investments in fossil fuel subsidies and infrastructure, an unaccountable private banking industry, and an international legal system that prioritizes Global North private industry's profits are blocking a just transition. This turns us back to the intersection of just transition and finance.

Debt and Finance in Energy: Underutilizing Public Finance in the Current Energy Transition

Public financing of energy has relied heavily on the use of fossil fuel subsidies to artificially deflate the costs of fossil fuel extraction. According to an analysis of recovery packages in G20 and eleven other economies, the largest share of central government supports—47 percent of the total US$585 billion—has gone to fossil fuel-intensive sectors, such as transport, extractive, and heavy industries, versus 35 percent destined to clean energy sectors, including renewable energy generation, public transport, electric vehicles, and energy efficiency.[110]

Data from the International Energy Agency (IEA) indicates that fossil fuel subsidies dipped in 2020 due to drops in fuel consumption but are now back on the rise; governments around the world spent $440 billion on subsidizing fossil fuel consumption in 2021.[111] In its 2021 flagship report on the road map to net zero by 2050, the IEA states that "in the next few years, all governments need to eliminate fossil fuel subsidies."[112] The Environmental and Energy Study Institute reported that direct subsidies to the fossil fuel industry totaled $20 billion per year, with 80 percent going toward oil and gas.[113] In addition, from 2019 to 2023, tax subsidies are expected to reduce federal revenue by around $11.5 billion.[114]

There is a global mismatch between central governments' use of subsidies and financing and the urgent need for a just transition and recovery from COVID-19. Survey respondents with self-identified expertise in energy highly prioritized the transition to an entirely renewable energy system (91 percent) and, relatedly, ending all fossil fuel subsidies (87.5 percent). Respondents identified that policy advocates are underprioritizing the end of federal fossil fuel subsidies, indicating an important role for advocates to play in the energy transition. Survey respondents with self-identified expertise in finance prioritize expanding postal banking (85 percent), limiting the level of ownership outside investors can have on community development projects (73.3 percent), and restoring legislation for a financial system that serves the needs of people, such as limiting bank size (68.3 percent). As regulating the tie between finance and fossil fuel interests becomes increasingly central to a just transition, advocates can frame consumer protections, like postal banking expansions, as climate solutions and further awareness of the connection between bank consolidation and ecologically risky investment.

Due to the ease of taking on ecologically risky investment, private banks are particularly egregious enablers and profiteers of fossil fuel extraction. Banks sit at the heart of the global financial system with over US$135 trillion on their balance sheets, almost half of all global assets.[115] Despite many promises and calls to action over the past years, big banks are increasing their fossil fuel lending over time. Since the adoption of the Paris Agreement in late 2015, thirty-five private banks have provided $2.7 trillion in lending and underwriting to the fossil fuel industry, with annual fossil financing increasing each year.[116] The top four spenders on fossil fuel financing are US-based banks: J.P. Morgan Chase, Wells Fargo, Citi Bank, and Bank of America.

The predominantly US-led bankrolling and militarized protection of fossil fuel interests has gone hand in hand with US disengagement from international efforts to challenge the global dependence on fossil fuels.[117] Getting to the root of the problem, the size of private banks—particularly those based in the US—gives them outsized, seemingly unshakeable power to continue operating under the status quo. Since the 2008 financial crisis, the biggest banks have continued to grow, and the banking sector in many high-income countries has been further consolidated by a few large players.

Given this entanglement between finance and fossil fuel companies, regulation of the finance sector itself is a critical step toward decarbonization. Policy advocates focused on finance, race, and consumer protections emphasize that consumer protections are a type of climate financial regulation because "the truth is people are consumers and people are on the frontlines of climate change." Regulating the actions of large private banks and halting this trend of banking sector consolidation is part of the process for "banks to internalize the risk of climate change in their balance sheets" rather than using their size to offset risks that are externalized to the public.

With public finance in particular, the federal government can take bold steps like making "long-term zero interest loans[118] available to all public sector borrowers" to combat the impact of predatory municipal bond markets.[119] This bold step is part of a vision for the federal government to support public banks that can orient money directly into greening critical infrastructure. The recent IRA proposal includes $27 billion in federal funding for such green banks across the country, with targeted carve outs for tribal and "environmentally disadvantaged" communities.[120] Regulation of private banks and federal public finance must ensure that "power [is] shifted back to democratically accountable public enterprises, to move rapidly toward a fossil-free world."[121]

Worker Power in Energy: Deep Democracy to Align Workers and Community

Implicit in the framing of the Green New Deal is the opportunity to bring the worker power wins from the 1930s New Deal into the twenty-first century, but this time including and uplifting the jobs held by majority Black, migrant, and poor workers that were excluded. The stakes are high, as US clean energy spending hit a record $78.3 billion in 2019, led by investments in wind and solar.[122] The current and anticipated green economy opportunities require intentional racial and economic justice planning, from worker training to supplier diversity to targeted place-based investments.[123]

In the early stages of transition, workers in the fossil fuel industry are canaries in the coal mine to anticipate risks to worker exploitation and displacement in the new economy.[124] Early trends show that work is needed to solve a geographic disconnect between where renewable energy jobs are being created and where fossil fuel jobs are being lost.[125] In addition, renewable energy jobs currently have lower rates of unionization than fossil fuel jobs.[126]

The failure to support and protect displaced workers is a microcosm of the broader absence of a meaningful social safety net for all workers and nonworkers. Mitigating these losses—lower wages, lower union density, and geographic disconnect between fossil-fuel and renewable-energy jobs—and providing replacement wages and benefits to workers, as well as tax revenue replacement to communities, are part of securing a just transition. But these needed changes are across the workers' rights landscape more generally.[127] Workers in the fossil fuel industry, impacted communities, and global citizens need the organizing and governing mechanisms to collectively bargain for a just transition from fossil fuels.

Still at the edges of the national energy transition conversation is the vision for public and community-owned renewable energy systems. Green solutions and clean energy investments have potential to repeat the patterns of unfair extraction and displacement.[128] Again, many calls to protect and advance worker power in the transition harken back to modernized versions of 1930s proposals, such as the cooperatively owned rural electrification projects financed and started during the New Deal. Maintaining truly democratic governing has been a challenge for rural electrification projects,[129] again signaling a risk to anticipate and prepare for as public and community ownership models enter the mainstream.

One driver of antidemocratic practice is the intentional racist exclusion of Black and Indigenous community members and workers in policy and practices of the cooperatives.[130] Modernized proposals call for public power programs that explicitly embed

VIEW FROM THE FIELD

Divest-Invest Organizing in Louisiana

Since 1983, oil and gas companies operating in Louisiana have been granted subsidies that total $12.6 billion.[190] The top recipient of fossil fuel subsidies is Cheniere Energy, a Texas-based oil and gas company.[191] The majority of the subsidies are granted at the state and local level in the form of property tax abatements and tax credits. While these figures illuminate the scale of the problem, the impact of subsidizing dirty industries like oil and gas, petrochemicals, and plastics is felt in the body.

In St. James Parish, Louisiana, a high concentration of industrial facilities have been poisoning local communities for years and causing some of the highest cancer risks in the country.[192] Most of these industrial facilities are located in low-income communities of color with primarily Black residents.[193] Rise St. James, a community-led environmental justice group, has centered the need to divest from fossil fuels nationally and locally in their organizing. Local experts and organizers note that fossil fuel and petrochemical companies are shifting an "oversupply of fracked natural gas into more throwaway plastic."[194] Most immediately, they call for the Biden administration to revoke a plastic factory's federal land permit.[195] The organization has also appealed to banks, asset managers, and insurers to divest from industrial facilities.[196] These appeals indicate how local organizers are navigating hostile political conditions at the local level and targeting larger, structural conditions of federal power and global capital.

The US is predicted to be the largest contributor to oil and gas production in the coming years.[197] Environmental groups call for the end of exploration and licensing of new oil and gas projects, export finance

Louisiana Bucket Brigade (included on image)

to enable projects overseas, and tax breaks and other subsidies for oil and gas exploration and production. In many ways, the first movers on these calls to action are outside of the US.[198] Such transitions must be managed responsibly and democratically. In particular, the case in Ecuador highlights the importance of starting with removal of entrenched subsidies for fossil fuel companies, rather than consumer-level subsidies.[199] Across major proposals for moving finance in better alignment with the urgency of the climate crisis, there is a central theme of democratizing control of banks, energy providers, and legal structures. Rise St. James' place-based organizing ties community education and power-building to such big visions of a finance system that makes ethical and strategic investment decisions that support healthy communities and a healthy planet.

commitments and governing power to communities of color and energy system workers.[131] In addition, new proposals for power-sharing in a publicly owned energy system require attention to rural and urban communities as mutual beneficiaries, rather than producer and consumer.[132]

New proposals embed democratized administration and decision-making through “multistakeholder boards,” in which workers, community members, and elected officials work together to most effectively govern energy, rather than the 1930s hierarchical (lack of) representation.[133] More robust representation and regular participation make space to center local needs, from workers’ rights in transitioning from coal-fueled electricity to affordable utility rates for the community. Across new models for delivering renewable energy, care services, or food access, the theme of deep democracy is consistent: the federal government’s actions in the crosscutting areas of worker and democratic power must reflect this priority.

Recommendations

Across the sectors we identified as most vulnerable to economic and climate crisis, we noted consistent gaps in aligning federal policy to the reality of local needs:

- Policy and regulation on the books is a start, but enforcement mechanisms—both carrots and sticks—must be strengthened
- Investment in new frontiers must be complemented by targeted, reparative investment for those who have been left out in past and contemporary federal policy: farmworkers, care workers, Black farmers, student and medical debtors, environmental justice communities
- Federal policy and philanthropic investment can be a tool to help build countervailing power[134] held by membership-based organizations, like formal labor unions, worker collectives, and community power-building organizations
- Corporate-led social responsibility dampens the possibility for cocreation between workers, the business, and community; worker-led models are successful and offer principles to transform the existing field of corporate social responsibility and environmental, social, and corporate governance

We close this report with recommendations shaped for different audiences to identify their role in building and achieving a federal policy agenda that addresses these gaps.

For Federal Government

1. Intervene at the level of corporate influence, particularly changing the rules of lobbying, campaign finance, and taxation, to unlock opportunity for membership-based organizations and local organizers to build power

Corporate influence over policy-makers and in the creation of labor law, trade policy, and tax policy was a major theme across interviews and a high priority of survey respondents. The failure to tax corporations globally has spillover effects that distort entire markets. This lack of attention to global wealth hoarding causes distortions in markets of services essential to life, such as health care and housing. Private equity firms benefit from lax regulations and preferential tax treatment that cut across industries, such as the lack of a global corporate tax scheme and underattention to tax loopholes.

The explosive trend of private equity investment in the housing rental markets and in health-care services are telltale signs of the impact of failing to tax and regulate wealth globally. Private equity investment in health care has grown dramatically over the last decade. Estimated annual deal values have gone from $41.5 billion in 2010 to $119.9 billion in 2019, for a total of approximately $750 billion over the last decade.[135]

Money in politics—in the form of corporate lobbying, campaign contributions, and the revolving door between government and private equity firms[136]—is part of creating these favorable conditions for private equity. Together, these preferential political conditions and the market conditions of the COVID-19 pandemic have left private equity firms flush with cash reserves to swoop in at times of crisis.[137] In addition, the increasing influence of money in politics blocks regulatory power that is essential to strengthening worker and community power.

Certainly, long-term changes in constitutional law regarding corporate citizenship and free speech rights can make productive changes in this respect.[138] Supreme Court reform can also promise a longer life of any congressional action that may be implemented. Pursuing this line of change is necessary for many other systemic changes. There is congressional action that can address the "revolving-door" pattern. There can be an outright ban on staffers or members of Congress taking jobs in the lobbying sector. There can be bans on holding stock in companies that are directly impacted by pending legislation. In a similar spirit, one of many different models of public financing for elections can be expanded. There are also legislative options that can address corporate monopolistic power.[139]

2. Strengthen enforcement mechanisms and include both incentives and disincentives for complying with legal requirements

Enforcement is a major gap across industries. There is a decades-long history attached to the narrative of the "regulatory state" and the concern with its ostensible "growth." It has been filled in part by similar discourse inspiring policy that is designed to narrow the role of the state and expand the influence and role of the private sector in governing the lives of individuals. However, the regulatory capacity of the US government is the primary means through which legislation can be enacted.

For example, the Internal Revenue Service (IRS), the enforcer of tax law, is underfunded, and advocate respondents believe IRS reform should be a greater priority. Congressional funding creates the material conditions under which the IRS "appl[ies] the tax law with integrity and fairness to all" as its mission describes.[140] Currently, increasing attention is drawn to whether or not—or to what degree—the IRS fails its mission by contributing to conditions that leave room for private for-profit firms to abuse or exploit tax rules to their own advantage.[141] Furthermore, it has been suggested that the IRS can make demands upon private employers in exchange for particular tax subsidies, which would enable greater room to create tax reform that enables rather than deepens racial inequalities.[142] For example, "in exchange for tax subsidies applicable to [employee] retirement accounts, private employers should be required to publish information on all aspects of retirement accounts by race and ethnicity" and to execute rules that are thought to deepen racial inequalities," or "'nondiscrimination' rules [can] be expanded to include rules requiring no racial gap in participation rates."[143]

Furthermore, it is through this process of regulatory action and documentation of policy enactment that remedial legislation or rulemaking can occur. Interviewees who focused on finance sector regulation and consumer finance point to the role that deregulation, financialization of the economy, and the decline of labor[144] have played in both entrenching corporate power and in indebting consumers and workers.

3. Address the runaway power of labor law exemptions and be proactive about emerging trends, such as the return of piecework as gig work across industries

Even in instances where there is actually strong law on the books, such as some elements of labor law, enforcement is minimal or the enforcing agency is underfunded. Across care and agribusiness industries, we heard from survey respondents that the federal government's role in enforcement and regulation of worker protections is a key area of intervention. Relatedly, 21 percent of respondents with expertise in agribusiness indicated that harm to workers is the second-highest priority for measuring the harms of concentrated power in the agribusiness industry.

In the agribusiness industry, interviewees noted several areas where setting national standards would transform worker conditions for the better, such as Occupational Safety and Health Administration (OSHA) introducing a national heat stress standard and a national standard for the use of chemicals in poultry plants, rather than just requirements to educate workers on the chemicals. Interviewees also noted crosscutting areas where federal agencies' enforcement capacity is diminished, such as exemptions like an appropriations rider that exempts small farms from regulation and enforcement. This exemption compounds with the structural problem of farm labor contracting, as an interviewee in worker-driven organizing explains: "the Appropriations Rider that bars OSHA enforcement of health and safety on small farms, together with the model of employment and farm labor contracting, make labor standards enforcement very difficult." As in historic practice, these exemptions have racialized impacts; the small farm exemption disproportionately affects racial and ethnic minorities, who make up 69 percent of all farmworkers.[145]

Exclusions from labor law have effectively maintained racial and gender hierarchies, going back to excluding domestic workers and agricultural workers from the 1930s National Labor Relations Act and exempting piecework from minimum wage protections in the Fair Labor Standards Act, impacting many workers in the garment, construction, and agriculture industry.[146] The rise of automation, with its ironic dependence on human labor to operate, and a highly financialized technology sector have reanimated corporations to create precarious labor arrangements and fissure workplaces.[147] One major example is the use of digital gig work arrangements to misclassify workers as independent contractors to exempt them from minimum wage or overtime requirements, benefits coverage, and the right to collectively bargain with coworkers. The legal fights have thus far been situated at the local level,[148] but proposals are emerging at the federal level[149] to constitute a new gig work classification that exempts the growing number of gig workers from the protections of formal employment.

4. Shape and continuously monitor reparative policies, in addition to new investments

The federal government's emphasis on new investment, particularly publicly financed investment, has its success stories. However, there was a consistent theme of the failure to address past harm and invest in reparative policy. Analyzing the historic trends that create the need for repair and reparations, a racial capitalism analysis points to the endemic nature of sacrifice zones and worker exploitation in today's political economic system. One interviewee with specific expertise in race and the economy emphasizes that solutions must engage the reality that "the capital system at large requires extraction and...globally, people of color are where you extract from. That's the easiest target for extraction because of the history of white supremacy, structural racism, lasting impact and so forth."

This analysis bears out in our interview and survey data across sectors. A total of 87 percent of respondents with self-reported expertise in agribusiness prioritize the creation of land stewardship programs for Black and Indigenous farmers. This priority is further emphasized by an interviewee focused on debt cancellation and restorative land justice for Black farmers. The juxtaposition of investment for some and extraction or austerity for others was emphasized in the example of Black farmers' inability to participate in USDA subsidy programs due to "the unconscionable debt that has been an albatross on their neck since the disastrous implementation of the Pigford v. Glickman class action racial discrimination lawsuit in 1999." Large investment pools, such as the $30 billion CCC fund,[150] "ha[ve] been used to undergird and support White farmers mostly at the exclusion of Black farmers and other farmers of color."[151]

The case of debt cancellation for Black farmers exemplifies the challenge of the moment: race-specific debt cancellation has been legally challenged as unconstitutional,[152] and race-neutral programs are not meeting the needs for repairing historic and contemporary harms.[153] The legal challenges to race-based policy-making are significant, as demonstrated in our Structural Racism Remedies Project: "the Supreme Court has gradually and narrowly construed the Constitution to generally prohibit race-based policy-making."[154] And these legal challenges are sown from deeper roots that will have to be untangled. The challenge to reparative policy is rooted in how reparations challenges white identity and power to be centered in the story of nation-building.[155] In the case of Black legacy farmers, the right-wing reactions to the Pigford settlement tie to a long project[156] of undermining public investment in Black communities as "wasteful" or "fraudulent"[157]—a claim spared when subsidies are used to favor white farmers.[158]

Across the country and across the globe,[159] advocates and governments are identifying strategic approaches to secure the reparative investments that can make communities whole. The coming years will require careful study of successes and lessons learned in navigating the legal and narrative waters.

- **Permissible targeting:** As one example, a targeted universalist approach attempts to address legal and narrative challenges by naming the universal goal and identifying the targeted interventions that would move each group toward that universal goal. In creating race-conscious programming under a targeted universalist framework, our research acknowledges that much effort and intentionality is required to operationalize "the policy or program [so] that it is capable of surviving judicial review."[160] Alternatively, race-conscious policy that does *not* use racial classifications—or is race-neutral—is constantly being attempted,[161] at times successfully and at times unsuccessfully.

- **Rigorous evaluation:** Key to genuine learning is rigorous "evaluation, monitoring, and adjustment."[162] In the case of debt relief for "distressed farmers"[163] in the IRA, the USDA is not releasing racial demographic data[164] to understand disparities in how relief is being distributed to 20,000 farmers.[165] In good faith, this choice obstructs the opportunity for policy-makers to learn from policies that use proxies or indicators that correlate with race (such as income, wealth, or zip code). In bad faith, this choice obstructs the power-building of Black farmers and advocates to be armed with the data to inform present-day policy-making and to make future claims in the ongoing fight for justice.

- **Long-term outcomes and full-system thinking:** As part of rigorous evaluation, reparative policy must account for long-term outcomes, rather than viewing settlements and new investments as one-time, definitive ends to systemic issues. In the case of Black farmer debt, farmers and advocates lobbied policy-makers to remove the tax liability for distressed farmers for the assistance provided in the IRA.[166] This long-term thinking reflects the understanding of racial disparities embedded in the tax system,[167] as one example of full-system considerations for reparative investment.

For Policy Advocates and Organizers

1. Identify and advocate around multiple roles for the federal government: standard setter, subsidizer, buyer, and enforcer

Though not comprehensive, our survey and interview research focused us on four key roles that the federal government can play to incentivize actions that either harm or help the public good. We outline these roles as a tool for policy advocates to shape messaging, campaign, and coalition-building work related to federal policy advocacy.

Standard Setter: Through legislation and regulation, the federal government makes the rules of the game. These rules are heeded through government legal enforcement and through the government using its buying power. Interviewees from a worker-driven organizing perspective identify that when the US federal government sets a higher baseline of standards, it reinforces the worker-informed standards that programs like the FFP enforce through market consequences.

Subsidizer: Government subsidies play a significant role in shaping market behavior. In the energy sector, ecologically destructive extraction projects, which continue to be concentrated on land inhabited by communities of color and Indigenous communities globally, are currently fueled by subsidies and other public finance mechanisms. In agribusiness, the current subsidy framework incentivizes business interest in ecologically risky investments, such as CAFOs.

Buyer: While regulation and enforcement is a major role to step into, interviewees also indicated the substantial procurement power of the federal government to not just *avoid* buying from labor law violators, but to proactively seek out producers

Standard Setter

Through legislation and regulation, the federal government makes the rules of the game. These rules are heeded through legal enforcement and through the government using its buying power.

Subsidizer

Through tax breaks, tax credits, and direct payment, the federal government can incentivize other large players to engage in actions that harm (fossil fuel extraction, CAFOs) or help (land rematriation, clean energy) the public good.

Buyer

Through procurement of food and services and the direct payment of public programs (Medicaid), the government shapes market conditions and standards with its significant buying power.

Enforcer

Through legal action and well-funded investigative capacity, the federal government enforces the regulation and standards set through the rulemaking process.

that go above and beyond and set new standards for the industry. "One of the reasons [the Fair Food Program] is so successful is because it takes account of market realities and the extreme amount of power to determine conditions down the supply chain that those who purchase products from the employers have and seeks to be realistic about the fact that that's where the greatest amount of power lies... how can the government use [its] market power to do things similar that private sector purchasers have done?"

A similar logic can be applied to the federal government's role as a major spender in the health-care sector. In the current care sector, public dollars are often funneled directly into profits for the private health-care sector: public funds are used to compensate hospitals for their reported costs of uncompensated care,[168] and the federal government pays for research and development that fuels massive profits for increasingly financialized pharmaceutical firms and their shareholders.[169] This spending power could be better used to set new, sector-wide standards toward the public good.

Enforcer: The federal government's enforcement capacity was a significant gap identified across sectors. As the largest player in many ecosystems vulnerable to crisis, the federal government could step up to regulate disorganized networks of employers, contractors, and administrators, but to date, the public sector's regulatory capacity has been stunted in certain sectors.[170]

2. Worker protections, especially those developed from worker-driven organizing, are a key area for federal intervention and industry-wide standard setting

Survey respondents with expertise in care also highly prioritized worker protections and investments for care workers, such as including care workers in all labor law protections, funding training, loan forgiveness, and scholarships for care workers, and creating a permanent OSHA safety standard for infectious diseases for all care workers. In the care industry, OSHA has not yet made permanent the emergency temporary standard for COVID-19 protections for health-care workers, an example of an area where the federal government's crisis response is crucial to protect workers.[171] The failure to intervene can be attributed to corporatization of health care, corporate capture of the regulatory landscape, and the racialized and gender nature of care work.

Interviewees, particularly those working in labor organizing and worker-driven social responsibility, noted that they value worker-led interventions primarily because they apply across care and agribusiness. But the interventions created by workers from the bottom can be bubbled up as standards for federal application. One example is through the worker-driven standards included in the FFP, which could be adopted across the industry and in some cases exceed today's labor standards or provide enforcement of basic legal and human rights. Similarly, unionization, which spiked during the pandemic, is another avenue to create work standards in more "accessible and speedier" ways than enforcement agencies and the courts may provide.[172] These are bottom-up approaches that eventually build the evidence and political will for industry-wide standards. They also noted that federal regulators, like OSHA, should find ways to include both penalties *and* rewards in their enforcement schemes.

Advocates can similarly shape their advocacy around these various roles and realities of both federal government and market behaviors. For instance, One Fair Wage is an advocacy and member-based organization focused on service worker conditions. The organization advocates to change foundational legal working standards, like eliminating the subminimum wage in several states[173] while also shaping market conditions through the development of "high-road restaurant" standards.[174]

3. Work directly with grassroots organizations with membership bases to build power and prioritize federal policy interventions that strengthen membership organizations

Several interviewees expressed the challenge of engaging in resource-intensive federal policy advocacy while also emphasizing the importance of scaling successful local interventions. Put bluntly by some: "We're never going to organize more money than the other side…[but] we can organize people." This project is grounded in the belief that federal policy can be strategically used to strengthen local interventions. Across new models for delivering care services, food, or renewable energy, the theme of deep democracy is consistent: the federal government's actions in the crosscutting areas of worker and democratic power must reflect this priority.

Interviewees point us to the strategic value of member-based organizations—from tenants unions to workers unions to commuter organizations—to build power and engage in popular education on the policy-change process, inclusive of but not limited to voter mobilization. In addition, federal policy interventions can be prioritized based on their ability to expand organizational power in decision-making forums. Despite popular support for campaign finance reform, much of law and policy enabling the corporate influence over money is challenging to overturn due to entanglement with the Supreme Court and dominant interpretations of constitutional protections.[175] But there are new frontiers for elevating the role that individual and member-based organizations have in the workplace and in the civic process. The rebuilding of basic workers' rights is a first step toward creating worker power that can truly counterbalance outsized corporate power.

Survey respondents' top future strategic priority is to expand the right to unionize and collectively bargain (97 percent). Recent work furthers the point that organizational power of the grassroots is effective[176] and that well-designed law and policy can support these formations and possibility for uptake in other states and at the federal level.[177]

4. Reframe policy fights under the mantle of planetary health

Our findings suggest that a planetary health framing can be powerful to animate action and to connect various movements and policy platforms. Planetary health featured strongly in our findings. We found that planetary health[178] is central to respondents' narratives on addressing concentrated corporate power, followed by harm to democracy, workers, and human health. Additionally, over half of respondents (65 percent) with energy sector expertise believe planetary health is the top indicator to measure the harms of concentrated corporate power in the fossil fuel economy. Nearly half of respondents (49 percent) with tech-sector expertise believe concentrated technological power is most harmful to democracy. In interviews, policy advocates with expertise ranging from consumer finance to land rematriation found connection to the climate crisis in their work.

We see additional benefits that should be further studied and tested. Does this reorientation help to break out of traditional antitrust models that overemphasize competition? Expert respondents to our survey indicate that harm to democracy is the most significant harm caused by concentrated technological power, compared to more popular arguments of tech firms' harm to fair competition. Does this reorientation animate action outside of protectionist or nationalist solutions? What does a policy and advocacy strategy look like that addresses the democratic threats posed by technology rather than ostensible claims of its threat to free market competition?

There is opportunity to expand both advocate and popular understanding of the global nature of corporate power consolidation. Testing a planetary health framework and the framing of all policy decisions as having glocal (global and local) impacts is a next step for our future research and applications.[179] As we explore, care economy dynamics inspire new economic thinking required to conceive and plan economies oriented to provide care for the planet and people—planetary health—rather than the current capitalist markets that are dysfunctional for planetary health.

For Philanthropy

1. Create durable relationships that enable grantees to fully share their immediate goals and long-term aspirations

This work can include understanding the full areas of activities of grantees and their assessment of what is needed to achieve their vision of structural and systemic change. This exchange of information and the trust grantees may feel to share their full set of aspirations and immediate programmatic goals can be inhibited by a siloed approach to grant making, exclusive short-term project-based funding, or narrowed grant making with priorities changing over time. The effort to transition this type of change is articulated in different aspects of philanthropy models, including "social justice,"[180] "trust-based,"[181] or "liberatory or resource" philanthropy.[182] The work of this type of philanthropy is also consistent with a growing interest in integrating targeted universalism[183] into philanthropic practices and design.[184]

2. Leverage financial and social capital in leverage for durable change and learn lessons alongside grantees

Philanthropy expanded at the time when government support for social services were being rolled back. The nonprofit social services sector had been dependent on federal support but that support dramatically decreased and philanthropy become an alternative source of revenue. The increasing role of the private sector was encouraged in the 1980s to offset the effects of federal budget cuts. This was accomplished through a series of policy decisions that moved many public services into the domain of private institutions—non- and for-profit corporations—leaving philanthropy to play an important factor in providing these social services.

Philanthropy can also play, and has played, a role in supporting structural and systemic change. Within the boundaries of not-for-profit organizations, philanthropy can fund programs that go beyond the provision of direct services or can make use of resources at their disposal beyond financial support. This can require an examination of what type of programs or projects grantees raise as priorities, what types of activities are funded, and thoughtful uses of resources a foundation has at its disposal beyond finances. Julia Coffman has used the following table to lay out one way to consider the role of a foundations to inform public policy grantmaking.[185]

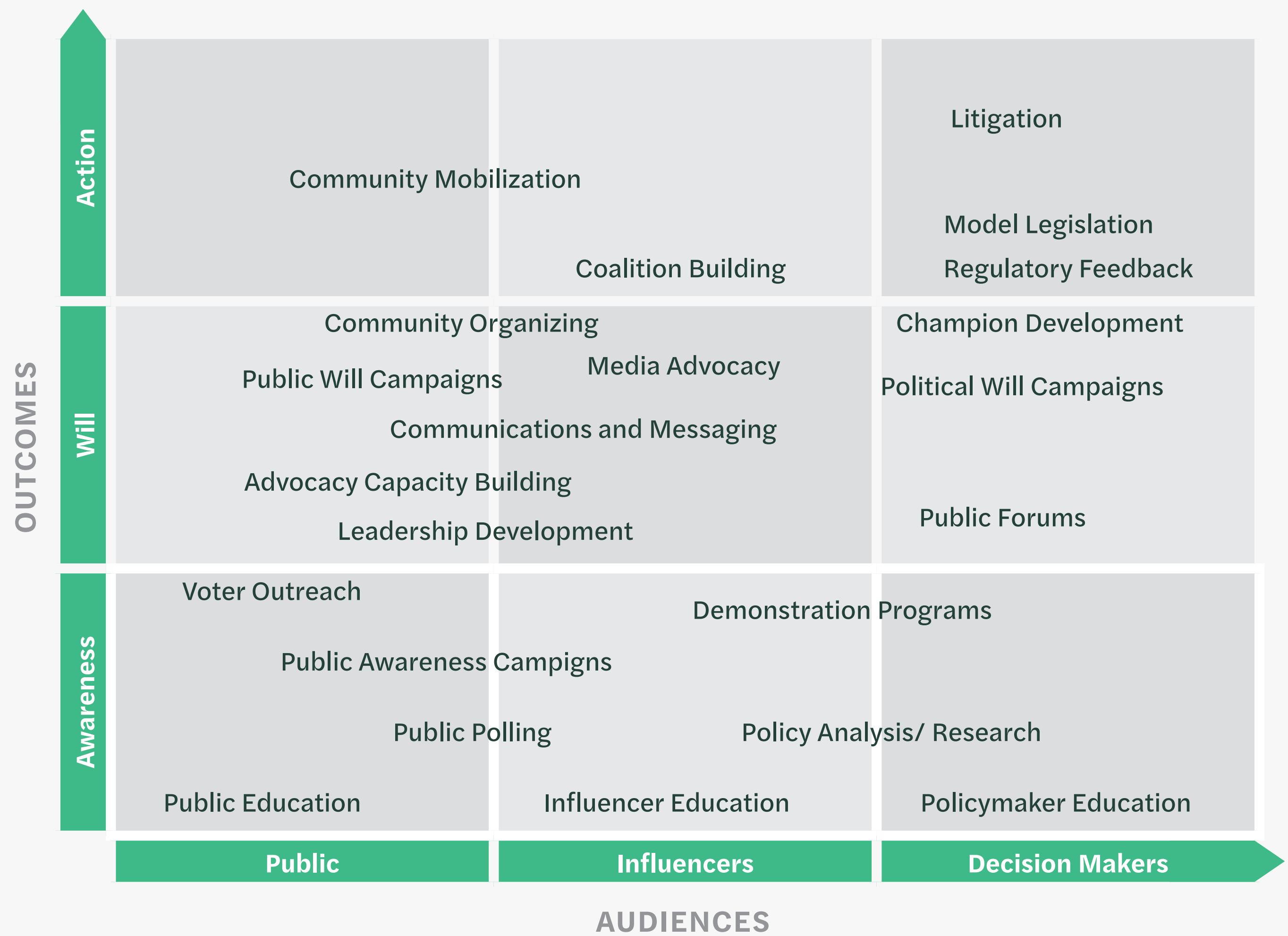
Grantees can demonstrate great success and yet rely on other policies or programs to really scale up what they are building. This means that a foundation can assess not only the evaluation of a particular grantee, but the broad ecosystem in which the foundation itself works. Bringing more resources to the table may enable a foundation to promote an effective grantee strategy—and change the environment in which that work unfolds. For example, in the case of organizing in the meatpacking industry, organizers are up against stringent "right to work" and anti-immigration laws in states like Arkansas and North Carolina. While a foundation isn't able to lobby for a piece of legislation many institutions—philanthropy included—shape complex dynamics of popular and political will.

Philanthropy may need to invest complimentary organizations or services that can indirectly support a grantee work. For example, in one example from our interviews one corporation targeted by their organizing used its corporate foundation to fund a number of charity programs in the community. This makes their work more difficult since some community members see the corporation as serving the community, when in fact they are creating the need for charity in the first instance. Foundations can offset the effect of deliberate strategies that make grantees' work more difficult—and great care should be taken to enable grantee-funder relationships have a trust relationship to be partners.

Grantees that connect directly with impacted groups—for example, environmental justice communities, renters, or industry workers—can instruct foundations on what additional steps may be taken to further the grantees work and shape the contexts in which they work.[186]

Seeking structural and systemic change frequently features within the mission of foundations or initiatives supported by its resources. Innovative, technically correct solutions and political influence are

Framework to inform public policy grantmaking



Source: Julia Coffman, *Foundations and Public Policy Grantmaking*, James Irvine Foundation (March 2008), 6.

required to change structures, build new ones, and realize cascading systemic effects. Critical assessment of past attempts is necessary to align federal policy to local needs or pursue successful strategies that federal policy is unable to influence—either by excluding or failing to enforce worker protections. Foundations should reflect on the portfolio of programs and identify their history of supporting structural change strategies that target groups who are democratically defining problems and solutions—structural solutions.

The Atlantic Philanthropies' "big bets" approach is an example of expanding resources beyond finances. Their funding and support of the Health Care for America Now supported areas of Coffman's chart that were influential in public education and organizing related to the health care debates surrounding what became Affordable Care Act. The Raikes Foundation's BELE Network takes another approach to grantmaking that is impactful in ensuring that strategies are research-based and locally tailored to meet immediate needs. The foundation brings a network of practitioners together and learns alongside those partners to share research-based strategies and also experiment with strategies that are working best in their own schools and classrooms. Taking direction from network members "on the ground" in school administration and classrooms, the foundation was able to understand what additional resources would enable this work to spread within their local sites, within the network, and beyond. Network relationships enabled a clear understanding of how to scale up effective urgent strategies and brough to the table a full set of resources, including but not limited to financial support.

3. Provide grants to promote expansion and experiment with successful structural change strategies—and provide any additional support necessary to enable impacted groups lead in implementation and evaluation

One example is the prevalence of MSIs, a type of voluntary arrangement between large civil society organizations and corporations to draft codes of conduct and create industry oversight mechanisms. These initiatives originate with civil society organizations that lead the diagnosis of structural and immediate problems in labor protections or supply chains more generally. It involves stakeholders with varying incentives for voluntary participation, ranging from reputation-laundering to genuine interest in new ways of protecting human rights in a globalized economy. A recent study of MSIs reveals their ineffectiveness in meeting the governance gap left behind from federal government inaction or its reach that is limited by global trade agreements.[187] The primary reasons that researchers highlight is 1) the failure to center rights holders, such as workers and frontline communities, and 2) the inattention to the entrenched incentives of the corporate form. This suggests that to remedy some abuses, the corporation itself is a target because its prerogative has exceeded the rule of any particular nation-state.

Our policy landscape scan presents an inventory of possible legal and policy interventions to change the rules that govern the corporate form at varying scales and levels of governance, which represent the entanglement of governance at the global, state, and local level, or "glocal"—a term we borrow from other literature. These interventions include the ISDS system or the limitations on corporate ownership of essential infrastructure, and the rules that build countervailing power to the corporate form, such as collective bargaining rights and expanded political representation. The MSI study notes that "worker-driven" models are "growing and may displace MSIs in the medium to long term."[188]

In line with this prediction, interviewees—particularly those focused on labor organizing and worker-driven social responsibility—emphasize worker-led interventions and note that enforcement of workplace conditions defined by workers backed up by market enforcement mechanisms can fill the gaps of existing federal labor protections or enforcement of existing protections. One example is through the worker-derived standards included in the FFP, which could be adopted across the industry and exceed today's workplace and human rights protections in some areas, as well as including a swift mechanism for enforcement and access to remedy.

When asked about the role of federal policy, interviewees in worker-driven organizing say that "the most important public policy interventions, given the failure of government enforcement to this point, will be for public policy to find creative ways to drive employers into worker-driven social responsibility programs." Similarly, unionization, which spiked during the pandemic, is an avenue to shift workplace standards and build worker power in more "accessible and speedier" ways than enforcement agencies and the courts may provide.[189] These are bottom-up approaches that eventually build the evidence and political will for industry-wide standards. They also noted that federal regulators, like OSHA, should find ways to include both penalties and rewards in their enforcement schemes.

In terms of the role of philanthropy, interviewees believe that "those who want to see the federal government do more should think about how it can strategically support the solutions that workers themselves have created and that are working now to help them scale." Philanthropy can step up to fund the expansion of worker-driven models to new industries, such as the emerging process of applying the WSR model to poultry workers. Interviewees indicate high interest in the success of WSR models, but a concern that powerful institutions are trying to fast-track new programs without consulting the original creators or the worker-driven efforts to expand such models, which will inherently move slower. New programs attempt to set the same standards as those included in the FFP's Code of Conduct, but without understanding the importance of strong, legally binding enforcement mechanisms. One interviewee notes:

> What I've seen more is a lot of people want to create their own programs. They want to talk about how to protect workers...but they are not really understanding the dynamics that existed before the pandemic between organizations, between the union, between the government.... Whenever you get excited about an issue, you want to do it because obviously you care about it but you don't even do the homework of learning, or connecting with the people that have been on the ground for years.

Philanthropic partners can fund efforts to expand this shared learning. Given the urgent need for creative interventions across many industries included in our research, another role may be to support the translation of worker-driven standards in the agricultural and garment industries to healthcare and technology industries.

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