



**NYS Senate Hearing:
Diversifying Agriculture and Addressing Food Justice Alongside
Continuing Inequalities on our Food Systems**

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**Using the Good Food Purchasing Program as a Tool to
Achieve Racial Equity & Justice in the New York State Agriculture Sector**

To the Chair of the New York State Senate Agriculture, Labor and Social Services Committees,

I, first and foremost, want to thank you all for bringing us all together for this hearing to discuss concrete methods to transform and truly diversify agriculture. I am speaking here today as the Director of the NYC Good Food Purchasing Program Campaign, and in partnership with colleagues here in NYC, in Buffalo and in cities and states across the country advocating for the adoption and implementation of a values-based approach to public food procurement, as well as Black Farmers United. A truth that may be known by many but that needs to continually be centered in the State's work to diversify agriculture is the acknowledgement that the history of our agriculture sector in our State and in our nation is one that is rooted in a deep legacy of both intentional and inadvertent inequity and injustice. A legacy that has woven itself into how our local, regional, national and global food systems are structured to this very day. It is precisely due to this history that a hearing of this nature is not only helpful but necessary to the survival of our agricultural industry and the place that BIPOC (or Black, Indigenous, and People of Color) food producers have within it. Within this, we also know New York State also holds a legacy of progressive approaches to policy. Today, we have a unique opportunity before us to transform the way that public institutions use taxpayers' dollars to systematize racial justice and meet myriad labor, nutrition, local economy, environmental sustainability and animal welfare goals through the Good Food Purchasing Program.

The Good Food Purchasing Program is a framework to accomplish just that. The Program provides an opportunity to address racial inequities through every link in the food chain – from the farm to the consumers of food provided by government agencies. COVID-19 has shone a tragic light on our nation's long-standing health disparities as well as critical vulnerabilities in the food system. It has been revealed that meeting both the emergency and sustained feeding needs of communities throughout New York State can be addressed through a strong and diversified food economy that can pivot more quickly in the wake of any disaster. Our state's BIPOC food producers are an essential component of our supply chain and we must strategically

create avenues that disrupt the procurement barriers that have made it challenging for them to access institutional food contracts.

The Good Food Purchasing Program ultimately aims to, on one hand, hold large vendors accountable to better practices, while also ensuring that small and historically marginalized BIPOC farmers and food producers have more pathways and opportunities to contract with our public agencies to feed their communities. We were also pleased to see approaches to implementing the Good Food Purchasing Program in NYC's 10-year food plan, Food Forward NYC.¹

Many of my colleagues and partners who have spoken before me have very clearly laid out strategies that would support values-based food procurement and I'd like to quickly take a moment to discuss State Procurement Law.

As outlined by the New York State Office of General Services, New York State's procurement laws are structured so that they '*ensure fair and open competition; guard against favoritism...fraud and corruption; ensure that the results meet agency needs; and protect the interests of the State and its taxpayers.*'² Of particular interest to us is NYS General Municipal Law §103 (GMU §103), which broadly governs procurement for goods and services. This law requires that any purchase contracts over \$20,000 that go through a public agency (both on the municipal and state levels) must inevitably go through a competitive bidding process in which the contract must ultimately be awarded to the 'lowest responsible bidder' that can offer the 'best value.' Best value, as defined by State Finance Law §163 indicates that quality, cost and efficiency, together serve as the primary indicators of a 'responsive and responsible' contractor.

We must also contend with the reality that MWBE provisions alone (or Minority and Women owned Businesses and Enterprise certification systems) will not adequately infuse our agricultural industry with our racial equity principles. While many BIPOC food producers might be interested in not only winning what could be very stable and reliable public contracts, but also supplying food for their communities through public agencies, state procurement laws as they are currently structured make it incredibly difficult and, too often, impossible for them to even consider responding to public food bids. Mega agribusinesses are usually more equipped to provide a lower price point for goods for public agencies which oftentimes make more viable candidates for public contracts. This is not a coincidence.

Ultimately, and understandably, the State wants to ensure that public monies work for the benefit of the taxpayers. However, I'd challenge us to consider what it would mean for our State to examine creating pathways for BIPOC food producers to be able access institutional markets as a means of working towards meeting the public interest. While a cost-benefit analysis might appear to be easier in the case of the acquisition of a school bus, for example, where efficiency and quality might appear to be more straightforward to quantify, I believe that it would behoove

¹ Food Forward NYC: A 10-Year Food Policy Plan; <https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/Food-Forward-NYC.pdf>

² NYS Office of General Services: New York State Procurement Guidelines; <https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

us to ask ourselves what values, with regards to our food system, do we, as a State intend our public dollars to be utilized for?

We suggest that, in order to implement significant change and to create more pathways for BIPOC food producers to be able to access institutional contracts, New York State should undoubtedly amend state procurement laws to expand municipal and state procurement flexibility and work alongside BIPOC farmers & food producers, advocates and our partners, the Chair of the Finance and Agriculture Committees, to creatively address this major barrier in institutional food procurement. This would not only improve our procurement processes right here in the State of New York, but would also serve as a proof of concept for states across the country that are contending with similarly restrictive procurement laws. I'd like to also lift up that these suggestions are in alignment with the "9 Solutions for Racial Inequity in New York Agriculture," which was developed by Black Farmers United - New York State.

Lastly, I'd argue that municipalities across New York State and our State as a whole have not only a political and economic – but also a moral – obligation to use our tremendous purchasing power to meaningfully diversify our agricultural sector. Effective policy is honest policy. We have so much to gain and absolutely nothing to lose when we transform our policies to better reflect the values of our community.

I sincerely thank you all, the Senate Committees before us, for your time today and we look forward to speaking further with you about transforming NYS procurement law as a means to support the diversification of our State's agricultural sector and the creation of more pathways for BIPOC food producers to feed our communities across the State through public agencies.

Ribka Getachew,

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