



NEW YORK STATE SENATOR

Michelle Hinchey

## Senator Michelle Hinchey Bill Creates First-In-the-Nation Equity and Sustainability Framework for Municipal Food Contracts

MICHELLE HINCHEY November 30, 2021

| ISSUE: **FOOD PROCUREMENT**

| COMMITTEE: **AGRICULTURE**



### Hinchey Bill Creates First-In-the-Nation Equity & Sustainability Framework for Municipal Food Contracts

**ALBANY, NY** – Senator Michelle Hinchey (SD-46) today announced legislation ([S.7534](#)) that would make New York the first state in the nation to establish a food procurement system encouraging public institutions to direct their buying power toward businesses that represent core values, which can include environmental sustainability, racial equity, fair labor practices and pricing for farmers, local economic benefit, nutrition, and animal welfare. The companion bill in the Assembly is sponsored by Majority Leader Crystal D. Peoples-Stokes.

New York's food procurement laws, which are among the nation's most restrictive, have not been updated since the 1970s. Local governments and public institutions, including schools and child care centers, hospitals, shelters, and senior centers, must currently choose the lowest responsible bidder when making food purchasing decisions and are unable to take into account any further criteria.

Hinchey's bill will finally give public institutions in New York State the opportunity to award a contract to a qualified bidder that is no more than 10% more expensive than the lowest responsible if the bidder can satisfy at least one of the seven proposed criteria as described below:

1. **Environmental Sustainability:** Sourcing from producers that employ sustainable practices to improve soil health and carbon sequestration; conserve on-farm energy and water; reduce food waste and greenhouse gas emissions; reduce or eliminate synthetic pesticides and fertilizers; protect and enhance wildlife habitats and biodiversity, and more.
2. **Racial Equity:** Opening pathways for Minority and Women-Owned Businesses (MWBE's) and farmers to access institutional contracts.
3. **Fair Labor Practices:** Ensuring that food suppliers respect and protect workers' rights to organize and bargain collectively for better wages and conditions.
4. **Local Economic Benefit:** Sourcing products whereby 51% of the raw agricultural materials have been grown, harvested, processed, and manufactured in New York State.
5. **Fair Price for Farmers:** Supporting suppliers that pay farmers a fair price for goods using USDA pricing standards.
6. **Nutrition:** Prioritizing purchase of healthful foods that promote well-being, namely products comprised of whole grains, fresh and minimally-processed fruits and vegetables, whole plant-based and lean proteins, and essential fats (including nuts, seeds and fish).
7. **Animal Welfare:** Promoting humane treatment of farm animals by sourcing from farmers who prohibit intensive confinement and provide animals with enough space and

enrichment to carry out natural behaviors, as illustrated by their participation in an independent animal welfare certification.

“My bill is a blueprint that empowers public institutions to fundamentally change the way they feed New Yorkers, by supporting values-driven farms and food businesses, and in turn, routing our tax dollars through local economies, strengthening a circular food system,” **said Senator Michelle Hinchey**. “This bill establishes a paradigm to revolutionize New York’s food procurement practices that will increase business opportunities for historically marginalized vendors, reward climate-forward farming, revitalize local economies, improve the health of everyday New Yorkers, bolster the economic position of small farmers, and enhance the quality of life for workers across the supply chain. I’m proud to sponsor this nation-leading legislation, which will allow our schools, hospitals, senior centers, and other public institutions to choose food suppliers who meet their values. We’ve built a diverse coalition of supporters behind this bill whose strong advocacy I am incredibly grateful for, and I look forward to advancing this inventive piece of legislation with Majority Leader Peoples-Stokes in our next session.”

**Assembly Majority Leader Crystal D. Peoples-Stokes said**, “This important legislation brings equity, sustainability, and high quality nutrition standards into New York’s food procurement laws. Moving beyond lowest responsible bidder through the Good Food Purchasing Program makes sense for New Yorkers and will provide nutritious, environmentally friendly food options to people in many communities that have historically been underrepresented and undervalued in this area. I am pleased to partner with Senator Hinchey on this groundbreaking legislation.”

**Senator Liz Krueger, co-prime sponsor of S.7534, said**, “By focusing only on the lowest bid to the exclusion of all other considerations, New York’s food procurement practices have been penny wise but pound foolish. By including a much broader value proposition when considering bids, we can make our tax dollars go even further, building on a triple bottom line for our state that includes our small businesses, our shared environment, and our people. I thank Senator Hinchey for introducing this nation-leading bill, and I look forward to working with my colleagues to move it in the coming session.”

**Surbhi Sarang, Associate Attorney with the Sustainable Food and Farming Program at**

**Earthjustice, said,** "Far too much food in our country is produced using environmentally destructive practices that pollute our air and water and harm our climate. The good news is that some farmers are leading the way to a cleaner future by using time-tested regenerative agricultural practices. The Good Food Purchasing Program bill will allow municipalities across New York to align their values with their purchases and will support these farmers who are showing care for our natural resources. The bill will open opportunities for cities to direct their dollars to farmers employing sustainable practices which will help all New Yorkers enjoy a healthier and more livable environment."

**Stuart Appelbaum, President of the Retail, Wholesale and Department Store Union (RWDSU), said,** "Communities across the state of New York spend hundreds of millions of dollars purchasing food for schools, homeless shelters, corrections facilities, and more; yet, for too long, cities have been required to accept the lowest bidder for these contracts. Often, the lowest bidder pushes costs back onto our communities. Slim margins encourage low wages, quota increases to unsustainable line speeds and health and safety concerns for workers. This important bill, led by Senator Hinchey and Assembly Majority Leader Peoples-Stokes, would allow cities to do values-based contracting. By including key values, like worker protections, environmental sustainability and nutrition into local food service contracting we can move closer to a just and sustainable economy."

**Dennis Derryck, President and Co-Founder of Corbin Hill Food Project, said,** "This bill acknowledges that values-based food procurement goes beyond food to honor where that food comes from and how it is grown, which ultimately reflects what we eat. Moreover, it has to be much more than just food given its impact on our economy, environment, and well being of workers who produce our food. The dimensions captured by this bill acknowledge purchasing decisions must be driven by our collective values."

**Christina Spach, Food Policy Campaigns Coordinator at Food Chain Workers Alliance, said,** "Public food contracts should not be offered to companies who pay workers poverty wages, put lives at risk with hazardous working conditions, or retaliate against workers who exercise their right to organize. We're proud to work with our partners across the state to lift barriers for cities to prioritize food suppliers who reflect our collective values and who are transparent about where their food is sourced."

**Ribka Getachew, Director of the NY Good Food Purchasing Program Campaign at Community**

**Food Advocates, said,** “S.7534 enables municipalities to opt to contract with vendors that strengthen our local and regional food economies, increase the healthfulness of food purchased, ensure resilience and sustainability throughout the supply chain, promote fair labor practices, and provide humane care for animals. We are proud to stand with Senators Hinchey and Krueger and Assembly Majority Leader Peoples-Stokes as NYS takes this tremendous step in transforming outdated procurement law. We are encouraged to know this will have a ripple effect across this country!”

**Craig Willingham, Managing Director at CUNY Urban Food Policy Institute, said,** “With the introduction of this bill, New York State takes an important step towards creating a more equitable food system; making it easier for local governments to make ethical choices about the food they purchase. We commend New York State for making this important effort to support businesses that prioritize good food jobs, access to healthy food, and environmental sustainability.”

**Keith Carr, Senior Manager of Policy and Government Relations City Harvest, said,** “As New York continues to contend with the economic fallout of the pandemic, food insecurity remains a daily reality for millions of New Yorkers, City Harvest believes that everyone should have access to fresh, nutritious food. The Good Food Purchasing Program's values-based procurement process stimulates local economies, prioritizes healthy nutritious standards, and supports food workers' rights, environment justice and the humane treatment of animals. We applaud Assembly Majority Leader Peoples-Stokes and Senator Hinchey for this important legislation.”

**Jessica Gilbert, Policy Chair of the Good Food Buffalo Coalition, said,** “This bill lays an essential foundation for building an equitable and sustainable New York State food system. The transparency language included will create pathways for institutions statewide to purchase food in line with public values - both social and environmental - throughout the food system, from production to consumption to waste. This bill will ensure that people served by and working in public institutions will know where our food is coming from and how it is produced, which is critical in making informed decisions about how to spend public tax dollars.”

**Laura Edwards-Orr, Director of Institutional Impact at the Center for Good Food Purchasing said,** “This visionary partnership between policymakers and a broad-based grassroots coalition

stands to change the culture of public food procurement from a low cost endeavor to one that centers community values in how public dollars are spent to nourish local residents, kids, and families; and in doing so, establishes a model for other regions across the country to empower institutions to become leaders in creating equitable, resilient, and sustainable food systems - the goal of the Good Food Purchasing Program.”

**Brian Brown-Cashdollar, Executive Director Western New York Council on Occupational Safety and Health, said,** “Workers at every stage of our food supply chain deserve fair and safe workplaces. The changes to GMU 103 will give workers more tools to push for changes in how our public institutions spend money to ensure it aligns with the values of our communities. We know we can grow and produce food in a way that respects workers’ rights and their health and safety. This bill is an important step in building more equitable jobs for workers.”

**Allison DeHoney, Executive Director Buffalo Go Green Inc. and Chair of the Buffalo & Erie County Food Policy Council, said,** “The quality of our food continues to change and not always in ways that are favorable to the public and certainly not for those who struggle with food insecurity and who reside in food apartheid neighborhoods. Adding a value system that is more equitable, inclusive and has a focus on nutrition is the first step in connecting the dots between the food system and health outcomes. We cannot realize more positive health outcomes if our food system remains broken and lacks an embedded value system. I am confident that the introduction of GMU 103 is step one in bridging that gap.”

**Rita Hubbard-Robinson, JD, CEO of NeuWater & Associates, LLC, said,** “I look forward to this bill being a vehicle to connect the State of New York around food, food systems, and the food supply chain. Making more room for upstate, rural, mid-sized, small and BIPOC farmers, and transport systems can be transformative providing better connectivity, ultimately making our region more food resilient and sufficient, while increasing opportunities for business and wealth development across NYS. Opportunities to select contracts that meet the criteria will be illuminating and allow for more responsible food chain policies and practices.”

**Bill Ketzer, Senior Director of State Legislation for the ASPCA Eastern Division, said,** “The COVID-19 pandemic has exposed just how fragile our industrial food supply chains are, creating an urgent need to build more resilient regional food systems. This legislation will give institutions the flexibility they need to procure food from sources meeting Good Food

Purchasing Program standards, including more humane treatment of farm animals. As large-scale purchasers of animal products, a shift in their preferences can drive wide-reaching improvements in farm animal treatment, and we are grateful to Senator Hinchey and Assembly Majority Leader Peoples-Stokes for seeking to ensure greater access to just, sustainable, and higher-welfare food for students and communities across New York State.”

*Senator Michelle Hinchey represents the 46th Senate District, which includes Greene and Montgomery Counties and parts of Albany, Schenectady, and Ulster Counties. Senator Hinchey serves as Chair of the Agriculture Committee and sits on the Alcoholism and Substance Abuse, Commerce, Economic Development and Small Business, Cultural Affairs, Tourism, Parks and Recreation, Energy and Telecommunications, Environmental Conservation, and Local Government Committees.*

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#### RELATED LEGISLATION

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## **2021-S7534**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate

- Delivered to Governor
- Signed By Governor
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Provides that certain purchase contracts can be awarded to a qualified bidder who fulfills certain standards when such bid is not more than 10% higher than the lowest responsible bidder

November 19, 2021

In Senate Committee [Procurement and Contracts](#)

Sponsored by [Michelle Hinchey](#)

[Do you support this bill?](#)